



City Performance Committee

commences at the conclusion of the City
Services Committee meeting Wednesday
13 November 2024

Venue:
Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany

Contact Us:

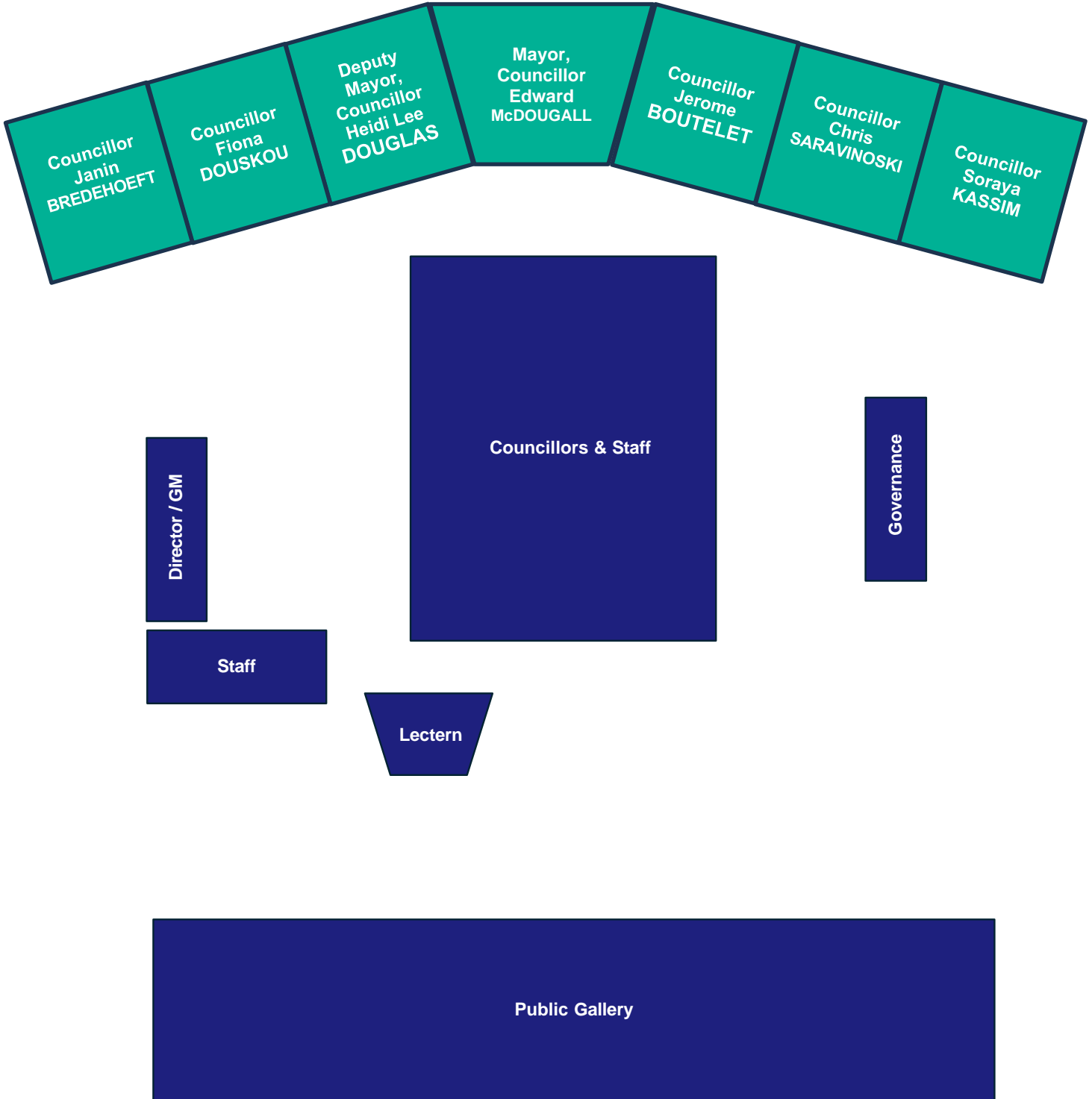
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PO Box 21, Rockdale NSW 2216

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City Performance Committee Seating Plan



Statement of Ethical Obligations

Obligations

Oath [Affirmation] of Office by Councillors

Oath

I swear that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Affirmation

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Code of Conduct conflict of interests

Pecuniary interests

A Councillor who has a **pecuniary interest** in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.

The Councillor must not be present at, or in sight of, the meeting:

- a) at any time during which the matter is being considered or discussed, or
- b) at any time during which the council is voting on any question in relation to the matter.

Non-pecuniary conflicts of interests

A Councillor who has a **non-pecuniary conflict of interest** in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

Significant non-pecuniary interests

A Councillor who has a **significant** non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

Non-significant non-pecuniary interests

A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.

MEETING NOTICE

A meeting of the
City Performance Committee
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Wednesday 13 November 2024 commences at the conclusion of the
City Services Committee meeting**

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

Meredith Wallace
General Manager

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 APOLOGIES, LEAVE OF ABSENCE & ATTENDANCE VIA AUDIO-VISUAL LINK

3 DISCLOSURES OF INTEREST

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

4 MINUTES OF PREVIOUS MEETINGS

City Performance Committee

13/11/2024

Item No	4.1
Subject	Minutes of the Corporate Performance Committee Meeting - 7 August 2024
Report by	Richard Sheridan, Director City Performance
File	SF23/8101

Officer Recommendation

That the Minutes of the Corporate Performance Committee meeting held on 7 August 2024 be noted

Present

Councillor Scott Morrissey, Chairperson
Councillor Michael Nagi
Councillor Andrew Tsounis
Councillor Greta Werner

Also present

Councillor Liz Barlow
Councillor Jennifer Muscat
Meredith Wallace, General Manager
Richard Sheridan, Director City Performance
Louise Farrell, Manager City Projects
Luke Phillips, Manager Finance
Helen Tola, Manager Governance & Risk
Waisale Iowane, Head of Financial Strategy & Reporting
Anh Hoang, Governance Officer
Anne Suann, Governance Officer
Nabin Bhattarai, IT Service Management Officer

The Chairperson opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:30 pm.

1 Acknowledgement of Country

The Chairperson affirmed that Bayside Council acknowledges the traditional custodians the Gadigal and Bidjigal people of the Eora nation, and pays respect to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 Apologies and Attendance via Audio Visual link

Committee Recommendation (Councillors Tsounis and Nagi)

That the following apologies be received and leave of absence granted:

- Councillor Fardell
- Councillor Curry
- Councillor Sedrak

Attendance Via Audio Visual Link

There were no Committee members in attendance via audio-visual link.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Corporate Performance Committee Meeting - 3 July 2024

Committee Recommendation (Councillors Morrissey and Werner)

That the Minutes of the Corporate Performance Committee meeting held on 3 July 2024 be noted

4.2 Business Arising

The Committee notes that the Minutes of the City Services Committee of Wednesday 3 July 2024 were received and the recommendations therein were adopted by the Council at its meeting of 24 July 2024.

5 Items by Exception

There were no Items by Exception.

6 Public Forum

There were no speakers for Public Forum.

7 Reports

CP24.021 2023/24 Budget Carryovers and Revotes

Committee Recommendation (Councillors Tsounis and Nagi)

- 1 That in accordance with Clauses 203 and 211(3) of the Local Government (General) Regulations 2021, Council receives and notes the list of carryovers and related funding sources detailed in Table 1 of the Attachment to this report that will be added to the 2024/25 revised budget; and
- 2 That in accordance with Clauses 203 and 211(3) of the Local Government (General) Regulations 2021, the proposed revotes of expenditure and related funding sources noted in Table 2 of the Attachment to this report, are adopted by Council and are hereby voted into the 2024/25 revised budget.

The next meeting will be held post the 2024 Local Government Elections.

The Chairperson closed the meeting at 7:40 pm.

Attachments

Nil

5 ITEMS BY EXCEPTION

These are items that have been identified to be confirmed in bulk in accordance with the Officer Recommendation and without debate. These items will not include items identified in the Public Forum, items in which councillors have declared a Significant Conflict of Interest and a Pecuniary Interest, items requiring a Division and any other item that a Councillor has identified as one they intend to speak on or vote against the recommendation

6 PUBLIC FORUM

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

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.

7 REPORTS

City Performance Committee

13/11/2024

Item No	CP24.001
Subject	City Performance Committee - Chairperson and Deputy Chairperson
Report by	Richard Sheridan, Director City Performance
File	F23/1022

Summary

At the Council Meeting held on 23 October 2024, Council determined the membership of seven (7) Councillors to the City Performance Committee.

The term of the appointment of Council delegates to the Committee is for the Mayoral Term (i.e. up to September 2026).

The purpose of this report is to elect a Chairperson (if the Mayor does not wish to be the Chairperson of the Committee) and Deputy Chairperson up to September 2026 for the City Performance Committee.

Officer Recommendation

That the City Performance Committee elect a Chairperson (if the Mayor does not wish to be the Chairperson of the Committee) and elect a Deputy Chairperson up to September 2026.

Background

Council resolved the membership of the City Performance Committee of Council as follows:

- The Mayor, Councillor McDougall, Deputy Mayor, Councillor Douglas, and Councillors Saravinovski, Bredehoeft, Kassim, Boutelet and Douskou.

Councillors who are not members of the City Performance Committee (noted above) be appointed as alternate members only for purposes of achieving a quorum in times when a quorum cannot be achieved due to absences and/or conflicts of interest.

Part 5.3 (Chair and Deputy Chair) of the Committee Terms of Reference state:

The Chairperson is the Mayor, otherwise, if the Mayor does not wish to be the chairperson of a committee, either (a) a member of the committee elected by the council, or (b) if the council does not elect such a member, a member of the committee elected by the committee. The Deputy Chairperson – Council to elect a member of a committee as deputy chairperson of the committee or if the council does not make the election, the committee may elect a deputy chairperson.

In light of such the purpose of this report is to elect the Chair and Deputy Chair to the City Performance Committee.

Financial Implications

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

Community Strategic Plan

- | | |
|--|-------------------------------------|
| Theme One – In 2032 Bayside will be a vibrant place | <input type="checkbox"/> |
| Theme Two – In 2032 Our people will be connected in a creative City | <input type="checkbox"/> |
| Theme Three – In 2032 Bayside will be green, resilient and sustainable | <input type="checkbox"/> |
| Theme Four – In 2032 Bayside will be a prosperous community | <input checked="" type="checkbox"/> |

Risk Management – Risk Level Rating

- | | |
|----------------|-------------------------------------|
| No risk | <input checked="" type="checkbox"/> |
| Low risk | <input type="checkbox"/> |
| Medium risk | <input type="checkbox"/> |
| High risk | <input type="checkbox"/> |
| Very High risk | <input type="checkbox"/> |
| Extreme risk | <input type="checkbox"/> |

Community Engagement

No community engagement was undertaken in preparing this report. Internal consultation has taken place between the General Manager, Director City Performance and the Manager Governance & Risk.

Attachments

Nil

City Performance Committee

13/11/2024

Item No	CP24.002
Subject	2024-25 Quarterly Budget Review Statement (QBRs) - September 2024
Report by	Richard Sheridan, Director City Performance
File	F23/903

Summary

The Responsible Accounting Officer (RAO) is required to prepare and submit to Council the Quarterly Budget Review Statement (QBRs) no later than 2 months after the end of each quarter (except for the June quarter). The QBRs should, by reference to the estimate of income and expenditure set out in the statement of Council's revenue policy included in the operational plan for the relevant year, contain the revised estimate of income and expenditure for that year.

The QBRs will reflect all the revised income and expenditure estimates arising from Council decisions, committee actions, or updates to assumptions since the last budget adoption. These revisions may include new projects planned for delivery, adjustments to project timelines, newly approved grants during the quarter, changes to staffing, and updates to the composition of elected Council members etc.

The changes to the September 2024 budget have resulted in the following changes to Council's forecasted budget to 30 June 2024:

1. Increase to Council's revenue of \$6.9m;
2. Increase to Council's expenses by \$3.1m;
3. Increase to Council's operating result by \$3.7m;
4. Increase to Council's capital expense budget by \$11.1m; and
5. Increases to the transfers from reserves of \$7.3m

Details of these changes are provided in this report and the attached documents.

Following the above changes, the cash budget result has been rebalanced with the revised forecast for the cash budget as of 30 June 2025 is \$45k. This is achieved by transferring any additional general revenue identified through this quarterly review to the Infrastructure Maintenance Reserve as part of Council's on-going improvement plan.

Officer Recommendation

- 1 That the Quarterly Budget Review Statement by the Responsible Accounting Officer (RAO) for the Quarter ended 31 December 2023 be received and noted.
 - 2 That in accordance with Clauses 203 and 211 of the Local Government (General) Regulations 2021, the proposed variations to the adopted revised budget detailed in Attachment 1 to this report are adopted by Council and the changes to income and expenditure items be voted.
-

Background

In compliance with the requirements of Clause 203(2) of the Local Government (General) Regulations 2021, the Responsible Accounting Officer must prepare and submit to Council a budget review statement and form an opinion as to whether the statements indicate that the financial position of the Council is satisfactory. The Director City Performance has been delegated as the Responsible Accounting Officer by the General Manager.

The Quarterly Budget Review Statement provides information on how the Council is tracking against its originally adopted budget in the Operational Plan. It shows the revised estimated income and expenditure for the year against the original estimate of annual income and expenditure as shown in the Operational Plan and includes recommendations regarding changes to budget to give a projected year-end result.

Variations included could be based on (but not limited to) the following:

- The inclusion of budgets for approved grant and other types of funding with matching expenditure budgets;
- Re-forecast to income and expenditure based on current information or trends;
- Changes to funding sources where required; and
- Re-allocations of operational budgets.

In consideration of these variations, it is important to note the following:

1. That the preparation of the annual budget commences in September each year, 9 months out from the adoption date;
2. This budget is prepared based on information available at the time with further refinements made until March each year;
3. That the reason this timeline exists is to enable Council to set a budget in time for the April Corporate Performance meeting for consideration and adoption at the Council meeting in the same month and to allow time for the public to make submissions through the 28-day public exhibition period in May.

As a result of this timeline, there is a time lag between the budget preparation stage and the adoption stage. During this time, assumptions used in the budget can change as well as more information may become available.

For instance, Council may not have considered a project during the initial budget preparation stage as the project did not have a definite funding source. Months later, a grant program is available which Council applies and becomes successful for. This change is then included in Council's next budget iteration. Similarly, any decision made by Council outside of the budgeting review cycle will only be included at the next quarterly budget review.

The table below summarises the impact of the changes to the revised budget for 2024-25 for the September quarter, excluding any changes to the internal recharges which offset each other. The revised budget shows an increase to Council's net operating result before capital grants & contributions by approximately \$3.0m with the movements in reserve funding reflecting the 2024-25 Financial Assistance Grant (FAG) paid in June 2024 and transferred to the reserve at the end of the financial year.

Accordingly, these funds are brought into the 2024-25 budget through the reserves instead of through income. We have not removed the initial assumption of the FAG factored in income

for the year as we will anticipate this to cover the 2025-26 FAG that will most likely be paid by June 2025, as has been the trend.

	2024-25 Revised Budget	2024-25 September Review	Variations
	\$'000	\$'000	\$'000
Revenue			
Rates and annual charges	149,011	150,811	↑ 1,800
User fees and charges	16,761	17,535	↑ 774
Interest and investment revenue	21,234	21,234	-
Other revenues	15,996	18,562	↑ 2,566
Operating grants and contributions	11,042	11,983	↑ 941
Capital grants and contributions	12,231	13,021	↑ 790
Other income	4,520	4,520	-
Total revenue	230,795	237,666	↑ 6,871
Expenses			
Employee benefits and on-costs	(92,259)	(92,241)	↓ 18
Materials and services	(81,505)	(84,931)	↑ (3,426)
Other expenses	(4,770)	(4,486)	↓ 284
Borrowing costs	(76)	(76)	-
Depreciation and amortisation	(32,710)	(32,710)	-
Total expenses	(211,320)	(214,444)	↑ (3,124)
Operating result from continuing operations	19,475	23,222	↑ 3,747
<i>Net operating result before capital grants & contributions</i>	<i>7,245</i>	<i>10,201</i>	<i>↑ 2,957</i>
Capital and funding movements			
Net reserve movements – from/(to)	(6,840)	240	7,080
Capital expenditure	(44,614)	(55,708)	↑ (11,094)
Proceeds from sale of assets	2,886	2,886	-
WDV of assets sold	(2,886)	(2,886)	-
Loan repayments	(3,576)	(3,576)	-
Externally restricted assets	-	269	269
Total capital and funding movements	(55,030)	(58,775)	↑ (3,745)
Net result	(35,554)	(35,553)	↑ 1
Add: Non-cash items	35,596	35,596	-
Cash budget result	42	43	↑ 1

*Figures are rounded up to the nearest dollar. As a result, there may be some rounding differences contained herein.

Key Variations (over \$500k)

1. Revenue

- In May 2024, specific funding of \$2.5m was allocated by Transport for NSW for upgrade works to the Coward Street shared path. This funding was not part of a grant program, so it was not treated as a capital grant.
- A \$1.8m upward revision was made to domestic waste charges to account for the roll-out of green bins in the former Rockdale LGA with an equivalent transfer made to the domestic waste reserve.
- The 2024-25 Regional Roads Block Grant income was allocated, totalling \$639k.
- The forecast for development application (DA) fees was revised upwards by \$619k, reflecting higher-than-expected income from high-value DA applications received by the Council in the first quarter.
- Council secured two significant grants from Transport for NSW, amounting to approximately \$682k. The first grant of \$500k was for the Permit/Plug/Play program, aimed at simplifying the application process for street-based event permits. Based on the agreement, 90% of this funding (\$450k) will be received in 2024-25, with the balance paid in the following financial year. The second grant of \$232k was for the Towards Zero Safer Roads Program, allocated for infrastructure projects, including the installation of a raised threshold and pedestrian crossing with lighting on Bestic Street, Kyeemagh.

2. Operating Expenses

- As part of the Crown Land Flood Recovery Program, Council was awarded a grant of approximately \$1.1m in 2023 for dune restoration and beach nourishment to protect and restore Cook Park. The project was deferred to 2024-25 due to pending regulatory approvals from relevant departments. As of 30 June 2024, the funds were held in Council's external reserves. Now that the project has commenced, the expenditure budget and funding are being incorporated into the 2024-25 budget through this review.
- Along with the inclusion of the operating grant funding revenue, corresponding expenditure budgets totalling \$941k have also been allocated.
- The budget allocation for the modern workplace rollout, scheduled for completion by the end of this calendar year, has been adjusted this quarter by \$722k. This amount is fully funded from Council's internal IT reserve.
- Council's legal fees related to development applications have been revised upward by \$500k. Longer determination times for development applications can lead to an increase in "deemed refusal" appeals, as applicants may become impatient waiting for a decision. There were appeals over the past year that were particularly complex, requiring specialist expert witnesses, or protracted, resulting in higher than usual legal and expert costs. A report was presented to the City Planning & Environment Committee on 14 August 2024, outlining some of the causes of these delays and including an improvement plan detailing how Council intends to address the issue.

