

15 August 2022

At 2.00 pm

**Corporate, Finance, Properties and
Tenders Committee**

Agenda

1. **Disclosures of Interest**
2. **2021/22 Quarter 4 Review - Delivery Program 2017-2021**
3. **Investments Held as at 30 June 2022**
4. **Investments Held as at 31 July 2022**
5. **Public Exhibition - Naming Proposal - Two New Lanes at 180 George Street, Sydney**
6. **Public Exhibition - Councillors' Expenses and Facilities Policy**
7. **Post Exhibition - Grants and Sponsorship Policy and Guidelines**
8. **Delegations of Authority to the Lord Mayor and Chief Executive Officer**
9. **Adoption - Code of Conduct and Procedures for the Administration of the Code of Conduct**
10. **Adoption - Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing**
11. **Macleay Streetscape Improvements – Works on Private Land**
12. **Tender - T-2021-568 - Construction of Wimbo Park, Surry Hills**
13. **Tender - Reject and Negotiate - T-2021-607 - Public Access IT Refresh**
14. **Tender - Reject and Negotiate - T-2021-565 - Waterloo Library Roof Remediation Works**
15. **Cancellation of Part of Tender - T-2020-486 - Compact Footway Sweeping and Scrubber Machines - Footway Scrubber Machine**
16. **Exemption from Tender - Parking Machine Service and Maintenance**
17. **Contract Variation - 540 George Street Building Façade Remediation**

Disclaimer, Terms and Guidelines for Speakers at Council Committees

As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

Webcast

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Consent

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Disclaimer

Statements made by individuals at a council or committee meeting, and which may be contained in a live stream or recording of the meeting are those of the individuals making them, and not of the City. To be clear, unless set out in a resolution of council, the City does not endorse or support such statements.

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Guidelines

To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

Item 2.

2021/22 Quarter 4 Review – Delivery Program 2017-2021

Document to Follow

Item 3.

Investments Held as at 30 June 2022

File No: X020701

Summary

This report provides details of the City's investment portfolio and performance to 30 June 2022.

The City's total Investment and Cash position was \$714.0M at 30 June 2022, with investments earning interest of \$0.8M for the month.

The Covid-19 pandemic has created significant uncertainty in financial markets. The Reserve Bank of Australia (RBA) responded to the crisis by reducing the official cash rate, firstly on 3 March 2020 to 0.50 per cent, again on 20 March 2020 to 0.25 per cent, and then again on 2 November 2020 down to an official cash rate of 0.10 per cent. However, this calendar year inflation has increased significantly, as a combination of global factors and domestic capacity constraints have raised costs and ultimately consumer prices.

Over the 12 months to the March quarter 2022, headline inflation was 5.1 per cent (Sydney 4.4 per cent) and 3.7 per cent in underlying terms. Further rises in inflation are expected in the near term, and the RBA's forecast for 2022 is for headline inflation of close to 6 per cent, and underlying inflation of around 4.75 per cent. In response, the RBA increased the official cash rate to 0.35 per cent on 3 May 2022, 0.85 per cent on 7 June 2022 and on 05 July 2022 the rate was lifted further to 1.35 per cent.

The City's cash inflows have been negatively impacted as the economic consequences of the pandemic continue to reduce major revenue streams, in particular commercial property and parking related income. A greater focus on maintaining adequate liquidity with shorter investment maturities, and an extended period of limited opportunities to invest funds at adequate rates of return, has continued to affect the City's interest revenue.

The majority of the City's cash and investments portfolio is held as internally restricted (\$329.4M) or externally restricted (\$71.8M) cash reserves, to satisfy the City's legislative responsibilities and to set aside specific funds for Council's funding commitments to the major initiatives within the Sustainable Sydney 2030 Community Strategic Plan.

Key commitments within the City's Long Term Financial Plan include public domain works in the CBD, infrastructure and community facilities in the Green Square urban renewal area and open space acquisitions. The balance of investment funds represents working capital and funding required for the City's operating and capital expenditure commitments, including the Covid-19 relief grants program.

The City achieved an annualised monthly return of 1.44 per cent for June, which remains above the 30 Day Bank Bill Rate (BBR) of 0.92 per cent, the latest AusBond Bank Bill Index (published by Bloomberg) of 0.60 per cent and the enhanced benchmark of 1.37 per cent (BBR + 0.45 per cent) as endorsed in October 2021 as part of the Investment Strategy.

The City's annual rolling return of 1.17 per cent also continues to exceed the 12 month average 30 Day Bank Bill Rate of 0.12 per cent, the latest AusBond Bank Bill Index of 0.10 per cent and the enhanced benchmark of 0.57 per cent (BBR + 0.45 per cent) as endorsed in the Investment Strategy in October 2021.

It is worth noting that Council's investment opportunities are constrained by a combination of legislation, regulation and any directions and guidelines issued by the Minister or the Office of Local Government. These guidelines were developed, in large part, as a response to the Global Financial Crisis and its impact on the local government sector's investments. They effectively limit the City's investment profile to something similar to a cash managed fund, which generally produce lower returns but provide a high level of security. The City's returns from the investment portfolio remain in line with cash managed funds in the market.

While the current returns remain below longer-term trends, the recent increases to official cash rates have seen improvements in rates of return offered by the market, allowing maturing deposits to be re-invested at higher rates. This trend is anticipated to continue as investments placed during the period of suppressed interest rates reach maturity.

This report includes graphs demonstrating that the City's liquidity profile continues to satisfy the requirements of the Policy, and charts that identify the distribution of the City's portfolio across credit ratings, investment product types and financial institutions. Separate charts depicting the City's cumulative portfolio returns over and above both the 90 day Bloomberg AusBond and 30 day Bank Bill Rate benchmarks have also been included to provide further insight into the City's total investment portfolio performance.

The structure of the City's investment portfolio continues to reflect the conservative approach outlined in the Investment Policy and Strategy, which remains appropriate for the current global and domestic economic conditions. The Policy and Strategy also maintain the City's commitment to sustainable investments where returns and risks are equivalent, under the environmentally and socially responsible investment criteria.

Recommendation

It is resolved that the Investment Report as at 30 June 2022 be received and noted.

Attachments

Attachment A. Register of Investments and Cash as at 30 June 2022

Attachment B. Investment Performance as at 30 June 2022

Background

1. In accordance with the principles of financial management, cash that is surplus to the City's immediate requirements is invested within acceptable risk parameters to optimise interest income while ensuring the security of these funds.
2. Surplus cash is only invested in authorised investments that comply with governing legislation and the City's Investment Policy and Strategy.
3. The benchmark performance goal of the City's Investment Policy and Strategy is to surpass the 30 Days Bank Bill Rate (BBR) by 45 basis points while performance also continues to be measured against the Bloomberg AusBond Bank Bill Index.
4. The City's total Investment and Cash position as at 30 June 2022 is \$714.0M, a decrease of approximately \$28.6M from the \$742.6M reported as at 31 May 2022. The monthly movement reflects capital works expenditure and other operational payments for the period in excess of operating income. A schedule detailing all of the City's investments as at the end of June is provided at Attachment A.
5. A substantial portion of the City's cash and investments portfolio is held as internally restricted (\$329.4M) or externally restricted (\$71.8M) cash reserves, to satisfy the City's legislative responsibilities and to set aside specific funds for Council's funding commitments to the major initiatives within the Sustainable Sydney 2030 Community Strategic Plan.
6. Key commitments within the City's Long Term Financial Plan include public domain works in the CBD, infrastructure and community facilities in the Green Square urban renewal area and the acquisition of open space. The balance of investment funds represents working capital and funding required for the City's operating and other capital expenditure commitments.
7. The City achieved an annualised monthly return of 1.44 per cent for June, which remains above the 30 Day Bank Bill Rate (BBR) of 0.92 per cent, the latest AusBond Bank Bill Index (published by Bloomberg) of 0.60 per cent and the enhanced benchmark of 1.37 per cent (BBR + 0.45 per cent) as endorsed in October 2021 as part of the Investment Strategy.
8. The City's annual rolling return of 1.17 per cent also continues to exceed the 12 month average 30 Day Bank Bill Rate of 0.12 per cent, the latest AusBond Bank Bill Index of 0.10 per cent and the enhanced benchmark of 0.57 per cent (BBR + 0.45 per cent) as endorsed in the Investment Strategy in October 2021.
9. While the returns remain significantly below longer-term trends, relative to returns currently available in the equity and property markets, it is worth noting Council's investment opportunities are constrained by a combination of legislation, regulation and any directions and guidelines issued by the Minister or the Office of Local Government. These guidelines were developed, in large part, as a response to the Global Financial Crisis and its impact on the local government sectors investments.
10. These controls effectively limit the City's investment profile to something similar to a cash managed fund, which produces lower returns but provides a high level of security. The City's returns from the investment portfolio are line with cash managed funds in the market.

11. In response to the global Covid-19 pandemic, the Reserve Bank of Australia (RBA) adjusted the official cash rate on 3 March 2020, again on 20 March 2020, and in November 2020 down to 0.10 per cent. However, this calendar year, inflation has increased significantly as a combination of global factors, and domestic capacity constraints have lifted costs and ultimately consumer prices.
12. Over the year to the March quarter, headline inflation was 5.1 per cent (Sydney 4.4 per cent) and 3.7 per cent in underlying terms. At the time of writing the June results are yet to be released. A further rise in inflation is expected in the near term, with the RBA's forecast for headline inflation in 2022 of close to 6 per cent and underlying inflation of around 4.75 per cent. By mid-2024, headline and underlying inflation are forecast to have moderated and returned to the RBA's target range of between 2 to 3 per cent. The forecast reduction assumes that interest rates are gradually increased, and the RBA increased the official cash rate from 0.10 per cent to 0.35 per cent on 3 May 2022, 0.85 per cent on 7 June 2022 and it was lifted further to 1.35 per cent on 5 July 2022.
13. The recent increases to official cash rates have seen improvements in rates of return offered by the market, allowing maturing deposits to be re-invested at higher rates, a trend that is anticipated to continue as investments placed during the period of suppressed interest rates reach maturity.
14. Despite these recent increases, low investment yields are expected to continue to adversely impact the City's portfolio return over the next twelve months as most of the investment portfolio is held in fixed return term deposits. Increased returns will only arise as these investments mature and can be reinvested in products offering higher returns, provided the funds are not required for Council' operations or works programs. Around 75 per cent of the portfolio is due to mature within the coming year, which will allow the City to gradually access the improving returns.
15. The City's cash inflows, whilst reasonably resilient, have been negatively impacted for a prolonged period, as the economic consequences of the pandemic have continued to affect major revenue streams, in particular commercial property and parking related income. A greater focus on maintaining adequate liquidity with shorter investment maturities, and increasingly limited opportunities to invest funds at adequate rates of return, will also continue to affect the City's interest revenue.
16. The report includes graphs depicting that the City's cumulative portfolio returns over and above both the 90 day Bloomberg AusBond, and 30 day Bank Bill Rate benchmarks have also been included to provide further insight into the City's total investment portfolio performance.
17. The structure of the City's investment portfolio continues to reflect the conservative approach outlined in the Investment Policy and Strategy, which remains appropriate for the current global and domestic economic conditions.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

18. The City's investments accord with all legislative and policy requirements, as detailed below, and continue to achieve returns above minimum benchmark rates.

Financial Implications

19. The City's investments earned interest of \$0.8M for the month of June 2022, which is above budgeted earnings of \$0.2M, as cash balances have remained higher than anticipated when the budget was prepared.
20. The interest income budget for 2021/22 was substantially reduced from prior years, reflecting the reduced rates environment that was forecast when the budget was set. However, for the financial year to end of June 2022, interest income was \$4.7M and is significantly above the annual budgeted earnings of \$2.2M. The result reflects higher cash balances over the full year, and the higher market rates for the final quarter..

Economic

21. The extent of the local and global economic impact resulting from Covid-19 has created significant uncertainty in financial markets. Many Governments and central banks, including the Australian Government and the Reserve Bank of Australia (RBA), had until recently implemented large scale responses to the economic crisis, including coordinated stimulus measures involving significant increases in government spending and borrowing combined with large scale buying of bonds by central banks.
22. The RBA reduced the official cash rate down to 0.10 per cent on 2 November 2020, and had indicated that this cash rate was unlikely to be lifted until it was confident the economy had recovered sufficiently to lift annual inflation inside its targeted 2 per cent to 3 per cent range. The RBA increased the official cash rate from 0.10 per cent to 0.35 per cent on 3 May 2022, 0.85 per cent on 7 June 2022 and it was lifted further to 1.35 per cent on 5 July 2022.
23. While the capacity for City staff to invest in a manner that meets liquidity requirements, whilst achieving the "enhanced" benchmark returns (as detailed in the Investment Policy) has been limited for some time, the best available returns continue to be actively sought when surplus funds are invested. As noted above, current market indications suggest that improved investment returns are likely in the future.

Relevant Legislation

24. Council is authorised to invest its surplus cash under section 625 of the Local Government Act 1993.
25. The Local Government (General) Regulation 2021 (section 212) requires the City to provide a written monthly report of all monies invested, under section 625 of the Act.
26. The Investment Policy and Strategy was last revised in October 2021, maintaining Council's commitment to give preference to sustainable investments where returns and risks are equivalent to other investments.

27. The City's investments accord with the Minister's Investment Order, the Office of Local Government's Investment Policy Guidelines, and the City's own Investment Policy and Strategy as adopted by Council on 18 October 2021.

Critical Dates / Time Frames

28. A monthly investment report must be submitted for Council's information and review within the following month.

Public Consultation

29. Consultation is regularly undertaken with a number of financial institutions and investment advisers to consider options and ensure the City continues to maximise its investment return within appropriate legislative and risk parameters.
30. City staff meet regularly with representatives of each of the 'Big 4' banks and NSW TCorp. At these meetings City staff actively advocate for Socially Responsible Investment (SRI) opportunities.
31. The banks acknowledge the appetite in the market for these products and they continue to investigate the development of suitable products, however it has been challenging to match the level of funds to available Socially Responsible Investment opportunities that meet the credit risk and maturity profile requirements of the City.
32. As noted in previous Investment Reports, Westpac were able to bring a Green Tailored Deposit product to market, which delivers a comparable return while achieving the City's preferred outcomes. The City currently holds \$105M in seventeen tranches with this Green Tailored deposit.
33. The City has also invested a \$10M parcel with the Commonwealth Bank of Australia (CBA) in Environmental Social and Governance Term Deposit (ESGTDs) certified by Responsible Investment Association Australasia (RIAA), whilst also meeting the City's risk / return aims. RIAA is an active network of members engaged in responsible, ethical and impact investing across Australia and New Zealand. Their mission is to 'promote, advocate for and support approaches to responsible investment that align capital with achieving a healthy and sustainable society, environment and economy'. This includes investing in products that seek to mitigate environmental and social risks. ESGTDs provide the opportunity to allocate capital towards financing Sustainability-Linked Loans.
34. The City has also invested \$5M in a Floating Rate Note (FRN) / Sustainability Bond issued by Bank Australia, based on an investment framework that meets the main guidelines for issuance of Green, Social and Sustainability Bonds in the global capital markets. This Socially Responsible investment opportunity met both the credit risk and maturity profile requirement of the City.

BILL CARTER

Chief Financial Officer

Attachment A

**Register of Investments and Cash
as at 30 June 2022**

Register of Investments and Cash for June 2022 period

Institution	Rating	Face Value \$	Amortised Value \$	Monthly Net Returns	Monthly Net Return Annualised	Net Returns Rolling 12 Months	Maturity Date	Investment Date	Term (months)
Call Account									
Westpac Bank	AA	-	-	0.00%	0.00%	0.00%	1-Jul-22	22-May-12	0
Commonwealth Bank	AA	49,251,520	49,251,520	0.08%	0.95%	0.95%	1-Jul-22	11-Jun-20	0
Macquarie Bank Ltd	AA	9,982,575	9,982,575	0.08%	1.00%	1.00%	1-Jul-22	21-Sep-20	0
Total		59,234,095	59,234,095	0.08%	0.96%	0.96%			
Term Deposits (TD)									
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.03%	0.40%	0.40%	1-Jul-22	22-Oct-21	8
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.42%	0.42%	5-Jul-22	5-Jul-21	12
Westpac Banking Corporation	AA	5,000,000.00	5,000,000.00	0.02%	0.28%	0.28%	8-Jul-22	31-Aug-21	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.39%	0.39%	15-Jul-22	30-Aug-21	10
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	0.45%	0.45%	19-Jul-22	19-Nov-21	8
Westpac Banking Corporation	AA	5,000,000.00	5,000,000.00	0.03%	0.30%	0.30%	22-Jul-22	24-Aug-21	11
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.04%	0.53%	0.53%	26-Jul-22	26-Nov-21	8
Westpac Banking Corporation	AA	5,000,000.00	5,000,000.00	0.03%	0.30%	0.30%	29-Jul-22	24-Aug-21	11
Westpac Banking Corporation	AA	5,000,000.00	5,000,000.00	0.03%	0.30%	0.30%	2-Aug-22	27-Aug-21	11
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.04%	0.55%	0.55%	5-Aug-22	29-Nov-21	8
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.35%	0.35%	12-Aug-22	13-Aug-21	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	19-Aug-22	16-Nov-21	9
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	0.45%	0.45%	23-Aug-22	18-Nov-21	9
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.03%	0.32%	0.32%	26-Aug-22	31-Aug-21	12
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	9-Sep-22	23-Nov-21	10
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	13-Sep-22	12-Nov-21	10
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.04%	0.60%	0.60%	16-Sep-22	15-Nov-21	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.45%	0.45%	23-Sep-22	26-Oct-21	11
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	23-Sep-22	23-Nov-21	10
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	29-Sep-22	29-Nov-21	10
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.03%	0.35%	0.35%	30-Sep-22	29-Sep-21	12
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.36%	0.36%	7-Oct-22	1-Oct-21	12
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.37%	0.37%	11-Oct-22	9-Oct-21	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.39%	0.39%	14-Oct-22	14-Oct-21	12
Westpac Banking Corporation	AA	5,000,000.00	5,000,000.00	0.03%	0.41%	0.41%	14-Oct-22	15-Oct-21	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.58%	0.58%	18-Oct-22	18-Nov-21	11
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.65%	0.65%	28-Oct-22	1-Mar-22	8
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.53%	0.53%	28-Oct-22	1-Dec-21	11
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.06%	0.70%	0.70%	1-Nov-22	3-Nov-21	12
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.04%	0.60%	0.60%	4-Nov-22	9-Nov-21	12
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.06%	0.70%	0.70%	8-Nov-22	14-Jan-22	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.64%	0.64%	18-Nov-22	17-Nov-21	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.05%	0.60%	0.60%	25-Nov-22	13-Jan-22	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.66%	0.66%	6-Dec-22	1-Mar-22	9
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.07%	0.78%	0.78%	9-Dec-22	11-Feb-22	10
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.05%	0.65%	0.65%	16-Dec-22	14-Dec-21	12
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.06%	0.72%	0.72%	16-Dec-22	17-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	19-Dec-22	29-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	19-Dec-22	29-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	19-Dec-22	29-Dec-21	12
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.65%	0.65%	20-Dec-22	15-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	21-Dec-22	30-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	29-Dec-22	4-Jan-22	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	3-Jan-23	4-Jan-22	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	3-Jan-23	5-Jan-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.86%	0.86%	6-Jan-23	8-Mar-22	10
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.07%	0.88%	0.88%	17-Jan-23	18-Feb-22	11
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.07%	0.80%	0.80%	20-Jan-23	8-Feb-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.20%	2.34%	2.34%	27-Jan-23	2-May-22	9
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	31-Jan-23	14-Feb-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.20%	2.39%	2.39%	10-Feb-23	2-May-22	9
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	14-Feb-23	28-Feb-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.95%	0.95%	17-Feb-23	17-Feb-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.91%	0.91%	24-Feb-23	24-Feb-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.91%	0.91%	28-Feb-23	25-Feb-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.86%	0.86%	3-Mar-23	1-Mar-22	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	1.25%	1.25%	17-Mar-23	18-Mar-22	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.25%	3.00%	3.00%	28-Mar-23	31-May-22	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.25%	2.94%	2.94%	31-Mar-23	5-May-22	11
Suncorp Bank	A	5,000,000.00	5,000,000.00	0.14%	1.73%	1.73%	4-Apr-23	4-Apr-22	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.16%	1.90%	1.90%	7-Apr-23	8-Apr-22	12
Suncorp Bank	A	5,000,000.00	5,000,000.00	0.24%	2.84%	2.84%	11-Apr-23	16-May-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.24%	2.88%	2.88%	11-Apr-23	11-May-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.20%	2.40%	2.40%	21-Apr-23	22-Apr-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.24%	2.91%	2.91%	24-Apr-23	30-May-22	11
ING Bank	A	5,000,000.00	5,000,000.00	0.26%	3.10%	3.10%	24-Apr-23	26-May-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.23%	2.71%	2.71%	28-Apr-23	29-Apr-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.26%	3.17%	3.17%	12-May-23	9-May-22	12
Bendigo & Adelaide Bank	A	10,000,000.00	10,000,000.00	0.25%	3.00%	3.00%	16-May-23	16-May-22	12
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.27%	3.20%	3.20%	23-May-23	23-May-22	12
ING Bank	A	5,000,000.00	5,000,000.00	0.27%	3.18%	3.18%	26-May-23	25-May-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.25%	3.03%	3.03%	30-May-23	30-May-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.25%	3.04%	3.04%	2-Jun-23	31-May-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	3.13%	3.13%	6-Jun-23	1-Jun-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	3.13%	3.13%	9-Jun-23	1-Jun-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.03%	4.09%	4.09%	13-Jun-23	14-Jun-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	4.09%	4.09%	16-Jun-23	14-Jun-22	12
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.04%	0.52%	0.52%	25-Aug-23	23-Aug-21	24
National Aust Bank (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.65%	0.65%	22-Sep-23	24-Sep-21	24
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	3.69%	3.69%	8-Dec-23	7-Jun-22	18
Northern Territory Treasury Corporation- Fixed Rate Bond- Annual	AA	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	15-Jun-25	5-Feb-21	52
Northern Territory Treasury Corporation- Fixed Rate Bond- Annual	AA	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	15-Jun-25	9-Feb-21	52
Westpac Banking Corporation (3% Fixed 2 years & RBA cash rate + 126 points 3 years)	AA	5,000,000.00	5,000,000.00	0.11%	1.34%	1.32%	31-Aug-22	31-Aug-17	60
Westpac Banking Corporation (2.80% Fixed 1 year & 3 Months BBSW + 85 points)	AA	5,000,000.00	5,000,000.00	0.22%	2.62%	1.09%	28-Sep-22	28-Sep-18	48
Westpac Banking Corporation (2.98% Fixed 2 years & 3 months BBSW + 82 points 2 years)	AA	5,000,000.00	5,000,000.00	0.16%	1.88%	1.04%	21-Nov-22	21-Nov-18	48
Westpac Banking Corporation (0.71% Fixed 2 years & 90 days BBSW + 50 points)	AA	5,000,000.00	5,000,000.00	0.19%	2.27%	0.84%	18-Jun-26	18-Jun-21	60

Register of Investments and Cash for June 2022 period

Institution	Rating	Face Value \$	Amortised Value \$	Monthly Net Returns	Monthly Net Return Annualised	Net Returns Rolling 12 Months	Maturity Date	Investment Date	Term (months)
Term Deposits (TD) 'Green Tailored Deposits'									
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.04%	0.47%	0.47%	21-Oct-22	18-Oct-21	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	25-Oct-22	22-Oct-21	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.59%	0.59%	11-Nov-22	11-Nov-21	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.60%	0.53%	25-Nov-22	24-Nov-21	12
Westpac Banking Corporation - Green Tailored Deposit (0.50% Fixed 1 years & 3 months BBSW + 47 points for year 1)	AA	10,000,000.00	10,000,000.00	0.17%	2.09%	0.68%	21-Dec-22	21-Dec-20	24
Westpac Banking Corporation - Green Tailored Deposit (0.47% Fixed 1 years & 3 months BBSW + 45 points for year 2)	AA	10,000,000.00	10,000,000.00	0.18%	2.19%	0.68%	23-Dec-22	23-Dec-20	24
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.07%	0.78%	0.78%	6-Jan-23	7-Feb-22	11
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.06%	0.71%	0.71%	13-Jan-23	12-Jan-22	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.07%	0.88%	0.88%	27-Jan-23	28-Jan-22	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.07%	0.85%	0.85%	19-May-23	19-Nov-21	18
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.06%	0.70%	0.70%	11-Oct-23	11-Oct-21	24
Westpac Banking Corporation - Green Tailored Deposit (3 Months BBSW + 93 points)	AA	10,000,000.00	10,000,000.00	0.17%	2.02%	1.14%	27-Nov-23	26-Nov-18	60
Westpac Banking Corporation - Green Tailored Deposit (2.97% Fixed 2 years & 3 months BBSW + 93 points 3 years)	AA	5,000,000.00	5,000,000.00	0.17%	2.09%	1.15%	29-Nov-23	30-Nov-18	60
Westpac Banking Corporation - Green Tailored Deposit (3.00% Fixed 1 years & 3 months BBSW + 105 points 4 years)	AA	10,000,000.00	10,000,000.00	0.13%	1.56%	1.22%	24-Jan-24	25-Jan-19	60
Westpac Banking Corporation - Green Tailored Deposit (2.85% Fixed 1 years & 3 months BBSW + 100 points 4 years)	AA	5,000,000.00	5,000,000.00	0.18%	2.18%	1.15%	28-Feb-24	1-Mar-19	60
Westpac Banking Corporation - Green Tailored Deposit (2.75% Fixed 1 year & 3 months BBSW + 100 points 4 years)	AA	5,000,000.00	5,000,000.00	0.22%	2.58%	1.19%	11-Mar-24	13-Mar-19	60
Westpac Banking Corporation - Green Tailored Deposit (2.65% Fixed 1 year & 3 months BBSW + 100 points 4 years)	AA	5,000,000.00	5,000,000.00	0.24%	2.83%	1.24%	22-Mar-24	25-Mar-19	60
Term Deposits (TD) 'Environmental Social and Governance Term Deposit'									
Commonwealth Bank - Environmental Social and Governance Term Deposit	AA	10,000,000.00	10,000,000.00	0.07%	0.85%	0.85%	2-Mar-23	2-Mar-22	12
Total		522,000,000	522,000,000	0.10%	1.38%	1.22%			
Floating Rate Notes (FRN)									
ME Bank (90 days BBSW + 98 points)	BBB	3,000,000.00	3,000,000.00	0.11%	1.35%	1.11%	18-Jul-22	18-Jul-19	36
Suncorp Bank (90 days BBSW + 97 points)	A	4,000,000.00	4,000,449.52	0.16%	1.97%	1.18%	16-Aug-22	31-Oct-18	45
Suncorp Bank (90 days BBSW + 97 points)	A	2,500,000.00	2,500,000.00	0.16%	1.97%	1.17%	16-Aug-22	16-Aug-17	60
Bank of Queensland (90 days BBSW + 105 points)	BBB	4,000,000.00	4,000,000.00	0.16%	1.95%	1.22%	3-Feb-23	5-Feb-18	60
Credit Union Australia (3 months BBSW + 90 bps)	BBB	2,800,000.00	2,800,000.00	0.18%	2.11%	1.14%	21-Feb-23	21-Feb-20	36
Westpac Bank (90 days BBSW + 83 points)	AA	5,000,000.00	5,000,000.00	0.17%	2.06%	1.00%	6-Mar-23	6-Mar-18	60
ANZ Bank (90 days BBSW + 90 points)	AA	5,000,000.00	5,000,000.00	0.15%	1.80%	1.09%	9-May-23	9-May-18	60
National Australia Bank (90 days BBSW + 90 points)	AA	5,000,000.00	5,000,000.00	0.16%	1.90%	1.12%	16-May-23	16-May-18	60
Commonwealth Bank (90 days BBSW + 93 points)	AA	3,500,000.00	3,500,000.00	0.16%	1.93%	1.14%	16-Aug-23	16-Aug-18	60
Suncorp Bank (90 days BBSW + 77 points)	A	4,500,000.00	4,500,000.00	0.20%	2.35%	0.97%	13-Sep-23	13-Sep-18	60
National Australia Bank (90 days BBSW + 93 points)	AA	3,500,000.00	3,500,000.00	0.23%	2.76%	1.18%	26-Sep-23	26-Sep-18	60
ANZ Bank (90 days BBSW + 103 points)	AA	5,000,000.00	5,000,000.00	0.19%	2.26%	1.20%	6-Dec-23	6-Dec-18	60
National Australia Bank (90 days BBSW + 104 points)	AA	4,000,000.00	4,000,000.00	0.18%	2.13%	1.26%	26-Feb-24	26-Feb-19	60
National Australia Bank (90 days BBSW + 102 points)	AA	3,200,000.00	3,200,000.00	0.22%	2.69%	1.14%	19-Jun-24	20-Jun-19	60
Westpac Banking Corporation (90 days BBSW + 88 points)	AA	4,000,000.00	4,000,000.00	0.16%	1.88%	1.15%	16-Aug-24	16-May-19	63
ANZ Bank (90 days BBSW + 77 points)	AA	4,000,000.00	4,000,000.00	0.16%	1.93%	1.00%	29-Aug-24	29-Aug-19	60
National Australia Bank (90 days BBSW + 77 points)	AA	5,000,000.00	5,000,000.00	0.10%	1.22%	0.92%	21-Jan-25	21-Jan-20	60
Macquarie Bank (3 months BBSW + 84 points)	A	5,000,000.00	5,000,000.00	0.15%	1.80%	1.03%	12-Feb-25	12-Feb-20	60
Suncorp Bank (90 days BBSW + 112 points)	AAA	1,500,000.00	1,500,000.00	0.14%	1.63%	1.29%	24-Apr-25	27-Apr-20	60
Macquarie Bank (3 months BBSW + 48 points)	A	5,000,000.00	5,000,000.00	0.16%	1.94%	0.67%	9-Dec-25	9-Dec-20	60
Suncorp Bank (90 days BBSW + 45 points)	A	2,100,000.00	2,100,000.00	0.13%	1.52%	0.67%	24-Feb-26	24-Feb-21	60
Newcastle Permanent Building Society (90 days BBSW + 63 points)	BBB	5,000,000.00	5,000,000.00	0.16%	1.86%	0.79%	4-Mar-26	4-Mar-21	60
Bendigo & Adelaide Bank (90 days BBSW + 65 points)	BBB	5,000,000.00	5,000,000.00	0.20%	2.42%	0.87%	18-Jun-26	18-Jun-21	60
Suncorp Bank (90 days BBSW + 48 points)	A	3,750,000.00	3,750,000.00	0.19%	2.24%	0.73%	15-Sep-26	15-Sep-21	60
Bank of Queensland (90 days BBSW + 80 points)	BBB	3,000,000.00	3,000,000.00	0.13%	1.54%	1.09%	27-Oct-26	27-Oct-21	60
Commonwealth Bank (3 month BBSW + 70 points)	AA	3,250,000.00	3,250,000.00	0.08%	1.01%	0.89%	14-Jan-27	14-Jan-22	60
Westpac Banking Corporation (90 days BBSW + 70 points)	AA	3,900,000.00	3,900,000.00	0.10%	1.21%	1.00%	25-Jan-27	18-Jan-22	60
Suncorp Bank (90 days BBSW + 78 points)	AA	4,500,000.00	4,500,000.00	0.11%	1.29%	1.07%	25-Jan-27	17-Jan-22	60
Newcastle Permanent Building Society (90 days BBSW + 100 points)	BBB	2,250,000.00	2,250,000.00	0.16%	1.95%	1.42%	10-Feb-27	3-Feb-22	60
National Australia Bank (90 days BBSW + 72 points)	AA	4,000,000.00	4,000,000.00	0.15%	1.81%	1.20%	25-Feb-27	25-Feb-22	60
ANZ Bank (90 day BBSW + 97 points)	AA	4,000,000.00	4,000,000.00	0.15%	1.84%	1.84%	12-May-27	12-May-22	60
Westpac Banking Corporation (90 days BBSW + 105 points)	AA	4,000,000.00	4,000,000.00	0.17%	2.01%	2.01%	20-May-27	20-May-22	60
Floating Rate Notes (FRN) 'Green/Climate Bonds/Sustainability Bond'									
Bank Australia - Sustainability Bond (3months BBSW + 90 points)	BBB	5,000,000.00	5,000,000.00	0.18%	2.13%	1.05%	2-Dec-22	2-Dec-19	36
Total		129,250,000	129,250,450	0.16%	1.91%	1.10%			
Total Investments		710,484,095	710,484,545	0.12%	1.44%	1.17%			
Benchmark: 30 Day Bank Bill Index				0.08%	0.92%	0.12%			
Benchmark: Bloomberg AusBond Bank Bill Index				0.05%	0.60%	0.10%			
City of Sydney's available bank balance as at 30 June 2022		3,533,354	3,533,354						
TOTAL INVESTMENTS & CASH		714,017,449	714,017,898						

Summary of Net Investment Movements - June 2022

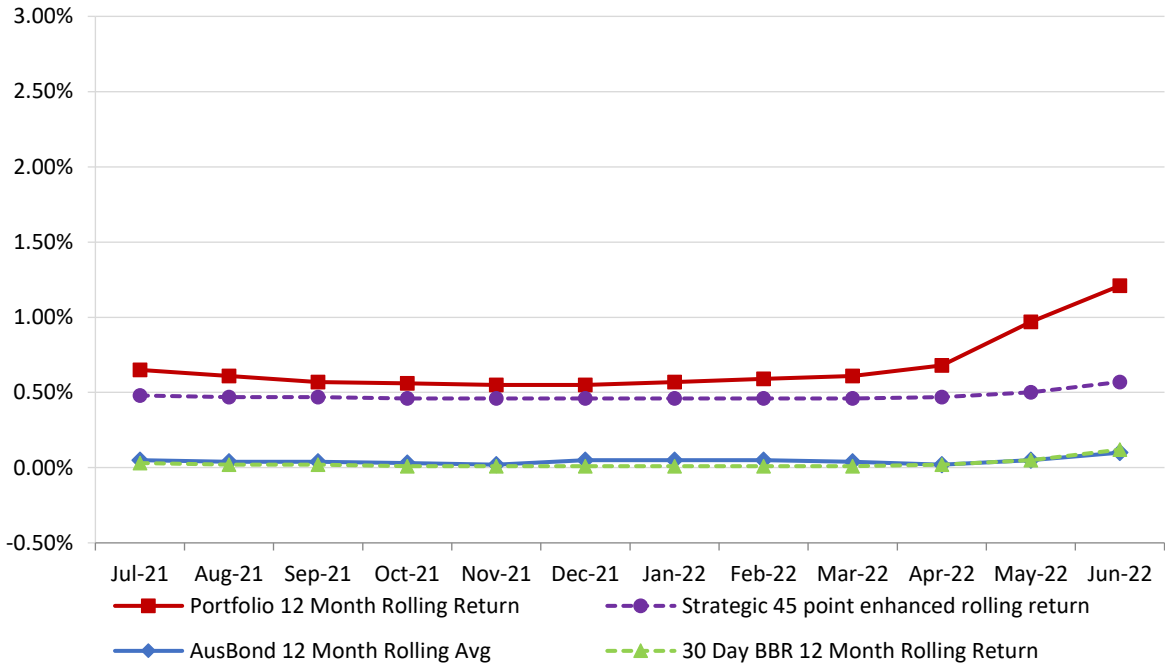
Financial Institution	Fund Rating	Net Invest/(Recall) Amount \$	Commentary
<u>General Fund</u>			
Westpac Banking Corporation	AA	(9,500,000)	Lower general fund balance in June 2022, due to higher volume of rates receipt received towards the end of May 2022.
<u>Call Account</u>			
Commonwealth Bank	AA	11,000,000	Additional funds received in General Fund placed in Call account for operational use
<u>Term Deposits (TDs)</u>			
Commonwealth Bank	AA	10,000,000	Redeemed matured investments and additional income placed in higher yielding term deposits.
Bank of Queensland	A	(5,000,000)	Redemption of matured term deposits, utilised for operational use or reinvested with higher yielding products.
Bendigo & Adelaide Bank	A	(10,000,000)	
ME Bank	A	(5,000,000)	
Westpac Banking Corporation	AA	(20,000,000)	

Attachment B

**Investment Performance
as at 30 June 2022**

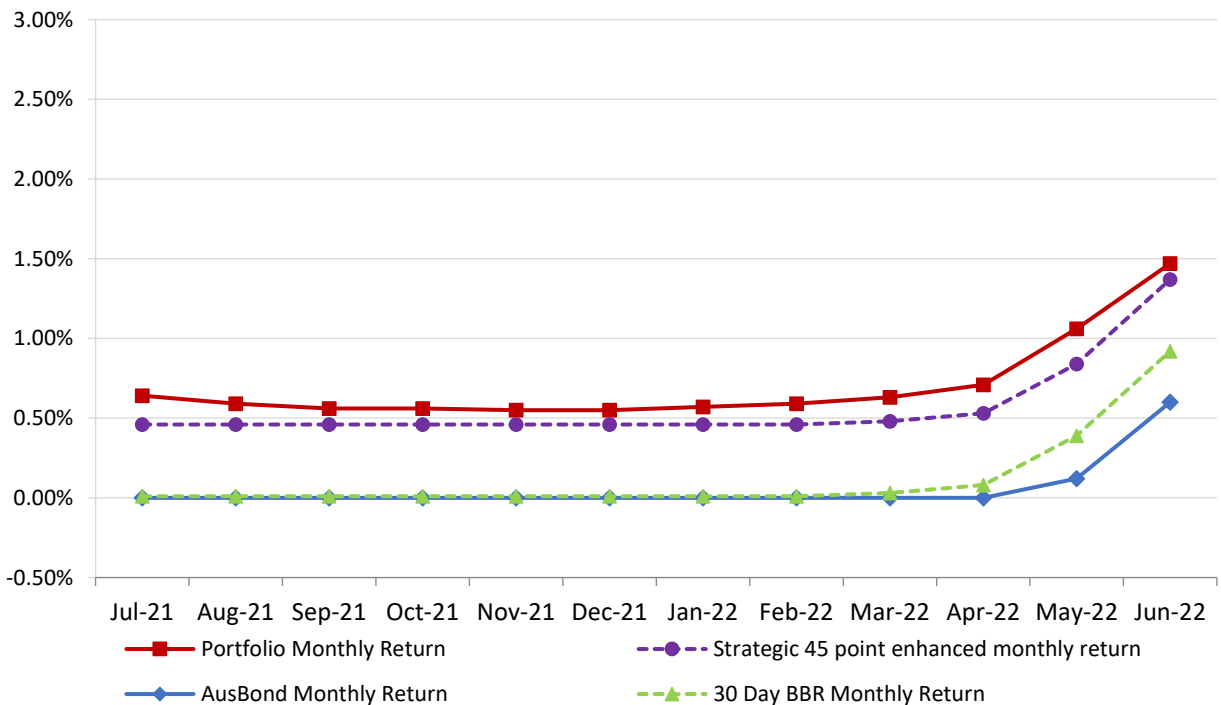
12 Month Rolling Averages

Actual Portfolio vs Strategic Enhanced Benchmark vs AusBond Benchmark vs 30 Day BBR Benchmark
June 2022

