

AGENDA



INNER WEST COUNCIL

COUNCIL MEETING

TUESDAY 12 MARCH 2019

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

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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	Confirmation of Minutes	Page
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7 **Mayoral Minutes**

Nil at the time of printing.

8 **Condolence Motions**

Nil at the time of printing.

9 **Staff Reports**

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10 **Notices of Motion**

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11 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.

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C0319(1) Item 9 Annette Kellerman Aquatic Centre and Fanny Durak Aquatic Centre
Sites

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Minutes of Ordinary Council Meeting held on 26 February 2019**Meeting commenced at 6.35 pm****Present:**

Darcy Byrne	Mayor
Victor Macri	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor (6.44pm)
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Michael Deegan	Chief Executive Officer
Rik Hart	General Manager
Elizabeth Richardson	Deputy General Manager Assets and Environment
Michael Tzimoulas	Deputy General Manager Chief Financial and Administration Officer
John Warburton	Deputy General Manager Community and Engagement
Nellette Kettle	Group Manager Customer Service, Business Excellence and Civic Governance
Annette Morgan	Group Manager Children and Family Services
Cathy Edwards-Davis	Group Manager Trees, Parks and Streetscapes
Harjeet Atwal	Group Manager Development Assessment and Regulatory Services
Wal Petschler	Group Manager Roads and Stormwater
David Birds	Group Manager Strategic Planning
Jan Orton	Group Manager Environment and Sustainability
Brooke Martin	Group Manager Properties, Major Building Projects and Facilities
Ian Naylor	Manager Civic and Executive Support
Katherine Paixao	Business Paper Coordinator

APOLOGIES:**Motion: (Byrne/Passas)**

THAT apologies for Cllr Raciti and lateness from Cllr Porteous be accepted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Stamolis, Steer and York

Against Motion: Nil

DISCLOSURES OF INTERESTS:

Cllr Lockie declared a non-Significant, non-Pecuniary interest in Item 19 Pill Testing as she is currently working for a client that advocates for drug reform and pill testing.

Motion: (Byrne/Hesse)

That council note the disclosure of interest.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Stamolis, Steer and York

Against Motion: Nil

CONFIRMATION OF MINUTES**Motion: (Da Cruz/Lockie)**

THAT the Minutes of the Council Meetings held on Tuesday, 11 December 2018, Tuesday, 5 February 2019, and Tuesday, 12 February 2019 be confirmed, subject to the following amendments.

- 11 December 2018 - Item 45 - record Clr Kiat voting against the carried motion;
- 11 December 2018 - Item 48 - record Clrs Da Cruz and Porteous voting against the carried motion; and
- 12 February 2019 - Item 24 – record Clr Lockie voting for and Clr Porteous voting against the carried motion.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Stamolis, Steer and York

Against Motion: Nil

Councillor Porteous entered the Meeting at 6:44 pm.

C0219(3) Item 25 Mayoral Minute: Condolences to Dominic Goffredo and family**Motion: (Byrne)**

THAT Council write a letter of condolence to the family of Susan Goffredo, expressing our sadness at her passing and thanking them for her many years of service to Council and the inner west community.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

C0219(3) Item 26 Mayoral Minute: Thank You to Outgoing General Manager Rik Hart**Motion: (Byrne)**

THAT Council note the contributions of General Manager Mr Rik Hart during a challenging period in the history and formation of the Inner West Council and thank Mr Hart for his guidance and support during the two and a half years he has served as General Manager of Inner West Council.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

Councillor Passas left the Meeting at 7:13 pm.

C0219(3) Item 27 Mayoral Minute: Globe Wilkins Preschool**Motion: (Byrne)****THAT Council:**

- 1. Submit a tender for Globe Wilkins Preschool on the same terms as previously committed to through the EOI process; and**
- 2. Write to the relevant Minister and Department Secretary requesting that the tender process not be rushed through for political reasons prior to the State election and seeking clarification about the timeline.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**C0219(3) Item 28 Mayoral Minute: Lewis Herman Reserve****Motion: (Byrne)****THAT Council:**

- 1. Write to the Minister for Roads, Maritime and Freight thanking the State government for agreeing to transfer care, control and management of Lewis Herman Reserve to Council, to allow the creation of a new public park;**
- 2. Proceed to report the draft Plan of Management for Lewis Herman Reserve to Council; and**
- 3. Prepare a Masterplan for Lewis Herman Reserve, in consultation with the community.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**Suspension of Standing Orders****Motion: (Byrne/Macri)****THAT Council Suspend Standing Orders to hear from all registered speakers.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Iskandar, Macri, McKenna OAM, Passas and York**Against Motion:** Crs Hesse, Kiat, Lockie, Porteous, Stamolis and Steer**Absent:** Cr Passas

Foreshadowed Motion (Porteous)

THAT Council Suspend Standing Orders and bring forward all items with registered speakers which are Items 1, 2, 7, 8, 16, 18 and 23.

This Foreshadowed Motion Lapsed.

Councillor Passas returned to the Meeting at 7:20 pm.

Councillor Passas left the Meeting at 7:26 pm.

Councillor York left the Meeting at 7:42 pm.

Councillor York returned to the Meeting at 7:45 pm.

Councillor Passas returned to the Meeting at 7:45 pm.

C0219(3) Item 1 DCP Housekeeping Project**Motion: (Drury/Porteous)****THAT:**

1. Council resolve to publicly exhibit the proposed draft amendments to each Development Control Plan (DCP), as detailed in Attachment 2 of this report, for a period of 28 days, to align certain controls contained within the:
 - a. Marrickville Development Control Plan 2011;
 - b. Leichhardt Development Control Plan 2013; and
 - c. Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (Ashfield DCP);
2. Council note that the previously resolved exhibition of the Tree Management DCP will occur concurrently with the above; and
3. The results of the public exhibition are reported to Council for consideration with any recommendations for final changes to each of the above mentioned DCPs.
4. Noting the importance to the community of each of the proposed topics for amendments to three councils existing DCPs, that the IWC Council put amendments for each topic on exhibition separately. The topics being:
 - Site and waste management
 - Car parking - calculation and rates for particular uses
 - Flood management
 - Stormwater management
 - Legislative and Administrative updates
5. The Councillors be briefed on additional proposed amendments not covered in the previous DCP amendments briefing.

Motion Carried**For Motion:**

Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion:

Nil

C0219(3) Item 2 Globe Wilkins Preschool**Motion: (Kiat/Byrne)****THAT:**

1. Council endorses the published full preschool daily fee be charged for children aged 2 years (25 months) old up 35 months (3 years); and
2. Continued adherence to State policy and funding requirements that includes that no subsidy is applicable to enrolled children who are 25-35 months of age.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil

Councillor Macri left the Meeting at 8:17 pm.

Councillor Macri returned to the Meeting at 8:20 pm.

Councillor Passas left the Meeting at 8:21 pm.

Councillor Passas returned to the Meeting at 8:22 pm.

C0219(3) Item 3 Ashfield Aquatic Centre Redevelopment Monthly Project Status Report**Motion: (Drury/Lockie)****THAT:**

1. Council receive and note the monthly status report;
2. Council endorse the template for ongoing monthly reports;
3. A meeting be convened as soon as possible between Councillors and the new CEO of Inner West Council with relevant staff and consultants to provide to Councillors a detailed and complete update on the budget, timeline and status of the redevelopment of Ashfield Pool;
4. Table 1.0 budget - to be revised to show stages of the project actual and expected expenditure, percentage spent and any over runs; and
5. Table 6.0 be revised to show the expected and actual timeline and any over runs.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**ADJOURNMENT**

8.30pm - The Mayor, Cllr Byrne adjourned the meeting for a short recess.

8.40pm— The Mayor, Cllr Byrne resumed the meeting.

C0219(3) Item 4 Reusable Coffee Cups**Motion: (Byrne/Da Cruz)****THAT Council:**

1. Defer further consideration of the EOI pending further information being provided to councillors including:
 - Assessment of the likely impact on take-up of the scheme by customers if the proposed fees (\$4.99 per month) and penalties for lost cups (\$7.99 per month) are adopted;
 - Local café owners who might be willing to become advocates for the program (as requested in the original council motion);
 - Which local suburb particularly based on interest from business owners, should be targeted (as per the original resolution);
 - Identification of which shopping centres, including Marrickville Metro and Ashfield Mall are interested in hosting a reusable coffee cup scheme noting that Marrickville Metro have approached Council expressing such an interest;
 - Independent advice about whether Council can choose to fund the pilot scheme through domestic waste funds given the enormous proportion of disposable cups end up in domestic waste.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**C0219(3) Item 5 Weed Management****Motion: (Drury/Passas)****THAT:**

1. The draft Weed Management Policy be placed on public exhibition for a period of 28 days;
2. The draft Pesticide Notification Plan be placed on public exhibition for a period of 28 days;
3. The results of the public exhibition and community engagement process are presented to Council along with a final Weed Management Policy and Pesticide Notification Plan for adoption;
4. Council note the Weed Management Annexure;
5. Council engage a consultant to review existing herbicide use and make recommendations on improved risk mitigation as outlined in the report;
6. Council note the risk mitigation methodologies outlined in the Safe Work Method Statements, as outlined in the report, and that these will be reviewed by the internal working group at least once per year; and

7. Council staff continue to monitor the weed management industry and APVMA advice for any new information and appropriate alternative weed treatments; and take action as needed.

Motion Carried

For Motion: Crs Byrne, Drury, Hesse, Iskandar, Lockie, Macri, McKenna OAM, Passas, Stamolis and York
Against Motion: Crs Da Cruz, Kiat, Porteous and Steer

Amendment (Porteous/Da Cruz)**THAT:**

1. The Draft Weed Management Policy be amended to:

- a) Remove Objective 1:

"Demonstrate Council's commitment to ecologically sustainable development and minimising chemical pollution by minimising the use of herbicides weed control and to use alternatives where practicable and feasible. :

- b) Replace Objective 1 with:

That Council demonstrates its commitment to ecologically sustainable development and its commitment to working towards the elimination of chemical pollution of our green spaces and waterways through its policy of non-toxic weed control. Non-toxic weed control to include heat treatment - steam weeding; mechanical treatment - hand removal, mowers and whipper snippers.

2. Council commits to working towards the removal of glysophate as a chemical product to control weeds within the IWC.

Motion Lost

For Motion: Crs Da Cruz, Hesse, Kiat, Porteous, Stamolis and Steer
Against Motion: Crs Byrne, Drury, Iskandar, Lockie, Macri, McKenna OAM, Passas and York

Foreshadowed Motion (Steer)

That this item be deferred for a Councillor briefing on the proposed draft Weed Management Policy and the draft Pesticide Notification Plan before being considered by Council.

The Foreshadowed Motion lapsed.

Councillor Drury left the Meeting at 9:05 pm.

C0219(3) Item 6 Significant Major Projects Governance**Motion: (Byrne/Da Cruz)**

THAT Council defer consideration of this matter pending an assessment by the newly appointed CEO.

Motion Carried

For Motion: Crs Byrne, Da Cruz, , Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Drury

Councillor Drury returned to the Meeting at 9:09 pm.

Councillor Passas left the Meeting at 9:22 pm.

Councillor Passas returned to the Meeting at 9:25 pm.

C0219(3) Item 7 Increase in Court Appeals since Merger

Motion: (Byrne/Macri)

THAT:

1. Council receive and note the report;
2. The Development Advisory & Assessment Policy be reviewed and the outcomes be reported to Council for consideration by June 2019;
3. The scheduled review of the Development Assessment scheme include input from the CEO as well as consultation with proponents, architects and town planners who deal regularly with Council; and
4. A briefing be provided to Councillors on Development Assessment and appeals.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

C0219(3) Item 8 Local Traffic Committee Meeting held on 4 December 2018 and 4 February 2019

Motion: (Lockie/Da Cruz)

THAT the Minutes of the Local Traffic Committee Meeting held on 4 December 2018 and 4 February 2019 be received and the recommendations be adopted, with the following amendment:

- a) In regards to LTC1218 Item 9 (Lennox St car park upgrade and improvements) of 4 December 2018, the proposed nominal width of non-disabled parking spaces is to be kept at 2.4m rather than increased in size in order to reduce the number of legal parking spaces lost;
- b) Correct typo in Item 7 point 1(f) of 4 December meeting to refer to roundabout at Queen Street (not Church Street);
- c) Amend item 8 point 2 of 4 December meeting as follows "the provision of a pedestrian facility in Croydon Road at its intersection with Church Street to support pedestrian desire line along the southern side of Church Street to Centenary Park be investigated as a matter of urgency for implementation before or with the right hand turning lane in point 1'; and

- d) Amend Item 37 of 4 February Meeting to make provision for two parking spaces for Metro Assist on the Ashfield Mall Roof Top.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Cr Passas

Motion: (Byrne/Macri)

THAT Council move en block Items 9, 11, 12 and 13

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Passas

C0219(3) Item 9 Decision made Under Delegated Authority During the Council Recess

Motion: (Byrne/Macri)

THAT Council note the decision made under Delegation by the Mayor during the Council Recess.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Passas

C0219(3) Item 11 Status of Legal Proceedings

Motion: (Byrne/Macri)

THAT the Report be received and noted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Passas

C0219(3) Item 12 Investment Report as at 31 December 2018

Motion: (Byrne/Macri)

THAT the report be received and noted.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Passas

C0219(3) Item 13 Quarterly Update on Tenders Awarded**Motion: (Byrne/Macri)****THAT information on tenders awarded by the General Manager be received and noted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**ADJOURNMENT**

9.49pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

9.51pm– The Mayor, Clr Byrne resumed the meeting.

C0219(3) Item 10 National General Assembly of Local Government 2019**Motion: (McKenna OAM/Byrne)****THAT Council:**

- 1. Endorse Councillors Iskander, McKenna OAM, Hesse, Da Cruz and Steer attending the National General Assembly of Local Government 2019; and**
- 2. Receive a report at the first council meeting in March with any motion submitted by a councillor for the conference by the deadline for Notices of Motion in Council's Code of Meeting Practice.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**C0219(3) Item 14 Notice of Motion to Rescind: C1016 Item 8 Establishment of Alcohol Free Zones - Ashfield LGA****Motion: (Kiat/Hesse)****THAT Council rescind resolution C1016 Item 8 Establishment of Alcohol Free Zones - Ashfield LGA.****Motion Lost****For Motion:** Crs Da Cruz, Hesse, Kiat, Lockie, Porteous and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Stamolis and York**C0219(3) Item 15 Notice of Motion: Joining The Local Government Mayoral Taskforce For People Seeking Asylum To Advocate Against The SRSS Cuts****Motion: (Da Cruz/Steer)****THAT Council:**

1. Endorses the Joint Statement against changes to the Status Resolution Support Service as formulated by Councils that attended the Mayoral Roundtable held in Dandenong, Victoria on 31 July 2018 shown at Appendix 2;
2. Joins the Local Government Mayoral Taskforce Supporting People Seeking Asylum as a General Member;
3. Endorses the Back Your Neighbour Campaign run by the Taskforce; and
4. Nominates Cllr Da Cruz as the Inner West Council contact to the taskforce.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Cr Passas

Councillor Iskandar left the Meeting at 10:11 pm.

C0219(3) Item 16 Notice of Motion: Retaining Wall Condition - Corner of Ballast Point Rd and Short St, Birchgrove

Motion: (Stamolis/Porteous)

THAT Councillors receive an email update by April 2019 on this matter.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Iskandar

Councillor Hesse left the Meeting at 10:15 pm.

Councillor Iskandar returned to the Meeting at 10:17 pm.

C0219(3) Item 17 Notice of Motion: Callan Park

Motion: (Stamolis/Porteous)

THAT Council:

1. Convey to the leaders of all key political parties at the State Election that it fully supports the establishment of the Callan Park and Broughton Hall Trust and that any decisions or proposals which are not consistent with the Callan Park Special Provisions Act (2002) are not supported; and
2. Supports the uses set out by the Callan Park Act since 2002; for education, health and community.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Hesse

Councillor Hesse returned to the Meeting at 10:18 pm.

C0219(3) Item 18 Notice of Motion: The Cancelling of Classics in Callan Park with no consultation**Motion: (Porteous/Byrne)****THAT:**

1. Classics in Callan Park be run during autumn, spring or summer of 2019 as was promised to the community and that a new alternative date for it to be run be identified as soon as possible;
2. Further that any future proposal to cancel an existing council event must henceforth come to a council meeting for determination; and
3. Should there be any budgetary implications from this motion, that funding be identified in the 2019/20 budget.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Crs Macri and Passas

Clr Lockie declared a non-Significant, non-Pecuniary interest in this matter as she is currently working for a client that advocates for drug reform and pill testing.

C0219(3) Item 19 Notice of Motion: Pill Testing**Motion: (Hesse/Steer)****THAT Council:**

1. Supports the holding of a Drug Summit after the NSW state election on 23 March 2019 which will bring together a range of experts and allow all options and possible actions to be addressed. Progressive Drug Reform is likely to come about only when experts are given the opportunity to come together to clearly identify the issues and solutions; and
2. Writes to the Prime Minister and Federal Leader of the Opposition, and the Premier and NSW Leader of the Opposition in support of an honest ongoing education campaign by the Federal and State Governments to inform potential users of both legal and illegal drugs of the negative effects of drug use and abuse and offer adequate treatment and effective rehabilitation and employment .

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Crs Macri and Passas**C0219(3) Item 20 Notice of Motion: St Peters Metro Rail Spoil****Motion: (Hesse/Steer)****THAT Council:**

1. Write to the Premier, Leader of the Opposition, and the Sydney Metro calling on them to consider as a matter of urgency transport by rail through St Peters of

spoil from the Metro tunnel;

2. **Calls on the Premier to ensure that all spoil from the Metro Rail is removed by rail, and notes the negative cumulative effective on the community of St Peters of the construction of the WestConnex, Metro Rail and significant housing construction; and**
3. **Further calls on the Premier to immediately halt all work associated with the WestConnex and Metro Rail projects at St Peters and Marrickville so as to effectively coordinate construction work that reduces the effect of the work on local residents before any further work can proceed.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

C0219(3) Item 21 Notice of Motion: Ashfield Commuter Carpark

Motion: (Passas/Byrne)

THAT Council call upon the State Labor members for Summer Hill and Strathfield to deliver a similar carpark and facilities at an appropriate location if Labor is successful at the March 19 State Election.

Motion Lost

For Motion: Crs Byrne, Drury, Iskandar, Macri, Passas and York

Against Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Porteous, Stamolis and Steer

Councillor McKenna OAM left the Meeting at 10:38 pm.

Urgency Motion - Dawn Fraser Baths Grant Fund Delegation

Councillor Byrne requested that the meeting consider an Urgency Motion with regards to Dawn Fraser Baths Grant Fund Delegation.

Motion: (Byrne/Passas)

THAT the motion be considered as a matter of urgency.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

The Mayor declared this matter was urgent.

Motion: (Byrne/Passas)

THAT Council:

1. **Enter into the Greater Sydney Sports Facility Fund Agreement for \$2.2 million for the Dawn Fraser Essential Maintenance Project; and**
2. **Delegate to the General Manager authority to negotiate and execute the final fund agreement.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr McKenna OAM

The Mayor, Councillor Byrne, asked if there were any members of the public gallery who would like to speak on the reasons Council proposes to consider the items in Closed Session.

There were none.

Members of the Public were asked to leave the Chamber.

Motion: (Byrne/Passas)

That in accordance with Section 10A(1) of the Local Government Act 1993, the following matters be considered in Closed Session of Council for the reasons provided:

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr McKenna OAM

REPORTS WITH CONFIDENTIAL INFORMATION**C0219(3) Item 23 Public Exhibition of Greenway Draft Concept Design****Motion: (Drury/Passas)****THAT:**

1. Council proceeds to acquire 43 Hercules Street, subject to relevant approvals.
2. Council:
 - Delegates all matters relating to the acquisition of 43 Hercules Street to Council's General Counsel and Deputy General Manager Assets and Environment;
 - Writes to the affected Owners advising them of Council's position;
 - Attempt to negotiate an agreement for the acquisition of the property with the affected Owners and their legal representatives; and
 - If the negotiation process fails, to proceed with compulsory acquisition as regulated by the *Land Acquisition (Just Terms Compensation) Act 1991*, pending Ministerial approval.
3. Council proceeds with the relocation of Sydney Trains high voltage aerial feeder into trackside troughs; and
4. A report be presented to Council at the conclusion of the Greenway concept design public exhibition process outlining details of recommended cost saving measures.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil
Absent: Cr McKenna OAM

Councillor McKenna OAM returned to the meeting at 10:50 pm.

C0219(3) Item 22 Car Park Sale By Request For Tender - Chester Street Petersham

Motion: (Macri/Iskandar)

THAT Council:

1. Endorse Option 4 as detailed in the confidential report attachment 1; and
2. Receive a report on the tender assessment recommendation for endorsement.

Motion Lost

For Motion: Crs Iskandar, Macri, Passas and Stamolis
Against Motion: Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, McKenna OAM, Porteous, Steer and York

Foreshadowed Motion (York/Steer)

That this matter be deferred for consideration with the Land and Property Strategy (LAPS).

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous, Steer and York
Against Motion: Crs Macri, Passas and Stamolis

Councillor Steer left the Meeting at 11:10 pm.

ADJOURNMENT

11.18pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.
11.20pm— The Mayor, Clr Byrne resumed the meeting.

C0219(3) Item 24 Code of Conduct Complaint Investigation

Motion (Byrne/Drury)

That Council accept the recommendations of the Conduct Reviewer and include the letter of apology in the minutes of the meeting.

Motion Carried

For Motion: Crs Byrne, Drury, Hesse, Iskandar, Lockie, Macri, McKenna OAM, Passas, Stamolis and York
Against Motion: Crs Da Cruz, Kiat and Porteous
Absent: Cr Steer

Foreshadowed Motion (Passas/Macri)

That Council accept the recommendations of the Conduct Reviewer, censure

Councillor Steer for her actions and include the apology in the minutes of the meeting.

The Foreshadowed Motion lapsed.

Foreshadowed Motion (Kiat/Porteous)

THAT Council note that Cllr Steer has made written apologies to the Council and to the complainant, and accept this as adequate resolution of the matter.

Reason: Council believes that the matter has been dealt with adequately in the letters of apology and that this coheres with the intention of the recommendations made in the report.

This Foreshadowed Motion lapsed.

Motion: (Byrne/Stamolis)

That Council move back into the Open Session of the Council Meeting.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis and York

Against Motion: Nil

Absent: Cr Steer

Meeting closed at 11.36pm.

6 February 2019

Mr Danny

Fitzgerald

CEO

Petersham RSL

Dear Mr Fitzgerald

On 24 July 2018, at an Inner West Council meeting, I made certain comments during the Councillors'


debate on Item 11, Petersham RSL Voluntary Planning Agreement.

I understand that, subsequent to that meeting, you as a member of our community, made a complaint to Inner West Council expressing your concern that my comments may have an adverse effect on the community standing of the directors of Petersham RSL and and potentially had the effect of bringing the Council into disrepute in contravention of Part 3 of the Code of Conduct. That was not my intention. My comments were intended to be of a general nature and were not intended to be directed in any way to the directors of Petersham RSL or Petersham RSL itself.

Notwithstanding my intention, I understand that my comments may have had that unintended effect.

I apologise unreservedly for any adverse meaning to the directors of Petersham RSL arising from my comments and for causing offence to the directors of Petersham RSL. I withdraw the comments I made on 24 July 2018. I respectfully request that you accept my apology, which I make unreservedly.

Yours faithfully



Clr Louise Steer

Damun Stanmore Ward

Inner West Council

louise.steer@innerwest.nsw.gov.au

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 27:	Kathryn Greguric Ramona Hewitt Jen Allison	Hurlstone Park Dulwich Hill Hurlstone Park
Item 1:	Rene Holmes	Ashfield
Item 2:	Annalise Pippard Karen Tan	Marrickville Leichhardt
Item 7:	Bruce Threlfo	Rozelle
Item 8:	Rachel Davies	Ashfield
Item 16:	Dulce Carolina Munoz Garcia	Annandale
Item 23:	Jo Blackman	Dulwich Hill

Item No: C0319(1) Item 1

Subject: POST EXHIBITION REPORT DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 17) - HERITAGE LISTING OF 73 AND 73A THE BOULEVARDE, DULWICH HILL

Prepared By: Gibran Khouri - Strategic Planner

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

At its meeting on 28 August 2018, Council resolved to include 73 The Boulevarde and 73A The Boulevarde as items of local heritage significance in the Marrickville Local Environmental Plan (MLEP) 2011 and refer the matter in a planning proposal to the Department of Planning and Environment for Gateway Determination. A planning proposal was forwarded to the Department of Planning and Environment, the Minister issued a Gateway Determination supporting the proposal proceeding to public exhibition.

Fifty submissions were received with 47 submissions (94%) supporting the planning proposal.

A late submission was made on behalf of the owner of 73 The Boulevarde. This has been reviewed and taken into account in the preparation of this report.

RECOMMENDATION

THAT Council:

1. **Support the amendment to Marrickville Local Environmental Plan (MLEP) 2011 listing 73 The Boulevarde and 73A The Boulevarde as items of local heritage significance**
2. **Forwards the planning proposal to the Department of Planning and Environment and request that it makes arrangements for the publication of MLEP 2011 amendment on the NSW Legislation Website**
3. **Delegate to the Group Manager Strategic Planning the authority to finalise the making of the MLEP 2011 amendment.**

BACKGROUND

This matter arose in early 2018, following the threat associated with a development application (DA) to demolish a house at 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) and construct a four storey residential flat building. The potential heritage significance of the property was brought to Council's attention by the adjoining property owner at 73A The Boulevarde, Dulwich Hill.

The heritage assessment has established that the house at 73 and the adjoining house at 73A (Lot X DP 411590) The Boulevarde, Dulwich Hill, meet the NSW Office of Environment and Heritage's criteria for local heritage significance and recommends both properties being heritage listed.

Council resolved on 28 August 2018 (C0818(3) Item 15) that Council:

Consider the advice from the Inner West Local Planning Panel in relation to 73 and 73A The Boulevarde, Dulwich Hill. Subject to Council's consideration of this advice:

- a) *resolve to include 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental*

- heritage. The listing is to include the interiors of the intact rooms, including the inglenook;*
- b) resolve to include 73A The Boulevarde, Dulwich Hill (Lot X DP 411590) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage The listing is to include the front garden, path & fence, the exterior of the front section of the house (in front of the first floor addition); and the interior of the front section of the house (including the interiors of the intact rooms, including the ceilings and fireplaces);*
 - c) submit the planning proposal and the advice of the Inner West Local Planning Panel to the Minister for Planning for a Gateway determination to include Nos. 73 and 73A The Boulevarde, Dulwich Hill as items of environmental heritage in Schedule 5 of the Marrickville Local Environmental Plan 2011, in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979;*
 - d) requests that delegated plan making functions be granted in relation to the planning proposal; and*
 - e) publicly exhibit the planning proposal following a Gateway determination being issued.*

A Gateway Determination was received on 7 November 2018 for this planning proposal to proceed subject to public exhibition.

PUBLIC CONSULTATION

In accordance with the Gateway Determination requirements for a public exhibition of a minimum of 28 days, the proposed amendment was placed on public exhibition for an extended period of 36 days from Tuesday 13 November 2018 until Tuesday 18 December 2018.

- Approximately 200 notification letters were sent to all owners and occupiers of the properties subject to the proposal and surrounding properties;
- A notice appeared in the Inner West Courier – Inner City Edition;
- The proposed amendment, planning proposal (see Attachment 1) and supporting documentation were made available for viewing on the Inner West Council's 'Have Your Say' online community engagement hub for the entire exhibition period; and
- Hard copies of the relevant documents were made available at Council's Petersham Service Centre.
- Correspondence was forwarded to the Office of Environment and Heritage seeking its feedback on the proposal.

The owners of 73 The Boulevarde, Dulwich Hill advised Council on 18 January 2019, that they had not received a letter in relation to the Planning Proposal and only became aware of the proposal over the Christmas period. In response, Council provided the owners with additional time to provide a submission in response to the proposal. Subsequently, a submission on behalf of the owner was received on 11 February 2019 and a response has been prepared by Council.

Public Exhibition – Submissions received / issues raised

During the exhibition period Council's 'Have Your Say' site received 437 visits, 85 of which downloaded linked documents. Overall, 50 submissions / responses to Council were received.

Support for the planning proposal

Of the 50 submissions received, 47 submissions support the planning proposal to include 73 The Boulevarde and 73A The Boulevarde as items of local heritage significance in Marrickville Local Environmental Plan (MLEP) 2011.

Object to the planning proposal

Three submissions objected to the planning proposal.

The Robertson and Hindmarsh (heritage architects) response concludes that the Paul Davies submission does not raise issues that warrant a change to the proposed listing. Council officers consider the Robertson and Hindmarsh study accompanying the Planning Proposal to be a balanced, accurate and professional assessment of the significance of 73 and 73A The Boulevarde and that the further analysis provided by Robertson and Hindmarsh of the Paul Davies submission supports the recommendation for heritage listing.

The other two objecting submissions argued that:

- The locality needs more housing not preserved average old buildings
- It is unfair on land owners and future residents to down zone this land via a heritage listing
- Council should also seek to identify heritage properties ahead of time, rather than listing them in response to redevelopment proposals.

Consultation with Public Authorities

Office of Environment and Heritage (OEH) – Heritage Division

The Office responded on 18 December 2018 stating that, *“as these items are not listed on the State Heritage Register, the Heritage Division will not be providing specific comment in this instance. However, we welcome the recognition of locally significant heritage items being added to local environmental plans.”*

FINANCIAL IMPLICATIONS

This report relates to a policy change and does not raise any financial obligation for Council.

CONCLUSION

In order to preserve the heritage significance associated with 73 The Boulevarde and 73A The Boulevarde, it is recommended, after consideration of the submissions received, that the two properties are listed as items of local heritage significance in MLEP 2011 as identified in Attachment 2.

The proposed heritage listing of 73 The Boulevarde and 73A The Boulevarde will provide greater certainty for existing and future property owners and residents of these properties regarding the built form to be preserved so that development which maintains the character and heritage of these properties can be facilitated and supported by Council.

ATTACHMENTS

1. [Attachment 1 - Submissions Summary Table](#)
2. [Attachment 2 - Heritage Map](#)
3. [Attachment 3 - Submission from owners of 73 The Boulevarde](#)
4. [Attachment 4 - Response to Submission by R&H](#)

Attachment 1 – Table of Submissions Received/Responses

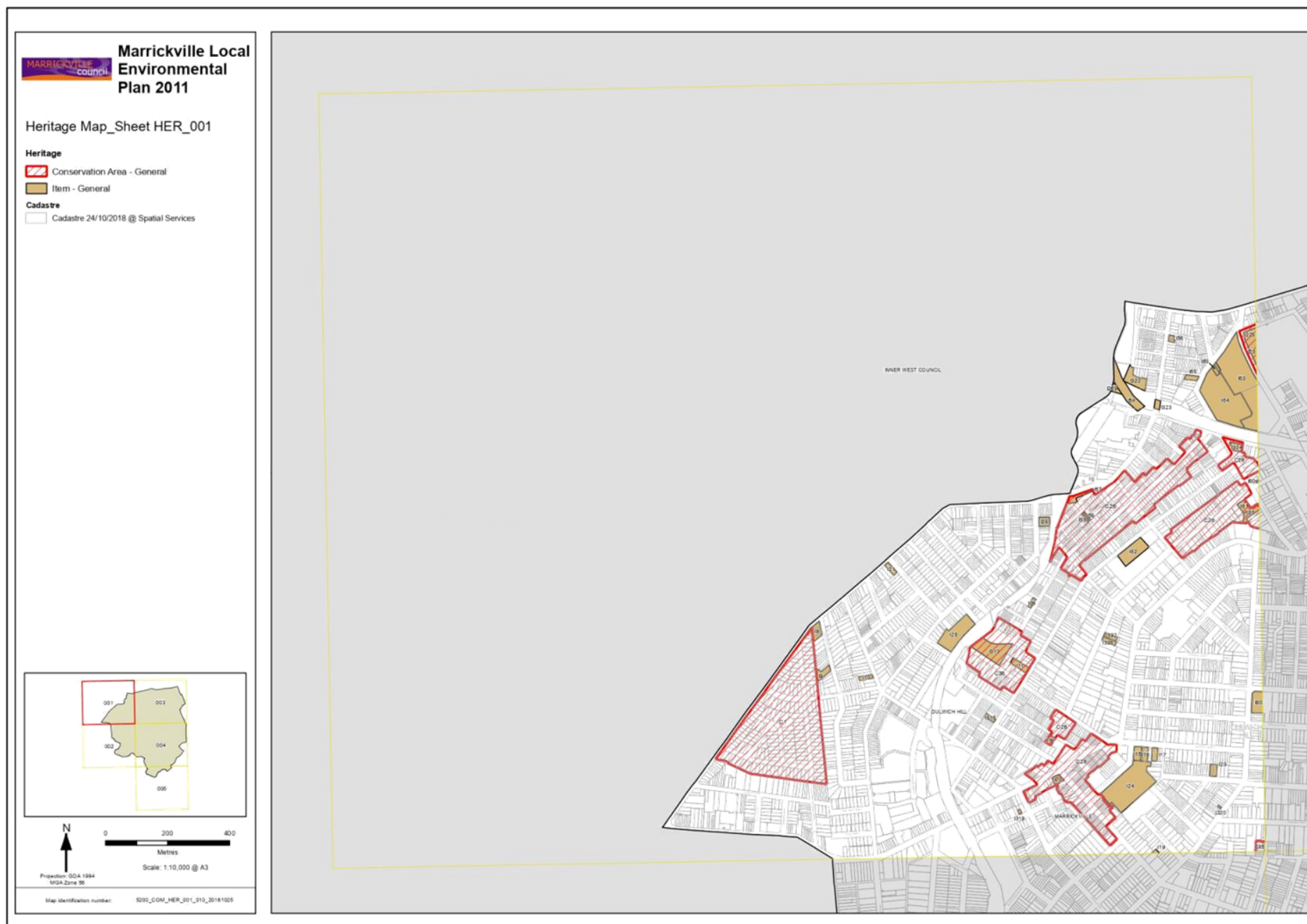
#	FEEDBACK	SUBMISSION	COUNCIL OFFICER RESPONSE
1	Supports the proposed amendments with further suggestions.	<p>The submitter:</p> <ul style="list-style-type: none"> Suggested that there are a few more 19th Century and early 20th Century houses in the Boulevarde, that also could be included in this Heritage register. 	<p>Noted.</p> <p>The Robertson and Hindmarsh report recommended further consideration of a heritage conservation area but did not make any further recommendations for listing of other properties on The Boulevarde.</p> <p>A comprehensive review of heritage listings/heritage conservation areas will occur in the near future, encompassing the Inner West LGA.</p> <p>Further consideration of potential heritage items/heritage conservation areas will form part of the upcoming LEP review process.</p>
2	Supports the proposed amendments with further suggestions.	<p>The submitter:</p> <ul style="list-style-type: none"> Raised concern that <i>“something that is not explicitly mentioned but integral to the overall dwelling can be changed without restriction which would then cause a significant loss of amenity”</i>. Supports dealing with these two properties together rather than as part of a larger conservation area. 	<p>Listing still allows for sympathetic development of heritage items through an approvals process. As a result of a heritage listing, the process to gain approval ensures changes retain the significance of heritage places. Changes are assessed on their merits when owners submit development applications. In this assessment, Council decides whether the proposed works will have an acceptable impact on the heritage significance of the place.</p> <p>The Robertson and Hindmarsh heritage study clearly identifies components of the houses that are both contributory and non-contributory which will greatly assist in any future assessment of development applications for these properties.</p> <p>Owners have an opportunity to submit their own assessment in the ‘statement of heritage impact’ before this decision is made. Upgrading kitchens, bathrooms and services and rear extensions to meet contemporary standards are commonly approved changes.</p>
3	Supports the proposed amendments with further suggestions.	<p>The submitter:</p> <ul style="list-style-type: none"> Stated their strong support in proceeding for the proposed heritage listings. Stated that their support is based on the preservation of the street landscape and the wildlife corridor that exists through this exact area. Commented on how vibrant the bird life is at these particular & surrounding addresses, due to the fact that, some 100 years ago there existed a horse stable at the rear of number 73. Requests that the existing pines and blue gums along one side of 73 be preserved. 	<p>The draft wording of the ‘item name’ of 73 The Boulevarde proposed to form part of Schedule 5 of Marrickville LEP 2011 is as follows, “Interwar bungalow” — “Bertsonie”, including inglenook and interiors and Norfolk Island pine tree in the front garden.” The wording includes a specific reference to the Norfolk Island pine in the front garden.</p> <p>In relation to other vegetation on the site, tree removal above a certain height requires Council approval regardless of heritage status of the property.</p>

#	FEEDBACK	SUBMISSION	COUNCIL OFFICER RESPONSE
4	Supports the proposed amendments.	<p>The submitter:</p> <ul style="list-style-type: none"> Commented that many features characteristic to houses of this era need to be maintained not destroyed Commented on key unique features and significance of the Norfolk Island Pine 	<p>Support noted.</p> <p>The draft wording of the 'item name' of 73 The Boulevard proposed to form part of Schedule 5 of Marrickville LEP 2011 is as follows, "Interwar bungalow" — "Bertsonie", including inglenook and interiors and Norfolk Island pine tree in the front garden." The wording includes a specific reference to the Norfolk Island pine in the front garden.</p>
5	Supports the proposed amendments	The submitter supports the planning proposal.	Support noted.
6	Supports the proposed amendments with further suggestions.	<p>The submitter:</p> <ul style="list-style-type: none"> States that the properties relatively intact interior, unusual for its age and is worthy of preservation. States that the streetscape is an important example of the housing stock of this suburb. Requests that Council consider the impact of losing more heritage, particularly those that may not be 'listed' today and that current buildings of this kind are unusual if not rare and should be preserved. 	Support noted. Council will commence a review of heritage across the LGA which will inform the preparation of a new comprehensive LEP.
7	Supports the proposed amendments.	<p>The submitter:</p> <ul style="list-style-type: none"> Raised concern about the general impact of heritage destruction associated with what was proposed for this site and across Sydney in general, noting Haberfield as an example. States that Australia has a brief history of built heritage and it is important to persevere and value what we can, especially rare and well-maintained or intact historical homes. States that the properties subject to this planning proposal are fine examples of Arts and Crafts bungalows. Uncommon external and internal features give these homes intrinsic value, far exceeding their resale value, or the development potential of the land on which they sit. States that the properties subject to this planning proposal reflect a period of excellent architecture and craftsmanship and that the homes complement each other and enhance the streetscape. 	Support noted.
8	Supports the proposed amendments.	<p>The submitter:</p> <ul style="list-style-type: none"> Is in support of the proposed listing as they are fine buildings that are important in their relation to each other and also to the streetscape and community Comments that Arts and Crafts buildings are architecturally and historically significant, rare and in scale and proportion to their 	Support noted.

#	FEEDBACK	SUBMISSION	COUNCIL OFFICER RESPONSE
		environment. <ul style="list-style-type: none"> Comments that the gardens and setbacks are also important to preserve. 	
9	Supports the proposed amendments.	The submitter: <ul style="list-style-type: none"> Commented on the significance of both homes, particularly the social significance and streetscape significance. 	Support noted.
10	Supports the proposed amendments.	The submitter: <ul style="list-style-type: none"> Notes the importance of retaining architectural forms, methods of construction, building materials, and regional character so that residents and visitors can continue to experience the lifestyles associated with these. 	Support noted.
11	Supports the proposed amendments.	The submitter supports the listing of these properties as heritage items as: <ul style="list-style-type: none"> They are fine examples of Arts and Crafts bungalows with unusual external and internal features such as sandstone features, wooden panelling and an inglenook. Represent fine craftsmanship and compliment each other and the streetscape. Heritage listing would recognise their intrinsic value to the social and built history of the local area and Sydney suburbia, and assist in preserving them for future generations. 	Support noted.
12	Supports the proposed amendments.	The submitter supports the listing of these properties as heritage items as: <ul style="list-style-type: none"> They are unusual and significant examples of heritage housing in the area due to the use of sandstone in facade. It preserves and balances character of the nearby area. 	Support noted.
13	Supports the proposed amendments.	The submitter supports the listing of these properties as heritage items as: <ul style="list-style-type: none"> They are two fine Arts and Crafts bungalows with unusual external and internal features such as sandstone features, wooden panelling and an inglenook. They represent fine craftsmanship and compliment each other and the streetscape. A Heritage listing would recognise their intrinsic value to the social and built history of the local area and Sydney suburbia, and assist in preserving them for future generations. 	Support noted.
14	Supports the proposed amendments.	The submitter supports the listing of these properties as heritage items as: <ul style="list-style-type: none"> The houses are examples of unique design of Californian bungalows of the 1920's era. No. 73 has an amazing interior of timber work throughout and the inglenook is really quite grand, certainly not produced in today's standards of design and craftsmanship. No. 73a has a unique wrap around veranda of large solid sandstone blocks most likely locally sourced during the time, you would find it 	Support noted.

#	FEEDBACK	SUBMISSION	COUNCIL OFFICER RESPONSE
		<p>hard to find another one like it, i have looked around similar areas of bungalows and have not found one like it.</p> <ul style="list-style-type: none"> • They provide the link of the changes of the architectural styles throughout the Boulevard of Dulwich Hill. 	
15	Supports the proposed amendments.	The submitter supports the proposed listing as the houses have significant heritage value, contribute to the character of the area, a prime driver of economic and cultural prosperity.	Support noted.
16	Supports the proposed amendments.	<p>The submitter:</p> <ul style="list-style-type: none"> • Supports the proposed listing as the properties as they contribute and compliment the local area. 	Support noted.
17	Supports the proposed amendments.	The submitter supports the planning proposal.	Support noted.
18	Supports the proposed amendments.	<p>The submitter</p> <ul style="list-style-type: none"> • Supports the listing of these two items as they represent fine craftsmanship and compliment each other and the streetscape. • Comments that the heritage listing would recognise their intrinsic value to the social and built history of the local area and Sydney suburbia, and assist in preserving them for future generations. 	Support noted.
19-45	Supports the proposed amendments.	The submitters support the planning proposal and acknowledge the heritage significance of the properties.	Support noted.