3. Capital Expenses

- **Coward Street Shared path - \$2.5m**
Transport for NSW (TfNSW) has requested that Council carry out upgrades to the Coward Street shared path on its behalf. In return, TfNSW has agreed to provide the necessary funding for the project, with the work expected to be completed by the end of this year.
- **Acquisition of 13 Banksia Street, Botany - \$2.3m**
At its ordinary meeting on 26 June 2024, Council approved the strategic purchase of the property at 13 Banksia Street, Botany, with the acquisition funded from Council's external reserves (VPA). The property settlement occurred on 19 August 2024, and since this transaction happened outside the budget cycle, it is now being incorporated through the September quarterly review.
- **Renewal of the roof and HVAC system for the Green Street, Depot - \$2.0m**
At its ordinary meeting on 24 July 2024, Council approved an additional \$2.0m in funding for the replacement of the roof and HVAC system at the Green Street Depot, to be drawn from Council's strategic priorities reserve. Although minor urgent works were carried out at the time of purchase to make the facility watertight, water ingress has persisted in other areas during heavy rain. It was recommended to Council that the project include a full roof replacement across both tenancies, along with the installation of a photovoltaic system. Additionally, the project will upgrade the mechanical and air conditioning systems across both tenancies, as the current system has reached the end of its lifespan. As the approval happened outside the budget cycle, it is now being incorporated through the September quarterly review.
- **Arncliffe Central Community Hub - \$830k**
At its ordinary meeting on 23 August 2023, Council endorsed an in-principle offer to enter into a Planning Agreement for Works-in-Kind with Billbergia to deliver a multi-purpose community facility as part of the development at 161-179 Princes Highway and 26-42 Eden Street, Arncliffe (refer CPE23.021). The report presented to Council at the time outlined the need for a new facility in this location, providing detailed background and justification.

Council officers have been collaborating with the developer to design a space that meets the project's requirements. The primary space under consideration is slightly elevated above Princes Highway, with an entry and glass façade facing the highway. It features a full glass elevation to the north, overlooking a site link from the Highway to Eden Street, and a west-facing glass elevation at the first-floor level overlooking Eden Street. A smaller entry is located on the ground floor of Eden Street, with a large staircase, lift, and void providing access to the main floor above.

A budget is now being allocated to hire a specialist Interior Design/Architect Lead consultant, with the experience and qualifications needed to design the fit-out for a community and library hub. The lead consultant will coordinate and manage other consultants, ensuring the delivery of all required documentation for consultation, approvals, procurement, and construction. This includes concept design, design development, approvals and lodgement, tender documentation, and construction documentation, along with services during construction.

The proposed budget will be funded from Council's development contributions reserve.

Financial Implications

- | | | |
|--------------------------------------|-------------------------------------|---|
| Not applicable | <input type="checkbox"/> | |
| Included in existing approved budget | <input type="checkbox"/> | |
| Additional funds required | <input checked="" type="checkbox"/> | Proposed variations to budgets for the quarter have identified funding sources. |
-

Community Strategic Plan

- | | |
|--|-------------------------------------|
| Theme One – In 2032 Bayside will be a vibrant place | <input type="checkbox"/> |
| Theme Two – In 2032 Our people will be connected in a creative City | <input type="checkbox"/> |
| Theme Three – In 2032 Bayside will be green, resilient and sustainable | <input checked="" type="checkbox"/> |
| Theme Four – In 2032 Bayside will be a prosperous community | <input type="checkbox"/> |
-

Risk Management – Risk Level Rating

- | | |
|----------------|-------------------------------------|
| No risk | <input type="checkbox"/> |
| Low risk | <input checked="" type="checkbox"/> |
| Medium risk | <input type="checkbox"/> |
| High risk | <input type="checkbox"/> |
| Very High risk | <input type="checkbox"/> |
| Extreme risk | <input type="checkbox"/> |
-

Community Engagement

No Community Engagement is required.

Attachments

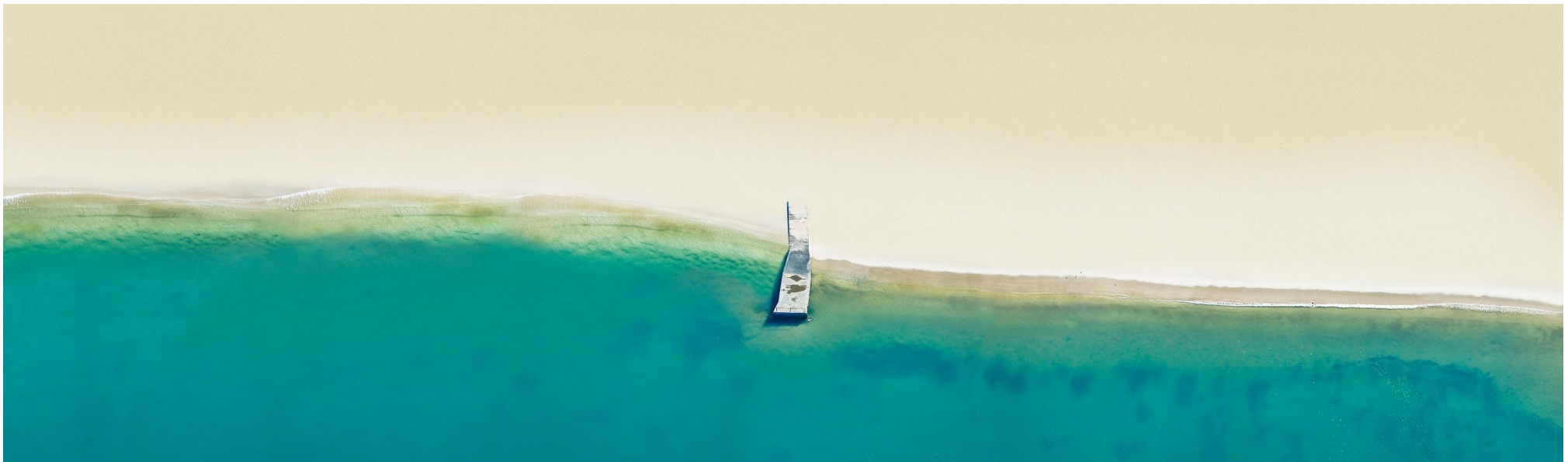
- 1 [2024-25 September Quarterly Budget Review Presentation](#)
- 2 [2024-25 September Quarterly Budget Review Statement](#)



2024/25 September Quarterly Budget Review

City Performance Committee

Wednesday, 13 November 2024





1. Integrated Planning & Reporting Framework

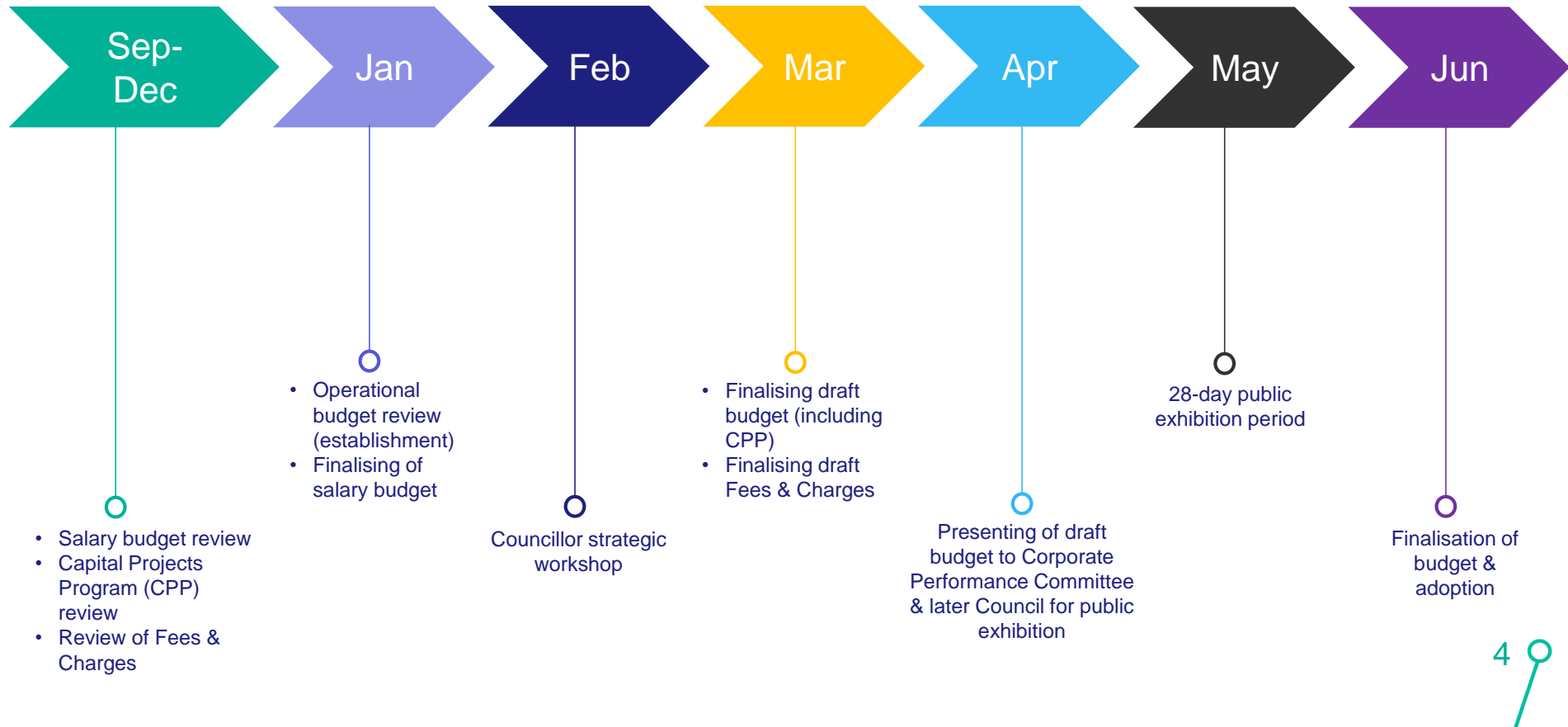


The budget planning process is integrated with the timeline for delivering key documents required under the IP&R Framework, with the **Long-Term Financial Plan (LTFP)** as part of Council’s **Resourcing Strategies** and the **Annual Budget** as part of its **Operational Plan**.





2. Annual Budget Process & Timeline



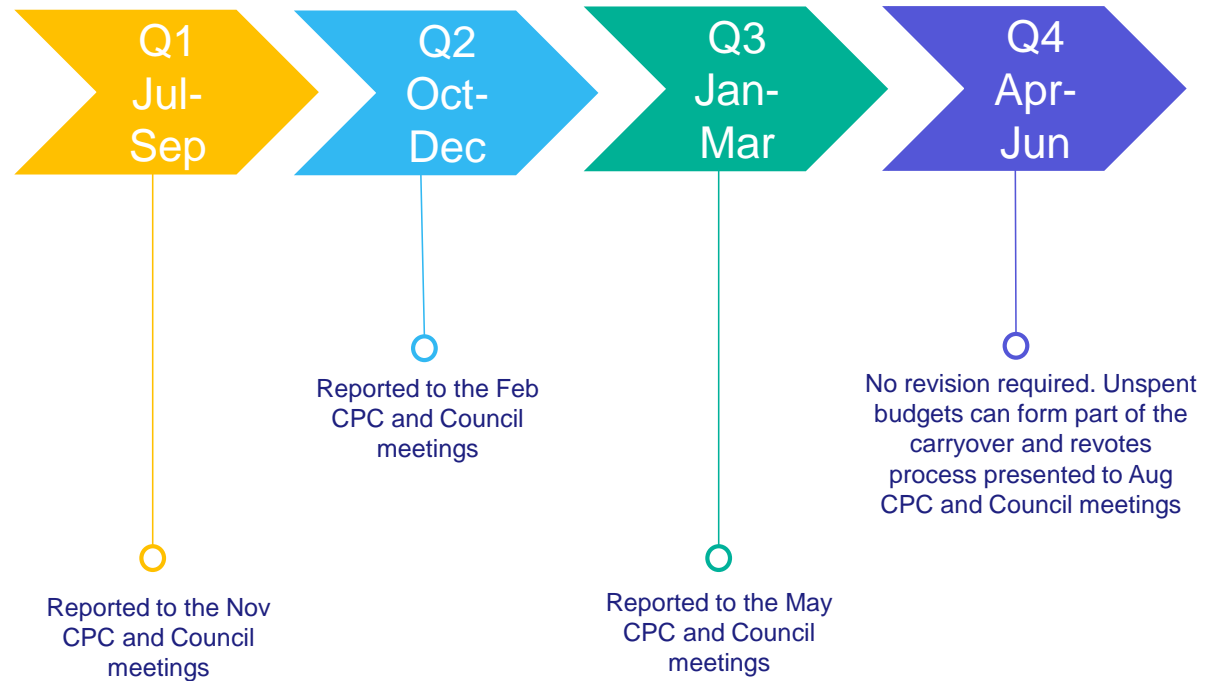
3. Legislative Requirements

LG Regulations 2021



Budget review statements to be reported to Council within 2 months after the end of each quarter (except for the fourth quarter).

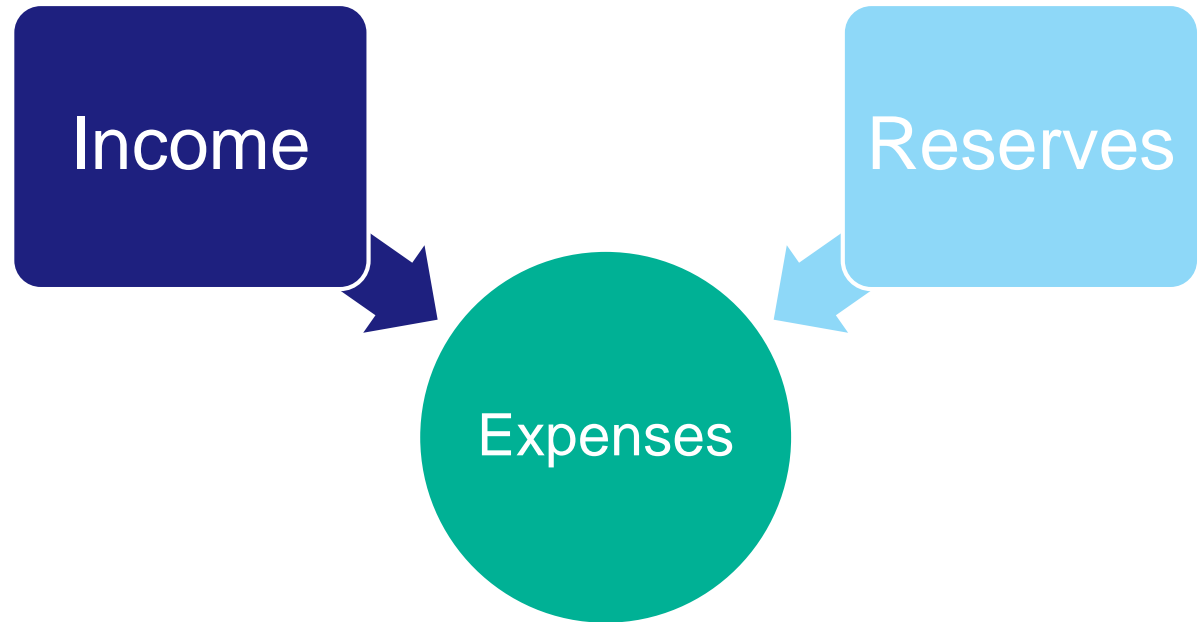
Quarterly Reporting Cycles



4. Understanding the budget



Maintaining a
balanced budget
position



Ensuring that the budgets set for the year are in line with the revenue Council is forecasted to earn with reserves funding shortfalls where necessary.

6



5. Link between a balanced budget & financial sustainability



	Amount (\$)	Amount (\$)	Amount (\$)
Income			
Wages	100	100	100
Expense			
Living expenses	(80)	(90)	(110)
Surplus/ (Deficit)	20	10	(10)
Savings (In Bank)	20	10	(10)
Total Savings		30	20



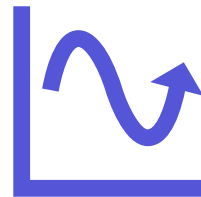


6. Understanding the QBRS



Key Components

- Report by the Responsible Accounting Officer (RAO)
- Revised Projected Cash Budget Result
- Revised Projected Income Statement (including details)
- Revised Projected Capital Expenditure (including details)
- Revised Projected Restricted Cash Balances (including details)
- List of active contracts
- List of projects where consultants & legal expenses are being used



What does the report show?