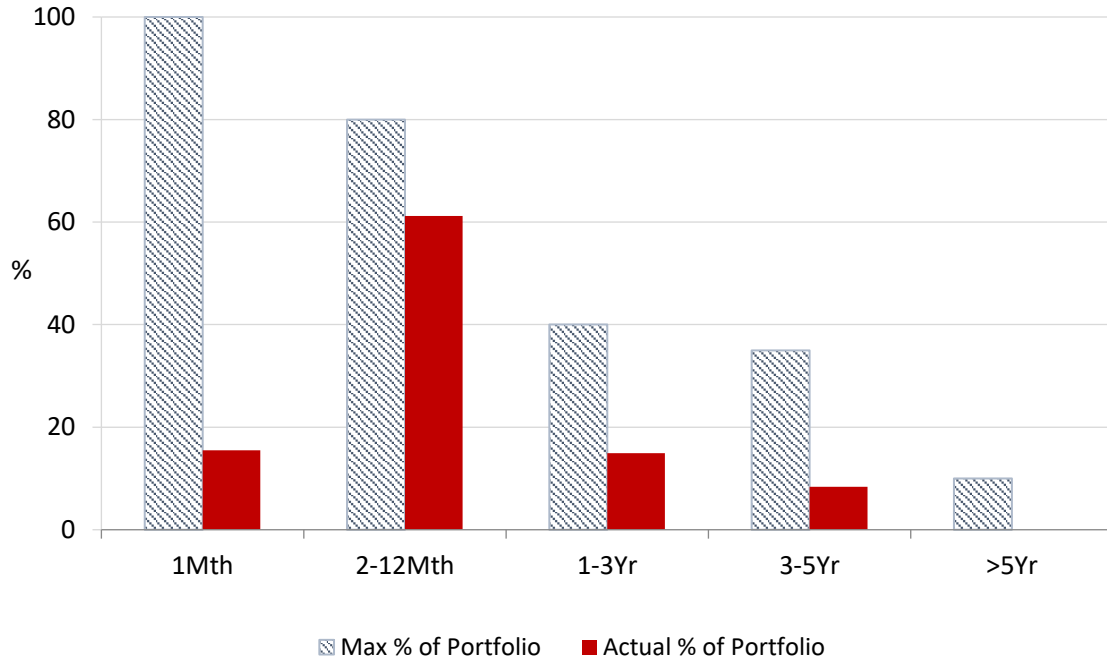


Monthly Results

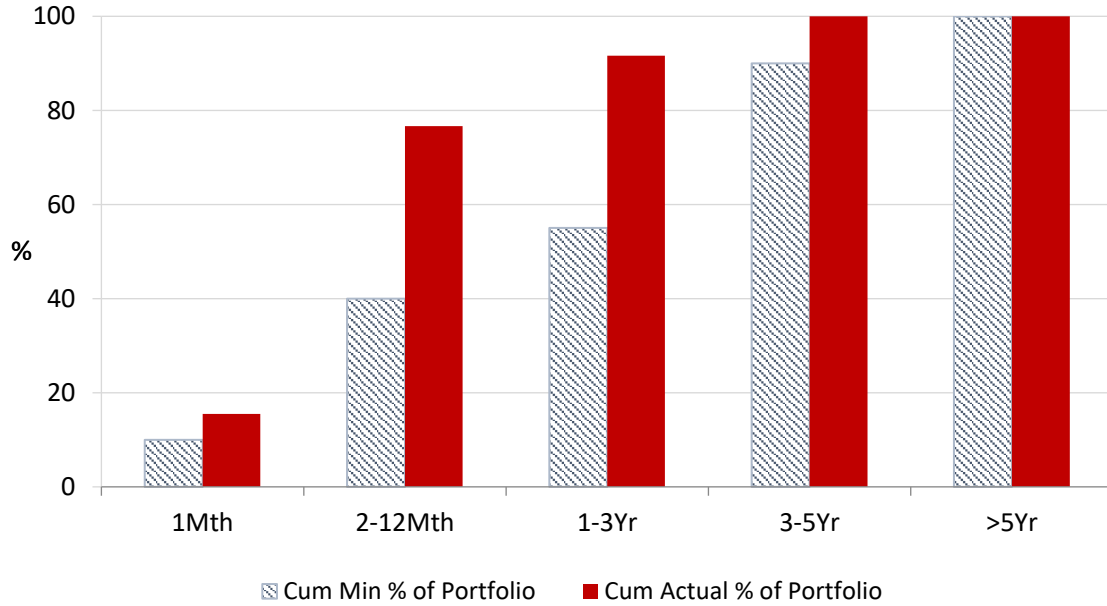
Actual Portfolio vs Strategic Enhanced Benchmark vs AusBond Benchmark vs 30 Day BBR Benchmark
June 2022



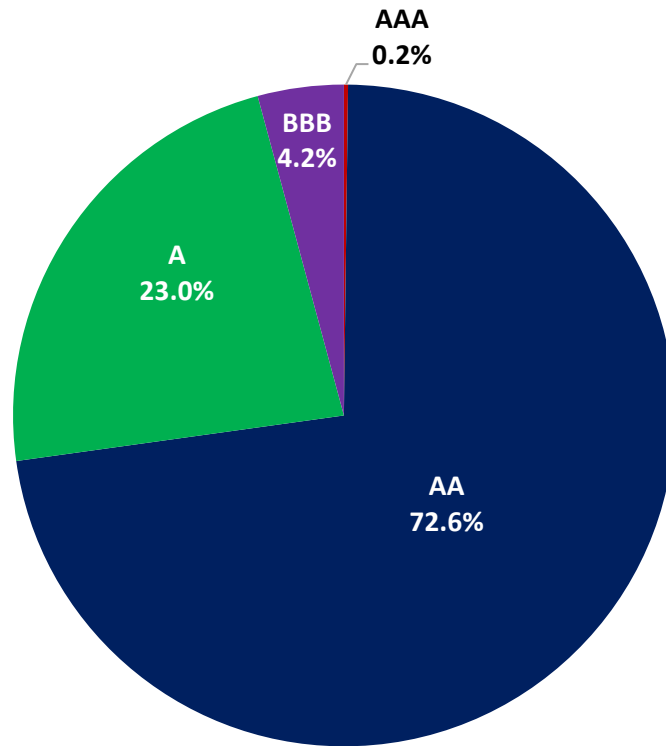
Portfolio Liquidity - Maximum Allowances as at 30 June 2022



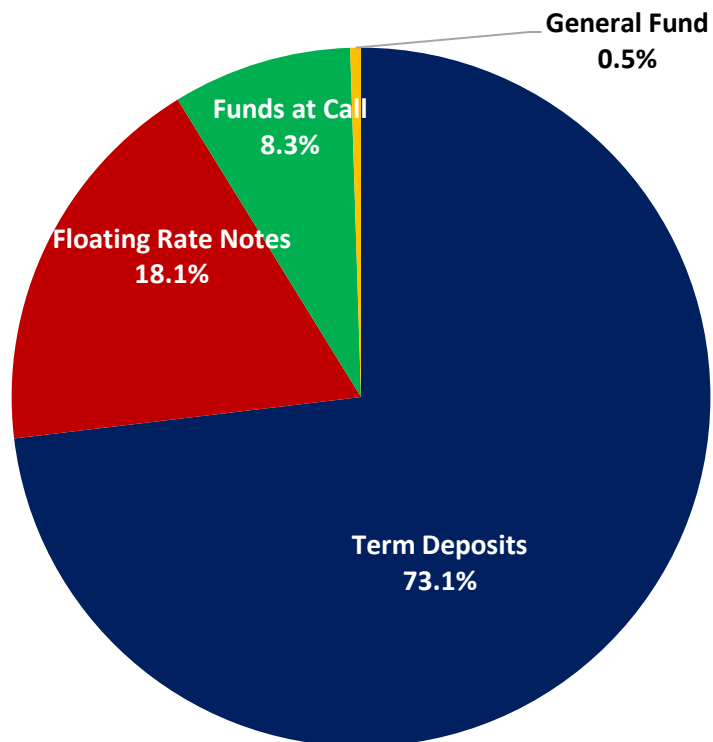
Portfolio Liquidity - Minimum Allocations as at 30 June 2022



Risk Profile as at 30 June 2022



Risk Profile as at 30 June 2022

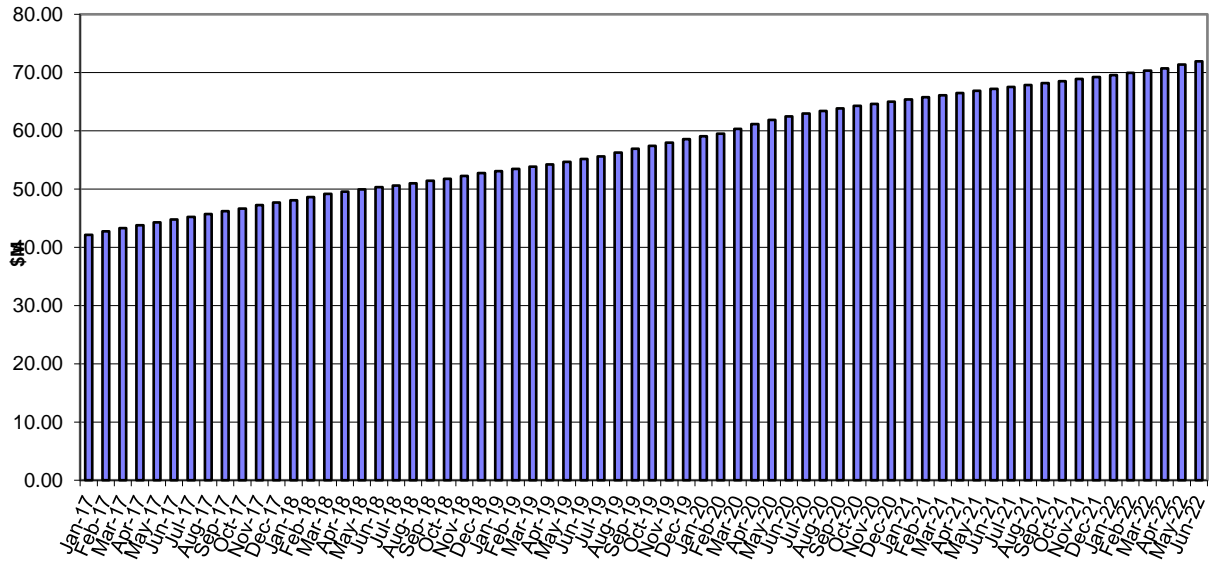


INVESTMENT AND CASH DISTRIBUTION BY FINANCIAL INSTITUTION

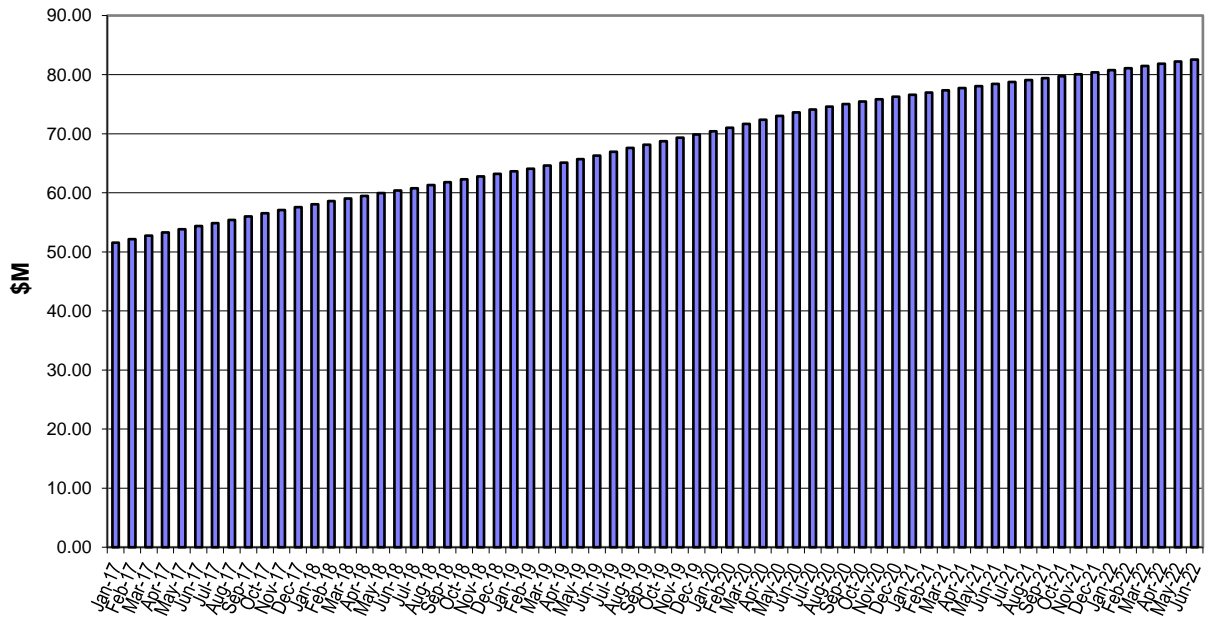
as at 30 June 2022

Institution Category	Financial Institution	Amount \$M	Financial Inst. %	Institution Cat. %
Australian Big 4 Bank (and related institutions)	ANZ Bank	53.0	7.4	
	Commonwealth Bank	181.0	25.3	
	National Aust Bank	74.7	10.5	
	Westpac Banking Corporation	195.4	27.4	
Big 4 Total		504.1		70.6
Other Australian ADIs and Australian subsidiaries of foreign institutions	Bank Australia Limited	10.0	1.4	
	Bank of Queensland	57.0	8.0	
	Bendigo & Adelaide Bank	55.0	7.7	
	Great Southern Bank (formerly Credit Union Australia)	2.8	0.4	
	ING Bank	10.0	1.4	
	ME Bank	3.0	0.4	
	Suncorp Bank	32.9	4.6	
	Macquarie Bank Ltd	27.0	3.8	
	Northern Territory Treasury Corporation	5.0	0.7	
Newcastle Permanent Building Society	7.3	1.0		
Other ADI Total		209.9		29.4
Grand Total		714.0	100.0	100.0

Cumulative Outperformance over AusBond Benchmark - 2016-2022



Cumulative Outperformance over 30 Day BBR Benchmark - 2016-2022



Item 4.

Investments Held as at 31 July 2022

File No: X020701

Summary

This report provides details of the City's investment portfolio and performance to 31 July 2022.

The City's total Investment and Cash position was \$709.1M at 31 July 2022, with investments earning interest of approximately \$1M for the month.

The Covid-19 pandemic has created significant uncertainty in financial markets. The Reserve Bank of Australia (RBA) responded to the crisis by reducing the official cash rate, firstly on 3 March 2020 to 0.50 per cent, again on 20 March 2020 to 0.25 per cent, and then again on 2 November 2020 down to an official cash rate of 0.10 per cent. However, this calendar year inflation has increased significantly, as a combination of global factors and domestic capacity constraints have raised costs and ultimately consumer prices.

Inflation in Australia is the highest it has been since the early 1990s. Inflation was 6.1 per cent over the year to the June quarter; in underlying terms it was 4.9 per cent. Global factors explain much of the increase in inflation, but domestic factors are also playing a role. There are widespread upward pressures on prices from strong demand, a tight labour market and capacity constraints in some sectors of the economy. The floods this year are also affecting some prices.

In response, the RBA increased the official cash rate to 0.35 per cent on 3 May 2022, 0.85 per cent on 7 June 2022, 1.35 per cent on 5 July 2022 and on 2 August 2022 the rate was lifted further to 1.85 per cent.

The City's cash inflows have been negatively impacted as the economic consequences of the pandemic continue to reduce major revenue streams, in particular commercial property income. A greater focus on maintaining adequate liquidity with shorter investment maturities, and an extended period of limited opportunities to invest funds at adequate rates of return, has continued to affect the City's interest revenue.

The majority of the City's cash and investments portfolio is held as internally restricted (\$348.9M) or externally restricted (\$76.4M) cash reserves, to satisfy the City's legislative responsibilities and to set aside specific funds for Council's funding commitments to the major initiatives within the Community Strategic Plan Delivering Sustainable Sydney 2030-2050 Continuing the Vision.

Key commitments within the City's Long Term Financial Plan include public domain works in the CBD, infrastructure and community facilities in the Green Square urban renewal area and open space acquisitions. The balance of investment funds represents working capital and funding required for the City's operating and capital expenditure commitments.

The City achieved an annualised monthly return of 1.59 per cent for June, which remains above the 30 Day Bank Bill Rate (BBR) of 1.48 per cent, the latest AusBond Bank Bill Index (published by Bloomberg) of 1.44 per cent.

Since 2015, the City has utilised an additional strategic benchmark rate to measure its investment performance by exceeding the 30 day benchmark returns, by at least 45 additional basis points (0.45% p.a.). The 45 basis point increase is based on observed historical average increased credit spreads (or margins) over bank bill rates on offer in relation to 30–90 day investments.

The investment return as at 31 July 2022 is below the enhanced benchmark of 1.93 per cent (BBR + 0.45 per cent), reflecting the redemption of investments worth \$43M in July 2022, to fund a significant property acquisition endorsed by Council in June 2022 and settled in early September 2022.. Redemption of the investments limited the City's opportunity to invest in longer term deposits with higher interest rates.

The City aims to achieve returns equal to or above these benchmark rates for the period. However, this achievement remains secondary to the critical strategies of maintaining a prudent and conservative risk profile, and ensuring adequate liquidity for operational purposes.

The City's annual rolling return of 1.25 per cent also continues to exceed the 12 month average 30 Day Bank Bill Rate of 0.25 per cent, the latest AusBond Bank Bill Index of 0.22 per cent and the enhanced benchmark of 0.70 per cent (BBR + 0.45 per cent) as endorsed in the Investment Strategy in October 2021.

While the returns remain below longer-term trends, the recent increases to official cash rates have seen improvements in rates of return offered by the market, allowing maturing deposits to be re-invested at higher rates. This trend is anticipated to continue in the current financial year.

It is worth noting that Council's investment opportunities are constrained by a combination of legislation, regulation and any directions and guidelines issued by the Minister or the Office of Local Government. These guidelines were developed, in large part, as a response to the Global Financial Crisis and its impact on the local government sector's investments. They effectively limit the City's investment profile to something similar to a cash managed fund, which generally produce lower returns but provide a high level of security. The City's returns from the investment portfolio remain in line with cash managed funds in the market.

This report includes graphs demonstrating that the City's liquidity profile continues to satisfy the requirements of the Policy, and charts that identify the distribution of the City's portfolio across credit ratings, investment product types and financial institutions. Separate charts depicting the City's cumulative portfolio returns over and above both the 90 day Bloomberg AusBond and 30 day Bank Bill Rate benchmarks have also been included to provide further insight into the City's total investment portfolio performance.

The structure of the City's investment portfolio continues to reflect the conservative approach outlined in the Investment Policy and Strategy, which remains appropriate for the current global and domestic economic conditions. The Policy and Strategy also maintain the City's commitment to sustainable investments where returns and risks are equivalent, under the environmentally and socially responsible investment criteria.

Recommendation

It is resolved that the Investment Report as at 31 July 2022 be received and noted.

Attachments

Attachment A. Register of Investments and Cash as at 31 July 2022

Attachment B. Investment Performance as at 31 July 2022

Background

1. In accordance with the principles of financial management, cash that is surplus to the City's immediate requirements is invested within acceptable risk parameters to optimise interest income while ensuring the security of these funds.
2. Surplus cash is only invested in authorised investments that comply with governing legislation and the City's Investment Policy and Strategy.
3. The benchmark performance goal of the City's Investment Policy and Strategy is to surpass the 30 Days Bank Bill Rate (BBR) by 45 basis points while performance also continues to be measured against the Bloomberg AusBond Bank Bill Index.
4. The City's total Investment and Cash position as at 31 July 2022 is \$709.1M, a decrease of \$4.9M from the \$714.0M reported as at 30 June 2022. The monthly movement reflects capital works expenditure and other operational payments for the period in excess of operating income. A schedule detailing all of the City's investments as at the end of July is provided at Attachment A.
5. A substantial portion of the City's cash and investments portfolio is held as internally restricted (\$348.9M) or externally restricted (\$76.4M) cash reserves, to satisfy the City's legislative responsibilities and to set aside specific funds for Council's funding commitments to the major initiatives within the Community Strategic Plan Delivering Sustainable Sydney 2030-2050 Continuing the Vision.
6. Key commitments within the City's Long Term Financial Plan include public domain works in the CBD, infrastructure and community facilities in the Green Square urban renewal area and the acquisition of open space. The balance of investment funds represents working capital and funding required for the City's operating and other capital expenditure commitments.
7. The City achieved an annualised monthly return of 1.59 per cent for June, which remains above the 30 Day Bank Bill Rate (BBR) of 1.48 per cent, the latest AusBond Bank Bill Index (published by Bloomberg) of 1.44 per cent.
8. Since 2015, the City has utilised an additional strategic benchmark rate to measure its investment performance by exceeding the 30 day benchmark returns, by at least 45 additional basis points (0.45% p.a.). The 45 basis point increase is based on observed historical average increased credit spreads (or margins) over bank bill rates on offer in relation to 30–90 day investments.
9. The investment return as at 31 July 2022 is below the enhanced benchmark of 1.93 per cent (BBR + 0.45 per cent). This is due to the redemption of investments worth \$43M in July 2022. These funds have been placed in a call account in anticipation of a major property acquisition settlement scheduled for early September 2022. Redemption of these investments to ensure adequate liquidity for the property settlement has limited the opportunities for the City to invest in longer term deposits with higher interest rates. The property acquisition was endorsed by Council at its June 2022 meeting.
10. The City aims to achieve returns equal to or above these benchmark rates for the period. However, this achievement remains secondary to the critical strategies of maintaining a prudent and conservative risk profile, and ensuring adequate liquidity for operational purposes.

11. The City's annual rolling return of 1.25 per cent also continues to exceed the 12 month average 30 Day Bank Bill Rate of 0.25 per cent, the latest AusBond Bank Bill Index of 0.22 per cent and the enhanced benchmark of 0.70 per cent (BBR + 0.45 per cent) as endorsed in the Investment Strategy in October 2021.
12. While the returns remain significantly below longer-term trends, relative to returns currently available in the equity and property markets, it is worth noting Council's investment opportunities are constrained by a combination of legislation, regulation and any directions and guidelines issued by the Minister or the Office of Local Government. These guidelines were developed, in large part, as a response to the Global Financial Crisis and its impact on the local government sectors investments. They effectively limit the City's investment profile to something similar to a cash managed fund, which produces lower returns but provides a high level of security.
13. The City's returns from the investment portfolio are line with cash managed funds in the market. The recent increases to official cash rates have seen improvements in rates of return offered by the market, allowing maturing deposits to be re-invested at higher rates. This trend is anticipated to continue as investments placed during the period of suppressed interest rates reach maturity and are re-invested.
14. In response to the global Covid-19 pandemic, the Reserve Bank of Australia (RBA) adjusted the official cash rate on 3 March 2020, again on 20 March 2020, and in November 2020 down to 0.10 per cent. However, this calendar year, inflation has increased significantly as a combination of global factors, and domestic capacity constraints have lifted costs and ultimately consumer prices.
15. Inflation was 6.1 per cent over the year to the June quarter; in underlying terms it was 4.9 per cent. Global factors explain much of the increase in inflation, but domestic factors are also playing a role. There are widespread upward pressures on prices from strong demand, a tight labour market and capacity constraints in some sectors of the economy. The floods this year are also affecting some prices.
16. By mid-2024, headline and underlying inflation are forecast to have moderated and returned to the RBA's target range of between 2 to 3 per cent. The forecast reduction assumes that interest rates are gradually increased, and the RBA increased the official cash rate from 0.10 per cent to 0.35 per cent on 3 May 2022, 0.85 per cent on 7 June 2022 , 1.35 per cent on 5 July 2022, and it was lifted further to 1.85 per cent on 2 August 2022.
17. Despite these recent increases in interest rates, low investment yields are expected to have a continuing adverse impact on the City's portfolio return over the next twelve months. Most of the investment portfolio (currently 68 per cent) is held in fixed return term deposits. Increased returns are anticipated once these investments mature and are reinvested in products offering higher returns, if the funds are not required for operating purposes. Approximately 79 per cent of the portfolio is due to mature in the coming year allowing the City to take advantage of the improving returns.
18. The City's cash inflows, whilst reasonably resilient, have been negatively impacted for a prolonged period, as the economic consequences of the pandemic have continued to affect major revenue streams, in particular commercial property income. A greater focus on maintaining adequate liquidity with shorter investment maturities, and increasingly limited opportunities to invest funds at adequate rates of return, will also continue to affect the City's interest revenue.

19. The report includes graphs depicting that the City's cumulative portfolio returns over and above both the 90 day Bloomberg AusBond, and 30 day Bank Bill Rate benchmarks have also been included to provide further insight into the City's total investment portfolio performance.
20. The structure of the City's investment portfolio continues to reflect the conservative approach outlined in the Investment Policy and Strategy, which remains appropriate for the current global and domestic economic conditions.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

21. The City's investments accord with all legislative and policy requirements, as detailed below, and continue to achieve returns above minimum benchmark rates.

Financial Impact

22. The City's investments earned interest of \$1M for the month of July 2022, which is above budgeted earnings of \$0.3M, as cash balances have remained higher than anticipated when the budget was prepared.

Economic

23. The extent of the local and global economic impact resulting from Covid-19 has created significant uncertainty in financial markets. Many Governments and central banks, including the Australian Government and the Reserve Bank of Australia (RBA), had until recently implemented large scale responses to the economic crisis, including coordinated stimulus measures involving significant increases in government spending and borrowing combined with large scale buying of bonds by central banks.
24. The RBA reduced the official cash rate down to 0.10 per cent on 2 November 2020, and had indicated that this cash rate was unlikely to be lifted until it was confident the economy had recovered sufficiently to lift annual inflation inside its targeted 2 per cent to 3 per cent range. The RBA increased the official cash rate from 0.10 per cent to 0.35 per cent on 3 May 2022, 0.85 per cent on 7 June 2022, 1.35 per cent on 5 July 2022, and it was lifted further to 1.85 per cent on 2 August 2022.
25. While the capacity for City staff to invest in a manner that meets liquidity requirements, whilst achieving the "enhanced" benchmark returns (as detailed in the Investment Policy) has been limited for some time, the best available returns continue to be actively sought when surplus funds are invested. As noted above, current market indications suggest that improved investment returns are likely in the future.

Relevant Legislation

26. Council is authorised to invest its surplus cash under section 625 of the Local Government Act 1993.
27. The Local Government (General) Regulation 2021 (section 212) requires the City to provide a written monthly report of all monies invested, under section 625 of the Act.
28. The Investment Policy and Strategy was last revised in October 2021, maintaining Council's commitment to give preference to sustainable investments where returns and risks are equivalent to other investments.
29. The City's investments accord with the Minister's Investment Order, the Office of Local Government's Investment Policy Guidelines, and the City's own Investment Policy and Strategy as adopted by Council on 18 October 2021.

Critical Dates / Time Frames

30. A monthly investment report must be submitted for Council's information and review within the following month.

Public Consultation

31. Consultation is regularly undertaken with a number of financial institutions and investment advisers to consider options and ensure the City continues to maximise its investment return within appropriate legislative and risk parameters.
32. City staff meet regularly with representatives of each of the 'Big 4' banks and NSW TCorp. At these meetings City staff actively advocate for Socially Responsible Investment (SRI) opportunities.
33. The banks acknowledge the appetite in the market for these products and they continue to investigate the development of suitable products, however it has been challenging to match the level of funds to available Socially Responsible Investment opportunities that meet the credit risk and maturity profile requirements of the City.
34. As noted in previous Investment Reports, Westpac were able to bring a Green Tailored Deposit product to market, which delivers a comparable return while achieving the City's preferred outcomes. The City currently holds \$105M in seventeen tranches with this Green Tailored deposit.
35. The City has also invested a \$10.0M parcel with the Commonwealth Bank of Australia (CBA) in Environmental Social and Governance Term Deposit (ESGTDs) certified by Responsible Investment Association Australasia (RIAA), whilst also meeting the City's risk / return aims. RIAA is an active network of members engaged in responsible, ethical and impact investing across Australia and New Zealand. Their mission is to 'promote, advocate for and support approaches to responsible investment that align capital with achieving a healthy and sustainable society, environment and economy'. This includes investing in products that seek to mitigate environmental and social risks. ESGTDs provide the opportunity to allocate capital towards financing Sustainability-Linked Loans.

36. The City has also invested \$5.0M in a Floating Rate Note (FRN) / Sustainability Bond issued by Bank Australia, based on an investment framework that meets the main guidelines for issuance of Green, Social and Sustainability Bonds in the global capital markets. This Socially Responsible investment opportunity met both the credit risk and maturity profile requirement of the City.

BILL CARTER

Chief Financial Officer

Attachment A

**Register of Investments and Cash
as at 31 July 2022**

Register of Investments and Cash for July 2022 period

Institution	Rating	Face Value \$	Amortised Value \$	Monthly Net Returns	Monthly Net Return Annualised	Net Returns Rolling 12 Months	Maturity Date	Investment Date	Term (months)
Call Account									
Westpac Bank	AA	-	-	0.00%	0.00%	0.00%	1-Aug-22	22-May-12	0
Commonwealth Bank	AA	80,355,791	80,355,791	0.12%	1.45%	0.95%	1-Aug-22	11-Jun-20	0
Macquarie Bank Ltd	AA	9,992,038	9,992,038	0.11%	1.35%	1.35%	1-Aug-22	21-Sep-20	0
Total		90,347,829	90,347,829	0.12%	1.44%	0.99%			
Term Deposits (TD)									
Westpac Banking Corporation	AA	5,000,000.00	5,000,000.00	0.03%	0.30%	0.30%	2-Aug-22	27-Aug-21	11
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.04%	0.55%	0.55%	5-Aug-22	29-Nov-21	8
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.35%	0.35%	12-Aug-22	13-Aug-21	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	19-Aug-22	16-Nov-21	9
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	0.45%	0.45%	23-Aug-22	18-Nov-21	9
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.03%	0.32%	0.32%	26-Aug-22	31-Aug-21	12
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	9-Sep-22	23-Nov-21	10
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	13-Sep-22	12-Nov-21	10
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.04%	0.60%	0.60%	16-Sep-22	15-Nov-21	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.45%	0.45%	23-Sep-22	26-Oct-21	11
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	23-Sep-22	23-Nov-21	10
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	29-Sep-22	29-Nov-21	10
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.03%	0.35%	0.35%	30-Sep-22	29-Sep-21	12
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.36%	0.36%	7-Oct-22	1-Oct-21	12
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.37%	0.37%	11-Oct-22	8-Oct-21	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.03%	0.39%	0.39%	14-Oct-22	14-Oct-21	12
Westpac Banking Corporation	AA	5,000,000.00	5,000,000.00	0.03%	0.41%	0.41%	14-Oct-22	15-Oct-21	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.58%	0.58%	18-Oct-22	18-Nov-21	11
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.65%	0.65%	28-Oct-22	1-Mar-22	8
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.53%	0.53%	28-Oct-22	1-Dec-21	11
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.06%	0.70%	0.70%	1-Nov-22	3-Nov-21	12
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.04%	0.60%	0.60%	4-Nov-22	9-Nov-21	12
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.06%	0.70%	0.70%	8-Nov-22	14-Jan-22	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.64%	0.64%	18-Nov-22	17-Nov-21	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.05%	0.60%	0.60%	25-Nov-22	13-Jan-22	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.66%	0.66%	6-Dec-22	1-Mar-22	9
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.07%	0.78%	0.78%	9-Dec-22	11-Feb-22	10
National Aust Bank	AA	5,000,000.00	5,000,000.00	0.05%	0.65%	0.65%	16-Dec-22	14-Dec-21	12
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.06%	0.72%	0.72%	16-Dec-22	17-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	19-Dec-22	29-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	19-Dec-22	29-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	19-Dec-22	29-Dec-21	12
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.65%	0.65%	20-Dec-22	15-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	21-Dec-22	30-Dec-21	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	29-Dec-22	4-Jan-22	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	3-Jan-23	4-Jan-22	12
Macquarie Bank	A	1,000,000.00	1,000,000.00	0.05%	0.55%	0.55%	3-Jan-23	5-Jan-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.86%	0.86%	6-Jan-23	8-Mar-22	10
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.07%	0.88%	0.88%	17-Jan-23	18-Feb-22	11
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.07%	0.80%	0.80%	20-Jan-23	8-Feb-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.20%	2.34%	2.34%	27-Jan-23	2-May-22	9
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	31-Jan-23	14-Feb-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.20%	2.39%	2.39%	10-Feb-23	2-May-22	9
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	14-Feb-23	28-Feb-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.95%	0.95%	17-Feb-23	17-Feb-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.91%	0.91%	24-Feb-23	24-Feb-22	12
ANZ Bank	AA	5,000,000.00	5,000,000.00	0.08%	0.91%	0.91%	28-Feb-23	25-Feb-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.04%	0.86%	0.86%	3-Mar-23	1-Mar-22	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.04%	1.25%	1.25%	17-Mar-23	18-Mar-22	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.25%	3.00%	3.00%	28-Mar-23	31-May-22	10
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.25%	2.94%	2.94%	31-Mar-23	5-May-22	11
Suncorp Bank	A	5,000,000.00	5,000,000.00	0.14%	1.73%	1.73%	4-Apr-23	4-Apr-22	12
Bendigo & Adelaide Bank	A	5,000,000.00	5,000,000.00	0.16%	1.90%	1.90%	7-Apr-23	8-Apr-22	12
Suncorp Bank	A	5,000,000.00	5,000,000.00	0.24%	2.84%	2.84%	11-Apr-23	16-May-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.24%	2.88%	2.88%	11-Apr-23	11-May-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.20%	2.40%	2.40%	21-Apr-23	22-Apr-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.24%	2.91%	2.91%	24-Apr-23	30-May-22	11
ING Bank	A	5,000,000.00	5,000,000.00	0.26%	3.10%	3.10%	24-Apr-23	26-May-22	11
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.23%	2.71%	2.71%	28-Apr-23	29-Apr-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.26%	3.17%	3.17%	12-May-23	9-May-22	12
Bendigo & Adelaide Bank	A	10,000,000.00	10,000,000.00	0.25%	3.00%	3.00%	16-May-23	16-May-22	12
Bank of Queensland	A	5,000,000.00	5,000,000.00	0.27%	3.20%	3.20%	23-May-23	23-May-22	12
ING Bank	A	5,000,000.00	5,000,000.00	0.27%	3.18%	3.18%	26-May-23	25-May-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.25%	3.03%	3.03%	30-May-23	30-May-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.25%	3.04%	3.04%	2-Jun-23	31-May-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	1.13%	1.13%	6-Jun-23	1-Jun-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	1.13%	1.13%	9-Jun-23	1-Jun-22	12
Commonwealth Bank	AA	5,000,000.00	5,000,000.00	0.03%	4.09%	4.09%	13-Jun-23	14-Jun-22	12
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	4.09%	4.09%	16-Jun-23	14-Jun-22	12
Westpac Banking Corporation (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.04%	0.52%	0.52%	25-Aug-23	23-Aug-21	24
National Aust Bank (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.65%	0.65%	22-Sep-23	24-Sep-21	24
Commonwealth Bank (semi-annual interest)	AA	5,000,000.00	5,000,000.00	0.03%	3.69%	3.69%	8-Dec-23	7-Jun-22	18
Northern Territory Treasury Corporation- Fixed Rate Bond- Annual	AA	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	15-Jun-25	5-Feb-21	52
Northern Territory Treasury Corporation- Fixed Rate Bond- Annual	AA	5,000,000.00	5,000,000.00	0.08%	0.90%	0.90%	15-Jun-25	9-Feb-21	52
Westpac Banking Corporation (3% Fixed 2 years & RBA cash rate + 126 points 3 years)	AA	5,000,000.00	5,000,000.00	0.11%	1.34%	1.32%	31-Aug-22	31-Aug-17	60
Westpac Banking Corporation (2.80% Fixed 1 year & 3 Months BBSW + 85 points)	AA	5,000,000.00	5,000,000.00	0.22%	2.62%	1.23%	28-Sep-22	28-Sep-18	48
Westpac Banking Corporation (2.98% Fixed 2 years & 3 months BBSW + 82 points 2 years)	AA	5,000,000.00	5,000,000.00	0.16%	1.88%	1.13%	21-Nov-22	21-Nov-18	48
Westpac Banking Corporation (0.71% Fixed 2 years & 90 days BBSW + 50 points)	AA	5,000,000.00	5,000,000.00	0.19%	2.27%	0.97%	18-Jun-26	18-Jun-21	60