#	FEEDBACK	SUBMISSION	COUNCIL OFFICER RESPONSE
46	Opposes the proposed amendments.	<p>The submitter:</p> <ul style="list-style-type: none"> • Opposes the planning proposal. • States that the locality needs more housing not preserved old buildings. • States that these buildings are very average old buildings • States that it is unfair on land owners and future residents to down zone this land via a heritage listing. 	<p>The expert heritage assessment report by Robertson and Hindmarsh has established that the house at 73, as well as the adjoining house at 73A The Boulevard, Dulwich Hill, meets the NSW Office of Environment and Heritage's criteria for local heritage significance and recommended both properties being heritage listed in Schedule 5 of MLEP 2011.</p> <p>Council will be preparing a housing strategy, which will enable the provision of additional housing within the LGA, whilst preserving properties that are deemed to be of heritage significance.</p>
47	Opposes the proposed amendments.	<p>The submitter opposes the planning proposal and made the following comments:</p> <ul style="list-style-type: none"> • Neither property, especially 73A, is unique. • Council should also seek to identify heritage properties ahead of time, rather than listing them in response to redevelopment proposals. 	<p>The expert heritage assessment report by Robertson and Hindmarsh has established that the house at 73, as well as the adjoining house at 73A The Boulevard, Dulwich Hill, meets the NSW Office of Environment and Heritage's criteria for local heritage significance and recommended both properties being heritage listed in Schedule 5 of MLEP 2011.</p> <p>The preparation of a comprehensive Inner West LEP is currently underway and will be informed by a review of heritage across the LGA. This will assist Council in identifying properties that are currently not identified as having heritage significance under the respective local environmental plans.</p>
48	Office of Environment and Heritage Response	As these items are not listed on the State Heritage Register, the Heritage Division will not be providing specific comment in this instance. However, we welcome the recognition of locally significant heritage items being added to local environmental plans.	Response noted.



Heritage Review of Planning Proposal

to

Heritage list no 73 (and 73a) The Boulevard Dulwich Hill

prepared for

the owners

by

Paul Davies Pty Ltd

Architects Heritage Consultants

Introduction

This document is a review of the heritage report prepared by Robertson and Hindmarsh for Inner West Council as part of a Planning Proposal to heritage list the subject property. It also considers the heritage values that are claimed to assist in determining if the place has any heritage significance and, if it does, what level of significance it may have.

Inner West Council placed an IHO on the property after a DA was lodged to redevelop the site. There has been no prior heritage interest in the property. It has not previously been identified in heritage studies or on any other known basis as a place that may attract heritage listing. The property is not within a heritage conservation area and is an area that is zoned by Council for higher density development. This contrasts with immediately adjacent areas that have a lower zoning (in terms of use and density), that contain more consistent older housing (the setting of the two properties in the Planning Report is that of adjoining home unit and apartment development).

It is understood that the adjacent owner instigated the request for heritage listing and nominated their own property at 73a also to be a heritage site. They commissioned a heritage report from Sue Rosen that in turn led to Inner West Council engaging Robertson Hindmarsh to prepare a heritage report to assist in assessing the heritage values of the two properties.

It is also noted that the IHO was subject to an appeal but despite the judgement allowing the IHO to proceed with the potential for the place to be found to have heritage significance, the court did not actually make a determination on significance. As there was an expectation in the judgement that additional work would take place to support (or possibly not support) heritage listing, it is appropriate to test the validity of the assessments made to date. This is also valid as the council heritage report was not provided in time for it to be considered by the owner nor could it be tested through the court process. While this would appear to be an error in judgement (from my experience of court process) there is now the opportunity to consider the assessment in some detail. This does not presume the report is wrong, it simply allows matters to be considered that were not considered in the appeal process and for the claims made within that report to be reviewed with rigour.

The principal report relied on by Council is the report of Robertson Hindmarsh. They were provided with access to the property (the Rosen report for the neighbours was not based on internal inspection

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73 The Boulevard Dulwich Hill
Review of Robertson Hindmarsh Heritage Assessment
For the owners

Paul Davies Pty Ltd
Architects Heritage Consultants
February 2019

and consequently should have little weight when assessing the site). This review has been prepared on the presumption that the Robertson Hindmarsh report was undertaken without a conclusion determined in advance and that they based their recommendations on what they found.

Paul Davies Pty Ltd have prepared many heritage studies (over 25) for local councils and undertook the Marrickville and Canterbury Council heritage reviews in recent years that included this area as part of the overall areas addressed. However, the subject site and street were not specific areas that were under review in those studies and the subject property has not previously been assessed or reviewed by the author.

Background

The only relevant consideration as to whether the property at 73 The Boulevard (and the adjacent property at 73A which is included in the proposal) could be a heritage item is whether the property is of heritage significance at a threshold that would justify listing it as a heritage item in the LEP.

The consideration is not related to possible heritage value as part of a heritage precinct as the building is not within a precinct and the proposal does not propose the creation of a precinct. There has also been no argument set out about precinct values except for some general opinions in the reports.

To determine if a place should be a heritage item the assessment criteria set out in the Heritage Act need to be applied and the nature of any significance set out.

It is also important to understand how places have been identified within this general area as heritage items to establish some form of consistency in approach to heritage listing. It is important that random listings for places of marginal or limited heritage significance are not undertaken as this undermines the validity of studies where, if prepared correctly, a study seeks to establish a comparative understanding that establishes thresholds that are consistent.

The purpose of IHO's is fundamentally to place temporary protection of a place that has not previously been identified and where there is a reasonable prospect that it meets an established threshold or where a place has simply not been identified as having high heritage significance as those specific values could not be seen through the usual heritage listing process.

It is also important to understand that every place has some heritage significance as every sub-division, building and site element demonstrate a period of history, a style, possibly aesthetic value and rarely, but in some cases, some social or associational value. It is not sound or accepted practice to simply state that a place represents a period or style (for example). It is necessary to determine thresholds that separate most buildings (that would not be individual heritage items) from those that exemplify or represent to a high standard the value being considered.

A heritage item has to demonstrate either a range of attributes to a relatively high level or a single attribute to a high or exceptional level. That level has to be greater than other places that are not heritage items or the basis of heritage listing becomes subjective and heritage schedules unreliable.

A key reason for undertaking heritage studies and defining precincts and items is to provide a level of certainty to owners, prospective owners, designers, council, etc. on what places are protected for their heritage values. Heritage studies are far from perfect and they cannot identify every property that may have heritage value, but they do capture a very high percentage of the heritage values of an

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area. This is mostly achieved through heritage precincts where the broader collective value of the various development periods of a suburb or council area can be mapped with a reasonable degree of accuracy and the streetscape and visual values conserved. In undertaking studies (our practice reviewed all of the former Marrickville Council area heritage precincts) not every place that has some heritage value is included. If a precinct is being considered, the context is critical as most places of heritage value rely on the supporting value of what is around them.

The creation of heritage precincts allowed greater nuance and discernment in considering which individual places should be items. In essence the threshold for items was raised when precincts were introduced.

When a heritage assessment of a particular place is made, it is important to identify the qualities or attributes of the place that are different or at a higher level than other places. It is not sufficient to make motherhood statements about significance or set out reasons that equally apply to places that are not of individual heritage status. However, if there are specific reasons that an individual place may have high significance, the more generic statements can be included as general supporting material. There is a hierarchy of assessment required otherwise an argument can be made to list almost anything for almost any reason. This is not the intent of heritage listing but is sometimes used where heritage listing is related to other issues such as trying to prevent development.

The process of heritage listing, particularly for private houses, rarely includes interiors unless the detail of the interior is known and it is important to the listing. Generally, but not always, if a residential house stands out as an exemplar of an example of high quality for design, aesthetics, etc. in relation to its exterior form, it is likely that much of the interior remains. This is rarely known as access to private interiors is not generally available. Consequently, unless an interior is known and specifically assessed as having heritage value, residential interiors of 'typical' houses (73 The Boulevard is a typical house in this sense in contrast to say a grand mansion interior) are not often heritage listed.

It is also common that service areas and often the rear areas of houses have undergone change, refit, re-arrangement, addition, opening up, etc.

Consequently, as a framework for considering an interior (the proposed council heritage listing focuses on the interior and almost ignores the exterior of the building), there is an expectation that the place has an exceptional interior fitout and, as a whole, has a level of integrity that supports the listing.

As stated at the start of this review, the only test that actually matters is whether a place has sufficient heritage significance to support a listing. To test that we have reviewed the various statements of significance for the detail of their content. While there are reports behind these statements, the process of heritage listing requires a definitive statement of significance to identify all of the relevant attributes of a place. This is then followed up (usually) by attributing relative value to the components of the place so that there is a more precise understanding of why a place is significant and how that significance manifests in the actual fabric. I have also reviewed the assessments of relative significance in the Robertson Hindmarsh report.

Where the statement of significance makes a claim or assertion about relative or comparative value, for it to be valid it must be based on research that establishes the assertion. It is not acceptable practice to make a statement that cannot be established even if the author thinks it may be true. A

statement of significance is a summary, therefore it is necessary to consider the supporting material where specific assertions or statements are made to test whether they are properly established.

For simplicity I have taken the statement of significance from the Robertson Hindmarsh report and separated it into criteria and then separated each specific matter for comment. Having done this, it is necessary to then comment on the statement holistically as it is not only each statement that matters but the collective value of the assessment. It is noted that the statement of significance set out in the Planning Proposal differs to that in the assessment document which confuses an understanding of the Planning Submission. It is not clear why the Planning Proposal deleted and slightly re-worded material from the assessment.

The analysis below adds the deleted material for completeness even if it is not relied upon in the Proposal. The added material is indicated by italics.

Significance statement	Comment
Historical local - criterion A	(a) An item is important in the course, or pattern, of NSW's cultural or natural history;
No 73 The Boulevard Dulwich Hill (Bertsonie) is of historical significance at a local level as an example of an Interwar bungalow....	The address and name of the place are of no significance. This part of the statement attributes significance as the building is an example of an Interwar Bungalow. This is then explained below, but being an Interwar Bungalow, in itself, is not a reason for heritage listing
that constituted an important component in the infill development of the inner western suburbs (in between earlier Victorian and Federation houses)....	The importance or otherwise of Interwar infill development in the inner west is not established. A similar argument could be made for the adjoining blocks of home units. They are now an important infill development of the inner western suburbs (in between earlier Victorian, Federation, Interwar and post-war houses). Their significance is that they form a major layer of development through the area that redefines the character, just as earlier infill developments changed patterns and character. This is not specific to this property and the place is not an exemplar of infill development.
....as well as being the result of the demolition of larger houses and subdivision of their grounds.	No 73 is a lot cut out of a much larger holding (the earlier site was sub-divided into 8 lots) in the early 1920s. Only several of the 1920 period houses remain, with unit and other development now found on the other 6 lots. There is no particular significance in the sub-division of the land and the creation of new lots. The lots are close to the original intended lot sub-division for the area and have buildings from later periods rather than the first phase of Victorian development. Neither the type of sub-division or the nature of the sub-division are important or warrant heritage listing. Every lot has been a result of some form of sub-division of earlier larger grants/estates or larger lot purchases. There are no grounds for significance.
	This statement, while not being specific about what aspects of the place form the significance, is a fairly typical statement that could be applied to any roughly similar house and would usually be stated for a house that retained a relatively high level of external integrity. The

	<p>reason for this is that most assessments are streetfront external assessments and the form and integrity of the exterior of the house is a key factor.</p> <p>In terms of the external form and integrity of no 73, it is absolutely clear from street and site inspection that:</p> <ul style="list-style-type: none"> - The building itself is not exceptional and from a street inspection would not attract any attention as a heritage item. This is based on having undertaken thousands of assessments of potential heritage items. - The building has a quite low level of integrity externally. Changes and alterations to the house that reduce the integrity of the place include: <ul style="list-style-type: none"> - the major roof addition that completely changes the form, appearance, proportions and scale of the building to a point where it no longer reads in the street as a Californian bungalow or any specific variation of that form. - the infilled front verandah that while technically possible to 'reverse' involves changes in finish to face brick walls, infilling ventilators and the removal of floor and other finishes. - changes to windows and the loss of some early openings in several areas of the house - it appears the roof material has been changed although it does remain as tiles (this is as the whole house has consistent roof tiling including the additions which suggests it has been re-roofed). <p>Councils vary in how they assess contributory buildings within conservation areas, it is common to identify places as contributory or neutral, some councils also separate contributory buildings into two categories, A - those that are largely intact and B - those that still contribute but are altered to a point where it is unlikely the alterations will be reversed. To put this place in context, it would be considered to be a contributory B building if it were within a heritage precinct.</p> <p>It is not a heritage item when compared to how other places are listed within the former Marrickville area.</p>
<p>No 73.... Is an American-influenced bungalow and is a larger version of other bungalows in suburban Sydney and reflects the status of persons moving into the Dulwich Hill area.</p>	<p>The house is clearly American influenced, that is inherent in the Bungalow style. It is a slightly larger version of the house than some other examples (refer to later discussion of Heritage Area C1) but is also consistent with many examples of the style in terms of scale. The reference to Sydney is very broad and the statement suggests this house stands out in relation to most buildings of this style in 'Sydney'. The statement is not tested or established and appears to be simply an observation that is not valid. There are areas of 'Sydney' that demonstrate buildings of similar and greater scale and areas that contain very modest examples of the style.</p> <p>Unqualified, broad assertions such as these cannot be relied on to establish significance and are misleading as they purport to give value and significance where it is not established.</p> <p>The reference to the status of people moving into Dulwich Hill applies to this house and most of the Interwar (and any other period) houses in the suburb.</p>

	<p>It does not distinguish the place above other Interwar houses in the area, it does not establish significance, it does not provide a framework that is valid or tested and the statement as written distorts the value of the place through suggestion and inaccuracy.</p>
<p>No 73....has been altered with the addition of a first floor set of rooms and by extending the original roof up to enclose the new rooms. However, the ground floor plan remains almost intact and the original room uses are evident and so the house still allows an interpretation of the historic uses of the rooms</p>	<p>The significant and major alterations to the house are dismissed in the assessment.</p> <p>They have a significant impact on the integrity and presentation of the house that, at least in terms of external appearance, would suggest the place is not a heritage item. The alterations also include changes to the ground floor and a rear addition that is not noted but which also affects the integrity of the place.</p> <p>The use of the word "however" is disingenuous in this context as it links two unrelated ideas, dismissing the first negative idea by comparing it to an unrelated idea that is then given value. We would suggest that this is not an acceptable way to set out or consider significance.</p> <p>The author is quite able to consider the impact of the roof addition and the upper floor rooms on significance (we would suggest that in terms of the exterior of the building these are pivotal considerations that remove the ability of the building to be considered as a heritage item at all) and then to separately, as a different idea look at the layout of the ground floor.</p> <p>They are not related ideas.</p> <p>The majority of houses retain much of their intended layout, this occurs as houses usually (unless they are exceptional) contain living spaces, bedrooms, service areas and corridors and hallways and over time, while tastes may change, these remain the basic elements of a residence. With a house such as no 73 the arrangement of living and bedrooms remains largely evident.</p> <p>The major changes that take place to most houses are upgrades and rearrangement of bathrooms and kitchens and often the addition of a different living space that is better connected to the private outdoor area of the house. Usually this is an addition or adaptation of rear rooms.</p> <p>Room uses remain evident because it is a house. There are very few houses where the basic use of rooms is not evident.</p> <p>Stating that the house allows an interpretation of the historic uses of rooms is a quite ridiculous statement as the contemporary uses and the historic uses are almost the same and there is no need to 'interpret' this.</p> <p>The ground floor plan has been changed with the rear spaces altered, sub-divided, a stair added and additions to both the rear and to the roof area. The front verandah is also infilled with the addition of kitchen, bathroom and ancillary spaces. Part of the verandah infill is actually given a low level of significance in the assessment which seems odd. These changes do alter the understanding of the house but they are not specifically considered in the assessment. The change appear to be from separating the house into several apartments evidenced by having two kitchens (not addressed).</p>

	<p>If this statement is addressing intactness, it should be balanced and note that four rooms are largely intact as well as the entry hall but the verandah, rear rooms and bathrooms are highly altered.</p> <p>In any case the floor plan of the house is not exceptional (the inglenook is discussed later and is not mentioned as a feature of the floor plan in the statement).</p> <p>It is a typical speculative bungalow with the well-established pattern of side entry, two rooms across the front opening onto a generous verandah (one of which would have been a sitting room and one a bedroom), a cross hall with the major living space opening off it and the usual rooms set around a side hall running from front to back.</p> <p>None of this suggests or supports the place being considered as a heritage item.</p>
....and an understanding of the way of life.	<p>This suggests that this house can demonstrate to a level that other houses cannot, the way of life in the Interwar period. This is not correct and is not an element of significance.</p> <p>If this were correct every Interwar house that retained a reasonable amount of its interior would qualify as a heritage item.</p>
The survival of the original milk box and bread delivery system is also significant in being a physical manifestation of a food supply system that is no longer extant but is of historical and (social) importance.	<p>The milk/bread box located at the rear of the house is a small remnant element that was typical of many houses through to the 1960s. I own a 1963 home unit which has a milk/bread box near the front doors of the floor.</p> <p>The box remains, not used, it has not 'survived' at least no more or less than the rest of the house that remains.</p> <p>The use of the phrase 'physical manifestation' I would suggest implies a value that does not exist or does not exist to a level of significance that warrants inclusion in a heritage citation.</p> <p>The home delivery of food products - bread, milk, ice and also fresh food is a practice that operated widely and over a long period of time. The provision of a small opening to locate items is not unusual, is widespread and can be found in many residential buildings. It is not a sufficient reason to heritage list a building. It is also noted that while it remains it is no longer accessible to the exterior. Its historical value is very limited.</p> <p>If the place were actually of such significance that it warranted heritage listing, keeping the box, as one small element of an otherwise intact building could be justifiable, however, that is not the situation for this building.</p>
The survival of the 1920s asbestos cement clad garage is of significance as tangible physical evidence of the spread of car ownership in the interwar period.	<p>The statement of significance obfuscates significance in the use of terms such as 'physical manifestation' and in this statement 'tangible physical evidence'. The phrases are value loaded and imply a level of significance that is not established.</p> <p>The garage is generally in its original form, is extant and is an element of the site that dates roughly to the time of construction of the house. Driveways and garages had become a standard feature of housing during the Interwar period. Initially the domain of the well-off, by the 1930s driveways and garages were appearing in new housing development, even modest housing.</p> <p>The garage is in poor condition, is clad in asbestos cement (which will be removed irrespective of this proposal) and while having some</p>

	significance as a remnant element has no particular significance above other garages that may exist that more than adequately demonstrate the rise of car ownership in the period. Later in this review an advertisement for garages from the period is included to demonstrate that it is a typical off-the-shelf building that were built extensively across Australia.
Criterion b	(b) An item has a strong or special association with the life or works of a person, or group of persons, of importance to NSW's cultural or natural history
The ground floor plan remains almost intact and the original room uses are evident and so the house still allows an interpretation of the historic uses of the rooms...	This statement does not satisfy criterion b. The criterion has been incorrectly used. Criterion b is not relevant to this site as there is no strong or special association with the life or works of a person, or group of persons, of importance to NSW's cultural or natural history. If the statement were applicable (which we conclude it is not) it would more correctly fit under a or g.
Aesthetic Significance - regional-criterion c	<p>(c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW;</p> <p>The use of the term 'regional' as a way to define significance is no longer used. Significance is assessed as either local or State. Other levels of significance (National etc.) exist but do not apply to this assessment.</p> <p>The author has not made an assessment against State significance criteria and it would be hard to argue State Significance for the elements noted in the statement of significance.</p> <p>I conclude that there is no basis to consider any aspect of the building as being of State significance.</p> <p>If State significance was being argued, it would require a referral to the NSW Heritage Division to determine if they were of the view that the place was likely to have that level of significance. This has not been suggested in the assessment.</p>
<p>No 73 The Boulevard Dulwich Hill is of aesthetic significance at a regional level.</p> <p>Whilst the exterior....is a simple bungalow form that is representative of speculative housing, the interior of the house contains exceptional interior detailing that is unusual for speculative housing because of the intact nature of the decorative ceilings, joinery, wall panelling and flooring in the Entry vestibule, Cross Hall, Living Room, Dining Room and Bedrooms 1, 2 and 3....</p>	<p>Intactness is not on its own a criterion to establish significance. However, if a place or parts of a place are intact that may add to their significance in a particular criterion. In this case, if the nominated interiors were determined to be of high significance, the question of intactness would then inform that and would assist in determining how the element could be managed.</p> <p>The nomination for aesthetic value only considers the interiors as seen in 7 spaces, 2 of which are hallways. The room names refer to current uses and not historical uses which appears to slightly conflict with earlier statements about being able to interpret the historic uses of spaces.</p> <p>The analysis also avoids reference to parts of the place that have changed. If a specific element of the house is of very high significance, that may be sufficient to support a listing, but usually, it is the combination of elements of a place, often just exterior but ideally exterior and interior elements that together demonstrate significance.</p> <p>It is quite rare for an interior to be listed without an exterior. There are a number of buildings listed in Marrickville with an inclusion for the interior but none just for an interior. This suggests, as a threshold issue</p>

	<p>that for a building to be listed just for an interior (as appears to be the basis of the assessment) it would have to be exceptional.</p> <p>This statement appears to change its assessment of the exterior noting it is a 'simple speculative bungalow' where earlier it was given greater value for its aspirational qualities. The statement, starting with 'while' actually suggests that the exterior is not significant.</p> <p>The rest of the statement is confused as it notes the interiors are exceptional because they are intact. This cannot be correct.</p> <p>They may be intact and the main rooms and hall are largely intact, but this is only of importance if the interiors are actually significant.</p> <p>The test for significance for the interiors is difficult as there is very little comparative material available against which to make an informed and balanced assessment.</p> <p>At no point in the report is the claimed 'exceptional' quality of the interiors actually established.</p> <p>Exceptional is defined as (OED) 1 Unusual, not typical; 2 unusually good, outstanding.</p> <p>The first question is whether the interior is actually exceptional under these descriptors and then whether the use of this type of interior is 'unusual' in this type of dwelling.</p> <p>We would suggest that the interior is not in any way exceptional and the use of the fitout in this type of building is not unusual. They are separate considerations and should not be confused.</p> <p>The reasons for this are:</p> <ol style="list-style-type: none"> 1 There are numerous examples of similar interiors in Interwar houses, not exactly the same as this, but incorporating elements of the style and often specific 'design features' most likely to give the property an element of difference or attraction in the market. They are advertised in magazines from the period and can be seen in illustrations in real estate websites across the area and more broadly across Sydney. We are not aware of any specific study of this and there appears to be little researched comparative material to assist in informing the matter. 2 The fitout appears to be a standard one in that it is purchased from a generic design and applied to the building. It is a standard product, an attractive one, but not bespoke and not of exceptional design. 3 The quality of the fitout is standard and is neither exceptional or unusual. The details are basic, the timberwork detailing is ordinary and the installation while competent and reasonable does not demonstrate a high level of craftsmanship, design, detail or the finesse that would expect to be found if the fitout was exceptional. This is seen for example under the hall window where panelling is not matched or symmetrical. <p>Most of the fitout is simple square timber sections fixed over plywood panelling, there is a modest timber bracket supporting the plate rail, glazed doors to the bookshelves in the ingile and a small amount of detail to the columns. Otherwise the interiors are standard, relatively ordinary and are not exceptional or unusual.</p> <p>The fitout is what would be expected to be seen from a mass-produced design applied to a standard building.</p>
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	<p>4 The addition of features such as the inglenook, the hall framing and the glazed and panelled doors are all interesting variations but are not exceptional. Other examples of design features include bay and corner windows, windows around fireplaces, seats, built in joinery, inter-connected rooms, variations on hallway design, use of verandahs to supplement internal spaces (not sleepouts although they are also found widely in the style), the use of leaded and stained glass, etc.</p> <p>5 Other elements, not noted in the assessment, such as the fireplaces and surrounds do not support the concept of exceptional. In the main rooms there are three different fire surrounds: the one in the inglenook is brick using standard Californian Bungalow detailing (not exceptional) which has been altered with a new fire insert but which is consistent with the interior fitout and two in the front rooms, one of which is marble and Victorian in style and appears to be unrelated to the other fitout. It is possible it is a later fitout addition to the building. The third fireplace is a well-designed brick typical fire surround from the Interwar period with the odd addition of half-timbering above it. It is not exceptional</p> <p>6 The floor boards are not exceptional or unusual or particularly interesting, they are typical floorboards from the period, some may have been replaced and some areas have been refinished so that the finish through the various rooms varies. The second hallway is tiled (modern) presumably over the floorboards.</p> <p>7 The description in the statement of significance is incorrect and overstates the fitout. It notes <i>"...intact nature of the decorative ceilings, joinery, wall panelling and flooring in the Entry vestibule, Cross Hall, Living Room, Dining Room and Bedrooms 1, 2 and 3..."</i></p> <ul style="list-style-type: none"> - the two front rooms (called bedrooms) are not timber panelled as claimed - the living room, apart from the ingle is not timber panelled - the 3 bedrooms do not have decorative ceilings - the cross hall does not have an intact flooring, decorative ceiling, panelled walls or intact joinery - doors in the house are varied and some early doors remain but others have been replaced with modern doors or had doors removed. <p>We have attached a marked-up floor plan showing where the fitout exists and what is there with photos of the various spaces. This demonstrates with clarity that the interior is not exceptional or unusual.</p>
<p>....are excellent examples of the application of Gustav Stickley's Craftsmen Houses to the Australian upper middle-class mass housing context.</p>	<p>There is no detailed analysis to support this statement. There are example of Stickley's work in California and it is known that mass produced elements of his style were in Australia (sometime after he died) and were available to use in interiors. It appears that the Australian materials were not exact replicas of his work but derived from and were influenced by it.</p> <p>There is no detailed analysis of the interior to determine if the work is actually 'excellent' (see above) and there are no comparisons with other interiors that may be similar in order to establish what is an excellent example if the term can be applied at all.</p>

	<p>There is also no evidence that Stickley interiors were used in what is, I would suggest, wrongly described as the 'upper middle-class mass housing context'.</p> <p>The upper middle class did not aspire to be part of a 'mass housing' movement.</p> <p>A useful comparison in the vicinity is Heritage Precinct C1 in Dulwich Hill - Abergeldie Estate - that comprises largely Interwar with some post war housing. It is included as an appendix with the citation for the precinct. Interiors have not been inspected (which is the norm in undertaking heritage studies). A simple review on goolemaps or similar shows largely continuous streetscapes of upper middle class inter housing similar to no 73, most houses slightly simpler in form but several having very similar overall characteristics to no 73. The precinct has very high integrity and there are few detracting additions or alterations evident. Some of the housing stock is excellent and most is highly representative of the period.</p> <p>The Precinct is also an exemplar in representing the sub-division of an earlier large estate (Abergeldie) to create consistent layouts and new 'infill' development. In comparison, 73 The Boulevard does not demonstrate any characteristics of a sub-divided early estate.</p> <p>In terms of streetscape value no 73 The Boulevard is a highly compromised house when compared to the housing in this precinct.</p> <p>While some of the housing is more modest there are houses of equivalent scale and design approach to no 73. There are no heritage items in the precinct.</p> <p>While interiors have not been visited (not possible) it would seem highly probably that some of these buildings contain interior fitout similar to that found at no 73, particularly as the fitout is known to be not bespoke but mass produced. This is reinforced by online viewing of Interwar housing for sale in the area that shows a range of 'intact' interiors. We have not included this material directly but can provide links to various properties in the area.</p>
<p><i>The surviving interior....is a rare surviving substantially intact example of a "Mission Craftsman Interior", a popular style in Sydney bungalows dating from 1917-1925.</i></p>	<p><i>The analysis in the heritage report does not establish that the interior is rare. It says it is but there is actually no evidence to support the claim. Apart from the authors brief history of craftsmen interiors there is no information on whether they were predominant, who purchased them (presuming they did) and where they were found. The report states they were largely in NSW but again this is not established.</i></p> <p><i>The assessment suffers from opinions without substantiation. This is not adequate to support a listing of a nominal place.</i></p> <p><i>The purpose of an IHO is to provide time to explore significance. The heritage report fails to do this. The report needs to establish (if the place were to be determined to be significant) a researched analysis of this type of interior, actually establish if it is rare in itself as a type of interior and whether others exist, where they were built, how does this interior compare to others, etc. Then the research needs to determine why this particular example is important in contrast to other interiors, particularly given that the house otherwise is very compromised.</i></p> <p><i>The author may have a specific interest in this type of interior but that should not affect a balanced assessment of significance.</i></p>

<p>The interior is of a similar standard to contemporary examples published in the first half of the 1920s, the survival of which has not yet been confirmed. The design importance of the 'Mission Craftsman Interior' style predominantly only found in NSW.</p>	<p>This is not correct based on the material provided and should not be relied on to establish significance.</p> <p>The examples cited are architect designed (and occupied dwellings) that appear to be bespoke fitouts of good quality. They are refined and elegant and featured in design magazines. No 73 is not of this quality or finesse. This is visible on close inspection. It is obviously a standard product fitted to the building (this alone does not preclude significance). The joinery is basic and reasonably well fitted but is not fitted using symmetry (panels do not relate properly to openings) and the detail is very basic. It is quite attractive however and certainly adds interest to the interior but this does not mean it is significant.</p> <p>This building is a standard Californian Bungalow in much of its detail.</p>
<p>No other intact examples with an inglenook, beamed ceiling and internal doors has been located. The other surviving examples have had one element modified.</p>	<p>To be relied upon, this statement needs to be qualified to make clear that the author of the report has not found any examples. There will be examples of this type of interior, it is just that the author has not found them.</p> <p>It then says they do exist but are altered. This appears to be conflicting analysis and does not say how many exist (in the authors experience) or whether they are better, worse, more or less significant etc. The statement provides no useful information in understanding whether no 73 is significant.</p> <p>If the style was popular and the elements are all standard and knowing that hundreds of buildings from this period survive, many of which appear to be largely intact, to conclude that there are no other examples would seem to be an inappropriate statement in what is intended to be a definitive assessment of significance.</p> <p>The reference to the inglenook is also not supported. As set out below, even a cursory and quite random look at design magazines from the period reveals many examples with inglenooks across Australia that at least suggests that inglenooks were a reasonably common element of designs.</p> <p>It is not the role of this review to undertake a study of 'Mission or Craftsman interiors', the onus on establishing significance is with the council who wish to list the house and if that research and analysis cannot be provided or does not exist, listing should not proceed.</p>
<p>The influences of the Craftsman Magazine and the Californian style of bungalow, reflected the trading route and exchange of ideas between Sydney and California between 1900 and 1930. The design demonstrates the adaptations of contemporary Californian architecture to Australia and its adaptation to suit the range of building materials in Sydney.</p>	<p>The first statement may be correct however there is no evidence or analysis to suggest that this design demonstrates a particular aspect or even a general way of adapting Californian design. It would appear that if the reference is to the building appearance externally, that this building (putting aside the changes) is no different to any other moderately sized building of this style. The building is not distinctive in any way.</p> <p>All bungalows used local materials and the whole use of the design in Australia saw an adaptation from the American buildings. This is obvious from illustrations alone.</p>
<p>Although now infilled, the front porch reflects a once common feature of residential architecture in suburban Sydney from the 1870s, the front sleep out porch. The</p>	<p>The front porch was and remains a common feature of bungalows, it appears in many buildings from the period. This porch is altered and infilled. As part of an otherwise significant building, the porch would form part of its significance but as an example of a porch it is not of particular significance. It is of no greater significance than the side</p>

enclosure of the front verandah is reversible and is only a temporary degradation in terms of the guidelines for exclusion.	<p>entry, the gable roof form, the use of dark bricks, etc. It is as standard element of the style.</p> <p>The verandah could be opened up, that is true, but the changes within it to create bathroom and kitchen have affected the base material to a point where it cannot be recovered easily to its original form. The walls are rendered and tiled over the face brick, doors have been removed, the floor has been altered, the ceiling has been replaced, services have been installed and the recovery would now require reconstruction of the porch area.</p> <p>While reversibility is possible for this area it is unlikely to take place if the building were to remain as it involves significant construction work.</p> <p>There is no discussion of the other major changes to the house and in particular the upper roof addition. This would seem to be a selective approach to considering significance. The major roof addition that changes the whole roof form and distorts the form and arrangement of the house (Similar to the recent and exceptionally poorly designed additions to 73A that also have a major impact on its significance) is not considered in terms of reversibility, its impact on the place and the overall affect on significance.</p>
Social significance - criterion d	(d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;
The survival of the original milk box and bread delivery system is also significant in being a physical manifestation of a food supply system that is no longer extant but is of (historical) and social importance.	<p>The milk box is also attributed social value. This is not an appropriate criterion to apply and the feature does not have social value.</p> <p>Social value is clearly defined as having 'strong or special association with a particular community or cultural group'. That does not apply to this item.</p> <p>If it had significance it would be limited to criterion a, which it does not do.</p>
Rarity - criterion f	(f) an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history;
The intact inglenook is particularly rare in any housing in Australia let alone suburban housing.	<p>This is an unsubstantiated statement that is no more than an opinion from the author.</p> <p>It should not form part of as considered statement of significance and throws doubt on the basis of the whole analysis.</p> <p>The statement is also untrue and suggests a failure in research and analysis. Inglenooks exist in a wide range of houses from a range of periods. The examples in various publications tend to be the grander and architect designed examples as would be expected, but like most architect designed features of bespoke housing, the elements are adapted for more modest buildings as design features, more modest and usually simpler to reflect the status of the building.</p> <p>There is no part of this building that is rare.</p>
Intact Craftsmen interiors of this quality and size are rare in the Sydney context and rare in the speculative housing market.	<p>Again there is no evidence to support this statement.</p> <p>Our assessment is that the interior is not of great quality.</p>
The survival of the original milk box and bread delivery system is also	This is previously discussed.

significant in being a physical manifestation of a food supply system that is no longer extant but is now a defunct way of life.	Milk boxes are not rare, they are often found in buildings of this period.
Criterion g	(g) an item is important in demonstrating the principal characteristics of a class of NSW's - cultural or natural places; or - cultural or natural environments.
	Representative value is not specifically considered (probably as the report assesses the place as rare) however given the quite modest heritage values of the property overall, this is possibly the area that could be considered. We conclude that the place however does not satisfy the representative criterion as the extent of change, the overall low level of integrity of the place and the very obvious and visible changes to the building reduce its ability to be considered as a good representative example.

Drawings and Analysis

The Council report did not provide a detailed fabric assessment.

To assist an understanding of the status of the place in terms of what fabric actually exists, remains, is intact and has been altered the following drawings provide an overview of those elements. We have not prepared elevations or roof plans as the changes to the exterior are clear and the detailed changes are indicated on the following plans. We have also not considered the first-floor addition as it is clearly not of any heritage significance and is intrusive.

A summary of external changes is:

- large roof addition, possibly using early tiles
- infilling front verandah with windows and new construction to create two flats fitting out the verandah with kitchen bathroom and dining area
- infilling ventilators around the house
- rendering the rear walls of the house over the original face brick
- replacing windows to the rear elevation and pantry
- changes to several windows and the addition of bars to all windows
- several changed external doors
- tiling to the front and rear porches
- new front fence
- driveway and carport



Figure 1 Ground Floor Plan of existing house showing current room uses and numbering doors and windows.

The following is an analysis of original, altered and new fabric in relation to doors and windows:

Intact or largely intact original doors (8)

- D2 double glazed doors
- D5 sliding double glazed doors
- D6 single glazed door
- D7 plywood panelled door
- D8 single glazed door
- D10 plywood panelled door
- D11 plywood panelled door
- D17 plywood panelled door

New or significantly changed doors (17)

- D1
- D3
- D4 removed
- D9
- D12
- D13
- D14
- D15
- D18 removed
- D19 removed
- D20 removed and doorway partially infilled
- D21 removed
- D22

- D23 removed
- D24 removed
- D25 aluminium sliding door unit
- D26

Intact original windows (9)

- W2
- W3
- W8
- W9
- W10
- W11
- W12
- W13
- W19

New or changed windows (10 not including first floor addition)

- W1 new leadlight
- W4 central casement removed
- W5 new window
- W6 new window
- W7 new window
- W14 new widow infilling verandah
- W15 new widow infilling verandah
- W16 new widow infilling verandah
- W17 new widow infilling verandah
- W18 new widow infilling verandah

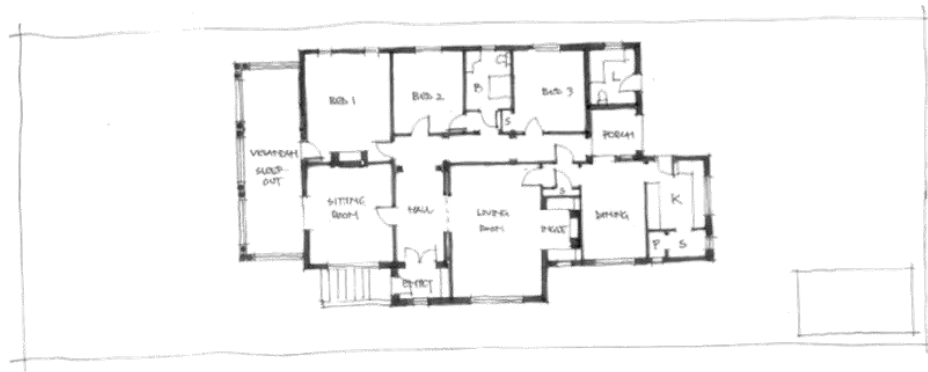


Figure 2 Probable layout of the house when built. Note: former door from dining room to rear porch and probably no fireplace to sitting room.



Figure 3 Areas of the house with altered floor finishes. The areas in purple have a tiled finish rather than timber and the areas in yellow have replacement timber floors. The areas in white retain their original basic timber floor boards.

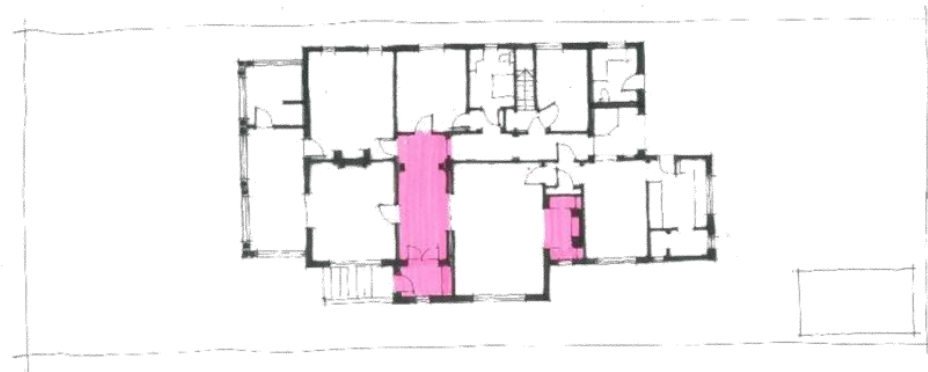


Figure 4 Areas of the house that have timber wall panelling. The spaces are coloured, noting that it relates to wall finish only.



Figure 5 Areas of the house that have ceilings using some form of timber detailing (purple), original or older plaster finishes (not coloured) noting that each of these rooms has a different plaster finish varying from decorative to plain and areas that have new ceilings (yellow).
The rooms with timber detailing have timber applied over a plaster ceiling finish to divide it into panels or in the living room beams are used to divide the ceiling into areas.

Summary of Analysis

Some parts of the house remain with a level of intactness to the built form and using timber panelling, principally this is the entry hall and living room. All other areas of the house are nondistinctive and incorporate a range of related but not consistent materials. There is also an overlap in styles in the house with the cross hall using arched openings that derive from the earlier Federation and Victorian periods even though simple skirtings and architraves from the Interwar period are also used.

The building does not demonstrate a high level of intactness nor does it demonstrate to a high level (and not to an exceptional level) the Craftsman Bungalow form and detail that is argued in the heritage assessment. The place should not be heritage listed on the basis of intactness, rarity or integrity.

Relative Significance

The Robertson Hindmarsh report schedules the elements of the place with grades of significance. The assessment falls into a common error in undertaking heritage assessments of overstating significance on a relative basis. The range of Exceptional to Intrusive is used. Rooms are named but are not shown on a plan and the uses vary from the earlier assessment.

The recommendation is for a local listing of a highly modified building. There may, on a relative scale be elements of high significance, possibly but rarely elements of exceptional significance and then a range of moderate to intrusive.

The assessment looks at external elements and then 13 internal areas. Without looking at every detail of the list a number of items need to be highlighted.

The following elements are stated as exceptional noting that specific fitout elements of each space may have lesser significance. The list with commentary is:

Element in Assessment	Comment
Exterior	
External original walls	They are not exceptional, they are typical and do not demonstrate any attributes that would justify a rating as exceptional. They relate more closely to a standard Californian Bungalow than a Craftsman style house.
Timber windows	They are not exceptional, they are typical and do not demonstrate any attributes that would justify a rating as exceptional. Several are altered and some have been removed.
Verandah columns	They are not exceptional, they are typical of the Californian Bungalow style and do not demonstrate any attributes that would justify a rating as exceptional. This is a form of standard column used in many Interwar houses.
Roof tiles	They are not exceptional, they appear to be the early terra cotta tiles but the tiling extends over the large and intrusive roof addition, distorting the evidence of the form of the house. The Council assessment does not address the addition but it could not be considered to be exceptional.
Asbestos cement garage	It is not exceptional, it is typical and does not demonstrate any attributes that would justify a rating as exceptional.
General note about exterior	<p>Only three exterior elements are noted as less than exceptional in status and they are assessed as intrusive, they are:</p> <ul style="list-style-type: none"> - painted brickwork - metal roofed rear verandah - timber window enclosure to front verandah <p>The assessment does not address intrusive changes including:</p> <ul style="list-style-type: none"> - the large roof addition - the rendered rear wall - altered windows apart from the front porch - altered external doors - air conditioning units installed around the house - security bars to windows - tiling to the front and rear porch - site changes generally <p>The exterior assessment is selective, inaccurate, overstated and cannot be relied on to determine significance.</p>
Interior	
Entry vestibule and cross hall	The entry hall and the living room are the two most interesting rooms in the house and would attract an assessment of significance above other spaces. However, there is no justification for exceptional and there is also no argument established to suggest they are even of high significance.
Living Room	
Dining Room	Every element of this room is exceptional. This is not possible. The room is moderately significant within the house but cannot in any way be understood as exceptional.
Kitchen	The room volumes are noted as exceptional. They are not, they are just rooms, there is nothing about the spatial arrangement of these spaces that is of exceptional or even high significance.
Pantry	
Bathroom	

Laundry	
West bedroom south – not stated	These spaces are assessed for their volumes and their finishes. As above there is nothing significant in particular about their volume or spatial quality, they are just typical rooms in a house. Their fitout has some significance, I would consider, on the basis of the material provided, that at best it is moderate.
West bedroom - north	
North bedroom	
Study	
Door to dining room and food hatch	These are not exceptional elements. They may have some level of modest significance.
General Observation about interior gradings	As could be expected much of the later fitout of service areas has a low assessment but oddly the bathroom on the front verandah is actually considered to have some significance, this would appear an anomaly. The alterations to the interior of the house have not been discussed in any detail. There is a new stair and sub-divided rooms and the house has been functioning as two units. These elements are not assessed at all. This gives a false impression when reading the schedule without a detailed understanding of the house that the place is exceptional at almost every point and it is not.
General Observation about gradings	For a residential property to be exceptional whether at local or state level it needs to demonstrate significance well beyond the normal. While they are from different historical periods, properties (that I have worked on) such as Fernhill Mulgoa, Abbotsford House, Mamre and Meehan's 1809 house at Richmond are exceptional. They actually represent values that are above the usual and normal. To claim that this house in any attribute is exceptional degrades the process of heritage listing and is a misrepresentation of significance values.