- Changes to the budget assumptions for Council's operational income & expenditure
- Changes to or rephrasing of Councils capital works budgets
- Impact on the reserve movements as a result of these changes
- Revised cash budget forecast to 30 June



7. Revised Statement of Income & Expenditure



Description	Revised Budget (\$'000)	Q1 Proposed Budget (\$'000)	Variations (\$'000)
Rates and annual charges	149,011	150,811	1,800
User fees and charges	16,761	17,535	774
Interest and investment revenue	21,234	21,234	-
Other revenues	15,996	18,562	2,566
Operating grants and contributions	11,042	11,983	941
Capital grants and contributions	12,231	13,021	790
Other Income	4,521	4,520	(1)
Total Income from Continuing Operations	230,796	237,666	6,870
Employee costs	92,259	92,241	(18)
Borrowing costs	76	76	-
Materials and contracts	81,505	84,931	3,426
Depreciation and impairment	32,710	32,710	-
Other expenses	4,770	4,486	(284)
Total Expenses from Continuing Operations	211,320	214,444	3,124
Gross Operating Result	19,476	23,222	3,746
Operating Result excluding Capital Grants and Contributions	7,245	10,201	2,956

- Rates & Annual Charges**
 - Upwards revision to the domestic waste charges to reflect current year service levels – \$1.8m
- User fees and charges**
 - Increase in development application fee income due to an increase in high value construction applications being lodged – \$619k
- Other revenues**
 - Coward Street shared path funding agreement with TfNSW – \$2.5m
- Operating Grants & Contributions**
 - Permit/Plug/Play Pilot Program – \$450k
 - Regional Roads Block Grant (OP) – \$359k
- Capital Grants & Contributions**
 - Regional Roads Block Grant (CP) – \$280k
 - Towards Zero Safer Roads Program – \$232k
- Materials & Contracts:**
 - Cook Park Dune restoration (grant funded) – \$1.1m
 - Modern Workplace – \$722k
 - Dev Services legal fees – \$500k
 - Expenditure allocation for Operating Grants – \$941k
- Other expenses:**
 - Reduction of ESL levy – \$284k



8. Revised Cash Budget Result



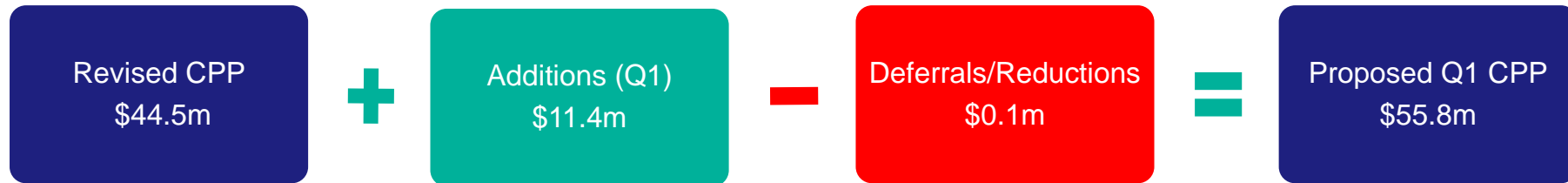
Description	Revised Budget (\$'000)	Q1 Proposed Budget (\$'000)	Variations (\$'000)
Total Income from Continuing Operations	230,796	237,666	6,870
Total Expenses from Continuing Operations	(211,321)	(214,444)	(3,123)
Gross Operating Result	19,475	23,222	3,747
Capital Expenditure	(44,614)	(55,708)	(11,094)
Loan Repayments	(3,576)	(3,576)	-
Net Reserve Transfers	(6,839)	509	7,348
	(55,029)	(58,775)	(3,746)
Net Result	(35,554)	(35,553)	1
Add Back Non-Cash Items	35,596	35,596	-
Cash Budget Result	42	43	1

- Reserve Movements:**
- Funding for the acquisition of 13 Banksia St, Botany – \$2.3m
 - Funding for the fit out of Green St depot - \$2m
 - Bringing out all unspent grants from reserves - \$1.1m
 - Funding for the design works for Arncliffe Central Community Hub - \$800k

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9. Changes to the Capital Program



Major Additions (>500k)

- Coward St Shared Path – \$2.5m
- Acquisition of 13 Banksia St, Botany – \$2.3m
- Fit out of 1-7 Green Street – \$2m
- Arncliffe Central Community Hub – \$830k

10. Recommendation



That **Council:**

- 1. Receive** and **note** the variations to the proposed revised September 2024 Quarterly Review Statement by the Responsible Accounting Officer (RAO); and
- 2. Adopt** the proposed revised budget and that the changes to income, expenditure and relevant reserve funding items be voted in accordance with Clauses 203 & 211 of the Local Government (General) Regulations 2021.

12 



Questions Comments Feedback



Quarterly Budget Review Statement



September
2024



**Budget Review for the Period Ended 30 September 2024
Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

It is my opinion that the Quarterly Budget Review Statement for Bayside Council for the quarter ended 30 September 2024 indicates that Council's projected financial position at 30 June 2025 will be satisfactory at year end having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:  _____

Date: 24 October 2024

Richard Sheridan
Responsible Accounting Officer



**Budget Review for the Period Ended 30 September 2024
Projected Cash Budget**

Description	Original Budget 2024/25	Carryovers and Revotes	Revised Budget 2024/25	Recommended Variations September Quarter	Projected Year End Result	Variance to Revised Budget	YTD Actual September 2024
Total Income from Continuing Operations	230,161,679	633,870	230,795,549	6,870,378	237,665,927	6,870,378	178,316,777
Total Expenses from Continuing Operations	210,438,333	882,250	211,320,583	3,123,279	214,443,862	(3,123,279)	46,067,649
Operating Surplus/ (Deficit) from Continuing Operations	19,723,346	(248,380)	19,474,966	3,747,099	23,222,065	3,747,099	132,249,129
Capital and Reserve Movements							
Capital Expenditure	42,081,551	2,531,976	44,613,527	11,094,244	55,707,771	(11,094,244)	9,036,845
Loan Proceeds	-	-	-	-	-	-	-
Loan Repayments	3,576,500	-	3,576,500	-	3,576,500	-	883,321
Proceeds from Sale of Assets	(2,886,070)	-	(2,886,070)	-	(2,886,070)	-	-
Book Value of Assets Sold	2,886,070	-	2,886,070	-	2,886,070	-	-
Net Transfers To/ (From) Reserves	9,619,665	(2,780,356)	6,839,309	(7,348,755)	(509,446)	7,348,755	13,327,479
Net Capital and Reserve Movements	55,277,716	(248,380)	55,029,336	3,745,489	58,774,825	3,745,489	23,247,646
Net Result (Including Depreciation)	(35,554,371)	-	(35,554,371)	1,610	(35,552,761)	1,610	109,001,483
Add Back Non-Cash Items	35,596,268	-	35,596,268	-	35,596,268	-	8,254,881
Cash Budget Surplus/ (Deficit)	41,898	-	41,898	1,610	43,508	1,610	117,256,363

NB: Figures are rounded up to the nearest dollar. As a result, there may be some rounding differences contained herein.



**Budget Review for the Period Ended 30 September 2024
Income and Expenses**

Description	Original Budget 2024/25	Carryovers and Revotes	Revised Budget 2024/25	Recommended Variations September Quarter	Note	Projected Year End Result	Variance to Revised Budget	YTD Actual September 2024
Income from Continuing Operations								
Rates and annual charges	149,011,241	-	149,011,241	1,799,327	1.0	150,810,568	1,799,327	148,821,365
User charges and fees	16,760,670	-	16,760,670	774,000	2.0	17,534,670	774,000	6,221,396
Interest and investment revenue	21,234,428	-	21,234,428	-		21,234,428	-	6,916,828
Other revenues	15,996,113	-	15,996,113	2,566,230	3.0	18,562,343	2,566,230	11,214,755
Operating grants and contributions	11,001,509	40,400	11,041,909	940,821	4.0	11,982,730	940,821	1,247,913
Capital grants and contributions	11,637,995	593,470	12,231,465	790,000	5.0	13,021,465	790,000	2,917,206
Other Income	4,519,723	-	4,519,723	-		4,519,723	-	977,313
Total Income from Continuing Operations	230,161,679	633,870	230,795,549	6,870,378		237,665,927	6,870,378	178,316,777
Expenses from Continuing Operations								
Employee benefits and on-costs	92,258,833	-	92,258,833	(18,257)	6.0	92,240,576	18,257	19,345,128
Borrowing costs	75,665	-	75,665	-		75,665	-	27,183
Materials and services	80,623,174	882,250	81,505,424	3,425,536	7.0	84,930,960	(3,425,536)	17,443,672
Depreciation, amortisation and impairment	32,710,199	-	32,710,199	-		32,710,199	-	8,254,881
Other expenses	4,770,462	-	4,770,462	(284,000)	8.0	4,486,462	284,000	996,785
Total Expenses from Continuing Operations	210,438,333	882,250	211,320,583	3,123,279		214,443,862	(3,123,279)	46,067,649
Operating Surplus/ (Deficit) from Continuin	19,723,346	(248,380)	19,474,966	3,747,099		23,222,065	3,747,099	132,249,129
Operating Surplus/(Deficit) from All Operati	19,723,346	(248,380)	19,474,966	3,747,099		23,222,065	3,747,099	132,249,129

NB: Figures are rounded up to the nearest dollar. As a result, there may be some rounding differences contained herein.



**Budget Review for the Period Ended 30 September 2024
Income and Expenses Recommended Variations**

Note	Function Details	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
Variations to Income					
1.0	Rates and annual charges		1,799,327		
1.1	Domestic Waste fees	1,799,327		Increase in revenue as a result of additional green waste services provided to the former Rockdale LGA	16.2
2.0	User charges and fees		774,000		
2.1	Development Application fees	619,000		Increase to budget forecast due to higher than anticipated revenue for the year	
2.2	Design Review Planning fees	35,000		Increase to budget forecast due to higher than anticipated revenue for the year	
2.3	Public Domain & Referral fees	120,000		Increase to budget forecast due to higher than anticipated revenue for the year	
3.0	Other revenues		2,566,230		
3.1	Synthetic Fields	12,000		Increase to budget forecast due to higher than anticipated revenue for the year	7.12 / 26.1
3.2	Youth People	18,000		Increase to budget forecast due to higher than anticipated revenue for the year	
3.3	Kingsgrove Avenue Reserve Amenities	35,633		Allocation of funding budget received for the contributions from the sporting club	9.1
3.4	Coward Street Shared Path	2,500,597		Increase in budget to reflect funding from Transport NSW for the shared path upgrade works on Coward Street	11.18
4.0	Operating grants and contributions		940,821		
4.1	Community Nursery	(36,168)		Reduction in budget to align with expected annual income	
4.2	Road Management	(52,020)		Reallocation of the Regional Roads Block grant budget to other projects	
4.3	Local & Regional - Signs & Line	359,000		Allocation of budget for the Regional Roads Block Grant - operational portion	7.9
4.4	Lady Robinson Beach Study	31,118		Allocation of budget for the Coastal and Estuary Planning Program	7.13
4.5	NSW Small Business Month Grant	(2,550)		Reduction in budget to reflect actual grant income from the Dept of Customer Service	7.20
4.6	Feasibility & Concept Design - Flood Mitigation - Botany Bay	37,747		Allocation of budget for the Coastal Estuary & Flood Grant Program	7.21



**Budget Review for the Period Ended 30 September 2024
Income and Expenses Recommended Variations**

Note	Function Details	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
4.7	Start Strong Program	75,967		Increase in budget to align with actual allocation for the Start Strong Grant	7.22
4.8	Ramsgate Beach Sand Nourishment	60,000		Allocation of budget for the Coastal Estuary Grant Program	7.27
4.9	Winter Wonderland Festival	(120,000)		Reduction in budget as income was received in prior year and transferred to external reserves	14.4
4.10	NAIDOC Week Grant (NSW)	2,727		Increase in budget to reflect state funding received for NAIDOC Week	7.32
4.11	Seaforth Park Detention Basin	135,000		Allocation of budget for the NSW Flood recovery and Resilience Program	12.1
4.12	Permit/Plug/Play Pilot Program	450,000		Allocation of budget for the Permit/Plug/Play Pilot Program	7.34
5.0	Capital grants and contributions		790,000		
5.1	Playspace Renewal - Booralee Park	128,000		Allocation of budget for the Local Small Commitments Program	10.6
5.2	Pedestrian Links Arncliffe to Barton Park	150,000		Allocation of budget for the Get NSW Active Program	11.10
5.3	Bestic Street Traffic Facilities	232,000		Allocation of budget for the Towards Zero Safety Roads Program	11.11
5.4	Road Renewal Program	280,000		Allocation of budget for the Regional Roads Block Grant - Capital portion	11.14
Total income variations			6,870,378		



**Budget Review for the Period Ended 30 September 2024
Income and Expenses Recommended Variations**

Note	Function Details	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
Variations to Expenses					
6.0	Employee benefits and on-costs		18,257		
6.1	Clothing and footwear	13,000		Reallocation of budget to materials and services	
6.2	Corporate Costs	5,257		Reduction in budget to reflect approved internal restructure	
7.0	Materials and services		(3,425,536)		
7.1	Mayoral and Councillor fees and allowances	(20,056)		Increase in budget to align with the maximum thresholds approved by Council	
7.2	Christmas Tree Lighting	(8,870)		Allocation of project budget funded by Local Area Funds	18.1
7.3	(DWM) Litter Abatement Program	(125,407)		Increase in budget for the program which is fully funded from the domestic waste reserve	16.3
7.4	Development Assessment	(483,000)		Increase in budget to cater for increase in legal costs relating to developer applications	
7.5	Strategy Policy & Heritage	(17,000)		Increase in budget for heritage advisor	
7.6	Plant and Vehicles Operations & Maintenance	(50,000)		Increase in budget to cater for increase in fuel costs	
7.7	Northern Wetlands Corridor Rehabilitation of EEC's & Theatre	(12,233)		Allocation of project budget funded by external reserve	13.1
7.8	Central Scarborough Park Rehabilitation - Biodiversity Prog	(7,931)		Allocation of project budget funded by external reserve	13.2
7.9	Local & Regional - Signs & Line	(359,000)		Allocation of project budget fully funded by grant	4.3
7.10	Bayside Audit Committee Panel	(25,000)		Allocation of budget to cover superannuation for ARIC members	
7.11	SSROC Lighting The Way Project	283,657		Removal of budget due to the completion of phase 1	28.1
7.12	Synthetic Fields	(7,000)		Increase in maintenance budget for synthetic fields	3.1
7.13	Lady Robinson Beach Study	(37,000)		Allocation of project budget fully funded by grant and external reserve	4.4 / 17.1
7.14	IT and Communications Program	957,775		Reallocation of general budget to several IT project budgets	7.15



**Budget Review for the Period Ended 30 September 2024
Income and Expenses Recommended Variations**

Note	Function Details	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
7.15	IT Systems and Modern Workplace Upgrades	(957,775)		Allocation of budget from general IT budget to fund several projects	7.14
7.16	Safe as Houses Program	28,141		Reduction in budget due to project completion	14.1
7.17	Building Condition Assessments	(30,000)		Allocation of project budget funded by internal reserve	22.2
7.18	Rockdale Spine Review	(30,000)		Allocation of project budget funded by internal reserve	24.1
7.19	Young People	(15,000)		Increase in budget to align with the expenditure trend of AYC operations	
7.20	NSW Small Business Month Grant	2,550		Reduction in budget to reflect actual grant from the Dept of Customer Service	4.5
7.21	Feasibility & Concept Design - Flood Mitigation - Botany Bay	(44,520)		Allocation of grant funded expenditure budget	4.6 / 20.1
7.22	Start Strong Program	(75,967)		Allocation of grant funded expenditure budget	4.7
7.23	Work Health & Safety Equipment	(50,000)		Allocation of project budget funded by internal reserve	27.1
7.24	Cook Park - Dune Restoration	(1,112,000)		Allocation of grant funded expenditure budget	14.2 / 22.3
7.25	Planning Proposal - LOGOS Site	(17,500)		Allocation of project budget funded by internal reserve	24.2
7.26	Wentworth Ave Planning Proposal	(11,160)		Allocation of project budget funded by internal reserve	24.3
7.27	Ramsgate Beach Sand Nourishment	(70,736)		Allocation of project budget funded by grant and external reserve	4.8 / 17.7
7.28	Bayside Litter Prevention Strategy	(57,776)		Allocation of grant funded expenditure budget	14.3
7.29	Westfield Eastgardens Planning Proposal	(16,000)		Allocation of project budget funded by internal reserve	24.4
7.30	Winter Wonderland Festival	(119,001)		Increase in budget funded from savings in other events	14.4
7.31	NAIDOC Week Grant (Federal)	(20,000)		Allocation of grant funded expenditure budget	14.5
7.32	NAIDOC Week Grant (NSW)	(2,727)		Allocation of grant funded expenditure budget	4.10
7.33	AI Grant Program	(120,000)		Allocation of grant funded expenditure budget	14.6
7.34	Permit/Plug/Play Pilot Program	(450,000)		Allocation of grant funded expenditure budget	4.12
7.35	Botany Road Mascot Investigation Area	(170,000)		Allocation of project budget funded by internal reserve	24.5



**Budget Review for the Period Ended 30 September 2024
Income and Expenses Recommended Variations**

Note	Function Details	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
7.36	Planning Proposal 72 Laycock St Bexley N	(25,000)		Allocation of project budget funded by internal reserve	24.6
7.37	25 Wollongong Road Arncliffe Legal Costs	(150,000)		Allocation of project budget funded by external reserve	13.16
8.0	Other expenses		284,000		
8.1	Payments to Statutory Bodies	284,000		Reduction in budget to align with Emergency Services Levy expected to pay for the financial year	
Total expense variations			(3,123,279)		

NB: Figures are rounded up to the nearest dollar. As a result, there may be some rounding differences contained herein.



**Budget Review for the Period Ended 30 September 2024
Capital Expenditure**

Project Program	Original Budget 2024/25	Carryovers and Revotes	Revised Budget 2024/25	Recommended Variations September Quarter	Note	Projected Year End Result	YTD Actual September 2024
Asset Planning and Systems	880,000	139,136	1,019,136	-		1,019,136	18,958
Beaches and Waterways	500,000	90,400	590,400	-		590,400	4,253
Buildings and Property	11,219,743	78,521	11,298,264	6,105,633	9.0	17,403,897	4,734,698
IT and Communications	35,000	40,029	75,029	-		75,029	-
Library Resources	530,000	-	530,000	-		530,000	76,218
Open Spaces	7,286,030	1,162,745	8,448,775	1,426,014	10.0	9,874,789	183,851
Plant, Fleet and Equipment	8,507,000	(475,954)	8,031,046	-		8,031,046	1,113,148
Roads and Transport	11,178,778	1,014,456	12,193,234	3,412,597	11.0	15,605,831	2,653,937
Stormwater Drainage	1,100,000	482,643	1,582,643	150,000	12.0	1,732,643	111,452
Town Centres	845,000	-	845,000	-		845,000	480
	42,081,551	2,531,976	44,613,527	11,094,244		55,707,771	8,896,995

NB: Figures are rounded up to the nearest dollar. As a result, there may be some rounding differences contained herein.