Register of Investments and Cash for July 2022 period

Institution	Rating	Face Value \$	Amortised Value \$	Monthly Net Returns	Monthly Net Return Annualised	Net Returns Rolling 12 Months	Maturity Date	Investment Date	Term (months)
Term Deposits (TD) 'Green Tailored Deposits'									
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.04%	0.47%	0.47%	21-Oct-22	18-Oct-21	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.04%	0.50%	0.50%	25-Oct-22	22-Oct-21	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.59%	0.59%	11-Nov-22	11-Nov-21	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.05%	0.60%	0.60%	25-Nov-22	24-Nov-21	12
Westpac Banking Corporation - Green Tailored Deposit (0.50% Fixed 1 years & 3 months BBSW + 47 points for year 1)	AA	10,000,000.00	10,000,000.00	0.17%	2.09%	0.81%	21-Dec-22	21-Dec-20	24
Westpac Banking Corporation - Green Tailored Deposit (0.47% Fixed 1 years & 3 months BBSW + 45 points for year 2)	AA	10,000,000.00	10,000,000.00	0.18%	2.19%	0.82%	23-Dec-22	23-Dec-20	24
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.07%	0.78%	0.78%	6-Jan-23	7-Feb-22	11
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.06%	0.71%	0.71%	13-Jan-23	12-Jan-22	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.07%	0.88%	0.88%	27-Jan-23	28-Jan-22	12
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.07%	0.85%	0.85%	19-May-23	19-Nov-21	18
Westpac Banking Corporation - Green Tailored Deposit (Quarterly Interest)	AA	5,000,000.00	5,000,000.00	0.06%	0.70%	0.70%	11-Oct-23	11-Oct-21	24
Westpac Banking Corporation - Green Tailored Deposit (3 Months BBSW + 93 points)	AA	10,000,000.00	10,000,000.00	0.17%	2.02%	1.22%	27-Nov-23	26-Nov-18	60
Westpac Banking Corporation - Green Tailored Deposit (2.97% Fixed 2 years & 3 months BBSW + 93 points 3 years)	AA	5,000,000.00	5,000,000.00	0.17%	2.09%	1.24%	29-Nov-23	30-Nov-18	60
Westpac Banking Corporation - Green Tailored Deposit (3.00% Fixed 1 years & 3 months BBSW + 105 points 4 years)	AA	10,000,000.00	10,000,000.00	0.13%	1.56%	1.40%	24-Jan-24	25-Jan-19	60
Westpac Banking Corporation - Green Tailored Deposit (2.85% Fixed 1 years & 3 months BBSW + 100 points 4 years)	AA	5,000,000.00	5,000,000.00	0.18%	2.18%	1.25%	28-Feb-24	1-Mar-19	60
Westpac Banking Corporation - Green Tailored Deposit (2.75% Fixed 1 year & 3 months BBSW + 100 points 4 years)	AA	5,000,000.00	5,000,000.00	0.22%	2.58%	1.32%	11-Mar-24	13-Mar-19	60
Westpac Banking Corporation - Green Tailored Deposit (2.65% Fixed 1 year & 3 months BBSW + 100 points 4 years)	AA	5,000,000.00	5,000,000.00	0.24%	2.83%	1.39%	22-Mar-24	25-Mar-19	60
Term Deposits (TD) 'Environmental Social and Governance Term Deposit'									
Commonwealth Bank - Environmental Social and Governance Term Deposit	AA	10,000,000.00	10,000,000.00	0.07%	0.85%	0.85%	2-Mar-23	2-Mar-22	12
Total		482,000,000	482,000,000	0.11%	1.46%	1.31%			
Floating Rate Notes (FRN)									
Suncorp Bank (90 days BBSW + 97 points)	A	4,000,000.00	4,000,449.62	0.16%	1.97%	1.26%	16-Aug-22	31-Oct-18	45
Suncorp Bank (90 days BBSW + 97 points)	A	2,500,000.00	2,500,000.00	0.16%	1.97%	1.25%	16-Aug-22	16-Aug-17	60
Bank of Queensland (90 days BBSW + 88 points)	BBB	4,000,000.00	4,000,000.00	0.16%	1.95%	1.29%	3-Feb-23	5-Feb-18	60
Credit Union Australia (3 months BBSW + 90 bps)	BBB	2,800,000.00	2,800,000.00	0.18%	2.11%	1.24%	21-Feb-23	21-Feb-20	36
Westpac Bank (90 days BBSW + 83 points)	AA	5,000,000.00	5,000,000.00	0.17%	2.06%	1.10%	6-Mar-23	6-Mar-18	60
ANZ Bank (90 days BBSW + 90 points)	AA	5,000,000.00	5,000,000.00	0.15%	1.80%	1.16%	9-May-23	9-May-18	60
National Australia Bank (90 days BBSW + 90 points)	AA	5,000,000.00	5,000,000.00	0.16%	1.90%	1.20%	16-May-23	16-May-18	60
Commonwealth Bank (90 days BBSW + 93 points)	AA	3,500,000.00	3,500,000.00	0.16%	1.93%	1.22%	16-Aug-23	16-Aug-18	60
Suncorp Bank (90 days BBSW + 77 points)	A	4,500,000.00	4,500,000.00	0.20%	2.35%	1.10%	13-Sep-23	13-Sep-18	60
National Australia Bank (90 days BBSW + 93 points)	AA	3,500,000.00	3,500,000.00	0.23%	2.76%	1.33%	26-Sep-23	26-Sep-18	60
ANZ Bank (90 days BBSW + 103 points)	AA	5,000,000.00	5,000,000.00	0.19%	2.26%	1.30%	6-Dec-23	6-Dec-18	60
National Australia Bank (90 days BBSW + 104 points)	AA	4,000,000.00	4,000,000.00	0.18%	2.13%	1.35%	26-Feb-24	26-Feb-19	60
National Australia Bank (90 days BBSW + 105 points)	AA	3,200,000.00	3,200,000.00	0.22%	2.69%	1.28%	19-Jun-24	20-Jun-19	60
Westpac Banking Corporation (90 days BBSW + 88 points)	AA	4,000,000.00	4,000,000.00	0.16%	1.88%	1.23%	16-Aug-24	16-May-19	63
ANZ Bank (90 days BBSW + 77 points)	AA	4,000,000.00	4,000,000.00	0.16%	1.93%	1.10%	29-Aug-24	29-Aug-19	60
National Australia Bank (90 days BBSW + 84 points)	A	5,000,000.00	5,000,000.00	0.25%	3.00%	1.11%	21-Jan-25	21-Jan-20	60
Macquarie Bank (3 months BBSW + 84 points)	A	5,000,000.00	5,000,000.00	0.15%	1.80%	1.11%	12-Feb-25	12-Feb-20	60
Suncorp Bank (90 days BBSW + 112 points)	AAA	1,500,000.00	1,500,000.00	0.28%	3.34%	1.47%	24-Apr-25	27-Apr-20	60
Macquarie Bank (3 months BBSW + 48 points)	A	5,000,000.00	5,000,000.00	0.16%	1.94%	0.79%	9-Dec-25	9-Dec-20	60
Suncorp Bank (90 days BBSW + 45 points)	A	2,100,000.00	2,100,000.00	0.13%	1.52%	0.75%	24-Feb-26	24-Feb-21	60
Newcastle Permanent Building Society (90 days BBSW + 63 points)	BBB	5,000,000.00	5,000,000.00	0.16%	1.86%	0.89%	4-Mar-26	4-Mar-21	60
Bendigo & Adelaide Bank (90 days BBSW + 65 points)	BBB	5,000,000.00	5,000,000.00	0.20%	2.42%	1.02%	18-Jun-26	18-Jun-21	60
Suncorp Bank (90 days BBSW + 48 points)	A	3,750,000.00	3,750,000.00	0.19%	2.24%	0.87%	15-Sep-26	15-Sep-21	60
Bank of Queensland (90 days BBSW + 80 points)	BBB	3,000,000.00	3,000,000.00	0.24%	2.90%	1.27%	27-Oct-26	27-Oct-21	60
Commonwealth Bank (3 months BBSW + 70 points)	AA	3,250,000.00	3,250,000.00	0.24%	2.86%	1.17%	14-Jan-27	14-Jan-22	60
Westpac Banking Corporation (90 days BBSW + 70 points)	AA	3,900,000.00	3,900,000.00	0.24%	2.92%	1.27%	25-Jan-27	18-Jan-22	60
Suncorp Bank (90 days BBSW + 78 points)	AA	4,500,000.00	4,500,000.00	0.25%	3.00%	1.34%	25-Jan-27	17-Jan-22	60
Newcastle Permanent Building Society (90 days BBSW + 100 points)	BBB	2,250,000.00	2,250,000.00	0.16%	1.95%	1.51%	10-Feb-27	3-Feb-22	60
National Australia Bank (90 days BBSW + 72 points)	AA	4,000,000.00	4,000,000.00	0.15%	1.81%	1.30%	25-Feb-27	25-Feb-22	60
ANZ Bank (90 day BBSW + 97 points)	AA	4,000,000.00	4,000,000.00	0.15%	1.84%	1.84%	12-May-27	12-May-22	60
Westpac Banking Corporation (90 days BBSW + 105 points)	AA	4,000,000.00	4,000,000.00	0.17%	2.01%	2.01%	20-May-27	20-May-22	60
Floating Rate Notes (FRN) 'Green/Climate Bonds/Sustainability Bond'									
Bank Australia - Sustainability Bond (3months BBSW + 90 points)	BBB	5,000,000.00	5,000,000.00	0.18%	2.13%	1.15%	2-Dec-22	2-Dec-19	36
Total		126,250,000	126,250,450	0.18%	2.20%	1.21%			
Total Investments		698,597,829	698,598,279	0.13%	1.59%	1.25%			
Benchmark: 30 Day Bank Bill Index				0.12%	1.48%	0.25%			
Benchmark: Bloomberg AusBond Bank Bill Index				0.12%	1.44%	0.22%			
City of Sydney's available bank balance as at 31 July 2022		10,526,252	10,526,252						
TOTAL INVESTMENTS & CASH		709,124,081	709,124,530						

Summary of Net Investment Movements - July 2022

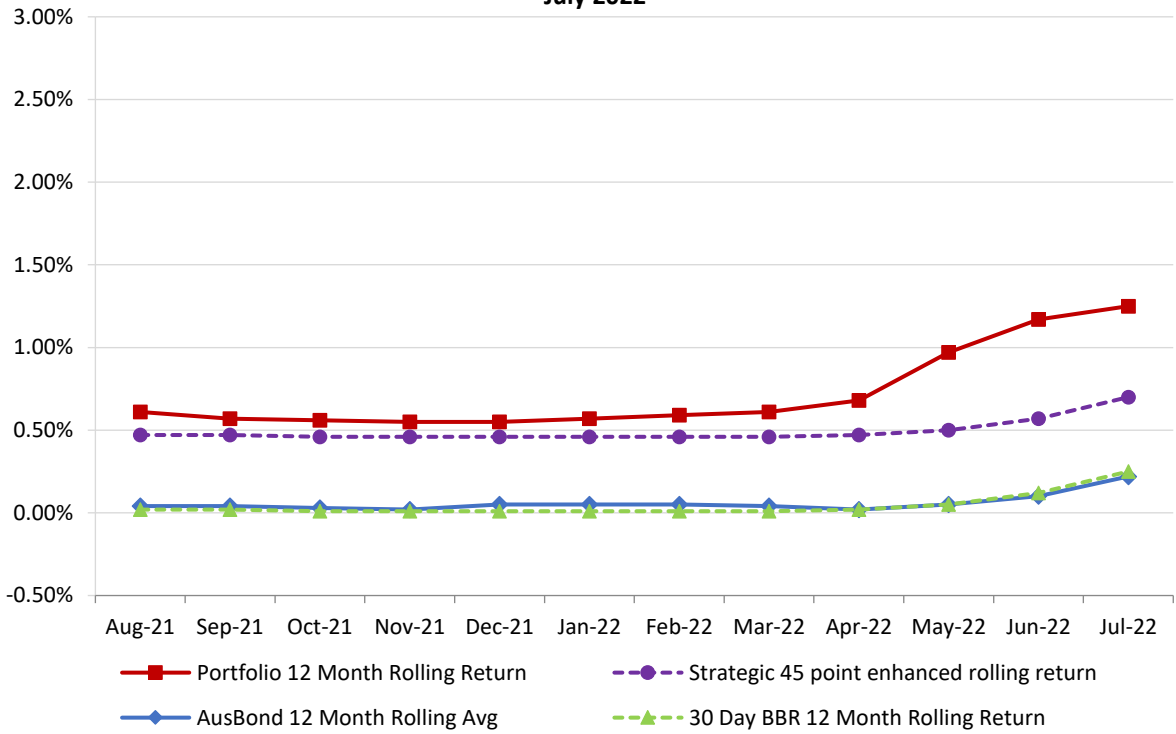
Financial Institution	Fund Rating	Net Invest/(Recall) Amount \$	Commentary
<u>General Fund</u>			
Westpac Banking Corporation	AA	7,000,000	Surplus funds were received in General Fund account pertaining to property rental income.
<u>Call Account</u>			
Commonwealth Bank	AA	31,000,000	Redemption of matured term deposits transferred in Call account to reserve funds for an upcoming property acquisition
<u>Term Deposits (TDs)</u>			
Bank of Queensland	A	(10,000,000)	Redemption of matured term deposits transferred in Call account to reserve funds for an upcoming property acquisition, and for operational use
Bendigo & Adelaide Bank	A	(5,000,000)	
Commonwealth Bank	A	(10,000,000)	
Westpac Banking Corporation	AA	(15,000,000)	
<u>Floating Rate Notes (FRN's)</u>			
ME Bank	A	(3,000,000)	

Attachment B

**Investment Performance
as at 31 July 2022**

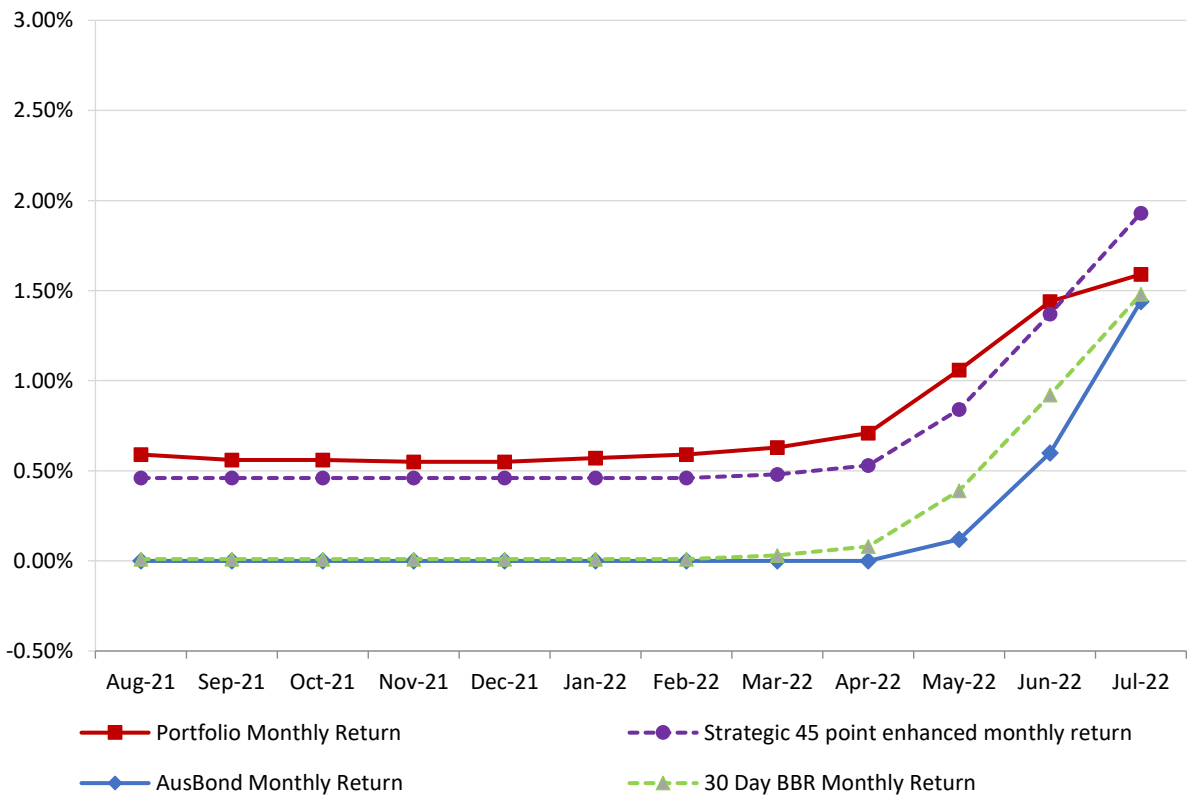
12 Month Rolling Averages

**Actual Portfolio vs Strategic Enhanced Benchmark vs AusBond Benchmark vs 30 Day BBR Benchmark
July 2022**

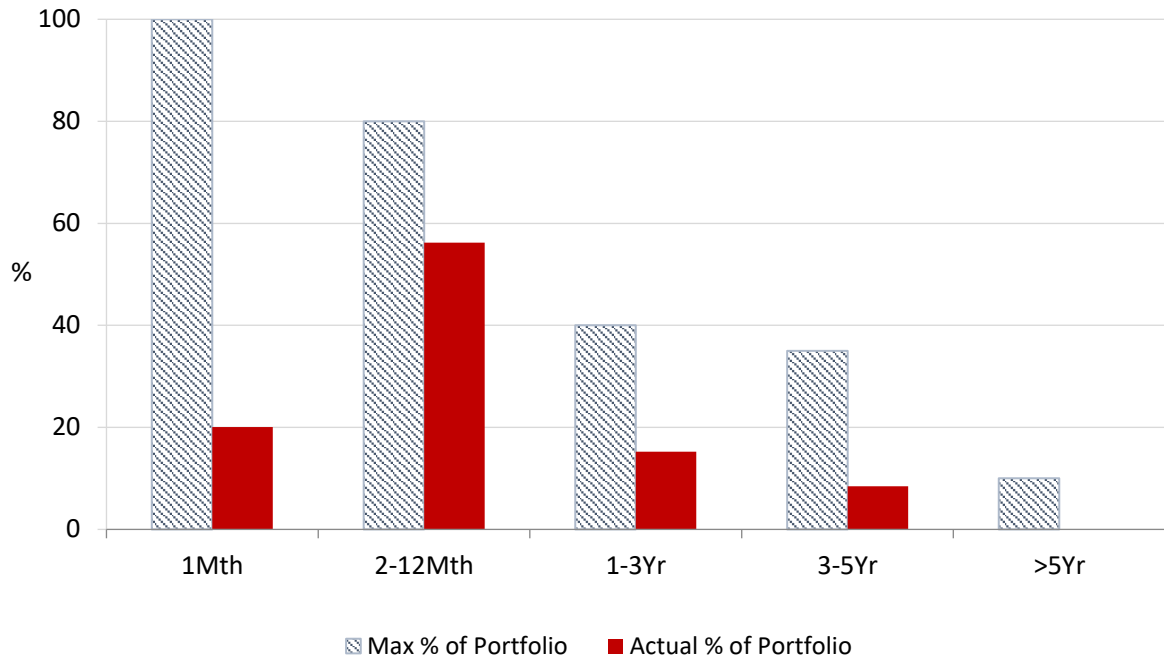


Monthly Results

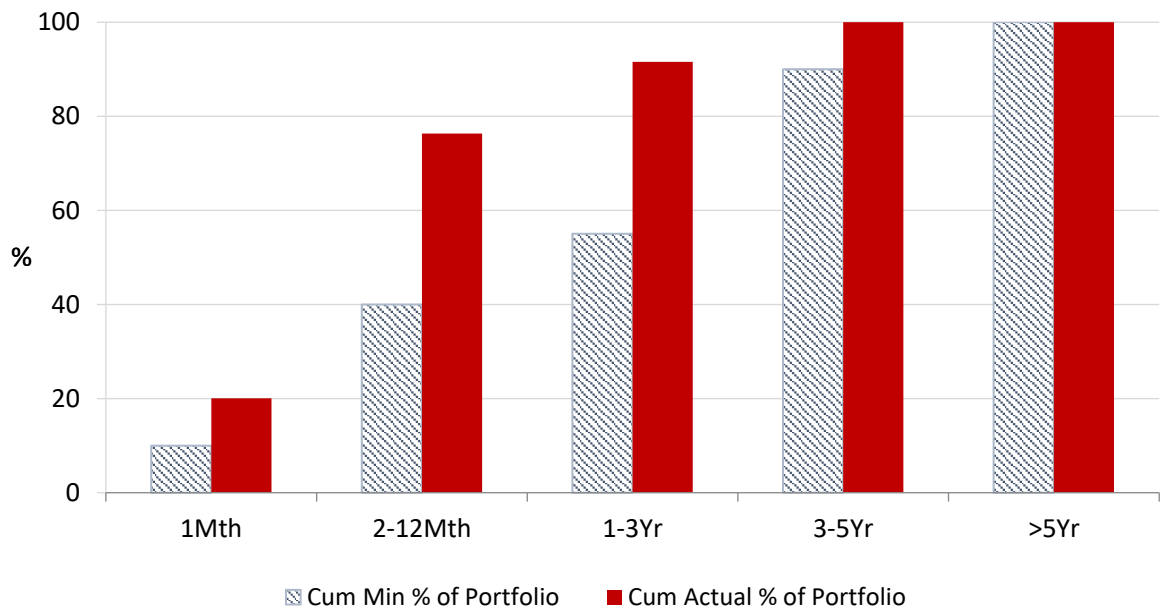
**Actual Portfolio vs Strategic Enhanced Benchmark vs AusBond Benchmark vs 30 Day BBR Benchmark
July 2022**



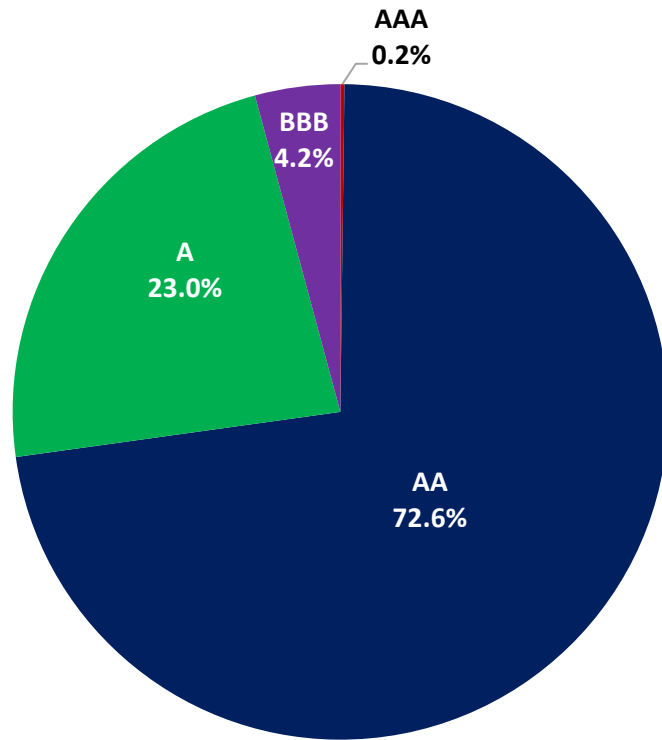
Portfolio Liquidity - Maximum Allowances as at 31 July 2022



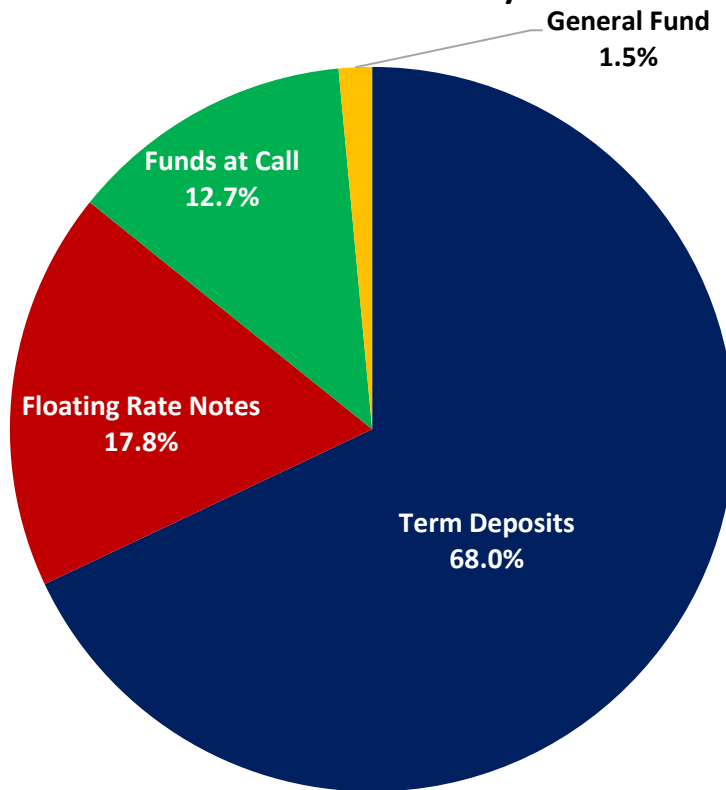
Portfolio Liquidity - Minimum Allocations as at 31 July 2022



Risk Profile as at 31 July 2022



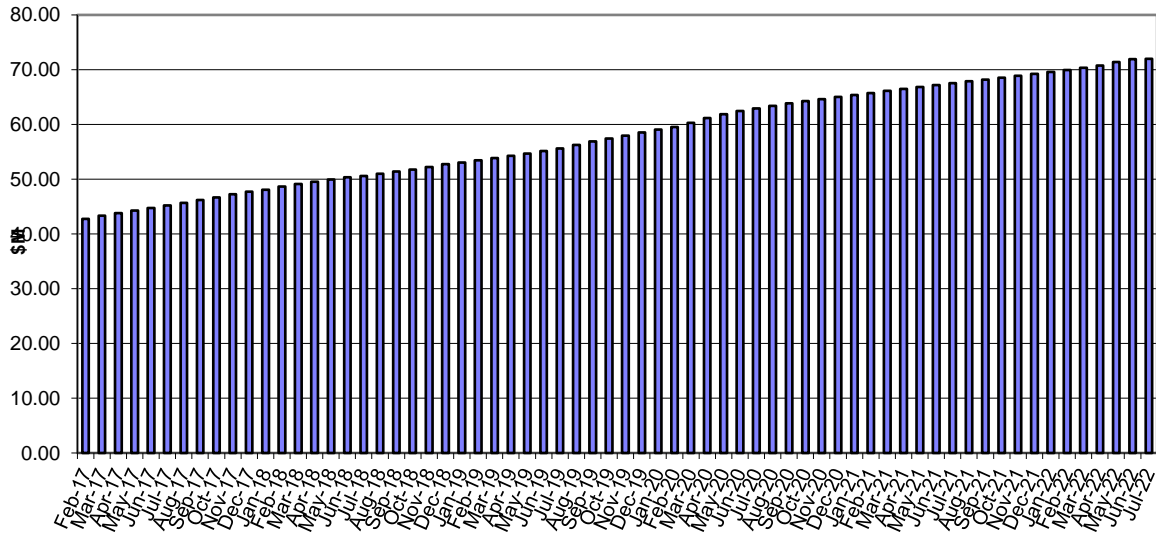
Risk Profile as at 31 July 2022



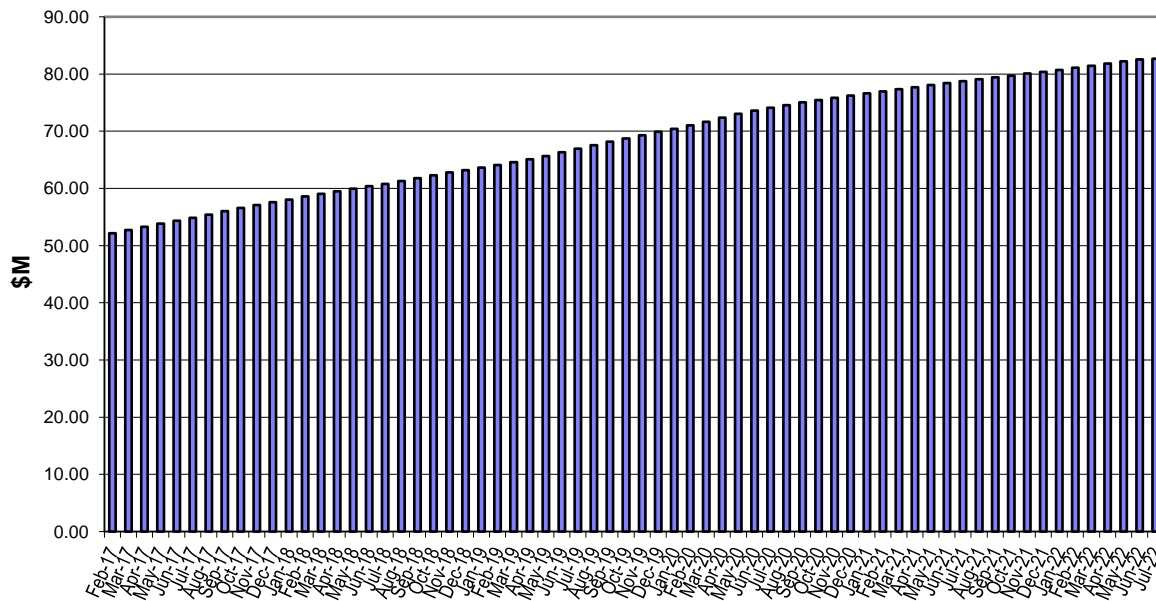
INVESTMENT AND CASH DISTRIBUTION BY FINANCIAL INSTITUTION
as at 31 July 2022

Institution Category	Financial Institution	Amount \$M	Financial Inst. %	Institution Cat. %
Australian Big 4 Bank (and related institutions)	ANZ Bank	53.0	7.5	
	Commonwealth Bank	202.1	28.5	
	National Aust Bank	74.7	10.5	
	Westpac Banking Corporation	187.4	26.4	
Big 4 Total		517.2		72.9
Other Australian ADIs and Australian subsidiaries of foreign institutions	Bank Australia Limited	10.0	1.4	
	Bank of Queensland	47.0	6.6	
	Bendigo & Adelaide Bank	50.0	7.1	
	Great Southern Bank (formerly Credit Union Australia)	2.8	0.4	
	ING Bank	10.0	1.4	
	Suncorp Bank	32.9	4.6	
	Macquarie Bank Ltd	27.0	3.8	
	Northern Territory Treasury Corporation	5.0	0.7	
Newcastle Permanent Building Society	7.3	1.0		
Other ADI Total		191.9		27.1
Grand Total		709.1	100.0	100.0

Cumulative Outperformance over AusBond Benchmark - 2016-2022



Cumulative Outperformance over 30 Day BBR Benchmark - 2016-2022



Item 5.

Naming Proposal - Two New Lanes at 180 George Street, Sydney

File No: X086317

Summary

The redevelopment of 180 George Street is creating a new public plaza and activating the industrial lanes between George and Pitt Streets. The renewed public domain – plaza and lanes – now require official naming.

The spaces are currently within private property but will be dedicated to the City when the development is complete.

This report recommends that, subject to community consultation, Council provide in-principle approval to name two small lanes within the development site. This report also outlines the consultation process to name the new public plaza.

The proposed names for the lanes are:

- "Crane Place" - It is proposed the historic name of Crane Place be reinstated on its east-west alignment from Pitt Street. The original name evolved from the long-established showroom and works of GE Crane & Sons, importer and manufacturer of building materials and hardware, steam marble and slate works, on Pitt Street where the lane is located.
- "Cabinetmaker Place" - It is proposed that the lane with a northeast-southwest alignment recognises the evolution of Sydney's original Chinatown around Lower George Street and The Rocks from 1850s – 1880s. The proposed name specifically recognises the contribution of Chinese cabinetmakers manufacturing furniture in Sydney and celebrates the multicultural history of Sydney.

A new public plaza and community building will be delivered as part of this development. The plaza and community building will include a new public artwork by Kudjla/Gangalu artist, Daniel Boyd. The artwork includes a perforated steel canopy cover that will be suspended 20m above the plaza and interact with the ground below through shadow and light. This will be a significant new artwork and public space.

It is proposed that the City undertakes a stakeholder consultation process to work with the artist and Cultural Knowledge-holders and consult Metropolitan Local Aboriginal Land Council, the NSW Aboriginal Languages Trust and the Aboriginal and Torres Strait Islander Advisory Panel to identify a suitable name for the plaza.

Recommendation

It is resolved that Council:

- (A) provide in-principle approval to name the east-west aligned lane "Crane Place" and that the name be placed on public exhibition for community comment for a minimum period of 28 days;
- (B) provide in-principle approval to name the northeast-southwest aligned lane "Cabinetmaker Place" and that the name be placed on public exhibition for community comment for a minimum period of 28 days;
- (C) note that a further report will be submitted to Council, detailing the results of the public consultation process;
- (D) note the stakeholder consultation process to be undertaken for the naming of the new public plaza; and
- (E) note that a further report be submitted to Council to seek in-principle support for the name of the plaza to go on public exhibition for 28-days.

Attachments

- Attachment A.** Map showing location of development site, including lanes
- Attachment B.** Artist impression of plaza, artwork and community building
- Attachment C.** Historical justification

Background

1. The redevelopment of 180 George Street is creating a new public plaza and activating the industrial lanes between George and Pitt Streets.
2. The public plaza, laneways and community building is part of Lendlease's Sydney Place office tower development at 180 George Street. The development predominantly comprises commercial space with a mix of ground floor retail.
3. The plaza, artwork, community building and lanes are currently within private property but will be dedicated to the City when the development is complete.
4. Proposed names for the lanes have been checked against the City's Naming Policy and with the Geographical Names Board.

Cabinetmaker Place

5. It is proposed that the lane with a northeast-southwest alignment be named Cabinetmaker Place. This name meets the principles of the City's Naming Policy, the Geographical Names Board criteria and has been reserved with the Geographical Names Board.
6. Cabinetmaker Place recognises Sydney's original Chinatown, Sydney's multicultural history and the historical contribution of Chinese cabinetmakers manufacturing furniture in Sydney.
7. Aside from market gardening, furniture manufacture was the largest post-gold rush Chinese economic activity in Australia. It was the only manufacturing activity that involved a substantial number of Chinese people, and a significant proportion of those people were based in Sydney city. At least two cabinetmakers operated on the site in the 1880s. Many Sydney households were furnished with local Chinese-manufactured hall stands, wash stands, book cases and tables. This community's contribution to furniture manufacture and the decoration of domestic households is largely forgotten.

Crane Place

8. It is proposed the historic name of Crane Place be reinstated on its east-west alignment from Pitt Street. Crane Place was a private lane whose name morphed to Rugby Place in the 1960s to reflect business interests of the day. Since the new lane will be public and on a very similar alignment to the original, the recommendation is to revert back to the historic name for the lane.
9. This name meets the principles of the City's Naming Policy, however, it cannot be reserved with the Geographical Names Board due to a minor duplication within the stipulated 10km radius – Crane Place, Bellevue Hill. This name will need to be considered specifically by the Geographical Names Board, taking into consideration the historic nature of the name, the differences of the two built environments and localities and level of community support for the name.
10. The original name of Crane Place evolved from the showroom and works of GE Crane and Sons. The long-standing firm was established by George Ekins Crane in 1867 and became one of the leading companies to import and manufacture building materials, hardware, marble, slate and lead.

11. Their work can be seen in significant public buildings around Sydney. They produced marble flooring for St Mary's Cathedral and a pressed metal ceiling for Pitt Street Congregational Church; both buildings are listed on the State Heritage Register. GE Crane & Sons also collaborated with the NSW Government Railways to design and manufacture the large indicator board which was used on the main concourse of Sydney Central Station 1906-1982, which is now held in the Powerhouse Museum collection.
12. Maps, plans and archival documents show how the lane evolved beside their showroom on Pitt Street from a right of way access to their yard and sheds.
13. The name of the private lane, Crane Place, was superseded by Rugby Place in the 1960s when Rugby Union NSW established their club in Bacon's Building, which fronted Crane Place. The Rugby Union Club has been demolished as part of the current redevelopment in the area and is no longer on site.

Public Plaza and Community Building

14. A new public plaza and community building will be delivered as part of this development. The plaza and community building will include a new public artwork by Kudjla/Gangalu artist, Daniel Boyd. The artwork includes a perforated steel canopy cover that will be suspended 20 metres above the plaza and interact with the ground below through shadow and light. This will be a significant new artwork and public space.
15. It is proposed that the City undertakes a stakeholder consultation process to work with the artist and Cultural Knowledge-holders and consult Metropolitan Local Aboriginal Land Council, the NSW Aboriginal Languages Trust and the Aboriginal and Torres Strait Islander Advisory Panel to identify a suitable name the plaza.
16. The process will involve the following steps in-line with the Naming Policy:
 - (a) speak with artist, Daniel Boyd about the naming of the artwork;
 - (b) identify Elders or Cultural Knowledge-holders to suggest suitable words / meanings for the artwork and plaza;
 - (c) seek advice from the NSW Aboriginal Languages Trust;
 - (d) seek support for the proposed name or names from Metropolitan Local Aboriginal Land Council;
 - (e) report to the Aboriginal and Torres Strait Islander Advisory Panel;
 - (f) seek in-principle support from Council for the name of the plaza to go on public exhibition (not the artwork as this is not an official "place" and the artwork's name is the artist's prerogative);
 - (g) 28-day public exhibition of the proposed plaza name with outcomes reported to Council;
 - (h) plaza name is endorsed by Council; and
 - (i) assessment by the Geographical Names Board of New South Wales, and subsequent approval and publication in the NSW Government Gazette.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

17. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
- (a) Direction 3 - Public places for all - naming the lanes will acknowledge important local historical context and enhance the renewal of the northern end of the city's central business district.
 - (b) Direction 4 - Design excellence and sustainable development - the naming proposals will enhance the renewal of the northern end of the city's central business district.
 - (c) Direction 5 - A city for walking, cycling and public transport - formally naming the lanes will assist in wayfinding and will facilitate recognition and visitation.
 - (d) Direction 8 - A thriving cultural and creative life - naming the lanes will acknowledge important local historical context.

Organisational Impact

18. Naming of the lanes will have minimal organisational impact. The City will ensure signage is installed once construction is complete.

Social / Cultural / Community

19. The community will have an opportunity to comment on the naming proposal for the lanes during the exhibition period.
20. The names of the two lanes recognise the site's industrial and manufacturing history and the evolution of Sydney's original Chinatown in this area. It also acknowledges that the name "Crane" was in formal use as a lane from at least the 1920s, but probably used informally from much earlier.
21. The City will consult with Metropolitan Local Aboriginal Land Council and the Aboriginal and Torres Strait Islander Advisory Panel and work with Cultural Knowledge-holders and the artist to identify Sydney Aboriginal language word/s to name the plaza and the artwork.

Financial Implications

22. There are funds available in the 2022/23 operational budget for the installation of signage for the lanes.

Relevant Legislation

23. The Geographic Names Act 1966 (NSW) and Geographical Names Board Guidelines.

Critical Dates / Time Frames

24. A subdivision application will be lodged by the end of July 2022 and the subdivision plan registration with NSW Land Registry Services will follow. Address schedule, including road names must be part of this plan.

Public Consultation

25. The process for naming of public spaces proceeds as follows:
 - (a) early consultation as required with key internal and external stakeholders, including Metro Local Aboriginal Land Council and the City's Aboriginal and Torres Strait Islander Advisory Panel for names using Aboriginal language or that are of Aboriginal significance;
 - (b) in-principle approval by Council of the proposed name/s;
 - (c) public notification of the naming proposal/s with a minimum 28-day response time;
 - (d) Council approval following community consultation;
 - (e) assessment by the Geographical Names Board of New South Wales through its formal application process; and
 - (f) approval by the Geographical Names Board and subsequent publication in the NSW Government Gazette.

26. The Geographical Names Board will also notify the public as part of their routine procedure for the naming of public places. If objections are raised, the proposal is returned to Council for further comment or amendment if required.
27. The naming proposal will be advertised on the Sydney Your Say website, notices will be letterboxed to surrounding properties (approximately 450 metres radius) and there will be a public notice on site.

KATE DEACON

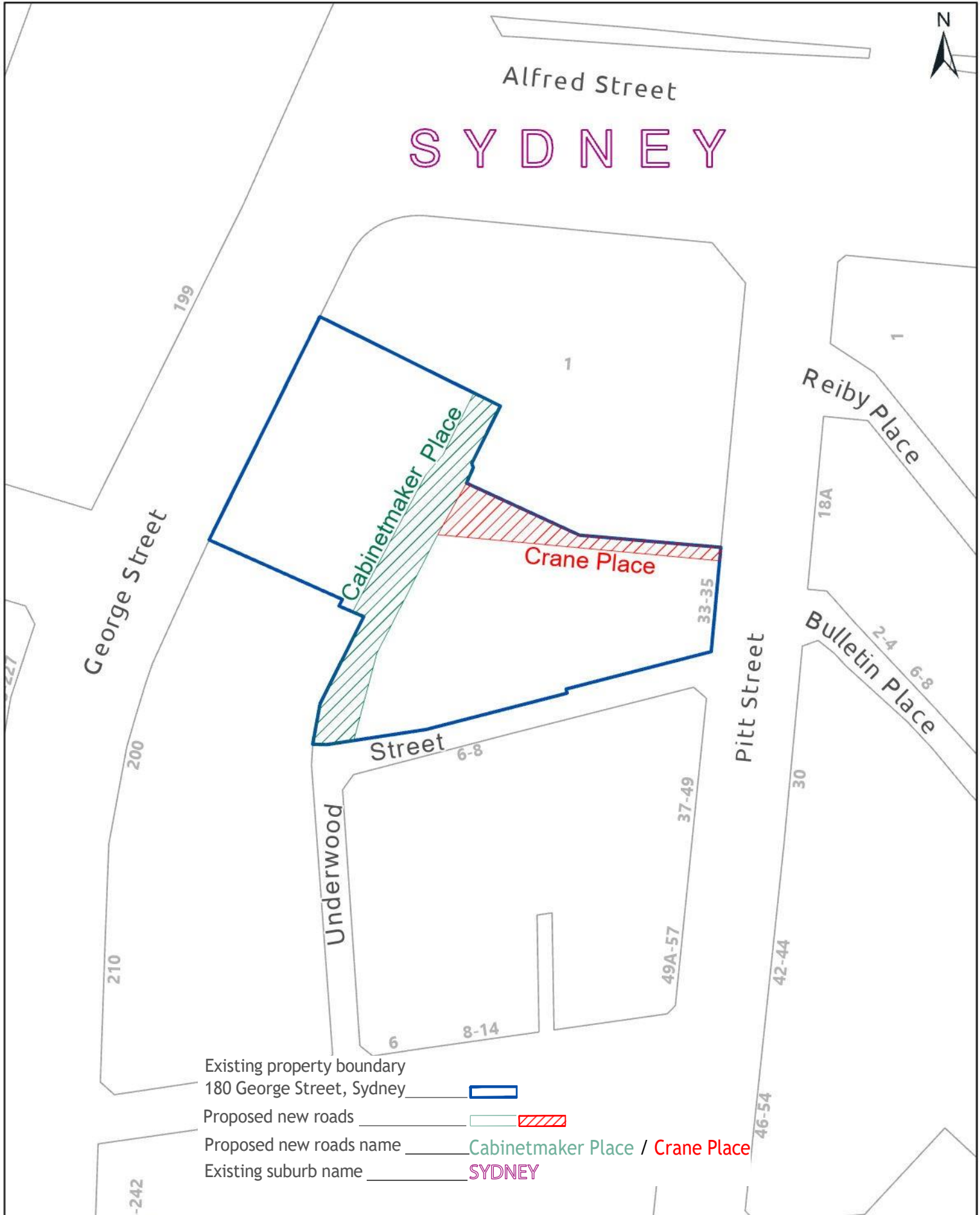
Director Strategic Development and Engagement



Yvette Andrews, Manager City Engagement

Attachment A

**Map showing location of development
site, including lanes**

**PROPOSED NEW ROAD NAMING
WITHIN PROPERTY NO. 180 GEORGE STREET, SYDNEY
AS CRANE PLACE AND CABINETMAKER PLACE**



- Existing property boundary _____
- 180 George Street, Sydney _____ 
- Proposed new roads _____ 
- Proposed new roads name _____ Cabinetmaker Place / Crane Place
- Existing suburb name _____ SYDNEY

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Attachment B

**Artist Impression of Plaza, Artwork and
Community Building**

Attachment B. Artist impression of plaza, artwork and community building



*Artist impression of plaza, Daniel Boyd's artwork and community building (view from George Street).
Image credit: Adjaye Associates*

Attachment C

Historical Justification

Attachment C. Historical Justification

Crane Place

It is proposed the historic name of Crane Place be re-instated on its east-west alignment from Pitt Street. The original name evolved from the showroom and works of GE Crane and Sons Ltd located in Pitt Street. The long-standing firm was established by George Ekins Crane in 1867 and became one of the leading companies importing and manufacturing building materials, hardware, marble, slate and lead. George Crane demonstrated civic as well as business leadership. He was one of the early councillors on Redfern Municipal Council serving 1862-1864 and was later involved with Ashfield Municipal Council, being elected as an inaugural councillor in 1872.