Inglennooks and Interwar Fitout

The Roberston Hindmarsh assessment cites several examples of Craftsmen Houses, but as noted they are quite bespoke examples that are not similar to no 73.

While this review does not purport in any way to have undertaken research to establish significance, or the even more difficult task of not establishing significance, it looked at two design magazines from the Interwar period, Australian Home Builder (January 1928) and Australian Home Beautiful (November 1922). They are two of half a dozen similar early magazines in our library and are taken at random.

They illustrate in advertisements and articles 'standard homes' (that is not architect designed bespoke) as well as 'designed' homes that feature:

- sleepouts
- side entry and cross halls
- rooms of the same scale and form as no 73
- double doors to dining and living rooms
- arched openings in hallways
- design devices such as
 - bay windows,

- bow windows,
- fireplace ingelnooks with and without windows
- breakfast ingles
- leaded glass,
- shingles,
- arches,
- stucco,
- timber panelling,
- various forms of bays,
- built in joinery
- simple garages clad in AC

This is not intended to be definitive but simply an indication that the elements that are set out as exceptional are readily found in magazines promoting various designers, builders and building plans 'for the middle class'. These occur across Australia and not as suggested only in NSW.

In contrast the illustrations of architect designed fitout is of high quality and detail, well beyond the quality and design of fitout at No 73.

The following provides some examples:

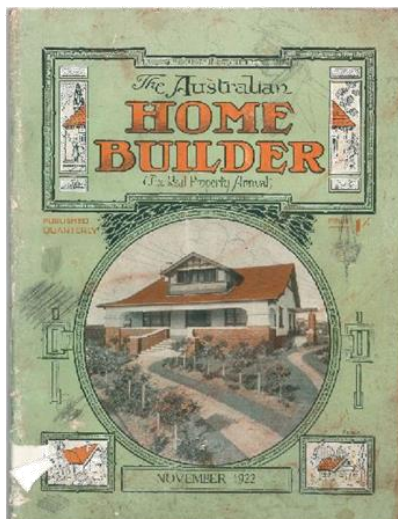


Figure 6 Cover of Home Builder Magazine 1922 referred to below

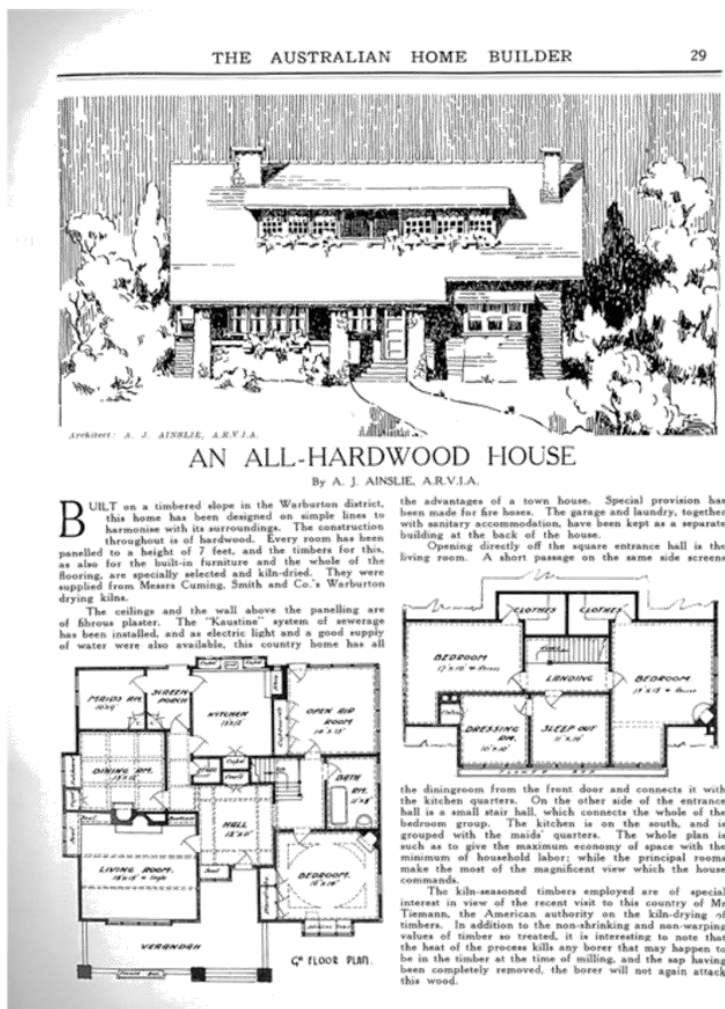


Figure 7 House showing built in furniture around the fireplace and a window seat that forms part of the fireplace design as well as other design devices including bay windows, panelled ceilings, hall seat, open air room, etc.

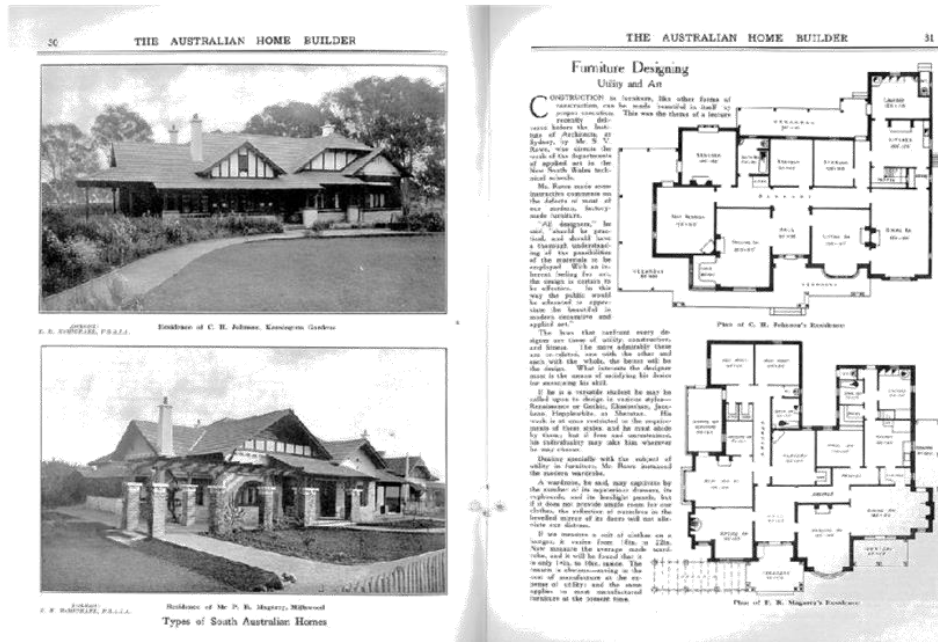


Figure 8 2 Architect designed houses with ingles, bays and a range of design elements to create interesting interiors

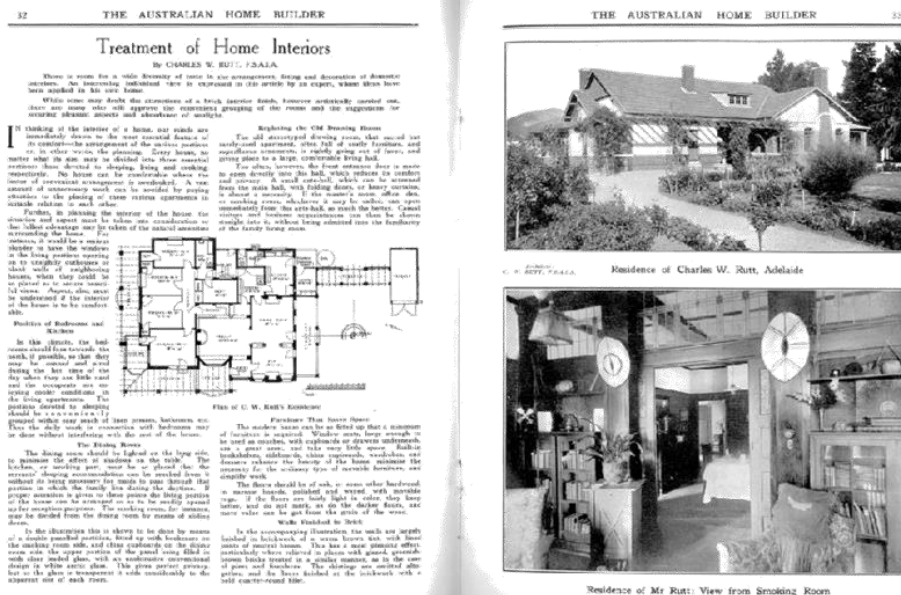


Figure 9 Architect designed house with garage and window seats built in around the fireplace. Note the very fine quality of joinery, the use of leadlighting and detailing in contrast to that seen at no 73.

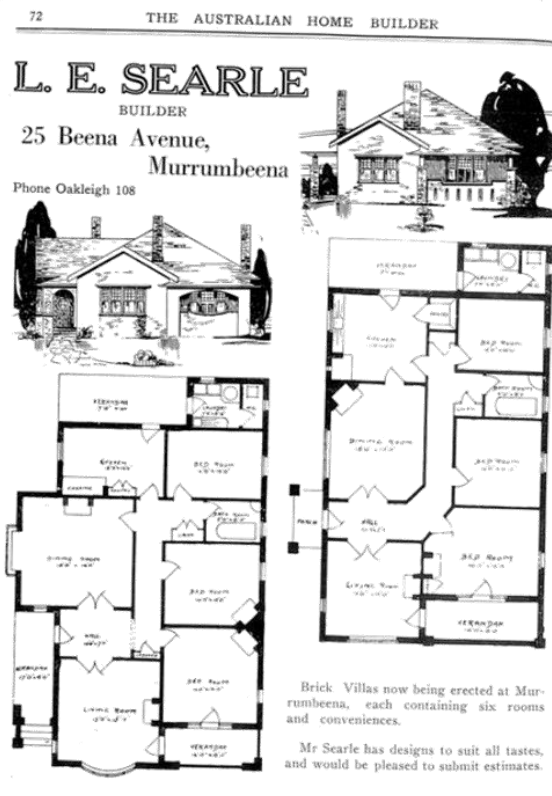


Figure 10 Typical builder homes that feature the side entry and cross halls with double door entry to principal rooms, sleep out and similar 'spatial' arrangement of rooms to no 73. These examples are more modest than no 73 but contain elements that are aspirational.

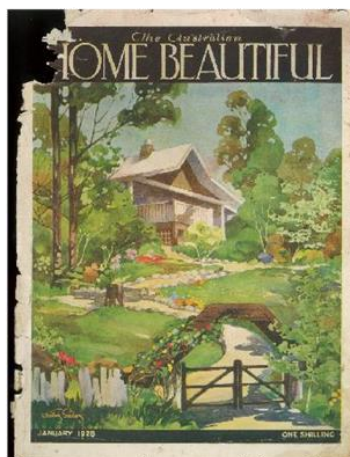


Figure 11 Cover of Home Beautiful Magazine 1925

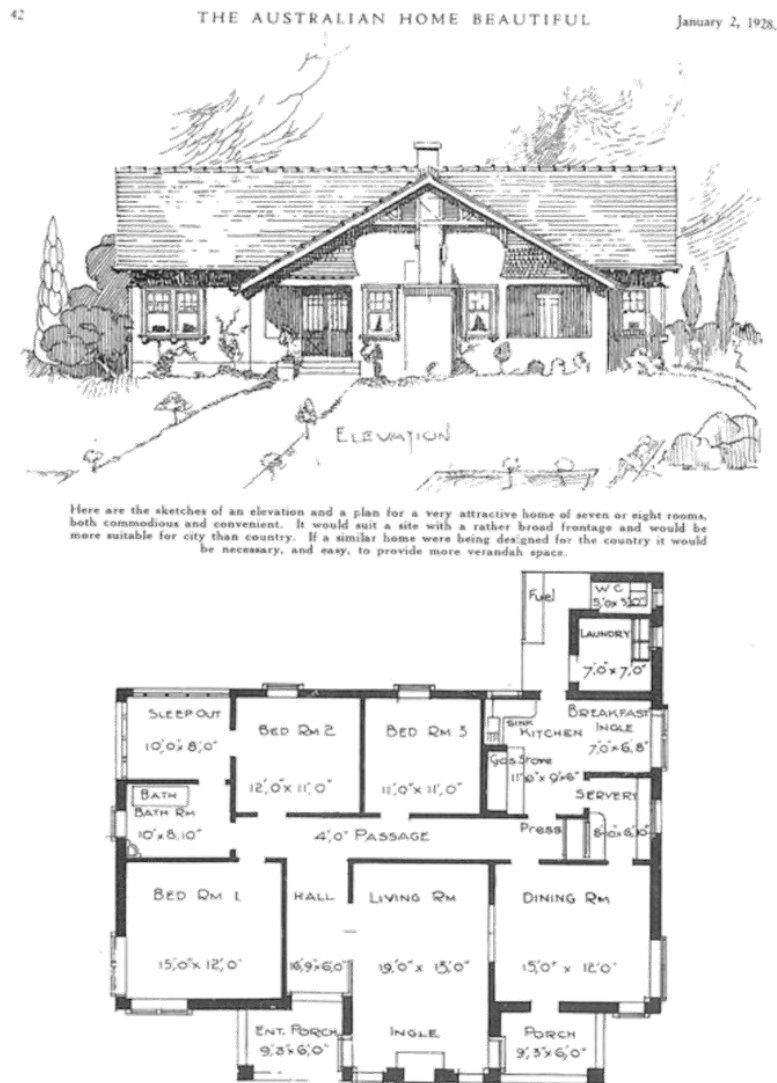


Figure 12. Example of a standard house design with ingles in the living room and kitchen. The design is different to no 73 but the size of the house and its internal spaces is similar. This would appear to be a typical middle-class house.

January 5, 1928 THE AUSTRALIAN HOME BEAUTIFUL 49

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Figure 13 Add for AC clad standard garage that were prevalent during the Interwar period.

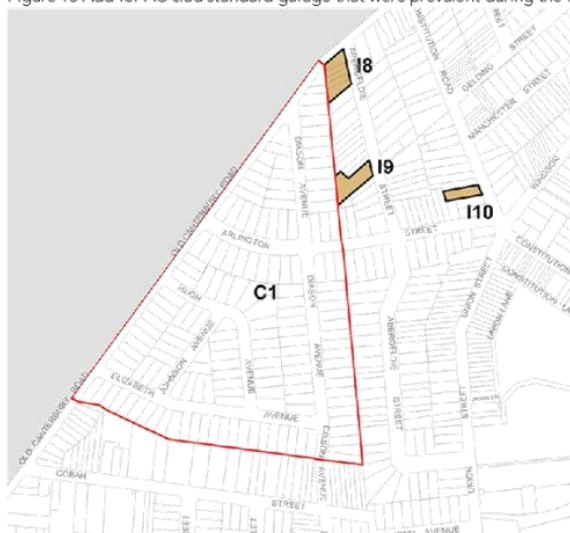


Figure 14 LEP map of Abergeldie Estate

CONCLUSION

As stated earlier this response while not providing an alternative statement of significance or extensive research and detailed analysis on the background that is in the Robertson Hindmarsh report, it does explore the potential significance of the place and concludes that the house:

- 1 is not exceptional externally or internally
- 2 is not of regional significance as stated in the council report
- 3 is not rare
- 4 is highly altered and does not have integrity
- 5 is a relatively ordinary example of its type that does not exhibit design excellence, craftsmanship or innovation
- 6 does not reach a threshold to be considered for local heritage listing

If the Council are of the view that a place could be heritage listed, it is incumbent on them to provide a balanced and professional report considering significance.

This review concludes that the material that has led to the Planning Proposal proceeding is unreliable to a point where it does not give an accurate, balanced or fair assessment of the significance of the place.

The claim that almost every part of this building is of exceptional significance makes no sense and does not reflect sound heritage practice. Selectively ignoring the extensive changes and additions that have had a major impact on the form and appearance of the house internally and externally creates an impression of significance that is not accurate or correct.

On the basis of the material in the report we conclude that significance has not been established and is unlikely to be established and the property should not be heritage listed and the IHO should not proceed.

Paul Davies

B Arch (hons) MBEnv Bldg Cons AIA Chartered Architect

Photographs

The following are a selection of photographs of the building to support the material in this review



Figure 15 Fireplace in ingle showing typical brick detailing, the later fire insert and the very simple and relatively crude plywood panelling overlaid with simple battens and brackets. The two flanking cupboards with glazed doors can be seen. This is the best joinery in the house but it is not exceptional, unusual or outstanding.



Figure 16 The living room in overview showing plaster walls, a picture rail, the ingle beyond, one of the various glazed doors (they are all of different designs) leading to the lobby of the dining room and the beamed and battened ceiling. The window reveals are simple plain timber boards without decoration. All of the joinery is basic and simple.

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73 The Boulevard Dulwich Hill
Review of Robertson Hindmarsh Heritage Assessment
For the owners

Paul Davies Pty Ltd
Architects Heritage Consultants
February 2019



Figure 17 The dining room looking to the kitchen and the replaced back door. The room is simple, has a picture rail and skirting, simple window joinery, has lost its internal doors and the left hand wall is sheeted with plasterboard covering the former door opening, it appears picture rail and skirting have been removed and refitted over the plasterboard. The room is not distinctive, exceptional or unusual and does not demonstrate important spatial values.



Figure 18 a detail of the timber battened ceiling to the bedroom at the end of the hallway. The room retains two timber plywood doors with panelling but is otherwise undistinguished.



Figure 19 The kitchen with its more recent fitout, new ceiling and new windows. The floor and architraves remain. It is not exceptional and does not demonstrate important aspects of significance as claimed.



Figure 20 The rear of the house with the rendered finish to the face brickwork, the canopy addition, new doors to the three external openings and a deck .



Figure 21 Interior of the front verandah looking to the former sitting room double doors (removed and steel door frame inserted). Note the tiled floor, rendered and tiled walls over face brickwork, infilled windows, new ceiling and kitchen fitout. The verandah is not practically recoverable.



Figure 22 Bathroom on front verandah with tiled floor on a concrete slab, tiled and rendered walls over face brickwork, infilled windows, etc. This fitout appears to date from the 1940-50 period, indicating that the house has had a long use for multi tenancy.

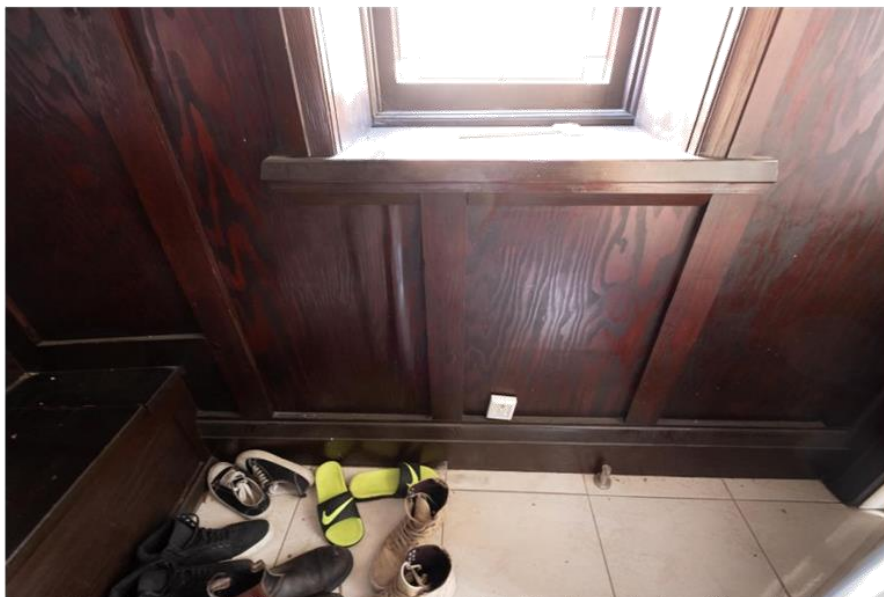


Figure 23 Detail of entry porch timber panelling and seat to the left of the photo. The plywood has suffered a small amount of water damage (reversible) but note how the panelling has been installed so that the timber battening is not symmetrical with the opening. This demonstrates poor attention to detail and poor joinery practice, particularly in the main entry area of the house. This would appear to arise from fitting a standard product to the space where it may not have neatly fitted. Inspection of the interior of the opening seat (a storage area) also reveals basic and rough construction, not commensurate with the joinery being considered 'exceptional'. Also, note the recent tiled floor to the entry.

Paul Davies

CV

Paul Davies is a well-established and leading heritage consultant in NSW and Tasmania. His work covers a broad range of areas and of particular relevance to this assessment is his work for local councils and government agencies over 35+ years. He has been a heritage adviser to the former Drummoyne and Leichhardt Councils and is currently heritage adviser at Broken Hill.

He has undertaken numerous heritage studies in both NSW and Tasmania including heritage studies and reviews for Marrickville, Canterbury Bankstown, Kuring-gai, Blue Mountains, Lithgow, Mosman, Penrith, Hunters Hill, Bankstown, Ashfield, Millers Point, Campbelltown in NSW and Launceston, areas of Hobart and arrange of rural areas in Tasmania.

Paul has written local planning schemes (heritage), heritage and urban design DCP's and has recently completed a masterplan for Launceston City and is currently preparing design and heritage guidelines for the city.

Paul and his office have reviewed thousands of heritage listings, developed thresholds for councils and given advice on best practice in heritage listing.

**Response to “Heritage review of Planning Proposal ...”
prepared by Paul Davies Pty Ltd & dated February 2019**

Response prepared by
Dr Scott Robertson,
Robertson & Hindmarsh Pty Ltd
Architects
on behalf of
Inner West Council
16 February 2019

Introduction:

On 11 February 2019, Robertson & Hindmarsh Pty Ltd was supplied with a copy of the report by Paul Davies Pty Ltd, “Heritage Review of Planning Proposal to Heritage list no. 73 (and 73a) The Boulevard Dulwich Hill prepared for the owners by Paul Davies Pty Ltd” and was then engaged on 12 February 2019 to prepare a response.

Referenced documents:

The following documents have been used in the preparation of this response:

Inner West Council, “Planning Proposal: 73 & 73A The Boulevard, Dulwich Hill”, September 2018 (Planning Proposal).

“Heritage Assessment (revised), “Bertsonie”, 73 The Boulevard, Dulwich Hill (and 73A The Boulevard, Dulwich Hill) for Inner West Council”, Prepared by Dr Scott Robertson, Robertson & Hindmarsh Pty Ltd, Architects, 19 June 2018 (revised 1 October 2018). Note, this report was also attached to the September 2018 Planning Proposal by Inner West Council (R&H Report).

“Heritage Review of Planning Proposal to Heritage list no. 73 (and 73a) The Boulevard Dulwich Hill” prepared for the owners by Paul Davies Pty Ltd, February 2019 (Davies).

Response:

In order to respond to the relevant points made in the report by Paul Davies Pty Ltd we have tabulated the Paul Davies Pty Ltd comments in one to two columns with our response in the final column.

In the following assessment we are assuming that “heritage report prepared by Robertson and Hindmarsh” refers to the above-cited Heritage Assessment revised on 1 October 2018 as this was the document attached to Council’s Planning Proposal.

Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
p. 2: Paul Davies Pty Ltd have prepared many heritage studies (over 25) for local councils and undertook the Marrickville and Canterbury Council heritage reviews in recent years that included this area as part of the overall areas addressed. However, the subject site and street were not specific areas that were under review in those studies and the subject property has not previously been assessed or reviewed by the author.	<p>Scott Robertson, director of Robertson & Hindmarsh Pty Ltd, Architects, has had a wide experience with different periods of Australian architecture.</p> <p>He was the author of a statewide survey and report, "Housing in NSW Between the Wars" for the National Trust of Australia (NSW), funded through the Heritage Council of NSW by the National Estate grants program (1993-1996).</p> <p>He was invited to speak on The Bungalow at the Sydney Living Museum series on housing (2012). He has also written chapters in books on buildings of the interwar period.</p> <p>Scott Robertson was recently engaged to review heritage items (from Victorian, Federation and Interwar periods) in the Manly area for Northern Beaches Council as well as being involved in assessing and documenting Modernist buildings as the current President of Docomomo Australia.</p>
p. 2: To determine if a place should be a heritage item the assessment criteria set out in the Heritage Act need to be applied and the nature of any significance set out.	The Davies report has taken the summary Statement of Significance from the Planning Proposal and broken it down into the assessment criteria for the purposes of discussion. The R&H Report, however, listed the NSW heritage assessment criteria, the guidelines for inclusion/exclusion and succinct statements of significance on pages 20-23 for No. 73 The Boulevarde and on pages 25-28 for No. 73A The Boulevarde.

Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
p. 2: This review has been prepared on the presumption that the Robertson Hindmarsh report was undertaken without a conclusion determined in advance and that they based their recommendations on what they found.	This, in fact, was the case. Scott Robertson inspected the area prior to meeting with Council's Heritage and Urban Design Manager, Mr Niall Macken, for the inspection of the interior of the house. Scott Robertson had not finalized his opinion until after the inspection and after considering all the factors back in his office. There was certainly no pre-judging the significance of the place before or during the inspection. Had the building not been of a level to warrant local heritage listing, the advice would have reflected this finding.
p. 2: A heritage item has to demonstrate either a range of attributes to a relatively high level or a single attribute to a high or exceptional level. That level has to be greater than other places that are not heritage items or the basis of heritage listing becomes subjective and heritage schedules unreliable.	<p>Agreed. The R&H report uses these levels of significance as intended by the NSW Heritage Manual (and not as defined in the Oxford English Dictionary as stated on page 9 of the Davies report).</p> <p>The NSW Heritage Manual contains the accepted definitions used by heritage consultants and was developed in conjunction with the profession.</p>
p. 3: When a heritage assessment of a particular place is made, it is important to identify the qualities or attributes of the place that are different or at a higher level than other places. It is not sufficient to make motherhood statements about significance or set out	<p>Agreed.</p> <p>The R&H report does identify the qualities and attributes of the place that set the house apart from other 1920s bungalows. The distinctive interior of the</p>



<p>reasons that equally apply to places that are not of individual heritage status. However, if there are specific reasons that an individual place may have high significance, the more generic statements can be included as general supporting material. There is a hierarchy of assessment required otherwise an argument can be made to list almost anything for almost any reason. This is not the intent of heritage listing but is sometimes used where heritage listing is related to other issues such as trying to prevent development.</p>	<p>major rooms, despite the Davies report's statement to the contrary, does set the house apart from the more generic 1920s bungalows which form the backbone of interwar conservation areas.</p> <p>Local listings are made to protect the local character, so it is not always necessary to be higher than other places outside the relevant LGA.</p>
<p>pp. 3-4: Where the statement of significance makes a claim or assertion about relative or comparative value, for it to be valid it must be based on research that establishes the assertion. It is not acceptable practice to make a statement that cannot be established even if the author thinks it may be true. A statement of significance is a summary, therefore it is necessary to consider the supporting material where specific assertions or statements are made to test whether they are properly established.</p>	<p>Agreed. The R&H report does assess the very scarce comparative material available through the State Heritage Inventory and State Heritage Register databases (refer to pages 19-20). The lack of a thorough study of the actual interiors (rather than those available in magazines and journals) affects all assessments of significance. Dr Scott Robertson has been invited to lecture publicly and to write on this period of architecture as well as being the author of the recognized benchmark study of interwar housing in NSW.</p> <p>We have not been able to uncover similar contributions to the field of twentieth century residential architecture by Mr Davies.</p>
<p>p. 4: For simplicity I have taken the statement of significance from the Robertson Hindmarsh report and separated it into criteria and then separated each specific matter for comment. Having done this, it is necessary to then comment on the statement holistically as it is not only each statement that matters but the collective value of the assessment. It is noted that the statement of significance set out in the Planning Proposal differs to that in the assessment document which confuses an understanding of the Planning Submission. It is not clear why the Planning Proposal deleted and slightly re-worded material from the assessment.</p> <p>The analysis below adds the deleted material for completeness even if it is not relied upon in the Proposal. The added material is indicated by italics.</p>	<p>Rather than creating simplicity, the inclusion and dissection of the Statement of Significance in the Robertson & Hindmarsh report has created confusion. The Robertson & Hindmarsh Statement of Significance (R&H SOS), along with the remainder of the R&H report has been used by Council to inform Council's decision. The Statement of Significance included in the Planning Proposal is Council's adopted position on the significance of the subject property.</p> <p>The assessment criteria were already separated in the R&H report, along with the guidelines for inclusion/exclusion. There was no need to arbitrarily divide the summary Statement of Significance into the separate criteria. Moreover, breaking sentences into phrases and then criticizing those phrases is misleading. Sentences and concepts must be examined holistically for their meaning.</p> <p>The Davies report is not responding to the Council's Planning Proposal but to the R&H report as it states that it has used the Statement of Significance from the Planning Proposal but has added the missing parts from the R&H report's summary Statement of Significance. In addition, on page 1 of the Davies report it is stated, "This document is a review of the heritage report prepared by Robertson and Hindmarsh for Inner West Council".</p>

Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
Historical local - criterion A	(a) An item is important in the course, or pattern, of NSW's cultural or natural history;	The Davies comment is an abbreviation of the criterion's wording: "Criterion (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)." This is an important omission of emphasis as the Planning Proposal seeks to have the item listed as a Local item and not a State item. The NSW Heritage Manual introduced the "local" wording in an update in 2001. It would appear that the consultants may be using a superseded version of the manual.
No 73 The Boulevard Dulwich Hill (Bertsonie) is of historical significance at a Local level as an example of an Interwar bungalow....	The address and name of the place are of no significance. This part of the statement attributes significance as the building is an example of an Interwar Bungalow. This is then explained below, but being an Interwar Bungalow, in itself, is not a reason for heritage listing	This is an example of the misleading and nonsensical division of sentences into meaningless phrases. It is usual to start a heritage listing Statement of Significance with the name and address of the item.
that constituted an important component in the infill development of the inner western suburbs (in between earlier Victorian and Federation houses)....	The importance or otherwise of Interwar infill development in the inner west is not established. A similar argument could be made for the adjoining blocks of home units. They are now an important infill development of the inner western suburbs (in between earlier Victorian, Federation, Interwar and post-war houses). Their significance is that they form a major layer of development through the area that redefines the character, just as earlier infill developments changed patterns and character. This is not specific to this property and the place is not an exemplar of infill development.	It is accepted that the subdivision of large estates into smaller subdivisions and allotments is a common historical event occurring in the increasing densification and development of towns and cities. The subdivision of the grounds of larger gentlemen's villas is characteristic of certain parts of Sydney whereas in other areas the subdivision is of rural estates. The resulting bungalow and residential allotment is only one aspect of its historical significance but it does reflect, in physical form, this historical process. Of course, this is not specific to this property but, as stated, is one aspect of its historical significance.
...as well as being the result of the demolition of larger houses and subdivision of their grounds.	No 73 is a lot cut out of a much larger holding (the earlier site was subdivided into 8 lots) in the early 1920s. Only several of the 1920 period houses remain, with unit and other development now found on the other 6 lots. There is no particular significance in the sub-division of the land and the creation of new lots. The lots are close to the original intended lot sub-division for the area and have buildings from later periods rather than the first phase of Victorian development. Neither the type of subdivision or the nature of the sub-division are important or warrant heritage listing. Every lot has been a result of some form of sub-division of earlier larger grants/estates or larger lot purchases. There are no grounds for significance.	The fact that the Victorian period house has been demolished does not diminish the historical significance but, again, reflects the historical process of the subdivision of earlier, large estates.



Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
	<p>This statement, while not being specific about what aspects of the place form the significance, is a fairly typical statement that could be applied to any roughly similar house and would usually be stated for a house that retained a relatively high level of external integrity. The reason for this is that most assessments are streetfront external assessments and the form and integrity of the exterior of the house is a key factor.</p> <p>In terms of the external form and integrity of no 73, it is absolutely clear from street and site inspection that:</p> <ul style="list-style-type: none"> - The building itself is not exceptional and from a street inspection would not attract any attention as a heritage item. This is based on having undertaken thousands of assessments of potential heritage items. - The building has a quite low level of integrity externally. Changes and alterations to the house that reduce the integrity of the place include: <ul style="list-style-type: none"> - the major roof addition that completely changes the form, appearance, proportions and scale of the building to a point where it no longer reads in the street as a Californian bungalow or any specific variation of that form. - the infilled front verandah that while technically possible to 'reverse' involves changes in finish to face brick walls, infilling ventilators and the removal of floor and other finishes. - changes to windows and the loss of some early openings in several areas of the house 	<p>Whilst assessments for conservation areas may be based largely on the external appearance of the building(s) assessment of a building as an individual heritage item must be based on the interior as well.</p> <p>The standard instrument for LEPs now includes interiors in clause 5.10. In light of this, Councils have been working through their schedules to include interiors and other elements such as fences and gates in the heritage items listed Schedule 5: Items of Environmental Heritage. DCPs contain provisions to protect interiors.</p> <p>It is not possible to separate the interior and the exterior of the house when assessing whether the house meets the threshold for listing as an item of environmental heritage. We withheld our opinion regarding the house until after the exterior and interior had been inspected and we had undertaken research and carefully considered the matter.</p> <p>We disagree with this opinion and consider that this has been dealt with in the Planning Proposal.</p> <p>The roof does not "completely change" the building. The roof form is the same but the proportion of roof to wall has been changed. The heightened roof repeats the original simple gable form and continues the tile finish so that the effect of the original appearance is maintained. It was never a Californian bungalow but a Craftsman-inspired bungalow influenced by Gustav Stickley's Craftsman Magazine.</p> <p>From the street, the infilled front verandah does not destroy the appearance of the building as the form and detail of the front verandah remains.</p> <p>With the exception of the pantry window, all the Ground Floor windows on the south side are the original timber windows. All the windows on the north side of the house are the original timber windows. The verandah windows are not original and the French doors from the south front room to the verandah are missing (although replacements could be manufactured based on the Hall double doors). The windows and</p>

	<p>- it appears the roof material has been changed although it does remain as tiles (this is as the whole house has consistent roof tiling including the additions which suggests it has been re-roofed).</p> <p>Councils vary in how they assess contributory buildings within conservation areas, it is common to identify places as contributory or neutral, some councils also separate contributory buildings into two categories, A -those that are largely intact and B - those that still contribute but are altered to a point where it is unlikely the alterations will be reversed. To put this place in context, it would be considered to be a contributory B building if it were within a heritage precinct. It is not a heritage item when compared to how other places are listed within the former Marrickville area.</p>	<p>doors at the rear of the house are new items within original openings.</p> <p>The bituminous sarking under the tiles is early so the date of retiling the roof cannot be assumed to be a recent occurrence. The sarking also conceals the tile manufacturer's name which makes dating difficult. There are patches of new replacement tiles.</p> <p>Eventually all roofing materials require replacement. This does not necessarily diminish significance, that depends on how much the details and original design have been altered.</p> <p>Discussion regarding heritage conservation areas is not relevant in this instance.</p> <p>Inner West LGA is now a combined LGA with more than one approach to heritage conservation areas reflected in the varied DCP controls for Haberfield, former Leichhardt and the remainder of the LGA. The approach for the new combined LEP heritage schedules and HCA has not yet been determined but will be in accordance with current best practice in heritage conservation.</p>
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Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p>No 73.....Is an American-influenced bungalow and is a larger version of other bungalows in suburban Sydney and reflects the status of persons moving into the Dulwich Hill area.</p>	<p>The house is clearly American influenced, that is inherent in the Bungalow style. It is a slightly larger version of the house than some other examples (refer to later discussion of Heritage Area C1) but is also consistent with many examples of the style in terms of scale. The reference to Sydney is very broad and the statement suggests this house stands out in relation to most buildings of this style in 'Sydney'. The statement is not tested or established and appears to be simply an observation that is not valid. There are areas of 'Sydney' that demonstrate buildings of similar and greater scale and areas that contain very modest examples of the style.</p> <p>Unqualified, broad assertions such as these cannot be relied on to establish significance and are misleading as they purport to give value and significance where it is not established.</p> <p>The reference to the status of people moving into Dulwich Hill applies to this house and most of the Interwar (and any other period) houses in the suburb.</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>The bungalow type is not inherently American but is also a British phenomenon. The subject house is, however, influenced by the American Craftsman aesthetic (as opposed to the Californian Bungalow aesthetic more widely adopted in Australia) and does reflect the Australian interest in American culture. Australian magazines of the period contain images of Americans enjoying BBQs and other outdoor activities with statements regarding the similarities between the USA and Australia in terms of youth, expansion, climate and lifestyle.</p> <p>The house is American-influenced, it is larger than other (but not all) bungalows and the commissioning owner had status within the Sydney</p>

	<p>It does not distinguish the place above other Interwar houses in the area, it does not establish significance, it does not provide a framework that is valid or tested and the statement as written distorts the value of the place through suggestion and inaccuracy.</p>	<p>Jewish community. The owner's daughter and wife were reported in the Sydney Jewish press as travelling to the USA which reflects their wealth (in that they could afford to travel overseas) and status within the Sydney Jewish community. It also reinforces their interest in America.</p>
<p><i>No 73...has been altered with the addition of a first floor set of rooms and by extending the original roof up to enclose the new rooms. However,</i></p> <p>The ground floor plan remains almost intact and the original room uses are evident and so the house still allows an interpretation of the historic uses of the rooms</p>	<p>The significant and major alterations to the house are dismissed in the assessment.</p> <p>They have a significant impact on the integrity and presentation of the house that, at least in terms of external appearance, would suggest the place is not a heritage item. The alterations also include changes to the ground floor and a rear addition that is not noted but which also affects the integrity of the place.</p> <p>The use of the word "however" is disingenuous in this context as it links two unrelated ideas, dismissing the first negative idea by comparing it to an unrelated idea that is then given value. We would suggest that this is not an acceptable way to set out or consider significance.</p> <p>The author is quite able to consider the impact of the roof addition and the upper floor rooms on significance (we would suggest that in terms of the exterior of the building these are pivotal considerations that remove the ability of the building to be considered as a heritage item at all) and then to separately, as a different idea look at the layout of the ground floor. They are not related ideas.</p> <p>The majority of houses retain much of their intended layout, this occurs as houses usually (unless they are exceptional) contain living spaces, bedrooms, service areas and corridors and hallways and over time, while tastes may change, these remain the basic elements of a residence. With a house such as no 73 the arrangement of living and bedrooms remains largely evident.</p> <p>The major changes that take place to most houses are upgrades and rearrangement of bathrooms and kitchens and often the addition of a different living space that is better connected to the private outdoor area of the house. Usually this is an addition or adaptation of rear rooms.</p> <p>Room uses remain evident because it is a house. There are very few houses where the basic use of rooms is not evident.</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>The R&H report mentions the main alterations to the house but the report considers them to not affect the significance of the interior layout and decorative scheme of the main rooms.</p> <p>"However" is correctly used. One of the Oxford English definitions is: "for all that, nevertheless, notwithstanding" which is the sense in which it is used. In other words, despite the First Floor addition, the integrity of the main rooms remains intact as does the understanding of the room use. The Ground Floor Rooms have not been demolished or opened up into one another. In sympathetic ownership and design hands the alterations to the Ground Floor minor spaces could be reversed.</p> <p>The impact of the First Floor addition is acknowledged in the Statement of Significance as indicated by the correct use of the word "however". In other words, despite the alteration of the external appearance of the roof, the significance of the interior outweighs any impact such alteration has on the original integrity of the house. Moreover the exterior of the house is still legible as an Interwar Craftsman bungalow because the handling of the roof extension to conceal the First Floor has maintained the gable roof form and not added any distracting dormers or windows on the street frontage.</p> <p>But the majority of houses do not necessarily retain intact their decorative schemes of the principal spaces.</p> <p>The rooms retain their original room volumes and openings (with the exception of the pantry window).</p>

	<p>Stating that the house allows an interpretation of the historic uses of rooms is a quite ridiculous statement as the contemporary uses and the historic uses are almost the same and there is no need to 'interpret' this.</p> <p>The ground floor plan has been changed with the rear spaces altered, sub-divided, a stair added and additions to both the rear and to the roof area. The front verandah is also infilled with the addition of kitchen, bathroom and ancillary spaces. Part of the verandah infill is actually given a low level of significance in the assessment which seems odd. These changes do alter the understanding of the house but they are not specifically considered in the assessment. The change appear to be from separating the house into several apartments evidenced by having two kitchens (not addressed).</p> <p>If this statement is addressing intactness, it should be balanced and note that four rooms are largely intact as well as the entry hall but the verandah, rear rooms and bathrooms are highly altered.</p> <p>In any case the floor plan of the house is not exceptional (the inglenook is discussed later and is not mentioned as a feature of the floor plan in the statement).</p> <p>It is a typical speculative bungalow with the well-established pattern of side entry, two rooms across the front opening onto a generous verandah (one of which would have been a sitting room and one a bedroom), a cross hall with the major living space opening off it and the usual rooms set around a side hall running from front to back. None of this suggests or supports the place being considered as a heritage item.</p>	<p>The timber panelling around the inglenook and the timber beamed ceiling clearly establish the Living Room as the principal room of the house just as the decorative plaster of the north front room indicates its use as the original main bedroom.</p> <p>With the exception of the rear bedroom, the rear rooms have not been subdivided.</p> <p>The front verandah infill and use as a bathroom and kitchen do not alter the understanding of the original use of the verandah.</p> <p>The other rooms are altered but "highly" does not describe the reversible nature of the verandah infill, or the painted joinery of the Dining Room or small bedroom. The only highly altered space which would be difficult to reverse would be the addition of the stair in the third bedroom.</p> <p>The inglenook IS included in Planning Proposal Statement of Significance.</p> <p>Most speculative house plans are variations on consistent themes and the Statement of Significance does not state that the planning is "exceptional", in the dictionary sense used in the Davies report, but rather "exceptional" in accordance with the Heritage Manual definition.</p>
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Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
...and an understanding of the way of life.	<p>This suggests that this house can demonstrate to a level that other houses cannot, the way of life in the Interwar period. This is not correct and is not an element of significance.</p> <p>If this were correct every Interwar house that retained a reasonable amount of its interior would qualify as a heritage item.</p>	<p>There is no suggestion that this house demonstrates a way of life that others cannot. Through the use of the hierarchy of original decoration it does indicate the hierarchy of room use which reflects a way of life of that period in a way that other houses whose decorative schemes have been removed or are simpler does not do. It does show the "pattern ... of the cultural or natural history of the local area".</p>