**Budget Review for the Period Ended 30 September 2024
Capital Expenditure Recommended Variations**

Note	Description	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
9.0	Buildings and Property		(6,105,633)		
9.1	Kingsgrove Avenue Reserve Amenities	(35,633)		Allocation of project expenditure for concrete path extension reimbursed by the club	3.3
9.2	Fit out of 1-7 Green Street	(2,000,000)		Allocation of project budget funded by internal reserve	25.1
9.3	Acoustic Treatment - Various meeting rooms	60,000		Reduction in budget due to project completion	23.3
9.4	13 Banksia Street, Botany	(2,300,000)		Allocation of project budget funded by external reserve	13.12
9.5	Demolition 16 Edgehill Street Carlton	(100,000)		Allocation of project budget funded by external reserve	13.13
9.6	Council Chambers Refurbishment	(900,000)		Allocation of project budget funded by internal reserve	22.8 / 23.4
9.7	Arncliffe Central Community Hub	(830,000)		Allocation of project budget funded by external reserve	13.14
10.0	Open Spaces		(1,426,014)		
10.1	Administration of Development Contributions Plans	(150,000)		Allocation of project budget funded by external reserve	13.4
10.2	Gilchrist Park Cricket Net Renewal	12,145		Reduction in budget due to project cancellation	17.3
10.3	Cahill Park Oval irrigation	14,841		Reduction in budget due to project completion	13.5
10.4	Scarborough Park Lighting	(85,000)		Allocation of project budget funded by external reserve	17.4
10.5	Playground renewal - Taylor Street Reserve	(110,000)		Allocation of project budget funded by external reserve	17.6
10.6	Playspace Renewal - Booralee Park	(128,000)		Allocation of project budget funded by grant	5.1
10.7	BBQ renewals	50,000		Deferral of project budget to future year to align with changes to project phasing	17.10
10.8	Muddy Creek Masterplan Implementation	(250,000)		Allocation of project budget funded by internal reserve	22.4
10.9	Playground Renewal /Refurb - Chant & Glanville Reserve	20,000		Deferral of project budget to future year to align with changes to project phasing	13.9 / 22.6
10.10	Linear Park Fitness Station and Landscape	(250,000)		Allocation of project budget funded by external reserve	13.11



**Budget Review for the Period Ended 30 September 2024
Capital Expenditure Recommended Variations**

Note	Description	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
10.11	Gardiner Park Retaining Wall	(550,000)		Allocation of project budget funded by internal reserve	22.7
11.0	Roads and Transport		(3,412,597)		
11.1	Bridge and Structures Renewal Program	35,000		Internal reallocation for Bridge and Structure Renewal projects	11.4
11.2	Traffic Committee Program	100,000		Internal reallocation for Traffic Committee Program	11.17
11.3	Page Street Pedestrian Crossing lighting	(40,000)		Internal reallocation for Lighting Pedestrian Crossings Program	11.16
11.4	Bridge Renewal - Railway St Banksia	(50,000)		Internal reallocation for Bridge and Structure Renewal projects	11.1 / 11.13
11.5	Middleton Avenue - New Footpath	2,018		Internal reallocation for LRCI Phase 4 new footpath projects	11.12
11.6	Mainerd Ave - New Footpath	46,000		Internal reallocation for LRCI Phase 4 new footpath projects	11.12
11.7	Orpington St - New Footpath	8,425		Internal reallocation for LRCI Phase 4 new footpath projects	11.12
11.8	Handley Ave - New Footpath	51,000		Internal reallocation for LRCI Phase 4 new footpath projects	11.12
11.9	Meriel St - New Footpath	35,372		Internal reallocation for LRCI Phase 4 new footpath projects	11.12
11.10	Pedestrian Links Arncliffe to Barton Park	(150,000)		Allocation of project budget funded by grant	5.2
11.11	Bestic Street Traffic Facilities	(232,000)		Allocation of project budget funded by grant	5.3
11.12	LRCI Phase 4 New Footpaths	(164,815)		Internal reallocation for LRCI Phase 4 new footpath projects	11.5-11.9 / 11.14
11.13	Scarborough Park - Footbridge near Culver St Monterey	15,000		Internal reallocation for Bridge and Structure Renewal projects	11.4
11.14	New Footpaths	22,000		Internal reallocation for LRCI Phase 4 new footpath projects	11.12
11.15	Road Renewal Program	(280,000)		Allocation of project budget funded by grant	5.4
11.16	Lighting Pedestrian Crossings Program	40,000		Internal reallocation for Lighting Pedestrian Crossings Program	11.3
11.17	Pedestrian Crossing Riverside Drive	(100,000)		Internal reallocation for Traffic Committee Program	11.2
11.18	Coward Street Shared Path	(2,500,597)		Allocation of project budget for footpath upgrade fully reimbursed by Transport NSW	3.4



**Budget Review for the Period Ended 30 September 2024
Capital Expenditure Recommended Variations**

Note	Description	Recommended Variation Fav/ (Unfav)	Total	Comment	Note(s)
11.19	Boulevard Carpark LPR System	(100,000)		Allocation of project budget funded by internal reserve	22.9
11.20	Mascot Post Shop Bus Stop Upgrade	(150,000)		Allocation of project budget funded by external reserve	13.15 / 18.2
12.0	Stormwater Drainage		(150,000)		
12.1	Seaforth Park Detention Basin	(150,000)		Allocation of project budget funded by grant and external reserve	4.11 / 20.2
Total Capital expenditure variations			(11,094,244)		

NB: Figures are rounded up to the nearest dollar. As a result, there may be some rounding differences contained herein.



**Budget Review for the Period Ended 30 September 2024
Restricted Cash and Investment Balances**

Description	Opening Balance 2024/25	Transfers To 2024/25	Transfers From 2024/25	Closing Balance 2024/25	Carryovers and Revotes	Revised Balance 2024/25	September Quarter Tfrs to/ (Tfrs from)	Note	Forecast Balance 2024/25
External Restrictions									
Developer Contributions	325,884,477	26,543,589	(12,893,353)	339,534,713	(484,818)	339,049,895	(4,560,680)	13.0	334,489,215
Specific Purpose Unexpended Grants	2,635,894	(43,045)	-	2,592,849	(712,806)	1,880,043	(1,141,635)	14.0	738,408
Local Area Funds	17,373,527	826,506	(422,004)	17,778,029	(122,481)	17,655,548	(227,870)	18.0	17,427,678
Advertising Sign Planning Agreement Revenue	3,305,207	1,083,285	(2,096,996)	2,291,496	4,557	2,296,053	201,000	15.0	2,497,053
Community Safety Levy	1,093,583	538,547	(394,173)	1,237,957	-	1,237,957	-	-	1,237,957
Domestic Waste Management	24,888,111	40,287,857	(40,691,446)	24,484,522	(22,946)	24,461,576	1,462,489	16.0	25,924,065
Infrastructure Levy	24,198,633	13,752,213	(13,897,869)	24,052,977	(1,040,822)	23,012,155	(107,153)	17.0	22,905,002
Internal Borrowing against DWM Reserve	(9,666,758)	346,819	-	(9,319,939)	-	(9,319,939)	-	-	(9,319,939)
Internal Borrowing against s7.11 Reserve	-	-	-	-	(435,258)	(435,258)	-	-	(435,258)
Roads	413,814	-	(429,372)	(15,558)	(2,018)	(17,576)	22,000	19.0	4,424
Stormwater Levy	7,821,677	1,447,461	(1,134,728)	8,134,411	(114,642)	8,019,769	(21,773)	20.0	7,997,996
Total External Restrictions	397,948,165	84,783,231	(71,959,941)	410,771,455	(2,931,234)	407,840,221	(4,373,622)		403,466,599
Internal Restrictions									
Affordable Housing	1,310,197	624,357	-	1,934,554	-	1,934,554	-	-	1,934,554
Barton Park Loan Funding Reserve	10,429,117	-	-	10,429,117	-	10,429,117	-	-	10,429,117
Botany Aquatic Centre	656,000	-	-	656,000	-	656,000	-	-	656,000
Brighton Bath Amenities Building	1,808,798	-	-	1,808,798	-	1,808,798	-	-	1,808,798
Business Improvement and Efficiency	2,864,012	-	(55,000)	2,809,012	-	2,809,012	-	-	2,809,012
Community & Environmental Projects	6,104,252	1,151,172	(210,120)	7,045,304	-	7,045,304	-	-	7,045,304
Council Election	1,059,190	250,000	(1,000,000)	309,190	-	309,190	-	-	309,190
Deposits, Retentions and Bonds	3,600,000	-	-	3,600,000	-	3,600,000	-	-	3,600,000
Employee Leave Entitlements	6,770,603	-	-	6,770,603	-	6,770,603	-	-	6,770,603
Energy Efficiency	-	80,000	-	80,000	-	80,000	-	-	80,000
Financial Assistance Grants in Advance	5,263,468	-	-	5,263,468	-	5,263,468	547,945	21.0	5,811,413
General Funds Revote	575,790	-	-	575,790	-	575,790	-	-	575,790
Infrastructure Maintenance Reserve	11,830,037	3,006,329	(2,390,000)	12,446,366	(212,878)	12,233,488	(946,000)	22.0	11,287,488
Legal and Public Liability	4,868,078	-	-	4,868,078	-	4,868,078	-	-	4,868,078
Mascot Oval	80,000	-	-	80,000	-	80,000	-	-	80,000
Office Equipment and IT	5,037,202	353,000	(3,021,980)	2,368,222	(112,201)	2,256,021	(440,000)	23.0	1,816,021
Planning Proposals	354,708	291,026	(106,778)	538,956	-	538,956	(269,660)	24.0	269,296
Plant and Equipment	4,140,376	4,419,970	(6,372,000)	2,188,346	661,106	2,849,452	-	-	2,849,452
Public Liability Claims	(0)	-	-	(0)	-	(0)	-	-	(0)
Revenue Received in Advance	322,517	-	-	322,517	-	322,517	-	-	322,517
Smart Compliance	575,184	170,000	-	745,184	(185,152)	560,032	-	-	560,032
Strategic Priorities	38,430,336	-	(293,332)	38,137,004	-	38,137,004	(2,000,000)	25.0	36,137,004
Synthetic Fields Replacement	1,072,354	227,312	-	1,299,666	-	1,299,666	5,000	26.0	1,304,666
Work Health and Safety	292,334	-	(150,000)	142,334	-	142,334	(50,000)	27.0	92,334
Consolidated Borrowing Against Internal Reserve	(0)	106,080	(283,662)	(177,582)	-	(177,582)	177,582	28.0	(0)
Total Internal Restrictions	107,444,553	10,679,247	(13,882,872)	104,240,927	150,875	104,391,802	(2,975,133)		101,416,669
Total Restricted Cash Balance	505,392,717	95,462,478	(85,842,813)	515,012,383	(2,780,359)	512,232,024	(7,348,755)	-	504,883,269
Unrestricted	1,051,845	-	-	1,093,743	-	1,093,743.06	-	-	1,095,353.06
Total Cash and Investment Balance	506,444,563			516,106,126		513,325,767			505,978,622

NB: Figures are rounded up to the nearest dollar. As a result, there may be some rounding differences contained herein.



Budget Review for the Period Ended 30 September 2024
Total restricted cash variations

Note	Description	Recommended Variation To/ (From)	Total	Comment	Note(s)
13.0	Developer Contributions		(4,560,680)		
13.1	Northern Wetlands Corridor Rehabilitation of EEC's & Theatre	(12,233)		Allocation of project funding	7.7
13.2	Central Scarborough Park Rehabilitation - Biodiversity Prog	(7,931)		Allocation of project funding	7.8
13.3	Purchase Library Resources	(380,037)		Allocation of project funding	
13.4	Administration of Development Contributions Plans	(150,000)		Allocation of project funding	10.1
13.5	Cahill Park Oval irrigation	14,841		Reduction in budget due to project completion	10.3
13.6	Ron Gosling Reserve Dog Off Leash	(35,000)		Allocation of project funding	17.8
13.7	Hughes Ave Reserve Dog Off Leash	(7,320)		Allocation of project funding	17.9
13.8	Dog Park Refurbishment - Sparkes Street Reserve	(50,000)		Allocation of project funding	22.5
13.9	Playground Renewal /Refurb - Chant & Glanville Reserve	(30,000)		Allocation of project funding	10.9 / 22.6
13.10	Teralba Road closure & additional Parking	(223,000)		Allocation of project funding	15.4
13.11	Linear Park Fitness Station and Landscape	(250,000)		Allocation of project funding	10.10
13.12	13 Banksia Street, Botany	(2,300,000)		Allocation of project funding	9.4
13.13	Demolition 16 Edgehill Street Carlton	(100,000)		Allocation of project funding	9.5
13.14	Arncliffe Central Community Hub	(830,000)		Allocation of project funding	9.7
13.15	Mascot Post Shop Bus Stop Upgrade	(50,000)		Allocation of project funding	11.20
13.16	25 Wollongong Road Arncliffe Legal Costs	(150,000)		Allocation of project funding	7.37
14.0	Specific Purpose Unexpended Grants		(1,141,635)		
14.1	Safe as Houses Program	28,141		Reduction in budget due to project completion	7.16
14.2	Cook Park - Dune Restoration	(852,000)		Transferring unspent grant funds from reserve to fund current year project	7.24
14.3	Bayside Litter Prevention Strategy	(57,776)		Transferring unspent grant funds from reserve to fund current year project	7.28
14.4	Winter Wonderland Festival	(120,000)		Transferring unspent grant funds from reserve to fund current year project	4.9 / 7.30
14.5	NAIDOC Week Grant (Federal)	(20,000)		Transferring unspent grant funds from reserve to fund current year project	7.31
14.6	AI Grant Program	(120,000)		Transferring unspent grant funds from reserve to fund current year project	7.33



Budget Review for the Period Ended 30 September 2024
Total restricted cash variations

Note	Description	Recommended Variation To/ (From)	Total	Comment	Note(s)
15.0	Advertising Sign Planning Agreement Revenue		201,000		
15.1	Traffic Committee Program	100,000		Internal reallocation for Traffic Committee Program	15.6
15.2	Page Street Pedestrian Crossing lighting	(40,000)		Internal reallocation for Lighting Pedestrian Crossings Program	15.3
15.3	Lighting Pedestrian Crossings - Program	40,000		Internal reallocation for Lighting Pedestrian Crossings Program	15.2
15.4	Teralba Road closure & additional Parking	223,000		Return of budget to reserve due to change in funding source	13.10
15.5	LRCI Phase 4 New Footpaths	(22,000)		Internal reallocation for LRCI Phase 4 new footpath projects	19.7
15.6	Pedestrian Crossing Riverside Drive	(100,000)		Internal reallocation for Traffic Committee Program	15.1
16.0	Domestic Waste Management		1,462,489		
16.1	DWM related Corporate Costs	(196,845)		Increase in funding from reserve to fund indirect waste related services	
16.2	Domestic Waste Management	1,784,741		Transfer of additional income generated from the green bin roll-outs	1.1
16.3	(DWM) Litter Abatement Program	(125,407)		Increase in funding from reserve to support project expenditure	7.3
17.0	Infrastructure Levy		(107,153)		
17.1	Lady Robinson Beach Study	(5,882)		Allocation of project funding	7.13
17.2	Bridge and Structures Renewal Program	35,000		Internal reallocation for Bridge and Structure Renewal projects	17.5
17.3	Gilchrist Park Cricket Net Renewal	12,145		Return of funding to reserve due to project cancellation	10.2
17.4	Scarborough Park Lighting	(85,000)		Allocation of project funding	10.4
17.5	Bridge Renewal - Railway St Banksia	(50,000)		Internal reallocation for Bridge and Structure Renewal projects	17.2 / 17.11
17.6	Playground renewal - Taylor Street Reserve	(110,000)		Allocation of project funding	10.5
17.7	Ramsgate Beach Sand Nourishment	(10,736)		Allocation of project funding	7.27
17.8	Ron Gosling Reserve Dog Off Leash	35,000		Return of budget to reserve due to change in funding source	13.6
17.9	Hughes Ave Reserve Dog Off Leash	7,320		Return of budget to reserve due to change in funding source	13.7
17.10	BBQ renewals	50,000		Return of funding to reserve due to project deferral	10.7
17.11	Scarborough Park - Footbridge near Culver St Monterey	15,000		Internal reallocation for Bridge and Structure Renewal projects	17.5



Budget Review for the Period Ended 30 September 2024
Total restricted cash variations

Note	Description	Recommended Variation To/ (From)	Total	Comment	Note(s)
18.0	Local Area Funds		(227,870)		
18.1	Christmas Tree Lighting	(127,870)		Allocation of project funding originally funded by general funds	7.2
18.2	Mascot Post Shop Bus Stop Upgrade	(100,000)		Allocation of project funding	11.20
19.0	Roads		22,000		
19.1	Middleton Avenue - New Footpath	2,018		Allocation of LRCI Phase 4 Funding	19.7
19.2	Mainerd Ave - New Footpath	46,000		Allocation of LRCI Phase 4 Funding	19.7
19.3	Orpington St - New Footpath	8,425		Allocation of LRCI Phase 4 Funding	19.7
19.4	Handley Ave - New Footpath	51,000		Allocation of LRCI Phase 4 Funding	19.7
19.5	Meriel St - New Footpath	35,372		Allocation of LRCI Phase 4 Funding	19.7
19.6	New Footpaths	22,000		Allocation of LRCI Phase 4 Funding	19.7
19.7	LRCI Phase 4 New Footpaths	(142,815)		Budget reallocation to individual projects above	15.5 / 19.1-19.6
20.0	Stormwater Levy		(21,773)		
20.1	Feasibility & Concept Design - Flood Mitigation - Botany Bay	(6,773)		Allocation of project funding	7.21
20.2	Seaforth Park Detention Basin	(15,000)		Allocation of project funding	12.1
21.0	Financial Assistance Grants in Advance		547,945		
21.1	2024/25 Financial Assistance Grants	(5,263,468)		Transfer of the 2024/25 allocation received in prior year from the reserve	
21.2	2025/26 Financial Assistance Grants	5,811,413		Transfer of the 2025/26 allocation, forecasted to be received this financial year	
22.0	Infrastructure Maintenance Reserve		(946,000)		
22.1	Corporate Costs	544,000		Increase in transfers to reserves as part of Council's improvement plan	
22.2	Building Condition Assessments	(30,000)		Allocation of project funding	7.17
22.3	Cook Park - Dune Restoration	(260,000)		Allocation of project funding	7.24
22.4	Muddy Creek Masterplan Implementation	(250,000)		Allocation of project funding	10.8
22.5	Dog Park Refurbishment - Sparkes Street Reserve	50,000		Return of budget to reserve due to change in funding source	13.8
22.6	Playground Renewal /Refurb - Chant & Glanville Reserve	50,000		Deferral of project budget to future year to align with changes to project phasing	10.9 / 13.9
22.7	Gardiner Park Retaining Wall	(550,000)		Allocation of project funding	10.11
22.8	Council Chambers Refurbishment	(400,000)		Allocation of project funding	9.6
22.9	Boulevard Carpark LPR System	(100,000)		Allocation of project funding	11.19



Budget Review for the Period Ended 30 September 2024
Total restricted cash variations

Note	Description	Recommended Variation To/ (From)	Total	Comment	Note(s)
23.0	Office Equipment and IT		(440,000)		
23.1	IT and Communications Program	957,775		Rreallocation for IT and Communications Program	23.2
23.2	IT Systems and Modern Workplace Upgrades	(957,775)		Allocation for IT and Communications Program	23.1
23.3	Acoustic Treatment - Various meeting rooms	60,000		Removal of budget due to project completion	9.3
23.4	Council Chambers Refurbishment	(500,000)		Allocation of funding for IT related upgrades to the chambers	9.6
24.0	Planning Proposals		(269,660)		
24.1	Rockdale Spine Review	(30,000)		Allocation of project funding	7.18
24.2	Planning Proposal - LOGOS Site	(17,500)		Allocation of project funding	7.25
24.3	Wentworth Ave Planning Proposal	(11,160)		Allocation of project funding	7.26
24.4	Westfield Eastgardens Planning Proposal	(16,000)		Allocation of project funding	7.29
24.5	Botany Road Mascot Investigation Area	(170,000)		Allocation of project funding	7.35
24.6	Planning Proposal 72 Laycock St Bexley North	(25,000)		Allocation of project funding	7.36
25.0	Strategic Priorities		(2,000,000)		
25.1	Fit out of 1-7 Green Street	(2,000,000)		Allocation of project funding	9.2
26.0	Synthetic Fields Replacement		5,000		
26.1	Synthetic Fields	5,000		Increase in transfer to reserve as a result of increase in Synthetic field hire	3.1
27.0	Work Health and Safety		(50,000)		
27.1	Work Health & Safety Equipment	(50,000)		Allocation of project funding	7.23
28.0	Consolidated Borrowing Against Internal Reserves		177,582		
28.1	SSROC Lighting The Way Project	177,582		Return of budget to reserve due to completion of phase 1 project	7.11
Total restricted cash variations			(7,348,755)		



**Budget Review for the Period Ended 30 September 2024
Contracts and Other Expenses**

NB: The list of contracts below contain multi-year contracts. The budgets for multi-year contracts are included in the respective financial years in accordance with the timeline for project delivery and schedule of payments.