The firm GE Crane and Sons was renowned for its use of Australian marbles and was credited with popularising local marbles for building and architectural decoration. The firm also manufactured decorative metal ceilings, centre flowers, ceiling panels and friezes; used widely in Federation and Inter-war houses and retail premises. Their work can be seen in significant public buildings around Sydney. They produced marble flooring for St Mary's Cathedral and a pressed metal ceiling for Pitt Street Congregational Church; both buildings are listed on the State Heritage Register. GE Crane & Sons also collaborated with the NSW Government Railways to design and manufacture the large indicator board which was used on the main concourse of Sydney Central Station 1906-1982, which is now held in the Powerhouse Museum collection.

Maps, plans and archival documents show how the private lane evolved beside their showroom on Pitt Street from a right of way access to their open yard and sheds. The original premises in 1867 for GE Crane was a brick and stone store and yard at 23-25 Pitt Street. By 1880 the business was rapidly expanding, with their stores extending from 21-31 Pitt Street and incorporating a large yard space with passageway access. By 1906 their headquarters and showroom were in a warehouse at 33-35 Pitt Street, with their stores off Pitt Street accessed via the lane. Documents indicate that gates limited access to the private lane in 1924. The lane could also be accessed from George Street via Auto Lane, later known as Blue Anchor Lane. GE Crane & Sons showroom remained on Pitt Street throughout the 19th century and well into the 20th century, until at least 1948.

The name Crane Place was in use for at least 40 years and most likely for around 60 years or more. The name was first recorded in the official City Assessment Books from 1921, although the existence of the laneway was evident from the assessments since 1896. The name was probably used informally, such as Crane's yard or Crane's lane, by locals from the late 19th century. The name of the private lane, Crane Place, was superseded by Rugby Place in the 1960s when Rugby Union NSW established their club in Bacon's Building, which fronted the lane. The Rugby Union Club is no longer on site.

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G E Crane & Sons illustrations

15

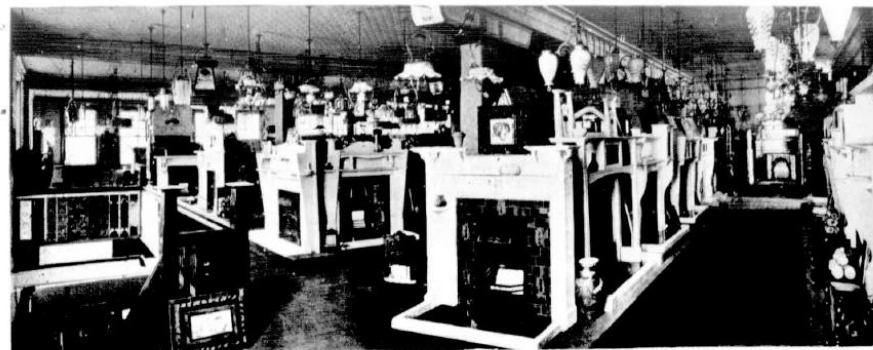


Head Office and Showrooms, 53 and 35 Pitt and Underwood streets, Sydney.

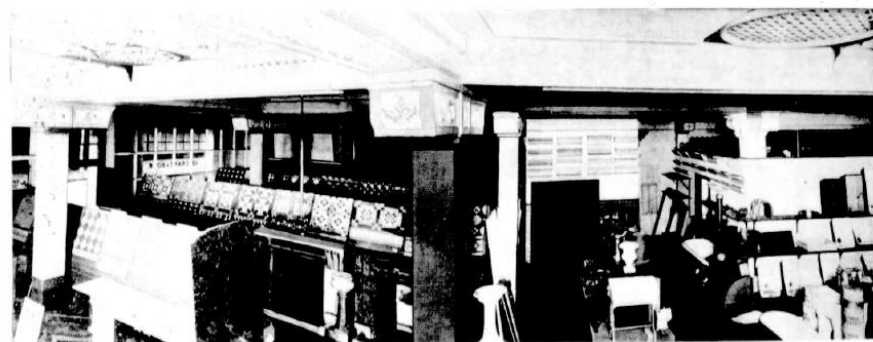
Exterior view of the Pitt Street showroom, 1906, with Crane Lane to the right.

(*Town & Country Journal*, 7 November 1906, p.35

<https://trove.nla.gov.au/newspaper/article/71542494>)



View in Pitt-street Showrooms, showing Art Wood and Marble Mantelpieces, Grates, Tiles, Gas Fittings, etc.



View in Pitt-street Showrooms, showing Marble Work, Encaustic Floor Tiles, Metal Ceiling Work, and Sundries.

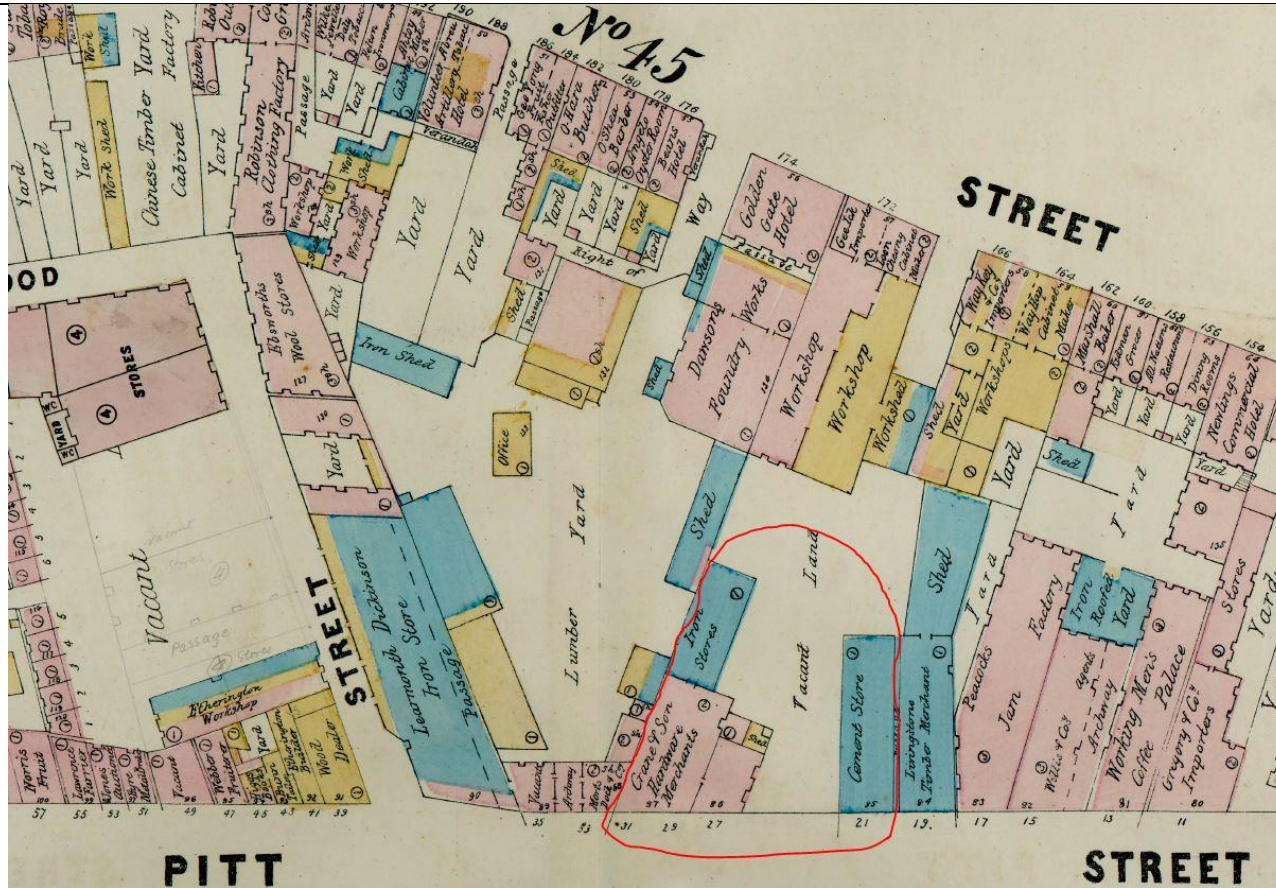
Interior Views of the Pitt-street Showroom, 1906.

(*Town & Country Journal*, 7 November 1906, p.35

<https://trove.nla.gov.au/newspaper/article/71542494>)

Evolution of Crane Place in maps

1880



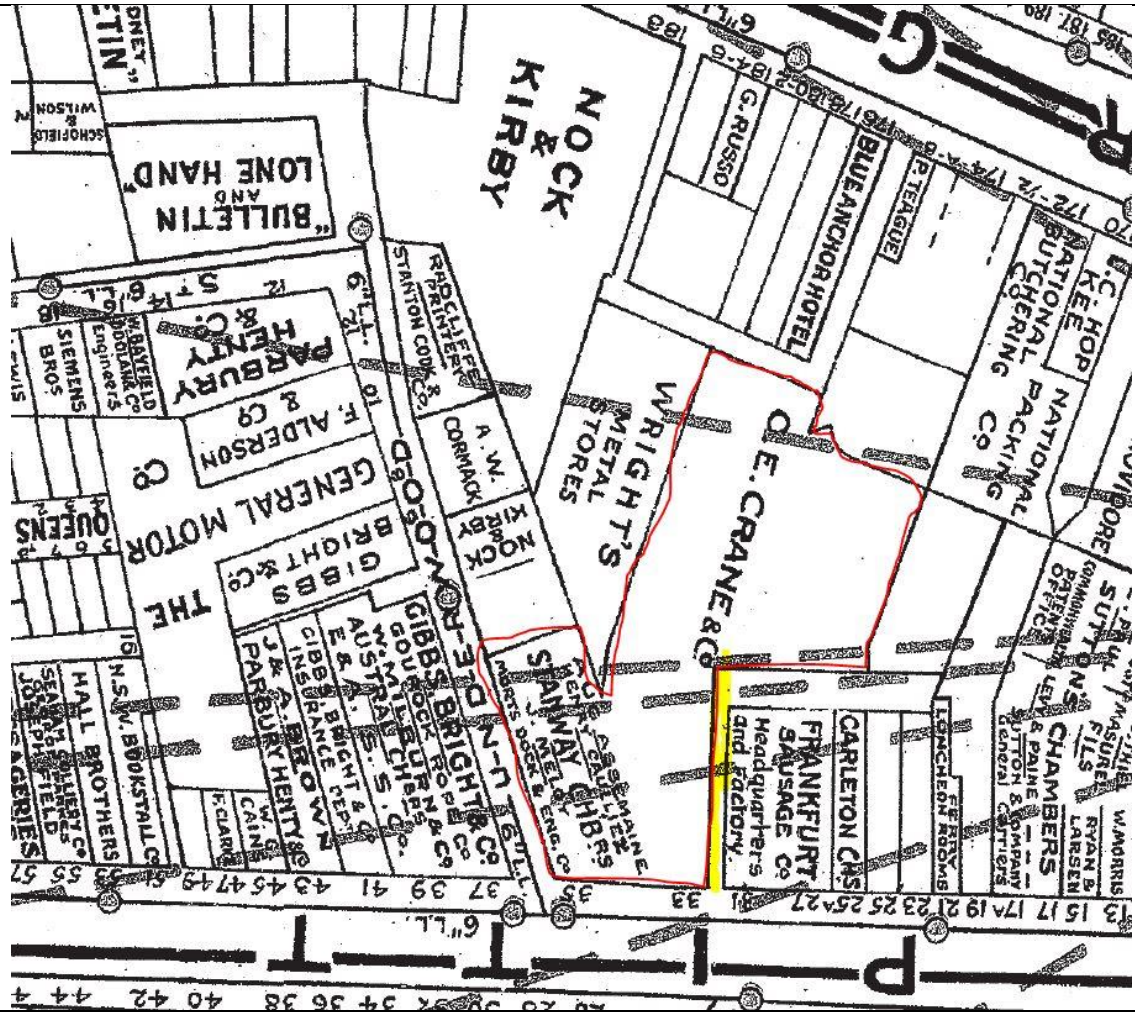
Source: H Percy Dove, *Plans of Sydney*, 1880, Block 45 [detail]
(City of Sydney Archives, A-00880118, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1709045>)

1894



Source: Surveyor-General's Office, Metropolitan Detail Series, City of Sydney, 2nd edition, 1893-1894m Part of Section No. 47 [detail] (State Library of NSW, MAXX 811.17/1887/1 <https://collection.sl.nsw.gov.au/record/74VKqv5pXe4b/2wX8kAKPw7ZVP>.)

1910



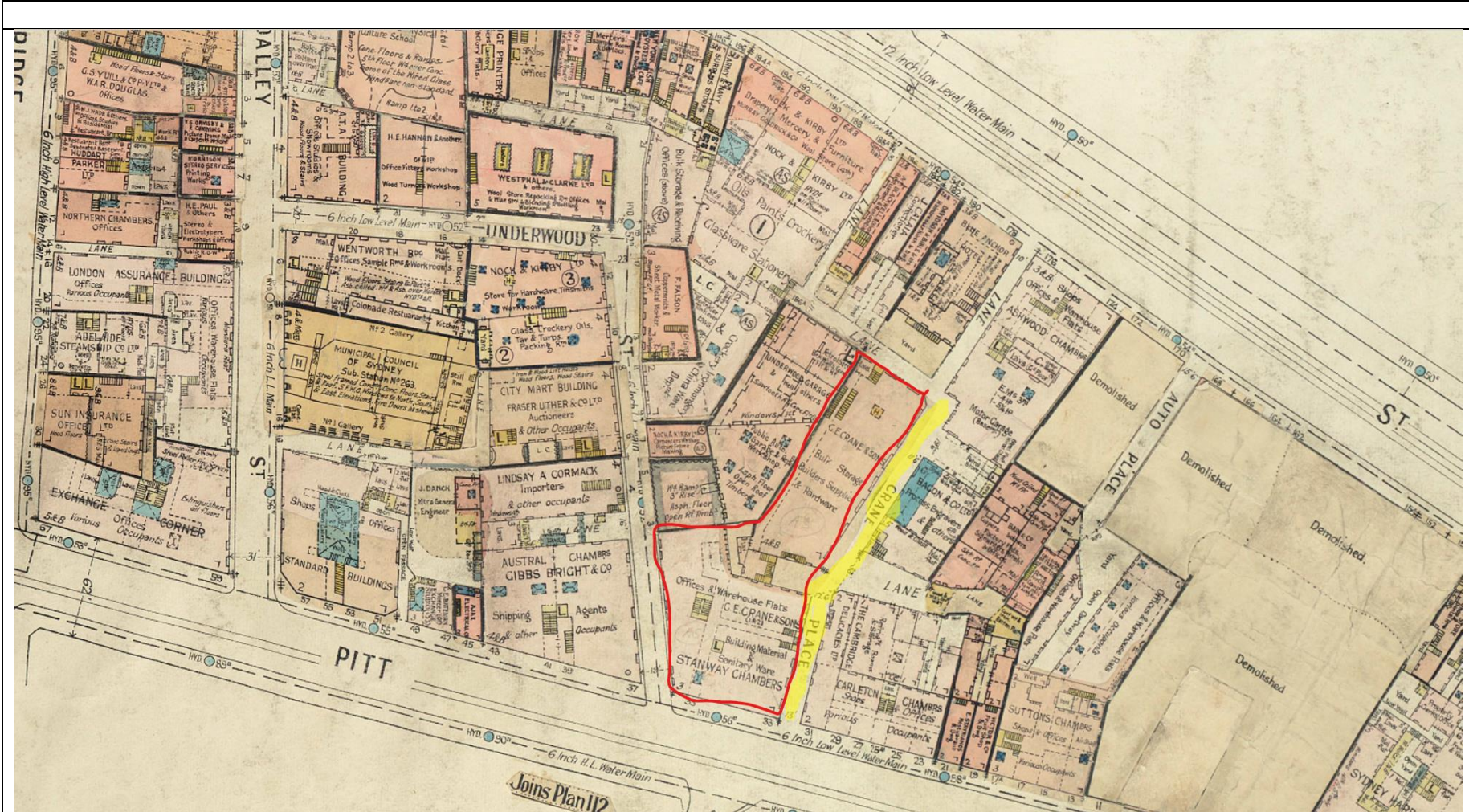
Source: Roberts & Moffat Limited, *Central City of Sydney*, 1910 [detail]
(City of Sydney Archives, A-00880476 <https://archives.cityofsydney.nsw.gov.au/nodes/view/1709403>)

1892-1937



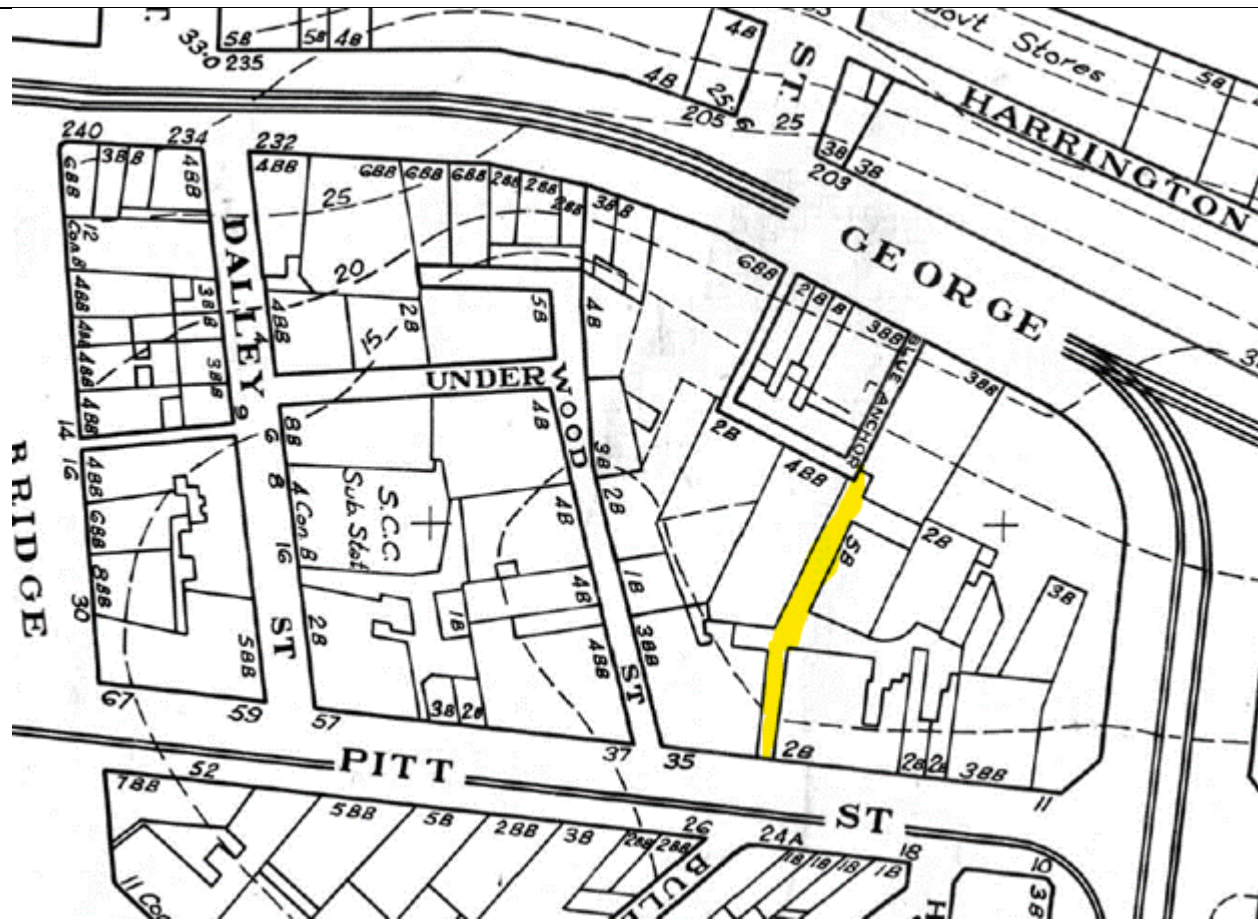
Source: F. Oliver Jones, Civil Engineer & Surveyor, *Structural plans of the City of Sydney : Ignis et Aqua series*, vol.1, Plan 35, [detail] (State Library of NSW, Z/MAXX 811.17/1892/1, <https://collection.sl.nsw.gov.au/record/74VKD3RpaRZM/X7EQMZRbVbOpQ>)

1917-1939



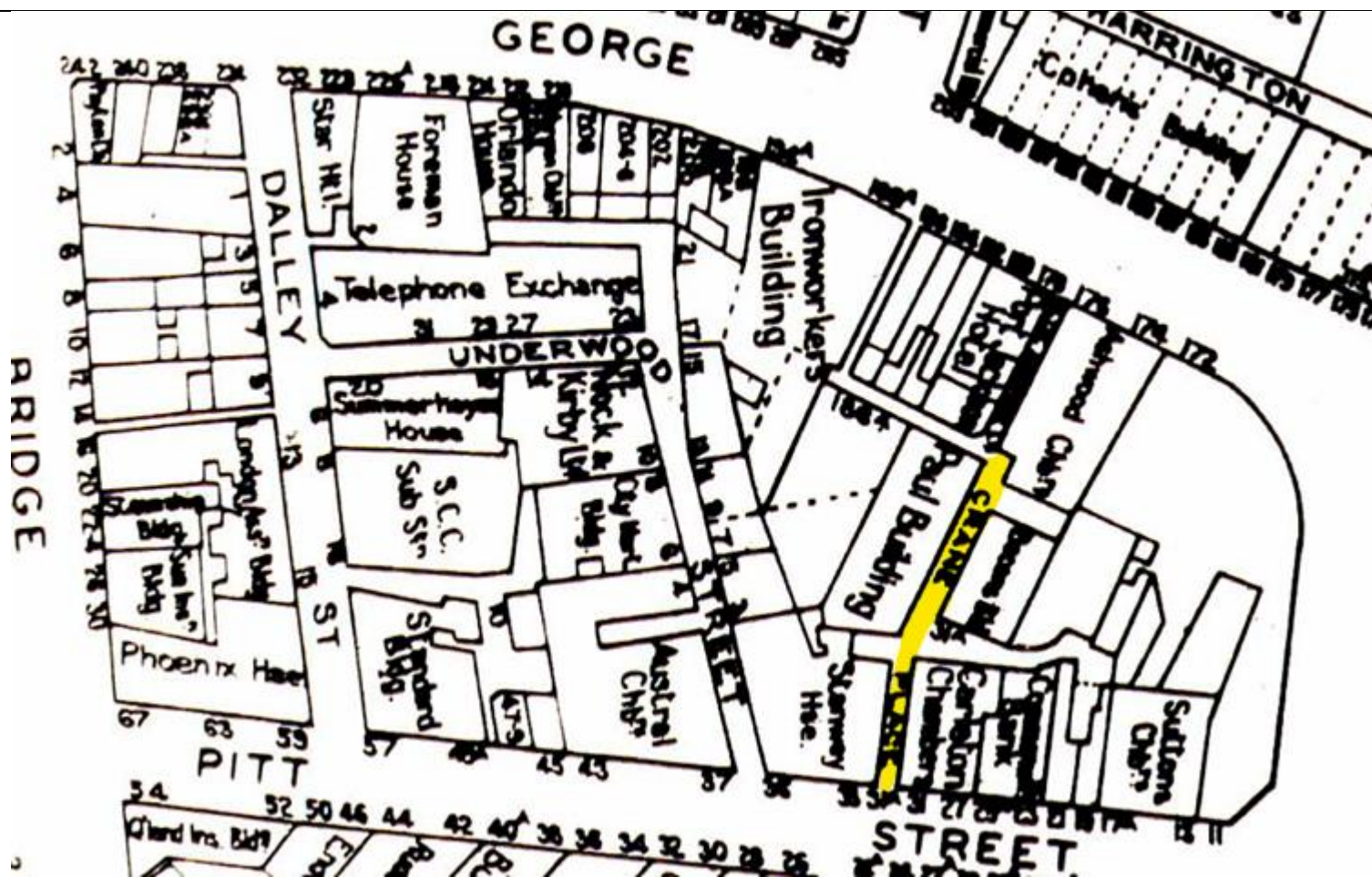
Source: Fire Underwriters Association of NSW, Plans of Sydney, Block 125, 1917-1939 [detail]
(City of Sydney Archives, A-00880214 <https://archives.cityofsydney.nsw.gov.au/nodes/view/1709141>)

1938-1950



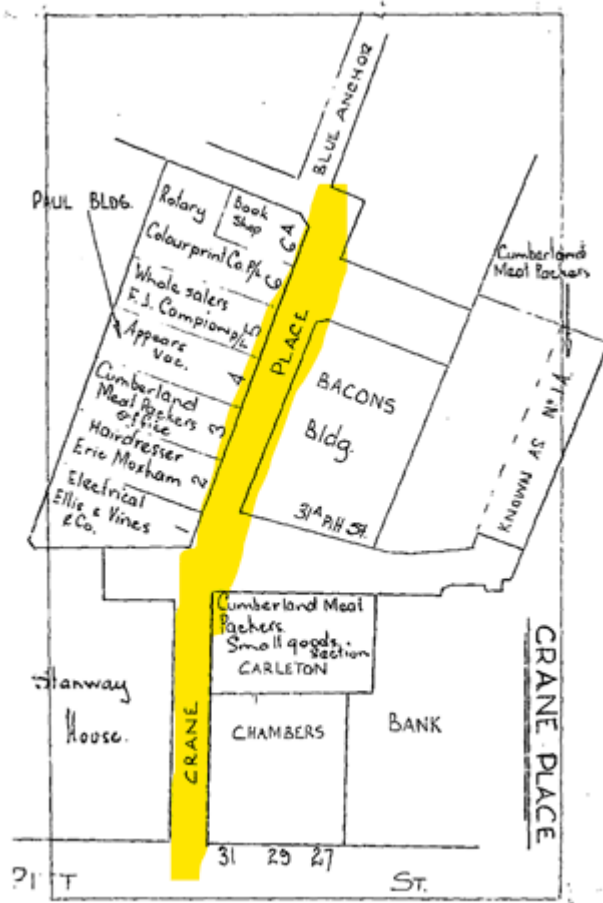
Source: City of Sydney - City Engineer's Department, Town Planning Branch, *City of Sydney - Civic Survey, 1938-1950: Map 6 - Circular Quay, Dawes Point, 1948* [detail]
(City of Sydney Archives, A-00880366, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1709293>)

1949-1972



Source: City of Sydney – City Building Surveyor’s Department, *City of Sydney - Building Surveyor’s Detail Sheets, 1949-1972, Sheet 2 – Sydney Cove [detail]*
(City of Sydney Archives, A-00880195 <https://archives.cityofsydney.nsw.gov.au/nodes/view/1709122>)

c.1950s



Source: Planning Street Cards – Crane Place, Sydney, c.1950s

(City of Sydney Archives, A-00002074 <https://archives.cityofsydney.nsw.gov.au/nodes/view/609379>)

Cabinetmaker Place

It is proposed that the lane with a northeast-southwest alignment be named Cabinetmaker Place. This name recognises the evolution of Sydney's original Chinatown around Lower George Street and The Rocks from 1850s – 1880s. Here you could find Chinese cook shops, grocers, general stores, chemists dispensing Chinese medicine, furniture workshops and lodging houses, alongside tobacconists and gambling houses. The wharves and maritime workers brought trade, world ties and opportunity to this bustling area of town. The multicultural nature of the area was also reflected in other business names such as the “All Nations Restaurant” and the “Oriental Hotel”.

The proposed name specifically recognises the contribution of Chinese cabinetmakers manufacturing furniture in Sydney and celebrates the multicultural history of Sydney. According to Peter Gibson (2018), aside from market gardening, furniture manufacture was the largest post-gold rush Chinese economic activity in Australia. It was the only manufacturing activity that involved a substantial number of Chinese people, and a significant proportion of those people were based in Sydney city.

At least two Chinese cabinetmakers were operating on the site in the 1880s: Loon Cheong & Co and Way Hap & Co. Way Hap & Co was located at 164 George Street in 1880. Loon Cheong & Co was a furniture manufacturer based at 168-170 George Street in the 1870-80s. Loon Cheong & Co's furniture was represented in the Sydney International Exhibition of 1879, held in the Garden Palace; the only Chinese cabinetmaker to be represented.

Nearby was Ah Toy, who had an extensive furniture factory on Lower George Street just south of the site, with a showroom at 192 George Street and his timber yard and factory at 202-208 George Street. He came to Sydney in the 1850s and was in business for over 36 years. Ah Toy's factory produced up-market furniture for David Jones as well as cheaper lines. A successful businessman, Ah Toy's store bore the brunt of anti-Chinese violence in 1878, when 2000 protesters separated from a larger rally at Hyde Park and descended on the premises, pelting it with stones. Fortunately, an attempt to torch the building was unsuccessful, and police along with some outraged citizens dispersed the crowd. But this nasty incident is a reminder of the discrimination and violent racism many Chinese families and workers encountered in Sydney.

Chinese furniture makers in Sydney produced products that were competitively priced and popular. Their products retailed in department stores such as David Jones and Marcus Clark. Many Sydney households were furnished with local Chinese-manufactured hall stands, wash stands, book cases and tables. Competition and exclusion from the mainstream union movement led Chinese furniture workers to form their own union in 1890. Their contribution to furniture manufacture and the decoration of domestic households is largely forgotten.

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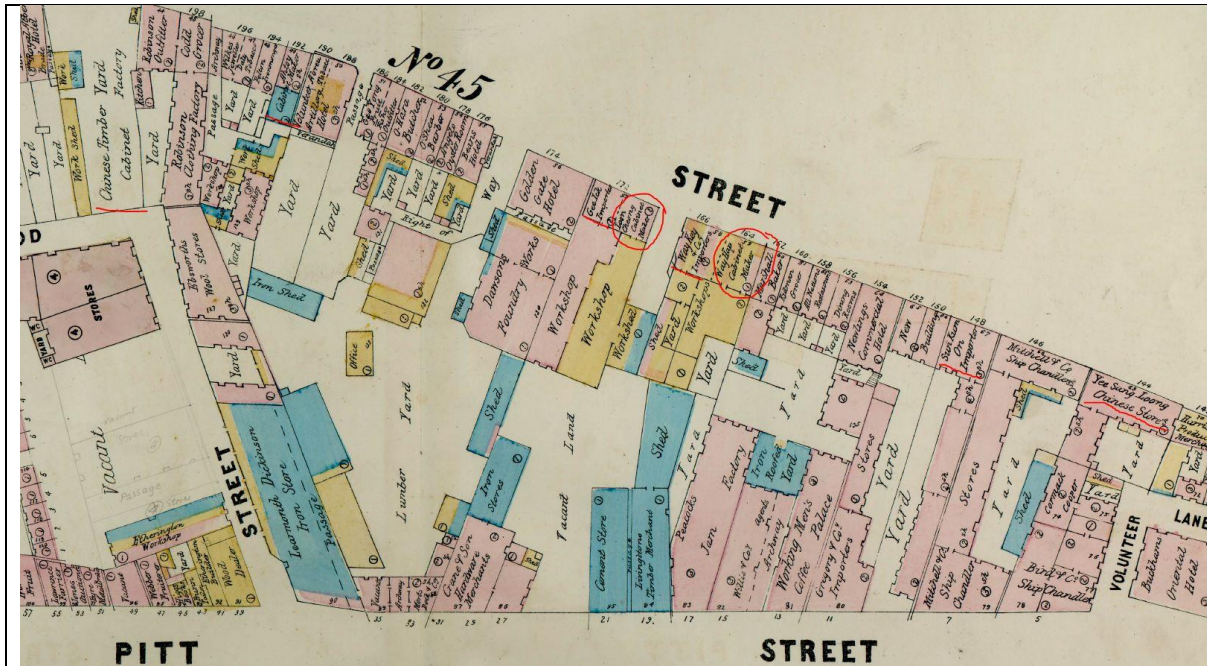
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Australian Economic History Review, Vol. 58, No.1, March 2018, pp.87-107 doi:
10.1111/aeht.12131



Cabinetmakers Way Hap and Loon Cheong on Lower George Street are circled. The large timber yard and workshop of Ah Toy can be seen to the left. Other stores and merchant businesses are also highlighted in red.

Source: H Percy Dove, *Plans of Sydney*, 1880 Block 45 (Map 19) [detail]

City Archives, A-00880118, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1709045>



Ah Toy's Cabinet Factory, 192 Lower George Street.
Date: c.1885 Source: State Library of NSW,
<https://collection.sl.nsw.gov.au/record/1JkmAW5Y/8re5BkaGP2ALz>



Merchants Yee Sang Loong & Co, a branch of the Hong Kong firm, sold wholesale and retail goods in their shop in Lower George Street and attracted both a Chinese and English clientele.

Date: c.1885 Source: State Library of NSW,
<https://collection.sl.nsw.gov.au/record/9AL4PZ4Y/VDwoeMKEyv7VJ>

Prepared by Lisa Murray, City Historian

Item 6.

Councillors' Expenses and Facilities Policy

Document to Follow

Item 7.

Post Exhibition - Grants and Sponsorship Policy and Guidelines

File No: S117676

Summary

This report seeks Council adoption of the draft grants and sponsorship policy and guidelines.

The City of Sydney's grants and sponsorship program (the Program) supports initiatives and projects that build the social, cultural, environmental and economic life of the city.

The Program is one of many ways in which the City of Sydney partners with the community and business to further the actions, strategic directions and vision of Sustainable Sydney 2030-2050 Continuing the Vision and key pillar strategies through cash and value in-kind (VIK) support.

The grants and sponsorship policy (the Policy) provides the governance framework for how the Program is managed, and how decisions about funding are made. The Policy ensures that the City meets the governance requirements of Section 356 of the Local Government Act 1993 in relation to grant giving.

The current Policy was adopted by Council in September 2014. Revisions to this Policy were then approved by Council on 11 December 2017 and on 15 February 2021. The Policy is due to be reviewed by December 2022.

The new Policy recommended for adoption in this report provides a framework to guide individuals and organisations when applying for cash and value-in-kind grant funding, and City of Sydney employees and Council when responding to and managing grants and sponsorship requests. The revised Policy aligns with the strategic directions of Sustainable Sydney 2030-2050 Continuing the Vision, key pillar strategies and the Stretch Reconciliation Action Plan.

The new Policy will apply to all outgoing grants, sponsorships, and value-in-kind provisions.

Council may approve grants and sponsorship outside the Policy. The Policy does not prevent Council giving occasional contributions to organisations, providing support for civic functions or one-off events in accordance with the relevant legislation.

On 27 June 2022, Council endorsed placing on exhibition the draft grants and sponsorship policy and guidelines, and the revised Operational Plan 2022-23 - Addendum. They were exhibited from 28 June to 26 July 2022.

A total of 14 submissions for the draft grants and sponsorship policy and guidelines were received. All were assessed through internal review. The details of the issues raised in the submissions, together with responses and staff recommendations, are included in the Engagement Report at Attachment E.

No submissions were received for the revised Operational Plan 2022-23 - Addendum and this has not been amended.

The draft grants and sponsorship policy and guidelines as placed on exhibition have been amended as per the table in Attachment E. This report recommends the adoption of the new grants and sponsorship policy and guidelines.

Recommendation

It is resolved that:

- (A) Council note the submissions received from the community on the exhibited draft grants and sponsorship policy guidelines, as shown at Attachment E to the subject report;
- (B) Council approve the grants and sponsorship policy as shown at Attachment A to the subject report;
- (C) Council approve the grants and sponsorship guidelines as shown at Attachment B to the subject report;
- (D) Council approve the Revised Operational Plan 2022/23 - Addendum as shown at Attachment C;
- (E) Council note the Chief Executive Officer has delegated authority to implement the Quick response grant, Creative live/work spaces grant, Short-term empty properties grant, Venue hire support grants and sponsorship and Street banner sponsorship in accordance with the grants and sponsorship policy criteria and monetary limits; and
- (F) authority be delegated to the Chief Executive Officer to approve any minor editorial corrections prior to publication and authorise the relevant staff to implement any such corrections.

Attachments

- Attachment A.** Grants and Sponsorship Policy
- Attachment B.** Grants and Sponsorship Guidelines
- Attachment C.** Revised Operational Plan 2022/23 - Addendum
- Attachment D.** Resolution of Council - 27 June 2022 - Public Exhibition - Grants and Sponsorship Policy and Guidelines
- Attachment E.** Engagement Report

Background

1. The City of Sydney's grants and sponsorship program (the Program) supports residents, community groups, not-for-profit organisations and for-profit organisations to undertake initiatives and projects that build the social, cultural, environmental and economic life of the city.
2. The grants and sponsorship policy (the Policy) provides the governance framework for management of the Program and decisions about funding.
3. The last comprehensive review of the Policy was completed in 2014. It has been recognised that a review of the Program was needed to ensure it continues to provide the most effective and efficient support to our resident and business communities and continues to deliver against the City's evolving corporate and strategic objectives.
4. As the City's strategic vision is renewed through Sustainable Sydney 2030-2050 Continuing the Vision, City staff have undertaken a comprehensive review of the Policy to ensure it is strategically aligned, fit-for-purpose and future-focussed, with the agility to respond to emerging needs and priorities of our communities.

New policy and framework

5. The new Policy provides a framework for how we will partner with our community through our grant-making. This Policy provides guidance to individuals and organisations when applying for cash and value-in-kind grant funding and to City of Sydney employees and Council when responding to and managing grants and sponsorship requests.
6. The new Policy will apply to all outgoing grants, sponsorships, and value-in-kind provisions.
7. Council may approve grants and sponsorship outside the Policy. The Policy does not prevent Council giving occasional small contributions to organisations, providing support for civic functions or one-off events in accordance with the relevant legislation.
8. The new Policy sets out the expected outcomes of our grants and sponsorships program and the principles that guide grantmaking at the City. The Policy covers four areas:
 - (a) grants and sponsorship outcomes;
 - (b) grantmaking principles;
 - (c) ethics framework; and
 - (d) grant assessment and approval.
9. The new Policy is strongly aligned to Sustainable Sydney 2030-50 Continuing the Vision, Stretch Reconciliation Action Plan and the City's pillar strategies.
10. The new Policy aligns with the following strategic directions of Sustainable Sydney 2030-2050 Continuing the Vision:
 - a leading environmental performer;
 - an equitable and inclusive city;

- resilient and diverse communities;
 - a thriving cultural and creative life; and
 - a transformed and innovative economy.
11. The new Policy has 14 grants and sponsorship programs to support initiatives and projects that strengthen the social, cultural, environmental and economic life of the city.
 12. Some of our grants and sponsorship programs are categorised by their primary strategic outcome. However, several of our grants and sponsorship programs are designed to deliver across a range of strategic outcomes.
 13. Supporting the new Policy are the grants and sponsorship program guidelines (the Guidelines) which guide applicants on how to apply for and acquit grants and sponsorships. The Guidelines set out expected program priorities and assessment criteria, and provide practical details such as opening dates for each program, eligibility considerations and the types of supporting documentation they will need to submit with their application.
 14. The City is committed to ensuring that our grants and sponsorship programs are responsive to emerging needs and opportunities within our community and will review the Guidelines on an annual basis and may make changes as required and in accordance with the relevant approval process.
 15. The new Program is included the Revised Operational Plan 2022/23 - Addendum which is Attachment C to this report and which was placed on public exhibition together with the Policy and Guidelines.