<p>The survival of the original milk box and bread delivery system is also significant in being a physical manifestation of a food supply system that is no longer extant but is of historical and social importance.</p>	<p>The milk/bread box located at the rear of the house is a small remnant element that was typical of many houses through to the 1960s. I own a 1963 home unit which has a milk/bread box near the front doors of the floor.</p> <p>The box remains, not used, it has not 'survived' at least no more or less than the rest of the house that remains. The use of the phrase 'physical manifestation' I would suggest implies a value that does not exist or does not exist to a level of significance that warrants inclusion in a heritage citation.</p> <p>The home delivery of food products - bread, milk, ice and also fresh food is a practice that operated widely and over a long period of time. The provision of a small opening to locate items is not unusual, is widespread and can be found in many residential buildings. It is not a sufficient reason to heritage list a building. It is also noted that while it remains it is no longer accessible to the exterior. Its historical value is very limited.</p> <p>If the place were actually of such significance that it warranted heritage listing, keeping the box, as one small element of an otherwise intact building could be justifiable, however, that is not the situation for this building.</p>	<p>The milk/bread box does remain and does provide a physical, visual illustration of a previous food delivery system and is, therefore, important. It is yet another one of the cumulative elements of the house's ability to demonstrate a past way of life (which is what buildings of historical significance do).</p>
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Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p>The survival of the 1920s asbestos cement clad garage is of significance as tangible physical evidence of the spread of car ownership in the interwar period.</p>	<p>The statement of significance obfuscates significance in the use of terms such as 'physical manifestation' and in this statement 'tangible physical evidence'. The phrases are value loaded and imply a level of significance that is not established. The garage is generally in its original form, is extant and is an element of the site that dates roughly to the time of construction of the house. Driveways and garages had become a standard feature of housing during the Interwar period. Initially the domain of the well-off, by the 1930s driveways and garages were appearing in new housing development, even modest housing. The garage is in poor condition, is clad in asbestos cement (which will be removed irrespective of this proposal) and while having some significance as a remnant element has no particular significance above other garages that may exist that more than adequately demonstrate the rise of car ownership in the period. Later in this review an advertisement for garages from the period is included to demonstrate that it is a typical off-the-shelf building that were built extensively across Australia.</p>	<p>The garage is a physical object which is tangible (ie real).</p> <p>The construction of separate garages was a phenomenon of the mid to late 1920s. More often than not they were constructed after the house (as indicated by the author's research in Ku-ring-gai where the building register listed increasingly numerous Building Applications for garages. It was not until the 1930s that garages were constructed at the same time as the houses (using the same materials and same design aesthetic as the house) and, in some cases, an integrated porte-cochere over the side main entry door.</p> <p>The removal of asbestos cannot be assumed "irrespective of this proposal" as it can remain and be adequately managed and, even if it were to be removed, its replacement with fibre cement sheets reinstates the appearance and allows continued interpretation of the period when the inclusion of garages was not the norm.</p>

Criterion b	(b) An item has a strong or special association with the life or works of a person, or group of persons, of importance to NSW's cultural or natural history	<p>The Davies comment is an abbreviation of the criterion's wording: Criterion (b): An item has a strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)."</p> <p>This is an important omission of emphasis as the Planning Proposal seeks to have the item listed as a Local item and not a State item.</p>
The ground floor plan remains almost intact and the original room uses are evident and so the house still allows an interpretation of the historic uses of the rooms...	This statement does not satisfy criterion b. The criterion has been incorrectly used. Criterion b is not relevant to this site as there is no strong or special association with the life or works of a person, or group of persons, of importance to NSW's cultural or natural history. If the statement were applicable (which we conclude it is not) it would more correctly fit under a or g.	We consider the planning of the house "shows evidence of a significant human occupation", ie well-to-do middle class bungalow occupants reflecting aspirations of the well-crafted bungalows of the American Craftsman and Arts and Crafts movements.
Aesthetic Significance – regional criterion c	(c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW;	<p>The Davies comment is an abbreviation of the criterion's wording: Criterion (c): An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)."</p> <p>The current Assessment Criteria from the NSW Heritage Manual should have been employed by Mr Davies.</p>
	<p>The use of the term 'regional' as a way to define significance is no longer used. Significance is assessed as either local or State. Other levels of significance (National etc.) exist but do not apply to this assessment.</p> <p>The author has not made an assessment against State significance criteria and it would be hard to argue State Significance for the elements noted in the statement of significance.</p> <p>I conclude that there is no basis to consider any aspect of the building as being of State significance.</p> <p>If State significance was being argued, it would require a referral to the NSW Heritage Division to determine if they were of the view that the place was likely to have that level of significance. This has not been suggested in the assessment.</p>	<p>We agree that the Regional level of significance has not been in use for a number of decades as an official designation of a level of significance. However, our research has indicated the Craftsman bungalow could be found in the larger Sydney region.</p> <p>The Level of significance is Local and no attempt has been made to assert that the subject property is of State significance.</p>



Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p>No 73 The Boulevard Dulwich Hill is of aesthetic significance at a regional level.</p> <p><i>Whilst the exterior... is a simple bungalow form that is representative of speculative housing, the interior of the house contains exceptional interior detailing that is unusual for speculative housing because of the intact nature of the decorative ceilings, joinery, wall panelling and flooring in the Entry vestibule, Cross Hall, Living Room, Dining Room and Bedrooms 1, 2 and 3....</i></p>	<p>Intactness is not on its own a criterion to establish significance. However, if a place or parts of a place are intact that may add to their significance in a particular criterion. In this case, if the nominated interiors were determined to be of high significance, the question of intactness would then inform that and would assist in determining how the element could be managed.</p> <p>The nomination for aesthetic value only considers the interiors as seen in 7 spaces, 2 of which are hallways. The room names refer to current uses and not historical uses which appears to slightly conflict with earlier statements about being able to interpret the historic uses of spaces.</p> <p>The analysis also avoids reference to parts of the place that have changed. If a specific element of the house is of very high significance, that may be sufficient to support a listing, but usually, it is the combination of elements of a place, often just exterior but ideally exterior and interior elements that together demonstrate significance.</p> <p>It is quite rare for an interior to be listed without an exterior. There are a number of buildings listed in Marrickville with an inclusion for the interior but none just for an interior. This suggests, as a threshold issue that for a building to be listed just for an interior (as appears to be the basis of the assessment) it would have to be exceptional.</p> <p>This statement appears to change its assessment of the exterior noting it is a 'simple speculative bungalow' where earlier it was given greater value for its aspirational qualities. The statement, starting with 'while' actually suggests that the exterior is not significant.</p> <p>The rest of the statement is confused as it notes the interiors are exceptional because they are intact. This cannot be correct. They may be intact and the main rooms and hall are largely intact, but this is only of importance if the interiors are actually significant.</p> <p>The test for significance for the interiors is difficult as there is very little comparative material available against which to make an informed and balanced assessment. At no point in the report is the claimed 'exceptional' quality of the interiors actually established.</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>We agree that intactness of itself is not sufficient for listing. It is recommended that wording from our individual criterion "exceptional interior detailing that is unusual for speculative housing" be added to the summary Statement of Significance. "Exceptional" in this case is the meaning ascribed in the NSW Heritage Manual. This manual was developed in consultation with the profession and is generally used by all heritage consultants.</p> <p>We are not stating that the house be listed as an interior only. In the R&H report, we ascribed levels of significance to the exterior as well as the interior. The quality of the interior decorative scheme in the principal rooms is such that the house should be listed and that the alterations to the exterior of the house do not detract from the significance in a material manner.</p> <p>"Whilst" has not been used to suggest the exterior is not significant. It has been correctly used to indicate that the quality of the exterior and interior are different and that, despite that difference the exterior is still significant.</p> <p>See our comment above regarding the quality of the interior detailing that we believe should be included in the Statement of Significance.</p> <p>It is difficult to make an assessment either for or against the relative significance of an interior because of the lack of available research which is why the item is proposed for Local listing.</p>

	<p>Exceptional is defined as (OED) 1 Unusual, not typical; 2 unusually good, outstanding. The first question is whether the interior is actually exceptional under these descriptors and then whether the use of this type of interior is 'unusual' in this type of dwelling.</p> <p>We would suggest that the interior is not in any way exceptional and the use of the fitout in this type of building is not unusual. They are separate considerations and should not be confused. The reasons for this are:</p> <p>1 There are numerous examples of similar interiors in Interwar houses, not exactly the same as this, but incorporating elements of the style and often specific 'design features' most likely to give the property an element of difference or attraction in the market. They are advertised in magazines from the period and can be seen in illustrations in real estate websites across the area and more broadly across Sydney. We are not aware of any specific study of this and there appears to be little researched comparative material to assist in informing the matter.</p> <p>2 The fitout appears to be a standard one in that it is purchased from a generic design and applied to the building. It is a standard product, an attractive one, but not bespoke and not of exceptional design.</p> <p>3 The quality of the fitout is standard and is neither exceptional or unusual. The details are basic, the timberwork detailing is ordinary and the installation while competent and reasonable does not demonstrate a high level of craftsmanship, design, detail or the finesse that would</p>	<p>The Oxford English Dictionary definition of "exceptional" is irrelevant as the NSW Heritage Manual definition is the relevant definition in this instance. As noted above, heritage consultants should be using the terms as defined in the NSW Heritage Manual.</p> <p>The use of beamed ceilings in more than the principal living space and Hall is unusual and the presence of a completely recessed inglenook in a house such as this is unusual.</p> <p>The example cited by the Davies report on page 21 is an architect-designed house constructed in Victoria. As such it is not relevant to a proposed Local listing in the Inner West LGA.</p> <p>The examples cited by the Davies report on page 22 are architect designed houses constructed in South Australia. As such they are not relevant to a Local listing in the Inner West LGA.</p> <p>On-line real estate websites have already been cited by other consultants but none of the houses reflect the Craftsman interior displayed by the subject house. It is not evident that Mr Davies understands the difference between the broader category of Californian Bungalow, popular in Australia and introduced into Australia, primarily based on recently erected buildings in Pasadena, and designs directly influenced by published drawings in the Craftsman Magazine. The difference was appreciated at the time the house was constructed. For example, a 1918 bookshop advertisement (NSW Bookstall Co Ltd) advertised a number of housing books. One was called "Typical California Bungalows" and another was called "Craftsman Bungalows." (Freeman's Journal 21 March 1918).</p> <p>There is no evidence to support or counter this statement in the Davies report. At least one of the examples provided in his report appears to be a one-off architect design. They are not drawn from architectural pattern books. The text that accompanied the illustration is not given, for example figure 12.</p> <p>The materials of the subject house are original, the finishes are original (or were when inspected by R&H) and they reflect the simple stained finishes</p>
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	<p>expect to be found if the fitout was exceptional.</p> <p>This is seen for example under the hall window where panelling is not matched or symmetrical.</p> <p>Most of the fitout is simple square timber sections fixed over plywood panelling, there is a modest timber bracket supporting the plate rail, glazed doors to the bookshelves in the inglenook and a small amount of detail to the columns.</p> <p>Otherwise the interiors are standard, relatively ordinary and are not exceptional or unusual. The fitout is what would be expected to be seen from a massproduced design applied to a standard building.</p> <p>4 The addition of features such as the inglenook, the hall framing and the glazed and panelled doors are all interesting variations but are not exceptional. Other examples of design features include bay and corner windows, windows around fireplaces, seats, built in joinery, inter-connected rooms, variations on hallway design, use of verandahs to supplement internal spaces (not sleepouts although they are also found widely in the style), the use of leaded and stained glass, etc.</p> <p>5 Other elements, not noted in the assessment, such as the fireplaces and surrounds do not support the concept of exceptional. In the main rooms there are three different fire surrounds: the one in the inglenook is brick using standard Californian Bungalow detailing (not exceptional) which has been altered with a new fire insert but which is consistent with the interior fitout and two in the front rooms, one of which is marble and Victorian in style and appears to be</p>	<p>of the Craftsman aesthetic. From one of the photos in the Davies report, it appears that some of the stained timber elements in the Living Room have been painted white since the inspection by R&H.</p> <p>Again, the Davies report uses "exceptional" in the OED sense and not in the sense of the NSW Heritage Manual.</p> <p>The Davies report is stating that, because the timber battens covering the timber panels does not line up with the window that this indicates substandard detailing. However, examination of the wall indicates that the panelling subdivision on the south wall of the Vestibule is symmetrical across the width of the wall but the window is not centrally placed in that wall. It is off-centre in the room but is centred on the double doors to the Hall, which is why the window is not centred on the panelling. This is not a mistake or evidence of sloppy workmanship but a part of the design.</p> <p>Indeed, the timber detailing is square and simple. This is point of the Craftsman aesthetic.</p> <p>The timberwork is original & essential to the understanding of the place (ie "exceptional" in the terms of the Heritage Manual) and is unusual with regard to the extent of panelling and timber screen work in the Hall and the timberwork around the inglenook.</p> <p>The fireplace in the inglenook cannot be separated from the built-in seats, cupboards, square tapered columns and the fact that the inglenook is a true nook recessed in the wall and not just occupying corner of a room. This inglenook has been carefully designed and integrated into the scheme of the room. The reverse taper of the mantel shelf is an interesting inversion of the more usual detail for a shelf</p>
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	<p>unrelated to the other fitout. It is possible it is a later fitout addition to the building. The third fireplace is a well-designed brick typical fire surround from the Interwar period with the odd addition of halftimbering above it. It is not exceptional</p> <p>6 The floor boards are not exceptional or unusual or particularly interesting, they are typical floorboards from the period, some may have been replaced and some areas have been refinished so that the finish through the various rooms varies. The second hallway is tiled (modern) presumably over the floorboards.</p> <p>7 The description in the statement of significance is incorrect and overstates the fitout. It notes "...intact nature of the decorative ceilings, joinery, wall panelling and flooring in the Entry vestibule, Cross Hall, Living Room, Dining Room and Bedrooms 1, 2 and 3..."</p> <ul style="list-style-type: none"> - the two front rooms (called bedrooms) are not timber panelled as claimed - the living room, apart from the ingle is not timber panelled - the 3 bedrooms do not have decorative ceilings <ul style="list-style-type: none"> - the cross hall does not have an intact flooring, decorative ceiling, panelled walls or intact joinery - doors in the house are varied and some early doors remain but others have been replaced with modern doors or had doors removed. <p>We have attached a marked-up floor plan showing where the fitout exists and what is there with photos of the various spaces. This demonstrates with clarity that the interior is not exceptional or unusual.</p>	<p>detail and reflects similar detailing by Walter Burley Griffin in his houses.</p> <p>The marble fire surround in the south front room may be a later alteration to the house or it may have been a request by the commissioning owner. There is no documentary evidence either way. It is an anachronism within the overall scheme of the house.</p> <p>The "half timbering" (ie the vertical timber battens fixed to the plastered wall face and connecting the timber mantel shelf to the picture rail) is not "odd". It is a design feature integrating the fireplace within the chimney breast and the scheme of the room.</p> <p>The floorboards are typical but they are original (therefore "exceptional" as defined in the Heritage Manual) and in good condition in most of the principal rooms.</p> <p>The Davies report misinterprets the statement as it is a summary of elements and is not claiming that all these elements are in all the rooms. The R&H report does not claim that the two front rooms are timber panelled (see page 6 of that report). It also does not claim that the Living Room is panelled throughout (see page 6).</p> <p>The three rooms described as bedrooms do have decorative ceilings. The south front room has a timber beamed ceiling, the former main bedroom (the north front room) does have a decorative plaster ceiling and the bedroom at the end of the cross hall has a timber beamed ceiling. Mr Davies' statement is incorrect.</p> <p>The cross hall (ie the hall that crosses the house from south to north) does have an intact original timber floor; intact original ceiling, intact original wall panelling, and intact timber screen at the hall's end, intact original glass & timber double doors separating it from the entry vestibule, intact original glass & timber sliding doors separating it from the Living Room and original panel doors on the north front room and the bedroom at the end of the hall. The only non-original joinery in the cross hall is the missing door to the south front room.</p>
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Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p>...are excellent examples of the application of Gustav Stickley's Craftsmen Houses to the Australian upper middle-class mass housing context.</p>	<p>There is no detailed analysis to support this statement. There are example of Stickley's work in California and it is known that mass produced elements of his style were in Australia (sometime after he died) and were available to use in interiors. It appears that the Australian materials were not exact replicas of his work but derived from and were influenced by it.</p> <p>There is no detailed analysis of the interior to determine if the work is actually 'excellent' (see above) and there are no comparisons with other interiors that may be similar in order to establish what is an excellent example if the term can be applied at all.</p> <p>There is also no evidence that Stickley interiors were used in what is, I would suggest, wrongly described as the 'upper middle-class mass housing context'.</p> <p>The upper middle class did not aspire to be part of a 'mass housing' movement. A useful comparison in the vicinity is Heritage Precinct C1 in Dulwich Hill - Abergeldie Estate - that comprises largely Interwar with some post war housing. It is included as an appendix with the citation for the precinct. Interiors have not been inspected (which is the norm in undertaking heritage studies). A simple review on goolemaps or similar shows largely continuous streetscapes of upper middle class inter housing similar to no 73, most houses slightly simpler in form but several having very similar overall characteristics to no 73. The precinct has very high integrity and there are few detracting additions or alterations evident. Some of the housing stock is excellent and most is highly representative of the period.</p> <p>The Precinct is also an exemplar in representing the sub-division of an earlier large estate (Abergeldie) to create consistent layouts and new 'infill' development. In comparison, 73 The</p>	<p>As mentioned above, by at least 1918 the Craftsman Bungalow was an established concept in Australia and information was freely available in books as well as directly from the pages of Craftsman Magazine itself. Craftsman furniture was available for purchase in Australia.</p> <p>Whilst there is no documentary evidence to support either the purchase of off-the-shelf interior elements or the commissioning of bespoke items, the physical appearance of the decorative elements and their design within the house are obvious references to the Craftsman bungalow aesthetic and the design of the inglenook, in particular, indicates a design maturity that is not reflected in the examples from magazines cited in the Davies report (ie the inglenook fully recessed so that draughts are excluded).</p> <p>Dr Scott Robertson, who has been an invited speaker for Sydney Living Museums on the development of the Bungalow in NSW, reiterates his opinion based on the physical evidence of the house and the numerous interiors of the period he has inspected; the interior of the subject house is an unusually fine interior to be found in what, from the outside, appears to be a speculative Craftsman-inspired bungalow.</p> <p>The Abergeldie Estate is a late 1920s and late 1930s housing estate. The author has been inside some of the houses in the estate on an Art Deco Society of NSW tour. The interiors inspected were in the 1930s houses which had restrained 1930s interiors and, in the houses inspected on the tour, there was no timber panelling or inglenooks.</p> <p>The Abergeldie Estate is different to the context of the subject building and is not relevant.</p>

	<p>Boulevard does not demonstrate any characteristics of a sub-divided early estate. In terms of streetscape value no 73 The Boulevard is a highly compromised house when compared to the housing in this precinct.</p> <p>While some of the housing is more modest there are houses of equivalent scale and design approach to no 73. There are no heritage items in the precinct.</p> <p>While interiors have not been visited (not possible) it would seem highly probable that some of these buildings contain interior fitout similar to that found at no 73, particularly as the fitout is known to be not bespoke but mass produced. This is reinforced by online viewing of Interwar housing for sale in the area that shows a range of 'intact' interiors. We have not included this material directly but can provide links to various properties in the area.</p>	
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Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p><i>The surviving interior...is a rare surviving substantially intact example of a "Mission Craftsman Interior", a popular style in Sydney bungalows dating from 1917-1925.</i></p>	<p>The analysis in the heritage report does not establish that the interior is rare. It says it is but there is actually no evidence to support the claim.</p> <p>Apart from the authors brief history of craftsmen interiors there is no information on whether they were predominant, who purchased them (presuming they did) and where they were found. The report states they were largely in NSW but again this is not established.</p> <p>The assessment suffers from opinions without substantiation. This is not adequate to support a listing of a nominal place.</p> <p>The purpose of an IHO is to provide time to explore significance. The heritage report fails to do this. The report needs to establish (if the place were to be determined to be significant) a researched analysis of this type of interior, actually establish if it is rare in itself as a type of interior and whether others exist, where they were built, how does this interior compare to others, etc. Then the research needs to determine why this particular example is important in contrast to other interiors, particularly given that the house otherwise is very compromised.</p> <p>The author may have a specific interest in this type of interior but that should not affect a balanced assessment of significance.</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>The rarity of Craftsman interiors in the Inner West LGA has been discussed before. The Davies report has not produced evidence to the contrary.</p> <p>The R&H report has explored the significance of the subject property and has concluded that there is sufficient evidence for the house's listing at a Local level.</p> <p>The author has expertise in assessing the significance of Interwar housing stemming from his study in 1993-96 for the National Trust of Australia which recommended numerous</p>



		<p>potential Urban Conservation Areas in NSW. Most of these were endorsed by the National Trust Council as Urban Conservation Areas and some were investigated and either wholly or partially recommended by a number of Councils as statutory Heritage Conservation Areas.</p> <p>In addition that expertise was recognised by the NSW Historic Houses Trust (and its successor, Sydney Living Museums) in being invited to lecture on the interwar bungalow and leading guided tours of interwar buildings and areas. However, the author's interest is not confined to interwar housing as he is President of Docomomo Australia (the Australian branch of an international organisation dedicated to the conservation of buildings and neighbourhoods of Modernist architecture).</p>
<p><i>The interior is of a similar standard to contemporary examples published in the first half of the 1920s, the survival of which has not yet been confirmed. The design importance of the 'Mission Craftsman Interior' style predominantly only found in NSW.</i></p>	<p>This is not correct based on the material provided and should not be relied on to establish significance.</p> <p>The examples cited are architect designed (and occupied dwellings) that appear to be bespoke fitouts of good quality. They are refined and elegant and featured in design magazines. No 73 is not of this quality or finesse. This is visible on close inspection. It is obviously a standard product fitted to the building (this alone does not preclude significance). The joinery is basic and reasonably well fitted but is not fitted using symmetry (panels do not relate properly to openings) and the detail is very basic. It is quite attractive however and certainly adds interest to the interior but this does not mean it is significant.</p> <p>This building is a standard Californian Bungalow in much of its detail.</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>There is no evidence that the joinery is "a standard product fitted to the building". Physical inspection of the joinery indicates that it was tailored to the building and there is no documentary evidence to indicate that it was purchased as a standard product. As stated previously, the hallmark of the period's detailing was simplicity and rectilinearity.</p>

Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p><i>No other intact examples with an inglenook, beamed ceiling and internal doors has been located. The other surviving examples have had one element modified.</i></p>	<p>To be relied upon, this statement needs to be qualified to make clear that the author of the report has not found any examples. There will be examples of this type of interior, it is just that the author has not found them.</p> <p>It then says they do exist but are altered. This appears to be conflicting analysis and does not say how many exist (in the authors experience) or whether they are better, worse, more or less significant etc. The statement provides no useful information in understanding whether no 73 is significant.</p> <p>If the style was popular and the elements are all standard and knowing that hundreds of buildings from this period survive, many</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>The rarity or otherwise of the Craftsman type of house and the rarity of integrated inglenooks has been discussed previously. In the absence of comprehensive studies or databases the frequency of such items cannot be measured definitively. The Davies report does not offer any local examples to refute the R&H statement.</p>

	<p>of which appear to be largely intact, to conclude that there are no other examples would seem to be an inappropriate statement in what is intended to be a definitive assessment of significance.</p> <p>The reference to the inglenook is also not supported. As set out below, even a cursory and quite random look at design magazines from the period reveals many examples with inglenooks across Australia that at least suggests that inglenooks were a reasonably common element of designs.</p> <p>It is not the role of this review to undertake a study of 'Mission or Craftsman interiors', the onus on establishing significance is with the council who wish to list the house and if that research and analysis cannot be provided or does not exist, listing should not proceed.</p>	
<p><i>The influences of the Craftsman Magazine and the Californian style of bungalow, reflected the trading route and exchange of ideas between Sydney and California between 1900 and 1930. The design demonstrates the adaptations of contemporary Californian architecture to Australia and its adaptation to suit the range of building materials in Sydney.</i></p>	<p>The first statement may be correct however there is no evidence or analysis to suggest that this design demonstrates a particular aspect or even a general way of adapting Californian design. It would appear that if the reference is to the building appearance externally, that this building (putting aside the changes) is no different to any other moderately sized building of this style. The building is not distinctive in any way.</p> <p>All bungalows used local materials and the whole use of the design in Australia saw an adaptation from the American buildings. This is obvious from illustration alone.</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>The significance of the subject building is a combination of the interior and exterior and not solely the exterior.</p>

Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p><i>Although now infilled, the front porch reflects a once common feature of residential architecture in suburban Sydney from the 1870s, the front sleep out porch. The enclosure of the front verandah is reversible and is only a temporary degradation in terms of the guidelines for exclusion.</i></p>	<p>The front porch was and remains a common feature of bungalows, it appears in many buildings from the period. This porch is altered and infilled. As part of an otherwise significant building, the porch would form part of its significance but as an example of a porch it is not of particular significance. It is of no greater significance than the side entry, the gable roof form, the use of dark bricks, etc. It is as standard element of the style.</p> <p>The verandah could be opened up, that is true, but the changes within it to create bathroom and kitchen have affected the base material to a point where it cannot be recovered easily to its original form. The walls are rendered and tiled over the face brick, doors have been removed, the floor has been altered, the ceiling has been replaced, services have been installed and the recovery would now require reconstruction of the porch area.</p> <p>While reversibility is possible for this area it is unlikely to take place if the building were</p>	<p>The text in red italics has been added by the Davies report and does not form part of Council's Planning Proposal.</p> <p>The verandah remains visible and retains its verandah appearance, albeit enclosed. As such it retains the ability to be interpreted as a verandah and an integral part of the design of the house.</p> <p>It is not possible to speculate whether a different owner would or wouldn't reinstate an open verandah or be willing to undertake the expense of so doing.</p> <p>The Davies Report agrees that reversibility is possible.</p>



	<p>to remain as it involves significant construction work.</p> <p>There is no discussion of the other major changes to the house and in particular the upper roof addition. This would seem to be a selective approach to considering significance. The major roof addition that changes the whole roof form and distorts the form and arrangement of the house (Similar to the recent and exceptionally poorly designed additions to 73A that also have a major impact on its significance) is not considered in terms of reversibility, its impact on the place and the overall affect on significance.</p>	<p>The roof alteration to No. 73 is mentioned in Criterion (c) on page 21 of the R&H report.</p>
Social significance - criterion d	<p>(d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;</p>	<p>The Davies comment is an abbreviation of the criterion's wording: "Criterion (d): an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons or an item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons."</p> <p>The current Assessment Criteria from the NSW Heritage Manual should have been employed by Mr Davies.</p>
The survival of the original milk box and bread delivery system is also significant in being a physical manifestation of a food supply system that is no longer extant but is of (historical) and social importance.	<p>The milk box is also attributed social value. This is not an appropriate criterion to apply and the feature does not have social value. Social value is clearly defined as having 'strong or special association with a particular community or cultural group'. That does not apply to this item. If it had significance it would be limited to criterion a, which it does not do.</p>	<p>This has been dealt with previously.</p>

Paul Davies Pty Ltd summary of the Statement of Significance	Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
Rarity - criterion f	<p>(f) an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history;</p>	<p>The Davies comment is an abbreviation of the criterion's wording: "Criterion (f): an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history or an item possesses uncommon, rare or endangered aspects of the area's cultural or natural history".</p> <p>The current Assessment Criteria from the NSW Heritage Manual should have been employed by Mr Davies.</p>
The intact inglenook is particularly rare in any housing in Australia let alone suburban housing.	<p>This is an unsubstantiated statement that is no more than an opinion from the author. It should not form part of as considered statement of significance and throws doubt on the basis of the whole analysis. The statement is also untrue and suggests a failure in research and analysis. Inglenooks</p>	<p>The author has undertaken a statewide survey of interwar housing, has lectured on interwar housing and has undertaken architectural work on numerous interwar houses (primarily on Sydney's North Shore) in the past 30 years. The author has personally</p>

	<p>exist in a wide range of houses from a range of periods. The examples in various publications tend to be the grander and architect designed examples as would be expected, but like most architect designed features of bespoke housing, the elements are adapted for more modest buildings as design features, more modest and usually simpler to reflect the status of the building. There is no part of this building that is rare.</p>	<p>seen only one other fireplace with adjacent built-in seating at right angles to the fire in an interwar speculative bungalow. Therefore, in the absence of any heritage database listings or statewide studies, such an inglenook is, in the professional opinion and experience of the author, rare.</p> <p>As noted above, Dr Scott Robertson has been an invited speaker for Sydney Living Museums on the development of the Bungalow in NSW.</p>
Intact Craftsmen interiors of this quality and size are rare in the Sydney context and rare in the speculative housing market.	<p>Again there is no evidence to support this statement.</p> <p>Our assessment is that the interior is not of great quality.</p>	See the author's foregoing comment in response.
The survival of the original milk box and bread delivery system is also significant in being a physical manifestation of a food supply system that is no longer extant but is now a defunct way of life.	<p>This is previously discussed.</p> <p>Milk boxes are not rare, they are often found in buildings of this period.</p>	<p>In the absence of database listings or studies the statement that they are often found cannot be substantiated. In the opinion of the Davies report author, such boxes are common however, in the experience of the R&H report's author they are not common as they are often in the parts of houses that are remodelled, altered or demolished. In the author's experience he has seen the remains of such boxes in an apartment block in Woollahra, remains of such boxes in an apartment block in Orange and an operational milk box in a house in Mosman. Therefore, in the opinion of the author, whilst such boxes were common (even ubiquitous) they are now rare.</p>
Criterion g	<p>(g) an item is important in demonstrating the principal characteristics of a class of NSW's - cultural or natural places; or - cultural or natural environments.</p>	<p>The Davies comment is an abbreviation of the criterion's wording: "Criterion (a) an item is important in demonstrating the principal characteristics of a class of NSW's - cultural or natural places; or - cultural or natural environments (or a class of the local area's - cultural or natural places; or - cultural or natural environments)."</p> <p>This is an important omission of emphasis as the Planning Proposal seeks to have the item listed as a Local item and not a State item.</p>
	<p>Representative value is not specifically considered (probably as the report assesses the place as rare) however given the quite modest heritage values of the property overall, this is possibly the area that could be considered.</p> <p>We conclude that the place however does not satisfy the representative criterion as the extent of change, the overall low level of integrity of the place and the very obvious and visible changes to the building reduce its ability to be considered as a good representative example.</p>	



Paul Davies Pty Ltd comment	Robertson & Hindmarsh Pty Ltd comment
<p>p. 17: Some parts of the house remain with a level of intactness to the built form and using timber panelling, principally this is the entry hall and living room.</p> <p>All other areas of the house are nondistinctive and incorporate a range of related but not consistent materials.</p> <p>There is also an overlap in styles in the house with the cross hall using arched openings that derive from the earlier Federation and Victorian periods even though simple skirtings and architraves from the Interwar period are also used.</p>	<p>The Davies report understates the level of intactness. All the rooms, with the exception of the 3rd bedroom, retain their original volume.</p> <p>Davies Figure 5 (p.17) is incorrect as the front south room also has a timber detailed timber ceiling similar to the Entry, Hall, Living Room & Bedroom at the end of the Hall.</p> <p>Most of the rooms retain their original skirtings and architraves and finishes.</p> <p>The use of “nondistinctive” is again, value-laden. The hallmark of the architectural style was simplicity of timber detailing of which this house retains the majority of its original timberwork.</p> <p>It is not uncommon for there to be overlapping details from different styles in buildings of the Interwar period, even those designed by architects (Wyldefell Gardens at Potts Point being a well-known and well-publicized example with an Art Deco interior decorative scheme within a streamlined Modernist exterior).</p>
<p>p. 17: The building does not demonstrate a high level of intactness nor does it demonstrate to a high level (and not to an exceptional level) the Craftsman Bungalow form and detail that is argued in the heritage assessment. The place should not be heritage listed on the basis of intactness, rarity or integrity.</p>	<p>The Craftsman bungalow is rare within the Inner City LGAs. No other examples within the area now covered by the combined Inner West LGA have been cited in the Davies report. The building is proposed to be listed as a Local item, but it is to be expected that there might be other intact examples within this Local Government Area. This has not been demonstrated in the Davies report. The majority of the housing stock in the LGA dates from before WWI so any intact examples are likely to be rare.</p> <p>The principal rooms are highly intact and contain a rare inglenook in a possibly non-architect-designed house in a middle class development.</p> <p>The exterior, when viewed from the public realm, is intact with the exception of the height of the roof and the front verandah enclosure. The higher roof maintains the original form of the roof and the enclosure of the front verandah is reversible. Even if the enclosure is not reversed the original materials and detailing remains with only minor modification (eg the red brick ventilator infills)</p>
<p>pp. 18-19: The Davies report analyses the significance tables in the R&H report.</p>	<p>This table does not form part of Council's Planning Proposal.</p> <p>The only comment this response would make is that the Davies report uses the OED definition of Exceptional whereas the R&H report uses the Heritage Manual definition. For example, where a material or element is original it is “Exceptional”, where a room volume is original it is “Exceptional”, etc. This approach has been mandated and approved by the NSW Heritage Council in a series of endorsed Conservation Management Plans recently prepared by the author.</p>
<p>p. 19: The Robertson Hindmarsh assessment cites several examples of Craftsmen Houses, but as noted they are quite bespoke examples that are not similar to no 73.</p> <p>While this review does not purport in any way to have undertaken research to establish significance, or the even more difficult task of not establishing significance, it looked at two design magazines from the Interwar period, Australian Home Builder (January 1928) and Australian Home Beautiful (November 1922). They are two of half a dozen similar early magazines in our library and are taken at random.</p>	<p>The examples cited by the Davies report:</p> <p>pp. 21 & 22: The examples from the Australian Home Builder of 1922 are a Victorian architect-designed house and South Australian architect-designed houses. The built-in seats on either side of the fireplace in these examples do not constitute an inglenook.</p> <p>p. 23: The builder designed example cited is not a Craftsman bungalow. We have already stated that the plan type of Federation and Interwar houses was similar but it is</p>

<p>They illustrate in advertisements and articles 'standard homes' (that is not architect designed bespoke) as well as 'designed' homes that feature:</p> <ul style="list-style-type: none"> - sleepouts - side entry and cross halls - rooms of the same scale and form as no 73 - double doors to dining and living rooms - arched openings in hallways - design devices such as <ul style="list-style-type: none"> • bay windows, • bow windows, • fireplace inglenooks with and without windows • breakfast ingles • leaded glass, • shingles, • arches, • stucco, • timber panelling, • various forms of bays, • built in joinery • simple garages clad in AC 	<p>the decorative treatment that sets them apart and sets the subject property apart from a more standard interwar bungalow (especially in the Inner West LGA).</p>
<p>p. 25: CONCLUSION</p> <p>As stated earlier this response while not providing an alternative statement of significance or extensive research and detailed analysis on the background that is in the Robertson Hindmarsh report, it does explore the potential significance of the place and concludes that the house:</p> <p>1 is not exceptional externally or internally</p> <p>2 is not of regional significance as stated in the council report</p> <p>3 is not rare</p> <p>4 is highly altered and does not have integrity</p> <p>5 is a relatively ordinary example of its type that does not exhibit design excellence, craftsmanship or innovation</p> <p>6 does not reach a threshold to be considered for local heritage listing</p> <p>If the Council are of the view that a place could be heritage listed, it is incumbent on them to provide a balanced and professional report considering significance.</p> <p>This review concludes that the material that has led to the Planning Proposal proceeding is unreliable to a point where it does not give an accurate, balanced or fair assessment of the significance of the place.</p>	<p>Without research the Davies report is a statement of opinion prepared by a generalist heritage consultant. Dr Robertson has a demonstrated body of work that analyses this period of architecture.</p> <p>Without research or detailed analysis the opinion cannot be relied upon to provide an objective assessment of the significance of the place.</p> <p>This is Mr Davies' personal opinion based on his use of the OED definition of "exceptional".</p> <p>The Council report is seeking a Local listing, nothing higher.</p> <p>The Davies report does not provide Inner West LGA examples to refute the rarity of the subject property.</p> <p>The property has been altered but it does retain integrity.</p> <p>This opinion is not borne out by the quality of the interiors in the principal rooms.</p> <p>We would disagree when using the NSW Heritage Manual guidelines for inclusion/exclusion.</p> <p>We would consider our report to be balanced and the author has more than 30 years' experience as a heritage practitioner.</p> <p>Again, this is personal opinion and we refute claims that it is unprofessional and unreliable. As previously noted, had the building not been considered to be an important local example, this advice would have been provided to Inner West Council.</p> <p>It is unclear what is the basis for Mr Davies' assertion that advice prepared by a recognized specialist on interwar architecture, who has been invited to lecture on this particular era of architecture, can be claimed to be a) unprofessional and b) unreliable. Dr Robertson has a published body of work on this era of architecture.</p>

<p>The claim that almost every part of this building is of exceptional significance makes no sense and does not reflect sound heritage practice. Selectively ignoring the extensive changes and additions that have had a major impact on the form and appearance of the house internally and externally creates an impression of significance that is not accurate or correct.</p> <p>On the basis of the material in the report we conclude that significance has not been established and is unlikely to be established and the property should not be heritage listed and the IHO should not proceed.</p>	<p>"Exceptional" is used in the sense of the NSW Heritage Manual: "Rare or outstanding element directly contributing to an item's local or state significance". The materials and elements ascribed an "exceptional" rating are those that are original as the next level of significance "high" has a 'high degree of original fabric'.</p> <p>The advice prepared by Mr Davies does not contain sufficient examples within this LGA to determine that the example is not rare. Given the lack of identified examples in the LGA the process of listing this building as a local heritage item should continue.</p>
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Dr Scott Robertson
BSc (Arch), BArch (Hons), MBEEnv (Blg Cons), PhD.

Item No: C0319(1) Item 2

Subject: NSW GOVERNMENT REDUCTION IN PARKING FINE AMOUNTS

Prepared By: Graeme Palmer - Parking and Ranger Services Manager

Authorised By: Harjeet Atwal - Group Manager Development Assessment and Regulatory Services

SUMMARY

The State Government has recently made a commitment to enact regulatory changes to enable Councils to charge lower parking fine amounts for 52 parking offences. The purpose of this report is to inform Council of the changes, opt in requirements and implications to enact the lower parking fines and resolve to not opt in for the Inner West Council Local Government Area (LGA).

RECOMMENDATION

THAT Council elects not to 'opt-in' to enact the lower parking fines.

BACKGROUND

The NSW Government has made the necessary regulatory changes to enable councils to charge lower parking fine amounts to \$80 for 52 parking fines, in line with other NSW Government authorities, however these concessions do not apply automatically. Until a Council elects to participate, the higher penalty of \$112 will continue to apply to penalty notices issued by its enforcement officers in relation to the relevant offences.

OPT-IN REQUIREMENTS

It is important that Council considers the implications of the decision to opt in including:

- the financial impact of reducing the relevant fine; and
- the benefits to its citizens.

If Council resolves to opt in, the Treasurer must be advised in writing that Inner West Council wish to be included in Schedule 5A of the *Road Transport (General) Amendment (Parking Fine Flexibility and Grace Period) Regulation 2018*.

Councils have the opportunity to opt in at certain times of the year as per the below table:

	Due date for written advice to Treasury to opt-in	Implementation date to opt-in
For 2019	1 January 2019	1 March 2019
	1 April 2019	1 June 2019
	1 July 2019	1 September 2019
	1 October 2019	1 December 2019
2020 onwards	From then on annually	From then on annually
	1 April 2020	1 July 2020

FINANCIAL IMPLICATIONS

Based upon analysis of the 2017/18 financial year and the forecast for the current financial year, the expected revenue loss to Council is estimated at \$2.54 million. The current 2018/19 financial year expected annual income is \$13.91 million.

IMPLICATIONS ON COMMUNITY

Council has, or is currently implementing a number of parking management initiatives to benefit the community of the Inner West, including:

- Switching parking meters off at 7pm in Norton Street, Leichhardt and Darling Street, Rozelle/Balmain.
- Extension of 30 minute free parking along Norton Street, Leichhardt and Darling Street, Rozelle/Balmain.
- The conversion of the existing 15 minute free parking zones to 30 minute free parking zones in the associated side streets off Norton Street, Leichhardt and Darling Street, Rozelle/Balmain.
- Investigating the use of technology in parking management including mobile phone payment solutions and electronic permit systems. The findings of the investigation and project plan will be reported to Council in the future.

OTHER COUNCILS

Neighbouring Councils are yet to make a decision.

CONCLUSION

Council currently implements numerous parking management initiatives to benefit the Inner West Council LGA community. The reduction of parking fines will have significant financial implications and should Council opt in to reduce the parking fines, Council will be required to retrieve the financial losses elsewhere.

It is recommended that Council does not opt in to reduce parking fines for the Inner West Council LGA.

ATTACHMENTS

Nil.

Item No: C0319(1) Item 3**Subject:** HISTORIC FEE WAIVERS FOR VARIOUS SWIMMING AND WATER POLO CLUBS AT THE LEICHHARDT PARK AQUATIC CENTRE AND DAWN FRASER BATHS AND A COMPARISON TO CLUB ARRANGEMENTS AT OTHER AQUATIC CENTRES IN THE LGA**Prepared By:** Simon Duck - Group Manager Aquatic Services**Authorised By:** John Warburton - Deputy General Manager Community and Engagement**SUMMARY**

Provides historical context to the Fee Waivers pertaining to the use of Leichhardt Park Aquatic Centre and Dawn Fraser Baths. This report also seeks approval of community requests for fee waivers for the use of Leichhardt Park Aquatic Centre and Dawn Fraser Baths during 2018 – 2019 for the indicated Swimming and Water Polo Clubs.

RECOMMENDATION**THAT Council:**

1. **Note the trial and additional request for use of Leichhardt Park Aquatic Centre between 8.00pm-9.00pm by Balmain UTS Water Polo club for water polo training;**
2. **Note how Pool Hire fees that support local community based Swimming and Water Polo clubs have been managed at Council's other Aquatic Centres;**
3. **Approve the fee waiver applications submitted by regular hirers of the Leichhardt Park Aquatic Centre and Dawn Fraser Baths during 2018 – 2019 only; and**
4. **Endorse the approach of specific pool hire fees for Amateur Swimming Clubs and Water Polo Clubs from within the LGA be detailed in the 2019-2020 onwards Fee and Charges rather than granting fee waivers on a case by case basis.**

BACKGROUND

The former Leichhardt Council had historically granted reduced fees and fee waivers for a number of Council facilities to eligible applicants. The fee waiver policy and wording is outlined in the annual fees and charges and is as follows:

"Reduced fees and fee waivers can be applied to the fees outlined in accordance with the reduced Fees and Fee Waiver Guidelines which determine eligibility and selection criteria for reduced fees":

- | | |
|---------------------|-------------------------|
| •Community rate | - 50% of applicable fee |
| •Support Group rate | -20% of applicable fee |
| •Fee Waiver | - No charge |

The program aims to support community groups with limited income to provide programs and activities for the benefit of the local community and their members.

Previously, Council has approved fee waivers for community clubs that participate in aquatic based activities on an ongoing basis at Leichhardt Park Aquatic Centre (LPAC) and Dawn Fraser Baths (DFB). Fee waivers for the use of LPAC and DFB for 2017-18 were approved at Council's Meeting, October 2017.

As this is a period of transition for Council, it is requested to continue with existing practice for 2018- 2019 and review rates as part of the organisational review fees and charges and

relevant policies for fee waivers and concessions with a view to consistency, equity and transparency across the LGA.