Contracts

Name of Contracting Party	Contract Detail and Purpose	Contract Value	Start Date	End Date	Budgeted (Y/N)
Ford Civil Contracting P/L	Barton Park Recreational Precinct	41,419,898	7/10/2022	15/04/2025	Y
Veolia Environmental Services	Advanced Waste Treatment (Processing) Contract	15,000,000	14/07/2017	14/07/2032	Y
All Pavement Solutions Pty Ltd, ANJ Paving Pty Ltd, Asphalt Laying Services, Bigeni Pty Ltd, Bitupave t/as Boral Asphalt, Citywide Civil Works, Civeco Pty Ltd, Colas Solutions, D&M Excavations, Downer EDI Works, Fulton Hogan, Hiway Stabilizers, Mack Civil, NA Group, Northshore Paving Co P/L, Ozpave Aust Pty Ltd, Planet Civil Pty Ltd, RL Civil Works Pty Ltd, Roadworx, Stabilised Pavements of Australia SPA, State Asphalt Services Pty Ltd, State Civil Pty Ltd, Stateline Asphalt Pty Ltd, TL Excavations Asphalt Pty Ltd	SSROC "Paving the Way" Road Resheeting & Services	15,000,000	1/07/2021	30/06/2026	Y
Veolia Environmental Services	Collection and Associated Waste Management Services	12,932,043	30/09/2024	28/09/2039	Y
Zen Energy Retail Pty Ltd	Electricity supply for small sites and large sites	10,000,000	4/11/2021	3/11/2030	Y
Bucher Municipal Pty Ltd	Specialised trucks and parts	5,000,000	1/12/2020	30/11/2025	Y
Core Talent Pty Ltd, Public Sector People, Hays Specialist Recruitment (Australia) Pty Ltd, Capstone Recruitment Group Pty Ltd, MG My Gateway, Buildability Services Pty Ltd, BESPOKE CAREER MANAGEMENT PTY LTD, Allegra Recruitment Pty Ltd, ANZUK Education Services, All staff Australia Pty Ltd, Randstad Pty Ltd, Quay Appointments, Rexco People	HR – Perm, Temp Placements & Services (LGP808-4)	3,500,000	1/03/2023	28/02/2033	Y
WINC Australia Pty Ltd, Fuji Film	Printing and Scanning Services	3,000,000	1/01/2021	31/12/2025	Y
Logicalis Australia P/L	LogiCalis Network Implementation and Support	2,550,000	18/12/2023	17/12/2026	Y
Transport NSW	Coward Street Sharepath - Funding Agreement (TFNSW)	2,500,597	30/05/2024	29/05/2027	Y
Bingo Waste Services Pty Ltd	Receival and Processing of Municipal Material	2,500,000	31/08/2020	30/08/2030	Y
Norton Rose, Bartier Perry, HWL Ebsworth, Maddocks, Marsdens Law Group, Matthews Folbigg Lawyers, Lindsay Taylor Lawyers LTL P/L, BAL Lawyers, Holding Redlich, Kells Lawyers, Proximity, Recoveries & Reconstruction (Aust) Pty Ltd, Thomson Geer	Legal Services	2,000,000	1/02/2021	31/01/2026	Y
Ally Civil, DXCore Pty Ltd, Ezy Pave Pty Ltd, KK Civil Engineering, Planet Civil Pty Ltd, State Civil Pty Ltd, Stateline Asphalt Pty Ltd	Minor Civil Works F18/1060	2,000,000	3/07/2019	31/12/2024	Y
Carfax Commercial Constructions Pty Ltd	Kingsgrove Avenue Reserve Amenities	1,969,165	28/03/2024	27/03/2027	Y
Ford Civil Contracting P/L	Coward Street Mascot Cycleway Upgrade	1,864,933	13/06/2024	12/06/2027	Y
Altirelec Pty Ltd, Komarin Holdings Pty Ltd t/a Modern Electric, Cbd Electrical Services (NSW) Pty Ltd, C.B.D. MECHANICAL ELECTRICAL	Electrical Services	1,500,000	24/07/2024	23/07/2027	Y



**Budget Review for the Period Ended 30 September 2024
Contracts and Other Expenses**

NB: The list of contracts below contain multi-year contracts. The budgets for multi-year contracts are included in the respective financial years in accordance with the timeline for project delivery and schedule of payments.

Contracts

Name of Contracting Party	Contract Detail and Purpose	Contract Value	Start Date	End Date	Budgeted (Y/N)
Rapid Pipe Relining Solutions PTY LTD, Never Stop Water Pty. Ltd, Nexx Plumbing Pty Ltd, No.1 Plumbing Services Pty Ltd, Jetblack Plumbers Pty Limited, Burns Plumbing Pty Ltd	Plumbing Services	1,500,000	24/07/2024	23/07/2027	Y
Technology One Pty Ltd	Support and Maintenance Agreement	1,500,000	1/07/2020	30/06/2025	Y
CO-OP Studio Pty Ltd	Botany Aquatic Centre Principal Consultant - Construction	1,448,010	8/04/2020	29/05/2026	Y
Pipe Management Australia, Total Drain Cleaning Services t/a TDG Environmental, JJ Coleman Plumbing Pty Ltd, Interflow Pty Limited, Australian Wetlands Consulting Pty Ltd, Optimal Stormwater Pty Ltd, SPEL Environmental Pty Ltd t/as Atlan Stormwater, Urban Asset Solutions Pty Ltd	Stormwater, Drainage and Gross Pollutant Trap Services	1,400,000	24/07/2024	23/07/2027	Y
Visy Recycling Pty Ltd	Recycling Processing	1,400,000	1/02/2024	30/09/2036	Y
Cleary Bros (Bombo) Pty Ltd	Beach Nourishment and Associated Works at Lady Robinsons Bea	1,333,025	13/08/2024	1/11/2024	Y
RARE Environmental	Lady Robinsons Beach Ramsgate - Beach Nourishment Project	1,259,471	13/08/2024	1/11/2024	Y
Infor Global Solutions (ANZ) Pty Ltd	Pathway annual licence renewal	1,061,287	30/06/2022	29/06/2027	Y
WINC Australia Pty Ltd	SSROC Stationery and Associated Products	725,000	14/04/2021	13/04/2026	Y
Sydney Arbor Trees Pty Ltd, Asplundh Tree Expert (Australia) Pty Ltd, Plateau Tree Service Pty Ltd, TreeServe Pty Ltd, Waratah Lawncare and Garden Management Pty Ltd, Active Tree Services Pty Ltd	Tree Maintenance Services	600,000	22/02/2022	21/02/2025	Y
ACES Group, Reddawn Australia Pty Ltd, Ultimate Security Australia Pty Ltd, ISEC Pty Ltd	Integrated Security Contract	500,000	8/02/2021	7/02/2028	Y
Soft Landing Mattress Recycling	Mattress collection & processing	500,000	31/05/2018	30/06/2025	Y
The Book House	Library books, resource material and furniture	500,000	1/03/2021	28/02/2026	Y
Ultimate Security Australia Pty Ltd	Security Services	500,000	30/04/2021	29/03/2027	Y
WINC Australia Pty Ltd, Konica Minolta Business Solutions, Ball & Doggett, Konica Minolta Payment Solutions	MFD Fleet - Supply, Maintenance and Consumables	500,000	1/01/2021	31/12/2025	Y
Summit Open Space Services Pty Ltd Asplundh Tree Expert (Aus	Playspace Renewals at Patricia Carlon and Noel Sieffert	473,919	10/10/2023	30/04/2025	Y
Elec Comm Services	Illuminating Community Spaces	464,744	14/12/2023	4/03/2025	Y
Kellogg Brown & Root Pty Ltd	Flood Mitigation Design, Mascot	443,739	10/04/2024	9/04/2027	Y
Graffiti Clean Pty Ltd	Graffiti Removal Services	435,000	1/01/2020	30/11/2025	Y
Central Signs Roads and Safety Aust Pty Ltd, Streets Ahead Maintenance (SAM), De Neefe Pty Ltd t/a De Neefe Signs, Hunter Valley Signs Pty Ltd t/a Hi-Vis Group	Supply, Installation and Maintenance of Road Signs and Traff	400,000	10/06/2020	31/05/2025	Y
Evolve Housing Limited	Management of Affordable Housing Portfolio	393,750	1/07/2021	30/06/2026	Y
Crest Air Conditioning Pty Ltd, Inter-Chillers Pty Ltd	Heating Ventilation and Air-conditioning (HVAC) Maintenance	360,000	14/08/2019	26/02/2025	Y



**Budget Review for the Period Ended 30 September 2024
Contracts and Other Expenses**

NB: The list of contracts below contain multi-year contracts. The budgets for multi-year contracts are included in the respective financial years in accordance with the timeline for project delivery and schedule of payments.

Contracts

Name of Contracting Party	Contract Detail and Purpose	Contract Value	Start Date	End Date	Budgeted (Y/N)
J Blackwood & Son Pty Ltd, WINC Australia Pty Ltd, Bunnings Group Limited, Aqua Terra Oil and Mineral Service & Supply Co. Pty Ltd, Marque Haus Pty Ltd, Onsite Safety Australia Pty Ltd, Southland Supply Group	Provision and Delivery of Hardware, Protective Clothing and	350,000	27/09/2023	26/09/2026	Y
Dragonfly Environmental, Apunga Ecological Management, Southern Habitat (NSW) Pty Ltd, Toolijooa Pty Ltd, Total Earth Care Pty Ltd	SSROC Bush Regeneration Services	350,000	1/02/2023	31/01/2026	Y
Database Consultants Australia	Support and Maintenance Agreement	331,722	1/10/2023	30/09/2025	Y
Avante Linemarking, Complete Linemarking Services, Guidance Road Management, Workforce Road Services	SSROC Linemarking Services	300,000	1/02/2023	31/01/2026	Y
Growth Civil Landscapes Pty Ltd	Construction-Basketball circles-Tonbridge Res & Shaw St Res	296,647	12/09/2024	11/09/2027	Y
WATERMATIC IRRIGATION	Irrigation of Cahill Park	271,344	30/06/2023	16/10/2024	Y
Morfit Group Consulting	Zscaler	248,048	1/09/2023	31/08/2025	Y
VMWare	VMware Licensing	240,000	1/04/2024	31/03/2025	Y
Green Options Pty Ltd	Sport Field renovations	237,082	2/07/2024	30/06/2025	Y
The Globe Australia Pty Ltd t/a Globe Growing Solutions, Greenshed Pty Ltd t/a Living Turf, Greenway Turf Solutions Pty Ltd	Provision of Agricultural Products, Equipment & Services	225,000	1/09/2021	31/08/2026	Y
Plateau Tree Service Pty Ltd	Tree Services- Arncliffe Lookout- Deveg	214,500	5/05/2021	26/10/2026	Y
Dalski Pty Ltd	Bridge Renewal Package	214,002	11/09/2023	9/11/2024	Y
Shakeup Architecture Pty Ltd	Depena Carpark Upgrade - Lead Consultancy Contract	200,791	10/07/2023	8/03/2026	Y
Enviro Beds P/L	Mattress collection Bayside East and West	200,000	1/05/2018	30/04/2025	Y
Ixom Pty Ltd, Redox Pty Ltd, Roejen Services Pty Ltd	SSROC Supply and Delivery of Chemical and Associated Product	200,000	1/09/2021	31/08/2026	Y
Frontier Software Pty Ltd	Support and Maintenance Agreement	200,000	1/08/2023	31/07/2026	Y
SGL Lock & Key Pty Ltd t/a St George Locksmiths	Keying Master System & Locksmith Services F18/625	200,000	13/12/2019	30/06/2025	Y
Devicie PTY LTD	Devicie (SOE Management)	185,265	30/06/2023	29/06/2026	Y
Sullivans Constructions Pty Ltd	Botany Golf Course - Amenities & Pro shop building renewals	184,875	26/04/2024	25/04/2027	Y
Ultimate Security Australia Pty Ltd	Provision of Security Services Flood Detection (CCTV/IoT Sen	181,341	9/02/2024	9/02/2026	Y
Hibernian Contracting Pty Ltd	Banksia Bridge Parapet Traffic Protection, Railway Street	171,440	16/07/2024	15/07/2027	Y
Ultimate Security Australia Pty Ltd	Flood Detection (CCTV/IOT Sensors) and Smart Signage Project	164,855	2/04/2024	1/04/2027	Y
Atturra Business Applications	Atturra Client Support Services	147,500	1/04/2024	31/03/2025	Y
Budget Demolition & Excavation Pty Ltd	Demo Redundant Bldgs-Bona Pk Gilchrist Pk Bexley Nth Toilets	140,444	11/06/2024	10/06/2027	Y
InfoTrust	InfoTrust CrowdStrike AntiVirus	140,000	1/06/2023	31/05/2026	Y
Pesteco Pty Ltd	Pest Control Services	100,000	15/09/2022	14/09/2025	Y



**Budget Review for the Period Ended 30 September 2024
Contracts and Other Expenses**

NB: The list of contracts below contain multi-year contracts. The budgets for multi-year contracts are included in the respective financial years in accordance with the timeline for project delivery and schedule of payments.

Contracts

Name of Contracting Party	Contract Detail and Purpose	Contract Value	Start Date	End Date	Budgeted (Y/N)
Green Options Pty Ltd, Asplundh Tree Expert (Australia) Pty Ltd, Waratah Lawncare and Garden Management Pty Ltd, Alpine Nurseries P/L, <u>Andreasen's Green (NSW) P/L, The Tree Guardian Group P/L</u>	SSROC Supply of Plants and Trees and Associated Services	100,000	1/02/2023	31/01/2026	Y
Optima X Prime Pty Ltd, Alliance Alarms Fire Systems Pty Ltd, Newsound Fire Services P/L	Fire Protection Services	100,000	2/05/2022	1/05/2025	Y
Sullivans Constructions Pty Ltd	Pagewood Senior Citizens Centre Roof Replacement	91,885	10/05/2024	9/05/2027	Y
Blue Stone Management (Australia) Pty Ltd	Botany Aquatic Centre- Stage 2- QS	89,990	17/02/2022	31/12/2024	Y
AC3	Support and Maintenance Agreement	76,997	11/10/2023	11/10/2024	Y
Sullivans Constructions Pty Ltd	Her Way-Laycock Walk Mascot street furniture	68,904	3/04/2024	2/04/2027	Y
Morfit Group Consulting	Zscaler Managed Services	42,160	21/05/2024	21/10/2025	Y
Designerpave Pty Ltd	Her Way Astridge Lane artwork install-Designer Pave P/L	26,846	5/04/2024	4/04/2027	Y
EHO Consulting PTY. Limited	Geotechnical Investigation, Bexley -Car park for AAAC	26,700	3/06/2024	2/06/2027	Y
Sullivans Constructions Pty Ltd	Arncliffe Disability Service Renewal - 37 Firth St Arncliffe	22,432	7/06/2024	6/06/2027	Y
EHO Consulting PTY. Limited	Foreshore Road Carpark-Environmental Consulting Services	20,060	26/08/2024	25/08/2027	Y
Kapish Services Pty Ltd	Support and Maintenance Agreement	15,000	1/07/2024	1/07/2027	Y
Leah Alison Giblin Life Keeper	Her Way Floor Mural Design Leah Giblin-Astridge Ln Rockdale	5,000	4/04/2024	3/04/2027	Y
		146,815,411			



**Budget Review for the Period Ended 30 September 2024
Consultancy and Legal Expenses**

Consultancy expenses	Amount Spent (YTD)	Budgeted (Y/N)
100004 - Internal Audit	2,172	Y
100027 - Workplace Relations	5,190	Y
100062 - (DWM) Waste Management	7,500	Y
100117 - Strategic Property	33,000	Y
100140 - Financial Accounting	489	Y
100141 - Financial Services	5,000	Y
100847 - Botany Aquatic Centre Redevelopment	30,330	Y
100937 - Wentworth Ave/ Baker St/ Page St Intersections	5,757	Y
101042 - Lady Robinson Beach Study	77,400	Y
101166 - Bonar Street & Mt Olympus Lighting	2,300	Y
101324 - Strategy and Reporting	3,200	Y
101335 - Spatial and ePlanning	180	Y
101395 - Barton & Riverine Park Long-term site management plan implementation	24,670	Y
101406 - Barton Park Open Space and Recreation Renewal	86	Y
101483 - Rockdale Community and Civic Centre Renewal	31,502	Y
101573 - Riverine Park Residential Ground Gas Investigation	400	Y
101619 - Bicentennial Park South LTEMP Implementation	11,150	Y
101771 - Page Street Pedestrian Crossing lighting	28,141	Y
101781 - Kingsgrove Avenue Reserve Amenities	7,372	Y
101801 - Riverine Park Masterplan	6,423	Y
101826 - Rockdale Spine Review	21,920	Y
101841 - Wolli Creek Town Park	181	Y
101852 - Scarborough Park Tennis Courts – Detailed assessment	6,552	Y
101853 - Scarborough Park Lighting	8,500	Y
101914 - Sustainable Waste Management	10,563	Y
101929 - Depena Reserve and Cook Park Sandringham - Carpark upgrade	10,700	Y
101933 - Fit out of 1-7 Green Street	25,244	Y
101986 - Sir Joseph Banks Park - car park and toilet design	7,580	Y



**Budget Review for the Period Ended 30 September 2024
Consultancy and Legal Expenses**

Consultancy expenses	Amount Spent (YTD)	Budgeted (Y/N)
102035 - Her Way - Engagement and Design	16,780	Y
102036 - Mascot Oval Upgrade Works	16,000	Y
102076 - Continuous barrier renewal (fences/bollards)	2,250	Y
102082 - Angelo Anestis Concept design for upper level carpark	28,050	Y
102133 - Implementation of Resilience Plan	900	Y
102148 - Cook Park - Dune Restoration	3,092	Y
102161 - Design for stormwater upgrade works in Botany Lane Mascot	42,322	Y
102162 - Flood Mitigation Baxter Rd and Robey Rd Detailed Design	52,460	Y
102169 - Her Way - Rockdale Interventions	500	Y
102177 - Financial Systems and Projects	7,800	Y
102179 - Ramsgate Beach Sand Nourishment	317,507	Y
102287 - Pedestrian Crossing Riverside Drive	2,800	Y
102288 - Riverside Drive Smart CCTV Expansion	111,091	Y
102289 - Westfield Eastgardens Planning Proposal	1,118	Y
Total Consultancy Expenses	976,171	

Legal expenses	Amount Spent (YTD)	Budgeted (Y/N)
100108 - Development Assessment	366,965	Y
100110 - Compliance	39,769	Y
100117 - Strategic Property	10,513	Y
100119 - Voluntary Planning Agreements	5,548	Y
100554 - Certification	1,904	Y
101986 - Sir Joseph Banks Park - car park and toilet design	2,237	Y
Total Legal Expenses	426,935	

City Performance Committee

13/11/2024

Item No	CP24.003
Subject	Quotation Outcomes - Arncliffe Central Community Hub Internal Fitout
Report by	Meredith Wallace, General Manager
File	SF24/4382

Summary

The Capital Projects Program (CPP24/25) includes the Arncliffe Community Hub (Billbergia Development) project, at 161-179 Princes Highway, Arncliffe.