Public Exhibition - Grants and Sponsorship Policy and Guidelines and Revised Operational Plan - Addendum

16. The Policy and Guidelines and revised Operational Plan – Addendum were placed on public exhibition for 28 days from Tuesday 28 June to Tuesday 26 July 2022.
17. Electronic copies of the documents were made available to the community through the City's Sydney Your Say website, which had 421 unique visits and 199 document downloads.
18. The public exhibition was included in the City's Sydney Your Say eNewsletter, sent on Thursday 7 July to 7,152 subscribers and to the Grants and Sponsorship notification list sent on Monday 18 July to 8,089 subscribers.
19. A total of 14 submissions were received during the consultation period (12 submissions were received via the Sydney Your Say website and 2 submissions were received via the Sydney Your Say email address).
20. The 14 submissions have all been internally reviewed, with staff recommending that no changes are required to the Policy, and minor changes are made to the Guidelines from that exhibited in response to the submissions received. The issues raised in the submission, together with responses and staff recommendations, are included in the Engagement Report at Attachment E.

21. Following engagement with internal and external stakeholders including the Aboriginal and Torres Strait Islander Advisory Panel, some amendments have been made to the Policy and Guidelines from that exhibited.
22. No submissions were received for the draft Revised Operational Plan 2022/23 - Addendum as shown at Attachment C and this has not been amended.

Amendments to the grant and sponsorship policy and guidelines post exhibition

23. In the Policy under the heading Ethics Framework, an additional point has been included to note the City does not support through this policy the sale or promotion of any prohibited items or services on Council land, such as fur and exotic animal skin products, other than where is permitted under traditional first nation cultural practices.
24. The Guidelines have been amended under the heading Other Information on Page 14 to clarify that the supporting documentation required for multi year funding is a multi year project plan instead of a multi year business plan.
25. The Guidelines have been amended under the heading Tier 2 – Major Festival and Events on page 27 to clearly state in the program overview that this sponsorship program provides support for significant and/or recurrent festivals or events.
26. The Guidelines have been amended under the heading Aboriginal and Torres Strait Islander Collaboration Fund on Page 17 to include a proof of Aboriginality requirement for grant applicants of this program. This amendment has been made in consultation with the Aboriginal and Torres Strait Islander Advisory Panel, and the City's Indigenous Leadership and Engagement team.
27. The Guidelines have been amended under the heading Accommodation Grants Program on Page 43 to note that the City may require the payment of a bond as part of the lease or licence agreement.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

28. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. The provision of grants and sponsorships is a key mechanism for the City to further the aims identified in its social, economic, environmental, and cultural policies. All applications are considered against the 10 strategic directions and how they can directly deliver or encourage the further development of the aims and objectives identified in Sustainable Sydney 2030-2050 Continuing the Vision.

Social / Cultural / Economic / Environmental

29. The Program provides the City with a platform to support social, cultural, economic and environmental initiatives from communities, community organisations and businesses within the local area.

Financial Implications

30. Funding has been included in the 2022/23 budget to support the Program, including any commitments for funding already approved by Council.
31. Funding for the Program is detailed in the Revised Operational Plan 2022/23 - Addendum at Attachment C.

Relevant Legislation

32. Section 356 of the Local Government Act 1993 regulates how financial assistance can be given by local councils.
33. As part of the NSW Local Government Act 1993 and Integrated Planning and Reporting requirements, the City is required to exhibit changes to its grants program.

Critical Dates / Time Frames

34. The new Policy and Guidelines will be implemented in the 2022/23 financial year immediately following adoption by Council.

Public Consultation

35. The draft Policy and Guidelines were publicly exhibited from 28 June to 26 July 2022.
36. During this period, the community were invited to make comments and submissions regarding the draft Policy and Guidelines. The City used the Sydney Your Say community engagement platform to seek responses. All submissions received by the City for the draft Policy and Guidelines have been considered and assessed. More details are provided in the Engagement Report at Attachment E.

EMMA RIGNEY

Director City Life

Julie Giuffre, Manager Grants

Attachment A

Grants and Sponsorship Policy

Grants and sponsorship policy

Purpose

The City’s grants and sponsorship program aims to support projects that promote:

- strong partnerships with Aboriginal and Torres Strait Islander communities
- leading environmental performance
- connected, resilient and inclusive communities
- a thriving cultural and creative life
- a transformed and innovative economy

This policy provides guidance to individuals and organisations when applying for cash and value-in-kind grant funding and to City of Sydney employees and Council when responding to and managing grants and sponsorship requests.

Scope

This policy applies to all outgoing grants, sponsorships, and value-in-kind provisions.

Council may approve grants and sponsorship outside this policy. The policy does not prevent Council giving occasional small contributions to organisations, providing support for civic functions or one-off events in accordance with the relevant legislation.

This policy applies to all not-for-profit organisations, for-profit organisations, sole traders, individuals, owners’ corporations, unincorporated community groups and government agencies who apply to the City of Sydney for grant or sponsorship funding.

Grants and sponsorships are different from the purchase of services, where the City of Sydney determines the type of project, product or service it requires and develops a contract to manage how this is delivered. Procurement of goods, services, works and facilities are covered by the City of Sydney’s Procurement and Contract Management Policy.

Donations and support for charities are covered by the City of Sydney’s Support for Charities Guidelines, and Humanitarian Aid Guideline. Incoming corporate sponsorships are covered by the City of Sydney’s Corporate Sponsorship Policy.

Definitions

Term	Meaning
Grant	Cash or value-in-kind support provided to applicants for a specified project or purpose as outlined in the funding agreements between the City of Sydney and the recipient.
Sponsorship	Agreements between the City of Sydney and organisations where the City of Sydney receives benefits in return for the sponsorship. Examples of benefits include promotion, marketing, speaking opportunities and/or tickets.
Value-in-kind	An arrangement where the City of Sydney foregoes revenue (either in full or in part) on things for which a fee would normally be charged.

	<p>This may include park hire, venue hire, banner pole hire, or workspace accommodation.</p> <p>Applicants receiving value-in-kind support may need to enter an agreement with the City of Sydney in addition to a corresponding funding agreement.</p> <p>Services incurring real cash cost are not supported within the City of Sydney’s grants and sponsorship program. These services include cleansing and waste, development application fees, health inspection fees, health approvals, section 68 approvals, temporary road closures, in-house design, and printing and distribution services.</p>
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Policy statement

The City of Sydney’s grants and sponsorship program supports initiatives and projects that strengthen the social, cultural, economic and environmental life of the city. Through this program the City of Sydney partners with the community and business to further the strategic directions of Sustainable Sydney 2030-2050 Continuing the Vision.

The City of Sydney acknowledges the importance of partnering with Aboriginal and Torres Strait Islander communities to deliver social, cultural, economic and environmental outcomes for their communities.

The City of Sydney recognises and respects the vital contribution of community and business in developing and delivering projects that contribute to a vibrant, inclusive, resilient, innovative and sustainable city. Through this program the City of Sydney provides financial and in-kind support for a diverse range of projects.

This policy provides the framework for managing grants and sponsorship applications. It sets the expected outcomes of our Grants and Sponsorships Program and the principles that guide grantmaking at the City of Sydney.

This policy covers four areas:

1. Grants and sponsorship outcomes
2. Grantmaking principles
3. Ethics framework
4. Grant assessment and approval

Grants and sponsorship outcomes

The Grants and Sponsorship Program aligns with the following strategic directions of Sustainable Sydney 2030-50 Continuing the Vision:

- A leading environmental performer
- An equitable and inclusive city
- Resilient and diverse communities
- A thriving cultural and creative life
- A transformed and innovative economy
- Good governance and stewardship

Some of our grants and sponsorship programs are categorised by their primary strategic outcome. However, several of our grants and sponsorship programs are designed to deliver across a range of strategic outcomes.

Grants can also provide a powerful incentive to residents and businesses to act and make the changes necessary to improve environmental performance. They support new and innovative approaches to delivering sustainability outcomes and strengthening community resilience.

Grants and sponsorships play an important role in community development and support active participation in civic life. They empower the community to address issues that matter to them and drive projects to create a more inclusive and resilient city.

Grants are a valuable method of supporting artistic and creative endeavour in our city, helping foster initiative, experimentation and enterprise by creative workers and providing new opportunities for audiences to engage in the city's cultural life.

Grants and sponsorships help stimulate business and promote economic activity. They encourage partnerships with other organisations on business development and assist groups of businesses to work together for the collective benefit.

Our Grants and Sponsorship Guidelines provide details about each of our grant programs including funding priorities, key dates, funding available, eligibility criteria, application processes and assessment criteria.

We are committed to ensuring that our grants and sponsorship programs are responsive to emerging needs and opportunities within our community and may make changes to the Grants and Sponsorship Guidelines as required and in accordance with the relevant approval process.

Grantmaking principles

The following principles guide the City of Sydney's funding and value-in-kind assistance to deliver strong relationships between the City of Sydney, our communities and business.

Strengthening Aboriginal and Torres Strait Islander partnerships

We acknowledge the city's Aboriginal and Torres Strait Islander peoples, and the Gadigal of the Eora Nation as the traditional custodians of this local area. We support the right of Aboriginal and Torres Strait Islander Peoples to self-determination. The City of Sydney is committed to ensuring our funding programs provide an ongoing process of choice to ensure Aboriginal and Torres Strait Islander communities can meet their social, cultural, economic and environmental needs and aspirations. Organisations applying for grants are encouraged to engage Aboriginal and Torres Strait Islander businesses, organisations and individuals into all aspects of their project.

Partnerships and building relationships

The City of Sydney is committed to building and maintaining relationships based on trust and respect with individuals and organisations committed to addressing social, cultural, economic and environmental issues. The City of Sydney recognises the financial contributions, skills, resources and commitment that individuals, communities and businesses bring to the grant partnership. The City of Sydney is committed to connecting individuals and organisations to networks, resources and knowledge which can strengthen the delivery of projects.

The City of Sydney partners with a wide range of organisations to deliver on its objectives. This includes funding for-profit organisations who have demonstrated they are best placed to deliver public benefit and meet the relevant grant program outcomes.

Diversity and inclusion

The City of Sydney values the identities, perspectives, and experiences of the communities that live, work, and visit our local area and believe this diversity strengthens our city. We support the development and delivery of projects that contribute to a more inclusive and equitable city where

everyone has access to essential services and facilities to support wellbeing and quality of life. The City of Sydney partners with organisations and local communities to build on the strengths of our communities and enable them to thrive and be resilient.

The City of Sydney is committed to ensuring that our grant program is inclusive and accessible to our diverse communities. We encourage applications from our diverse communities including young people, older people, people with disability, culturally and linguistically diverse communities, women and LGBTIQ+ communities. Organisations applying for grants are encouraged to promote gender pay equity - valuing skills, responsibilities and working conditions in a non-discriminatory way.

Climate emergency and community resilience

The City of Sydney is committed to building the capacity of communities and business to lead initiatives that respond to the climate emergency and reduce their environmental impact. The City of Sydney partners with organisations and local communities to promote transformative change in energy generation, resource consumption, water use, transport and climate adaptation.

The City of Sydney supports others to take positive steps to build the resilience of our communities to mitigate, respond, adapt and recover from shock events and chronic stresses. Organisations applying for grants are encouraged to show adequate consideration of any environmental impacts and benefits. Organisations are to ensure that any events or programs funded through a City of Sydney grant are delivered in an environmentally sustainable way.

Empowering communities

The City of Sydney generates wealth for our local area by investing in the best mix of grants to meet the needs of our diverse communities and business. We strengthen relationships with community by actively building and maintaining networks, connecting people and business, and ensuring all our diverse communities can participate in civic life. The City of Sydney funds and supports organisations, businesses, and individuals to address local issues and needs through programs, projects, and events.

Good governance, transparency, and value for money

We are committed to transparent, equitable, open and effective processes and decision making that is in the public interest. Applications are assessed objectively against policy and program guidelines and criteria. Application forms, acquittal requirements and contractual obligations will be in proportion to the size of the grant awarded and the expected outcomes of the grant program.

The City of Sydney invests in projects that represent good value for the level of cash or value-in-kind support provided with a focus on supporting thriving organisations and outcomes that can create a long-term positive impact for the community. The City of Sydney ensures there are systems and opportunities for feedback on the City of Sydney's grant processes.

Ethics framework

Through the Grants and Sponsorship Program the City of Sydney does not support any activities or entities that unnecessarily:

- pollute land, air or water
- destroy or waste non-renewable resources
- market, promote or advertise products or services in a misleading or deceitful manner
- produce, promote or distribute products or services likely to be harmful to the community

- acquire land or commodities primarily for speculative gain
- create, encourage, or perpetuate militarism or engage in the manufacture of armaments
- entice people into financial over-commitment
- exploit people through the payment of below-award wages or poor working conditions
- unlawfully discriminate, or encourage unlawful discriminatory behaviour, including discrimination based on ability, culture, religion, age, gender and sexual orientation in employment, marketing and/or advertising practices
- sell or promote any prohibited items or services on Council land, such as fur and exotic animal skin products and feathers, other than where is permitted under traditional first nation cultural practices
- contribute to the inhibition of human rights generally.

Child safety

The City of Sydney is committed to being child safe and has zero tolerance for child abuse. The City of Sydney recognises its legal and moral responsibilities in keeping children safe from harm and abuse and promoting their wellbeing and best interests. The City of Sydney has specific policies, procedures and training in place to support employees and volunteers to achieve these commitments.

Where a grant application involves the delivery of programs and services involving child-related work organisations must provide their child safety/child protection policy and procedures. Where they do not have a formal child safety/protection policy, organisations must outline how they intend to comply with child safety law relevant to their organisation.

The City of Sydney does not regulate or monitor an organisations compliance with child safety law, nor is able to determine whether their policies and procedures are fit for purpose. Applicants are responsible for ensuring their policies and procedures are appropriate and sufficient to ensure child safety and should seek advice from the Office of the Children’s Guardian, the Department of Education and Communities and /or the Australian Children’s Education & Care Quality Authority regarding their child safety and protection compliance obligations as appropriate.

Grant assessment and approval

Assessment

All grant applications are assessed by at least three relevant City of Sydney staff, including those with knowledge and experience relevant to the grant application. Recommendations are then made to Council for approval.

If considered relevant, some grant applications may be assessed by external parties who have skills and professional experience which will benefit the assessment process.

When an external assessor is required, we will select a representative from one of the City of Sydney’s established advisory panels with the relevant skills, experience, and availability. External assessors will be paid for their time.

External assessors are required to sign a participation agreement with the City of Sydney which outlines their responsibilities, including conflict of interest and confidentiality obligations. They cannot submit a grant application in the grant round they are assessing.

All assessors are required to make a conflict of interest declaration on each application as part of the assessment process.

Oral grant applications are available to Aboriginal and Torres Strait Islander groups and individuals and can be requested by any other group or organisation. Support can also be provided on request for people with disability or those from culturally and linguistically diverse backgrounds.

Our grants and sponsorship programs are highly competitive. Even though an application may meet the criteria it may not be competitive against other applications. If an application is unsuccessful, the applicant can request feedback from City of Sydney staff.

Approval

Council has authority to approve grants and sponsorship or other financial assistance.

The CEO can approve grants consistent with City of Sydney policies and delegations from Council for the following programs: Quick response grant, Creative live/work spaces grant, Short-term empty properties grant, Venue hire support grants and sponsorship and Street banner sponsorship.

Under the Local Government Act, any waiver or reduction of fees or charges can only be approved if the application meets a pre-approved category of fee exemption in the City of Sydney's Revenue Policy.

Many projects including festivals and events require approvals and consents from the City of Sydney (such as development applications), NSW Police and other state government agencies. If the necessary approvals cannot be obtained, the grant or sponsorship may be revoked.

Approval of a grant or sponsorship does not imply that the City of Sydney has given any other required consent, authorisation or approval.

Approval of value-in-kind is not a guarantee of booking, as all bookings are subject to availability and must be made through the usual booking process for the facility, space or location requested.

Responsibilities

Detailed responsibilities are outlined in the Grants and Sponsorship Guidelines

All City of Sydney Staff involved in the management of grants and sponsorships must:

- be aware of, and comply with their responsibilities under the Grants and Sponsorship Guidelines
- act in accordance with the City of Sydney's Code of Conduct and all relevant legislation.

Manager Grants must:

- Ensure transparent and effective grants management systems, policies, procedures and decision-making processes are in place and that all grant applicants recommended to Council for support are in accordance with the requirements of those policies, procedures and processes
- Negotiate, execute and administer grants and sponsorship agreements.

Director City Life

- Ensures transparent and effective grants management systems, policies, procedures and decision-making processes are in place
- Negotiate, execute and administer grants and sponsorship agreements.

CEO

- May approve grants in accordance with authority delegated by Council under the Local Government Act.

Consultation

This policy has been informed by the insights gained from the program of community engagement undertaken for Sustainable Sydney 2030-2050 Continuing the Vision.

This policy has been developed in consultation with external stakeholders including the Aboriginal and Torres Strait Islander Advisory Panel, the Nightlife and Creative City Advisory panel, festival and event organisers, local business chambers, industry associations.

This policy has been developed in consultation with internal stakeholders from Creative City, City Business and Safety, Grants, Indigenous Leadership and Engagement, Social City, Strategy and Communications, Sustainability Programs, Sustainability, Strategic Planning and Urban Design, Venue Management, Finance and Legal and Governance.

References

Laws and Standards
• Local Government Act 1993 (NSW)
• Children and Young Persons (Care and Protection) Act 1998
• Child Protection (Working with Children) Act 2012
• Children’s Guardian Act 2019
Policies and Procedures
• Grants and Sponsorship Program Guidelines
• Sustainable Sydney 2030-205 Continuing the Vision
• A City for All: Social Sustainability Policy and Action Plan 2018-2028
• Creative City - Cultural Policy and Action Plan 2014-2024
• Economic Development Strategy
• Environmental Strategy 2021-2025
• Eora Journey Economic Development Plan
• Housing for All – Local Housing Strategy
• Inclusion (Disability) Action Plan 2021–2025
• Reducing waste from events and services: Guidelines for single use items
• Resilient Sydney
• Revenue Policy: Fees and charges
• Stretch Reconciliation Action Plan

- Sustainable event guidelines

Review period

This policy will be reviewed every 4 years.

Approval Status

The Council approved this policy on [DD MONTH YYYY].

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	(Date, month, year)	Approved by Council	20XX/XXXXXX
Reviewed	(Date, month, year of when it was approved by CEO or Council)	Briefly summarise key changes	20XX/XXXXXX (Governance to populate)
Commence Review Date	(Date, month, year – should be 9 months prior to the end of the next review period)		
Approval Due Date	(Date, month, year of when the next review of the policy is due to be finalised/ approved)		

Ownership and approval

Responsibility	Role
Author	Manager Grants
Owner	Director, City Life
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Attachment B

Grants and Sponsorship Guidelines



Grants and sponsorship program guidelines

August 2022



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Introduction

The City of Sydney has 14 grants and sponsorship programs to support initiatives and projects that strengthen the social, cultural, environmental and economic life of the city. Through this program the City of Sydney partners with the community and business to further the strategic directions of Sustainable Sydney 2030-2050 Continuing the Vision. These programs provide financial and in-kind support for a diverse range of activities.

Our grants and sponsorship guidelines provide applicants with detailed information on our grant management processes including who can apply for each grant program, how to apply, funding agreements, payment arrangements and reporting requirements.

Our grants and sponsorship programs are highly competitive, so please read these guidelines before applying.

We also hold information sessions during the year. We encourage you to come to an information session or speak with our staff before applying.

The grants and sponsorship policy provides the framework for managing grant and sponsorship requests. It sets the expected outcomes of our Grants and Sponsorships Program and outlines the high level principles that guide grantmaking at the City of Sydney. In the event of any inconsistency between the policy and these guidelines, the policy will prevail.

For more information about our grants and sponsorships go to: cityofsydney.nsw.gov.au/grants-sponsorships.

You can also email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

Timing

Rounds

Dates are subject to change, check the City of Sydney's website for any updates and subscribe to the grants and sponsorship newsletter to stay informed cityofsydney.nsw.gov.au/grants-sponsorships.

	Summer Round	Winter Round
Open to applications		
Closed to applications		
Recommendations presented to Council		
Project timeframe		

Programs

Program	Timing
Aboriginal and Torres Strait Islander collaboration fund	Open all year round, until budget is exhausted
Community services grant	Open Summer Round only
Creative grant	Open Summer Round only
Business sector support grant	Open Summer Round only
Green building grant	Open Summer Round and Winter Round
Festivals and events sponsorship	Open Summer Round and Winter Round
Innovation and ideas grant	Open Summer Round and Winter Round
Quick response grant	Open all year round, until budget is exhausted
Affordable and diverse housing fund	Open all year round, until budget is exhausted
Venue hire support grants and sponsorship	Open all year round, until budget is exhausted
Street banner sponsorship	Open all year round, until budget is exhausted
Accommodation grant	Open as properties become available
Creative live/work spaces grant	Open as properties become available
Short-term empty properties grant	Open as properties become available

Eligibility

Eligibility classifications

Our grants program receives grant applications from many types of applicants, including:

- not-for-profits, including registered charities and social enterprises structured as:
 - companies
 - cooperatives (non-distributing)
 - foundations
 - incorporated associations
 - Aboriginal and Torres Strait Islander corporations
 - land councils
 - partnerships
 - trusts, including charitable trusts
 - owners' corporations
- for-profits, including those structured as:
 - companies
 - co-operatives (distributing)
 - Aboriginal and Torres Strait Islander corporations
 - partnerships
 - trusts
- sole traders
- individuals
- owners' corporations (Strata and company owned)
- unincorporated community groups
- government departments and agencies.

Specific eligibility requirements are included in the description for each program.

Applicants may be required to provide further information to verify the structure of the applicant's entity. For example, not-for-profits including registered charities and social enterprises must be able to demonstrate they are a registered with ACNC or properly constituted with a statement of purpose/constitution reflecting that the applicant is not-for-profit.

Individuals and unincorporated community groups applying for any cash grant will require an auspice by an eligible organisation.

Applicant eligibility is determined by the applicants ABN registered entity.

For more information on each applicant type see the [definitions section](#).

General eligibility

To be eligible for funding, applicants must:

- operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors
- meet the grant program eligibility criteria stated in the guidelines
- have acquitted any previous City of Sydney grants or sponsorships and met all contractual obligations
- have no outstanding debts owing to the City of Sydney
- demonstrate the grant will be used for a purpose in the public interest
- demonstrate capacity to deliver the project
- be financially viable.

General exclusions and ineligibility

The City of Sydney does not provide grants and sponsorships for projects that:

- duplicate existing services or programs
- have already occurred (no retrospective funding)
- do not meet the identified priority needs of the City of Sydney area
- directly contravene the eligibility and ethics framework or existing City of Sydney policies.

We do not accept duplicate applications. Applications that are submitted to more than one program for the same project in a round will only be considered in one program.

Grants and sponsorships do not cover:

- general donations to charities (donations and support for charities are covered by the City of Sydney's support for charities policy)
- activities that could be perceived as benefiting a political party and/or political party campaign
- activities that could be perceived as divisive within the community
- waiver of fees for development applications, health inspection fees, health approvals, street closures and other approvals and other similar statutory charges
- City of Sydney staff in their capacity as individuals, although they may participate and contribute to projects in their private capacity where the grants are auspiced by other entities.

We do not provide in-house design, printing and distribution services, or cleansing and waste services for events. However, organisations may apply for funding to undertake these activities themselves.

Application support

We encourage you to speak to us about your project, program suitability and eligibility before applying.

You'll find plenty of support to help with your application:

- **online resources** – see cityofsydney.nsw.gov.au/grants-sponsorships
- **phone support** – call 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au
- **briefing sessions** – for applicants to learn about the grants and sponsorship programs and ask questions.
- **free grant writing seminars** – these take place twice a year. See dates at cityofsydney.nsw.gov.au/talks-courses-workshops/connect-sydney
- at our community centres and venues, libraries, and city spaces.

Dedicated support

Further support and accessible application formats that include oral applications are available for Aboriginal and Torres Strait Islander applicants, people with disability and culturally and linguistically diverse applicants.

To access this support, call 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au

Accessible applications are subject to the same assessment and approval process as other grants and may require a longer lead time to apply.

People with disability

If you are deaf, hard of hearing or have a speech impairment, you can contact us through [National Relay Service](#). You'll need to provide our phone number, 02 9265 9333.

Our online applications comply with accessibility requirements WCAG 2.0 AA. For more information on accessibility see australia.gov.au/accessibility.

Help with grants in your language

If you need help with information about our grants in other languages, here are some useful tools and resources.

[Help with grants in your language - English](#)

[帮助您以母语了解拨款 - Simplified Chinese](#)

[한국어 보조금 안내 - Korean](#)

[ความช่วยเหลือในภาษาของท่าน เกี่ยวกับทุนอุดหนุน - Thai](#)

Find a translating or interpreting service

If you need an interpreter to help you with information on our website, please call the Translating and Interpreting Service on 13 14 50 and ask them to put you through to the City of Sydney on 02 9265 9333.

如果英語並非您的第一語言，而您欲使用電話傳譯員服務，請致電 131 450，要求他們代致電 02 9265 9333 聯絡 City of Sydney。

Se l'inglese non è la tua prima lingua e desideri avvalerti di un servizio telefonico di interpretariato, contatta il 131 450 e chiedi di chiamare la città di Sydney al numero 02 9265 9333.

Α ν τα Αγγλικά δεν είναι η πρώτη σας γλώσσα και θα θέλατε να χρησιμοποιήσετε διερμηνέα στο τηλέφωνο, παρακαλούμε τηλεφωνήστε 131 450 και ζητήστε τους να σας καλέσουν την Πόλη του Σύδνεϊ στο 02 9265 9333.

英語が母国語でない方で、電話通訳サービスをご利用になりたい方は、131 450 におかけの上、シドニー市 02 9265 9333 に電話をかけるよう通訳にご依頼ください。

Jika bahasa Inggris bukan bahasa pertama Anda dan Anda ingin menggunakan jasa seorang juru bahasa, silakan menghubungi 131 450 dan minta agar diteleponkan ke City of Sydney di 02 9265 9333.

إذا لم تكن الإنجليزية لغتك الأولى وأردت الاستفادة من خدمة الترجمة الشفهية الهاتفية، فالرجاء أن تتصل بالرقم 131 450 والطلب منهم الإتصال ببلدية مدينة سيدني علي الرقم 02 9265 9333.

Si el inglés no es su primer idioma y desea utilizar un servicio de interpretación telefónica, póngase en contacto con el 131 450 y solicite que llamen a la Ciudad de Sydney al 02 9265 9333.

영어가 모국어가 아니어서 전화 통역 서비스가 필요하실 경우 131 450 에 전화하셔서 City of Sydney (02 9265 9333) 로 연결하도록 요청 하십시오 .

Nếu tiếng mẹ đẻ không phải là tiếng Anh và muốn sử dụng dịch vụ thông dịch qua điện thoại, xin quý vị gọi số 131 450 và yêu cầu họ gọi cho Thành Phố Sydney điện thoại số 02 9265 9333.

Если английский не является вашим родным языком и вы хотели бы воспользоваться услугами устного перевода по телефону, то, пожалуйста, позвоните по номеру 131 450 и попросите их позвонить в муниципалитет города Сидней по номеру 02 9265 9333.

Grants management process

Applications

Applications for grants and sponsorship are completed online. Application forms are available once the grant round opens. For some programs open throughout the year, online forms are available on request after you discuss your project concept with our grants team.

Accessible application formats that include oral applications are available for Aboriginal and Torres Strait Islander applicants, people with disabilities and culturally and linguistically diverse applicants.

Applications must be submitted by the due date at 5pm Sydney time or Australian Eastern Daylight Time if applicable. We do not accept submissions after the cut-off time and date.

You are responsible for choosing the most appropriate program to apply for. Your application must be well-developed, address all the criteria and answer all compliance questions. It must include documentary evidence and support as required.

We encourage you to speak to us before applying.

Assessment

All grant applications are assessed by at least three City of Sydney staff, including those with knowledge and experience relevant to the grant application. Recommendations are then made to Council for approval.

Some grant applications may be assessed by external parties who have skills and professional experience which will benefit the assessment process.

When an external assessor is required, we will select a representative from one of the City of Sydney's established advisory panels with the relevant skills, experience, and availability.

External assessors are required to sign a participation agreement with the City of Sydney which outlines their responsibilities, including conflict of interest and confidentiality obligations. They cannot submit a grant application in the grant round they are assessing.

All assessors are required to make a conflict of interest declaration on each application as part of the assessment process.

Our grants and sponsorship programs are highly competitive. Even though an application may meet the criteria it may not be competitive against other applications. If an application is unsuccessful, the applicant can request feedback from City of Sydney staff.

Approval

Council has authority to approve grants and sponsorship or other financial assistance.

The CEO can approve grants consistent with City of Sydney policies and delegations from Council for the following programs: Quick response grant, Venue hire support grants and sponsorship, Street banner sponsorship, Creative live/work spaces grant and Short-term empty properties grant.

Under the Local Government Act, any waiver or reduction of fees or charges can only be approved if the application meets a pre-approved category of fee exemption in the City of Sydney's Revenue Policy.

Applicants should note that many projects including festivals and events require approvals and consents from the City of Sydney (such as development applications), NSW Police and other state government agencies. If the necessary approvals cannot be obtained, the grant or sponsorship may be revoked.

Approval of a grant or sponsorship does not imply that the City of Sydney has given any other consent.

Approval of value-in-kind is not a guarantee of booking, as all bookings are subject to availability and must be made through the usual booking process for the facility, space or location requested.

Notification process

We will notify you in writing of the outcome of your application within 10 business days after the decision of Council.

Details of the status of approval can also be found in the Council meeting minutes, which are listed on the website within the week of Council approval.

Matched funding

We recognise the importance of applicant cash and in-kind contributions. Some of our grant programs may require applicants to provide matched funding and in-kind contributions.

We may provide matched or equivalent funding with:

- direct cash input to the project through donations or income generated
- in-kind contributions such as donated supplies, materials or services
- volunteering time such as labour, set up and pack down, and meeting time to identify, plan and implement projects.

Details on the programs that require cash and in-kind matched funding are in the description for each program.

Funding agreements and negotiation

We aim to finalise funding agreements with successful applicants within five weeks of Council approval. You must enter into a funding agreement with us before funds are released and before the project can start.

The City of Sydney uses a standard funding agreement which includes:

- a description of the project for which funding is being provided
- the amount of cash funding to be received and the details of any value-in-kind support
- the obligations of the City of Sydney and the applicant (and where relevant the auspice) in relation to a grant
- specific performance criteria to be met by the applicant for each project
- any benefits to be provided to the City of Sydney in return for the grant (if applicable)
- a payment schedule
- the deadline for submission of the project acquittal.

If you fail to finalise the agreement within one month of receiving the draft agreement from us, we reserve the right to withdraw the grant or sponsorship.

Not meeting your contractual obligations, including failing to submit an acquittal report, may result in you or your organisation being unable to apply for further grant funding from the City of Sydney.

Payment arrangements

Once funding agreements are finalised, payments are processed with a standard 30-day turnaround time from the invoice date. Payments are not processed before the timeframes stipulated in the funding agreement. If you need the funds sooner due to project deliverables, please contact the grants team to enquire if an urgent payment can be made.

Reporting and monitoring

You must report on and acquit the project(s) as detailed in your funding agreement. Reports provide us with feedback on the success of the project in terms of the agreed outputs and outcomes, relevant data and any lessons learnt. You must provide detailed financial reports.

You may be asked to provide further documentation and evidence of expenses.

Final reports must be submitted no later than one month after the agreed completion date of the project as stated in the funding agreement unless otherwise agreed.

Evaluation and learning framework

The City of Sydney is committed to continuous improvement of our grants and sponsorship programs. An evaluation and learning framework has been developed to measure the effectiveness of each of the grants and sponsorship programs.

The aim of this framework is to:

- measure the degree to which stated outcomes are being achieved
- provide standard tools for collecting and analysing data within and across programs
- build evaluative capacity of City of Sydney staff and grant recipients
- identify improvements to the Grants and Sponsorship Program.

We invite feedback at the end of each application and acquittal form on how we can improve the grants and sponsorship programs and processes.

More information

For more information see cityofsydney.nsw.gov.au/grants-sponsorships, email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

We hold grants and sponsorship information sessions during the year. We encourage you to attend one of these before applying.

Important application information

As part of the application, you will be asked to answer a series of questions, including:

- a brief description of the project
- the need for the project and the benefits to the local area
- your capacity and experience to deliver the project effectively
- how the project meets the program priorities.

Some programs may have additional questions or requirements specific to that grant program.

You will also be asked questions on how your project responds to City of Sydney policies regarding child safety, inclusion and accessibility, sustainability and collaboration with Aboriginal and Torres Strait Islander communities.

Child safety

The City of Sydney is committed to being child safe and has zero tolerance for child abuse. The City of Sydney recognises its legal and moral responsibilities in keeping children safe from harm and abuse and promoting their best interests. The City of Sydney has specific policies, procedures and training in place to support employees and volunteers to achieve these commitments.

Where an application involves the delivery of programs and services involving child-related work you must attach a copy of your organisation's child safety/child protection policy and procedures to the application. If you do not have a formal child safety/protection policy, you must outline how you intend to comply with Child Safety law relevant to you or your organisation. This information will help us to assess whether your application has demonstrated capacity to deliver the project in line with the general eligibility requirements.

Please note, the City of Sydney does not regulate or monitor compliance with Child Safety law. Applicants should seek advice from the Office of the Children's Guardian, the Department of Education and Communities and /or the Australian Children's Education & Care Quality Authority regarding their child safety and protection compliance obligations as appropriate.

Inclusion and accessibility

All applicants will be asked to describe how their project considers participation, access and inclusion across the community.

The City of Sydney's Inclusion (Disability) Action Plan 2021-2025 guides the organisation's approach to ensure Sydney is inclusive and welcoming for everyone. This Plan includes actions that actively address barriers faced by people with disability. You can view the [Inclusion \(Disability\) Action Plan](#) on the City of Sydney's website.

The City of Sydney has developed Guidelines to assist event producers to plan and deliver events that are inclusive and accessible to everyone. The guidelines outline key access and inclusion considerations for all events. You can view the Inclusive and Accessible Event Guidelines on the City of Sydney's website.

Sustainability

All applicants are to ensure that any events or programs funded through a City of Sydney grant are delivered in an environmentally sustainable way. Please see our [sustainable event guidelines](#) and [guidelines for single use items](#) for information on how to reduce waste from events and services.

Applicants for specific programs may be asked to meet certain conditions to reduce the environmental impact of their project. The City of Sydney will provide educational material and guidance to assist applicants in understanding and meeting these conditions.

Collaboration with Aboriginal and Torres Strait Islander communities

All applicants will be asked to outline any plans they have to engage Aboriginal and Torres Strait Islander run businesses, organisations or individuals in the running of their project.

We are committed to exploring ways in which we can enhance the economic prosperity of Aboriginal and Torres Strait Islander peoples and organisations through our Grants Program. You are encouraged to consider engaging Aboriginal and Torres Strait Islander businesses into all aspects of your supply chain in the planning, delivery and implementation of your project.

Other information

Budget

All applicants are required to submit a budget (in the Smartygrants template), listing all income and expenditure items for the project. All figures should be GST exclusive.

As a guide for calculating volunteer time contributed to the project, use the fees of:

- \$25 per hour for volunteers
- \$75 per hour for contractors or professionals volunteering their time

Supporting documents

You will be asked to provide the documents below with your online application. Please allow enough time for files to upload and aim to submit your application at least an hour before the due time.

Standard supporting documents include:

- quotes for equipment or material valued over \$1,000
- a copy of public liability insurance or quote for public liability insurance (to be taken up following the approval of the grant) to cover the proposed project to the minimum value of \$10 million (or \$20 million for projects that are high risk, have large numbers of the public attending or funding greater than \$250,000)
- a copy of the organisation's constitution including a statement of purpose and organisation structure if the applicant is a social enterprise or a not-for-profit organisation without charity or deductible gift recipient status
- multi-year project plan (for multi-year cash funding requests)
- child safety/child protection policy and procedures (if the proposed project involves child-related work)
- letters of support from any community or local business partners (if relevant)
- a list of community members or businesses who will be involved in the proposed project (if relevant)
- evidence to demonstrate owner's consent for the use of land (if relevant)
- a basic site plan for the proposed project (if relevant)

Grants and sponsorship program guidelines

- case studies of previous projects (if relevant)
- any other documents relevant to the proposed project, such as photographs, minutes from planning meetings and development approvals.

Aboriginal and Torres Strait Islander collaboration fund

Overview

This funding program supports a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector to deliver projects that meet the needs and aspirations of Aboriginal and Torres Strait Islander people in the local area.

Funding supports increased self-determination and equity for Aboriginal and Torres Strait Islander people through projects that connect people with community, Country and culture.

Key dates

This program is open all year for applications until the budget is exhausted.

Activities should be delivered within 12 months of the project start date.

Funding available

Cash funding up to \$50,000 is available, for projects to be delivered within 12 months.

Value-in-kind in the form of venue hire fee waiver is also available.

Applicants can apply for up to \$5,000 worth of capital expenditure or equipment purchase.

Applicants can include the cost of necessary insurances in their application.

Funding priorities

Our funding will prioritise projects that:

- are led by local Aboriginal and/or Torres Strait Islander people and communities
- deliver positive outcomes for local Aboriginal and/or Torres Strait Islander communities
- meets the needs and aspirations of local Aboriginal and/or Torres Strait Islander communities
- build the capacity of local Aboriginal and/or Torres Strait Islander owned and/or led organisations and businesses.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project and proposed outcomes and relevance to Aboriginal and Torres Strait Islander communities
- capacity and experience of the applicant to deliver the project
- demonstrated connection to and benefit for local Aboriginal and Torres Strait Islander communities
- how the project will deliver against the funding priorities.

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area and be able to demonstrate significant benefits for the area's residents, workers and/or visitors:

- Individuals and sole traders must identify as Aboriginal or Torres Strait Islander and be accepted as such by the community in which they live
- Groups must consist of majority Aboriginal and/or Torres Strait Islander members
- Organisations must have a governing body that is majority Aboriginal and/or Torres Strait Islander people

These individuals and organisations can apply:

- Not-for-profit organisations
- For-profit organisations
- Sole traders
- Individuals or unincorporated community groups auspiced by a not-for-profit or for-profit organisation.

If you work with an auspicing organisation, we encourage you to choose one that is relevant to the sector and that can support the development of the proposal.

For more information on eligibility see the [eligibility section](#).

Proof of Aboriginality requirement

The Aboriginal and Torres Strait Islander Collaboration Fund is dedicated to local Aboriginal and/or Torres Strait Islander peoples, groups and organisations.

To be eligible for this fund, Aboriginal and/or Torres Strait Islander individuals, sole traders and community groups will be required to provide confirmation of Aboriginality. It is preferred (but not limited to) this confirmation being from a registered Aboriginal and/or Torres Strait Islander community organisation stamped with their common seal and that confirms the applicant:

- is of Aboriginal and/or Torres Strait Islander descent
- identifies as an Aboriginal and/or Torres Strait Islander person
- is accepted as such by the Aboriginal and/or Torres Strait Islander community in which you live, or formerly lived.

Alternatively, Aboriginal and/or Torres Strait Islander businesses are required to provide proof of certification and/or registration from the following:

- NSW Indigenous Chamber of Commerce
- Supply Nation
- Office of the Registrar of Indigenous Corporations.

Not eligible for funding

Funding is not available for:

- applicants that do not meet the eligibility criteria
 - projects that duplicate existing services
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

To apply for this grant please contact the grants team for a call back to discuss your eligibility and suitability to the program, on 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au.