The Leichhardt Swimming Club, Balmain Amateur Swimming Club, Balmain Water Polo Club (incorporated as the Balmain Amateur Swimming, Lifesaving and Water Polo Club) and Balmain Kool Kats winter swimming club have been using both the LPAC and DFB since the facilities were opened.

Leichhardt Swimming Club, Balmain Amateur Swimming Club, Balmain Water Polo Club and Balmain Kool Kats winter swimming club have requested fee waivers and historical use for the financial year 2018-2019 for pool hire only, the entry fee as per the Council's Fees and Charges are paid by all three user groups.

Additional Request 2018/2019

Due to the closure of Ashfield Aquatic Centre, Balmain UTS Water Polo has limited options for pool space for water polo training. A trial has been requested and agreed for use of Leichhardt Park Aquatic Centre between 8.00pm-9.00pm by Balmain UTS Water Polo club for training purposes. This has been granted as a trial under promotional activity.

Traditionally LPAC pools close to the public at 8.00pm to allow for pool close down, cleaning and patrons to leave the centre. The Gym facilities remain open until 9.00pm to cater for late night users of the LPAC Gym.

This trial period will allow pool operations staff to assess any operational and staffing issues to and evaluate the success of the program whether a permanent arrangement should be considered. An additional Pool lifeguard will remain on site to oversee the water polo activity for safety requirements.

OTHER INNER WEST COUNCIL AQUATIC CENTRES

Ashfield Aquatic Centre

The Ashfield Aquatic Centre had historically provided support to the local Ashfield Amateur Swimming Club and the UNSW Wests Water Polo Club through Council's Fees and Charges. A Seasonal Pool Hire Fee had been historically been set for both organisations which based on usage would grant an approximate 70% discount for the swim club and an approximate 90% discount for the Water Polo Club to the normal pool hire fee.

The hourly casual pool hire rate for the 50m pool for the 2017-18 year was \$189.00 pro-rata. The hourly casual pool hire rate for the Water Polo pool was \$81.50. In the 2017-2018 year the Ashfield Amateur Swimming Club paid \$1,140.00 for which they used the whole 50m pool 7:00am to 8:45am every Saturday over the Summer Months. The UNSW Wests Water Polo Club paid a seasonal pool hire Fee of \$4,760.00 which granted them unlimited usage of the Water Polo Pool over the summer months which based on their usage worked out to be approximately a 90% discount on the normal pool hire rate. Therefore in the 2017-2018 year, the through the Fees and Charges:

- The UNSW Wests Water Polo Club was granted an effective \$42,840 discount per summer season and,
- The Ashfield Amateur Swimming Club was granted an effective discount of \$2,660.

During the winter months the UNSW Wests Water Polo Club also hired the Water Polo Pool at the normal rates. Therefore the total value of the two clubs discounts was \$45,500 at the Ashfield Aquatic Centre for the 2017-2018 year.

Annette Kellerman Aquatic Centre

The Annette Kellerman Aquatic Centre does currently support a community based swimming club however this club operates a competitive swimming program in conjunction with the

squads program available within AKAC. Fees involved are covered in Council's Fees and Charges. The Annette Kellerman Aquatic Centre does not have the facilities to provide a Water Polo program.

Fanny Durack Aquatic Centre

The Fanny Durack Aquatic Centre due to its configuration and small size does not support a community based Swimming Club or a community based Water Polo Club.

FINANCIAL IMPLICATIONS

The total value of the fee waivers requested is \$152,447 for the 2018-2019 for the Leichhardt Park Aquatic Centre and Dawn Fraser Baths Fee Waivers. Given the attendance attached to these activities, Council receives entry fees and many users carry facility memberships. An estimated average income of \$41,573 is assumed to be generated as a result of this access.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Community clubs that have applied for fee waivers will be advised of Council's decision.

CONCLUSION

Based on historical use, the listed hirers wish to continue their past practice of requesting and being granted, fee waivers to LPAC and DFB. As a result of limited available water space in the LGA due to the closure of AAC, the BWP club have been granted a promotional trial period of access with a view to formalizing a request for further access for the remainder of the 2018-2019 financial year. It is anticipated that this request will be tabled to Council as early as possible in 2019.

ATTACHMENTS

Nil.

Item No: C0319(1) Item 4

Subject: HALF-YEARLY PROGRESS REPORT ON THE OPERATIONAL PLAN
2018/19

Prepared By: Dayne Glinkowski - Team Leader Corporate Strategy

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This report provides Council with an overview of the progress on the Operational Plan 2018/19 in the July-December 2018 (Q1/2) period. This satisfies Section 404(5) of the Local Government Act.

At 31 December 2018, 92% of actions were marked "Completed" or "Progressing – on track".

RECOMMENDATION

THAT the report be received and noted.

BACKGROUND

Action updates and progress snapshots in the document are divided into Council's 13 key public service areas, reflecting the structure of the Operational Plan and Budget 2018/19.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

After receipt by Council, the attached Half-yearly Progress Report will be made available for the public to view and download on Council's website.

ATTACHMENTS

1. [Download](#) Half-yearly Progress Report 1 - Operational Plan 2018/19



Half-yearly Progress Report 1

1 July - 31 December progress against
the **Operational Plan 2018/19**

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Introduction

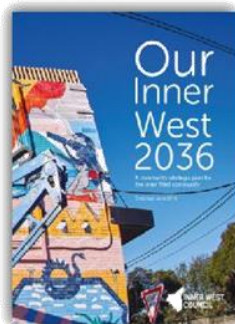
About the Operational Plan and this report

Operational Plan

An Operational Plan and Budget is prepared by Council each year in response to changing community needs and expectations.

It details the actions Council will undertake each financial year to achieve its longer term strategic goals, outlined in the Community Strategic Plan and scheduled in Council's four year Delivery Program.

Council is currently delivering on the *Operational Plan and Budget 2018/19*, available from the Inner West Council website.



*Our Inner West 2036 -
Community Strategic Plan*



*Delivery Program
2018-22*



*Operational Plan
and Budget 2018/19*

This report

Council produces half-yearly progress reports to provide a snapshot on progress made against the adopted annual Operational Plan. The reports also identify areas that require Council's attention.

This report outlines Council's progress on the actions in the Operational Plan 2018/19 between 1 July 2018 and 31 December 2018 (the first half of the financial year), as well as the status of each action at the end of that period.

At the date of publication, these actions may have progressed further than indicated in this review. This progress will be reported in future reporting periods.

Council's half-yearly progress reports are prepared in accordance with s404(5) of the Local Government Act and the NSW Office of Local Government's Integrated Planning and Reporting (IP&R) guidelines.

How to read this Progress Report

How the report is structured

This report is divided into thirteen Service Area sections, mirroring the *Operational Plan and Budget 2018/19*.

Each Service Area section begins with a progress snapshot of the actions that sit within that area.

Reading action updates





Underneath each Service Area, yearly Operational Plan actions appear alongside their associated “Delivery Program Initiatives” - the four year initiatives Council has committed to in the *Delivery Program 2018-22*.

Delivery Program 2018-22 Initiative	The four year initiative from the <i>Delivery Program 2018-22</i> that this action contributes to.
Code	Each action is coded so it can be easily traced back to the Delivery Program.
Operational Plan 2018/19 Action	The name of the action in the Operational Plan.
Comment at 31 December 2018	A short comment about the progress of the action during this reporting period.
Status and traffic light	Progress made against the action (see table opposite).

Statuses and traffic lights

The status of each action in this report indicates progress made on the action by the end of the reporting period. A coloured ‘traffic light’ appears next to each action to provide a clear graphical indication of its status.

The following table displays the meaning of each status and its traffic light colour.

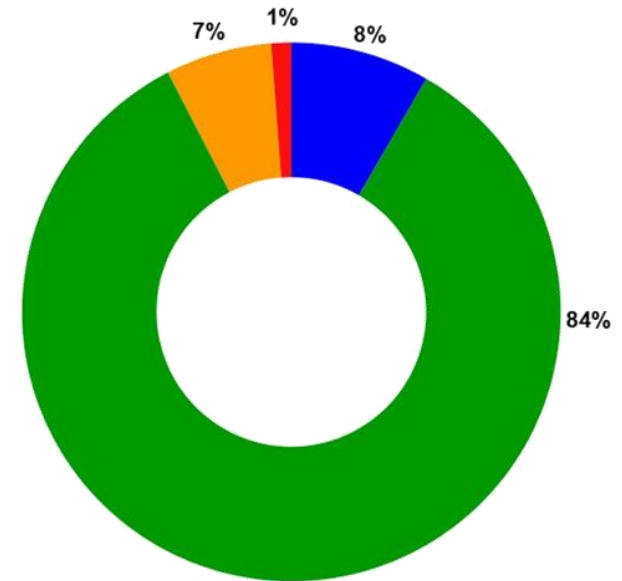
Status	Traffic light	Status description
Completed		Work on this action has been completed.
Progressing – on track		Work on this action is progressing to schedule.
Progressing – behind schedule		Work on this action has been delayed, but is ongoing with a defined completion date.
Not progressing		Work on this action has stopped, or is delayed with an unclear completion date.

Action status snapshot for the first half of 2018/19

Of 251 actions in the Operational Plan 2018/19, 92% were marked as 'Completed' or 'Progressing - on track' at 31 December 2018.

Approximately 8% of Operational Plan actions were marked 'Not progressing' or 'Progressing - behind schedule' at the end of this period.

Further details about statuses are outlined in the progress comments next to each action.

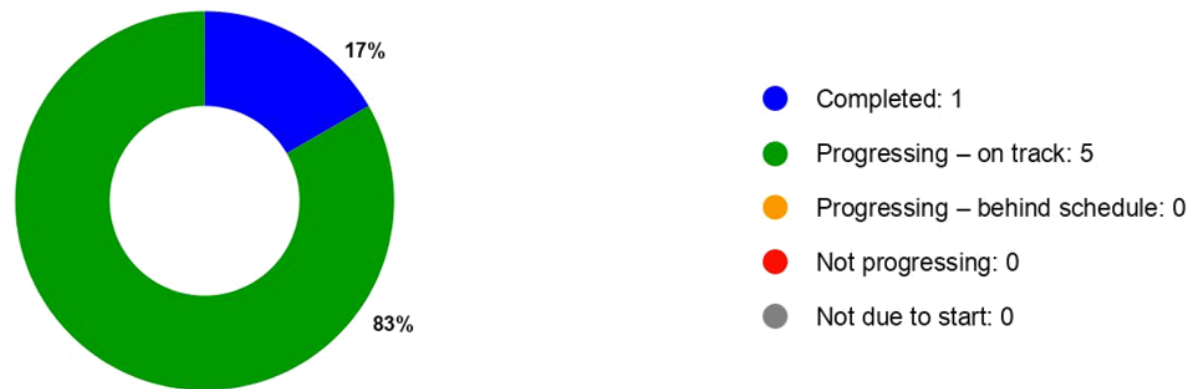


- Completed: 21 (8%)
- Progressing – on track: 211 (84%)
- Progressing – behind schedule: 16 (7%)
- Not progressing: 3 (1%)

Aquatic Services

Formerly *Recreation and Aquatics* in the Operational Plan 2018/19






Service Unit Snapshot



Action Progress

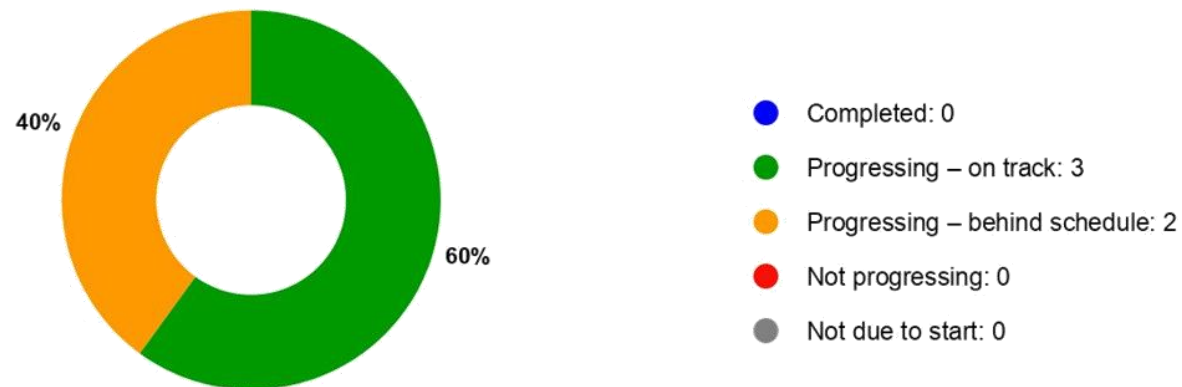
For Recreation actions, see the *Trees, Parks and Streetscapes* section.

Aquatic Services					
Delivery Program 2018-22 Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Implement the Aquatic Services Plan	4.3.1.3.1	Prepare integrated Fees and Charges for Inner West aquatic centres	Review of fees and charges is ongoing and will reflect current fees and charges as well as those required for Ashfield Aquatic Centre in the future. The 2019-2020 draft fees and charges have been developed with reference to these requirements which will continue into the 2020-2021 FY.	Progressing - on track	

Aquatic Services					
Delivery Program 2018-22 Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Upgrade and re- open Ashfield Aquatic Centre Prepare a master plan for Leichhardt Park Aquatic Centre	4.3.1.3.2	Implement the Aquatic Services Plan	All key items relating to operational actions and initiatives are in place for the Aquatics Services area and progressing well.	Progressing - on track	
	4.3.1.3.3	Review operating procedures for aquatic centres	Operating procedures and continual improvement has been an ongoing focus for Aquatic Services in 2018-201. The new point of sale software system allowed for improvements in service provision for the sites.	Progressing - on track	
	4.3.1.3.4	Implement a standard point of sale system for aquatic centres	The new standard point of sale system for the aquatic centres is now in place. This allows greater functionality across our facilities and standardised functions and reporting.	Completed	
	4.3.1.5.1	Prepare a plan to recommission the Ashfield Aquatic Centre	A draft plan for re-commissioning the Ashfield Aquatic Centre (AAC) is being developed which will continue through to the opening of the AAC in 2020.	Progressing - on track	
	4.3.1.6.1	Final draft of Leichhardt Park Aquatic Centre Master Plan considered by Council	A Draft Leichhardt Park Aquatic Centre (LPAC) Master Plan has been developed for Council, however, some key further information is now required as part of this plan. Geotechnical information relating to the site is now required which may guide further review and development of the LPAC master plan.	Progressing - on track	





Children and Family Services

Service Area Snapshot



Action Progress

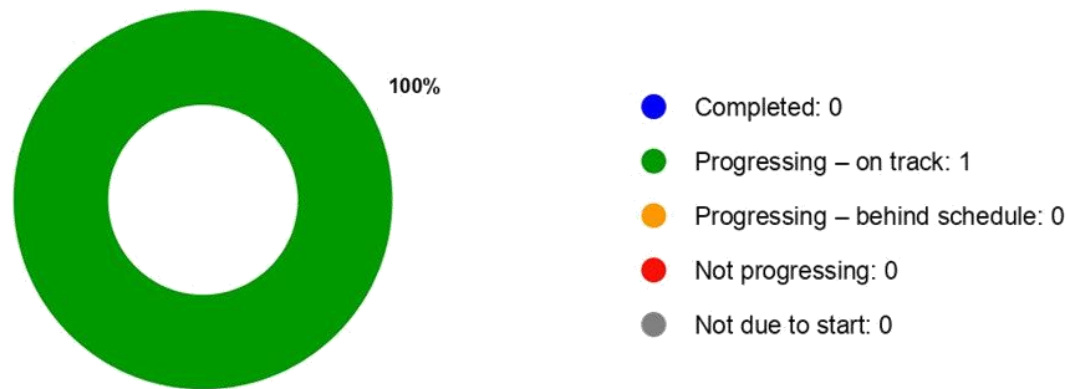
Children and Family Services					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Provide Early and Middle Childhood services in Inner West	4.4.3.1.1	Needs analysis for Early and Middle Childhood services in Inner West	Draft near completion.	Progressing - on track	

Children and Family Services					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Understand, and operate under, the new Commonwealth Government Child Care Subsidy	4.4.3.2.1	Understand and operate under new Commonwealth Government Child Care Subsidy	Preparation in conjunction with Council's Information and Communications Technology section to ensure services have the required technology hardware and configurations to roll out electronic attendance systems. Trials were undertaken in Early Childhood services in December for next phase in the Commonwealth's new Child Care Subsidy scheme.	Progressing - on track	
Investigate changes to NSW Government funding and impact on services	4.4.3.3.1	Investigate changes to NSW Government funding and impact on services	Electronic surveys received from the State's external consultant to be completed by February.	Progressing - on track	
Implement recommendations from the Inner West Council Occasional Care review	4.4.3.4.1	Develop an Inner West Council Occasional Care Service Business Plan	On hold. Council's Occasional Care Service was one of six services in NSW that participated in a pilot programme to explore how the National Assessment and Rating system would translate to a previously 'out of scope' service. Staff preparation and support required was priority due to the enormity of such a process that had not involved the Occasional Care Service since accreditation was implemented into other early education services in the late 1990s. The service achieved a very successful rating <i>Meeting National Quality Standards</i> . Incidental and anecdotal data gathering for review/business plan continues.	Progressing - behind schedule	
Implement recommendations from the Inner West Council Family Day Care review	4.4.3.5.1	Provide a harmonised integrated Inner West Family Day Care Service	On hold due to staff resourcing.	Progressing - behind schedule	


Community Events

Part of the *Communications, Engagement and Events* service unit

Service Area snapshot

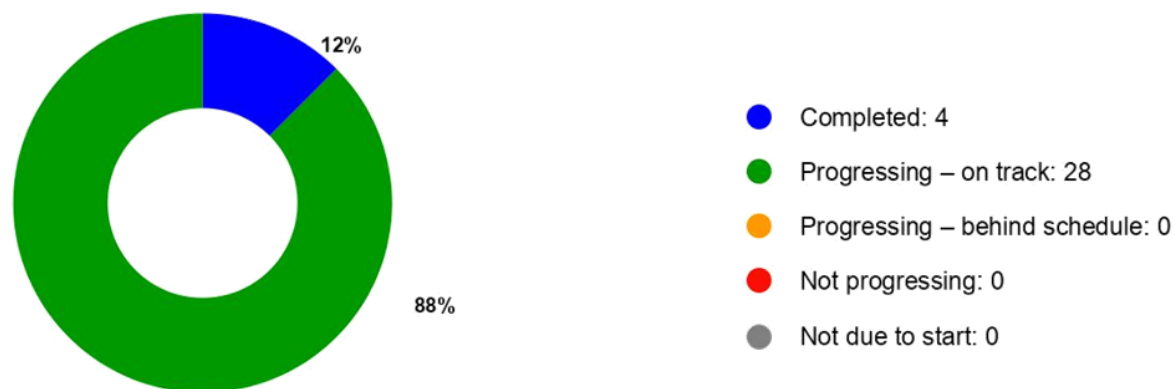


Action progress

Community Events					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Conduct a Strategic Review of the Major Community Events Program to support a high quality program that encourages community participation	3.1.2.2.1	Conduct a Strategic Review of the Major Community Events Program to support a high quality program that encourages community participation	Consultation with internal stakeholders has commenced and documentation is being populated.	Progressing - on track	







Community Services and Culture





Service Area Snapshot









Action Progress







Community Services and Culture					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Support the Creative Communities, Public Art and Place Making Framework	2.3.1.5.1	Review and integrate the three former councils' policies and procedures	Significant progress has been made, on track.	Progressing - on track	
Maintain a Housing and Affordability Officer role	2.4.1.1.1	Housing and Affordability Officer position operational	Housing and Affordability Officer position operational this quarter.	Progressing - on track	









Community Services and Culture					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Implement the Inner West Affordable Housing Policy and develop implementation guidelines for the policy	2.4.2.1.1	Contribute to impact assessment of new developments identifying opportunities to operationalise affordable housing outcomes	On-going and on track.	Progressing - on track	
Implement the Inner West Homelessness Policy	2.4.3.1.1	Continue to resource Council's collaborative partnerships to deliver homelessness outreach model	Monthly multi-agency outreach sessions conducted in Ashfield and Newtown. Digital homelessness story completed and awaiting final approval from our partners.	Progressing - on track	
	2.4.3.1.2	Undertake annual street count of people sleeping rough	A range of NGOs and government agencies have committed to participating in the 2019 count which will be held on 18 February 2019. Partners include Newtown Neighbourhood Centre, Youth Off The Streets, FACS, Wesley Mission and the Police. Discussions with FACS have commenced to expand data collection to include people sleeping in crisis/temporary accommodation on the night of the street count as well as rough sleepers.	Progressing - on track	
Develop the Creative Inner West Economy Strategy	3.2.1.1.1	Audit of Council venues to identify potential spaces for use by artists	Council venues with Artist in Residence potential have been scoped and included in the Land and Property Strategy. A report on creative spaces is planned for Council in March/April 2019 which includes a review of current Artist in Residences, case studies of 11 local creative spaces by Western Sydney University and a Creative Spaces and Venues Discussion Paper by Left Bank Co. to assist council in determining the way forward for supporting creative communities with affordable spaces.	Progressing - on track	
	3.2.1.1.2	Review live music frameworks and artist in residence program	Council adopted the Live Music Action Plan in December 2018.	Completed	
Implement the Inner West Grants Program	4.1.1.2.1	Analyse participation in grant-funded activities through analysis of acquittal reports from grant recipients	A multiyear evaluation of Council grant program outcomes is underway and will be presented to Council in 2019. The Major Partners Program Policy is in development and will be presented to Council in 2019.	Progressing - on track	

Community Services and Culture					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop the Inner West LGBTIQ Strategy	4.1.2.1.1	Consult with LGBTIQ community regarding needs and expectations of Council role	The Pride Seat unveiling and the announcement of the RESPECT gateway street art work to be installed in Newtown was held on 8 November 2018. 1000 people joined in the celebrations at Newtown Square. The LGBTIQ+ working group has continued to meet monthly and implement actions and the strategy. Feel the Love working with libraries to update events and content and starting preparations for 2020 events are underway.	Progressing - on track	
	4.1.2.1.2	Develop LGBTIQ Annual Action Plan	The LGBTIQ Action Plan was drafted in November 2018, and during this quarter implementation has focused on engagement and through events, and positive messaging through the Welcome Here Project to ensure council creates, and promotes environments and facilities that are welcoming and inclusive of the LGBTIQ communities.	Progressing - on track	
Scope and activate a Gay Pride Centre	4.1.2.2.1	Consult LGBTIQ community	Preliminary meetings and consultation with groups and the community have been undertaken, through the Pride seats unveiling and the RESPECT art gateway project, Newtown Festival, LGBTIQ+ events, and the Better Together Conference. Council is currently developing an engagement plan for the consultation on the Pride Centre.	Progressing - on track	
	4.1.2.2.2	Identify model and governance arrangements for a Gay Pride Centre	Preliminary work is underway researching current governance and Pride Centre models. The consultation process will further inform on centre governance and models. Various meetings have been undertaken, including with Gender Centre, Twenty 10 and Health Alliance.	Progressing - on track	

Community Services and Culture					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Implement the Inner West Council Inclusion Action Plan for people with a disability 2017- 2021	4.1.3.3.1	Evaluate the accessibility and inclusion of Seniors Programs	<p>Seniors programs delivered in Q2 were held in accessible venues. A new program, Dementia Dance, targeting Arabic and Vietnamese seniors with dementia and their carers was integrated into the program. Cyber Seniors was delivered in this quarter at Ashfield High School and provided one to one tuition by students who were matched to seniors based on need.</p> <p>Flyers for information sessions on My Aged Care were translated into community languages and sessions were held in accessible venues such as Dulwich Hill Library and Tom Foster, Ashfield Civic Centre.</p> <p>Program evaluation of seniors programs includes accessibility questions, and the Seniors' Directory was amended to enhance information and accessibility. Further evaluation is to be undertaken throughout the year to enhance accessibility for seniors.</p>	Progressing - on track	
	4.1.3.3.2	Deliver key awareness campaigns	<p>Mental Health Month activities in 2018 included a gig at Newtown Neighbourhood Centre that was attended by over 100 people, the Exodus van serving 70 meals and raising awareness of mental health to 300 passers-by, a community consultation and services networking event attended by 50 people; community consultation at Marrickville Festival in partnership with Sydney Local Health District.</p> <p>A Film Festival celebrating International Day of People with a Disability was hosted at Petersham Town Hall in partnership with Bus Stop Film and Mabel, Exodus, SSI Ability Links, St Vincent de Paul Ability Links, Disability Services Australia and Ethnic Community Services Cooperative. Over 100 people attended.</p>	Progressing - on track	
	4.1.3.3.3	Monitor implementation of the Inclusion Action Plan for people with a disability 2017-2021	Significant progress has been made in the first year in improving inclusion and access, and continuous improvement of reporting and responding to new needs is underway.	Progressing - on track	

Community Services and Culture					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Activate a Refugee Welcome Centre Partnership	4.1.3.4.1	Develop an action plan for a Refugee Welcome Centre with key partners	<p>The centre coordinator worked with the Refugee Welcome Centre Reference Group members to develop an action plan and program for the 2019 year.</p> <p>Planning and programming are well underway for 2019 with holiday programs, storytelling workshops, yoga, dance, facilitator training and pathways to employment through social enterprise being planned.</p>	Progressing - on track	
Prevention of family and domestic violence in Inner West	4.1.3.5.1	Establish partnerships to support the delivery of a range of family and domestic violence prevention programs	<p>Council staff delivered a number of initiatives and programs with partners which included Love Bites, NAPCAN, the Speak Out Awareness Raising Campaign, and White Ribbon Day/ 16 Days of Activism.</p> <p>Love Bites facilitator training was successfully delivered to 15 participants (Police NSW, Anglicare, TAFE NSW, CatholicCare, Metro Assist); Love Bites was delivered to 170 students.</p> <p>Engaged with over 150 participants at the Community A.Fair! as part of the 16 Days of Activism on 21 November 2018. Coordinated an event at Ashfield Civic Centre in partnership with Metro Assist which included performances from Eden Seniors Group and Ashfield Boys on 22 November 2018. Delivered a workshop around Domestic and Family Violence and Child Protection for experienced DV workers on 5 December 2018. It was booked out and there is a waiting list of 30 people.</p>	Progressing - on track	
Scope a study of Inner West Aboriginal heritage and culture	4.2.1.1.1	Investigate Aboriginal and Torres Strait Islander culture unique to Inner West around landscape, flora, fauna and cultural practices	<p>Council has applied the critical investigation document developed by Tocomwall Pty Ltd. to inform contributions towards five Aboriginal public artwork commissions, the Aboriginal naming of council wards and concept designs for the Greenway Masterplan. The Aboriginal Programs Unit have started development of a dissemination strategy to use the developed resource on an ongoing basis to continue to inform council projects with perspectives and values of the Aboriginal and Torres Strait Islander community.</p>	Progressing - on track	

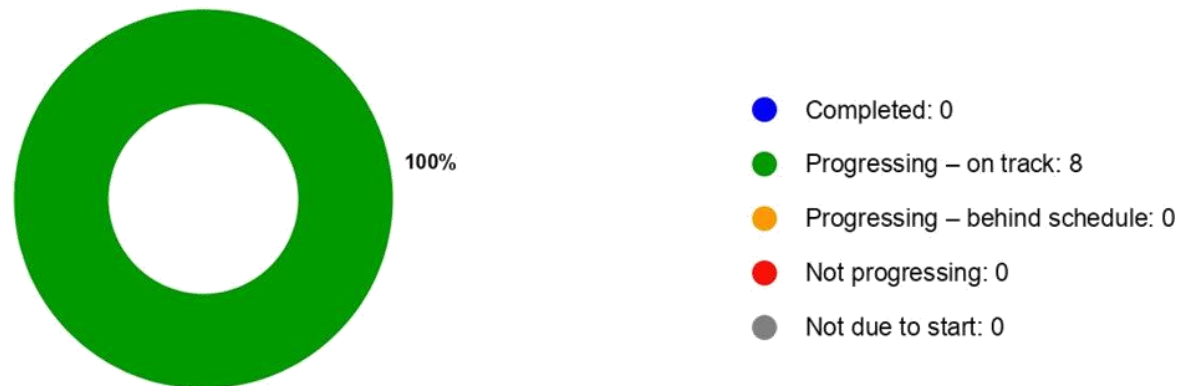
Community Services and Culture					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop and implement an Aboriginal Belonging or Reconciliation Strategy	4.2.1.1.2	Draft protocols for signage design and implementation	The Aboriginal Programs Team is collaborating with Council's works and infrastructure teams to streamline a protocol for Aboriginal signage. Council's Trees, Parks and Streetscapes Service Group has expressed interest in contributing to the draft protocols for signage, design and implementation as well as other draft policies such as dual or co-naming of parks, open spaces and Council assets.	Progressing - on track	
	4.2.4.1.1	Consult First Nations people	Following extensive engagement with Aboriginal people Council adopted the recommended Aboriginal ward names in December 2018. Council also received an initial report and resolved to receive a business case for memorialising Aboriginal Survival in the Inner West in December 2018.	Progressing - on track	
	4.2.4.1.2	Investigate and develop an Aboriginal Belonging and Reconciliation Strategy	Development on track.	Progressing - on track	
Develop and implement the Inner West Council Venues and Facilities Marketing Strategy	4.3.1.7.1	Review data	Review of Utilisation and Financial Performance of Council Venues and Facilities completed. Data fed into the Promotion and Operation Plan. An additional review of the regular use of venues and facilities was conducted during the Expression of Interest period in October and November 2018. Data compiled into a report of Fee Support for Council and a Utilisation Report for Opportunity Analysis.	Progressing - on track	
	4.3.1.7.2	Conduct audit of venues	Audit of venues conducted in partnership with Properties Group. Hazmat and physical review of properties complete, together with Utilisation Reports. The audit has provided feedback for the Capital Works Program.	Progressing - on track	
	4.3.1.7.3	Develop plan	Completed and in action.	Progressing - on track	

Community Services and Culture					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Undertake a Community Wellbeing Survey	4.4.1.1.1	Review legacy surveys	Completed. Councillor briefing in February 2019.	Completed	
	4.4.1.1.2	Identify Inner West wellbeing indicators	Wellbeing Strategy development is scheduled for completion by June 2020.	Progressing - on track	
	4.4.1.1.3	Implement survey	Complete. Councillor briefing in March 2019.	Completed	
Develop Strategy around Council's Provision of NSW and Commonwealth government funded services	4.4.1.2.1	Undertake a service review of Commonwealth-funded direct services	The Health, Ageing and Direct Services Review has been designed with a Councillor briefing in February 2019.	Progressing - on track	
Undertake an audit of community and cultural facilities and services	4.4.1.3.1	Undertake audit of community and cultural facilities and services across Inner West	Planning to deliver this audit is underway.	Progressing - on track	
Develop and implement the Grants and Fee Scale Policy	4.4.1.4.1	Coordinate and administer Council's Community and Cultural Grants Programs	All 2018 grants have been processed.	Completed	
	4.4.1.4.2	Implement the new venue fees and charges component	Grants and Fee Scale Policy in effect through the Expression of Interest period and in place for the start of 2019.	Progressing - on track	
Deliver an integrated bookings system	5.3.3.22.3	Implement the online booking system in community facilities and venues	All back end processing continues to be harmonised into one system. All casual and regular bookings conducted through this medium. Awaiting approval of new fees and charges for 2018-2019 calendar year to prepare system for full self-service for customers.	Progressing - on track	


Development Assessment






Part of the *Development Assessment and Regulatory Services* service unit


Service Area Snapshot



Action Progress

Development Assessment					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Review, update and improve education materials, website information, application forms and guidelines	2.1.1.4.1a	Identify and develop strategies for better education in areas of high community interest or risk, such as Development Application advice	Web content is continuously reviewed and updated to improve information and education material. New sections have been provided on Council's web and forms have been updated where relevant. A total review of all forms will be carried out during Q3 and 4. Consultation with key stakeholders through surveys and workshops will assist in identifying areas of high community interest that relate to the Development Assessment Group.	Progressing - on track	

Development Assessment					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Increase provision of pre-lodgement planning and heritage advice by Council staff	2.1.1.4.2	Review website content to improve information flow to customers	Web content is continuously reviewed and updated to improve information and education material. New material was added to provide information for neighbours of properties that are the subject of Development Applications and also for people interested in opening a small bar.	Progressing - on track	
	2.1.1.4.3	Provide face to face Development Application advisory services	Face to face Development Application Advisory Services are provided by the Development Advisory Team on an on-going daily basis. Reviews are carried out periodically for continuous improvement. In Q3 and Q4, feedback from key stakeholders will be obtained through online surveys and workshop as well as one on one discussions.	Progressing - on track	
	2.2.1.1.1	Implement the Inner West Council Development Advisory and Assessment Policy	Development Advisory Services continues to look at ways to improve the delivery of development advice including the implementation of a Skype for Business Response Group to assist in reducing wait times for callers seeking such advice (implemented during Q2). Although the lodgement of Pre-DA Applications has slowed in comparison to Q2 2017, this is marginal. It is anticipated that this will balance during Q3 and 4 as we continue to improve the service and turnaround of delivery, particularly given the resolution of a number of staff vacancies.	Progressing - on track	
	2.2.1.2.1	Review Building Certification business practices to improve efficiency	Good end of year figures for the Building Certification Team with an increased level of customer satisfaction and great feedback from applicants are consolidating the team's position as the certifier of choice for the Inner West. There has been good use of the enquiry function on the web page for the Building Certification Team.	Progressing - on track	
Increase the provision of Building Certification Services by Council in Inner West	2.2.1.2.2	Develop and implement a marketing plan for Council provided Building Certification Services	With the new branding exercise for communication and media now on board, meetings have been set up to develop a marketing strategy. Content will be developed and approved in conjunction with the Group Manager for promotion of the Building Certification Team.	Progressing - on track	

Development Assessment					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop and provide specific planning advice and educational materials tailored to small business and creative industries	3.1.1.3.1	Develop materials such as website content, brochures, etc targeted to small businesses and creative industries	Service NSW - Easy to do Business has been rolled out in conjunction with the Economic Development Team. New web content regarding small bars was implemented in Q2. Development Advisory Services has also assisted in providing planning advice in relation to the Live Music Planning Liaison Service during Q2.	Progressing - on track	
Improve Development Application processing times	3.3.2.2.1	Review Development Assessment business practices to improve processing times	Additional, skilled staff have been appointed to the teams. Local Planning Panel delegations are being reviewed and a recommendation has been made that smaller, less controversial items are delegated back to Council to reduce assessment timeframes. Processes, including the interface between pre-DA and DA assessment are being reviewed. Standard report and letter templates are being rolled out. Issues surrounding court appeals have been identified and a review of the DA policy is recommended. An ongoing review of the share of workload between the teams, including DA numbers and development type, will inform medium-term decisions about team structure and work/staff allocation.	Progressing - on track	





Environment and Sustainability








Service Area Snapshot














Action Progress







Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Establish and maintain a Green Living Centre Program	1.1.1.2.1	Deliver a range of Green Living Centre engagement and education opportunities across Inner West	Council's solar offerings were promoted through bus shelters, social media, local media articles, council news and information provided through Council and Our Energy Future's websites. Monthly solar assessments are being taken up across the Inner West by Green Living Centre.	Progressing - on track	







Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
	1.1.1.2.2	Promote the Our Energy Future program	Our Energy Future (OEF) provided 96 quotes for residential solar in the Inner West between October and December 2018 resulting from continued promotion of OEF via print media, online, social media, bus shelter ads and an insert in November rates notice. Results from a recent phone survey conducted by OEF show customers rate the service 7.6 out of 10 overall; 79% would recommend the program, and 43% state the main reason for choosing the program was that it is Council-backed.	Progressing - on track	
	1.1.1.2.3	Support business environmental sustainability	The 2018 Inner West Business Environment Awards were held on 28 November. Nominations were received from 23 local businesses across six categories: Sustainability Leadership, Sustainable Innovation, Community Partnership, Rethink Waste, Energy Smart, Water Saver and Beyond our Four Walls. The environmental achievements of 20 businesses from across the Inner West were acknowledged and celebrated at the awards night. Winners included Petersham Bowling Club, Village Wholefoods, Explore & Develop Annandale and Centre Pharmacy Summer Hill. The prestigious Sustainability Leadership award was won by Feather and Bone. Over 10,000 users were engaged on Council's Facebook page, and more than 1,100 likes on Instagram were received before the event. Local businesses and community members shared results online and the Inner West Courier and Inner West Times covered the Awards. Twenty local businesses registered for Council's free Sustainable Business Consultations with consultations underway.	Progressing - on track	
Implement the Urban Ecology sub catchment planning program	1.1.2.5.1	Collaboratively plan for green infrastructure in the priority sub catchment	Planning for the Eastern Channel Sub catchment is well underway with biophysical, social and institutional profiling 90% complete, an engagement booklet 80% complete and Local Environment Survey of residents and ratepayers administered.	Progressing - on track	
Seek and maintain partnerships to support adaptation to urban heat	1.1.2.6.1	Seek and maintain partnerships to support adaptation to urban heat	Council continues to support and participate in the UNSW Urban Heat Island Decision Support Tool Project.	Progressing - on track	



Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Seek and maintain research and on-ground partnerships around growing food in urban areas	1.1.3.1.1	Develop an Inner West Community Gardens Policy and associated procedures	Environment and Sustainability staff are progressing the harmonisation of Council's existing Community Gardens policies and procedures into a single Community Gardens Licensing Policy. The policy will enable Council to license appropriately designed and managed community gardens using a clear, consistent and transparent framework to guide the decision-making and approvals. The initial phase includes legal advice, internal consultation, stakeholder identification and development of an engagement plan.	Progressing - on track	
Design and implement prioritised green infrastructure in the public domain	1.1.5.3.1	Work across Council on prioritisation of water sensitive urban design capital works	Environment and Sustainability Group worked with the Parks Trees and Sportsfields Group to prioritise water sensitive urban design projects in its plans of management and works program.	Progressing - on track	
	1.1.5.3.2	Identify water sensitive urban design in the Eastern Channel Sub catchment	Planning for the Eastern Channel Sub catchment is well underway. Potential water sensitive urban design sites have been identified through the physical profiling.	Progressing - on track	
Support the community to provide green infrastructure	1.1.5.4.1	Provide information and resources for water sensitive urban design in the private domain	8 Urban Ecology Education workshops were delivered in the six months to December 2018, including Rainwater Harvesting (4), Water Sensitive Urban Design on Your Property (3) and Sustainable Homes Tour (1).	Progressing - on track	
Develop and deliver an Urban Ecology Education and Incentives Program	1.2.1.1.1	Manage the Urban Ecology Education and Incentives Program	The Urban Ecology Education program delivered 8 workshops in the six months to December 2018 including Rainwater Harvesting (4), Water Sensitive Urban Design on Your Property (3) and a Sustainable Homes Tour. The Rainwater Tank Incentive Scheme rebate was promoted in the July rates notices, all e-news, IWC newsletters, posters, Facebook and at all workshops.	Progressing - on track	
	1.2.1.1.2	Deliver the Native Plant Giveaway Program	From July to December 2018, 1500 plants were provided free of charge to residents and schools including Dulwich Hill High School, Australia Street Infants and Stanmore Kindergarten, Enmore Park, Wilkins Green, Family Day Care Resource Centre, and Ashfield, Ferncourt, Haberfield, Orange Grove, Petersham, St Peters, Stanmore, and Summer Hill public schools.	Progressing - on track	
Manage urban ecology volunteer programs and	1.2.1.2.1	Support Bushcare volunteers	Council officers supervised 72 volunteer working bees at 12 Bushcare sites, with 323 volunteers working 982 hours in the second quarter making a total of volunteer 2100 hours from July 2018.	Progressing - on track	

Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
facilities	1.2.1.2.2	Manage and promote the community nurseries and support existing and new volunteers	At Marrickville and Rozelle Bay community nurseries, 323 volunteers worked at 36 working bees for a total of 665 volunteer hours, propagating 5105 plants. 1100 plants were provided for planting in the Inner West LGA (excluding giveaways).	Progressing - on track	
	1.2.1.2.3	Support Citizen Science groups to monitor and record ecological health	94 Citizens Science volunteers from microbat and bird monitoring groups attended 14 survey events, contributing 188 hours to data collection.	Progressing - on track	
	1.2.1.2.4	Support Living Lanes projects	1 volunteer working bee was held at Wilford Lane with 6 volunteers contributing 18 volunteer hours. Council attended a NSW Police community area meeting for Eliza Lane, progressed planning for a mural at Macaulay Lane and held inception meeting with Marrickville Lane residents.	Progressing - on track	
	1.2.1.2.5	Monitor terrestrial and aquatic ecological health	See Item 1.2.1.2.3 - Support Citizen Science groups to monitor and record ecological health.	Progressing - on track	
	1.2.2.1.1	Manage and integrate natural area contracts for all sites across Inner West	2018-2019 Natural Areas contracts were finalised for all Inner West LGA sites.	Completed	
Maintain, protect and enhance the Inner West's current ecological assets	1.2.2.1.2	Plan for the ongoing maintenance of existing and new sites through a combination of contract and volunteer programs	See Item 1.2.2.1.1 - Manage and integrate natural area contracts for all sites across Inner West; see item 1.2.1.2.1 - Support Bushcare volunteers. Council is finalising a licence agreement with the Office of Environment and Heritage for Bushcare work at Callan Park, Lilyfield.	Progressing - on track	

Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Establish environmental planning zones for the GreenWay and the Cooks and Parramatta Rivers in the Inner West Urban Local Environmental Plan and Development Control Plan	1.2.2.2.1	Develop an Inner West Native Plant Use Policy for ecological corridors and environmental planning zones	The Native Plant Use Policy scheduled for development in the second half of 2018/19 Financial Year.	Progressing - on track	
Identify new corridors across Inner West	1.2.2.4.1	Prepare an Inner West vegetation map	The Inner West vegetation map is scheduled to be prepared in the second half of 2018/19.	Progressing - on track	
Develop Urban Ecology strategies and policies	1.2.3.1.1	Undertake flora and fauna studies and engagement for development of the Urban Ecology strategies	Study of historical vegetation communities of the former Ashfield and Leichhardt council areas underway to inform natural areas management and native seed collection. The need for larger scale flora and fauna studies to support urban ecology strategies, and potential funding sources, is being investigated.	Progressing - on track	
	1.2.3.1.2	Commence water sensitive studies and engagement for development of Urban Ecology strategies	A draft project and communication plan has been developed and a proposal for undertaking Inner West Water Sensitive Index is being reviewed. Community environmental research including knowledge, values, attitudes, behaviours by UTS is almost completed.	Progressing - on track	
Partner with regional stakeholders on catchment and waterway health	1.3.1.1.1	Work with the Parramatta River Catchment Group, Sydney Harbour Coastal Management Program and stakeholders to finalise the scoping study for the Parramatta River Coastal Management Plan	Scoping Study complete. Council officers contributed to the Greater Sydney Harbour and Estuary Scoping Study (includes Parramatta River). Now working with the Parramatta River Catchment Group and Sydney Coastal Councils Group to progress the coastal management plan in conjunction with the 10 steps to a living river - Parramatta River Masterplan.	Completed	