A Request for Quotation (RFQ) was advertised on VendorPanel on Monday 9 September 2024 to a select panel of six consultants to undertake the Internal Fitout design.

The RFQ closed on Monday 30 September 2024, with four submissions received. Based upon the assessment criteria, the Evaluation Panel recommends that Tanner Kibble Denton (TKD) Architects are engaged to undertake the lead consultancy design.

Officer Recommendation

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason: With reference to Section 10(A) (2) (d)(ii), of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. It is considered that if the matter were discussed in an open meeting it would, on balance, be contrary to the public interest due to the issue it deals with. That the report be received and noted.
- 2 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2021, Council accepts the Quotation from Tanner Kibble Denton (TKD) Architects as the lead consultant for the Arncliffe Community Hub internal fit out design.
- 3 That Council delegates authority to the General Manager to execute the Contract for the lump sum of \$501,600 exclusive of GST.

Background

Council at its meeting in August 2023, endorsed an in-principle offer to enter into a Planning Agreement for Works-in-Kind with Billbergia to deliver a multi-purpose community facility as part of 161-179 Princes Highway and 26-42 Eden Street Arncliffe. The report considered by Council at that time outlined the justification for a new facility in this location and provided a detailed background and justification.

A State Significant Development Application 11429726 was approved by the Minister for Planning 1 August 2022. The approval was for a mixed-use residential and retail development in Arncliffe, comprising 4 residential towers ranging in height from 19-23

storeys, a childcare centre, a central park, and retail floorspace, with a Capital Investment Value of \$253,000,000. Demolition of the site has now been completed and excavation for basement levels is in progress.

Council officers have been working with the Developer to achieve and configure a space that meets the brief. The primary space under consideration sits slightly elevated above the Princes Highway with an entry and glass façade facing the Highway. The space has a full glass elevation to the north overlooking a through site link from the Highway to Eden Street, and a west facing glass elevation at first floor level looking over Eden Street. There is a smaller entry space on Eden Street ground floor level with a large staircase, lift, and void accessing the main floor above.

At the July 2024 City Works and Assets Committee, the following recommendations were endorsed:

- 1 That Council authorises the General Manager to negotiate, finalise and execute a Works in Kind agreement for acquisition of a Community Facility of approximately 1,600 square metres as a Stratum Lot, plus ancillary works, as detailed in this report, which will be delivered in the 2025/26 financial year.
- 2 That the authorisation be given to the application of the Council Seal by the general Manager and for the Mayor to co-sign any relevant document (pursuant to cl.400 Local Government (General) Regulation 2021) as necessary.
- 3 That Council endorses the agreed cost of \$8.34M, which has been assessed as fair and reasonable by an independent Quantity Surveyor engaged by Council, and that the acquisition cost will be funded by an offset being applied to the Developer Contributions payable under the development consent for the overall development.
- 4 That Council receives a further report in relation to the design and fit out of the facility, and the opportunity to consolidate several Arncliffe community facilities into the Arncliffe Central location to provide operational efficiencies.

Request for Quotation (RFQ)

The Capital Projects Program (CPP) includes the Arncliffe Community Hub (Billbergia Development) project. A specialist Interior Design/Architect is required to design the fitout for a community and library hub.

The design objectives for the community facility are to provide a place:

- Where people can take part in light recreation and creative activities in a safe and healthy environment.
- Where people of all ages, abilities and interests can come together for meaningful social connection and interaction.
- That supports learning, knowledge and culture.
- Where people have genuine opportunities to enhance their life and work skills through access to programmes and services.
- That can host important local and social community events.

The facility will provide welcoming, inclusive, collaborative, safe and tech savvy spaces and facilities where the community can connect, learn, work and create.

The lead consultant will coordinate and manage other consultants as part of the service, ensuring delivery of all documentation suitable for consultation, approvals, procurement and

construction, including: concept design, design development, approvals and lodgement, tender documentation and services, construction documentation and services during construction.

RFQ Process

Council invited six (6) prequalified consultants from the NSW Procurement Panel for the Request for Quotation (RFQ) via VendorPanel on Monday 9 September 2024 with the RFQ closing at 10am on Monday 30 September 2024.

Submissions

Four (4) submissions were received, all were deemed conforming:

- McIntosh & Phelps Pty Ltd
- Smith & Tzannes Pty Ltd
- Studio Hollenstein Pty Ltd
- Tanner Kibble Denton (TKD) Architects Pty Ltd.

Two (2) consultants did not provide a response:

- BVN Architecture Pty Ltd
- Stewart Architecture Pty Ltd.

Assessment Criteria

The submissions were reviewed in terms of compliance with the assessment criteria as outlined in the RFQ document:

- Demonstrated experience and past performance;
- Key Personnel and subconsultants;
- Demonstration of project understanding;
- Program; and
- Overall presentation and professionalism of submission.

The following details were required to be deemed complying (but not scored):

- Schedule of Quality Management Information
- Schedule of Compliance - Dealing with Modern Slavery
- Schedule of Conflict of Interest
- Schedule of Company Directors
- Schedule of Company Insurances.

Evaluation and Recommendation

The Evaluation Panel undertook a detailed assessment of the four (4) submissions received.

The Evaluation Panel recommends the engagement of **Tanner Kibble Denton (TKD) Architects Pty Ltd** as the lead consultant to undertake the Arncliffe Central Community Hub Internal Fitout.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Q1 Budget variation to be approved by Council
Additional funds required	<input type="checkbox"/>	

Community Strategic Plan

- | | |
|--|-------------------------------------|
| Theme One – In 2032 Bayside will be a vibrant place | <input checked="" type="checkbox"/> |
| Theme Two – In 2032 Our people will be connected in a creative City | <input checked="" type="checkbox"/> |
| Theme Three – In 2032 Bayside will be green, resilient and sustainable | <input type="checkbox"/> |
| Theme Four – In 2032 Bayside will be a prosperous community | <input checked="" type="checkbox"/> |
-

Risk Management – Risk Level Rating

- | | |
|----------------|-------------------------------------|
| No risk | <input type="checkbox"/> |
| Low risk | <input checked="" type="checkbox"/> |
| Medium risk | <input type="checkbox"/> |
| High risk | <input type="checkbox"/> |
| Very High risk | <input type="checkbox"/> |
| Extreme risk | <input type="checkbox"/> |
-

Community Engagement

The Consultant will prepare concept designs, with options to be presented to Council and stakeholders for review prior to proceeding with detailed design.

Attachments

- 1 Confidential Attachment - Arncliffe Central Hub (confidential)
- 2 [↓](#) Presentation - Arncliffe Community Hub



Arncliffe Central Community Hub Internal Fitout

RFQ Outcomes – Lead Design Consultancy

November 2024



Background



General Arrangement Floor Plan (Upper Ground Level)

Arnccliffe Central mixed-use
development (161-179 Princes Hwy,
Arnccliffe).

Background



Cold Shell Floor Plan – Community Hub Space (Upper Ground level)

- 1,634m2 approx. (shown in **GREEN**)

Procurement Process



Council invited six (6) prequalified consultants from the NSW Procurement Panel for the Request for Quotation (RFQ).

Four (4) submissions were received, all of which were deemed conforming:

- McIntosh & Phelps Pty Ltd
- Smith & Tzannes Pty Ltd
- Studio Hollenstein Pty Ltd
- Tanner Kibble Denton (TKD) Architects Pty Ltd.

Two (2) consultants did not provide a response:

- BVN Architecture Pty Ltd
- Stewart Architecture Pty Ltd.

Evaluation Criteria

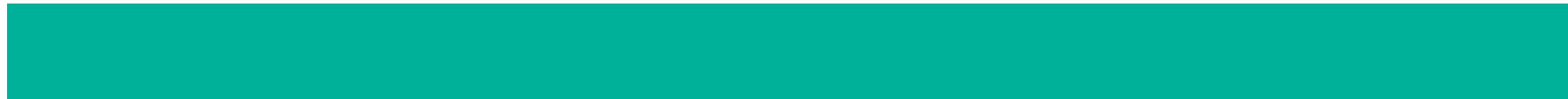


- Demonstrated experience and past performance;
- Key Personnel and subconsultants;
- Demonstration of project understanding;
- Program; and
- Overall presentation and professionalism of submission.

Submissions and Directors



Company	Directors
McIntosh & Phelps	William Phelps and Glen Stuart McIntosh
Smith & Tzannes	Peter Smith, Andrew Nicolle, Andrew Tzannes
Studio Hollenstein	Matthias Hollenstein
TKD Architect	Robert Denton and Alex Kibble



Studio Hollenstein Pty Ltd



- Demonstrated specialist expertise for this type of work with multiple recent, relevant project examples
- Demonstrated approach to benchmarking and undertaking industry research to provide outcomes that are both high-quality and push norms/trends
- Demonstrated a good understanding of the required scope, including some potential design risks / challenges, and provided sufficient detail to substantiate their experience and suitability.



Green Square Library & Plaza



Kirrawee Library



Strathfield Library & Innovation Hub

Tanner Kibble Denton (TKD) Architects



- Demonstrated specialist expertise for this type of work with multiple recent, relevant project examples
- Nominated project team are suitably qualified, and well-versed in undertaking similar work
- Demonstrated a good understanding of the required scope, through their methodology & program, including identifying some high-level risks & proposed practical mitigation strategies
- Submission provides sufficient detail to substantiate their experience & suitability.



Burwood Library



Emanuel Tsardolias Community Library



Thornton Park Community Hub

Recommendations



1. That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2021, Council accepts the Quotation from Tanner Kibble Denton (TKD) Architects as the lead consultant for the Arncliffe Community Hub internal fitout design.
1. That Council delegates authority to the General Manager to execute the Contract for the lump sum of \$501,600 exclusive of GST.



City Performance Committee

13/11/2024

Item No CP24.004
 Subject **State of our City Report 2022-2024**
 Report by Richard Sheridan, Director City Performance
 File SF24/5485

Summary

The Integrated Planning & Reporting (IP&R) framework requires Council to produce a State of our City Report (formerly referred to as the End of Term Report).

Prepared by the outgoing Council and noted by incoming Council it reports on the progress of implementing the Community Strategic Plan over the previous Council term. It provides information that sets the scene for the new Council and includes achievements to date, challenges and opportunities for the next term. The report assists the new Council in the review of the Community Strategic Plan.

This Report must be presented to and noted at second Ordinary meeting of a newly elected Council and appended to the Annual Report.

Once noted by Council it will be placed on Council’s website to inform the community.

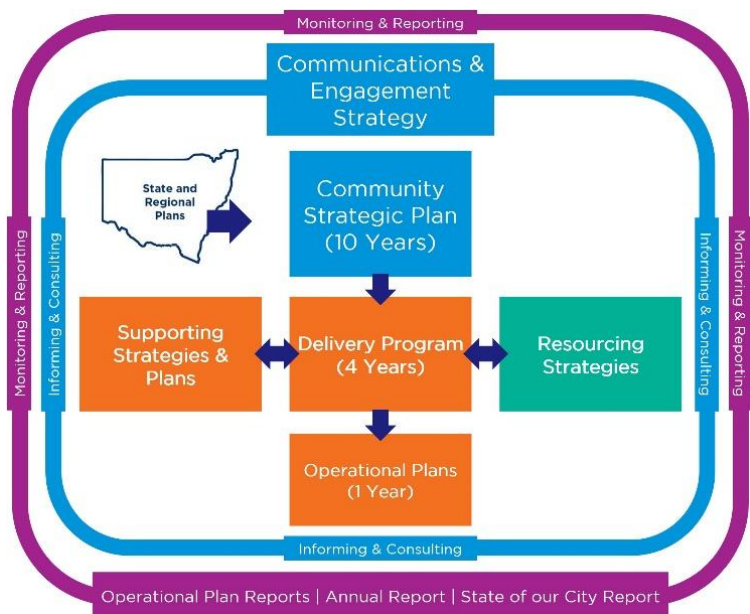
Officer Recommendation

That the City Performance Committee recommends that Council notes the attached State of our City Report 2022-24.

Background

The IP&R framework enables Council to allocate resources to projects and activities based on the needs and direction provided by our community, and to ensure these align to the community’s values and vision for Bayside. It is where we **Identify, Plan, Fund & Report** on services and outcomes for our community.

This report addresses the **Report** section of the framework where Council produces 3 main reports, 6 monthly Operational Plan reports, an Annual Report and at the end of every term of Council a State of our City Report.



The State of our City Report 2022-24 is attached for noting by Council.

Once noted a copy will be placed on Council's website and appended to the Annual Report 2023-24.

Financial Implications

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

Community Strategic Plan

- | | |
|--|-------------------------------------|
| Theme One - In 2032 Bayside will be a vibrant place | <input checked="" type="checkbox"/> |
| Theme Two - In 2032 Our people will be connected in a creative City | <input checked="" type="checkbox"/> |
| Theme Three - In 2032 Bayside will be green, resilient and sustainable | <input checked="" type="checkbox"/> |
| Theme Four - In 2032 Bayside will be a prosperous community | <input checked="" type="checkbox"/> |

Risk Management - Risk Level Rating

- | | |
|----------------|-------------------------------------|
| No risk | <input type="checkbox"/> |
| Low risk | <input checked="" type="checkbox"/> |
| Medium risk | <input type="checkbox"/> |
| High risk | <input type="checkbox"/> |
| Very High risk | <input type="checkbox"/> |
| Extreme risk | <input type="checkbox"/> |

Community Engagement

Community engagement is not applicable for this document, it is a report from one term of Council to the next.

Attachments

- 1 [⇒](#) State of our City Report 2022-2024 (Under separate cover Attachments Part One)

City Performance Committee

13/11/2024

Item No CP24.005
 Subject **Annual Report 2023-24**
 Report by Richard Sheridan, Director City Performance
 File SF24/5482

Summary

The Integrated Planning & Reporting (IP&R) framework requires Council to produce an Annual Report within 5 months of the end of the financial year. It is a report back to the community on the work undertaken by Council in the previous financial year to deliver on the commitments of the Delivery Program via that year’s Operational Plan. It also reports on the effectiveness of the principal activities undertaken to achieve the objectives.

This Report must be presented to and endorsed at the November Council meeting. Appended to this report, when submitted to the Minister for Local Government, will be Council’s audited financial statements, known as the General Purpose Financial Statements, and the State of our City Report 2022-24. These have both been reported to Council separately.

Once endorsed by Council it will be placed on Council’s website to inform the community.

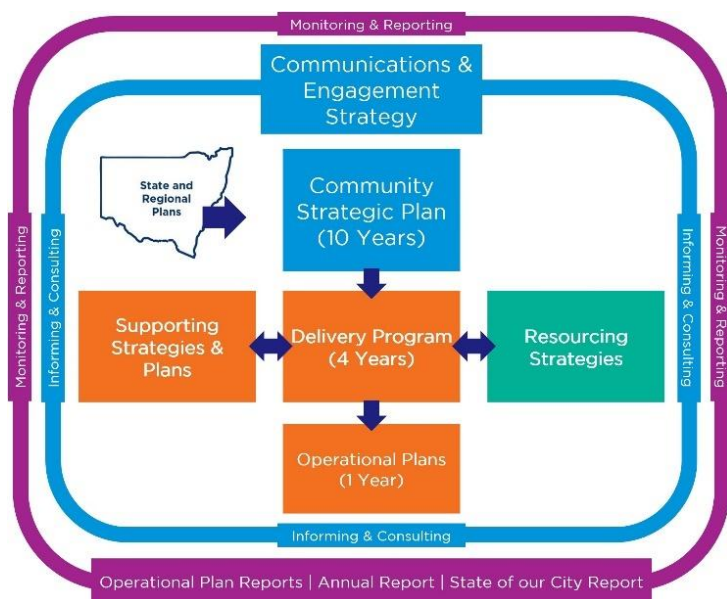
Officer Recommendation

That the City Performance Committee recommends that Council endorses the attached Annual Report 2023-24.

Background

The IP&R framework enables Council to allocate resources to projects and activities based on the needs and direction provided by our community, and to ensure these align to the community’s values and vision for Bayside. It is where we **Identify, Plan, Fund & Report** on services and outcomes for our community.

This report addresses the **Report** section of the framework where Council produces 3 main reports, 6 monthly Operational Plan reports, an Annual Report and at the end of every term of Council a State of our City Report.



The Annual Report is one of the key points of accountability between Council and its community. It is not a report to the Office of Local Government or the NSW Government - it is a report to the community.

The Annual Report focuses on Council's implementation of the Delivery Program and Operational Plan as these are the plans that are wholly the Council's responsibility. The Annual Report published in the year of each Council election also contains the State of our City Report (formerly referred to as the End of Term Report) that assesses progress with respect to the implementation and effectiveness of the Community Strategic Plan.

The Annual Report also includes some information that is prescribed by the Regulation. This information is included as it is important for community members to know these details to help their understanding of how Council has been performing both as a business entity and a community leader.

Once endorsed by Council a copy will be placed on Council's website.

Financial Implications

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

Community Strategic Plan

- | | |
|--|-------------------------------------|
| Theme One - In 2032 Bayside will be a vibrant place | <input checked="" type="checkbox"/> |
| Theme Two - In 2032 Our people will be connected in a creative City | <input checked="" type="checkbox"/> |
| Theme Three - In 2032 Bayside will be green, resilient and sustainable | <input checked="" type="checkbox"/> |
| Theme Four - In 2032 Bayside will be a prosperous community | <input checked="" type="checkbox"/> |

Risk Management - Risk Level Rating

- | | |
|----------------|-------------------------------------|
| No risk | <input type="checkbox"/> |
| Low risk | <input checked="" type="checkbox"/> |
| Medium risk | <input type="checkbox"/> |
| High risk | <input type="checkbox"/> |
| Very High risk | <input type="checkbox"/> |
| Extreme risk | <input type="checkbox"/> |

Community Engagement

Community engagement is not applicable for this document, it is our report to the community on our achievements.