Community services grant

Overview

This grant program supports projects and programs that help increase social cohesion and inclusion, develop healthy and resilient communities, and support participation in civic life.

Key dates

Applications open: Summer Round only

For relevant dates see the timing section and cityofsydney.nsw.gov.au/grants-sponsorships.

Funding available

Cash funding from \$10,000 to \$50,000 per year is available, for a one-year program or multi-year funding (up to 3 years).

Value-in-kind in the form of street banner and venue hire is also available.

Applicants can apply for up to \$5,000 worth of capital expenditure or equipment purchase.

For applicants requesting multi-year funding, please contact the grants team for a call back to discuss your suitability to the program, on 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au.

Funding priorities

Our funding will prioritise projects or programs that:

- recognise Aboriginal and Torres Strait Islander communities and culture
- promote sustainable and equitable food systems and address food insecurity
- strengthen social cohesion, community resilience and wellbeing
- involve our communities in local decision making and community life
- improve our communities' digital literacy and skills
- support people experiencing or at risk of homelessness.

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project or program and proposed outcomes
- capacity and experience of the applicant to deliver the project or program
- demonstrated connection and benefit to the local area and communities
- how the project or program delivers against the funding priorities
- evidence of the project or program having direct engagement with our diverse communities, including Aboriginal and Torres Strait Islander people, people experiencing or at risk of homelessness, young people, older people, people with disability, international students, culturally and linguistically diverse communities, women, LGBTIQ+ communities and low income earners.

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors:

These individuals and organisations can apply:

- Not-for-profit organisations
- Social enterprises
- Individuals or unincorporated community groups auspiced by a not-for-profit that is eligible to apply in its own right.

If you work with an auspicing organisation, we encourage you to choose one that is relevant to the sector and that can support the development of the proposal.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- for-profit organisations, including small businesses
- projects or programs that duplicate existing services
- projects or programs that directly contravene the eligibility and ethics framework or existing City of Sydney policies.

How to apply

Applications for grants and sponsorship must be completed online.

For applicants requesting multi-year funding, please contact the grants team for a call back to discuss your suitability to the program, on 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au.

For more information on our grants and sponsorships see cityofsydney.nsw.gov.au/grants-sponsorships.

You can also email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

Creative grant

Overview

This grant program supports projects and initiatives that contribute to Sydney's cultural life, provide opportunities for creative participation, enliven public spaces, and strengthen the sustainability and capacity of our cultural and creative industries.

Key dates

Applications open: Summer Round only

For relevant dates see the timing section and cityofsydney.nsw.gov.au/grants-sponsorships.

Funding available

Cash funding from \$10,000 to \$50,000 per year is available, for a one-year program or multi-year funding (up to 3 years).

Value-in-kind in the form of street banner and venue hire is also available.

Applicants can apply for up to \$5,000 worth of capital expenditure or equipment purchase.

Funding priorities

Our funding will prioritise projects that:

- promote local culture and stories
- explore aspects of Sydney's history
- celebrate Aboriginal and Torres Strait Islander communities and culture
- represent the cultural and social diversity of our community
- increase access to creativity and culture for the city's communities
- encourage cultural organisations and artists to locate and operate in Sydney
- address challenges facing the creative industries and cultural sector.

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project and proposed outcomes

Grants and sponsorship program guidelines

- capacity and experience of the applicant to deliver the project
 - demonstrated connection and benefit to the local area and communities
 - evidence of diversity, inclusion and equity in the planning and delivery of the project
 - how the project delivers against the funding priorities.
-

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors:

These individuals and organisations can apply:

- Not-for-profit organisations
- For-profit organisations
- Sole traders
- Individuals or unincorporated community groups auspiced by a not-for-profit or for-profit that is eligible to apply in its own right.

If you work with an auspicing organisation, we encourage you to choose one that is relevant to the sector and that can support the development of the proposal.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- operational costs or overheads for the core business of an organisation
 - projects which are a festival or event
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

Applications for grants and sponsorship must be completed online.

For more information on our grants and sponsorships see cityofsydney.nsw.gov.au/grants-sponsorships.

You can also email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

Business sector support grant

Overview

This grant program supports sector development projects that grow the skills and capacity of local businesses, entrepreneurs and communities, advocate on key issues on behalf of local business, connect businesses to networking opportunities and promote local precincts.

Key dates

Applications open: Summer Round only

For relevant dates see the timing section and cityofsydney.nsw.gov.au/grants-sponsorships.

Funding available

Cash funding from \$10,000 to \$50,000 per year is available, for a one-year program or multi-year funding (up to 3 years).

Value-in-kind in the form of street banner and venue hire is also available.

Applicants can apply for up to \$5,000 worth of capital expenditure or equipment purchase.

Funding priorities

Our funding will prioritise projects that:

- support local businesses to adapt to new technologies, explore alternative business models and increase accessibility
- upskill local businesses and entrepreneurs to meet the needs of a more innovative economy
- build the skills and capacity of our diverse communities to increase economic participation
- advocate on key industry/sector issues on behalf of local businesses
- deliver collaborative marketing to activate local precincts and promote unique experiences across the city.

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project and proposed outcomes
 - capacity and experience of the applicant to deliver the project
 - demonstrated connection and benefit to the local area and community
 - evidence of diversity, inclusion and equity in the planning and delivery of the project
 - how the project delivers against the funding priorities.
-

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers, sector/industry and/or visitors.

These organisations can apply:

- Not-for-profit organisations
- Members based organisations with an economic focus such as a chamber of commerce or industry association.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- operational costs or overheads for the core business of an organisation
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

Applications for grants and sponsorship must be completed online.

For more information on our grants and sponsorships see cityofsydney.nsw.gov.au/grants-sponsorships.

You can also email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

Green building grant

Overview

This grant program supports owners' corporations and building owners in the residential and accommodation sector to undertake environmental ratings, certifications, audits and assessments for existing buildings to be resource efficient and achieve net zero emissions by 2035.

Funding can support:

- NABERS, Green Star Performance or EarthCheck assessment and/or certification
 - energy audits that conform to the AS3598 standard
 - residential energy/water/waste assessments
 - renewables/electrification feasibility assessments
 - net zero action plans.
-

Key dates

Applications open: Summer Round and Winter Round

For relevant dates see the timing section and cityofsydney.nsw.gov.au/grants-sponsorships.

Funding available

Cash funding up to \$15,000 is available per project.

For-profit organisations are required to match the funding requested with cash (value-in-kind will not be accepted).

Funding priorities

Our funding will prioritise projects that:

- drive existing residential buildings to be resource efficient and achieve net zero emissions
- enable buildings in key sectors to improve their environmental performance

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project and proposed outcomes

Grants and sponsorship program guidelines

- capacity and experience of the applicant to deliver the project
 - demonstrated connection and benefit to the local area and community
 - evidence of diversity, inclusion and equity in the planning and delivery of the project
 - how the project delivers against the funding priorities.
-

Eligibility

To be eligible an applicant must be an owners' corporation of an existing residential strata building or the owner of an existing building in the accommodation sector in the City of Sydney's local area.

These organisations can apply:

- Not-for-profit organisations
- For-profit organisations
- Owners' corporation.

The application must be for works on one of these building types:

- residential strata
- accommodation (hotels, hostels and serviced apartments).

For information on eligibility see the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- applications from new buildings
 - applications from commercial office or entertainment building types
 - applications from for-profit organisations that do not provide evidence of matched cash funding for the project
 - instances where a NABERS rating is required by government including under the commercial building disclosure scheme (at point of sale or lease)
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies
 - capital expenditure or capital works.
-

More information

Applications for grants and sponsorship must be completed online.

For more information on our grants and sponsorships see cityofsydney.nsw.gov.au/grants-sponsorships.

You can also email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

Festivals and events sponsorship

We provide support for festivals and events under two tiers:

- Tier 1 – General festivals and events
- Tier 2 – Major festivals and events

Prior to applying for Tier 2 please contact our grants team to discuss your proposal, on 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au.

Key dates

Applications open: Summer Round and Winter Round

For relevant dates see the timing section and cityofsydney.nsw.gov.au/grants-sponsorships.

Tier 1 – General festivals and events

Overview

This grant program supports local festivals and events that celebrate, develop and engage the city's communities. They may provide forums to share knowledge, create opportunities for active community participation, celebrate local culture and creativity and activate local precincts. They can be one-off, annual or a series of recurring events over a set period.

Funding available

Cash funding up to \$50,000 per year is available, for a one-year program or multi-year funding (up to 3 years).

Value-in-kind in the form of street banner and venue hire is available. Not-for-profit organisations are also eligible for a 25% reduction on equipment hire fees at Landmark Venues (for equipment owned by the City of Sydney).

For-profit organisations are required to match the funding requested with cash (value-in-kind will not be accepted).

Applicants can apply for up to \$10,000 worth of capital expenditure or equipment purchase.

The City of Sydney wants to support applicants to provide fair pay to the artists and creative professionals working on funded projects. Fees for artists and creative workers should be clearly included in your application budget and you are encouraged to set these fees in accordance with industry standards.

Funding priorities

Our funding will prioritise festivals and events that:

- celebrate Aboriginal and Torres Strait Islander communities and culture
- strengthen social inclusion, enable connectedness and reduce social isolation
- support the visitor economy through activations, events and promotion

- represent the cultural and social diversity of our community
- activate local precincts with creative programming.

We encourage applications from organisations, groups and individuals that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the festival or event and proposed outcomes
- capacity and experience of the applicant to deliver the festival or event
- demonstrated connection and benefit to the local area and community
- evidence of diversity, inclusion and equity in the planning and delivery of the project
- how the project delivers against the funding priorities.

Tier 2 – Major festivals and events

Overview

This sponsorship program supports major festivals and events that bring significant economic, social and cultural impact to Sydney. Sponsorships provide support for significant and/or recurring festivals or events with a proven track record, which have a recognised national and/or international brand and the capacity to deliver outcomes across multiple strategic priorities.

Funding available

Festivals and/or events seeking cash funding of \$100,000 or more per year fall within this funding tier. Funding is available for up to four years in this funding tier.

Value-in-kind in the form of street banner and venue hire fee waiver, and other negotiated City of Sydney services and resources. Not-for-profit organisations are also eligible for a 25% reduction on equipment hire fees at Landmark Venues (for equipment owned by the City of Sydney).

Major Festivals and Event Sponsorships will usually include both cash and value-in-kind contributions.

For-profit organisations are required to match the funding requested with cash (value-in-kind will not be accepted).

Applicants can apply for up to \$10,000 worth of capital expenditure or equipment purchase.

The City of Sydney wants to support applicants to provide fair pay to the artists and creative professionals working on funded projects. Fees for artists and creative workers should be clearly included in your application budget and you are encouraged to set these fees in accordance with industry standards.

Funding priorities

Major festivals and events must contribute to at least three of the following priorities:

- celebrate Aboriginal and Torres Strait Islander communities and culture
- strengthen social inclusion, enable connectedness and reduce social isolation
- support the visitor economy through activations, events and promotion
- attract intrastate, interstate or international visitation and investment in Sydney
- represent the cultural and social diversity of our community
- activate local precincts with creative programming
- encourage cultural organisations and artists to locate and operate in Sydney.

We encourage applications from organisations, groups and individuals that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the major festival or event and proposed outcomes
- capacity and experience of the applicant to deliver the major festival or event
- demonstrated connection and benefit to the local area and community
- evidence of diversity, inclusion and equity in the planning and delivery of the major festival or event
- how the project delivers against the funding priorities
- evidence of track record, organisational viability for multi-year funding, large scale audience or market reach and national or international brand awareness.

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors.

These organisations can apply for both Tier 1 and 2:

- Not-for-profit organisations
- For-profit organisations
- Government departments or agencies.

These individuals and organisations can apply for Tier 1 only:

- Sole traders
- Individuals or unincorporated community groups auspiced by a not-for-profit or for-profit that is eligible to apply in their own right.

If you work with an auspicings organisation, we encourage you to choose one that is relevant to the sector and that can support the development of the proposal.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- operational costs or overheads for the core business of an organisation
- fees and charges associated with event personnel or staffing at landmark venues
- projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.

How to apply

Applications for grants and sponsorship must be completed online.

For more information on our grants and sponsorships see cityofsydney.nsw.gov.au/grants-sponsorships.

Grants and sponsorship program guidelines

If you are interested in applying for Tier 2 please contact our grants team to discuss your proposal, on 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au.

Innovation and ideas grants

Overview

This grant program supports projects that foster innovation, showcase local expertise and test new ideas to address local and global issues across the city's social, cultural, sustainability and business sectors.

Funding can support:

- research and feasibility studies relating to the funding priorities listed below
 - pilot projects that test new approaches for addressing local and global issues
 - demonstration projects that promote market awareness and adoption of innovations
 - development and implementation of best practice approaches and toolkits
 - new technologies and platforms that support sector development.
-

Key dates

Applications open: Summer Round and Winter Round

For relevant dates see the timing section and cityofsydney.nsw.gov.au/grants-sponsorships.

Funding available

Cash funding from \$10,000 to \$50,000 per year is available, for a one-year program or multi-year funding (up to 3 years).

Applicants can apply for up to \$5,000 worth of capital expenditure or equipment purchase.

Value-in-kind in the form of venue hire is also available.

Funding priorities

Our funding will prioritise innovative projects that contribute to making Sydney a city:

- that is a leading environmental performer
- that is equitable and inclusive
- with resilient and diverse communities
- with a thriving cultural and creative life

- with a transformed and innovative economy.

We encourage applications from organisations, groups and individuals that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project and proposed outcomes
 - capacity and experience of the applicant to deliver the project
 - demonstrated connection and benefit to the local area and communities
 - evidence of diversity, inclusion and equity in the planning and delivery of the project
 - how the project delivers against the funding priorities.
-

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors.

Not-for-profit and for-profit organisations can apply.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- operational costs or overheads for the core business of an organisation
 - projects that duplicate existing services
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

Applications for grants and sponsorship must be completed online.

For more information about our grants and sponsorships see cityofsydney.nsw.gov.au/grants-sponsorships.

You can also email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

Quick response grant

Overview

This grant program supports small scale, community-led projects that encourage communities to take action to improve, enhance, represent or celebrate their local neighbourhoods.

Key dates

This program is open all year for applications until the budget is exhausted.

Decisions will be notified within 6 weeks of application.

Activities should be delivered within 12 months of the project start date.

Funding available

Cash funding up to \$10,000 is available, for projects to be delivered within 12 months.

Value-in-kind in the form of venue hire is also available.

Applicants can apply for up to \$10,000 worth of capital expenditure or equipment purchase.

Applicants can include the cost of necessary insurances in their application.

Funding priorities

Our funding will prioritise projects that support:

- vulnerable communities and those with the greatest need
- individuals and teams that are selected to participate in events in the sporting, academic, cultural or environmental fields
- resilience and readiness of diverse communities to respond to shocks
- sustainability and environmental projects such as community gardens, green roofs and walls, urban ecology and green workshops
- cultural projects such as public art, cultural workshops and community art projects
- minor capital works, equipment upgrades and acoustic attenuation for cultural venues
- local civic activities and events
- essential emergency support for community, cultural and sustainability projects.

We encourage applications from organisations, groups and individuals that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project and proposed outcomes
 - capacity and experience of the applicant to deliver the project
 - demonstrated connection and benefit to the local area and community
 - evidence of diversity, inclusion and equity in the planning and delivery of the project
 - how the project delivers against the funding priorities.
-

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors.

These individuals and organisations can apply:

- Not-for-profit organisations
- Individuals or unincorporated community groups auspiced by a not-for-profit that is eligible to apply in their own right.

If you work with an auspicing organisation, we encourage you to choose one that is relevant to the sector and that can support the development of the proposal.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- ongoing project, event or program funding
 - operational costs or overheads for the core business of an organisation
 - projects that duplicate existing services
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

Applications for grants and sponsorship must be completed online.

For more information about our grants and sponsorships see <http://www.cityofsydney.nsw.gov.au/grants-sponsorships>.

You can also email communitygrants@cityofsydney.nsw.gov.au or call 02 9265 9333.

Affordable and diverse housing fund

Overview

The affordable and diverse housing fund promotes the development of affordable and diverse rental housing in our local government area by community housing providers, not-for-profit and for-profit organisations.

The fund is part of the City of Sydney's commitment to overcome financial barriers to affordable and diverse housing development.

Key dates

This program is open all year for applications until the fund is exhausted.

Funding available

The fund's priority is to leverage private finance for affordable rental housing.

Funds can be used for:

- acquiring land owned by third parties
- acquiring land owned by the City of Sydney
- design and construction
- associated development costs.

It is expected that the total amount of funding for any individual project will not exceed \$3 million in value.

Funding priorities

Our funding will prioritise applications that:

- maximise the quantum of subsidised housing within the City of Sydney local area
- leverage additional funds from sources external to the City of Sydney and its programs, including private debt finance, charitable donations and grants from state and federal government
- encourage a broad range of community housing providers to invest in and operate diverse housing within the local area
- deliver positive outcomes for our diverse communities through subsidised housing within the City of Sydney local area
- ensure the continued use of funded projects as subsidised housing

Grants and sponsorship program guidelines

- facilitate the ongoing management in accordance with the applicable regulatory requirements, such as NSW affordable housing guidelines
- achieve timely delivery utilising appropriately experienced and capable principals and contractors.

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- amount, nature and location of subsidised housing and any other uses or support being delivered
 - proportion of the total project cost requested as City of Sydney funding (including cash, value-in-kind and land)
 - proportion of total project cost funded by the applicant and other sources
 - property development experience, expertise and capability of the applicant/deliverer
 - experience in the operation and management of the type of housing by the applicant/manager in compliance with relevant regulations
 - financial capacity of the applicant
 - evidence of diversity, inclusion and equity in the planning and delivery of the project.
-

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors.

These individuals and organisations can apply:

- Not-for-profit organisations
- For profit organisations
- providers of community housing
- organisations that are part of a consortium that includes a community housing provider.

For more information on eligibility the [eligibility section](#).

Not eligible for funding

- Unincorporated community groups
 - Individuals
 - consent authority fees and charges
 - projects that are already in receipt of other subsidies or benefits provided by the City of Sydney
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

Further conditions

For funds that are used for the development of new subsidised housing developments:

Grants and sponsorship program guidelines

- funds must only be used for capital expenditures on net new subsidised housing developments
- our financial contribution will generally not exceed 30 per cent of the total cost of the subsidised housing
- funds will not be released until a construction certificate is issued for the development
- we may seek to secure the use provided through a mechanism/instrument such as a registered positive covenant, on the land used for the project
- funds may need to be repaid if the project completion date is not met, the project is terminated, the recipient becomes insolvent, or the project description changes materially
- the recipient must operate the facility in line with federal, state and local government regulatory requirements
- unless otherwise approved by the City of Sydney, housing delivered through the fund is to be rented to a range of low to moderate income earners at no more than 30 per cent of gross household income, in line with NSW affordable housing guidelines
- the facility must generally be commenced within three years of funding approval.

More information

The project can include a proportion of ‘market’ housing for sale on completion and/or a commercial component for lease, or sale, on completion if it forms a part of the project’s financing strategy or is needed to satisfy planning controls.

‘Subsidised’ housing means all forms of short and long term rental accommodation offered at below market rates, including affordable housing, social housing, assisted living, aged and respite care, crisis housing and boarding houses.

How to apply

If you are interested in applying please contact Senior Planner Central Sydney Planning to discuss your proposal, on 9265 9333 or email council@cityofsydney.nsw.gov.au.

Venue hire support grants and sponsorship

Overview

The City of Sydney owns a number of venues that are available for hire. The venue hire support grants and sponsorship program helps community and cultural groups and organisations access these venues for events, concerts, fundraisers, conferences, meetings and community gatherings. The grant is intended for cultural, environmental and community groups and organisations that demonstrate financial hardship.

Support is available in two categories:

- community venues
 - landmark venues.
-

Key dates

This grant program is open all year to applications until the value-in-kind budget is exhausted.

All applications should be submitted online at least eight weeks before the event.

The first activity must take place within 12 months of the submission date.

Support available

Support is available in the form of one-off or multi-year reduced rates for community and landmark venue hire, subject to availability.

Not-for-profit organisations are eligible for a 25% reduction on equipment hire fees at Landmark Venues (for equipment owned by the City of Sydney).

Funding priorities

Our funding will prioritise projects that:

- increase numbers of programs, events and activities that contribute to social wellbeing, social inclusion and increased cultural participation

- increase services and initiatives for residents, workers and visitors that contribute to the social, cultural, economic and environmental health of the city
- increase capacity of the cultural, environmental and community sector due to the sharing of knowledge and resources.

We encourage applications from organisations, groups and individuals that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the project and proposed outcomes
 - capacity and experience of the applicant to deliver the project
 - demonstrated connection and benefit to the local area and community
 - evidence of diversity, inclusion and equity in the planning and delivery of the project
 - how the project delivers against the funding priorities.
-

Eligibility

To be eligible for funding an applicant must operate within the City of Sydney's local government area or be able to demonstrate benefits for the area's residents, workers and/or visitors.

Applicants must demonstrate that payment of standard rates would cause financial hardship.

Applicants working with an auspicing organisation are encouraged to choose an organisation that is relevant to the sector and can support the development of the proposal.

For more information on eligibility the [eligibility section](#).

Community venues

These individuals and organisations can apply:

- Not-for-profit
- Unincorporated community group
- Individual auspiced by a not-for-profit that is eligible to apply in its own right.

Landmark venues

These individuals and organisations can apply:

- Not-for-profit
 - For profit event management companies facilitating an eligible not-for-profit's event
 - Individual auspiced by a not-for-profit that is eligible to apply in its own right.
-

Not eligible for funding

Funding is not available for:

- fees and charges associated with event personnel or staffing at venues
- projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.

If an applicant has already received funding for the same project under a different grants and sponsorship program, this may impact on the decision to support the application.

Further conditions

- venue hire, and equipment fees and charges are set for the facilities each year by the City of Sydney
 - the grant covers venue hire fees only. Applicants must meet all standard conditions of hire and pay all additional charges such as deposit and bond, security/key deposit, public liability insurance, cancellation, audio visual, additional staffing such as ushers, cloakroom and security, and any food and beverages.
-

How to apply

To apply for this grant please contact the grants team for a call back to discuss your eligibility and suitability to the program, on 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au.

Street banner sponsorship

Overview

The City of Sydney has up to 1500 banner poles available for hire. Street banner sponsorship provides banner pole hire fee waiver for our network of banners, enhancing streetscape vibrancy and raising the profile of forthcoming cultural events, social issues and other activities.

Sponsorship only applies to banner pole hire fees. Applicants must meet all standard conditions of hire and pay all additional charges such as design, manufacture, installation and dismantling of banners. See fees and charges at sydneycitybanners.com.au.

Key dates

This grant program is open all year to applications until the value-in-kind budget is exhausted.

All applications must be submitted online at least 4 months before the banner campaign and take a minimum of 2 months to process and receive a decision.

The banner campaign should take place within 12 months of the grant approval.

Support available

Support is available in the form of value-in-kind for street banner poles, subject to availability.

Applicants can request up to 150 banner poles for up to two weeks, once a year.

Additional requests will be considered for significant events and depend on availability in the street banner network. Street banner sponsorship is applicable to city and urban locations only.

Funding priorities

Our funding will prioritise projects that:

- increase awareness and profile of issues, events and activities of registered charities, not-for-profits and cultural institutions
- positively contribute to the overall character and vibrancy of streetscapes through use of an attractive and visual medium
- strengthen cultural and community life.

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- how the project delivers against the funding priorities.
-

Eligibility

To be eligible for funding an applicant must operate within the City of Sydney's local government area or be able to demonstrate benefits for the area's residents, workers and/or visitors.

Only not-for-profit organisations can apply.

Applicants must:

- demonstrate that payment of standard rates would cause financial hardship
- demonstrate that a program of events has been prepared with an appropriate publicity and promotions campaign
- acknowledge the City's assistance in any promotional material for the event.

For more information on eligibility the [eligibility section](#).

Not eligible for funding

Funding is not available for:

- For-profit organisations, including small businesses, individuals or private commercial ventures
- applicants that have been funded under the same program in the past 12 months
- projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.

If an applicant has already received funding for the same project under a different grants and sponsorship program, this may impact on the decision to support the application.

Further conditions

- bookings can only be made 6 months in advance from the installation date and after you have received confirmation of a successful application
 - all banner designs must be approved by the City of Sydney, through the banners team, prior to manufacture, and include our logo. The City of Sydney reserves the right to refuse a banner design
 - the City of Sydney reserves the right to determine the number and location of banner poles provided and to relocate banners to alternative locations
 - poles are subject to availability at the time of booking
 - applicants are encouraged to consider sponsorship benefits for the City of Sydney. Examples include promotion, marketing and tickets. The City of Sydney's logo must be displayed on the banner.
-

How to apply

To apply for this grant please contact the grants team for a call back to discuss your eligibility and suitability to the program, on 02 9265 9333 or email communitygrants@cityofsydney.nsw.gov.au

Accommodation grant

Overview

The City of Sydney's community facilities include different buildings and spaces that vary in size, location and function. Under our accommodation grants program, we lease facilities or spaces for up to 5 years at reduced rates (below market rental rates) or at no charge. We may offer some longer tenancies based on operational and community needs and public interest. Tenancies are informed by the strategic priorities reviewed and set by Council every 4 years.

Applicants must demonstrate that payment of commercial rents would cause financial hardship leading to a reduction or withdrawal of services.

Key dates

Applications for space through this program are invited as facilities become available, and opportunities are published on our [website](#) and [email notices](#).

Support available

Support is available in the form of waived or reduced rental charges for City of Sydney facilities. Rates vary depending on the space being leased and the financial capacity of the applicant.

The City of Sydney may require payment of a bond as part of your lease or licence agreement.

Funding priorities

Our funding will prioritise applications that show one or more of the following:

- improved social wellbeing, reduced isolation and increased cultural participation
- increased services by community and cultural organisations that benefit residents, workers and visitors, and contribute to the social, cultural, economic and environmental health of the city
- enhanced financial sustainability for local organisations including artists
- greater public participation in arts and creative projects
- greater sharing of knowledge and resources by new and emerging groups, increasing the capacity and viability of the business and community sectors
- active solutions to sector-wide issues and provision of direct services by newly established and start-up businesses and organisations that benefit our communities.

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- evidence of the need for the tenancy and proposed outcomes
 - capacity and experience of the applicant
 - demonstrated connection and benefit to the local area and community
 - evidence of diversity, inclusion and equity in the planning and delivery of the project
 - how the proposal delivers against the funding priorities
 - any additional criteria nominated for specific properties as they become available
 - for renewals, compliance with past agreements, lease terms and demonstration of ongoing need will be assessed.
-

Eligibility

To be eligible an applicant must operate within the City of Sydney's local government area or be able to demonstrate significant benefits for the area's residents, workers and/or visitors.

Not-for-profit and for-profit organisations can apply.

Applicants must demonstrate that payment of standard rates would cause financial hardship.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

- Unincorporated community groups
 - Individuals
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

Opportunities are published on our website and email lists as facilities become available.

Sign up for accommodation grants notifications at confirmsubscription.com/h/j/C601462D618DBDC8.

Creative live/work spaces grant

Overview

The City of Sydney has a small number of residential properties. Under the creative live/work spaces grant, we lease residential properties to artists and creative practitioners to live and work in the city at below market rental.

This program is offered in response to the challenges artists and creative practitioners face in obtaining affordable inner city housing and creative facilities. It provides supports for up to 18 months, limited by specific lease terms, and reduced rents at below market rates.

Key dates

This program has no set dates or rounds. Applications are invited as properties become available.

Support available

Support is available in the form of reduced rental charges for City of Sydney properties.

Funding priorities

Our funding will prioritise applications that show:

- increased opportunity for, and awareness of creative practitioners to live and work in the city
- strengthened cultural sector connections and networks in the city.

We encourage applications from Aboriginal and Torres and Strait Islander artists and creative practitioners.

Assessment criteria

Proposals are assessed against:

- artistic merit, experience and qualifications, professional development aspirations
- suitability of the creative practice for the creative live/work space and experience of collaborative working
- evidence of need for the opportunity and how this will assist the applicant's creative growth
- ability to occupy the property by the specified date
- how the project delivers against the funding priorities.

Eligibility

This program is open to all individuals working in the creative industries. This includes but is not limited to the visual arts, product design, fashion design, visual communication/graphic design, performing arts, photography, the music industry or creative writers.

Applicants must:

- be 18 years or older
- be a citizen or have residency status.

Only individuals can apply.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

- projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

Opportunities are published on our website and email lists as facilities become available.

Sign up for creative live/work spaces notifications at confirmsubscription.com/h/j/F41B9C0BDBB5B36C.

Short-term empty properties grant

Overview

The City owns a number of commercial and community properties, including retail and office space, across the local area. These properties may be empty for short periods between tenancies.

The short-term empty properties program provides immediate and short-term activation of temporarily vacant or under-used properties within our portfolio. The properties are offered from one month to one year.

The program supports:

- creative practitioners and cultural organisations
- community organisations and social enterprises
- businesses and startups that support the local economy
- organisations with a focus on sustainability and the environment.

Preference is given to applicants in the local government area or to projects that can demonstrate significant benefit to the local community.

Key dates

This program has no set dates or rounds and is responsive as properties become available.

Sign up for creative spaces notifications at confirmsubscription.com/h/j/F41B9C0BDBB5B36C

Support available

Support is available in the form of reduced rental charges for City of Sydney properties that are available and suitable for the proposed activity.

Funding priorities

Our funding will prioritise applications that:

- activate temporarily vacant City-owned properties for a short term with activities that reflect our cultural, social, economic and environmental strategies and action plans
- increase engagement with the local community, including artists and creative organisations, small business and visitors
- stimulate local economies by encouraging a diverse business mix with innovative or capacity building enterprises

Grants and sponsorship program guidelines

- increase opportunities and exposure for emerging and established enterprises including artists
- increase opportunities for local Aboriginal and Torres Strait Islander organisations.

We encourage applications from organisations that support Aboriginal and Torres and Strait Islander communities and culture, including Aboriginal community-controlled organisations and networks.

Assessment criteria

Proposals are assessed against:

- a strong concept for the space, including the project layout, look and feel
 - consideration of the local precinct and local community
 - experience in the delivery of similar projects
 - evidence of how access to the opportunity will support the growth of the organisation or business
 - ability to activate the space during business hours or a plan for how the space will be activated visually during these hours
 - quality of the pitch outlining the concept for the space including supporting images, floor plans, visual references and details of referees
 - how the project delivers against the funding priorities.
-

Eligibility

Applicant must:

- demonstrate their organisation's work or proposal benefits the City of Sydney's residents, workers and/or visitors
- demonstrate that payment of commercial rents would cause financial hardship leading to a reduction or withdrawal of services.

These individuals and organisations can apply:

- Not-for-profit organisations
- For-profit organisations
- Sole trader
- Unincorporated community groups.

For more information on eligibility see the [eligibility section](#).

Not eligible for funding

- Individuals
 - projects that directly contravene the eligibility and ethics framework or existing City of Sydney policies.
-

How to apply

This program has no set dates or rounds and is responsive as properties become available.

Sign up for creative spaces notifications at confirmsubscription.com/h/j/F41B9C0BDBB5B36C

Definitions

Term	Meaning/Explanation
Acquittal	A written report submitted after the funded project is complete (or annually for multi-year projects). It details how the recipient administered the grant funds and met the project outcomes in the funding agreement.
Auspice	<p>An incorporated organisation who receives, administers and acquits our funding on behalf of an applicant.</p> <p>The auspice is required to:</p> <ul style="list-style-type: none"> – enter into a funding agreement with the City of Sydney – accept grant funds and pay the auspiced grant applicant – be responsible for any value-in-kind support we approve, including making bookings and entering into any corresponding additional agreements with us – monitor and acquit the use of funds at the completion of the project. <p>Ideally the auspice will have the technical skills to guide and support the applicant in the delivery of the project, while acknowledging project decisions remain with applicant.</p>
Child related work	As defined by the Child Protection (Working with Children) Act 2012 and Regulation 2013
Festival or event	A public occasion for celebration and/or gathering in the community to commemorate a special occasion, local anniversary or an organised series of special events and performances, usually with a common theme and for set period or time.
Grant	Cash or value-in-kind support provided to applicants for a specified project or purpose.
Recipient	A party who has successfully applied for a grant or sponsorship. Also known as grantee.
Sponsorship	Agreements between the City of Sydney and organisations where the City receives benefits in return for the sponsorship. Examples of benefits include promotion, marketing, speaking opportunities and/or tickets.
Value-in-kind	Value-in-kind refers to an arrangement whereby the City of Sydney foregoes revenue (either in full, or a percentage) on things for which a fee normally applies. This may include park hire, venue hire, banner pole hire, or work space accommodation.
Vulnerable communities	Vulnerable communities are groups that are at higher risk of experiencing barriers to social, economic, cultural, political and environmental resources, services and support.



Attachment C

**Revised Operational Plan 2022/23 -
Addendum**

Operational Plan 2022/23 - Addendum



The Council of the City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area. We acknowledge Elders past and present and celebrate the diversity of Aboriginal and Torres Strait Islander peoples and their ongoing cultures and connections to Country.

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Cover image: Sydney Town Hall, George Street. Photo by Chris Southwood/City of Sydney

Introduction

The City of Sydney's Grants and Sponsorship Program supports initiatives and projects that build the social, cultural, environmental and economic life of the city. The City seeks to optimise the use of public funds through effective and efficient grant processes, and clear grant program objectives linked to the organisation's strategic goals.

The Grants and Sponsorship Policy provides the governance framework for management of the Program and decisions about funding.

Supporting the Policy are the Grants and Sponsorship Guidelines which guide applicants on how to apply for and acquit grants and sponsorships. The Guidelines set out the range of grant programs available, expected program priorities and assessment criteria, and provide practical details such as opening dates for each program, eligibility considerations and the types of supporting documentation they will need to submit with their application.

The current Policy was adopted by Council in September 2014. Revisions to this Policy were then approved by Council on 11 December 2017 and on 15 February 2021. The City's current Grants and Sponsorship Policy is due to be reviewed by December 2022.

City staff have undertaken a comprehensive review and have drafted a new Grants and Sponsorship Policy and Guidelines which have been aligned to the strategic directions and actions within the draft Sustainable Sydney 2030-50 Continuing the Vision, the City's key pillar strategies and Stretch Reconciliation Action Plan. The draft policy and guidelines are on public exhibition together with this Revised Addendum to the Operational Plan 2022/23.

Proposed grants program 2022/23

Grant programs and proposed budgets

Section 1 - Grants approved with funding provided in 2022/23

These grants have been approved under the current Grants and Sponsorship Guidelines.

Cash

- Community Services Grant - \$1,686,653
- Culture and Creative Grants and Sponsorship - \$1,300,000
- Business Support Grant - \$845,000
- Environmental Performance Grants - \$400,000
- Festival and Events Sponsorships - \$4,508,437
- Knowledge Exchange Sponsorship - \$392,500
- Matching Grant - \$100,000
- Precinct Activation Grants - \$750,000

Section 2 – Grants to be approved and funding provided in 2022/23

These programs are proposed in the draft 2022 Grants and Sponsorship Guidelines.

Cash

- Aboriginal and Torres Strait Islander Collaboration Fund - \$500,000
- Green Building Grant - \$200,000
- Festivals and Events Sponsorship - \$496,563
- Innovation and Ideas Grant - \$582,500
- Quick Response Grant - \$260,000

The following grant programs will be open for application in 2022/23 with funding to be determined and provided for in the 2023/24 financial year budget:

- Community Services Grant
- Creative Grant
- Business Sector Support Grant

Section 3 - Ongoing grant programs and proposed 2022/23 budgets

These grant programs are proposed to continue in the draft 2022 Grants and Sponsorship Guidelines

Cash

- Affordable and Diverse Housing Fund - \$3,000,000
- Out of policy grants and major homelessness support - \$1,900,000

Value in Kind (VIK)

- Accommodation Grant - \$7,527,567
- Creative Live/Work Spaces Grant - \$197,142
- Short Term Empty Properties Grant - no budget required
- Venue Hire Support Grants and Sponsorship - \$1,156,000
- Street Banner Sponsorship - \$451,005
- Special Events Cleaning and Related Expenses - \$494,000

Note:

Some of the proposed programs are open for application to for-profit organisations.

Each program's proposed budget for the year does not exceed 5% of the City's forecast for ordinary rates this year.

A number of programs include multi-year funding arrangements. e.g. Support for Sydney Festival within the Festival and Events Sponsorships program.

Summary

The table below provides a summary of how the total grants budget of \$26.7M will be allocated across the current grant programs and the grants programs proposed in the draft 2022 Grants and Sponsorship Guidelines.

	2022/23 Financial Year	Comments
Section 1	\$9,982,590	
Section 2	\$2,039,063	Some grant programs awarded in 2022/23 will receive funds in financial year 2023/24
Section 3	\$14,725,714	This includes \$4,900,000 in cash and \$9,825,714 in value in kind
TOTAL	\$26,747,367	



Attachment D

**Resolution of Council – 27 June 2022 –
Public Exhibition – Grants and Sponsorship
Policy and Guidelines**

Resolution of Council

27 June 2022

Item 6.5

Public Exhibition - Grants and Sponsorship Policy and Guidelines

It is resolved that:

- (A) Council approve the draft grants and sponsorship policy, as shown at Attachment A to the subject report, for public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act 1993;
- (B) Council approve the draft grants and sponsorship guidelines, as shown at Attachment B to the subject report, for public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act 1993;
- (C) Council approve the draft Revised Operational Plan 2022/23 - Addendum as shown at Attachment C to the subject report for public exhibition, for a period of 28 days in accordance with the requirements of the Local Government Act 1993; and
- (D) authority be delegated to the Chief Executive Officer to make minor changes to the draft grants and sponsorship policy and guidelines for clarity or correction of drafting errors prior to public exhibition.

Carried unanimously.

S117676

Attachment E

Engagement Report

Engagement report - draft grants and sponsorship policy and guidelines and addendum to operational plan

Engagement overview

From 28 June 2022 to 26 July 2022, the City placed the following draft documents on public exhibition:

- draft grants and sponsorship policy
- draft grants and sponsorship guidelines
- addendum to operational plan 2022/23

Consultation on the draft documents provided an opportunity for key stakeholders and the wider community to provide feedback on the draft documents before they are finalised and adopted by Council.

This report outlines the community engagement activities that took place to support the public exhibition and summarises the key findings from the consultation.

Purpose of the engagement

The purpose of the engagement was to:

- gather feedback from stakeholders and the community
 - finalise the documents and proceed to Council for adoption
-

Outcomes from the consultation

A total of 14 submissions were received during the consultation (12 online surveys and 2 email submissions). We received 7 submissions from organisations and 7 from individuals.

Key themes raised in submissions were focused on the grants management process, including feedback on timeframes for applications, supporting document requirements, auspicing requirements and the grants assessment process.

Organisations we received submissions from included:

- Counterpoint
- New Theatre (Properties) Limited
- OCN (Owners Corporation Network)
- Squabbalogic Independent Music Theatre Inc
- Three organisations asked for their submissions to be anonymous

All submissions are detailed in the submissions table below. Submissions have been summarised by City of Sydney staff

Submissions and responses

Organisation / Individual	Summary of Submission	Response	Recommendation
Organisation (OCN)	<p>Supports the draft 2022-23 policy.</p> <p>Congratulates the City on its vision and mission to leverage the community to deliver on that. Delighted to see the 2022-23 program aligned with Sustainable Sydney 2030-2050 Continuing the Vision.</p>	As there were no requests, no response is required from the City.	That the submission is noted with no change to the document as exhibited.
Organisation (anonymous)	<p>The need for measurable outcomes and deliverables can be quite challenging for smaller organisations operating in the community.</p> <p>Many outcomes will be soft in financial terms when dealing with the need for inclusive activities. Eg How do you effectively measure the mental well-being of a large group of people in an organisation.</p> <p>Measures of success won't always be evident or reportable in terms of numbers.</p>	The City acknowledges that the success of a project cannot always be measured in terms of numbers. The City works with successful grant applicants to develop suitable performance measures tailored to the scale and scope of the project being delivered, and the capacity of the organisation.	That the submission is noted with no change to the document as exhibited.
Organisation (New Theatre (Properties) Limited)	The Green Building Grant excludes entertainment building types. As a NFP Theatre, trying to become fully self-sufficient for energy by 2025 and disappointed that Grant Funding for such initiatives seems to have been excluded.	<p>The Green Building Grants program has been designed to target those sectors who contribute the largest proportion of emissions to the city's carbon footprint and that also can be supported by NABERS. This is why the program is focussed on residential apartments and hotels at this time.</p> <p>Whilst organisations such as small not for profit theatres are not eligible for funding through the Green Building Grant, the City is developing a suite of capacity building</p>	That the submission is noted with no change to the document as exhibited.