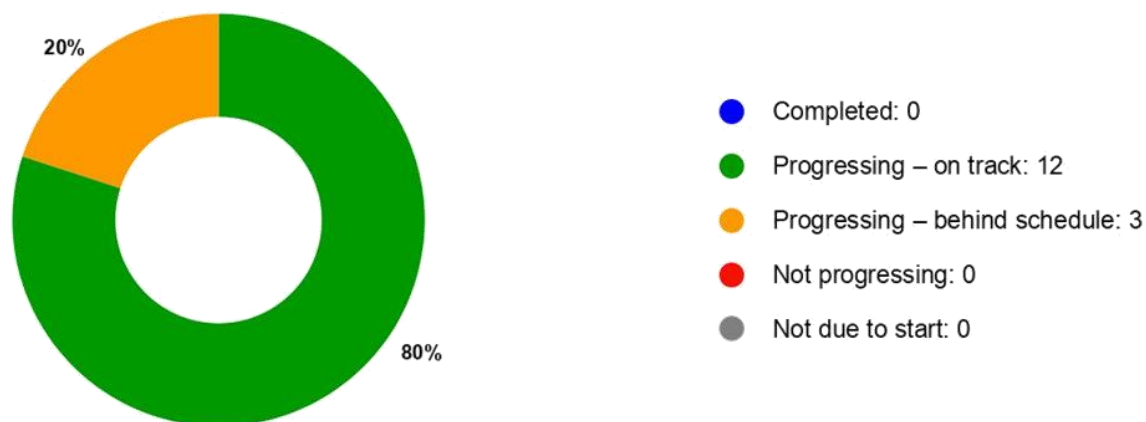
Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop and implement sub catchment based Urban Ecology Plans	1.3.1.1.2	Work with the Cooks River Alliance, other Cooks River councils and stakeholders to prepare the scoping study for the Cooks River Coastal Management Plan	Council officers participated in planning and data collection for the scoping study, through the Cooks River Catchment Advisory Group, and are currently reviewing the first draft.	Progressing - on track	
	1.3.1.1.3	Work with the Sydney Coastal Councils Group on their 2017-2019 Business Plan	Worked with the Sydney Coastal Councils Group on changing SCCG constitution. Contributed to submissions to state government including the Hawkesbury Shelf Marine Bioregion Marine Park Proposal and impediments to councils to access Office of Environment and Heritage funding and deliver coastal management programs. Also held discussions with SCCG Executive regarding progressing Council priorities including sewer overflow hot spots, advocacy for swimmable rivers and marine plastics.	Progressing - on track	
	1.3.1.2.1	Develop the Eastern Channel Urban Ecology Sub catchment Plan	Planning for the Eastern Channel Sub catchment is well underway with biophysical, social and institutional profiling 90% complete, engagement booklet 80% complete, and Local Environment Survey of residents and ratepayers administered.	Progressing - on track	
	1.3.2.1.1	Collate background information to prepare for a Stormwater Harvesting Plan	Background information to be collected during the second half of 2018/2019, when developing the Strategy for a Water Sensitive Inner West Community.	Progressing - on track	
	1.3.2.1.2	Monitor and record water capture and reuse across Inner West	Water consumption data is recorded in a centralised database for environmental monitoring and reporting. Water capture and reuse data is estimated based on the capacity of the infrastructure. Council staff are currently reviewing existing water data and enhancing the collection process.	Completed	
Develop and implement the Inner West Climate and Renewables Strategy	1.4.1.1.1	Complete background studies and engagement for development of the Climate and Renewable Strategy	Pathway to a Carbon Neutral Council Report with Carbon Neutral and Renewable Energy Targets adopted by Council at the Council meeting on December 11 2018.	Progressing - on track	

Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Pursue opportunities to drive an increase in renewable energy in the Inner West for Council and the community	1.4.1.2.1	Promote Our Energy Future and Green Living Centre programs to assist community with solar uptake	Council's solar offerings were promoted through bus shelters, social media, local media articles, council news and new information provided through Council and Our Energy Future's websites. Monthly solar assessments are being taken up across the Inner West by Green Living Centre.	Progressing - on track	
Focus efforts to drive efficiency and manage demand for energy across Council operations and reduce corporate emissions	1.4.1.3.1	Identify opportunities for Solar Photovoltaics for Inner West Council buildings	IWC facilities that use significant electricity have been surveyed by a specialist consultant, and opportunities for solar photovoltaic installations have been identified. Opportunities are documented in a technical report that supports Council's Climate & Renewables Strategy.	Completed	
	1.4.1.3.2	Monitor and record energy consumption, renewable generation and emissions across Council	Council's energy consumption and renewable generation is recorded in a centralised database. Renewable generation is publicly available at www.innerwest.nsw.gov.au/live/environment-and-sustainability/sustainability-at-council Carbon emissions have been calculated according to the requirements set out in the National Carbon Offset Standard, and are documented in a technical report that supports Council's Climate & Renewables Strategy.	Completed	
	1.4.1.3.3	Identify and implement energy efficiency and renewable works through capital works program	Energy efficiency and renewables works have been identified. Budget has been allocated and the work program approved by Council. An Expression of Interest for design and installation is expected to be released in Q3.	Progressing - on track	
Update planning controls and agreements to maximise the uptake of renewable energy and installation of green infrastructure in new developments and clarify processes for existing buildings	1.4.1.4.1	Review and harmonise the planning process for renewables and provide clear information to the community regarding installing solar panels	This action is being implemented as part of the broader Development Contributions Plan (DCP) harmonisation project managed by Strategic Planning. A staff workshop was held to identify and commence the process of the DCP review.	Progressing - on track	
	1.4.1.4.2	Prepare background information for climate change for inclusion in the Inner West Urban LEP and DCP	The Draft background report, Pathway to a Zero Emissions Community, has been prepared and will inform the Climate and Renewables Strategy and Local Environment Plan/Development Contribution Plan (LEP/DCP). Cross council workshops were held October and November as input to the draft. Staff are reviewing for final draft.	Progressing - on track	


Environment and Sustainability					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Support development of a transport network that runs on clean, renewable energy	1.4.2.1.2	Undertake an assessment of sustainable fleet options and map the steps Council could feasibly make to achieve a more sustainable fleet	IWC's fleet has been reviewed by a specialist consultant, and opportunities for increasing sustainability have been identified for both the short- and long-term. Opportunities are documented in a technical report that supports Council's Climate & Renewables Strategy. Council staff have met with 'Charge Together' program staff to discuss Council's participation in the program.	Completed	
Develop and implement an Environmental Management System addressing Council Environmental Risk and Compliance	5.3.2.3.1	Develop and implement an Environmental Management System addressing Council Environmental Risk and Compliance	Some preliminary investigation work has been undertaken. This project has been on hold while the team responds to Council resolutions relating to climate change. Some work around environmental management has been implemented for corporate environmental risk and for responding to the resolution to ban single use plastics at Council events and activities.	Progressing - on track	




Footpaths, Roads, Traffic and Stormwater




Service Area Snapshot










Action progress

Footpaths, Roads, Traffic and Stormwater					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
LED street lighting accelerated replacement	1.1.1.3.1	Participate in Ausgrid's program to accelerate the conversion of residential street lights to LED	Agreement reached with Ausgrid for the rollout of the residential street lighting LED replacement program. Installation works are expected to commence in late January 2019 and take approximately 12 months to complete across the Council area.	Progressing - on track	

Footpaths, Roads, Traffic and Stormwater					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Provide, renew and upgrade stormwater infrastructure	1.1.5.1.1	Deliver 18/19 capital program for stormwater infrastructure including: <ul style="list-style-type: none"> - Commencement of Dibble Ave waterhole remediation - Construction of Riverside Cres, Marrickville drainage upgrade 	<p>Blackmore Oval: rehabilitation of the wetland and stormwater harvesting for irrigation of the oval completed.</p> <p>Contract awarded for Stormwater Pipe relining works: Trafalgar St, Annandale; The Terrace, Balmain; Bay St, Birchgrove; Marmion St, Camperdown; Constitution St, Dulwich Hill; Union St, Dulwich Hill; Augustus St, Enmore; 36th Battalion Park, Leichhardt; William St, Leichhardt; 25 Boulevard to New Canterbury Rd, Lewisham; Woodbury St, Marrickville; Gould Ave, Marrickville; Day St, Marrickville; Harriet St, (Marrickville); Slade St, Rozelle; Bishop St, St Peters.</p> <p>Contract awarded for stormwater upgrade Darley Rd, Leichhardt water-sensitive urban design (WSUD) improvement works. Bay Run WSUD - Works completed. Dibble Ave Waterhole, Marrickville quotations sourced for detail design services. Riverside Cres, Marrickville detailed design nearing completion.</p>	Progressing - on track	
Develop and implement the Parramatta Road Urban Infrastructure Program works (Undertake Parramatta Road Urban Amenity Improvement Program)	2.1.2.4.1	Prepare infrastructure designs for implementation of the Parramatta Rd Urban Amenity Improvement Program	Master planning of public domain works are currently being finalised for public exhibition. Detailed design will commence following completion of master plan.	Progressing - behind schedule	
Enhance streetscapes and town centres	2.3.1.3.1	Deliver 18/19 capital program for streetscape improvements including: <ul style="list-style-type: none"> - Ashfield Town Centre upgrade - Darling St, Balmain between Red Lion St and Denison St 	<p>Ashfield Town Centre staged upgrade substantially complete. Minor items and defects rectification outstanding.</p> <p>Darling St, Balmain, between Red Lion St and Denison St: design completed and quotations for construction being sought.</p> <p>Marrickville Road (East) Streetscape Improvement: Preparation of Stage 1 detailed design in progress.</p>	Progressing - on track	

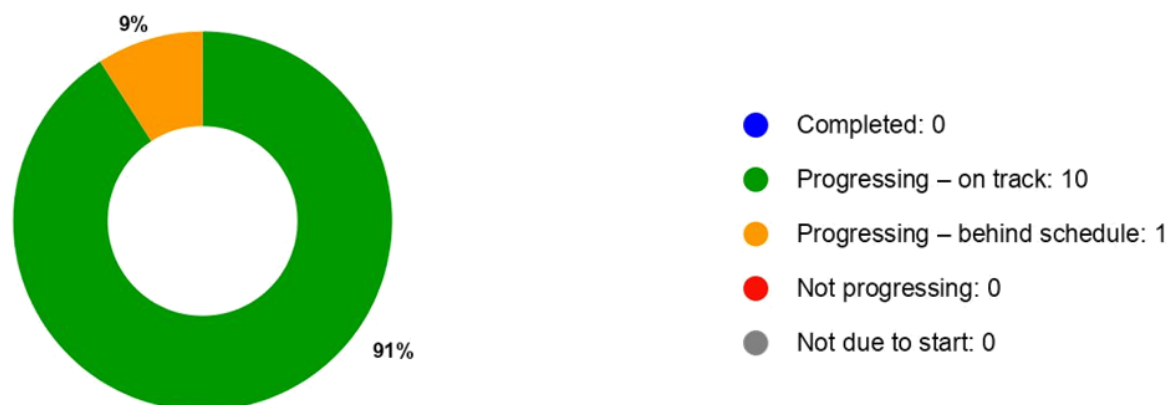
Footpaths, Roads, Traffic and Stormwater					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop and implement traffic and parking management studies	2.6.1.3.1	Deliver 18/19 program for traffic and parking management studies	Outcome of investigations and community engagement of concept treatments for Newington and Newtown Local Area Traffic Management precinct schemes, and Croydon Road traffic calming scheme reported to December Local Traffic Committee. Investigating narrow street project in Balmain with RMS.	Progressing - on track	
Develop and implement programs to promote road safety	2.6.3.1.1	Deliver 18/19 Road Safety Program	Car seat safety check services were completed on 30 October and 4 December 2018, with a total of 67 car seats checked for safety and correct fit. The development of resources for a school road safety promotion 'Illegal parking put children's lives at risk' is almost complete and will consist of postcards, newsletter inserts, and A-frame stands to be trialled with 20 schools. The 'Slowdown in my street' resident bin sticker campaign has depleted all its stickers due to the high demand. Planning for the placement of speed radar advisory signs has been completed and these will be installed early in 2019. A group of seniors aged 65+ were engaged via a presentation and discussion about pedestrian safety on 3 November 2018.	Progressing - on track	
Renew local and regional roads	2.6.3.3.1	Deliver 18/19 capital program for road renewal & improvements including: - Ramsay St, Haberfield - Dover St, Summer Hill - Arthur St, Ashfield - William St, Leichhardt - May St, St Peters - Keith St, Dulwich Hill - Dalhousie St, Haberfield	Resurfacing Works completed under Phase 1 of the program include: Piper St North, Annandale; Elliot St and Gipps St, Balmain; Wharf Rd, Birchgrove; Catherine St, Annesley St, Un-Named Lane, (between Flood St & National St), Walter St, and William St, Leichhardt; Mary St, Leys Ave, O'Neil St and Justin St, Lilyfield; Belmore St, Rozelle; Edith St, St Peters. The contract has been awarded for Phase 2 of the program and scoping and tendering for Phase 3 of the program is in progress.	Progressing - on track	

Footpaths, Roads, Traffic and Stormwater					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Renew and upgrade footpaths	2.6.3.4.1	Deliver 18/19 capital program for Footpath Renewal and Upgrade including: - Edgeware Rd, Marrickville	The following footpath works were delivered during the 2nd quarter: Edgeware Rd, Marrickville; Hogan Avenue and Unwins Bridge Road, Sydenham; Bayley St both sides, footpath renewal between Ewart St and Dudley St, Marrickville; Church Street from Glover Street to Bayside, Lilyfield; Stanmore Road: Liberty Road to Enmore Road (North side); Macaulay Road from Bridge Road to Northumberland Ave, Stanmore; Elswick Street from Railway Street to Crystal Street, Petersham; accessible kerb ramps, Stanmore; heritage footpath reconstruction.	Progressing - on track	
Provide, renew and upgrade traffic and pedestrian safety facilities	2.6.3.5.1	Deliver 18/19 capital program for traffic and pedestrian facilities	The following traffic and pedestrian facilities were improved during the quarter: Denman Ave, Haberfield: Pedestrian Crossing and Calming Improvements (Between Dalhousie and Alt Street); Speed Calming at Young Street, Collins Street, Annandale; Lilyfield speed hump construction Perimeter Street Near Glover Street; raised pedestrian crossing Chapel Street and Illawarra Road, Marrickville.	Progressing - on track	
Provide and upgrade cycleway infrastructure	2.6.3.6.1	Deliver 18/19 capital program for cycleway infrastructure including: - LR18 Marrickville Station to Dulwich Hill Station cycleway - Stage 1 Lilyfield Rd cycleway	LR18 Marrickville Station to Dulwich Hill Station cycleway: tenders are being sought for construction. Lilyfield Rd cycleway: Tender documentation is being finalised for design review and development. Feasibility study for Wolli Creek pedestrian/cycleway bridge is in progress.	Progressing - behind schedule	
Renew and upgrade bridges	2.6.3.7.1	Deliver 18/19 capital program for bridge infrastructure including: - Chester St Footbridge replacement - Booth St Bridge upgrade	Chester St, Annandale: installation of the bridge across Johnston Creek and the western stairs is complete. Installation of the western ramp is pending Sydney Water's approval for the amended ramp footings design to avoid water main. Booth St, Annandale, bridge upgrade: preparation of detailed design progressing.	Progressing - behind schedule	
Renew and upgrade carparks	2.6.3.8.1	Upgrade and renew Lennox St Carpark Newtown	Detailed design for the reconstruction and upgrade of Lennox St Carpark is nearing completion.	Progressing - on track	


Footpaths, Roads, Traffic and Stormwater					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Renew and upgrade roadside furniture	2.6.3.9.1	Deliver 18/19 capital program for Roadside Furniture Infrastructure	Contract awarded for the installation of a traffic barrier at Junction St, Marrickville.	Progressing - on track	
Implement the Inner West Council Inclusion Action Plan for people with a disability 2017-2021	4.1.3.3.1	Modify bus stops to meet accessible standards for public transport	Location and scoping of sites to be modified has been completed. Site works are in progress.	Progressing - on track	
Implement Asset Management Improvement Program	5.3.1.1.1	Review and implement Asset Management Strategy and Plans	<p>Improvements to asset management systems and data competency is in progress as part of the TechnologyOne software implementation.</p> <p>The Asset Management Policy was completed and adopted by Council in October 2018.</p> <p>The review and update of the draft Capital Works Priority Program has been completed.</p>	Progressing - on track	







Library and History Services


Service Area Snapshot



Action Progress

Library and History Services					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Digitise existing Inner West history collections	3.1.2.1.1	Digitise up to 10,000 items in the Inner West History Collection	<p>Library staff have continued to identify and prioritise digitisation of important documents from the Historical Archives and Records Collections for house history including Building Registers which can then be transferred to State Records.</p> <p>The digitisation of Local Biographies A-Z 3000 pages was completed.</p> <p>Staff are progressing the digitisation of Community history vertical files (to free up physical space taken up by vertical file cabinets).</p>	Progressing - on track	

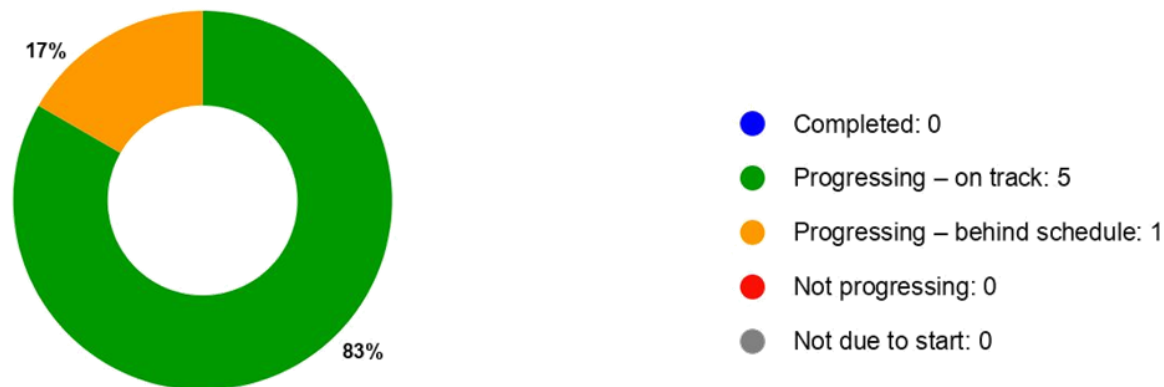
Library and History Services					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Improve library signage	4.1.1.3.1	Design and install signage	Provided in-depth research, support and historic images to the Council project on the heritage signage for The Fisherman of Iron Cove and APIA club. Staff attended community engagement activities with the Italian Community for final sign off on signage. The signage was well received by the community who await their installation in early 2019.	Progressing - on track	
Support history research by the community through provision of face-to-face history services for the community	4.1.4.1.1	Provide face-to-face history services for the community	There was an increase in the number of house history requests and use of the materials for this quarter with Library and History Services offering 29 hours of face to face customer service per week. The Local Notes Blog had over 6,000 visits and 1,000 downloads.	Progressing - on track	
Investigate feasibility of creating an Inner West History Centre and relocation of history services	4.1.4.2.1	Consult with community regarding Inner West History Centre proposal	The results of the community consultation have been collated. Councillors will be briefed on this project in March 2019.	Progressing - on track	
Develop a comprehensive history of the Inner West	4.1.4.3.1	Initiate Inner West History documentation	A consolidated timeline of the Mayors and Aldermen/ Councillors from the three former Councils is being compiled. This project will continue to develop and is ongoing.	Progressing - on track	
Open and operate Patyegarang Place and the new Marrickville Library	4.4.2.2.1	Library and community hub complete	Work continues on the opening of the new Library. Library and other Council staff have been touring the site to develop the operational aspect of the library. Library and History Services staff are meeting with a range of key stakeholders to brief them on the project. The Library is due to open in the second half of 2019.	Progressing - on track	
	4.4.2.2.2	New Marrickville Library open to the public	The original date for the opening of the Library was May 2019. However, this date is now scheduled for the second half of 2019 as agreed with Mirvac and the contracted builders.	Progressing - behind schedule	

Library and History Services					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
	4.4.2.2.3	Plan for the opening day collection	Regular meetings are continuing with the supplier, James Bennett, as well as further discussions about the logistics of planning an opening day collection. Discussions have occurred with Properties, Major Building Projects and Facilities Group regarding the appointment of a removalist company for this project, as their specialist knowledge will assist in the finalisation of the planning of this project. Purchasing has begun and the Executive has been briefed.	Progressing - on track	
	4.4.2.2.4	Develop a communications and marketing plan for the new Marrickville Library	Work has commenced on this project. Library and History Services have briefed the new Marketing Coordinator and timelines and artworks concepts have been developed. It has been agreed that the majority of the marketing will take place three months out from the opening, however there have been regular social media updates about the project.	Progressing - on track	
Refurbish Haberfield Library	4.4.2.3.1	Review the existing Haberfield collection	The revision of the existing Haberfield Library collection is underway. Council is taking note of the processes used with new Marrickville Library, so that we can incorporate learnings into this project.	Progressing - on track	
	4.4.2.3.2	Consult with the community regarding changes to Haberfield Library	Library and History have completed all tasks to date with regards to this project. The library is currently at detailed design phases so no further consultation has been planned. However, the closure is being considered as part of wider Library communication strategies.	Progressing - on track	


Regulatory Services






Part of the *Development Assessment and Regulatory Services* service unit

Service Area Snapshot



Action Progress

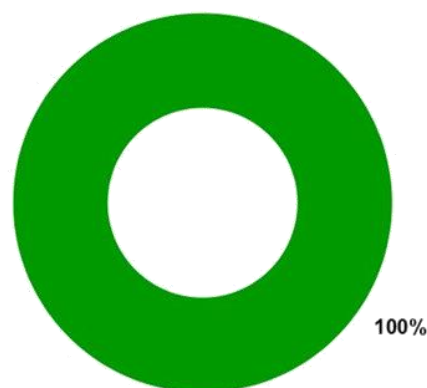
Regulatory Services					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Review, update and improve education materials, website information, application forms and guidelines	2.1.1.4.1b	Identify and develop strategies for better education in areas of high community interest or risk, such as food safety, companion animals, asbestos awareness	In Q2, the Environmental Health Team commenced a mail out of a food safety calendar and associated poster on food allergy and anaphylaxis to all food businesses within the LGA. Templates and other documentation based on new systems or homogenisation of teams are continuing to be reviewed.	Progressing - on track	

Regulatory Services					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Review and coordinate the implementation of parking strategies	2.6.3.2.1	Review business practices to improve efficiency and reduce illegal parking	Weekday night and weekend day and night assessments are now complete resulting in the implementation of 21 new parking patrol areas. Ongoing reassessment of the original Inner West Council parking patrol areas is now in progress.	Progressing - on track	
Conduct audit of unauthorized restricted premises across Inner West	3.3.1.1.1	Undertake land use audit to identify unauthorised brothels	Discussions have been held with the external provider and a Request for Tender is being drafted. The audit is still scheduled to be conducted between February and April 2019.	Progressing - on track	
Conduct safety audit program of awnings over Council footpaths	3.3.1.2.1	Implement NSW Department of Planning Circular BS 13-001 'Safety of awnings over public lands'	This project is planned to commence in Q3 of 2018/19 (due to resourcing constraints). This project will be an ongoing audit over a 5 year cycle.	Progressing - on track	
Implement a program of proactive building site inspections	3.3.1.3.1	Undertake 'site right' audits of major projects (e.g. construction of flat building, industrial development, etc.) to identify environmental or public safety issues	The proactive inspection of building sites program remains in development stage. This will be streamlined with Council's harmonised Tech One Property and Rating and ECM system. Reactive inspections continue to occur as required.	Progressing - behind schedule	
Support companion animal registration	4.1.1.5.1	Audit companion animals registration	An Unregistered Animals Report for the NSW Companion Animal Register has been completed and assessed. A 12 month resourcing plan has been developed and resourcing options are currently being assessed.	Progressing - on track	

Resource Recovery


Part of the *Environment and Sustainability* service unit





Service Area Snapshot










- Completed: 0
- Progressing – on track: 12
- Progressing – behind schedule: 0
- Not progressing: 0
- Not due to start: 0

Action Progress

Resource Recovery					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop an Inner West Zero Waste Strategy and Action Plan	1.5.1.1.1	Prepare background research and undertake engagement for the development of the Zero Waste Strategy and Action Plan	The development of the Zero Waste Strategy & Transition Plan is underway. Consultants were appointed to assist in modelling the review of the residential kerbside recycling and organics collection services. The Zero Waste/War on Waste Communications and Engagement Plan is progressing with the implementation of several communication pieces with the objective to raise community awareness around zero waste, including the Zero Waste Christmas Guide in December 2018.	Progressing - on track	

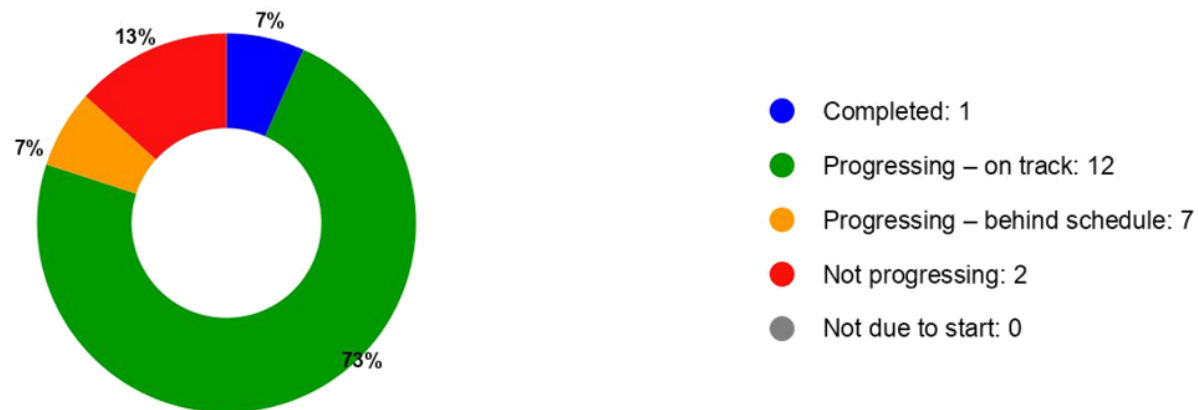
Resource Recovery					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop and operate a second Inner West Council Community Recycling Centre for problem wastes	1.5.2.1.1	Open the second Inner West Council Community Recycling Centre for problem waste	The DA for the construction of the grant funded Community Recycling Centre for problem wastes at St Peters was approved by Council and the Environmental Trust. A construction contractor was engaged to complete the works in January 2019. The new facility is scheduled to be operating by the end of the financial year.	Progressing - on track	
Promote zero waste avoidance, reuse recycling and repair	1.5.2.2.1	Promote waste avoidance and reuse initiatives	Council endorsed the establishment of a local reuse and recycling centre at the December 2018 meeting. Council also funded the Garage Sale Trail (GST) program that promotes reuse of household items. The Inner West area achieved 456 registered sales and placed 3rd on the GST national leader board. Council also published a Zero Waste Christmas Guide providing tips and ideas to reduce the impacts of waste over the festive season.	Progressing - on track	
	1.5.2.2.2	Develop and implement a new recycling campaign to improve the quality of recycling	The new waste and recycling app was launched with a social media campaign and face to face engagement. Council launched a joint regional campaign (Unbag Your Recyclin's) targeting the issue of recyclables being placed in plastic bags and incorrectly placed in the (yellow-lid) kerbside recycling bins causing contamination. The digital campaign reached 240,000 followers on social media and 8,644 page views on the microsite, which featured the campaign video. The digital campaign was reinforced through the placement of 100 Unbag your Recylin's stickers on the lids of recycling bins in areas of IWC that have a high rate of 'contaminated' bins that are rejected for collection.	Progressing - on track	
Increase reuse opportunities and develop a local reuse centre	1.5.2.3.1	Finalise the site selection and plans for the Reuse Centre as part of the management of Inner West Council property needs	Council endorsed the prioritisation of the Reuse Centre project in the October and December 2018 meetings, releasing \$100,000 of the allocated funds for the centre at the next budget review in order to recommence the planning and design of the centre. A project brief is being reviewed and updated for Properties, Major Project and Facilities Group to identify the most suitable site for the IWC Reuse Centre.	Progressing - on track	

Resource Recovery					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Provide options for residents to divert organics at home, in the community and through a kerbside service	1.5.3.1.1	Finalise the report and review of food collection and processing trials with recommendations on future service offerings	The recommendations of the Organics Tender were adopted by Council and a Food and Garden Organics Only collection will be rolled out in the South (Marrickville) Service area in 2019 for apartment buildings. There is a strong commitment to separate organics from the garbage stream with solutions also including further promotion of home composting. IWC continues its innovative organics research project with the Institute for Sustainable Futures to assist in informing source of, and options for, a broad range of organics across IWC.	Progressing - on track	
Collaborate with stakeholders to support delivery of the Inner West Zero Waste Strategy and Action Plan	1.5.4.1.1	Work with South Sydney Regional Organisation of Councils on advocacy to NSW and Commonwealth governments	IWC continued to work with all layers of government to advocate for better resource recovery and zero waste. Recent advocacy included submissions to the National Waste Policy update and NSW Circular Economy Policy.	Progressing - on track	
	1.5.4.1.2	Prepare a communications plan for advocacy on extended producer responsibility	IWC continued to advocate for Extended Producer Responsibility (EPR) in response to the NSW Circular Economy Policy, highlighting the need for tax incentives/levies that make producers responsible for redesigning durable, repairable products including the take back of products at the end-of-life. The new IWC Waste App raises awareness of voluntary EPR Schemes to encourage consumers to use them, in addition to ongoing communications for existing product stewardship opportunities.	Progressing - on track	
Optimise organisational efficiencies through amalgamation	5.3.3.1.3	Prepare a communications plan for the Resource Recovery service integration and desired behaviours	A comprehensive Communications and Engagement Plan is being developed in parallel to the Service and Integration Plan. The plan will include community engagement strategies and details of community consultation that will be undertaken as part of the development of the new Zero Waste Strategic Plan.	Progressing - on track	
Undertake operational Service Reviews	5.3.3.4.1	General Resource Recovery Service review to identify efficiency and effectiveness improvements	Consultation with staff on the proposed new service delivery model. Commenced trialling the basis of a group task finish approach to completion of the different service types. Negotiations commenced on a proposed Enterprise Bargaining Agreement for Resource Recovery Services.	Progressing - on track	

Resource Recovery					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
	5.3.3.4.2	Complete a review into Clean Up (Illegal Dumping) Services and recommend new offering	<p>The kerbside clean up service is being reviewed to determine an integrated IWC clean up service for residents. The recommendations for service will then be reported to Council.</p> <p>A new booking system will need to be in place to deliver the service and Council is proposing to tender for an electronic booking system in early 2019.</p>	Progressing - on track	
	5.3.3.4.3	Complete the review of commercial waste and recycling services and make recommendations for an Inner West service	<p>Businesses in the West service area using the IWC commercial waste service were visited to ensure they have the correct number of bins at the business for the waste and recycling service and given the opportunity to discuss the service charges changes and their options. Affected businesses and property owners were advised of the changes to how the service would be charged in the previous quarter.</p>	Progressing - on track	






Strategic Planning






Service Area Snapshot














Action Progress

Strategic Planning					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Prepare an Inner West Council Development Contribution Plan under Sec 7.11 and Sec 7.12 of the Environmental Planning and Assessment Act (formerly s.94 and s.94A)	2.1.1.1.1	Commence preparation of an Inner West Council Development Contribution Plan	Project plan has started with drafting of the Project Management Plan. Completion now planned for end of 2020.	Progressing - behind schedule	

Strategic Planning					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Prepare a Local Strategic Planning Statement	2.1.1.2.1	Prepare a preliminary Local Strategic Planning Statement	Project is underway and the draft is programmed for public exhibition in July 2019	Progressing - on track	
Prepare an Inner West Local Environmental Plan (LEP) and Development Control Plan (DCP)	2.1.1.3.1	Develop planning controls that retain and enhance public and open spaces	Project currently not resourced. Public Domain Planning Team to liaise with Development Contributions Plan/ Local Environment Plan Team. Previous conversations on Marrickville Town Centre will be used as a starting point for a template to be developed.	Progressing - behind schedule	
	2.1.1.3.2	Commence the Inner West Local Environment Plan (LEP) and Development Control Plan (DCP)	First milestone, completion of the draft Local Strategic Planning Statement, is on schedule for exhibition by July 2019.	Progressing - on track	
Prepare masterplans for the Parramatta Road Urban Amenity Improvement Program projects	2.1.2.3.1	Prepare a Master Plan for Parramatta Rd – Leichhardt Precinct	Site analysis, site surveys, community engagement, traffic study and draft master plan undertaken for all locations except Dot Lane. Scope and program for 'Cycle Route Along Dot Lane' reviewed. Project Control Group informed and agreed in principle. Project program restructured to absorb project scope variation. DPE yet to confirm scope variation. Final master plan delivery planned for May 2019.	Progressing - on track	
	2.1.2.3.2	Prepare a Master Plan for Parramatta Rd – Camperdown Precinct	Currently underway with site analysis, site surveys, community engagement, traffic study and draft master plan undertaken for all locations except Johnstons Creek. Scope and program for Johnstons Creek Cycle and Pedestrian Route has been reviewed. Project Control Group informed and agreed in principle. Project program restructured to absorb project scope variation. DPE yet to confirm scope variation Final master plan delivery planned for May 2019.	Progressing - on track	

Strategic Planning					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Undertake master planning as part of the NSW Government's Precinct Support Scheme for the Sydenham station area	2.1.2.5.1	Commence preparation of a master plan for Marrickville Town Centre	Commenced draft Master Plan document - 70% review mark-up needs to be completed. First pilot project (Alex Trevallion Plaza upgrade) currently in design phase with external consultants. Construction works to commence in 2020.	Completed	
Prepare and submit documentation to support Haberfield Heritage Conservation Area being included in the NSW Heritage Act schedules	2.2.2.2.1	Prepare a submission for Haberfield Heritage Conservation Area to be recognised under NSW legislation	Following funding being obtained a brief is being prepared to appoint a consultant to prepare the submission.	Progressing - on track	
Prepare the Inner West Public Domain Study and Strategy	2.3.1.1.1	Initial data review for the Inner West Public Domain Study	Project currently not resourced. Inner West Public Domain Study and Strategy initial data review scheduled for Q4 2018/19.	Progressing - behind schedule	
Develop and implement Master Plans for the public domain	2.3.1.2.1	Prepare a Master Plan for the Victoria Rd Precinct	Project currently not resourced. Not yet initiated. Public domain master plan in this area linked to new DCP/LEP. Public Domain Planning Team to liaise with LEP/DCP Development Team to discuss planning strategy.	Progressing - behind schedule	
	2.3.1.2.2	Prepare a Master Plan for King St/ Enmore Rd	Project currently not resourced. Brief, scope definition and community engagement strategy commenced. Complex stakeholder engagement list. Delivery by end of 2018/19 financial year unlikely. Understanding the project's connection to the with Roads and Maritime Services Gateway Project is essential.	Not progressing	

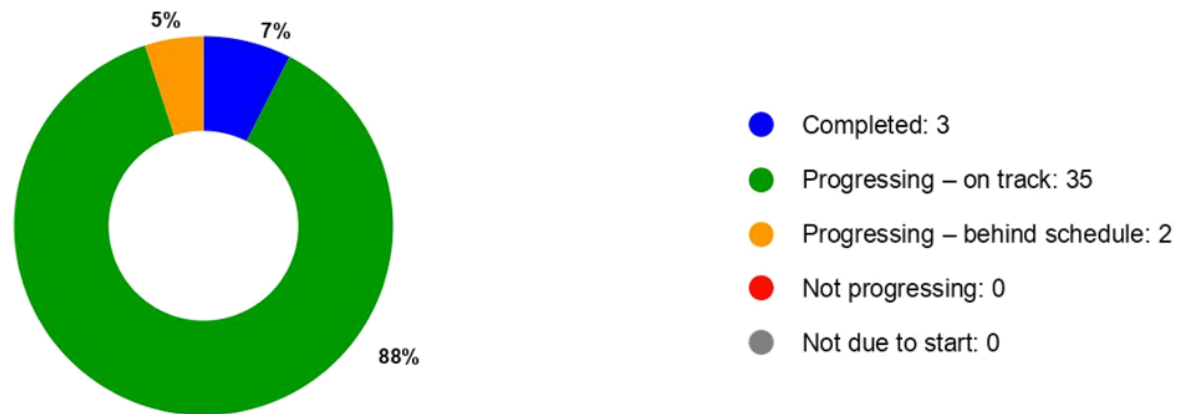
Strategic Planning					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
	2.3.1.2.3	Prepare a Master Plan for Petersham Town Centre	Project currently not resourced. Not initiated. Project could be initiated by a part-time resource or small consultancy contract.	Not progressing	
Prepare an Inner West Housing Study and Strategy	2.4.2.2.1	Complete the Inner West Housing Strategy	Project underway, on schedule for exhibition of draft in April 2019.	Progressing - on track	
Prepare an Inner West Integrated Transport Strategy	2.6.1.1.1	Commence the Inner West Integrated Transport Strategy	Project underway, on schedule for exhibition of draft in April 2019.	Progressing - on track	
Implement the GreenWay Master Plan ensuring that it is consistent with adopted and emerging GreenWay strategies and plans	2.6.1.4.1	Continue implementation of the GreenWay	Coordination of input by Strategic Planning and Community Services to inform development of concept designs, following adoption of the Master Plan in August 2018. Coordination of engagement with key GreenWay community groups in relation to concept designs . 2 meetings of the GreenWay Agencies Funding and Approvals Group, coordination of November GreenWay Missing Links PCG meeting and implementation of actions. Advocacy and promotion for strategies and actions identified in the Master Plan. Ongoing consultation/negotiation with key stakeholders to secure political support and funding for Master Plan. Ongoing management of the GreenWay Place Management Program: place planning, place making, place management, urban biodiversity, active travel, education and arts and culture See attachment for more detailed description	Progressing - on track	
Prepare an Inner West Active Transport Plan	2.6.2.1.1	Complete the Inner West Active Transport Plan	The Integrated Transport Strategy will be reported to Council in March/April 2019. Together with the yearly bike counts it will inform the Active Transport Plan to follow. Funding will need to be allocated in the 20/21 budget to undertake the Active Transport Plan.	Progressing - on track	

Strategic Planning					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Behavioural Change Program to encourage the shift to active transport	2.6.2.2.1	Implement actions from the Behavioural Change Program	The Behavioural Change Program is subject to resourcing. A grant application has been lodged with Roads and Maritime Services for funding.	Progressing - behind schedule	
Prepare an Inner West Council Economic Development Strategy	3.3.2.1.1	Commence the update of the Economic Development Strategy	Internal consultation and drafting has commenced. It is anticipated that community consultation will occur in 2019.	Progressing - behind schedule	
	3.3.2.1.2	Review the Footpath Dining Policy	Internal consultation has taken place and a draft policy will be reported to Council March/April 2019. This project has been coupled with a review of the Local Approvals Policy.	Progressing - behind schedule	
Develop and implement a Performance Monitoring Framework for Four Year Council Plan Reporting	5.3.2.4.2	Establish a TechOne reporting module for performance monitoring	Preliminary scoping meetings for the Technology One Performance Planning module began with consultants in December 2018. Development will begin in early 2019, and the module is expected to launch before FY19/20 reporting begins in the new financial year.	Progressing - on track	
Optimise organisational efficiencies through amalgamation	5.3.3.1.1	Align S.149 Certificate processes	In November/December 2018 the Technology One consultants held the first round of key user testing for the online application and lodgement of Planning Certificates. Key user feedback was provided to consultants on 20 December 2018 and is under evaluation. All land, property and rating information is currently being transferred and once complete will enable key user testing of the new Inner West Planning Certificate Templates. Implementation is planned for March 2019 and key user testing regarding the planning certificate templates will be completed in February 2019.	Progressing - on track	
	5.3.3.1.2	Align Planning Proposal lodgement processes	Work has continued with the Communications Team to harmonise the planning proposal engagement process. A consultation hierarchy has been established based on the complexity of planning proposals. More extensive consultation methods will be used for complex private planning proposals such as letter drops to local residents. Future work needs to be undertaken to ensure this work aligns with the recent changes to the Environmental Planning and Assessment Act including new requirements for Community Participation Plans.	Progressing - on track	

Trees, Parks and Streetscapes







Formerly *Trees, Parks and Sportsfields* in the Operational Plan 2018/19







Service Area Snapshot













Action Progress




Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Renew and upgrade seawalls in line with the Seawalls and Wharves capital program	1.1.1.1.1	Complete minor seawall renewals	Contractor engaged to complete Mary Street, East Balmain rock face stabilisation works in January. Illoura Reserve and Thornton Park works are complete. Works at Yurulbin Park to be completed January.	Progressing - on track	







Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Undertake the street tree planting and establishment program	1.1.2.1.1	Implement the street tree planting and establishment program	Scoping and project planning for tree planting programs is underway and final project delivery is programmed for quarter four (cooler months are preferred for tree establishment).	Progressing - on track	
Gap analysis and audit of street tree data	1.1.2.2.1	Audit and undertake a gap analysis on tree asset data and update missing data	The tender for the LGA wide tree inventory is behind schedule. Resourcing and work load capacity have impacted the tender being ready in Q2. Tender is due to be put out in early Q3.	Progressing - behind schedule	
Establish a sustainable proactive maintenance program and forward inspection program for all Council trees	1.1.2.3.1	Establish a sustainable proactive maintenance program and forward inspection program for all Council trees	Tree maintenance (reactive and proactive) programs are underway. Delivery of tree maintenance services in the former Ashfield and Leichhardt LGAs are still mostly reactive, although contract management of these programs have been combined. Existing contracts are in place for the former Marrickville LGA. A full contract review (that will include forward inspection programs for Leichhardt and Ashfield) is planned for implementation once the inventory is finalised.	Progressing - on track	
Continue to work with Ausgrid for appropriate pruning standards for street trees, including the adoption of an Inner West Local Precinct Plan	1.1.2.4.1	Prepare an Inner West Local Precinct Plan and negotiate agreement	Pruning works within the LGA are being carried out in accordance with the new reduced pruning agreement. The draft Precinct Plan is with Ausgrid for final review. A meeting with Ausgrid has been scheduled for Feb 2019 to discuss.	Progressing - on track	
Develop and implement an Urban Forest Policy and Street Tree Master Plan	1.2.2.3.1	Develop a consolidated Urban Forest Policy and Street Tree Master Plan	Project to be delivered during 2019-20 financial year.	Progressing - on track	
Develop and implement the Inner West Climate and Renewables Strategy	1.4.1.1.2	Engage and work with consultant to assess options, feasibility and costs associated with transition to electric/sustainable fleet	The Urban Sustainability Team are undertaking this project and have started to meet with consultants and relevant council staff.	Progressing - on track	






Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Support development of a transport network that runs on clean, renewable energy	1.4.2.1.1	Plan disposals in fleet against the replacement program	The Urban Sustainability Team are working with the consultants to address this action.	Progressing - behind schedule	
	1.4.2.1.3	Plant replacement program for 18/19 developed to reflect the recommendations of the Service Review and use operational efficiencies to reduce plant and vehicle numbers.	The replacement program is progressing well in conjunction with the current service review. Fleet are working with the consultant and service units on their operational needs and will accelerate in Q3 once the needs of each service unit are clear.	Progressing - on track	
Develop and implement the Parramatta Road Urban Infrastructure Program works (Undertake Parramatta Road Urban Amenity Improvement Program)	2.1.2.4.1	Prepare detailed design to convert Petersham St to a pocket park	Project design in progress in coordination with other Parramatta Road Urban Amenity Improvement Program projects.	Progressing - on track	
Prioritise shade sail renewal and upgrade through a Shade Sail Strategy	2.1.3.2.1	Shade sails provided in accordance with the shade sail program	Community engagement has been completed and 13 sites have been selected for tender. A contractor has been engaged and shade sail installation is scheduled for February - March 2019.	Progressing - on track	
Enhance streetscapes and town centres	2.3.1.3.2	Complete Waterfront Drive upgrade	Sports field upgrade works are in progress. Field reopening is scheduled for early April 2019.	Progressing - on track	
Deliver interpretation artwork at the site of the former Datchett St, Balmain East incinerator	2.3.1.4.1	Datchett St, Balmain East incinerator removed	Partial demolition of high risk chimney portion of incinerator completed January 2019. Community engagement rescheduled to Q3. Design of interpretive work planned for Q4 for installation in FY19/20.	Progressing - on track	




Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Identify opportunities and / or lobby for additional open space in association with large development	2.3.2.1.1	Identify opportunities and/or lobby for additional open space in association with large development	The Recreation Needs Study was adopted in October 2018 providing the data and evidence base for identifying priority areas. The Manager Recreation Planning and Programs has liaised with relevant project managers in Strategic Planning including development of a consolidated LEP and Sec.7.11 contributions plans. Working with Strategic Planning on assessments for some new residential sites.	Progressing - on track	
	2.3.3.1.1	Continue to work with the NSW Office of Environment and Heritage to establish the Callan Park Trust	Council is continuing to lobby the NSW Government on the formation of a Trust and the adoption of a master plan for Callan Park.	Progressing - on track	
Establish the Callan Park Trust	2.6.1.4.1	Deliver the central GreenWay missing links works in accordance with the project schedule	Assessment of the Development Application for Greenway Central Links is in progress. The project is awaiting Sydney Trains owners' consent. Detailed designs for northern link have been commenced.	Progressing - on track	
Implement the GreenWay Master Plan ensuring that it is consistent with adopted and emerging GreenWay strategies and plans	2.6.1.4.2	Upgrade the Cooks River Cycleway lighting	Contractor engaged and construction commenced for lighting upgrades as part of Cooks River Parkland Masterplan upgrade works.	Progressing - on track	
	2.6.1.4.3	Commence construction of a shared path along the Hawthorn Canal	Preliminary community engagement and draft concept designs for Southern Links and Hawthorn Precinct have been completed. Public exhibition of draft concept designs is planned for February. Project coordinated with Central Links Development Application and construction phase.	Progressing - on track	
	4.1.3.1.1	Provide information on the accessibility and inclusion features of parks and playgrounds, including if it is fenced	As part of its master planning for park improvements and in partnership with other Council departments, Parks Planning and Engagement is continuing to advocate for equal access improvements in parks and to provide facilities that cater for all ability needs. This includes new public toilet facilities and improved access paths, seating with backrests and side arms and wheelchair accessible bubblers.	Progressing - on track	

Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Provide information on the accessibility and inclusion features of parks and playgrounds	4.1.3.2.1	Embed accessibility requirements in any revised or new Playground Strategy and in Plans of Management for parks, open space and related facilities and their use	Embedding accessibility is a prerequisite planning consideration for Park Plans of Management.	Progressing - on track	
Embed accessibility requirements in any Playground Strategy and in Plans of Management for parks, open space and related facilities and their use.	4.1.3.3.5	Review Inner West public toilet strategy and explore the opportunity to provide 'changing places' facilities	Work on a new LGA wide public toilet strategy will be commenced in March 2019.	Progressing - on track	
Implement the Inner West Council Inclusion Action Plan for people with a disability 2017- 2021	4.2.1.2.1	Deliver way-finding through Gadigal Wangal country in Ashfield, Balmain, Leichhardt, Marrickville and Stanmore wards	Critical investigation and artist Expression of Interests have been completed. Artist engagement and detailed design is underway. Installation at five sites is planned for Q3 and Q4.	Progressing - on track	
Improve way-finding through Gadigal Wangal country	4.3.1.2.1	Finalise the Inner West Recreation Policy and Strategy	<p>Meetings have been held with relevant sections of Council and further meetings are scheduled for early 2019 consistent with the identified recommended opportunities from the Recreation Needs Study. Work has commenced on a number of key initiatives including:</p> <ul style="list-style-type: none"> • an artificial surfacing of sporting fields study • identification of a laneway or laneways where a pilot activation of the space for recreational use can be undertaken • increasing investment in the upgrades of pocket parks in areas identified as having relative open space deficiencies • review of the potential for partnerships with schools to improve sporting facilities and to make them available outside of school hours for community sport. 	Progressing - on track	

Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Implement the Inner West Recreation Policy and Strategy	4.3.1.2.2	Provide recreation programs to address the needs of identified priority groups	<p>Programs provided in Q2:</p> <ul style="list-style-type: none"> • Initial Refugee School Holiday program held in October in conjunction with OzTag, Football NSW and Balmain District FC • Continuation of Refugee Learn to Swim, Water Safety and Belly Dance program targeting women at risk of isolation • 3 Refugees undertook a Zumba instructor course • Mums Get Active continued at Tom Foster Community Centre and commenced at Debbie and Abbey Borgia Centre • Parents with Prams walking groups continued on the Bay Run and two new groups commenced on the Cooks River • Three major and well attended events were held at Sydenham Green Skate Park • Two girls and three open skate clinics at IWC skate parks • Beat It program for people with or at risk of diabetes held at LPAC • Encore program for people with or recovering from breast cancer held at LPAC • Live Life Get Active program continued in 36th Battalion Park and new program commenced at Enmore Park • Coordination of Active and Connected Brochure promoting seniors programs across Council. 	Progressing - on track	
	4.3.1.2.3	Promote awareness of recreation opportunities in the Inner West	Website development has continued including the development of a skate page and promotion of events and programs through social media. Notable success this quarter was the promotion of major events at Sydenham Green Skate Park, one of which attracted over 500 attendees. This quarter also saw the development of an 'Active and Connected' brochure promoting seniors programs across Council with the intent to launch in Seniors Week in February 2019.	Progressing - on track	
	4.3.1.2.4	Negotiate management options for Annette Kellerman Aquatic Centre, Marrickville and Fanny Durack Aquatic Centre, Petersham	The Discussion Paper was finalised with input from relevant areas of Council, and in conjunction with the Deputy General Manager Community and Engagement it was determined a Councillor workshop would be undertaken in early 2019.	Progressing - on track	

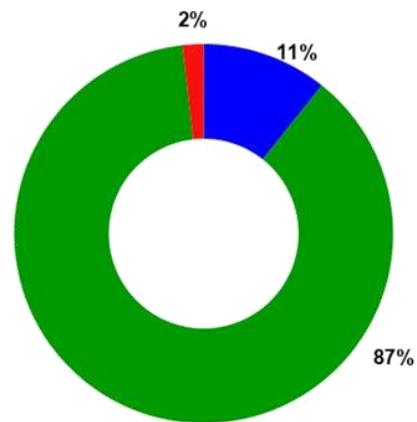
Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Audit and update park and foreshore asset data Develop and implement a prioritized plan for Inner West parks Plans of Management and Master Plans Investigate the use of synthetic turf	4.3.1.2.5	Administer the Recreation Grants Program to remove barriers to participation in recreation activities	A report was presented and adopted by Council in November. All successful and unsuccessful applicants have been informed and all successful applicants have invoiced Council and been sent funding to commence their projects.	Progressing - on track	
	4.3.1.2.6	Review the management of Robyn Webster Sports Centre, Tempe	The draft documentation remains under development. Issues with the timber floor at Robyn Webster Sports Centre are being resolved prior to commencing the expression of interest process.	Progressing - on track	
	4.3.1.8.1	Audit and update park and foreshore asset data and update missing data	Data collection planning and testing is in progress. Data collection to be undertaken pending upload of Technology One asset data. Technology One work orders are now in use.	Progressing - on track	
	4.3.1.9.1	Prioritised implementation plan developed	Completed and adopted by Council.	Completed	
	4.3.1.10.1	Identify potential locations for synthetic turf and undertake concept designs	Project planning and preparation of consultant brief complete. Engagement of consultant underway.	Progressing - on track	
	4.3.1.11.1	Prioritised implementation plan developed for Crown Land Parks	Completed and adopted by Council.	Completed	

Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop and implement a prioritised implementation plan for Crown Land parks Plans of Management and Master Plans	4.3.1.12.1	Projects completed to schedule	<p>Tempe Reserve path lighting upgrade design in progress. Alternative sites for fitness stations at Gladstone Park and Spindlers Reserve were approved by Council at Ewerton Park and Cohen Park, with installation planned for Q4. Mort Bay Park lookout works commenced January.</p> <p>Mort Bay Park lighting upgrade tender process underway for construction February - March. Sutherland Reserve playground upgrade community engagement and design planned Q3. Whites Creek Valley Park footpath renewal completed. Community engagement for new park at Bell Reserve, Croydon, planned for Q3 in coordination with house demolition and park design. Renewal of Pratten Park sports lighting demolition planned for February.</p>	Progressing - on track	
	4.3.1.12.2	Deliver upgraded irrigation and drainage to Darrell Jackson Gardens, Summer Hill	Irrigation of cricket field completed and drainage designs and feasibility review complete. Further drainage works to be deferred to enable integration with park upgrade master plan works in the future.	Completed	
Renew and upgrade parks in line with the Parks Capital Works Program	4.3.1.12.3	Upgrade Ashfield Park lighting	Lighting designs in progress.	Progressing - on track	
	4.3.1.12.4	Construct a skate park in Callan Park	Council resolved in October to undertake community engagement for an alternative regional skate park site at Leichhardt Oval No. 3. A consultant has been engaged to prepare designs prior to community engagement.	Progressing - on track	
Deliver the recommendations of the Cooks River Master Plan	4.3.1.13.1	Deliver the prioritised projects identified for 2018/2019	Construction of Cooks River Parklands Master Plan upgrades Steel Park to Kendrick Park commenced in November for completion June. Designs for upgrades at HJ Mahoney Reserve commenced in October. Community engagement for a new youth recreation area concept design development is planned for Q3.	Progressing - on track	

Trees, Parks and Streetscapes					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Undertake the Sydenham Green Landscape Interpretation	4.3.1.14.1	Project complete	Construction of landscape interpretation for the former Coptic Church site is in progress for completion February.	Progressing - on track	
Upgrade the Richard Murden Netball Courts, Leichhardt	4.3.1.15.1	Install new netball courts at Richard Murden Reserve, Leichhardt	Assessment of tenders for the netball courts is in progress. Construction is planned for Q3.	Progressing - on track	
Introduce an Office of Sport to increase partnerships between Council and sporting clubs	4.3.2.1.1	Appoint an Office of Sport Coordinator to liaise closely with sporting clubs	<p>Preliminary interviews have been held.</p> <p>This is now moving into the final stages of interviews with shortlisted candidates.</p>	Progressing - on track	

Corporate Support Services

Service Area Snapshot



- Completed: 6
- Progressing – on track: 49
- Progressing – behind schedule: 0
- Not progressing: 1
- Not due to start: 0

About this Service Area

In the *Operational Plan 2018/19*, internal administrative services are displayed as a combined 'Corporate Support Services' section.






Groups with actions in this year's Operational Plan are listed on the following pages.



The Corporate Support areas include:

- Communications and Engagement
- Customer Service, Business Excellence and Civic Governance
- Finance
- General Manager and Deputy General Managers
- Human Resources
- Information and Communications Technology
- Legal
- Property services




Action Progress






Communications and Engagement

Corporate Support Services: Communications and Engagement					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Establish Relevant Communications Engagement and Events policies, protocols and processes	5.1.1.3.1	Establish Relevant Communications Engagement and Events policies, protocols and processes	New policies have been developed by the Group Manager and adopted by Council in 2018-19, including: Event invitation, speaking and public meeting policy (and guidelines; Sponsorship policy; Banners, flags and temporary signage policy (subject to funding at the next quarterly budget review); Social media policy for Councillors; Media policy for Councillors Processes continue to be established and Promapped by the Communications, Engagement and Events Team.	Progressing - on track	
Develop strategies to identify new technologies to open up digital communications and engagement channels	5.1.1.4.1	Develop strategies to identify new technologies to open up digital communications and engagement channels	Work on the Digital Communications Strategy has commenced. This will incorporate a section on social media.	Progressing - on track	
Develop Social Media and Digital Strategy to identify new ways to expand digital communication	5.1.1.6.1	Complete digital communications audit and develop an action plan	The team has developed a framework for the plan which will be called our Digital Platform Portfolio. The audit is almost finalised.	Progressing - on track	
	5.1.1.6.2	Finalise Social Media and Digital Communications Strategy and implement the Social Media and Communications Action Plan	See comment for 5.1.1.4.1 (above).	Progressing - on track	
Develop and implement an Inner West Council Brand and Marketing Strategy	5.3.1.2.1	Establish an Inner West Council brand and visual identity	A brand agency has been appointed. Work on the new Inner West Council brand and visual identity, including staff engagement, has commenced. Further community engagement is due to commence in February 2019.	Progressing - on track	

Corporate Support Services: Communications and Engagement					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Develop and implement a Performance Monitoring Framework for Four Year Council Plan Reporting	5.3.2.4.1	Undertake Community Survey	The Community Satisfaction Survey results were reported to Council this quarter. When asked about Council's overall performance 91% of respondents were at least 'somewhat satisfied' with the performance of Council, with significantly more selecting the top box 'very satisfied' in 2018 compared to 2017. Over the past 12 months, perception of Council's value for money and financial management has also significantly improved. WestConnex remains contentious and housing affordability remains problematic. Residents are at least 'moderately' satisfied with 36 of the 41 services and facilities.	Completed	
Establish a new website including a photo library which will provide one place to interact with Council online	5.3.3.6.1	Design, catalogue and develop content for the new website	Website content is continually developed and updated. Work on the online photo library continues.	Progressing - on track	

Customer Service, Business Excellence and Civic Governance






Corporate Support Services: Customer Service, Business Excellence and Civic Governance					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Policies and processes are in place to support Councillors	5.3.2.1.1	Develop Councillor Expenses and Facilities Policy	The Councillor Expenses and Facilities Policy was adopted by Council on 11 September 2018 following public exhibition of the revised draft.	Completed	
	5.3.2.1.2	Implement Councillor request system	The new Councillor request system was introduced as part of the new CRM system in Quarter 2 and is now complete.	Completed	
	5.3.2.1.3	Implement Councillor resolution tracking system	The Technology One Council Resolution System went live on 15th August 2018. 2 years worth of data has been uploaded. Training has been made available from the Civic and Executive Support team to Group Managers.	Completed	


Corporate Support Services: Customer Service, Business Excellence and Civic Governance					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Optimise organisational efficiencies through amalgamation	5.3.3.1.4	Coordinate and provide organisational support to assist the merger implementation	The Program and Project Management Office continues to support the delivery of corporate priority projects with regular progress reports provided to the Audit, Risk and Improvement Committee. A Strategic Organisational Change Manager is currently being recruited to assist with the next phase of transformation.	Progressing - on track	
	5.3.3.1.5	Implement integrated online customer request capability	Council launched its new Customer Request Management (CRM) system on 29 October 2018. As well as allowing Council officers to manage customer requests in a single system for the first time since amalgamation in 2016, the new system allows residents to make and track requests with their mobile phone, PC or device.	Completed	
Undertake operational Service Reviews	5.3.3.4.1	Establish trial service review methodology and tools	A Service Review template has been developed by a working group of Group Managers and is currently being trialled by Library and History Services.	Progressing - on track	
Deliver an integrated bookings system	5.3.3.22.1	Scope and procure booking system	The Booking System project is tracking to the project plan with the tender specification scheduled to go to market on 14 January 2019.	Progressing - on track	
	5.3.3.22.2	Commence phased implementation of an integrated bookings system	No update from Q1. Awaiting procurement process to complete before phased implementation can commence. The tender specification is expected to go to market on 14 January 2019.	Not progressing	

Finance




Corporate Support Services: Finance					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Rates modelling after rates freeze expires at the end of June 2020	5.3.3.15.1	Initiate rates modelling	Engagement of consultants is underway.	Progressing - on track	







Human Resources






Corporate Support Services: Human Resources					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Inner West Council Traineeship Program	3.4.2.1.1	Develop a traineeship program including Aboriginal and Torres Strait Islander and disability positions	Targeted disability position with the ICT Business Information Services area identified. Discussions with Registered Training Organisation and Group Managers to prepare teams for the new starters.	Progressing - on track	
Consolidate Work Health and Safety policies and procedures	5.3.3.16.1	Ongoing development and implementation of Work Health and Safety policies and procedures	A suite of WHS protocols have been harmonised and prepared for consultation and endorsement. The WHS Management System has been selected awaiting available ICT resources for the implementation.	Progressing - on track	
Develop and implement Inner West Council Enterprise Bargaining Agreements	5.3.3.17.1	Inner West Council Enterprise Bargaining Agreements negotiations started and ongoing for prioritised service areas	Unions and the Joint Consultative Committee (JCC) have been advised of Council's intention to terminate existing enterprise agreements. Discussions commenced with employee representatives in October 2018 about details of a new agreement for the Resource Recovery unit. These are ongoing on a fortnightly basis and are currently relying on a trial of improved service delivery to determine resourcing requirements and costs. Initial discussions have also taken place with key delegates about the future direction of the main Leichhardt and Marrickville enterprise agreements. Details of meetings are to be clarified in late January/early February and regular meetings with a JCC subcommittee will commence at this time.	Progressing - on track	
Implement an Inner West Council Staff Performance Management system	5.3.3.19.1	Roll out of online performance system	We have completed the discovery phase, questionnaire responses, gap confirmation and data migration phases for the new system. A show and tell of the new system with the wider HR team in W/C will be held on 21 January prior to testing scripts. Communication, change management and training strategies are currently being developed for the roll-out.	Progressing - on track	
Develop and implement the Inner West Council	5.3.3.23.1	Workforce Plan actions commenced implementation including Gender Equity; Diversity and Inclusion	Diversity training, e.g. LGBTI awareness, was rolled out to all staff and managers in November/December 2018. Disability awareness training rolled out to the Leadership team in December 2018.	Progressing - on track	






Corporate Support Services: Human Resources					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Workforce Management Plan	5.3.3.23.2	High Performance Leadership Coaching program commenced	The HPLC Program was modified and rolled out to the first staff groups in December 2018. The staff roll-out continues with the next sessions scheduled to start in February 2019 and maintenance sessions for managers and coordinators scheduled quarterly to embed leanings across Council. Participant feedback results continue to be very high.	Progressing - on track	

Information and Communications Technology

Corporate Support Services: Information and Communications Technology					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Establish e-services to enable Council services to be performed electronically	3.3.1.6.1	Implement e-services for payments, customer requests, and Development Applications	Request Management E-Services have been implemented. Payments and Development Application still progressing as part of Property and Rating Project.	Progressing - on track	
Support mobility by allowing community and staff to interact with Inner West Council systems anywhere, anytime	3.3.3.1.1	Provide field staff access to corporate systems and information from mobile devices	Asset mobility devices continue to be rolled out as the Enterprise Asset Management project continues. The Technology One CiA SaaS solution supports access to info on any device, anytime, anywhere.	Progressing - on track	
Improve analytics and reporting within and across Council information	5.1.1.1.1	Implement Business Intelligence dashboards for key areas	Business Intelligence Dashboards are being delivered and updated. Updates to Finance/HR dashboards and new dashboards for Request Management have been deployed.	Progressing - on track	









Corporate Support Services: Information and Communications Technology					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Expand the information available to the community online and encourage online collaboration	5.1.1.2.1	Proactive release of Council information online	Council continues to proactively release information online, including the ongoing live streaming of all Council meetings and the timely publication of key information and documents. Ongoing website content improvements are also underway.	Progressing - on track	
Establish a new website including a photo library which will provide one place to interact with Council online	5.3.3.6.1	Build and launch new Council website	The new Inner West Council website was launched in Q1 2018/19 and is now live.	Completed	
Rationalise Council systems creating a unified system portfolio	5.3.3.7.1	Implement a single integrated system for core Council activities	The Technology One project is continuing. The Customer Request System was launched in November and stage one of the Document Management System implementation is scheduled for mid-February 2019. Additional mobile devices have also been deployed for field staff managing Councils assets. The core Property and Rating engine is currently being configured in the Technology One system and is scheduled to be released later in 2019.	Progressing - on track	
	5.3.3.7.2	Consolidate business systems and collaboration platforms	Data and Integration projects are commencing to allow Council to quickly adapt to technology changes using a scalable approach.	Progressing - on track	
Enable a connected Council supported by network connectivity	5.3.3.8.1	Implement a consolidated Council data network and expand Wi-Fi availability at key Council facilities	High level design of Wide Area Network architecture design is in final stages. Work is continuing with the Data Centre design team to ensure future platform alignment. Technical design for the Wireless Local Area Network is being worked on by the appointed vendor. A resources and communication plan for the rollout of the new technology is being developed by the ICT team.	Progressing - on track	
Integrate Council functions and services	5.3.3.9.1	Integrate Information and Communication Technology applications and infrastructure domains	The consolidation and replacement of the desktop environment has commenced. Work has also commenced on the design of consolidated network and data assets.	Progressing - on track	







Corporate Support Services: Information and Communications Technology					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Enable new methods and ideas in line with industry trends	5.3.3.10.1	Implement secure access to Council systems anywhere, anytime for Council staff	The new remote-in solution by Microsoft (AlwaysON VPN) is being deployed as part of the pilot phase of the new desktop replacement program.	Progressing - on track	
Create an organisation which is able to interact and transact digitally	5.3.3.11.1	Increase digitisation of Council information assets	The Records Curator continued to consolidate and centralise records to aid the evaluation process and to move towards a single, central repository to capture all types of physical and born-digital documents including those currently located in legacy systems. The records assessment process continues and once complete and retention needs are established, the project team will develop a records digitisation and disposal strategy. Available staff resources continue to digitise development related information.	Progressing - on track	
Ongoing operation of Council Information and Communication Technology in a sustainable and efficient manner	5.3.3.13.1	Modernise Information and Communication Technology infrastructure platform and consolidate data centres	The final stages of the high level design on the consolidated Datacentres/Infrastructure platform are being completed.	Progressing - on track	
	5.3.3.13.2	Establish Information Technology governance structure and good practice service management framework	Information and Communications Technology Protocols developed and approved. Replacement Information and Communications Technology service management software solution <i>Request for Quote</i> developed before going to market. Development of the Information Technology Infrastructure Library v3 framework is underway. This also includes the development of an Information and Communications Technology service catalogue.	Progressing - on track	
	5.3.3.13.3	Implement a robust and compliant Information Management practice	Information management specialists continued work on a project to implement a new cloud based Document Management System (DMS) to manage the capture, storage, security and accessibility of Council's information assets. The project team participated in key user training, user acceptance testing and data migration testing. Change management activities were also initiated in preparation for the system launch.	Progressing - on track	

Corporate Support Services: <i>Information and Communications Technology</i>					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
New and upgraded Council projects have effective Information and Communication Technology services on opening	5.3.3.13.4	Improve integrity, security and adoption of Electronic Management System	Major Electronic Management System upgrade process developed and implemented. Electronic Management System security model being developed.	Progressing - on track	
	5.3.3.14.1	New Childcare centre – Leichhardt Park	Upgrade to fibre connectivity being installed. Telephony and end user devices are already in place.	Progressing - on track	
	5.3.3.14.2	New Childcare centre – Steel Park, Marrickville	Upgrading of fibre connection and network infrastructure is underway. Finalising plans for other end user computer requirements.	Progressing - on track	
	5.3.3.14.3	New Marrickville Library	ICT scope and delivery dates agreed. Detailed planning and designs have commenced for Public PC component.	Progressing - on track	
	5.3.3.14.4	New Ashfield Aquatic Centre	Discussions underway on scope of ICT solutions for the new facility.	Progressing - on track	

Properties, Major Building Projects and Facilities

Corporate Support Services: <i>Properties, Major Building Projects and Facilities</i>					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Crown Land Act changes will transfer the Native Title management responsibility to Council from July 2018	2.2.2.1.1	Develop and implement the process for Native Title Management	Crown Land and Native Title Management implications and new processes and systems required are being identified for Council Report in Q3.	Progressing - on track	

Corporate Support Services: Properties, Major Building Projects and Facilities					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
Upgrade Dawn Fraser Pool	4.3.1.4.1	Dawn Fraser Pool upgrade complete	The Development Application for the major refurbishment works was lodged in August 2018. The Office of Environment and Heritage has provided their conditions. Detailed design is 90% complete. Funding confirmed for \$4.6M of the estimated \$6.7M cost. A grant application to the Greater Sydney Sports Facility Fund for \$4.2M has been completed. Expression of Interest has been completed and assessed ready for the tender once the DA is approved.	Progressing - on track	
Upgrade and re-open Ashfield Aquatic Centre	4.3.1.5.1	Ashfield Aquatic Centre Refurbishment project underway	Tender is awarded to FDC Construction and Fitout. Site establishment to commence in January 2019. Working towards achieving the early works construction certificate approval and commence demolition in February 2019. Works to be complete for opening Summer 2020.	Progressing - on track	
Open and operate Patyegarang Place and the new Marrickville Library	4.4.2.2.1	Marrickville Library and community hub complete	The roof is complete and works are underway on the internal library and pavilion. The new library is expected to start operating towards the end of 2019.	Progressing - on track	
Completion of Stronger Communities funded projects	5.2.3.1.1	Leichhardt Town Hall renewal	The external refurbishment of the building, including painting and window repairs, is 95% complete.	Progressing - on track	
	5.2.3.1.2	Petersham Park Grandstand upgrade	Tender awarded in January 2019, works will commence on site in February and it is expected that the project will be completed June/July.	Progressing - on track	
	5.2.3.1.3	Haberfield Library and community centre	Architects engaged and detailed design progressing with DA lodgement anticipated in March 2019.	Progressing - on track	
	5.2.3.1.4	S.H.A.R.E. building, Summer Hill	Works started over Christmas and is progressing.	Progressing - on track	
	5.2.3.1.5	Mervyn Fletcher Community Centre, Haberfield	Detailed design progressing in early 2019.	Progressing - on track	

Corporate Support Services: Properties, Major Building Projects and Facilities					
Delivery Program Initiative	Code	Operational Plan 2018/19 Action	Comment at 31 December 2018	Status	Traffic Light
	5.2.3.1.6	Thirning Villa Pratten Park, Ashfield	Quotes are being sought for works to start in Q3.	Progressing - on track	
	5.2.3.1.7	Steel Park Community Room	Project is now out to tender with works anticipated to start in March 2019 and be completed by June 2019.	Progressing - on track	
	5.2.3.1.8	Petersham Town Hall	Concept approved and progressing with detailed design. DA not required for the proposed works.	Progressing - on track	
Implement the Inner West Council Long Term Land and Property Strategy.	5.3.3.2.1	Undertake priority actions as endorsed in the Land & Property Strategy	Council endorsed the Draft Land & Property Strategy, Policy and Initiatives Implementation Plan for public exhibition which will commence in February. Priority Initiatives were endorsed by council including EOIs for commercial and café space in the new Marrickville Library, Marrickville Town Hall reuse and the Balmain Pumphouse.	Progressing - on track	
	5.3.3.2.2	Undertake investment and income generating actions endorsed in the Land & Property Strategy	The Draft Land & Property Strategy Initiatives Implementation Plan was endorsed by council in December 2018. Expressions of Interest to generate additional income using the 3 existing and under construction properties above are being progressed.	Progressing - on track	
Implement priority actions in the Buildings Asset Management Improvement Plan	5.3.3.3.1	Undertake priority actions as endorsed in the Buildings Asset Management Improvement Plan	Draft revised 10 year Capital Program based on condition and compliance audit complete. Review of the Asset Management Plan to commence in February.	Progressing - on track	

Item No: C0319(1) Item 5

Subject: MODEL CODE OF CONDUCT

Prepared By: Ian Naylor - Manager Civic and Executive Support

Authorised By: Nellette Kettle - Group Manager Customer Service & Civic Governance

SUMMARY

The purpose of this report is to adopt a Code of Conduct and Procedures for the Administration of the Code of Conduct that reflects the Model Code of Conduct issued by the NSW Government on 14 December 2018.

RECOMMENDATION

THAT Council:

1. **Adopt the Code of Conduct and Procedures for the Administration of the Code of Conduct shown as Attachments 1 and 2 with the addition of references to Council's Social Media Policies.**
2. **Commence a training program on the new Code of Conduct for all Council Officials.**

BACKGROUND

The new 2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Code of Conduct were prescribed on 14 December 2018. Councils have six months to adopt a code of conduct and procedures based on the Model Code. If a council fails to adopt a new code within six months, the provisions of the new Model Code of Conduct and Procedures will automatically apply. The Model Code of Conduct applies to all Council Officials which is defined as Councillors, administrators, members of staff and delegates to council (including members of Council's committees).

New Provisions

The 2018 Model Code of Conduct includes the following new provisions compared to the previous Model Code:-

Harassment, Discrimination and Bullying (Clauses 3.6-3.11)

The addition of specific clauses defining these practices and what is prohibited under the Code.

Work, Health and Safety Requirements (Clause 3.12)

The addition of specific clauses stating the statutory obligations of Council Officials in relation to work, health and safety legislation.

Obligations in relation to Meetings (Clauses 3.20-3.22)

The addition of specific clauses stating that you must not engage in bullying behaviour, conduct which disrupts Council, Committee Meetings and Councillor Briefings and acts of disorder intended to prevent the effective functioning of the meeting.

Pecuniary and Non-Pecuniary Interests (Part 4 and 5)

The Code now includes the legislative requirements relating to pecuniary interests which were previously part of the Local Government Act. The Code now provides more specific guidance

on managing non-pecuniary conflicts of interest and defining a significant non-pecuniary conflict of interest.

Gifts and Benefits (Clauses 6.2, 6.5 (f) & (g), 6.6, 6.8 & 6.11)

The Code has introduced new provisions relating to Gifts and Benefits as shown below:-

- A reference to a gift under the Code does not include a gift provided to the council as part of a cultural exchange or sister-city relationship, a political donation, attendance at council events/functions and free or subsidised meals or beverages provided as part of official duties;
- You must not participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser;
- You must not personally benefit from reward points programs when purchasing on behalf of the council.
- All gifts received must be disclosed in writing using Council's Gifts and Benefits Form;
- Any gift above \$50 must be refused, returned or handed in to the Council;
- You must not accept gifts or benefits of token value (less than \$50) from a person or organisation over a 12-month period that, when aggregated, exceed a value of \$50.

Inappropriate Interactions (Clause 7.6 (e))

The Code now includes a new provision stating it is inappropriate for Councillors to approach members of local planning panels or discussing any application that is either before the panel or will come before the panel at some future time, except during a panel meeting where the application is on the agenda.

Access to Information (Part 8)

A new section Part 8 has been added to the Code on Councillor's right to information from Council.

Social Media

It is recommended that Council supplement its Code with a reference to Council's adopted Social Media Policies.

Recordkeeping requirements (Clauses 8.21-8.24)

The Code now includes specific clauses relating to the responsibilities of Council Officials relating to recordkeeping. This includes;

- complying with the requirements of the State Records Act;
- all information created, sent and received being managed in Council's Records Management System;
- all information stored in either soft or hard copy on Council supplied resources is considered a Council record; and
- You must not destroy, alter or dispose of council information or records unless authorised to do so.

These new requirements will be covered in more detail as part of training given to Councillors on the Code of Conduct. However, if you create any document (excluding emails) in your role as a Councillor these documents are considered a Council record and need to be provided to Council through the Councillor Support staff to be stored in Council's records management system.

Training on the Code of Conduct

A briefing for Councillors on the new Code of Conduct was provided on 5 March 2019. Upon adoption of the Code of Conduct, Council staff will publish the code of Conduct on Council's Website and Staff Intranet and distribute copies of the Code of Conduct and organise training in the Code of Conduct to Councillors, members of staff and delegates to Council. Given, the size of the organisation this training program will take up to 12 months to complete.

Council staff have already held preliminary discussions with the Internal Ombudsman and Cumberland and City of Parramatta councils on developing a training program that can be delivered to all staff by an external consultant to achieve cost and resource savings. A separate training program will be organised for Councillors and scheduled as a Councillor Briefing.

FINANCIAL IMPLICATIONS

There are funds available in the Corporate Training and Councillors budgets to cover the cost of training in the Code of Conduct.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

CONCLUSION

Nil.

ATTACHMENTS

1. [↓](#) Model Code of Conduct
2. [↓](#) Procedures for the Administration of the Code of Conduct

Model Code of Conduct

for Local Councils
in NSW

2018



Item 5

Attachment 1

MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2018

ACCESS TO SERVICES

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Part 1:

Introduction

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Item 5

Attachment 1

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

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

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

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

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

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

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

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Part 2:

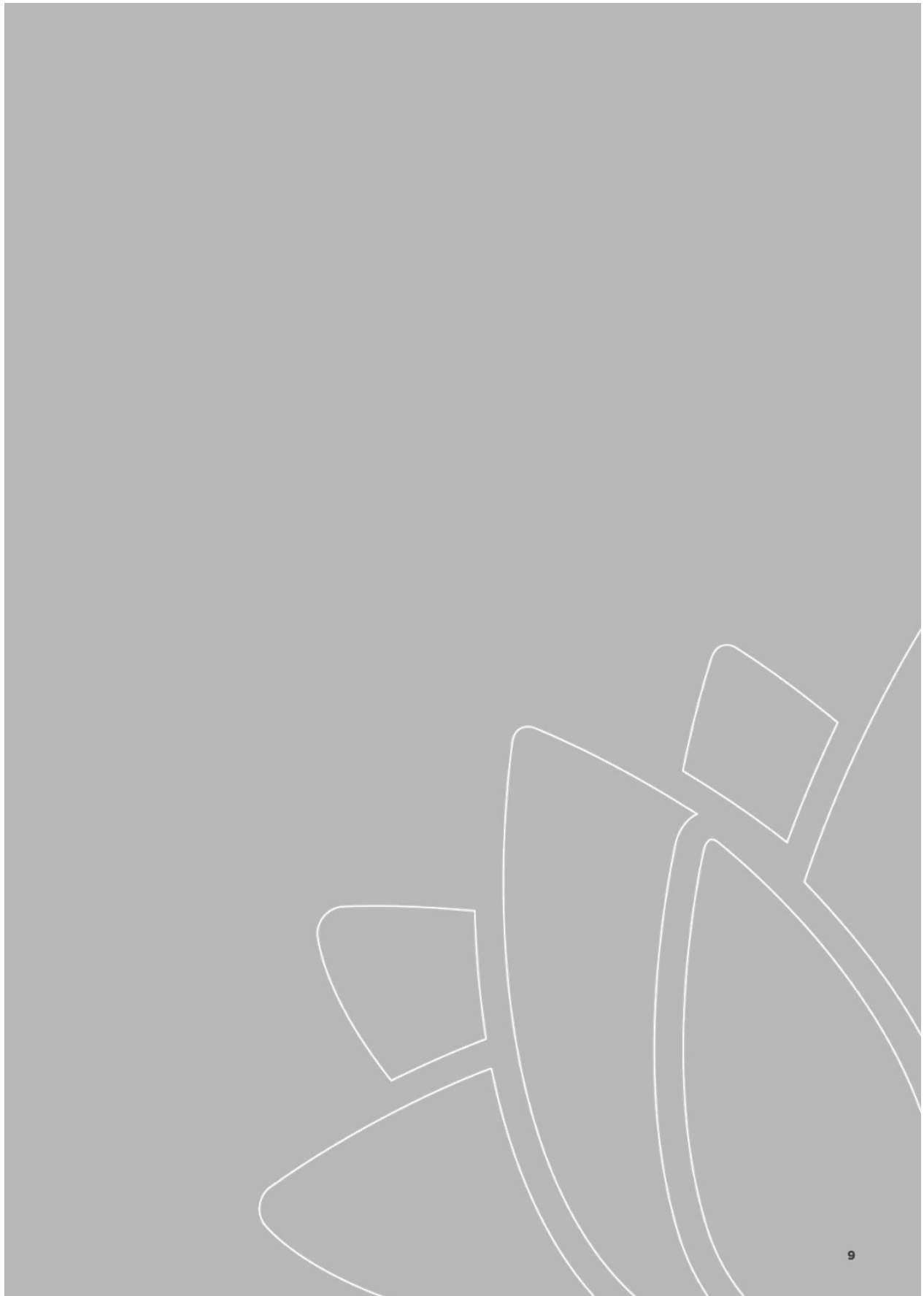
Definitions

Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



Item 5

Attachment 1

Part 3:
General Conduct
Obligations

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Item 5

Attachment 1

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'

- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

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

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

Work health and safety

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

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

Land use planning, development assessment and other regulatory functions

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

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

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - deliberately seek to impede the consideration of business at a meeting.

Part 4:

Pecuniary Interests

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What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a) your interest, or
 - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge
 - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
 - l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- a) the general manager
- b) other senior staff of the council for the purposes of section 332 of the LGA
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

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

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

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

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

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

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

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

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
 - b) 30 June of each year, and
 - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
 - a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for

the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
 - a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.

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

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



Item 5

Attachment 1

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Part 5:
**Non-Pecuniary Conflicts
of Interest**

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What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as

practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship

- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- made by a major political donor in the previous four years, and
 - the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- the matter is a proposal relating to:
 - the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

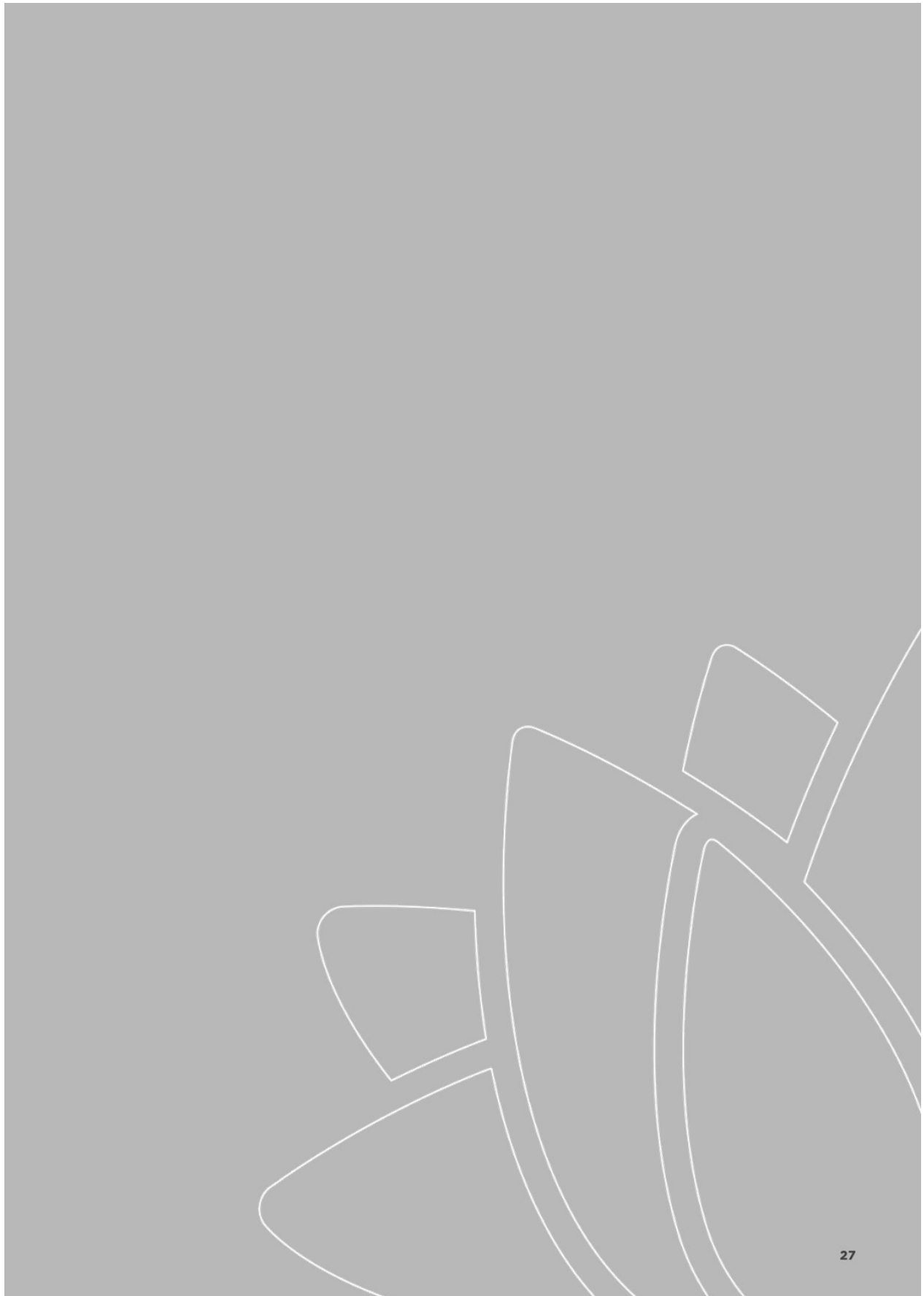
5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.