Attachments

- 1 [⇒](#) Annual Report 2023-24 (Under separate cover Attachments Part One)

City Performance Committee

13/11/2024

Item No	CP24.006
Subject	Office of Local Government - Councillor Conduct and Meeting Practices - A new Framework
Report by	Richard Sheridan, Director City Performance
File	SF22/4902

Summary

The purpose of this report is to advise Councillors of the potential impacts of the proposed changes to Councillor Conduct Framework proposed by the Office of Local Government (OLG), issued by the Office of Local Government.

Officer Recommendation

That the Committee:

- 1 Note that the Councillor conduct framework is currently under review by the Office of Local Government, with a view to a new Code of Conduct being developed for Councillors.
 - 2 Endorses the proposed responses on the 'Councillor conduct and meetings practices - A new framework discussion paper', noting that a draft letter of submission will be presented to the Council Meeting on 27 November 2024.
-

Background

In September 2024, the NSW Office of Local Government (OLG) released a Discussion Paper titled "Councillor conduct and meeting practices - A new framework discussion paper (the discussion paper). Feedback is being sought from Councils and submissions are due by the **30 November 2024**.

The intent of the discussion paper is to lead to the development of a new Code of Conduct being implemented for Councillors and propose changes to the Code of Meeting Practice.

According to the discussion paper, the existing Councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that Councillors have. The introduction also references that there has been an increase in the number of Code of Conduct complaints, often over trivial issues, with data from the OLG showing that there has been 4,289 complaints over the last 3 years (2020/21 to 2022/23) through the Code of Conduct process.

The new conduct framework is likely to include a new model Code of Conduct for Councillors only, with the existing Code remaining applicable for Council staff only and changes to the Code of Meeting Practice.

A copy of the discussion paper is presented as **Attachment 1**.

The key proposals included in the discussion paper are:

- Make OLG directly responsible for dealing with pecuniary interest and significant non-pecuniary conflicts of interest, with sanctions (suspensions and loss of pay) being determined by an appropriate tribunal or body.
- Refer behavioural based concerns about Councillor conduct to a State-wide panel of experienced Councillors to judge their peers.
- Reset the Code of Conduct to be similar to Parliamentary Codes, making it clear the expected patterns of Councillor behaviour.
- Ensure the community can observe local democratic processes by banning closed to the public briefing sessions, while at the same time restoring the dignity and prestige of the Council Chamber.

Staff have prepared the following table to outline the key changes under the proposed new Framework along with a proposed response for consideration by the Committee.

#	Item	Proposed Change	Proposed Response
1	Potential Changes to code of Code of Conduct and Oath of Office	<p>A new, more streamlined aspirational Code of Conduct for Councillors will be developed that is based on the NSW Parliament framework which is only 2-3 pages.</p> <p>This would mean that staff would have a separate Code of Conduct to Councillors.</p> <p>The new Code would align with the Oath of Office to ensure behavioural standards and expectations are clear.</p> <p>A key difference being that it would not restrain Councillors from speaking publicly on matters pertaining to their Council even when they are being critical of or disagreeing with the decisions of the majority.</p>	<p>Council is supportive of this change to streamline the Code of Conduct for Councillors.</p> <p>Council is also supportive of enabling Councillors to speak publicly on matters pertaining to Council, noting that Council has adopted the Model Social Media Policy which articulates the administrative framework for Councillors' use of social media platform.</p> <p>It is recommended subject to the potential changes, the Model Social Medial Policy be reviewed by the OLG to ensure alignment and guidance to Councillors.</p>
2	Potential changes to the definitions and assessment of councillor misbehaviour	<p>Misbehaviour will be more clearly defined and articulated with the LG Act rather than spread across several regulatory instruments and policy documents to make it easier to navigate.</p> <p>Changes to the definitions of Councillor misbehaviours would emphasise Councillors are</p>	<p>Council is supportive of this change and welcomes clarity for Councillors, members of the public and staff.</p>

#	Item	Proposed Change	Proposed Response
		<p>community leaders and therefore exemplars of good behaviour.</p> <p>This would incorporate Councillor misbehaviour in public office and have three (3) levels either:</p> <ul style="list-style-type: none"> - Unbecoming - brings Council into disrepute - assessed as being outside the norms and expectations). 	
3	Restrictions on Property Developers and real estate agents	<p>The OLG argues that it can sometimes be impossible to isolate precise interests that so when Councillors are Real Estate Agents and Property Developers.</p> <p>The model proposed would require Councillors to divest themselves from real estate or development business activities and contractual obligations.</p>	Council is supportive of this change and welcomes clarity for Councillors, members of the public and staff.
4	Addressing inappropriate lobbying	The OLG seeks to address inappropriate lobbying by developing lobbying guidelines and a model policy on lobbying for council to adopt.	Council is supportive of this change and welcomed the proposed guidelines and model policy.
5	Formation of a 'Privileges Committee'	<p>Instead of the existing two (2) step process conflict of interest complaints would be made directly to the OLG and misbehaviour complaints would go directly to the 'Privileges Committee' via a dedicated webform.</p> <p>This would mean that there would be no role for privately hired investigators for breach of Code of Conduct matters.</p> <p>The proposed Privileges Committee would consist of senior experienced mayors and ex-mayors from across NSW to assess complaints.</p> <p>As such, peers with at least 2 terms experience would be assessing Councillors thus removing bureaucrats from the decision-making process within politics.</p>	<p>Council is supportive of this change to form a Privileges Committee, noting that we would encourage this be supported by OLG developed Terms of Reference to clearly articulate the operation of the 'Privileges Committee' and/or funding model.</p> <p>Seeking further consultation on how this would operate.</p>

#	Item	Proposed Change	Proposed Response
6	Dispute resolution and penalty framework	The OLG proposes to introduce new Penalty Infringement Notices powers for the OLG for minor or administrative breaches of the conflicts of interest declarations. The Privileges Committee would also be able to administer penalties for misbehaviour in public office by way of Censure, Warning, Loss of sitting fees for misbehaviour at a meeting and more serious sanctions (suspension and disallowance) following referral to a tribunal or body.	The new proposed power to enable the Mayor to issue a Penalty Infringement Notice to members of the public who refuse to leave a meeting after being expelled may be beneficial, however clarification on how this would be managed and a suggestion that consideration be given to Work, Health and Safety concerns for the Mayor, Councillors, Staff, members of the community present at the meeting.
7	Restoring Dignity to council meetings	The OLG Proposes reforms to the Model Code of Meeting practice to support the Mayor to ensure meetings are conducted in an orderly and dignified manner. The Mayor will have the power to expel councillors for acts of disorder and remove their entitlement to receive a fee for a month in which they were expelled from a meeting. Councillors would be required to apologise for an act of disorder at the meeting in which it occurs, or a subsequent meeting until they comply, and Councillors would be entitled to a right of review. Councillors would have to stand when addressing the meeting and when the Mayor enters the chamber. A new power would be granted to the Mayor to enable them to issue a Penalty Infringement Notice to members of the public who refuse to leave a meeting after being expelled.	<p>Council is supportive of this change to ensure that Council meetings are conducted in an orderly and dignified manner.</p> <p>Councillors being required to stand when addressing the meeting and when the Mayor enters the Chamber is supported, noting that Bayside Council already requires Councillors to stand when addressing Council.</p> <p>There may also be potential for increased costs to engage security for Council meetings which would equate to further costs for the conduct of meetings if implemented.</p>
8	Banning Briefing Sessions	To promote transparency and address corruption risks it is proposed to ban pre-meeting briefing sessions that are closed to the public. Strategic briefings would be allowed, as would briefings for the Mayor alone. This is to ensure that no decisions are made behind closed doors and that the public can be aware of all material presented to Councillors that may affect their decisions.	Council is supportive of the proposed changes, noting that Bayside Council already ensure the community can observe local democratic processes having ceased closed to the public briefing sessions.

Following consideration by the City Performance Committee, it is proposed that a draft submission be finalised and presented to the Council meeting on 27 November 2024 for formal endorsement by Council prior to submission to the OLG.

Financial Implications

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

Community Strategic Plan

- | | |
|--|-------------------------------------|
| Theme One – In 2032 Bayside will be a vibrant place | <input type="checkbox"/> |
| Theme Two – In 2032 Our people will be connected in a creative City | <input type="checkbox"/> |
| Theme Three – In 2032 Bayside will be green, resilient and sustainable | <input type="checkbox"/> |
| Theme Four – In 2032 Bayside will be a prosperous community | <input checked="" type="checkbox"/> |

Risk Management – Risk Level Rating

- | | |
|----------------|-------------------------------------|
| No risk | <input type="checkbox"/> |
| Low risk | <input checked="" type="checkbox"/> |
| Medium risk | <input type="checkbox"/> |
| High risk | <input type="checkbox"/> |
| Very High risk | <input type="checkbox"/> |
| Extreme risk | <input type="checkbox"/> |

Community Engagement

There is has been no community engagement in preparing this report. Internal consultation has occurred between the General Manager, Director City Performance and Manager Governance & Risk.

Attachments

- 1 [↓](#) OLG Councillor Conduct and Meeting Practices - Discussion Paper

Office of Local Government



Councillor conduct and meeting practices

A new framework

September 2024

olg.nsw.gov.au



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Councillor conduct and meeting practices

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The need for change – returning local democracy to councils

Strong and thriving communities need effective local government. No other level of government is as close to the issues and people.

Effective local government comes when councillors are visibly in control of their councils. How councillors act and how appropriately and transparently decisions are made at meetings is critical in demonstrating to the community that their elected representatives understand the consequences of their decisions, and then make the best possible decisions they can for their community as a whole.

Unfortunately, the existing councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that councillors have.

Closed council briefing sessions are being used to make decisions away from the public view. Council debates on issues are too often personal slanging matches, rather than forums for robust but respectful discussions on what is best for the community.

Similarly, we have seen a growth in the number of complaints, often over trivial issues. Data from the Office of Local Government (OLG) has shown there has been 4289 complaints over the last 3 years (2020/21 to 2022/23) through the code of conduct process. Overall:

- 420 were referred for preliminary enquiries and then discontinued
- 136 were investigated as potential pecuniary interest matters
- 102 were investigated as potential misconduct (not pecuniary interest)
- 36 related to public interest disclosures, and
- 2 related to political donations

But of these thousands of complaints, in the years since 2020/21 OLG has:

- taken action against 14 councillors by way of a suspension or reprimand
- referred 4 councillors to the NSW Civil and Administrative Tribunal (NCAT) for misconduct, and
- disqualified and dismissed one councillor on the basis of Independent Commission Against Corruption (ICAC) recommendations

The volume of frivolous complaints is crowding out the ability of the OLG and the sector to adequately deal with councillors who abuse their office or cause serious governance problems. It is critical the framework that governs both the behaviour and meeting practices of councillors ensures the community can observe and comment on the behaviour of councillors, instead of inhibiting the operation and function of local democracy.

The weaknesses of existing frameworks

The simple, but compelling premise is local councils should be accountable to their community with council staff being accountable to their councillors, through the General Manager. The best way to achieve this aim is for councils to provide strong and effective representation, leadership, planning and decision making. Unfortunately, this simple concept has been lost.

How councillors behave, how they deliberate and the responsibilities they hold should be modelled on how members of Parliament are expected to behave and act. As the governing body, councillors should act fairly, ethically and without bias in the interests of the local community, and they should be responsible employers and provide a consultative and supportive working environment for staff. A criticism made about the current framework for councillor conduct or meeting practices is that they do not reflect local government's status as an independent third tier of government: it allows an unelected State Government official to determine penalties and guilt thus undermining the status of local government.

While most local councils and local councillors do the right thing with the best intent, there are some councillors who are not so motivated. In these cases, the current councillor behavioural framework, as implemented in NSW, does not facilitate the best outcomes or resolve issues.

In relation to complaint management, it is not considered acceptable to create better complaint management pathways for the processing of code of conduct complaints. The current code of conduct simply enables too many complaints about councillors, all too often for political or vexatious reasons.

It is for this reason that the Government has embarked upon a new approach that refocuses the limited resources of the State on those concerns that matter most: serious misbehaviours and attempts by councillors to enrich themselves through their office.

Weaknesses of the current framework include:

- The councillor conduct framework distracts from, rather than enhances, robust democratic debate. Complaints are weaponised for political reasons, or to silence dissent from other elected representatives.
- Councillors and community members report dissatisfaction with the process for resolving code of conduct complaints – being expensive, overly legal, prone to political sparring and not timely, with average timeframes exceeding 12 months and more than 24 months if they are then referred to OLG for further investigation.
- Issues are not being addressed and resolved at the local level – instead complaints are escalated unnecessarily to the State Government to resolve because of the view that public censure from the local council is not a 'strong enough' punishment.
- Communities and councillors report that council decision making is not transparent – with decisions being seen as made behind closed doors, information not being provided or withheld, too much use of closed to the public briefings or councils going into closed sessions for no adequate rationale.
- Bad councillor behaviour is not considered to have been addressed quickly enough and when sanctions are imposed it is too late or of little consequence.
- There is a lack of clarity around OLG's role as the sector regulator – taking too long to resolve matters and not focussing on the important financial and government concerns in the sector, instead spending time focussed on individual councillor behaviour.
- OLG reports challenges in relying on the reports of council conduct reviewers – investigations into councillors need to be done afresh, the process is cumbersome with multiple feedback loops and serious sanctions can only come from suspensions handed down by NCAT.

With so much focus on the bad behaviour of a limited number of councillors there is not enough attention given to the good work that councillors do. The role of a councillor is a noble public service, and the local government behavioural framework should support those who seek to do the right thing and punish those that are not so motivated.

Options for a better approach

Improving the councillor conduct framework and the meeting practices of councils can be achieved but will require changes to the Local Government Act 1993 (the Local Government Act), as well as updating the various regulations, codes and policies that apply. Some of the work to update the regulations and codes can be done quickly, while others requiring legislative change will take some time.

This paper provides an overview of the proposed new approach to both the councillor conduct framework and meeting practices. The proposals are to:

- Make OLG directly responsible for dealing with pecuniary interest and significant non-pecuniary conflicts of interest, with sanctions (suspensions and loss of pay) being determined by an appropriate tribunal or body,
- Refer behavioural based concerns about councillor conduct to a State-wide panel of experienced councillors to judge their peers,
- Reset the code of conduct to be similar to Parliamentary Codes, making it clear the expected patterns of councillor behaviour,
- Ensure the community can observe local democratic processes by banning closed to the public briefing sessions, while at the same time restoring the dignity and prestige of the council chamber.

These changes are only proposed for councillors and there is no change proposed for the code of conduct for Local Government staff. Feedback from stakeholders is that the existing code of conduct of staff remains fit for purpose and is largely effective.

Seeking your views

This discussion paper has been prepared to seek the views of the community, key stakeholders and the local government sector about the proposed changes.

Submissions will be accepted to **COB Friday 15 November 2024**.

All input received through this consultation process **may be made publicly available**. Please let us know in your submission if you **do not want** your name and personal details published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email to send you notifications about further feedback opportunities or the outcome of the consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009). There is a privacy policy located on OLG's website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG's website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>.

Further information about how to make a submission is provided at section 7 of this paper.

What are the principles of change?

In preparing the proposed reforms the following principles have guided the discussion and the intent of the changes:

- **Council leadership and decision making is paramount** – it is critical that the sector, as the third tier of government, is given independence to make decisions in the best interests of the community
- **Freedom of speech** – as elected officials, councillors have the constitutional right and democratic responsibility to speak freely about issues affecting their local community and to advocate for the interests of that community
- **Transparency and accountability** – as a democracy councils need to hear, consider and debate issues in an open manner
- **Significant penalties should only be imposed by a judicial or quasi-judicial body** – to ensure procedural fairness and thorough testing of allegations, significant penalties should be given by bodies such as the NSW Civil and Administrative Tribunal
- **A strong and proportionate local government regulator** – the role of OLG should be to create the framework for local government, ensure councils, joint organisations (JOs), and county councils have the capacity to operate within the framework so that the regulator intervenes as rarely as needed
- **Subsidiarity** – decisions are made at the level closest to those impacted by those decisions
- **Justice is timely and proportionate** – where allegations are made, they should be heard, tested and dealt with as quickly as possible.

Question

Are we missing anything in the principles of change?

Potential changes to the code of conduct and oath of office

The key proposed reform for the councillor behavioural framework is to move to a streamlined, aspirational Code of Conduct. This is equivalent to the Code of Conduct framework for NSW Members of Parliament available [here](#) and [here](#).

The aspirational Code of Conduct would clearly and succinctly outline the behavioural expectations of local councillors (approximately 2-3 pages) in easy-to-understand language. It would then be supported by a clearer framework and definitions for misbehaviour of elected officials.

The aspirational Code of Conduct would not set out the definitions of misbehaviour as these would be legislated as explained in later sections of this discussion paper.

Separating the behavioural expectations in a Code of Conduct from definitions of misbehaviour reflects a positive approach to councillor behaviour. The separation also recognises that the majority of councillors want to do the right thing and they should have easy access to the standards expected of them.

The revamped Code of Conduct could also be aligned to the Oath of Office for local councillors ensuring that the behavioural standards and expectations are clear and understood when a councillor takes office. The existing framework can make it difficult to understand the behavioural expectations and standards upon councillors.

Importantly, the revamped Code of Conduct will not seek to restrain the ability of a councillor to speak publicly on matters pertaining to their council, even when that councillor is disagreeing with, or being critical of, the decisions of the majority.

It is proposed to make the new Code of Conduct an aspirational code of expected behaviours instead of enforceable for local councillors.

Question

What are the key elements of an aspirational Code of Conduct that should be enshrined?

Question

What are your views about aligning the Oath of Office to the revamped Code of Conduct?

Potential changes to the definitions and assessment of councillor misbehaviour

The current Local Government Act defines councillor misconduct as a breach of the Local Government Act or other regulatory provisions, which includes the Code of Conduct. This means that it is difficult for the average person to understand the definition of misconduct as they need to reference several other regulatory instruments and policy documents to determine what constitutes.

It is proposed in the revised framework that misbehaviour will be more clearly defined and articulated within the Local Government Act, with the reference to regulations and other statutory instruments only for further enunciation or explanation.

These definitions, which are described in later sections would cover:

- Pecuniary conflicts of interests, (for example decisions that financially benefit the councillor or a close associate),
- Significant non-pecuniary conflicts of interests (for example where a councillor participates in a decision and a direct advantage/disadvantage is created for a person or company the councillor is friendly with or associated with), and
- Councillor misbehaviour in public office (for example, poor conduct in meetings leading to exclusion by the Mayor or Chair of the Committee).

This will make clearer to all participants in the local government sector what is considered misbehaviour by a local councillor.