City of Sydney
Engagement report

		workshops for the creative sector which will include a focus on sustainability.	
Organisation (anonymous)	<p>Having all grants due and assessed at the one time restricts the activities that can be supported. Ideally there would be staggered or two rounds per year, as with other levels of govt grant programs.</p> <p>Project timeframes often need to be fast and responsive to circumstances and personnel, but these grant timelines are not.</p>	The City offers two major funding rounds each year, a Summer and Winter round. A number of other grant programs (including the Aboriginal and Torres Strait Islander collaboration fund, Quick Response, Venue Hire support, Street Banner sponsorship) are open all year or until funds are exhausted.	That the submission is noted with no change to the document as exhibited.
Organisation (anonymous)	The grant aims to be culturally inclusive and should therefore be managed by a culturally diverse team.	The City of Sydney is committed to being a diverse, inclusive and accessible workplace, and our shared values help us achieve this. For the community, we have dedicated teams in our business to support our diverse communities. This includes, but is not limited to, the LGBTIQ+ community, international students, Aboriginal and Torres Strait Islander peoples, people with disability, and multicultural communities. The grants team regularly engages staff from these business units as specialist assessors of grant applications.	That the submission is noted with no change to the document as exhibited.
Organisation (Counterpoint)	<p>Appreciates the long-standing support received and opportunities from the city of Sydney grants directly and for the many other community groups we support through auspice arrangements. The benefits and partnership approach has a significant impact and outcomes for all the communities we work with and is highly appreciated by all.</p> <p>Congratulates the city on having one of the best frameworks and responsive grant systems compared to other government Departments.</p> <p>Social housing Communities could be more explicitly clear as a priority group.</p>	<p>Noted.</p> <p>There is scope under a range of programs within the grants and sponsorship</p>	The grants and sponsorship guidelines have been amended under the heading Other Information on Page 14 to clarify that the supporting documentation required for multi year funding is a multi year project plan instead of a multi year business plan. Other comments are noted with no change to the document as exhibited.

City of Sydney
Engagement report

City in-kind support options could be more explicit in the application process and expanded through the current offerings.

Support unincorporated groups being able to apply for grants however, we would suggest strengthening the requirement for them to seek auspice agreement or support with a recognised community organisation as good practice and health governance perspective.

Suggest that geographic allocations caps may be beneficial and suggest involving local people and recognised representative agencies in the decision-making process to ensure that the allocation of grants reflects more localised priorities and needs and increases local ownership over the process.

guidelines for the City to support projects that deliver a range of outcomes for our diverse communities including social housing residents, such as the Community Services Grant, Innovation and Ideas, Affordable and Diverse Housing Fund and Quick Response Grant programs.

City staff are undertaking a separate project to identify how we can improve the grants experience for our community . This feedback will be considered as part of that project.

Through the grants and sponsorship guidelines, we encourage applicants working with an auspicing organisation to choose an organisation that is relevant to the sector and can support the development of their proposal.

Grant applicants are assessed in accordance with the assessment criteria for each grant program as outlined in the Grants and Sponsorship Guidelines. Geographical location within the local government area is not considered as part of the assessment criteria. All grant applications are assessed objectively against the policy and program guidelines. All grant applications are assessed by at least three City of Sydney staff, including those with knowledge and experience relevant to the grant application. Some grant applications may be assessed by external parties who have skills and professional experience which will benefit the assessment process. When an external assessor is required, we will

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Engagement report

Based on November 2020 to November 2021 Australian Bureau of Statistics (ABS) figures, volunteers are now worth \$46.62 per hour, whereas city policy's suggested value is \$25. This may be worth reviewing.

The requirement for a Multi-year business plan is a sensible approach for ensuring the governance health of an organisation, but we suggest that it be listed as a strategic plan as NFPs generally do not have business plans.

To reduce duplicate reporting, we suggest that if supporting documentation is already publicly available through other avenues such as the ACNC website, then the grantee should not be required to submit these through the application process. The application process could also be less onerous through a prefill or agency profile system.

The Accommodation Grant process is fantastic; however, proposals can often fall over because they can not be matched with operational funds. Therefore Accommodation grants, in some circumstances, could be considered to also have revenue stream options.

Appreciate, welcome and support the need for an innovation stream. However, some of the work doesn't require re-inventing but requires resourcing stability. A process for recurrent funding

select a representative from one of the City of Sydney's established advisory panels with the relevant skills, experience, and availability.

The grants and sponsorship guidelines provide two rates that cover a range of volunteering roles. These are simply provided as a guide to assist organisations when preparing budgets.

Applicants seeking multi year funding are required to submit a project plan specific to the delivery of the project for which they are requesting funding from the City. The City has amended the grants and sponsorship guidelines to reflect that the supporting documentation required for multi year funding is a multi year project plan.

City staff are undertaking a separate project to identify how we can improve the grants experience for our community. This feedback will be considered as part of that project.

When applying for an Accommodation Grant, organisations are not required to match the waived or reduced rental charges requested with operational funding.

Through the grants and sponsorship program the City of Sydney partners with the community and business to further the strategic directions of Sustainable Sydney

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Engagement report

	<p>for annual, well-run, and respected community events and other initiatives should be explored.</p> <p>Monitoring and reporting should be proportionate; time spent managing small grants can often outweigh the value of the grant. We are happy to report that the city appears to have got this balance right.</p> <p>Outcomes cannot always be counted in units of numbers of people, sessions, hours or days, and qualitative data needs to be valued as much as agreed KPIs. The full impact of a grant may not be realised until long after it reaches its conclusion.</p> <p>Policy is unclear as to how the city processes or accepts unsolicited or sponsorship proposals.</p>	<p>2030-2050 Continuing the Vision. The City of Sydney has 14 grants and sponsorship programs to support initiatives and projects that strengthen the social, cultural, environmental and economic life of the city. In general funding is not available for operational costs or overheads for the core business of an organisation.</p> <p>Noted.</p> <p>The City acknowledges that the success of a project cannot always be measured in terms of numbers. The City works with successful grant applicants to develop suitable performance measures tailored to the scale and scope of the project being delivered, and the capacity of the organisation.</p> <p>Council may approve ad hoc grants and sponsorships outside of the City's established grants and sponsorship program which further the strategic directions of Sustainable Sydney 2030-50 Continuing the Vision and in accordance with other endorsed Council Policies.</p>	
<p>Organisation (Squabbalagic Independent Music Theatre Inc)</p>	<p>1) Lead times</p> <p>In the past, there has been too long a gap between the closing dates for applications and project commencement dates. Long lead times are often essential for a project. Within those lead</p>		<p>The grants and sponsorship guidelines have been amended under the heading Tier 2 – Major Festival and Events on page 27 to clearly state in the program overview that this</p>

Date: 27 July 2022

Prepared by:

City Engagement and Grants and Sponsorship teams

City of Sydney
Engagement report

	<p>times, many significant details relating to the development of the project emerge. Therefore, it is important to get a good balance between the closing dates for grant applications and the commencement date for the project.</p> <p>We recommend applications have provision for subsequent variations if the City of Sydney needs to keep to its early closing dates.</p> <p>2) Feedback, communication and transparency We request more transparency around the full amount of funding available for each grant. Publication of retrospective data around how many applications are received would help applicants understand the expectations which shape the decision-making process.</p> <p>In the lead up to grant rounds, note the draft guidelines mention two options for direct communication - "We also hold information</p>	<p>The City has processes in place to support successful grant applicants who may need to make changes to their funded project such as project details, budget, project end dates and reporting dates.</p> <p>The City's grants and sponsorship guidelines provides details on each grant program including the program overview, funding available, funding priorities and assessment criteria. All grant recommendations are approved by Council, and the relevant Council reports are made available to the public on the City's website. The Council report includes the total budget approved and number of applications received for each grant program, as well as a list of all recommended applicants including grant applicant name, project details and recommended funding.</p> <p>Noted.</p>	<p>sponsorship program provides support for significant and/or recurrent festivals or events.</p> <p>Other comments are noted with no change to the document as exhibited.</p>
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City of Sydney
Engagement report

sessions during the year. We encourage you to come to an information session or speak with our staff before applying". Support this approach and note that unfortunately in our experience it is not always possible to reach staff directly.

Following the completion of grant rounds, a commitment to useful feedback for both successful and unsuccessful applicants is important.

3) Access to space

There is an opportunity for the City of Sydney to offer greater access to space. The reduced rental charges on offer via the Short term empty properties grant and Creative live/work spaces grant both go some way toward this.

Recommend the City develops programs similar to those offered by other Councils which offer in-kind use of underutilised spaces.

A further recommendation is a stream involving administrative residencies or partnerships to ease the burden on the City and create longer term arts-government partnerships.

The City might also conduct a specific consultation process in relation to the space requirements the Sydney creative community needs. Musical theatre would benefit from access to spaces such as Town Halls for example.

4) Scope of major events

Every grant applicant is notified in writing of the outcome of their grant application and provided with details on how to request feedback from City of Sydney staff.

The City offers several grant programs which provide access to a range of City owned facilities and spaces with support available in the form of waived or reduced rental charges. These include the Accommodation grant, Creative live/work spaces grant and Short-term empty properties grant programs. In Sydney 2030-2050 Continuing the Vision, the City's renewed vision and community strategic plan, the City has committed to increase cultural infrastructure and creative space by 40,000 square metres by 2036. The City is exploring multiple avenues for meeting this target and delivering more spaces for artists in our area, through City owned property, private development and public-private partnerships. This work includes a comprehensive audit of the floorspace already available to creative production in our area and a supply and demand study to inform the types of new spaces most needed.

City of Sydney
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	<p>The former Commercial and creative business events sponsorship had elements that were of particular interest for the musical theatre industry.</p> <p>Recommend the Festival and events - Tier 2 sponsorship program includes the option of a one-off funding for a single major event of \$100,000 or more and expanding the definition of major event to include a major production. This is particularly pertinent to the musical theatre industry where a large-scale musical will be of the same scale and benefit as a large festival.</p> <p>5) Greater flexibility in terms of Creative grants</p> <p>This is welcome. In the past the Creative grants have had very specific eligibility requirements for projects to relate to the area. The new eligibility in the draft guidelines provides greater flexibility, while still being clear that projects must benefit the City of Sydney.</p>	<p>The Tier 2 - Major Festivals and Events sponsorship program is designed to provide support for significant and/or recurring events with funding available for up to four years .</p> <p>Noted.</p>	
<p>Individual</p>	<p>Make the 'auspice' section easier. I understand the need for an auspice. Unfortunately they are really hard to find and usually they want 10% of the sponsorship - can we get the cash without an auspice?</p>	<p>This is not possible as grant recipients are generally required to enter into a valid grant agreement with the City in order to receive funding. Auspices must enter these grant agreements on behalf of applicants where an applicant (for example a community group) is not a legal entity in and of itself and therefore cannot enter into a grant agreement.</p>	<p>That the submission is noted with no change to the document as exhibited.</p>
<p>Individual</p>	<p>The grant applications are extremely long and very detailed. For small businesses, it is a huge investment of time and resources for an uncertain outcome. For big businesses, they can usually have a specialist who will write an appealing application.</p> <p>It would be better for the process to be broken into two stages:</p> <p>Stage One: the concept - which outlines the positive outcomes and impact on the community and only requires a basic budget and none of the additional support documentation requirements..</p>	<p>City staff are undertaking a separate project to identify how we can improve the grants experience for our community. This feedback will be considered as part of that project.</p>	<p>That the submission is noted with no change to the document as exhibited.</p>

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Date: 27 July 2022

Prepared by:

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	<p>Stage Two: Shortlist - focus on provision of proof that the applicant can deliver the project. This would include a full budget including, quotes, letters of support, and other supporting documents. It could also include a specific question that the panel could ask that relates to the application and gives a good application an opportunity to shine.</p>		
Individual	<p>This respondent indicated they were opposed to the decision to terminate the Feminist Legal Centre's tenancy under the Accommodation Grant program.</p>	<p>The City of Sydney's grants and sponsorship program and associated policies do not support any activities or entities that unlawfully discriminate, or encourage unlawful discriminatory behaviour, including discrimination based on ability, culture, religion, age, gender and sexual orientation in employment, marketing and/or advertising practices or contribute to the inhibition of human rights generally.</p>	<p>That the submission is noted with no change to the document as exhibited.</p>
Individual	<p>This respondent indicated they were opposed to the decision to terminate the Feminist Legal Centre's tenancy under the Accommodation Grant program.</p>	<p>The City's grants and sponsorship program and associated policies do not support any activities or entities that unlawfully discriminate, or encourage unlawful discriminatory behaviour, including discrimination based on ability, culture, religion, age, gender and sexual orientation in employment, marketing and/or advertising practices or contribute to the inhibition of human rights generally.</p>	<p>That the submission is noted with no change to the document as exhibited.</p>
Individual	<p>This respondent indicated they were opposed to the decision to terminate the Feminist Legal Centre's tenancy under the Accommodation Grant program.</p>	<p>The City's grants and sponsorship program and associated policies do not support any activities or entities that unlawfully discriminate, or encourage unlawful discriminatory behaviour, including discrimination based on ability, culture, religion, age, gender and sexual orientation in employment, marketing and/or advertising practices or contribute to the inhibition of human rights generally.</p>	<p>That the submission is noted with no change to the document as exhibited.</p>

City of Sydney
Engagement report

Individual	<p>This respondent indicated they were opposed to the decision to terminate the Feminist Legal Centre's tenancy under the Accommodation Grant program.</p>	<p>The City's grants and sponsorship program and associated policies do not support any activities or entities that unlawfully discriminate, or encourage unlawful discriminatory behaviour, including discrimination based on ability, culture, religion, age, gender and sexual orientation in employment, marketing and/or advertising practices or contribute to the inhibition of human rights generally.</p>	<p>That the submission is noted with no change to the document as exhibited.</p>
Individual	<p>There should not be internal assessors used to assess grants at the City.</p> <p>There are several large organisations that have received multiple grants from the City.</p> <p>This submission objected to grants previously given to Mercedes Fashion Week, the Olympics team and universities. The submission raised concerns about the City's processes and priorities in giving grants.</p>	<p>The City of Sydney's grants and sponsorship program supports initiatives and projects that build the social, cultural, environmental and economic life of the city. Through this program the City partners with the community and business to further the strategic directions of Sustainable Sydney 2030-2050 Continuing the Vision. The City seeks to optimise the use of public funds through effective and efficient grant processes, and clear grant program objectives linked to the organisation's strategic goals.</p> <p>All grant applications are assessed objectively against the policy and program guidelines. All grant applications are assessed by at least three City of Sydney staff, including those with knowledge and experience relevant to the grant application. Some grant applications may be assessed by external parties who have skills and professional experience which will benefit the assessment process. All assessors are required to make a conflict of interest declaration on each application as part of the assessment process.</p> <p>Some of the City's grant programs are open for application to for-profit</p>	<p>That the submission is noted with no change to the document as exhibited.</p>

City of Sydney
Engagement report

		organisations. These are advertised and assessed in accordance with the requirements of the Local Government Act 1993.	
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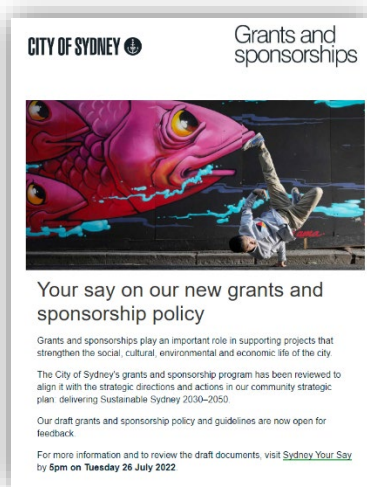
Appendix A: activities to support the consultation

Sydney Your Say webpage and survey

- Open for feedback from Tuesday 28 June to Tuesday 26 July 2022
- 421 unique page views
- 199 document downloads

eNewsletters

An item was included in the City's Sydney Your Say eNewsletter, sent on Thursday 7 July to 7,152 subscribers and to the Grants and Sponsorship notification list sent to 8,089 subscribers on Monday 18 July.



Screenshot of email to grants and sponsorship subscribers

Social media

Posts were shared on Twitter (1 retweet, 3 likes) and LinkedIn (2 shares, 21 likes).



Screenshot of tweet from @cityofsydney

Date: 27 July 2022

Prepared by:

City Engagement and Grants and Sponsorship teams

Item 8.

Delegations of Authority to the Lord Mayor and Chief Executive Officer

Files: X085376.001 and X085376.001

Summary

Under Section 380 of the Local Government Act 1993, each Council must review all of its delegations during the first 12 months of each term of office. The existing delegations to the Lord Mayor and Chief Executive Officer remain in force until Council has approved the revised delegations.

The Delegations to the Lord Mayor and the Delegations to the Chief Executive Officer were last fully reviewed by Council in July 2017. Temporary delegations have been made throughout this period in response to the Covid-19 pandemic to enable efficient action to be taken to assist the community recovery.

The proposed changes to the Delegations to the Lord Mayor are, in summary, as follows:

- the deletion of an obsolete Local Government (General) Regulation 2005 reference in delegation 4 b);
- the addition of a new delegation 11 to clarify that the Lord Mayor has delegation to determine other matters of protocol where required; and
- the amendment of delegation 26 (previously 25) to enable the provision of more timely information to Councillors when reporting on instructions given to commence certain legal proceedings.

The proposed changes to the Delegations to the Chief Executive Officer are, in summary, as follows.

- Acceptance of tenders (delegation 5): Update wording from 'entering into a contract' to 'the acceptance of tender' for consistency with terminology in s377 of the Local Government Act 1993.
- Variation to contracts – contracts approved by CEO (new delegation 6): Add a new delegation for variations to contracts recommended by the Tender Review Group (TRG).
- Variations to contracts – contracts approved by Council (delegation 7 (formerly delegation 6)): Update wording for consistency with the Tender Review Group (TRG) process and the TRG terms of reference.
- Association Memberships (new delegation 9): Add a delegation to approve association memberships to correct an historic administrative oversight from a previous council resolution.

- Grants Programs (new delegation 18): Add a reference to reflect the delegation granted by ROC 8.2 (B) from Council meeting on 11 December 2017 to implement grants programs in accordance with the Grants and Sponsorship Policy criteria and monetary limits.
- Budget and Resource Allocation (Council Reserved Function) (delegation 25 - formerly delegation 22): Increase the amount for the authorisation of any expenditure per project from the capital contingency funds from 'greater than \$150,000' to 'greater than \$250,000' to bring in line with the Local Government Act 1993 tender provisions.

Recommendation

It is resolved that Council:

- (A) approve the Delegations to the Lord Mayor, as shown at Attachment A to the subject report;
- (B) approve the Delegations to the Chief Executive Officer, as shown at Attachment B to the subject report;
- (C) revoke the existing Delegations to the Lord Mayor dated 29 June 2020 and to the Chief Executive Officer dated 16 May 2022;
- (D) confirm that all other delegations by Resolution of Council continue in force; and
- (E) note that the Delegations to the Lord Mayor and the Delegations to the Chief Executive Officer will be updated administratively to reflect any new delegations made by Council resolution.

Attachments

Attachment A. Delegations to the Lord Mayor

Attachment B. Delegations to the Chief Executive Officer

Background

1. Under Section 380 of the Local Government Act 1993, each council must review its delegations during the first 12 months of each term of office.
2. Until such time as this review is conducted, the existing delegations to the Lord Mayor and Chief Executive Officer remain in force.
3. All functions delegated by Council to the Lord Mayor and Chief Executive Officer are contained in the Local Government Act 1993, the City of Sydney Act 1988 and other relevant legislation.
4. The City's Delegation Review Group (DRG) is responsible for reviewing proposed changes to delegations from a legal, operational and governance perspective. The DRG makes recommendations to the Executive (through the Director, Legal and Governance) for endorsement. The DRG and Executive have reviewed the Delegations to the Lord Mayor and the Delegations to the Chief Executive Officer and recommend the following changes to the existing delegations.

Proposed Amendments

Delegations to the Lord Mayor

5. The proposed changes to the Delegations to the Lord Mayor are outlined in the following table.

Background/issue and why proposed change is recommended	Recommended proposed change to delegation
<p>Delegation 4 – Management of Council meetings and business</p> <p>Remove reference to clause 258(b) of the Local Government (General) Regulation 2005.</p> <p>Reason: This clause no longer exists.</p>	<p>Remove sub paragraph “clause 258(b) of the Local Government (General) Regulation 2005”.</p>
<p>New Delegation 11 – External relations and representations</p> <p>From time to time other matters of protocol may arise in addition to those already specifically addressed under the External relations and representations section.</p> <p>Reason: This new delegation will allow the Lord Mayor to determine other matters of protocol as required in line with the Lord Mayor’s existing delegations.</p>	<p>Add new delegation 11 “to determine other matters of protocol where required”.</p>
<p>Delegation 26 (formerly 25) – Authority to Obtain Legal Services</p> <p>Currently the commencement of legal proceedings referred to in that delegation is reported to Council at the first meeting after the instructions are given. Proposal to change the reporting so Councillors are notified in the next CEO Update issued to Councillors.</p> <p>Reasons: It will allow the Lord Mayor to update councillors sooner and the City to act efficiently in litigation. It is noted that all reports on legal proceedings are confidential under section 10A(2)(g) of the Act.</p>	<p>Change note “that any such instructions given are to be reported to Council at the first meeting to occur after the instructions are given”</p> <p>to</p> <p>“that any such instructions given are to be reported to Councillors in the next CEO Update issued to Councillors”.</p>

Delegations to the Chief Executive Officer

6. The proposed changes to the Delegations to the Chief Executive Officer are outlined in the following table.

Background/issue and why proposed change is recommended	Recommended proposed change to delegation
<p>Delegation 5 – Acceptance of tenders</p> <p>Change the reference to ‘entering into a contract’ to ‘the acceptance of a tender’.</p> <p>Reasons:</p> <ul style="list-style-type: none"> the use of the word ‘tender’ reflects the wording of s377 of the Local Government Act the decision is to accept the tender whereas the contract is administrative. 	<p>Amend wording from:</p> <p>“with the prior consultation of the Chief Financial Officer, following a tender process in accordance with the Local Government Act 1993 and relevant regulations, approve entering into a contract involving an estimated expenditure or receipt of an amount of \$5 million or less;”</p> <p>to:</p> <p>“approve the acceptance of tenders involving an estimated expenditure or receipt of an amount of \$5 million or less including GST with the prior consultation of the Chief Financial Officer, following a tender process in accordance with the Local Government Act 1993 and relevant regulations;”</p>
<p>Delegation 6 – Variation to contracts – contracts approved by CEO</p> <p>Currently there is no delegation for variations of contracts recommended by the Tender Review Group.</p> <p>Reason: Include the new proposed delegation 6 for consistency with the Tender Review Group process and its Terms of Reference.</p>	<p>Add new delegation 6:</p> <p>“Variations to contracts – contracts approved by CEO</p> <p>6. with the prior consultation of the Chief Procurement Officer, approve variations of any contract sum or contract contingency that are 10% or less of the total expenditure previously approved by the CEO, provided:</p> <ol style="list-style-type: none"> there is no material change in scope; and the total value of the contract remains under \$5 million including GST for the initial term and any extensions of the contract. <p><i>Note:</i></p> <ul style="list-style-type: none"> Total expenditure previously approved is the contract sum and any contingency OR contract sum, schedule of rates and any contingency. This delegation applies to contracts that were recommended by the Tender Review Group (TRG) & CFO and approved by CEO;” <p>The current Delegation 6 will become Delegation 7.</p>
<p>Delegation 7 – Variations to contracts – contracts approved by Council</p> <p>Delegation 7 (formerly 6) is amended for consistency with the Tender Review Group process and its Terms of Reference.</p>	<p>Delegation 7 (formerly 6) reworded from:</p> <p>“with the prior consultation of the Lord Mayor, variation of any:</p> <ol style="list-style-type: none"> contract sum; or contract contingency, <p>exceeding the amount approved by Council provided any such variations are not cumulatively more than 10%.”</p> <p>to:</p>

Background/issue and why proposed change is recommended	Recommended proposed change to delegation
	<p>“with the prior consultation of the Lord Mayor, approve variations of any contract sum or contract contingency exceeding the total expenditure previously approved by Council for any variations that are cumulatively 10% or less of the total expenditure previously approved by Council provided the CEO has obtained advice from the Tender Review Group recommending the variation be approved.</p> <p><i>Note: examples of variations include additional scope or an extension of time that result in an increase in the total expenditure previously approved by Council.”</i></p> <p>The current Delegation 7 will become Delegation 8.</p>
<p>Delegation 9 – Association Memberships</p> <p>New delegation approving association memberships.</p> <p>Reason: to include a previous council resolution that was not added to the delegations register at the time.</p> <p>Meeting No 1460 Item 7.5:</p> <p>https://meetings.cityofsydney.nsw.gov.au/Data/Council/20070806/Agenda/070806_council_minutes.pdf.</p>	<p>Add new delegation:</p> <p>“Association Memberships</p> <p>a. approving memberships of a value less than \$10,000 excluding GST that are required by legislation or that primarily support the City’s administrative operations or staff professional development;</p> <p>b. informing Councillors about other proposed memberships and renewals prior to the City taking up or renewing those memberships; and</p> <p>c. with the prior consultation of Councillors, proceeding with the proposed memberships or renewals unless a request is received from three or more Councillors for the matter to be reported to Committee.”</p>
<p>Delegation 18 – Grants Programs</p> <p>New delegation to reflect council resolution on 11 December 2017.</p> <p>Meeting No 11/1591 Item 8.2(B):</p> <p>https://meetings.cityofsydney.nsw.gov.au/Data/Council/20171211/Agenda/171211_COUNCIL_ITEM08.pdf</p> <p>Reason: To include a previous council resolution that was not added to the delegations register at the time. The terminology of the various grants has been updated to ensure it is consistent with the new draft Grants and Sponsorship Policy.</p>	<p>Add new delegation:</p> <p>“GRANTS PROGRAMS</p> <p>18. implementing the Quick Response Grant, Creative Spaces Grant, Short Term Empty Properties Grant, Venue Hire Support Grants and Sponsorship and Street Banner Sponsorship programs in accordance with the Grants and Sponsorship Policy criteria and monetary limits;”</p>

Background/issue and why proposed change is recommended	Recommended proposed change to delegation
<p>Delegation 25 – Budget and Resource Allocation – Council Reserved Function</p> <p>Proposed amendment to Delegation 25 (formerly 22) to change authorising any expenditure greater than \$150,000 to \$250,000.</p> <p>Reason: to bring in line with the Local Government Act tender provisions.</p>	<p>Delegation 25 (formerly 22) reworded from:</p> <p>“authorising any expenditure greater than \$150,000 (excluding GST) per project from the capital contingency funds;”</p> <p>to:</p> <p>“authorising any expenditure greater than \$250,000 excluding GST per project from the capital contingency funds;”</p>
<p>Housekeeping Amendments</p>	<p>Expired Temporary Covid-19 Delegations removed and the remaining delegations categorised and updated following Council resolution on 27 June 2022 Item 11.9 - Public Exhibition – Outdoor Dining Policy, Outdoor Dining Guidelines and Display of Goods on the Footway Local Approvals Policy.</p> <p>Current delegation numbering updated.</p>

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

7. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship – by ensuring the proper and effective exercise of the City of Sydney's powers and functions by delegation in accordance with the Local Government Act 1993.

Organisational Impact

8. The organisational impact of any change to the delegations is considered as part of the Delegation Review Group review and Executive endorsement process before being recommended for endorsement by Council.

Risks

9. The associated risks of any change to the delegations are considered as part of the Delegation Review Group review and Executive endorsement process before being recommended for endorsement by Council.

Financial Implications

10. There are no budget implications associated with this report.

Relevant Legislation

11. Sections 377 and 380, Local Government Act 1993.

Critical Dates / Time Frames

12. Council must have reviewed and approved the Delegations to the Lord Mayor and the Delegations to the Chief Executive Officer by December 2022.

KIRSTEN MORRIN

General Counsel, Director Legal and Governance

Nellette Kettle, Manager Risk and Governance

Attachment A

Delegations to the Lord Mayor

Delegations to the Lord Mayor

Resolution of Council: ~~29 June 2020~~

Responsibility: Legal & Governance

COUNCIL OF THE CITY OF SYDNEY
DELEGATIONS TO THE LORD MAYOR

INTERPRETATION OF DELEGATIONS

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- B. References to the Chief Executive Officer are references to the general manager appointed under the Local Government Act 1993.
- C. References to the decisions of Council are references to decisions made by Council from time to time.
- D. References to policies of the Council are references to policies adopted by Council from time to time.
- E. These delegations are not intended to limit the Lord Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Lord Mayor under the Local Government Act 1993 or the City of Sydney Act 1988.

DELEGATIONS

Subject to the powers, authorities, duties and functions of Council:

- 1. reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993;
- 2. which are required by any legislation or instrument to be performed by the Council;
- 3. delegated to the Chief Executive Officer by Council resolution from time to time;

Council delegates to the Lord Mayor, on an ongoing basis, the following powers, authorities, duties and functions which are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time:

General and Policy Direction

- 1. to direct the Chief Executive Officer;

Management of Council meetings and business

- 2. the authority to call and schedule meetings of Council Committees, briefings of Councillors and inspections by Councillors;
- 3. to request the Chief Executive Officer include items on the agendas for all meetings of Council and Council Committees, provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution;

4. and any other chairperson, for the purposes of:
 - a) subsection 10(2) of the Local Government Act 1993, ~~and~~
 - b) ~~clause 258(b) of the Local Government (General) Regulation 2005,~~
 the power to expel a person or persons from the following meetings:
 - a) ~~e)~~ a Council meeting; and
 - b) ~~e)~~ a meeting of a Council Committee of which all members are Councillors;

Expenditure

5. with the prior consultation of the Chief Executive Officer, approve all expenditure from contingency funds, other than the Chief Executive Officer's contingency fund, provided it is within the terms of the budget adopted by Council;
6. to approve:
 - a) all reasonable international travel by staff for Council related business; and
 - b) all reasonable associated expenses with any such travel,
 noting that any such approved expenses are to be reported in the annual report and the quarterly performance reports to Council;

External relations and representations

7. to approve all media statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue;
8. to determine who should represent Council on external organisations and committees and inter-agency working parties, provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer;
9. to determine who should represent Council at civic, ceremonial and social functions where:
 - a) the Lord Mayor is unable to attend; and
 - b) Council has not determined its representative;
 provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer;
10. to determine who Civic awards and honours such as keys to the city should be presented;
11. **to determine other matters of protocol where required;**

Performance Management of Chief Executive Officer

12. ~~11.~~ to negotiate and settle terms of a contract of employment with the Chief Executive Officer (**CEO Contract**) including determining the appropriate remunerations and inform Councillors accordingly;

13. ~~42.~~ in consultation with the Councillors in respect of material variations, to vary the terms and conditions of the CEO Contract;
14. ~~43.~~ to administer the CEO Contract including, but not limited to, approving annual leave and settling performance standards;
15. ~~44.~~ to extend the term of the CEO Contract for a period of up to three months, provided the CEO Contract allows for this extension;
16. ~~45.~~ to accept the resignation of the Chief Executive Officer;
17. ~~46.~~ to suspend the Chief Executive Officer at short notice and, only in accordance with a resolution of Council, terminate the Chief Executive Officer's employment;
18. ~~47.~~ to negotiate and settle termination arrangements with the Chief Executive Officer in accordance with the CEO contract;
19. ~~48.~~ to appoint a Director (M2) to act as Chief Executive Officer from time to time, due to the absence of the Chief Executive Officer for any reason, other than the taking of annual leave, such appointment is to be considered by Council at the earliest opportunity;

Organisational Accountability

20. ~~49.~~ to review, approve and implement governance and accountability structures and processes for the performance of the organisation;
21. ~~20.~~ to oversee, through the Chief Executive Officer, the performance of the organisation and program areas within the organisation;
22. ~~21.~~ to direct Council's internal auditor to carry out a review or audit of the organisation;
23. ~~22.~~ to obtain direct and independent advice relevant to Council functions, all such cases to be reported to Council;
24. ~~23.~~ to make minor changes to the structure of the organisation;

Authority to Obtain Legal Services

25. ~~24.~~ to instruct Council's legal representatives, directly or through the Chief Executive Officer or General Counsel, noting that if the instructions are not consistent with Council policies or decisions (such as to settle court proceedings where Council's prospects are poor) the Lord Mayor has been advised by the General Counsel or the Chief Executive Officer or external counsel that it is in Council's interest to do so;
26. ~~25.~~ to instruct Council's legal representatives to commence legal proceedings, including an appeal:
 - a) in consultation with the Chief Executive Officer and the General Counsel; or
 - b) in consultation with at least two Councillors if the legal proceedings involve the Chief Executive Officer or the General Counsel,

noting that any such instructions given are to be reported to Council at the first meeting to occur after the instructions are given **Councillors in the next CEO Update issued to Councillors;**

Mayoral and Civic Role

27. ~~26~~ in consultation with the Chief Executive Officer, and in accordance with relevant policies and procedures, in respect of the Office of the Lord Mayor:
- a) determine the structure of the Unit;
 - b) allocate expenditure within the Unit, not exceeding the global budget of the Unit approved annually by Council;
 - c) determine the number and description of all staff positions;
 - d) be fully and formally consulted in respect of the appointment and dismissal of all staff;
 - e) direct staff within the Unit and allocate tasks;

General authority of Council during recesses

28. ~~27~~ to exercise the powers, authorities, duties and functions of Council during the period:
- a) commencing at midnight on the day of the Council meeting held immediately before a recess period as approved by Council; and
 - b) ending at the time of commencement of the first Committee meeting held immediately after the end of a recess period as approved by Council,
- provided:
- c) reports or other business papers in a form similar to those normally submitted to Council or a Council Committee are provided to the Lord Mayor and Councillors at least three business days prior to the Lord Mayor exercising any powers, authorities, duties and functions of Council under this delegation; and
 - d) the Lord Mayor does not receive written objections by three or more Councillors on an item stating relevant reasons as to why the Lord Mayor should not exercise any powers, authorities, duties and functions of Council in relation to that item, under this delegation; and
 - e) any powers, authorities, duties and functions of Council exercised by the Lord Mayor pursuant to this delegation are to be reported to Councillors on a weekly basis in the CEO's Update.

Attachment B

Delegations to the Chief Executive Officer

Delegations to the Chief Executive Officer

Resolution of Council: ~~16 May 2022~~

Responsibility: Legal & Governance

COUNCIL OF THE CITY OF SYDNEY
DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

INTERPRETATION OF DELEGATIONS

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- B. References to the Chief Executive Officer are references to the general manager appointed under the Local Government Act 1993.
- C. References to the decisions of Council are references to decisions made by Council from time to time.
- D. References to policies of the Council are references to policies adopted by Council from time to time.
- E. These delegations are not intended to limit the Chief Executive Officer's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Chief Executive Officer under the Local Government Act 1993.

DELEGATIONS

Subject to the powers, authorities, duties and functions of Council:

- 1. reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993;
- 2. which are required by any legislation or instrument to be performed by the Council;
- 3. delegated to the Lord Mayor by Council resolution from time to time;
- 4. reserved to Council as set out at items **19 46** to **48 45** below (**Council Reserved Functions**),

Council delegates to the person holding the position of Chief Executive Officer, on an ongoing basis its functions:

- a) under the Local Government Act 1993 and any other legislation conferring functions on the Council; and
- b) as set out at items 1 to **18D 45**-below (**Specific CEO Delegated Functions**),

which are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time:

SPECIFIC CEO DELEGATED FUNCTIONS

BUDGET AND RESOURCE ALLOCATION

Acceptance of tenders

5. **approve the acceptance of tenders involving an estimated expenditure or receipt of an amount of \$5 million or less including GST** with the prior consultation of the Chief Financial Officer, following a tender process in accordance with the Local Government Act 1993 and relevant regulations ~~approve entering into a contract involving an estimated expenditure or receipt of an amount of \$5 million or less;~~

Variations to contracts – contracts approved by CEO

6. **with the prior consultation of the Chief Procurement Officer, approve variations of any contract sum or contract contingency that are 10% or less of the total expenditure previously approved by the CEO, provided:**
 - a. **there is no material change in scope; and**
 - b. **the total value of the contract remains under \$5 million including GST for the initial term and any extensions of the contract.**

Note:

- *Total expenditure previously approved is the contract sum and any contingency OR contract sum, schedule of rates and any contingency.*
- *This delegation applies to contracts that were recommended by the Tender Review Group (TRG) & CFO and approved by CEO;*

Variations to contracts – contracts approved by Council

7. ~~6.~~ **with the prior consultation of the Lord Mayor, approve variations of any contract sum or contract contingency exceeding the total expenditure previously approved by Council for any variations that are cumulatively 10% or less of the total expenditure previously approved by Council, provided the CEO has obtained advice from the Tender Review Group recommending the variation be approved;**

Note: examples of variations include additional scope or an extension of time that result in an increase in the total expenditure previously approved by Council.