Item 5

Attachment 1

Part 6:

Personal Benefit

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- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

Part 7:
**Relationships Between
Council Officials**

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Item 5

Attachment 1

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

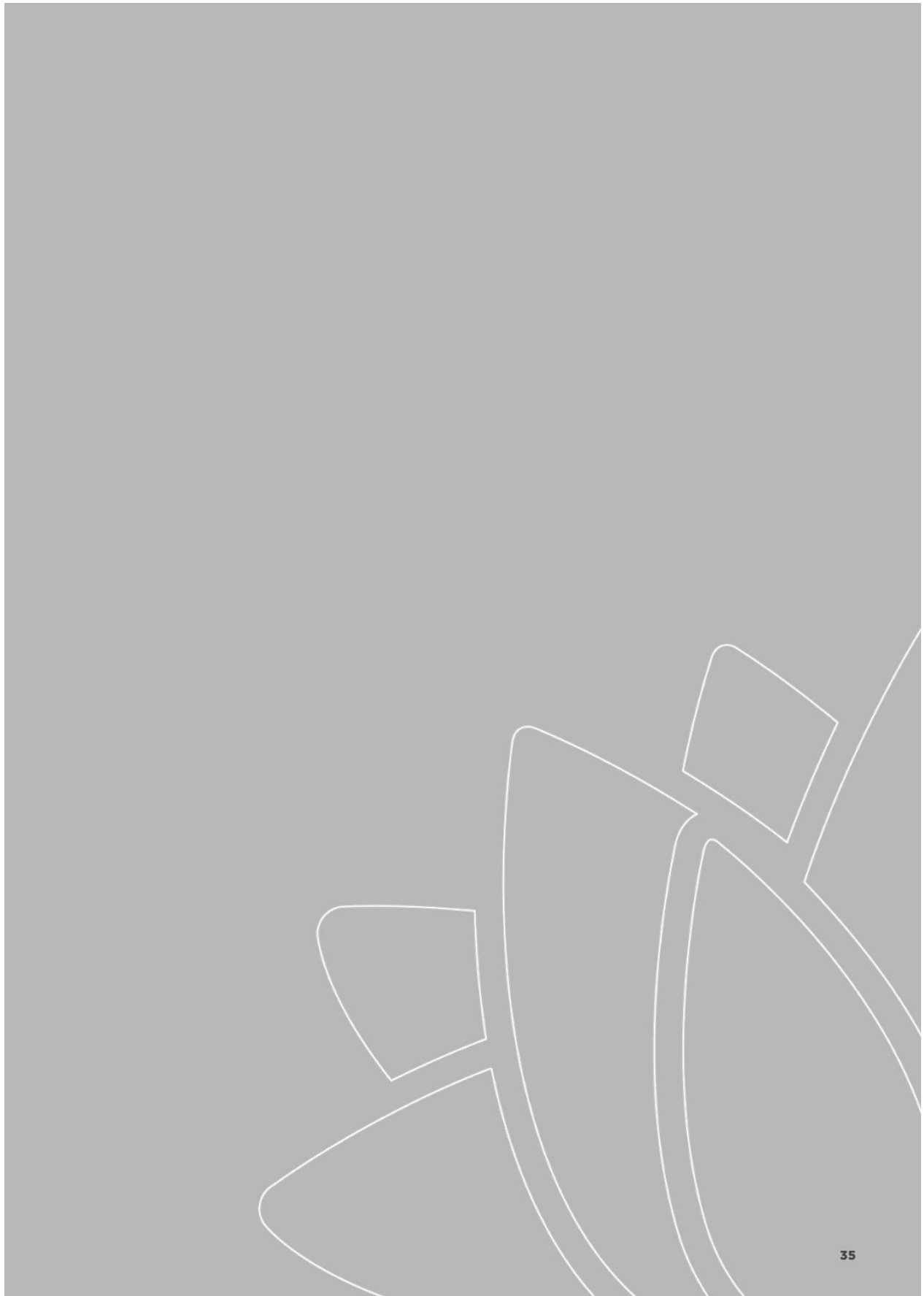
- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.



Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



Item 5

Attachment 1

Part 8:

Access to Information and Council Resources

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Item 5

Attachment 1

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise

available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.



Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used

- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

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

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

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

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

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

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

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

Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

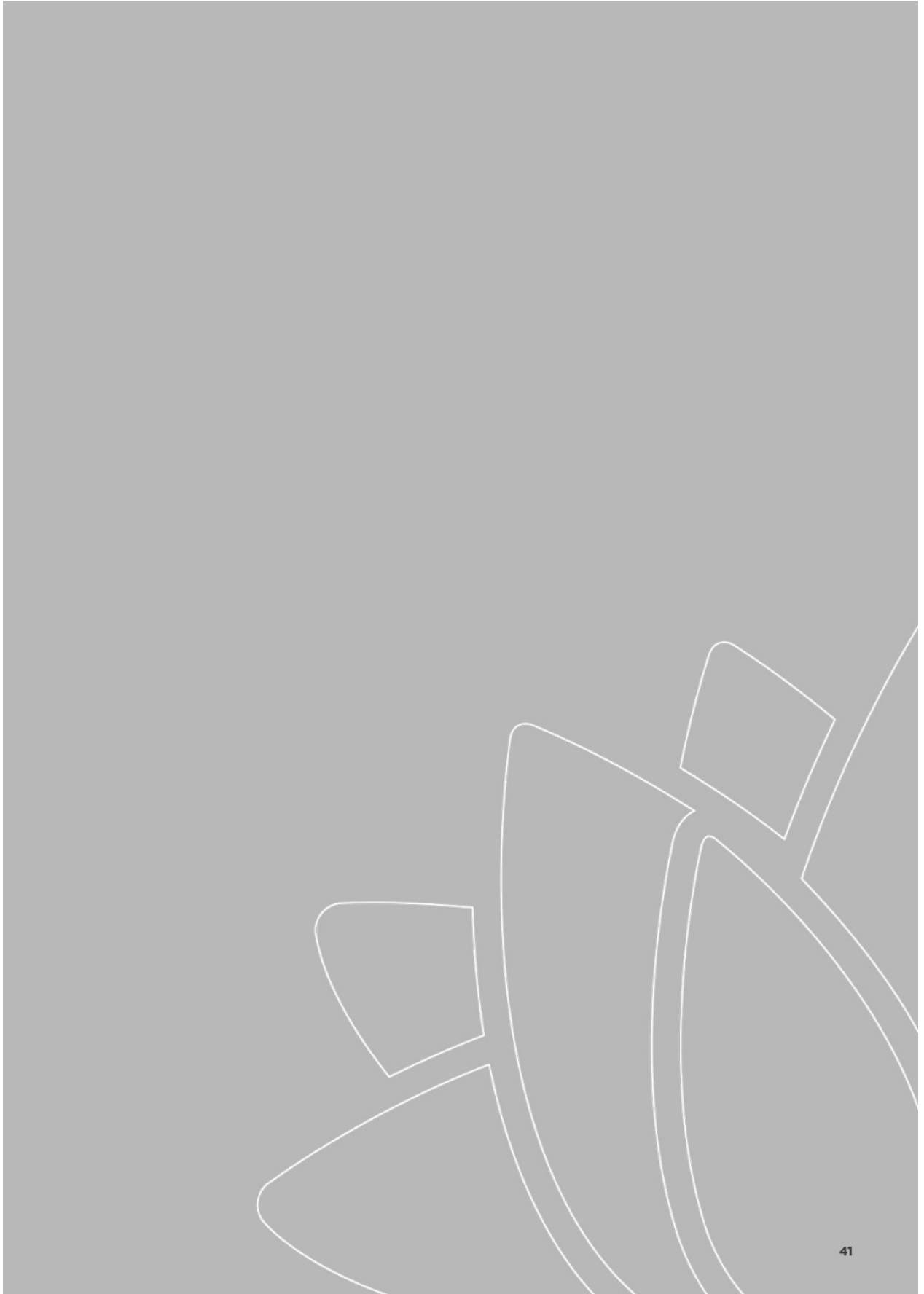
8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.



Item 5

Attachment 1

Part 9:

Maintaining the Integrity of this Code

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Item 5

Attachment 1

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
 - a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

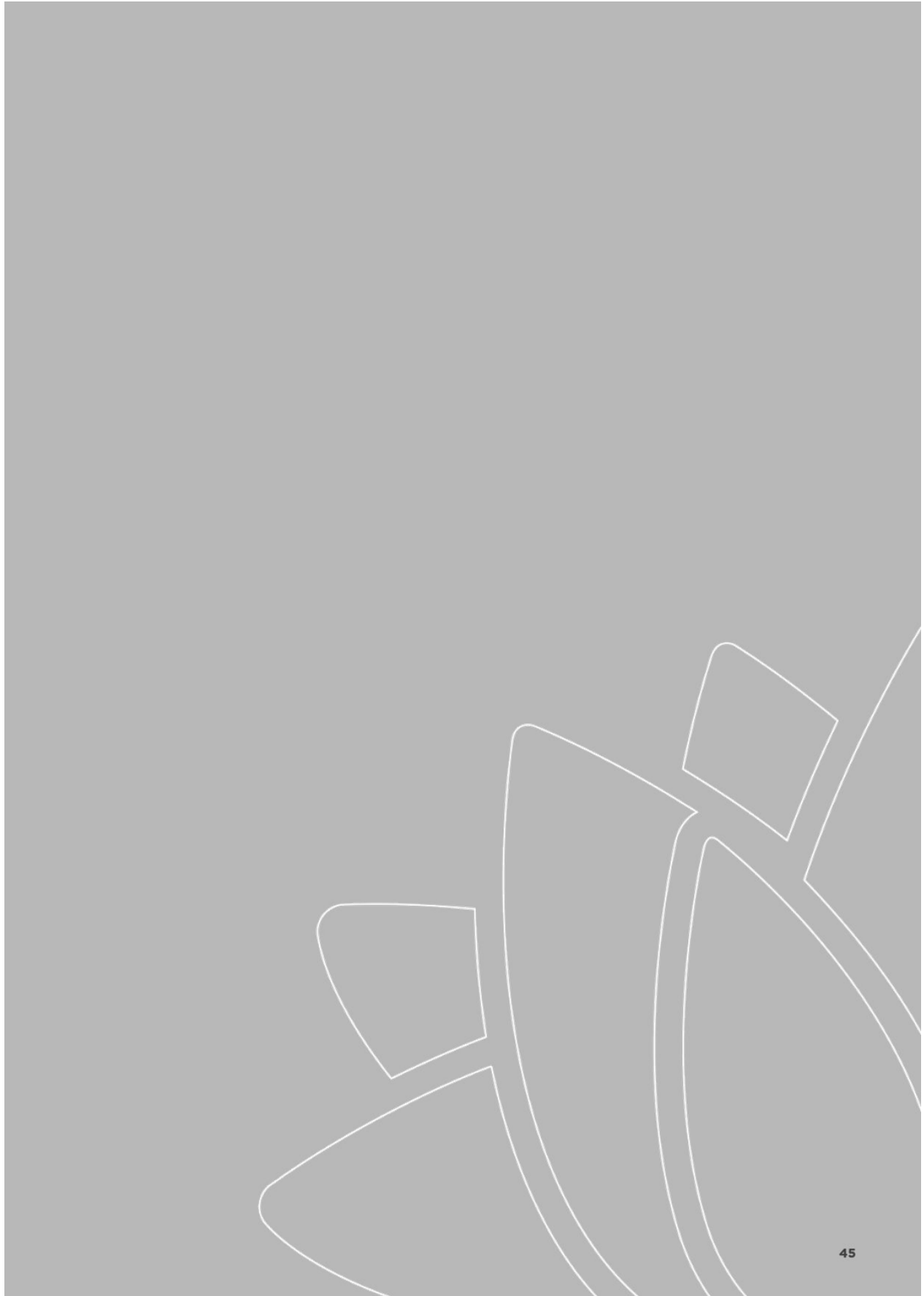
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.



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Item 5

Attachment 1

Schedule 1:

Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21

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Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electorate Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.



Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
 - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a) in relation to income from an occupation of the person:
 - i) a description of the occupation, and
 - ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:

Form of Written Return of Interests Submitted Under Clause 4.21

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Item 5

Attachment 1

‘Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

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

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Model Code of Conduct for Local Councils in NSW

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June

Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor

Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June

Name and address of donor

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)
G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Schedule 3:

Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

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1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)

Relationship of identified land to councillor
[Tick or cross one box.]

- ☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- ☐ An associated person of the councillor has an interest in the land.
- ☐ An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)²
[Tick or cross one box]

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

- ☐ The identified land.
- ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control

*[Insert name of proposed LEP and identify
proposed change of zone/planning control
applying to the subject land]*

Effect of proposed change of zone/planning
control on councillor or associated person

*[Insert one of the following: "Appreciable
financial gain" or "Appreciable financial loss"]*

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each
additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of
the meeting]

Item 5



Attachment 1

Procedures for the
Administration of

The Model Code of Conduct

for Local Councils in NSW

2018

Item 5



Attachment 2

**PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF
CONDUCT FOR LOCAL COUNCILS IN NSW**

2018

ACCESS TO SERVICES

The Office of Local Government is located at:

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Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if
these hours are unsuitable)

All offices are wheelchair accessible.

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Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

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Part 1:
Introduction

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These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

Part 2: Definitions

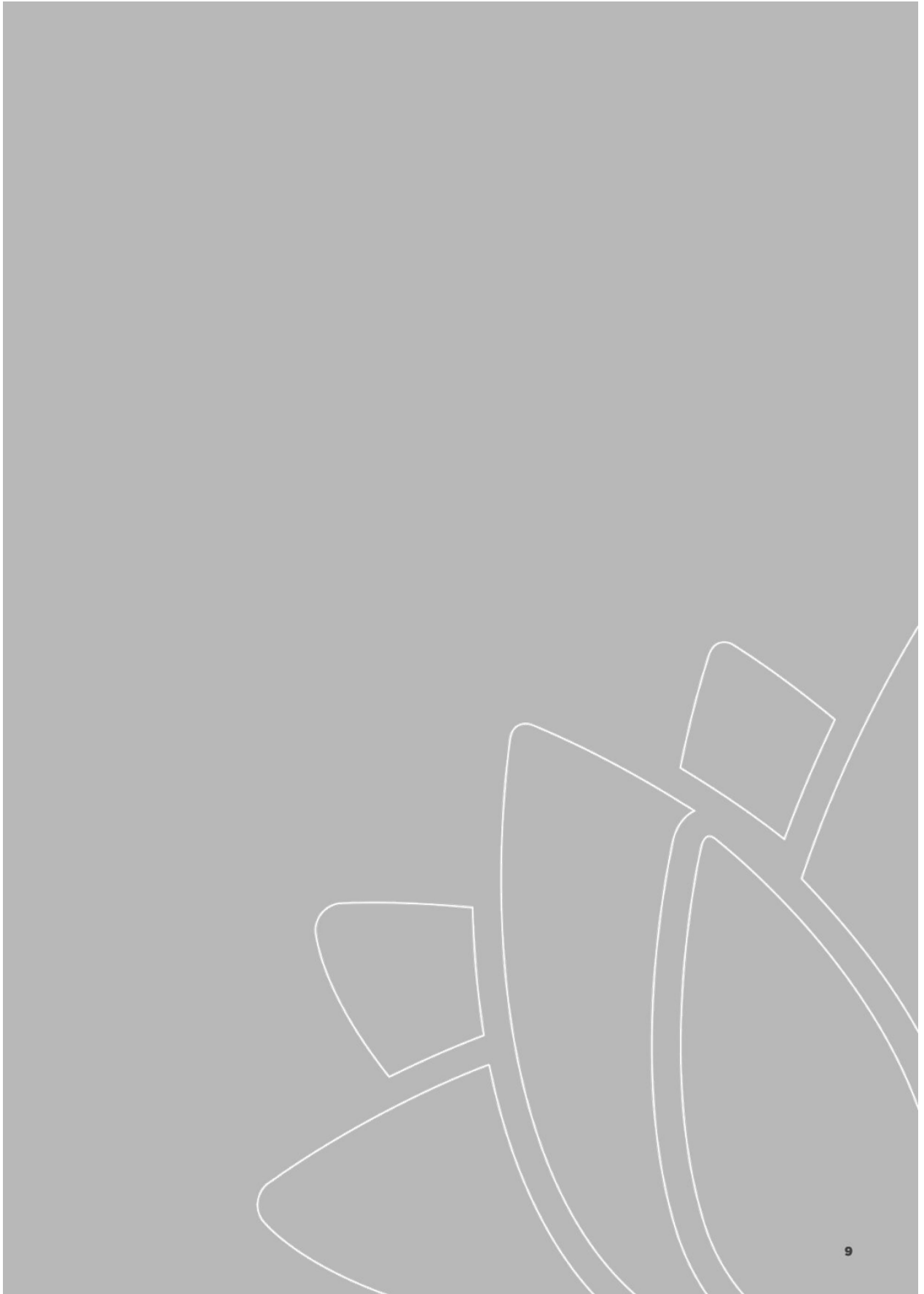
Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
investigator	a conduct reviewer
joint organisation	a joint organisation established under section 4000 of the LGA

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

LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to



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Part 3:
Administrative
Framework

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The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

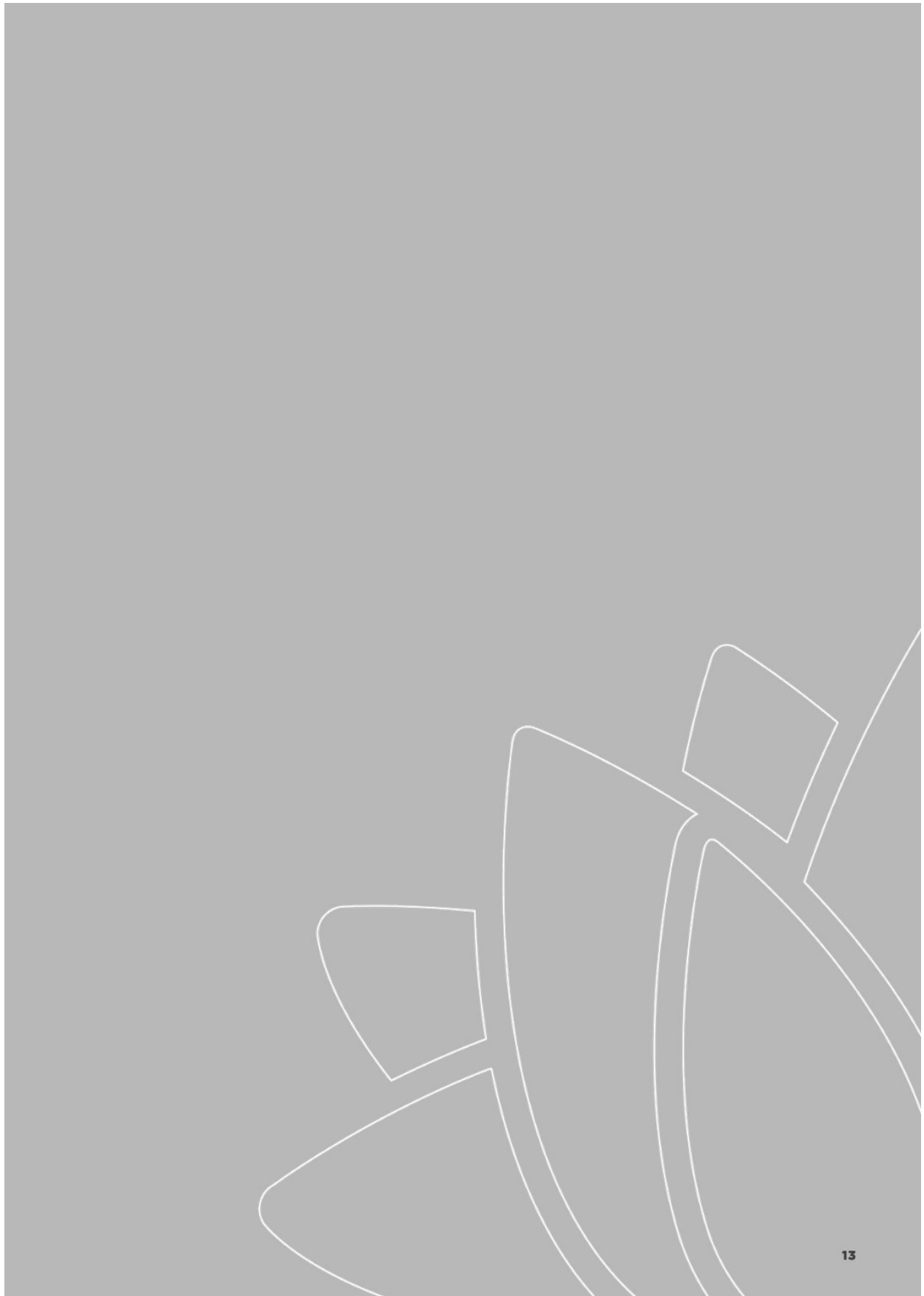
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the council's code of conduct
 - liaise with and provide administrative support to a conduct reviewer
 - liaise with the Office and
 - arrange the annual reporting of code of conduct complaints statistics.



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Part 4:

How May Code of Conduct Complaints be Made?

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What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

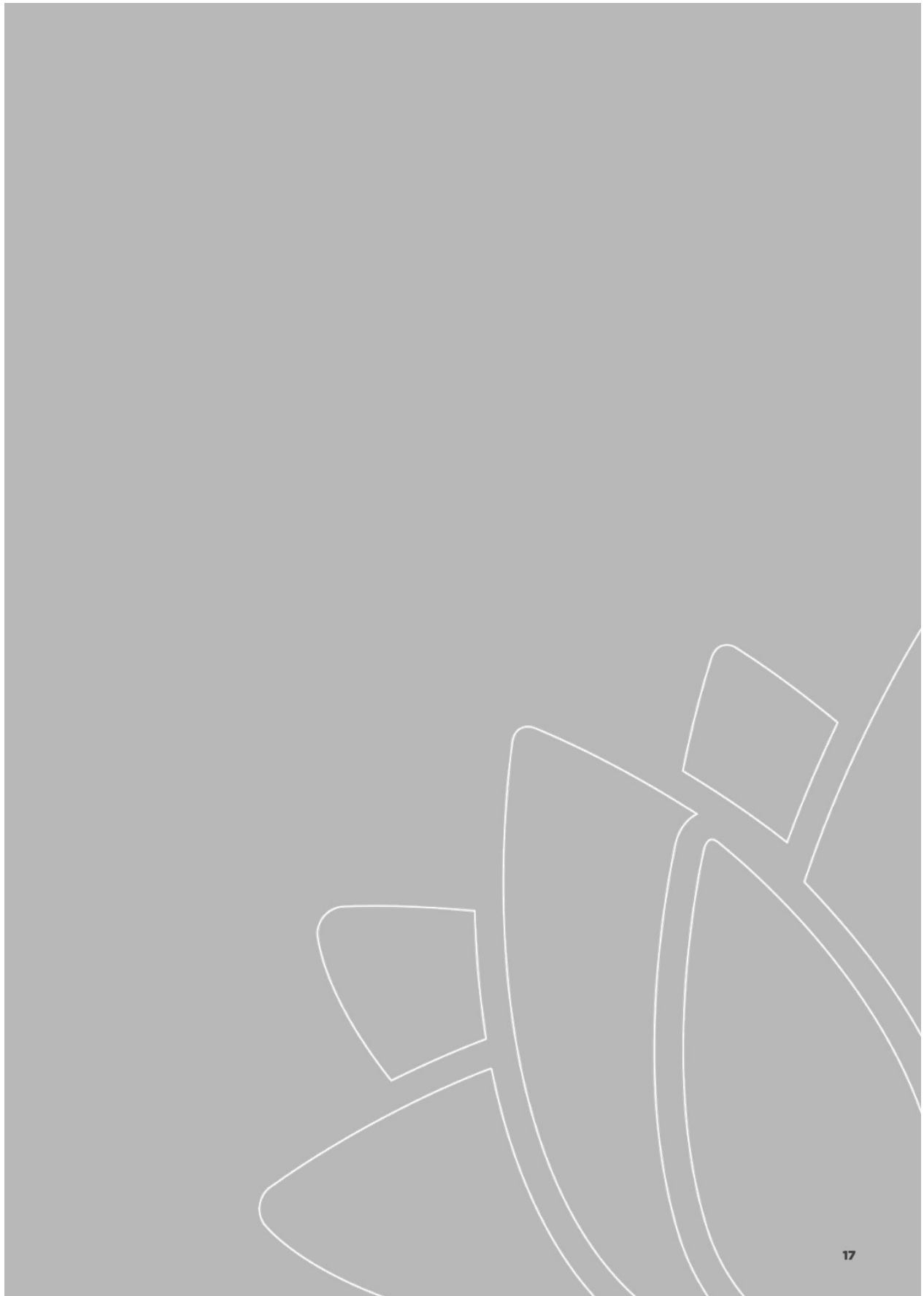
- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.



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Part 5:

**How are Code of Conduct
Complaints to be Managed?**

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How are Code of Conduct Complaints to be Managed?

Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:

- a) is not a code of conduct complaint, or
- b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
- c) is trivial, frivolous, vexatious or not made in good faith, or

- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office

- under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure

How are Code of Conduct Complaints to be Managed?

- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

How are Code of Conduct Complaints to be Managed?

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these

How are Code of Conduct Complaints to be Managed?

procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.

- 5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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Part 6:
Preliminary Assessment of
Code of Conduct Complaints
About Councillors or the
General Manager by
Conduct Reviewers

Attachment 2

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven

breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

**Preliminary Assessment of Code of Conduct Complaints About
Councillors or the General Manager by Conduct Reviewers**

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
 - a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
 - a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved

**Preliminary Assessment of Code of Conduct Complaints About
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- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7:

**Investigations of Code of
Conduct Complaints About
Councillors or the
General Manager**

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What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and

- d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
- c) that the respondent be counselled for their conduct
- d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
- f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered

Investigations of Code of Conduct Complaints About Councillors or the General Manager

Item 5

- h) in the case of a breach by the general manager, that action be taken under the general manager's contract
 - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - j) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
- a) the seriousness of the breach
 - b) whether the breach can be easily remedied or rectified
 - c) whether the respondent has remedied or rectified their conduct
 - d) whether the respondent has expressed contrition
 - e) whether there were any mitigating circumstances
 - f) the age, physical or mental health or special infirmity of the respondent
 - g) whether the breach is technical or trivial only
 - h) any previous proven breaches
 - i) whether the breach forms part of an ongoing pattern of behaviour
 - j) the degree of reckless intention or negligence of the respondent
 - k) the extent to which the breach has affected other parties or the council as a whole
 - l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
 - m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
 - n) whether an educative approach would be more appropriate than a punitive one
 - o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
 - p) what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.40 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent

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Attachment 2

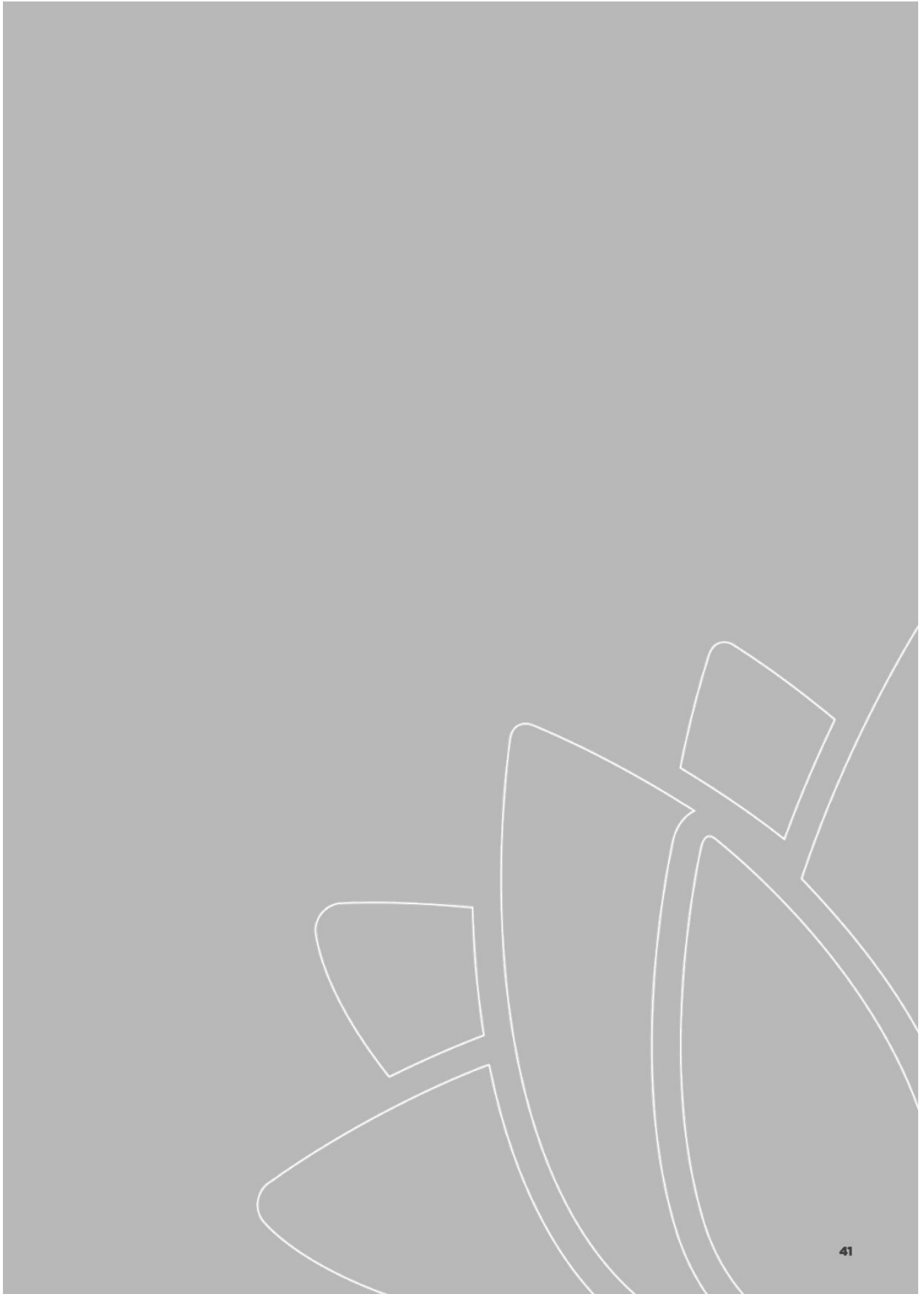
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)),

the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
 - a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:

- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - b) that the respondent be counselled for their conduct
 - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
 - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
 - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
 - g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
 - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - i) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.



Item 5

Attachment 2

Part 8:

Oversight and Rights of Review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

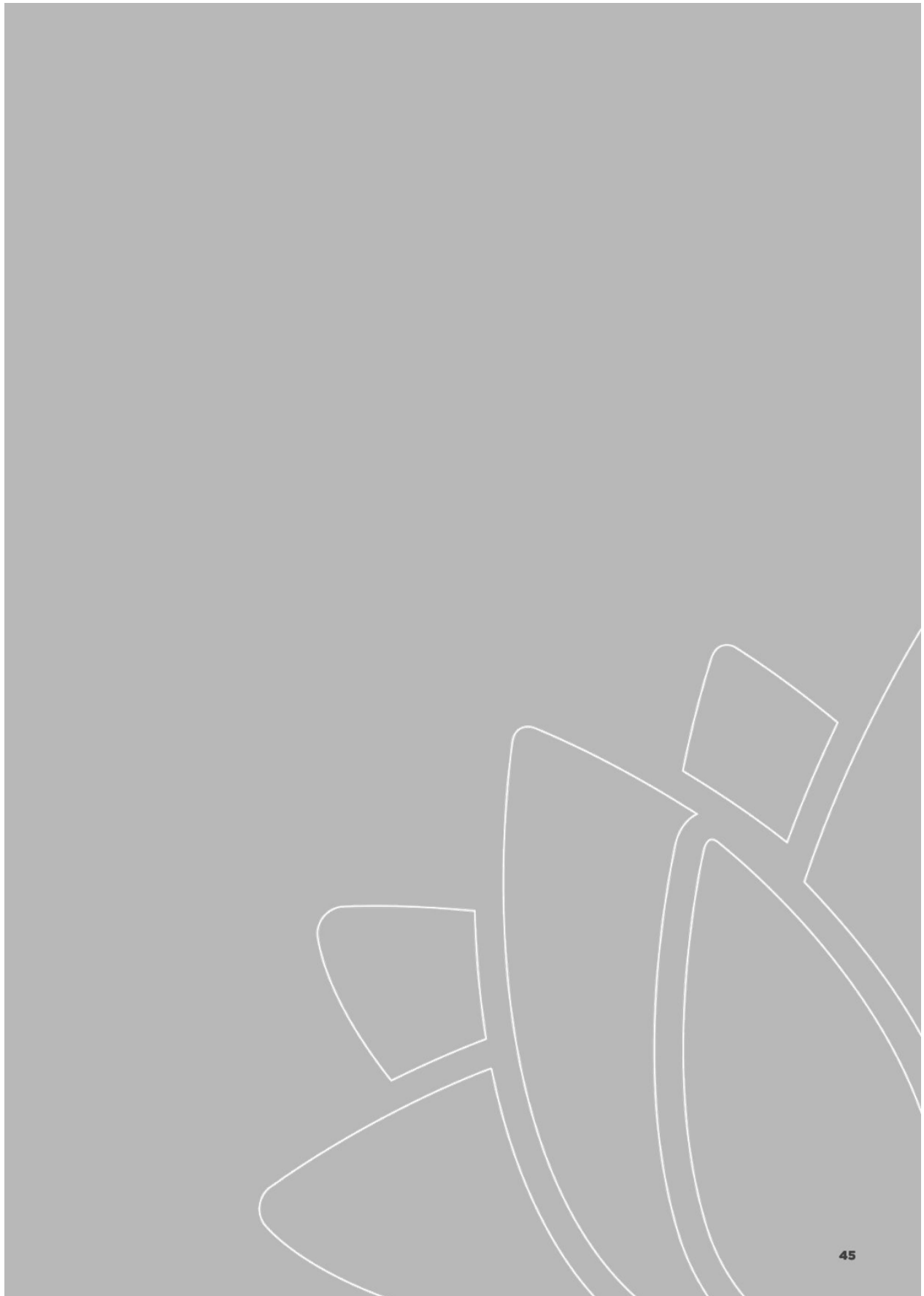
Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or

- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
 - b) the general manager or mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.



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Part 9:

Procedural Irregularities

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Procedural Irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

Part 10: Practice Directions

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Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

Part 11:

**Reporting Statistics on Code
of Conduct Complaints
About Councillors and the
General Manager**

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Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager**Item 5**

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12: Confidentiality

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- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

Item 5



Attachment 2

Item No: C0319(1) Item 6
Subject: NOTICE OF MOTION: SUSTAINABLE COMMUNITY BUILDINGS
From: Councillor Marghanita Da Cruz

MOTION:

THAT Council:

- 1. Receive an urgent report on converting the Composting Toilet at White's Creek Cottage to a conventional toilet and converting the lower level to either a store room or additional toilet; and**
 - 2. Review the Sustainability of the White's Creek Cottage and report back on opportunities to improve its financial and environmental sustainability.**
-

Background

The Whites Creek Cottage Community Centre was opened in March 2009. The Cottage incorporates elements of environmentally sustainable design including a composting toilet, which requires the supply and use of sawdust instead of a water flush. The material from the toilet is deposited into the room below, from where it was intended to be used, on the nearby community gardens. This does not happen and cleaners have to deal with the human waste. The Venue instructions state: "Whites Creek Cottage incorporates elements of environmentally sustainable design and is intended to be as sustainable as possible. This includes a compostable toilet. Please ensure that the compostable toilet is used according to directions. (<https://www.innerwest.nsw.gov.au/explore/venues-for-hire/rooms-halls-and-other-venues/whites-creek-cottage>)

Users of the Cottage avoid using the composting toilet which is the only accessible toilet from the cottage. There are two public toilets at the cottage, which are used by hirers of the adjacent Dairy, Community Garden and Parklands including for the Footprints EcoFestival. In addition to the Composting Toilet, the renovation of the Cottage included the installation of Rain Water Tanks, Fluorescent Light Bulbs. There are no Solar Panels on the Cottage or the adjacent "Dairy".

Since 2009, LED Lighting has superseded Fluorescent Lighting in energy efficiency, Solar Panels and Batteries have matured, Smart Technologies have emerged which can manage energy use and optimise revenue for PV generated energy. Gas prices have also increased significantly. Smart Technologies could also be applicable to access control of the community facilities. There may also be opportunities to demonstrate energy efficiency, demand management, waste and water use practices at the cottage. There may also be opportunities to increase the utilisation of the cottage through better information on the Council's website and booking processes.

Officer's Comments:**Comment from Group Manager Properties, Major Projects and Facilities:**

A consultant would need to be engaged to undertake a feasibility assessment and design to implement recommendation 1 and would cost approximately \$5,000. A report could be provided to Council within 6 months detailing the results of the feasibility assessment and opportunities to improve White's Creek Cottage financial and environmental sustainability.

ATTACHMENTS

Nil.

Item No: C0319(1) Item 7
Subject: NOTICE OF MOTION: BIRCHGROVE OVAL
From: Councillor John Stamolis

MOTION:

THAT Council prepare a plan of work for the repair of the Birchgrove Oval picket fence and to report this plan to the first Ordinary Council meeting in April 2019.

Background

The Birchgrove Oval picket fence is in the early stage of disrepair. This has been reported to Council on several occasions. This disrepair could be fixed now before the problems become worse and more expensive; and the life of the fence could be made significantly longer. The majority of the work needed is to replace or secure the fence brackets. Some fence posts will also need to be secured. As an historic and premier sports oval in the Inner West, it would be useful for Councillors to be informed about Councils' basic maintenance program for its ovals.



**Officer's Comments:****Comment from Trees, Parks and Streetscapes:**

Council staff have been undertaking minor maintenance on this fence. The cost to renew and replace the whole fence with new powder coated steel picket fencing is \$150,000 including a concrete mowing strip. This project has not been included in the draft budget.

ATTACHMENTS

Nil.

Item No: C0319(1) Item 8
Subject: NOTICE OF MOTION: WOMEN IN STEM – IWC TRAINEESHIP / WORK EXPERIENCE OPPORTUNITIES
From: Councillor Anna York

MOTION:**THAT:**

1. Council adopts a “Women in STEM” traineeship and/or work experience program, to offer young women and girls in the Inner West learning and development opportunities in science, technology and engineering; and exposure to senior women STEM leaders working in Council
2. That a report be prepared for Council outlining the existing Council traineeship / work experience opportunities that could be part of this program, potential new opportunities that could be included in such a traineeship / work experience program, and recommendations for how this program can be promoted to young women and girls within the Inner West.

Background

Women’s contributions in the areas of Science, Technology and Engineering and Maths (STEM) are vital to the future well-being of the community and economy – at both a local and a national level. Similarly, women should enjoy equal access to opportunities and careers in the STEM sectors. However, only 16% of STEM university and VET graduates are women in Australia today – one example of the gender disparity in STEM which suggests there are significant structural and cultural barriers preventing women from equal access to STEM opportunities and careers.

At the Inner West Council, we have several senior managers and staff in science, engineering and IT/digital roles. We also have several senior women managers with advanced qualifications in these areas, working in other parts of Council. Their success within their fields and within Council is a positive example to women and girls in the Inner West interested in these fields.

Council could make a substantive contribution to achieving gender equality in these areas by offering opportunities to Inner West young women and girls to be exposed to Council’s science, technology and engineering work, and our senior women managers in these fields. The opportunity to participate in work experience or traineeship programs within Council in these areas could make a significant difference for local young women and girls interested in pursuing careers or further study in these areas.

Officer’s Comments:**Comment from Group Manager Human Resources:**

Council traineeship / work experience opportunities will be included in the report to Council on the EEO Management Plan within the next month.

ATTACHMENTS

Nil.

Item No: C0319(1) Item 9**Subject:** **ANNETTE KELLERMAN AQUATIC CENTRE AND FANNY DURAK AQUATIC CENTRE SITES****Prepared By:** Simon Duck - Group Manager Aquatic Services**Authorised By:** John Warburton - Deputy General Manager Community and Engagement**SUMMARY**

The management and operation of Annette Kellerman Aquatic Centre (AKAC) and Fanny Durack Aquatic Centre (FDAC) are currently operated under contract by Belgravia Leisure. Under the terms of the contract, negotiations to extend to the final 3 year option to manage and operate AKAC and FDAC are required to be finalised by March 2019 to take effect from July 2019.

Recent discussions with Belgravia show that a new agreement with Belgravia would have a greater financial commitment from them of approximately \$260,000. This would be used to improve the pay and conditions of existing Belgravia staff by moving them on to the National Fitness Award and improving the service at AKAC in terms of increased operational staffing and presentation of the facility.

RECOMMENDATION**THAT Council:**

- 1. Exercises the further 3 year options under the current Service Agreements with Belgravia Leisure for the management and operation of Annette Kellerman Aquatic Centre and Fanny Durack Aquatic Centre until June 2022 subject to Belgravia Leisure and Council entering into a variation of those agreements so as to contractually require Belgravia to implement the Fitness Industry Award in paying its staff and to implement other commitments made by Belgravia Leisure as identified in this report;**
 - 2. Commences planning and due diligence on strategic direction and vision for the management and operation of AKAC and FDAC facilities from July 2022 onwards; and**
 - 3. Ensures, via proper contract management processes, that Belgravia Leisure continues to deliver on its service obligations, particularly with respect to management of customer feedback and centre cleaning and operations.**
-

BACKGROUND

Belgravia Leisure have operated the AKAC and FDAC sites since the mid 2000's and have overseen both facilities through periods of complete renovation. This has seen both sites close for a period of time during renovations. The Annette Kellerman Aquatics Centre was renovated and re-opened on 10th December 2010 and the Fanny Durack Aquatic centre was renovated and re-opened on 27th October 2013.

The Annette Kellerman Aquatic Centre is a large multipurpose Aquatic Centre featuring an indoor 50m pool, health and fitness facility, creche, café and program pools. The Fanny Durack Aquatic Centre is a seasonal outdoor pool featuring 25m, children's pool and splash pad and café services. The facilities enjoy high levels of visitation through a range of programs and services. Both AKAC and FDAC are on track to experience record breaking attendance in the 2018-2019 year.

FINANCIAL IMPLICATIONS

Nil

OTHER STAFF COMMENTS

- Commitment to Operational Excellence- Recruit an additional Operations Supervisor at the AKAC to the value of 52k per annum and recruit an additional operations Supervisor at FDAC during opening season to the value of 30k per annum.
- Increase Commitment to Facility Presentation- Increase the annual cleaning budget by \$22k at AKAC, invest in a one of centre deep clean to the value of \$6k to be held on 28 February and implement peak summer cleaning schedule on extreme hot weather days to the value of \$4.8k

The overall total increase in operational contribution is summarized in the table below;

Item	Contribution \$
Strategy 1 -Transitioning staff from the Belgravia Leisure Certified Agreement to the nationally recognised Fitness Industry award	\$150,000
Strategy 2 - Commitment to operational Excellence	\$82,000
Strategy 3 - Increase commitment to facility presentation	\$32,860
Strategy 4 - Partnership Workshop and ongoing consultation with Council staff	\$-
Total Belgravia additional financial contribution	\$264,860

PUBLIC CONSULTATION

Nil

CONCLUSION

AKAC and FDAC are currently operating to a good standard (albeit with some issues and challenges experienced in 18/19) and without undue financial risk or impact to Council. The extra commitments by Belgravia Leisure and subsequent negotiation of the further 3 year option for the operation of AKAC and FDAC, affords the opportunity to develop a strategic direction to a future model from July 2022 onwards. This approach also ensures there are no additional unbudgeted costs to be incurred by Council in the short term.

ATTACHMENTS

1. Discussion paper AKAC and FDAC Contract Extension - *Confidential*