The definitions of misbehaviour do not change the other legislative requirements. Communities, residents, workers and fellow councillors expect their elected officials to act in an appropriate and ethical way, including observing workplace health and safety, environmental and criminal laws. If there is an offence or complaint under these other laws, people should

seek redress from the appropriate regulator including SafeWork, Independent Commission Against Corruption or the NSW Police.

The behavioural standards in the revamped Code of Conduct will reinforce the expectation that councillors are community leaders and therefore exemplars of good behaviour. As community leaders it is also expected councillors will meet legislative obligations. Therefore, misbehaviour only needs to be defined as those issues which go to the nature of councillors as elected officials, being conflicts of interest or misbehaviour in public office.

These are the expectations that are upon councillors because of the public trust that is placed in them as elected officials. In this way it more closely reflects, with appropriate adjustments the framework that applies to other elected officials in other levels of Government.

Conflicts of interest

The first proposed limb of the revised misbehaviour definition is a councillor's failure to manage a conflict of interest.

Management of conflicts of interest is important to ensure that councillors act and are seen to act in the public good, not for private benefit or personal gain. Conflicts of interest arise when there is a conflict, perception or potential of a conflict between an official's private interests and public duty.

The test for pecuniary interests is quite clear as it is an objective test; would a councillor or one of their close associates (spouse, family members), receive a financial benefit as a result of a decision. However, testing whether there is a non-pecuniary conflict of interest is more challenging.

Pecuniary interests

It is proposed to align the definition of pecuniary interests for NSW councillors with those that are utilised and defined for NSW members of parliament, requiring disclosure of the following interests:

- Real property – property in which councillors have an ‘interest’
- Sources of income – all income over \$500 other than salary of office
- Gifts – all gifts of cumulative value of more than \$500
- Contributions to travel – of value of more than \$250 (including flight upgrades)
- Interests and positions in corporations – eg stocks and shares, directorships
- Positions in unions and professional or business organisations
- Debts – of cumulative value of more than \$500, excluding home loans or debts for goods and services disposed of within a year
- Dispositions of property
- Engagement to provide a service involving use of a councillor’s position and
- Discretionary disclosures.

It is proposed that the interests for disclosure by the councillor are similarly extended to the interest of a spouse or de facto partner, relative, or partner or employer, or a company or other body of which the councillor, or their nominee, partner or employer, is a shareholder or member. This extends only to the extent the councillor is aware or should be aware of such interests.

It is proposed there remains an absolute prohibition on a councillor being involved in any matter before council where a pecuniary conflict of interest exists, unless otherwise determined via regulation.

It is also proposed to give extended investigation powers to OLG to investigate and request information on corporate structures such as trust or companies to

determine underlying beneficial ownership and interests.

OLG, as the agency responsible for investigating alleged breaches of pecuniary interests, needs clear powers to compel the production of information and/or records, to ensure that pecuniary interest returns are provided and made publicly available. If there is non-compliance with an OLG direction, which may include the requirement to make a declaration, remedies such as penalty infringement notices (PIN) should be available to ensure cooperation with investigative processes.

Question

Is the proposed pecuniary interest framework appropriate? Is anything missing?

Non-pecuniary interests

A conflict of interest does not necessarily have to be financial in nature. It could also arise from familial or personal relationships, affiliations or memberships. It is equally important that such conflicts are managed appropriately to ensure that decision making is seen to be transparent and remains in the public interest.

An interested and informed observer should be confident a decision made by a councillor is free from bias or a reasonable apprehension of bias. This means that any concerns about a potentially significant conflict of interest should be declared and appropriately managed.

The nature and breadth of non-pecuniary interests naturally means that the framework for management of such interests is more nuanced, with the management approach often dependent upon the individual circumstances of the case.

It is also important to recognise that councillors, as representatives of their community, reside within their community, so memberships of clubs, congregational

memberships etc should not automatically be seen as conflicts of interest.

If a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict that should be publicly declared, if the councillor considered it of minor consequence, it wasn't controversial, or the councillor did not hold the casting vote.

Alternatively, if a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict requiring the councillor to recuse themselves from being involved in the decision-making process if there was a major advantage or disadvantage (or potential for), if it was controversial or the vote of the councillor was critical.

The appropriate test for whether a non-pecuniary interest should be declared is based on an objective test, not in the mind of the individual who is subject to the conflict of interest. The test is whether a reasonable and informed person would perceive that the councillor could be influenced by a private interest when carrying out their official functions in relation to a matter.

Whether the councillor abstains themselves from a decision, or decides to participate, the continued and timely disclosure of interests is critical. Disclosure ensures the community is aware of any potential conflicts and how the councillor is managing and responding to the issue.

Councillors should remain as vigilant about disclosure of non-pecuniary interests as they are about pecuniary interests.

Question

Do you agree with the principles of what constitutes a significant or major non-pecuniary interest?

Property developers and real estate agents

The NSW Government has made a commitment to ensure the conflicts of interest that exist between a councillors' public duties to make decisions on behalf of communities and the private interests that exist in securing a profit as a developer or real estate agent are addressed. A simple change to ban developers or real estate agents from being councillors is not possible as it infringes the right to political free speech implied by the Australian Constitution.

Ordinarily conflicts of interest are managed through declarations and withdrawing from decision making. However, in the case of property development and real estate interests, where so much of what a council does is related to land and the potential for speculation in the changes of land value arising from planning, development and infrastructure decisions, it can be impossible to isolate the precise interests that would drive a councillor's decision.

Without some way of managing these conflicts, the community confidence that planning, development and infrastructure decisions are taken transparently in the public interest will erode. Given the importance of planning, development and infrastructure decisions to resolving the housing crisis, driving the move to net zero through the electrification of the economy and building community resilience to disasters, it is critical to restore confidence.

To address this concern, an alternative means of managing the inherent conflict of councillors undertaking real estate and development business activity is being considered which involves requiring councillors to divest themselves from real estate or development business activities and contractual obligations.

Legislation is being drafted that will:

- identify how developers and real estate agents are identified,
- create the obligation to divest and not enter into real estate or development business arrangements through contracts,
- establish the penalties, including disqualification, where a councillor engages in contractual arrangements with real estate agents or developers,
- ensure there are exemptions so councillors can buy and sell their own property using a real estate agent, and
- create transitional arrangements for the introduction of the new obligations.

Question

Are there any other specific features that should be included to address concerns about councillors undertaking real estate and development business activities?

Councillor misbehaviour in public office

The third proposed component of a revised definition of misconduct is misbehaviour in public office.

Misbehaviour in public office would cover behaviour which is inconsistent or outside of the norms of behaviour expected from a councillor, particularly given their role as a community leader. Given the discussion is about behaviour rather than action, there is a much greater degree of interpretation, and it is appropriate that councillors judge their fellow councillors on whether they could be considered to have misbehaved.

There would be three limbs to this proposed misbehaviour definition being conduct that:

- Is unbecoming of a councillor
- Brings council into disrepute; and/or
- Is assessed as being outside the norms and expectations of a sitting councillor.

The first two tests of this framework are established legal concepts with existing case law and precedents.

Unbecoming conduct means behaviour more serious than slight, and of a material and pronounced character. It means conduct morally unfitting and unworthy, rather than merely inappropriate or unsuitable, misbehaviour which is more than opposed to good taste or propriety. Conduct unbecoming refers to the conduct that is contrary to the public interests, or which harms his/her standing of the profession in the eyes of the public. Examples can be referenced in *Oei v The Australian Golf Club [2016] NSWSC 846*.

To bring something into disrepute is to lower the reputation of the profession or organisation in the eyes of ordinary members of the public to a significant extent. It is a higher threshold than the test of bringing an individual into disrepute - (*Zubkov v FINA (2007) CAS 2007/A/1291*).

The third limb of the misbehaviour definition allows consideration of behaviours and actions of a sitting councillor which are considered egregious or problematic that are otherwise not captured by the other elements of the definitions.

As this is a test of appropriate behaviour, the determination of whether the misbehaviour occurred would be undertaken by the peers of the councillor. This would involve the formation of an 'Local Government Privileges Committee' (Privileges Committee) of senior and experienced mayors and ex-mayors from across NSW to meet and assess the complaints made against councillors. The Privileges Committee would be supported by OLG, but decisions would be made by the mayors or ex-mayors on the Privileges Committee who would draw on their expertise as mayors, as well as having served at least two council terms as a councillor.

There would also be an opportunity to apply these principles to poor behaviour in meetings, particularly where a councillor has failed to comply with the directions given by the mayor or Privileges Committee Chair.

Question

Is this the appropriate threshold to face a Privileges Committee?

Question

How else can complaints be minimised?

Addressing inappropriate lobbying

A number of investigations by the Independent Commission Against Corruption (ICAC) has led to recommendations to put in place measures to address concerns about lobbying of councillors. ICAC has been concerned about councillors having relationships with development applicants that pose a conflict of interest, concerns with councillors meeting with development applicants in private settings to discuss their applications, and concerns about councillors receiving gifts and inducements as part of lobbying activities to improperly influence council decision-making.

Lobbying is an important feature of democratic representative government, and all councillors get lobbied by residents, businesses and community groups. However, inappropriate lobbying that isn't declared presents certain risks and can lead to corrupt behaviour or improper decision-making. On the recommendation of ICAC to address these risks, OLG is developing lobbying guidelines and a model policy on lobbying for councils to adopt that will:

- address how professional lobbyists are identified and the obligations on councils and councillors if they met a professional lobbyist,
- set out inappropriate behaviours when being lobbied,
- identify steps to be taken to ensure transparency,
- require council officials to report inappropriate or corrupt lobbying behaviours to the councils general manager.

The development of lobbying guidelines and a model policy on lobbying will ensure councillors and councils understand these risks and have effective controls in place to address them.

Question

What key features should be included in lobbying guidelines and a model policy?

Dispute resolution and penalty framework

Consistent with the principles outlined earlier, it is proposed that there be a significant change to the dispute resolution and penalties framework for misbehaviour.

While the overall intent is to reduce the weaponisation of the complaints process and reduce the number of complaints, there is also a need for more timely resolution of matters and ensure that the limited investigation and regulator resources are directed to the more significant misbehaviour matters.

There is also an opportunity to bring the dispute resolution framework more into line with that used in other levels of government.

The approach being proposed is to create clear separation between the process for consideration of conflicts of interest and the processes for consideration of misbehaviour. This has the benefit of removing general managers from being central to the complaint process.

Under the reforms, the investigation of serious conflicts of interest would be put entirely into the hands of OLG. The approach also removes the existing 'two step' process of referrals to conduct reviewers and then OLG.

There would be no investigations of misbehaviour, instead councillors would be required to demonstrate to their peers why their actions, which may have led to the complaint, were appropriate to the circumstances.

To implement these new approaches, changes to the systems and structures of investigation and complaints handling are needed.

Abolishing the 'two step process'

The existing process for complaints is set out in the Procedures for the Administration of the Model Code of Conduct.

In simple terms, the complaint process involves the general manager or the mayor receiving a complaint, determining whether the complaint is valid and referring the matter to a complaints coordinator within the council, who will in turn appoint an external conduct reviewer. Once the conduct reviewer investigates the issue, interviews the complainant and the subject of the complaint, as well as any other relevant people, provides a report to the council and the council makes a decision, many months can pass.

As it currently stands, if OLG, receives a referral following the council consideration of a complaint, they are then expected to rely on the investigation report of the conduct reviewer to make an assessment. However, investigation reports prepared by conduct reviewers may satisfy the evidentiary standard required for a councillor to be censured but may not satisfy the higher evidentiary standard required to support disciplinary action under the misbehaviour provisions under the Local Government Act, such as suspension or disqualification. OLG's experience is that rarely can it rely on these reports and must instead recommence an investigation process if it decides to pursue the matter.

Instead of this existing two-step process:

- Complaints about conflict of interest matters would be made directly to OLG, and
- Complaints about misbehaviour would be made directly to the Local Government Privileges Committee via a dedicated webform.

Under the proposed approach, there would be no role for privately hired investigators to determine whether the Code of Conduct has been breached.

Giving OLG the power to issue penalty infringement notices

In order to ensure information is provided to OLG more effectively, it is proposed to enable OLG the discretion to issue penalty infringement notices (PINs) for minor or insignificant breaches of the conflicts of interest declarations. The PINs would be primarily utilised in circumstances where the breach is considered minor or administrative in nature – for example an inadvertent failure to lodge a return of interests.

This change to PINs is designed to allow a quick process for dealing with minor matters to free up limited regulatory resources while still ensuring that sanction for important matters is provided.

Like all other PIN provisions in other NSW legislations there would be the ability for the PIN to be appealed or special circumstances to be considered. Where the breach was considered more serious in nature then it can be referred to an appropriate tribunal or body for more significant punishment.

Question

What level of PIN is appropriate?

NSW Local Government Privileges Committee

Along with the PIN framework, it is also proposed to create a Local Government Privileges Committee (Privileges Committee) to examine all allegations of misbehaviour in public office. This would replace the existing code of conduct review framework and instead aim to provide a speedy process for resolution and assessment of behavioural complaints against councillors. It also allows for the sector to better govern itself. The Privileges Committee would only examine issues of misbehaviour, not conflicts of interest.

The Privileges Committee would be made up by a group of experienced mayors and ex-mayors from across NSW to ensure that a variety of perspectives and experiences are considered. The Privileges Committee would be supported by a small Secretariat from OLG who could be delegated the power by the Privileges Committee to dismiss matters that are vexatious, trivial, where the Privileges Committee lacks jurisdiction, or where there is an alternative remedy available.

The Privileges Committee process would be paid for by either individual councillors or their councils, dependent on the outcome.

Penalties that could be imposed by the Privileges Committee are as follows:

- Censure of the councillor
- Warning of the councillor
- Where referred following misbehaviour in a council meeting, a potential loss of sitting fees
- Referral to an appropriate tribunal or body for more serious sanction, including suspension or disallowance.

As noted above if the breach is deemed serious then the Privileges Committee would have the power to refer a matter to the OLG for preparation of a brief for an appropriate tribunal or body.

Question

Are the penalties proposed appropriate, and are there any further penalties that should be considered?

Referral of significant sanctions to appropriate tribunal or body

Under the existing processes for consideration of complaints, OLG, in particular the Departmental Chief Executive (or their delegate), can suspend a councillor for between 1-3 months with a consequential loss of sitting fees. This creates the situation where a public servant is sitting in judgement on an elected official. Where a greater suspension is appropriate, the Departmental Chief Executive may refer the matter to an appropriate tribunal or body.

To remedy the concerns about whether it is appropriate for an unelected official to stand in judgement on an elected councillor, it is proposed that any significant sanction, such as suspension, significant fine or disqualification from office, can only be undertaken by an appropriate tribunal or body.

This reduces the existing power of the Departmental Chief Executive to impose penalties. It reflects the principle that significant sanctions, including suspension, should only be imposed by a judicial or quasi-judicial body. It also removes the dual roles of the head of OLG, meaning OLG's focus is on preparing the brief of evidence for consideration by the appropriate tribunal or body.

The role of the appropriate tribunal or body would therefore be to look at all serious misconduct matters that have either been referred by the Privileges Committee, appeals from PINs or referrals of conflict of interest matters from the OLG.

Question

Are the existing sanctions available under the Local Government Act sufficient?

Question

Should decisions on sanctions for councillors be made by the Departmental Chief Executive or a formal tribunal with independent arbitrators and a hearing structure?

Restoring dignity to council meetings

A council chamber is a chamber of democracy, and the mayor as figurehead represents the authority of that council.

Unfortunately, many council meetings are conducted without the appropriate level of dignity or reverence for tradition that suggests the importance of the debate and the need for civility. Councillors are not expected to agree with each other, in fact debate is encouraged, but the debate should be fair and respectful.

A council meeting, and the council chamber itself, should see meetings conducted with dignity. Unfortunately, there are too many examples where the dignity of council meetings has been lost, either because councillors are not appropriately reverential and respectful, or the manner of debate is lowered by inappropriate chamber design or meeting practices.

Proposed reforms to the Model Code of Meeting Practice

To restore the prestige and dignity of the council chamber reforms to the meeting code of practice are being developed to support the mayor in exercising their statutory responsibility to preside at meetings and to ensure meetings are conducted in an orderly and dignified manner.

The proposed reforms will confer the power on mayors to expel councillors for acts of disorder and to remove the councillor's entitlement to receive a fee for the month in which they have been expelled from a meeting.

As a further deterrent against disorderly conduct, councillors will also be required to apologise for an act of disorder at the meeting at which it occurs and, if they fail to comply at that meeting, at each subsequent meeting until they comply. Each failure to apologise becomes an act of misbehaviour and will see the councillor lose their entitlement to receive their fee for a further month.

To provide a check against misuse of the power of expulsion and subsequent loss of entitlement of a fee, councillors will be entitled to a right of review.

Councillors will also be expected to stand, where able to do so, when addressing a meeting and when the mayor enters the chamber.

The proposed reforms will also expand the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a PIN where members of the public refuse to leave a meeting after being expelled.

Question

Are there any other powers that need to be granted to the mayor or chair of the relevant meeting to deal with disorderly behaviour?

Banning briefing sessions

A practice has recently developed in local government where councillors receive briefings from staff that are closed to the public.

As an example, development applications should be considered in the public domain. However, councillors receive private briefings from the council planners before they are dealt with in the public forum of a council or committee meeting. Consequently, members of the public impacted by the council's decision have no idea what the councillors have been told or what has been discussed.

To promote transparency and address the corruption risks identified by the Independent Commission Against Corruption (ICAC) that can arise from a lack of transparency, it is proposed that councils will no longer be permitted to hold pre-meeting briefing sessions in the absence of the public.

Any material provided to councillors, other than the mayor, that will affect or impact or be taken into account by councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or council meeting. This restriction will not apply to mayors. As the leader of the organisation, the mayor needs to have candid conversations with the general manager outside of formal meetings.

To further promote transparency, the proposed reforms will also extend the period that recordings of council and committee meetings must be maintained on a council's website.

Question

Are there any other measures needed to improve transparency in councillor deliberations and decision making?

How to provide feedback?

This discussion paper has been released through the Office of Local Government's communication channels and on the Government's Have your Say Website.

You can make submissions on this proposed framework by **COB Friday 15 November 2024**. Further information is available on OLG website at <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>.

Submissions can be made online here - <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>

OR

in writing to: councillorconduct@olg.nsw.gov.au

OR

Locked Bag 3015 NOWRA NSW 2541

Submissions must be clearly labelled "Councillor Conduct Framework Review"

Please direct any inquiries to the OLG's Strategic Policy Unit at councillorconduct@olg.nsw.gov.au or on (02) 4428 4100.

Next Steps

Feedback from this consultation process will be carefully analysed and incorporated to finalise the revised councillor conduct framework.

OLG will then look to finalise necessary draft legislation, regulations and materials for implementation of the revised model over the coming year. Consultation will continue with the local government on the implementation of the revised framework.

Information about the progress of the Councillor Conduct Framework Review will be available on the [OLG website](#).

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