~~variation of any:~~

~~a. contract sum; or~~

~~b. contract contingency,~~

~~exceeding the amount approved by Council provided any such variations are not cumulatively more than 10%;~~

Contingency

8. ~~7.~~ **with the prior consultation of the Lord Mayor, authorising any expenditure from operational contingency funds (consultation not required for the Chief Executive Officer's contingency fund) within the annual budget;**

Association Memberships

9.
 - a. **approving memberships of a value less than \$10,000 excluding GST that are required by legislation or that primarily support the City's administrative operations or staff professional development;**
 - b. **informing Councillors about other proposed memberships and renewals prior to the City taking up or renewing those memberships; and**
 - c. **with the prior consultation of Councillors, proceeding with the proposed memberships or renewals unless a request is received from three or more Councillors for the matter to be reported to Committee;**

ORGANISATIONAL STRUCTURE AND PERSONNEL MATTERS

10. ~~8.~~ with the prior consultation of Council, the appointment of senior staff (that is, Director level positions);
11. ~~9.~~ with the prior consultation of the Lord Mayor, structural changes involving M3 managers;
12. ~~10.~~ with the prior consultation of Council entering into any significant enterprise agreement;

LEGAL PROCEEDINGS

13. ~~11.~~ with the prior consultation of the Lord Mayor where practical and possible, the giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme Court or Federal Courts in relation to urgent injunction proceedings;
14. ~~12.~~ the giving of instructions to Council's legal representatives to resolve an appeal in relation to planning or regulatory appeals which is contrary to a resolution of Council;

PROPERTY, LAND USE AND RELATED MATTERS

15. ~~13.~~ granting of approvals to occupy ~~and use~~ public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council in respect of approvals where:
 - a. the rental or fee does not exceed \$500,000 per annum;
 - b. the term does not exceed 5 years; and
 - c. the term of any option does not exceed 5 years,

with such approvals being reported to Council in the Quarterly Report;

16. ~~14.~~ granting of approvals to occupy ~~and use~~ public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council in respect of approvals:
 - a. involving the erection of a hoarding for a period of up to 5 years and which conform to Council's policy on hoardings; or

- b. relating to a temporary ~~use~~ **occupation** of public land or crown land (including parks and open spaces) not exceeding 40 days; or
- c. for the ~~use~~ **occupation** of footways for outdoor dining for a period of up to 7 years including options;

with such approvals being reported to Council in the Quarterly Report;

17. ~~45.~~ granting of owner's consent to the lodgement of an application to carry out development on significant property or land (including roads) owned or managed by Council provided that the development involves:
- a. alterations or additions to the fit-out or internal fabric or appearance of the building;
 - b. minor changes to the external fabric or appearance of the building;
 - c. a use of public or crown land (such as tables and chairs on a footway);
 - d. works by Council in accordance with an approved budget;

and provided that such consent:

- e. is granted for a period of up to 7 years; and
- f. does not fetter Council's discretion as consent authority;

GRANTS PROGRAMS

18. **implementing the Quick Response Grant, Creative Spaces Grant, Short Term Empty Properties Grant, Venue Hire Support Grants and Sponsorship and Street Banner Sponsorship programs in accordance with the Grants and Sponsorship Policy criteria and monetary limits;**

TEMPORARY COVID-19 DELEGATIONS

~~45A. delegation expired;~~

~~45B. delegation expired;~~

~~45C. delegation expired;~~

~~45D. delegation expired;~~

Al Fresco City Program

~~45E~~**18A.** by notice on the City of Sydney website, approving the use of roads, footways and public open spaces for outdoor dining, extension of foyer space, and performance space **and other permitted uses** under Part 12 of the Liquor Act 2007 in accordance with the requirements of that Act, until **11 December 2023**; ~~30 June 2022 unless revoked earlier;~~

~~45F~~**18B.** extending the temporary provisions of the Outdoor Dining Guidelines, noting a full update to the Outdoor Dining Policy, Outdoor Dining Guidelines and Display of Goods on the Footway Local Approvals Policy will be reported for public exhibition;

~~45G~~**18C.** extending existing footway approvals to cover the notification and assessment period where the operator has lodged a new footway application prior to 30 June 2022;

- 18D. amending the Outdoor Dining Guidelines to remove Appendix 1 ‘Road area reallocated to outdoor dining’ at such time as applications for on-street outdoor dining are no longer accepted;**

COUNCIL RESERVED FUNCTIONS (NOT TO BE EXERCISED BY THE CEO)

POLICY AND PROCEDURE

19. ~~16.~~ the power to make or amend Council policy;
20. ~~17.~~ witnessing the affixing of the Common Seal of the Council;
21. ~~18.~~ the release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited;

BUDGET AND RESOURCE ALLOCATION

22. ~~19.~~ approving expenditure so as to unfavourably impact on the net operating result approved by Council in the adopted Operational Plan;
23. ~~20.~~ the approval of concept designs for all major capital works;
24. ~~21.~~ determination of applications for donations to charities, cultural and other organisations which is contrary to a resolution of Council or policy approved by Council;
25. ~~22.~~ authorising any expenditure greater than \$2450,000 (excluding GST) per project from the capital contingency funds;
26. ~~23.~~ writing off bad debts, for amounts greater than \$100,000 (excluding GST);

ORGANISATIONAL STRUCTURE AND PERSONNEL MATTERS

27. ~~24.~~ the approval of the organisation structure at Director (M2) level;
28. ~~25.~~ the appointment of senior staff (that is, Director level positions) other than as delegated to the Chief Executive Officer under clause ~~8~~**10**;
29. ~~26.~~ structural changes involving M3 managers other than as delegated to the Chief Executive Officer under clause ~~9~~**11**;
30. ~~27.~~ entering into any significant enterprise agreement other than as delegated to the Chief Executive Officer under clause ~~10~~**12**;

COUNCIL OPERATIONS AND SERVICES

31. ~~28.~~ carrying out new non-core services not already approved by Council;

32. ~~29.~~ significant variation of any existing Council service that would have ongoing implications for Council in terms of cost or service delivery;
33. ~~30.~~ altering the Schedule of Fees and Charges which are not within the relevant categories as determined within the Revenue Policy of Council's Operational Plan;

LEGAL PROCEEDINGS

34. ~~31.~~ the giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme Court or Federal Courts other than as delegated to the Chief Executive Officer under clause ~~13~~**13**;
35. ~~32.~~ the giving of instructions in legal proceedings contrary to a resolution of Council other than as delegated to the Chief Executive Officer under clause ~~12~~**14**;

PROPERTY, LAND USE AND RELATED MATTERS

36. ~~33.~~ granting of approvals to occupy and use public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council other than as delegated to the Chief Executive Officer under clause ~~13~~**15** and ~~14~~**16**;
37. ~~34.~~ adoption of a plan of management for community land;
38. ~~35.~~ granting of owner's consent to the lodgement of an application to carry out development on significant property or land (including roads) owned or managed by Council other than as delegated to the Chief Executive Offer under clause ~~15~~**17**;

CULTURAL

39. ~~36.~~ the development or formation of relationships with other cities, including sister city agreements;
40. ~~37.~~ the approval of civic and ceremonial events;
41. ~~38.~~ the granting of civic honours;

PLANNING AND DEVELOPMENT

42. ~~39.~~ determination of applications for development consent under the Environmental Planning and Assessment Act 1979 involving the erection of a building of more than three storeys;
43. ~~40.~~ determination of applications for development consent under the Environmental Planning and Assessment Act 1979 where a request is made by Councillors for the development application to be the subject of a report to Council, through the Planning and Development Committee, provided that:
 - i. the request is in writing (email acceptable) to the Chief Executive Officer, from three or more Councillors; and

- ii. prior to lodging the request, the relevant Councillors have firstly consulted with the Chief Executive Officer or Director City Planning, Development and Transport regarding any public objections received, and have considered whether or not such objections are well founded, may be satisfied by the imposition of conditions or by the amendment of the application, as advised by the Chief Executive Officer or Director;
- 44.** ~~41.~~ determination of applications for approval to demolish a heritage item but this does not prevent determination of application for works modifying a heritage item in accordance with a development consent;
 - 45.** ~~42.~~ the award of Heritage Floor Space where the applicant is the Council or a government agency;
 - 46.** ~~43.~~ determination of applications for approval to demolish an entire residential building where such buildings will not be replaced in accordance with a development consent;
 - 47.** ~~44.~~ determination of applications for consent or approval which involve a variation under s82 of the Local Government Act 1993 of a prescribed standard or a Council policy;
 - 48.** ~~45.~~ determination of applications for approval to construct a bridge or tunnel.

Item 9.**Adoption - Code of Conduct and Procedures for the Administration of the Code of Conduct**

File No: S121629.017

Summary

Section 440(7) of the Local Government Act 1993 requires that Council review the City's Code of Conduct within the first 12 months after an election.

Any proposed changes must be consistent with the Model Code of Conduct for councils prescribed under the Local Government (General) Regulation 2021.

No changes are proposed to the Code of Conduct and Procedures for the Administration of the Code of Conduct as part of this review, with the exception of the format and presentation which has been updated.

Recommendation

It is resolved that Council:

- (A) adopt the City of Sydney Code of Conduct shown at Attachment A to the subject report; and
- (B) adopt the City of Sydney Procedures for the Administration of the Code of Conduct as shown at Attachment B to the subject report.

Attachments

Attachment A. City of Sydney Code of Conduct

Attachment B. City of Sydney Procedures for the Administration of the Code of Conduct

Background

1. Under section 440 of the Local Government Act 1993 councils must review their adopted codes of conduct within 12 months of the election and make such adjustments as they consider appropriate.
2. Councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulation.
3. There have been no changes to the Model Code or Model Procedures for the Administration of the Code of Conduct by the Office of Local Government (OLG) since 2020.
4. A council's adopted code of conduct may also include provisions that supplement the Model Code of Conduct provided that these provisions are not inconsistent with the Model Code of Conduct.
5. The City has kept its Code of Conduct consistent with the Model Code for many years, and last updated the Code of Conduct in 2020 following minor changes to the Model Code of Conduct and the Model Procedures. These changes related to actions that can be taken following a breach of the Code by a Councillors and an increase in the limit of a gift/benefit that can be received from \$50 to \$100.
6. It is noted that the OLG has recently commenced consultation on a review of the regulatory framework for dealing with councillor misconduct which may result in changes to the Model Code of Conduct.
7. The OLG has advised that this work will not be completed during the 2022 calendar year and therefore any changes are not expected within 12 months of the election.
8. Councillors receive Code of Conduct training at the commencement of the new Council term and when any changes are made to the Code. Staff receive induction training on commencement with the City and undertake annual refresher training.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

9. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - by prescribing a common standard of behaviour and ethics for staff and councillors.

Organisational Impact

10. There are no impacts from this report as is it recommended that no changes be made to the existing Code of Conduct.

Social / Cultural / Community

11. The Code of Conduct is on the City's website for the community to view. The website also contains an online reporting tool.

Relevant Legislation

12. Local Government Act 1993 - section 440(7).
13. Local Government (General) Regulation 2021.

Critical Dates / Time Frames

14. This review must be undertaken by December 2022.

Public Consultation

15. No public consultation is required in relation to the adoption of the Code of Conduct, as this report is seeking the adoption of the Model Code of Conduct and Procedures for the Administration of the Code of Conduct for NSW local councils.

KIRSTEN MORRIN

Director Legal and Governance

Nellette Kettle, Manager Risk and Governance

Attachment A

City of Sydney Code of Conduct

Code of Conduct



Code of Conduct

Resolution of Council: [] 2022

Responsibility: Governance

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Part 1 Introduction

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

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

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

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

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

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

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

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

Part 2 Definitions

In this code the following terms have the following meanings:

LGA	the Local Government Act 1993
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Chief Executive Officer	Chief Executive Officer of the Council of the City of Sydney
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
contractor	agency staff engaged by the Council of the City of Sydney
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the City’s Audit, Risk and Compliance Committee
council committee	
member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the City’s Audit, Risk and Compliance Committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, contractors and members of wholly advisory committees and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	delegate of council a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning	
instrument	has the same meaning as it has in the Environmental Planning and Assessment Act 1979

joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Lord Mayor	Lord Mayor of the Council of the City of Sydney
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to.

Part 3 General Conduct

Obligations

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

- 3.7. For the purposes of this code, “harassment” is any form of behaviour towards a person that:
- a. is not wanted by the person
 - b. offends, humiliates or intimidates the person, and
 - c. creates a hostile environment.
-

Bullying

3.8. You must not engage in bullying behaviour towards others.

3.9. For the purposes of this code, “bullying behaviour” is any behaviour in which:

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

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

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

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

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

Work health and safety

- 3.12. All council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a. take reasonable care for your own health and safety
 - b. take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c. comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d. cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e. report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations
 - f. so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13. You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14. In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15. You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16. For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

- 3.17. Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18. Clause 3.15 does not apply to a decision to elect the Lord Mayor or Deputy Lord Mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

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

Part 4 Pecuniary Interests

What is a pecuniary interest?

- 4.1. A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2. You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3. For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a. your interest, or
 - b. the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c. a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4. For the purposes of clause 4.3:
 - a. Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b. “de facto partner” has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
 - a. if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b. just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c. just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6. You do not have to disclose the following interests for the purposes of this Part:
- a. your interest as an elector
 - b. your interest as a ratepayer or person liable to pay a charge
 - c. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e. an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f. if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - g. an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h. an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - i. an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j. an interest relating to the payment of fees to councillors (including the Lord Mayor and Deputy Lord Mayor)
 - k. an interest relating to the payment of expenses and the provision of facilities to councillors (including the Lord Mayor and Deputy Lord Mayor) in accordance with a policy under section 252 of the LGA,
 - l. an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Lord Mayor
 - m. an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - n. an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member

- o. an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8. Designated persons include:

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

4.9. A designated person:

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

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

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

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

- 4.13. A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.
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What disclosures must be made by council staff other than designated persons?

- 4.14. A member of staff of council, other than a designated person, must disclose in writing to their manager or the Chief Executive Officer the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15. The staff member's manager or the Chief Executive Officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.
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What disclosures must be made by council advisers?

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

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

- 4.20. A councillor:
- a. must prepare and submit written returns of interests in accordance with clause 4.21, and
 - b. must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21. A councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a. becoming a councillor or designated person, and
 - b. 30 June of each year, and
 - c. the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22. A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a. they made and lodged a return under that clause in the preceding 3 months, or
 - b. they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23. A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24. The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.
- 4.25. Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26. Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27. Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28. A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29. The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a. at any time during which the matter is being considered or discussed by the council or committee, or
 - b. at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30. In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31. A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32. A general notice may be given to the Chief Executive Officer in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a. a member of, or in the employment of, a specified company or other body, or
 - b. a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33. A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34. A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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

Part 5 Non-Pecuniary Conflicts of Interests

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

- 5.7. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8. How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9. As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a. a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d. membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e. a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f. the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10. Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11. If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

- 5.12. If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.
- 5.13. Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14. Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political Donations

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

5.19. Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.20. A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a. the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b. the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c. the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21. The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

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

Other business or employment

5.23. The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

- 5.24. A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their written approval for the staff member to engage in the employment, work or business.
- 5.25. The Chief Executive Officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26. A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27. Members of staff must ensure that any outside employment, work or business they engage in will not:
- a. conflict with their official duties
 - b. involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c. require them to work while on council duty
 - d. discredit or disadvantage the council
 - e. pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

Part 6 Personal Benefit

- 6.1. For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2. A reference to a gift or benefit in this Part does not include:
- a. items with a value of \$10 or less
 - b. a political donation for the purposes of the Electoral Funding Act 2018
 - c. a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d. a benefit or facility provided by the council to an employee or councillor
 - e. attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f. free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

- 6.5. You must not:
- a. seek or accept a bribe or other improper inducement
 - b. seek gifts or benefits of any kind

- c. accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d. subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e. accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f. participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g. personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6. Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the Chief Executive Officer in writing. The recipient, manager, or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a. the nature of the gift or benefit
 - b. the estimated monetary value of the gift or benefit
 - c. the name of the person who provided the gift or benefit, and
 - d. the date on which the gift or benefit was received.
- 6.7. Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8. You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a. invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b. gifts of alcohol that do not exceed a value of \$100
 - c. ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d. prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9. Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

- 6.10. Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11. Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12. For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.
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“Cash-like gifts”

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

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

Part 7 Relationships

Between Council Officials

Obligations of councillors and administrators

- 7.1. Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2. Councillors or administrators must not:
- a. direct council staff other than by giving appropriate direction to the Chief Executive Officer by way of council or committee resolution, or by the Lord Mayor or administrator exercising their functions under section 226 of the LGA
 - b. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c. contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the Chief Executive Officer
 - d. contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the Lord Mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3. The obligation under clauses 7.2(a) and 7.2(b) is subject to the following exceptions:
- a. the Lord Mayor may direct or influence council staff that are employed by council to work in the Office of the Lord Mayor as specified in a relevant position description, and
 - b. a Councillor may direct or influence council staff that are employed by Council to work in the office of the councillor who is giving the direction or influence.
- 7.4. Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

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

Inappropriate interactions

- 7.7. You must not engage in any of the following inappropriate interactions:
- a. councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b. council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c. subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d. councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e. councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - f. councillors and administrators being overbearing or threatening to council staff
 - g. council staff being overbearing or threatening to councillors or administrators
 - h. councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - i. councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make

- j. council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k. council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l. councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's Chief Executive Officer or, in the case of the Lord Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

Part 8 Access to Information and Council Resources

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

- 8.8. Where the Chief Executive Officer or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they

have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

Use and security of confidential information

- 8.10. You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11. In addition to your general obligations relating to the use of council information, you must:
- a. only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b. protect confidential information
 - c. only release confidential information if you have authority to do so
 - d. only use confidential information for the purpose for which it is intended to be used
 - e. not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f. not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g. not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).
-

Personal information

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

Use of council resources

- 8.13. You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14. Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a. the representation of members with respect to disciplinary matters
 - b. the representation of employees with respect to grievances and disputes
 - c. functions associated with the role of the local consultative committee.
- 8.15. You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16. You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17. You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18. You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a. for the purpose of assisting your election campaign or the election campaign of others, or
 - b. for other non-official purposes.
- 8.19. You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

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

- 8.22. All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.
- 8.23. All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24. You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.

Councillor access to council buildings

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

Part 9 Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

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

Complaints alleging a breach of this Part

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

Schedule 1 Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.21

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a. the allotment of shares in a company
- b. the creation of a trust in respect of property
- c. the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d. the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e. the exercise by a person of a general power of appointment over property in favour of another person
- f. a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

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

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

Interests and positions in corporations

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

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

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

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

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

Positions in trade unions and professional or business associations

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

Dispositions of real property

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a. each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b. each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a. in relation to income from an occupation of the person:
 - i. a description of the occupation, and
 - ii. if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii. if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b. in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c. in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the Lord Mayor or Deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a. on the return date, and
- b. at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

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

Discretionary disclosures

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

Schedule 2 Form of Written Return of Interests Submitted Under Clause 4.21

'Disclosures by councillors and designated persons' return

Return forms for councillors and designated persons can be downloaded from the Secretariat Pecuniary Interest Returns page:

- Disclosures by Councillors and Designated Persons Annual Return (this can also be used to update disclosures throughout the year)
- Disclosures by Councillors and Designated Persons First (New Starter) Return
- Disclosures by Councillors and Designated Persons Final (Departure) Return

Schedule 3 Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

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

Councillor's signature

Date

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



Attachment B

**City of Sydney Procedures for the
Administration of the Code of Conduct**

Procedures for the Administration of the Code of Conduct



Procedures for the Administration of the Code of Conduct

Resolution of Council: [] 2022

Responsibility: Governance

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Part 1 Introduction

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

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

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

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

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the Lord Mayor) or the Chief Executive Officer.

Part 2 Definitions

In these procedures the following terms have the following meanings:

LGA	the Local Government Act 1993
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Chief Executive Officer	Chief Executive Officer of the Council of the City of Sydney
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the Chief Executive Officer under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the Chief Executive Officer
contractor	agency staff engaged by the Council of the City of Sydney
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the City's Audit, Risk and Compliance Committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory

committee, and a person other than a councillor who is a member of the City's Audit, Risk and Compliance Committee

councillor	any person elected or appointed to civic office, including the Lord Mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, contractors and members of wholly advisory committees and, for the purposes of clause 4.16, council advisers
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
Lord Mayor	Lord Mayor of the Council of the City of Sydney
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the Local Government (General) Regulation 2005
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3 Administrative Framework

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or

- d) an employee of a council, or
- e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
- f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
- g) a person who has a conviction for an indictable offence that is not an expired conviction.

- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

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

Part 4 How May Code of Conduct Complaints Be Made?

What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.

- 4.5 A complaint made after 3 months may only be accepted if the Chief Executive Officer or their delegate, or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the Chief Executive Officer be made?

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

How may a code of conduct complaint about the Chief Executive Officer be made?

- 4.11 Code of conduct complaints about the Chief Executive Officer are to be made to the Lord Mayor in writing. This clause does not operate to prevent a person from making a complaint about the Chief Executive Officer to an external agency.
- 4.12 Where a code of conduct complaint about the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

- 4.14 The Lord Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the Lord Mayor becomes aware of a possible breach of the council's code of conduct by the Chief Executive Officer, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

Part 5 How Are Code of Conduct Complaints to Be Managed?

Delegation by Chief Executive Officers and Lord Mayors of their functions under this Part

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

Consideration of complaints by Chief Executive Officers and Lord Mayors

- 5.2 In exercising their functions under this Part, Chief Executive Officers and Lord Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the Chief Executive Officer) to be dealt with?

- 5.4 The Chief Executive Officer is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The Chief Executive Officer must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a member of staff of council, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The Chief Executive Officer is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The Chief Executive Officer must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.12 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.14 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the Chief Executive Officer
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the Chief Executive Officer or any person making enquiries on behalf of the Chief Executive Officer must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the Chief Executive Officer must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

- 5.18 The Chief Executive Officer must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The Chief Executive Officer must notify the complainant of the referral of their complaint in writing.

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

- 5.20 The Chief Executive Officer must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the Chief Executive Officer refers a complaint to the Office under clause 5.20, the Chief Executive Officer must notify the complainant of the referral in writing.
- 5.22 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a councillor, the Chief Executive Officer must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.25 Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.24 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The Chief Executive Officer must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the Chief Executive Officer to be dealt with?

- 5.27 The Lord Mayor must refer the following code of conduct complaints about the Chief Executive Officer to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the Lord Mayor refers a complaint to the Office under clause 5.27, the Lord Mayor must notify the complainant of the referral in writing.
- 5.29 The Lord Mayor may decide to take no action in relation to a code of conduct complaint about the Chief Executive Officer, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Lord Mayor decides to take no action in relation to a code of conduct complaint about the Chief Executive Officer, the Lord Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the Lord Mayor considers it to be practicable and appropriate to do so, the Lord Mayor may seek to resolve code of conduct complaints about the Chief Executive Officer, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the Lord Mayor resolves a code of conduct complaint under clause 5.31 to the Lord Mayor's satisfaction, the Lord Mayor must notify the complainant in writing of the steps

taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.33 The Lord Mayor must refer all code of conduct complaints about the Chief Executive Officer, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the Chief Executive Officer and the Lord Mayor to be dealt with?

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

Referral of code of conduct complaints to external agencies

- 5.35 The Chief Executive Officer, Lord Mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The Chief Executive Officer, Lord Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the Chief Executive Officer, Lord Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or

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

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the Chief Executive Officer.

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

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

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

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

Code of conduct complaints made as public interest disclosures

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

5.46 Where a councillor makes a code of conduct complaint about another councillor or the Chief Executive Officer as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the Chief Executive Officer or the Lord Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

5.48 The Chief Executive Officer may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

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

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

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

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

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

1.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the Chief Executive Officer, review the arrangement to determine whether it should be renewed or amended.

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

Part 6 Preliminary

Assessment of Code of Conduct Complaints about Councillors or the Chief Executive Officer by Conduct Reviewers

Referral of code of conduct complaints about councillors or the Chief Executive Officer to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the Chief Executive Officer that have not been referred to an external agency or declined or resolved by the Chief Executive Officer, Lord Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the Chief Executive Officer or the Lord Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the Chief Executive Officer by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.

- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the Chief Executive Officer under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the Chief Executive Officer or Lord Mayor for resolution

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

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of

- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7 Investigations of Code of Conduct Complaints about Councillors or The Chief Executive Officer

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and

f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the complainant, the complaints coordinator and the Lord Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

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

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

How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, to the Lord Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of

Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the respondent, the complainant, the complaints coordinator and the Lord Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the Chief Executive Officer or, where the report relates to the Chief Executive Officer's conduct, to the Lord Mayor, and this will finalise consideration of the matter under these procedures.

- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.

- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8 Oversight and Rights of Review

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.

8.19 Where the Office recommends that the decision to impose a sanction be reviewed:

a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and

b) the council must:

i) review its decision to impose the sanction, and

ii) consider the Office's recommendation in doing so, and

iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

Part 9 Procedural Irregularities

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

Part 10 Practice Directions

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

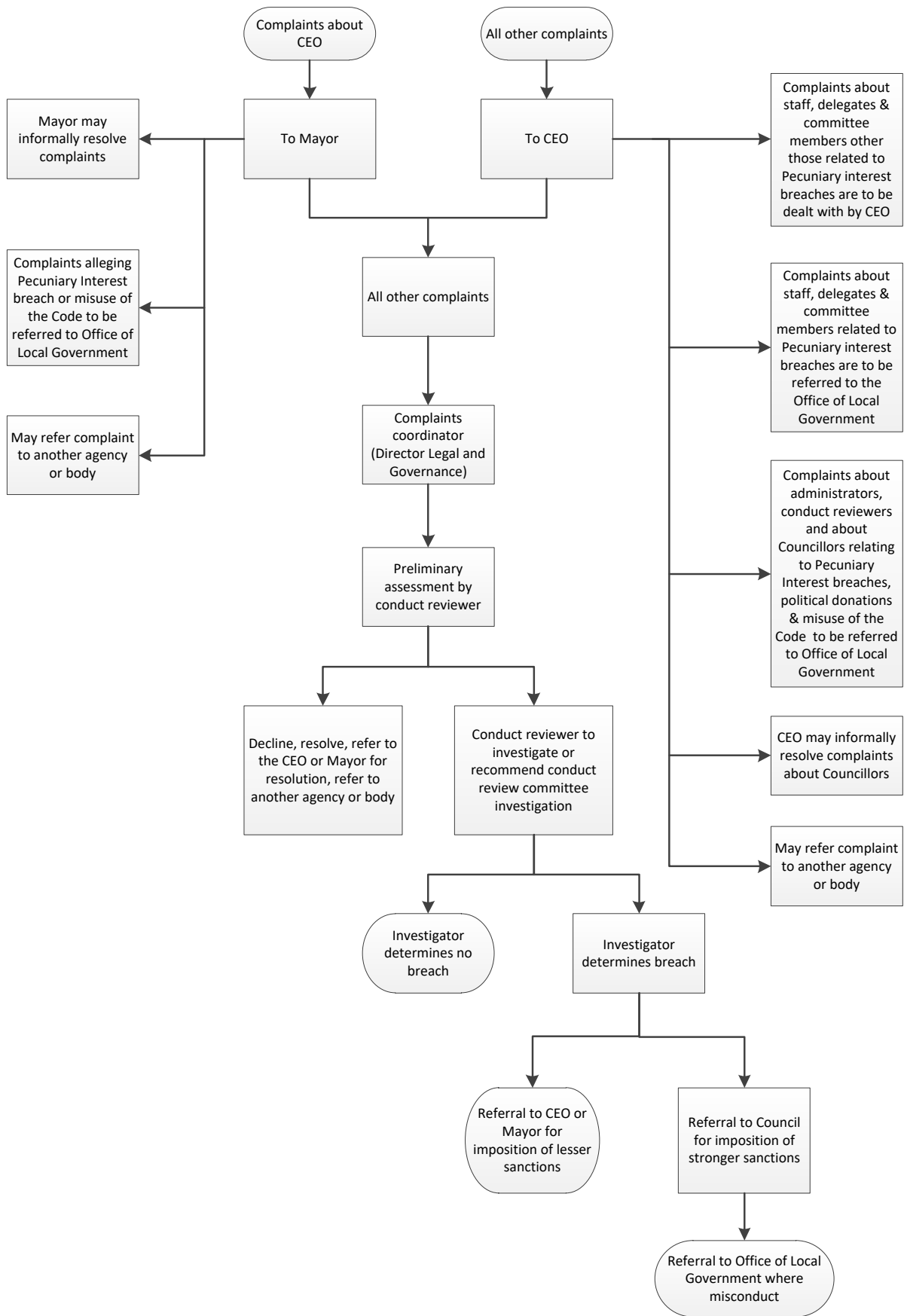
Part 11 Reporting Statistics on Code of Conduct Complaints about Councillors and the Chief Executive Officer

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

Part 12 Confidentiality

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

Model Code Procedure Flowchart





Item 10.

Adoption - Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing

File No: S121629.035

Summary

Under section 6D of the Public Interest Disclosures Act 1994 (PID Act), the City is required to have a policy that establishes its procedures for receiving, assessing and dealing with public interest disclosures (PIDs). The City must have regard to the Ombudsman's guidelines (including a model policy) when formulating its policy. The City's Fraud and Corruption Internal Reporting Policy is based on the NSW Ombudsman's Model Internal Reporting Policy (Model Policy) and has been tailored to meet the City's needs. The policy is now due for review.

The draft policy has been renamed to the 'Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing', to clarify its scope. This updated title also brings the policy name in line with the categories of reportable serious wrongdoing under the PID Act. Those categories are:

- corrupt conduct;
- maladministration;
- serious and substantial waste of public money;
- breach of the Government Information Public Access Act 2009 (GIPA Act); and
- local government pecuniary interest contraventions.

This approach also references feedback from the Independent Commission Against Corruption (ICAC) in their recent review of our draft policy.

This report seeks Council approval of the Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing.

Recommendation

It is resolved that Council:

- (A) adopt the Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing, as shown at Attachment A to the subject report; and
- (B) authorise the Chief Executive Officer to update the contact information in Appendix A of the Policy as and when required.

Attachments

Attachment A. Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing

Attachment B. Current Fraud and Corruption Internal Reporting Policy with Tracked Changes

Background

1. Under section 6D of the Public Interest Disclosures Act 1994 (PID Act), the City is required to have a policy that establishes its procedures for receiving, assessing and dealing with public interest disclosures (PIDs).
2. The City must have regard to the Ombudsman's guidelines (including a model policy) when formulating its own policy.
3. The City's Fraud and Corruption Internal Reporting Policy is based on the NSW Ombudsman's Model Internal Reporting Policy (Model Policy) and has been tailored to meet the City's needs. The policy is now due for review.
4. The purpose of this policy is to ensure that there is consistency and transparency in the management of PIDs, and to promote awareness of the protections available to councillors and employees who report wrongdoing.
5. In particular, the policy documents the City's internal reporting system which enables councillors and employees to report wrongdoing without fear of reprisal. It sets out what can be reported, who to report wrongdoing to at the City and how reports of wrongdoing will be dealt with.
6. Councillors are compliant with their reporting obligations under this policy if they forward all reports of known or suspected wrongdoing to the Disclosures Coordinator - Director Legal and Governance for review and management.

Key Implications

7. The draft policy has been renamed to Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing to clarify its scope.
8. This updated title also brings it in line with the categories of reportable serious wrongdoing under the PID Act. Those categories are:
 - (a) corrupt conduct;
 - (b) maladministration;
 - (c) serious and substantial waste of public money;
 - (d) breach of the Government Information Public Access Act 2009 (GIPA Act); and
 - (e) local government pecuniary interest contraventions.
9. This approach also references feedback from the Independent Commission Against Corruption (ICAC) in their recent review of our draft policy.
10. Minor changes and updates have been made to the policy based on the content of the NSW Ombudsman's current Model Policy (2020). These amendments include:
 - further guidance that this policy is one in a suite of complaint handling policies at the City and that workplace disputes, harassment or bullying complaints are covered by other policies.

- contact details for City employees authorised to receive a public interest disclosure in Appendix A and this contact list will also be made available to employees separately at every workplace. This list will be kept up to date by staff as and when required.
 - a new 'Managing the risk of reprisal and workplace conflict' section including a link to the NSW Ombudsman's PID Risk Assessment template.
11. In reviewing this policy, the Australian Securities and Investments Commission (ASIC)'s 'Regulatory Guide 270 - Whistleblower policies' which contains good practice guidance on implementing and maintaining a whistleblower policy was considered. As a result, a new section has been added to the policy outlining our process for reporting investigation findings internally.

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

12. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
- (a) Direction 1 - Responsible governance and stewardship - The City's Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing addresses the requirements of the Public Interest Disclosures Act 1994 to have a policy that provides for the City's procedures for receiving, assessing and dealing with public interest disclosures.

Organisational Impact

13. The policy will be the subject of staff communications and training following adoption, the contact details for disclosures officers will be displayed across work sites and Governance staff will continue to work across the organisation to ensure the policy is being appropriately implemented.

Relevant Legislation

14. Corporations Act 2001 (Cth).
15. Government Information (Public Access) Act 2009 (NSW).
16. Independent Commission Against Corruption Act 1988 (NSW).
17. Local Government Act 1993 (NSW).
18. Public Interest Disclosures Act 1994 (NSW).
19. Public Interest Disclosures Act 2022 (NSW).
20. Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth).

Critical Dates / Time Frames

21. A new Public Interest Disclosures Act 2022 (PID Act 2022) received assent on 13 April 2022 and has a commencement date of up to 18 months after assent, that is 13 October 2023. On commencement, the PID Act 2022 will repeal the current PID Act 1994.
22. The PID Act 2022 will introduce significant reforms to the ways that public interest disclosures are made, received and dealt with in NSW and is intended to provide greater protection of persons who make public interest disclosures than that currently afforded under the PID Act 1994.
23. The delayed commencement date will enable the NSW Ombudsman to prepare new guidelines, training packages and a new model internal reporting policy. The City has commenced a review of the new PID Act's provisions and will prepare an updated Internal Reporting Policy - Corrupt Conduct and Serious Wrongdoing for endorsement after the NSW Ombudsman has finalised and released their new model internal reporting policy. The NSW Ombudsman has advised that they will ensure that they will provide agencies with sufficient lead time to allow them to prepare for the new Act's commencement.

Public Consultation

24. No public consultation is required in relation to this policy.
25. The draft policy was shared with the ICAC. The ICAC provided feedback, including a suggestion to rename the policy for clarity and adding more examples, which were incorporated in the draft. The feedback from the ICAC was incorporated in this review.
26. The NSW Ombudsman was also consulted in relation to the draft policy. The NSW Ombudsman acknowledged that the policy as updated is consistent with their model internal reporting policy. The NSW Ombudsman did not have any specific recommendations for change.
27. The draft policy was presented to the City's Audit Risk and Compliance Committee on 26 May 2022. The Committee requested that a short summary document be prepared to improve accessibility of key content. In response, the City confirmed that our summary booklet, "Code of Conduct - A guide for employees" which includes sections on 'Internal reporting of fraud and corruption' and 'What to do if you're concerned', addresses this issue. This booklet is provided to all staff as part of their induction training program, including specific direction to this section on internal reporting, and is also available on the City's intranet.

KIRSTEN MORRIN

General Counsel, Director Legal and Governance

Nellette Kettle, Manager Risk and Governance

Attachment A

**Internal Reporting Policy –
Corrupt Conduct and Serious Wrongdoing**

Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing

Purpose

To document our internal reporting system which enables City of Sydney (City) employees and councillors, in addition to others covered by the policy's scope, to report wrongdoing without fear of reprisal. This policy sets out what can be reported, who you can report wrongdoing to at the City and how reports of wrongdoing will be dealt with.

This policy is designed to complement normal communication channels between supervisors and employees. Employees are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act). This policy complies with the requirement under s 6D of the PID Act for the City to set out its procedures for receiving, assessing and dealing with public interest disclosures.

The internal reporting system established under this policy is not intended to be used for employee grievances, which should be raised through our [Grievance and Conflict Resolution Policy](#). If an employee makes a report under this policy which is substantially a grievance, the matter will be referred to Corporate Human Resources to be dealt with in accordance with our Grievance and Conflict Resolution Policy.

Scope

This policy applies to:

- Councillors
- City employees, including permanent (whether full-time or part-time), temporary and casual employees, agency staff, volunteers, trainees and students on work placements.

Under the PID Act this policy also applies to consultants, employees of contractors providing services to the City and public officials of another council or public authority who report wrongdoing relating to the City.

This policy is just one in the suite of the City's complaint handling policies. Workplace disputes, harassment or bullying complaints, or health and safety concerns are covered by:

- [Equal Employment Opportunity and Anti-Discrimination Policy](#)
- [Grievance and Conflict Resolution Policy](#)
- [Harassment and Bullying Policy](#)
- [Work Health and Safety Policy](#)

Definitions

Term	Meaning
Disclosures Coordinator	Director Legal & Governance
Disclosures Officers	All Directors, Manager Risk & Governance and Manager People & Culture. Directors refer to the Director of a Division, the Chief Financial Officer and the Chief Operating Officer and not to any other position with the word Director in its title.
Employees	Permanent (whether full-time or part-time), temporary and casual employees, agency staff, volunteers, trainees and students on work placements
GIPA Act	Government Information (Public Access) Act 2009
ICAC Act	Independent Commission Against Corruption Act 1988
PID Act	Public Interest Disclosures Act 1994
Principal Officer	Chief Executive Officer (CEO)
Reporter	An employee, councillor or other person to whom this policy applies that has reported any suspected wrongdoing within the City, or any activities or incidents within the City that they believe are wrong, in accordance with this policy
Subject	Employee, councillor or other person to whom this policy applies who is the subject of a report of wrongdoing

Policy Statement

The City is committed to the highest standard of ethical and accountable conduct and will support and protect the reporting of wrongdoing. Individuals who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the City.

The City will:

- create a climate of trust, where people are comfortable and confident about reporting wrongdoing
- make this policy available on our internal and external website
- encourage individuals to come forward if they become aware of wrongdoing within the City
- keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- take steps to protect Reporters from reprisal and manage workplace conflict
- assess all reports of wrongdoing it receives from Reporters and deal with them appropriately, fairly, reasonably and impartially, respecting the rights of any person who is the subject of a report
- if some form of wrongdoing has been found, take appropriate action to rectify it
- keep the individual who makes a report informed of its progress and the outcome

- encourage the reporting of wrongdoing within the City, but respect any decision to disclose wrongdoing outside the City
- ensure managers and supervisors at all levels understand the benefits of reporting wrongdoing, are familiar with this policy and aware of the needs of those who report wrongdoing
- review this policy periodically to ensure it is relevant and effective
- provide adequate resources to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training about how to make reports
 - assess and review, investigate or otherwise deal with allegations
 - manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems.

Once wrongdoing has been reported, the City decides whether a report should be investigated, and if so, how it should be investigated and by whom.

The City must report on our obligations under the PID Act and statistical information about public interest disclosures in our Annual Report and to the NSW Ombudsman every six months.

The City has a responsibility to refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The City will request specific consent from a Reporter to disclose their identity to any external agency prior to referring a report of actual or suspected corrupt conduct or any evidence of a reprisal offence. If the Reporter does not grant consent, the City will keep the identity of the Reporter anonymous subject to any legal requirements for disclosure.

To ensure the City complies with the PID Act and deals with all reports of wrongdoing properly, all employees and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

Roles

Position	Responsibility
Principal Officer (CEO)	<ul style="list-style-type: none"> • Ensures the City has an internal reporting policy and Employees are aware of this policy and the protections of the PID Act. • Ensures the City’s compliance with this policy and its obligations under the PID Act. • Ensures at least one officer is responsible for receiving public interest disclosures within the City.

Position	Responsibility
Disclosures Coordinator	<ul style="list-style-type: none"> Receives and assesses reports and is the primary point of contact in the City for the Reporter.
Disclosures Officers	<ul style="list-style-type: none"> Provides advice about the internal reporting system and the City’s Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing. Receives reports of wrongdoing and assist employees and councillors to make reports.

What you should report

You should report any suspected wrongdoing within the City, or any activities or incidents you see within the City that you believe are wrong.

Reports about five categories of serious misconduct will be dealt with under this policy. If they meet the criteria of a public interest disclosure, they will also be dealt with under the PID Act.

The five categories are:

- a. corrupt conduct
- b. maladministration
- c. serious and substantial waste of public money
- d. breach of the GIPA Act, and
- e. local government pecuniary interest contravention.

There are more details below about these types of conduct. Furthermore, information about what can be reported under the PID Act can also be found in the NSW Ombudsman’s *Guideline B2: What should be reported?* Even if these reports are not dealt with as public interest disclosures, the City recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the employee making the report from reprisal.

All other wrongdoing or suspected wrongdoing should be reported to your manager, supervisor or Corporate Human Resources staff to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of employees or the public.

a) Corrupt conduct

Corrupt conduct is defined in Sections 7, 8 and 9 of the ICAC Act and is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation.

While it can take many forms, some examples of corrupt conduct include when:

- a public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for their own personal gain or the advantage of others

- a public official dishonestly exercises his or her official functions, or improperly exercises his or her official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of his or her official functions
- a member of the public influences or tries to influence a public official's exercise of functions.

b) Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of the application.

c) Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large-scale contract
- having no or poor processes in place for a system involving large amounts of public funds.

d) Breach of the GIPA Act

A breach of the GIPA Act is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

e) Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior City employee recommending a family member for a City contract and not declaring the relationship
- a Councillor participating in consideration of a tender for a service they or their family have an interest in.

Assessment of Reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the CEO where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether a review or investigation should be carried out and how it should be carried out.

In assessing a report, the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken.

When will a report be treated as a public interest disclosure?

The City will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

1. the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act or local government pecuniary interest contravention
2. the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
3. the report has to be made to the CEO (or, for reports about the CEO, the Lord Mayor), a position nominated in this policy (see below), an investigating authority or (in limited circumstances) to an MP or journalist.

Reports by employees are not public interest disclosures if they:

- mostly question the merits of government policy
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

Who you can report to at the City

The PID Act requires that for a report to be a public interest disclosure it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the City who are authorised to receive a public interest disclosure:

- Principal Officer - CEO
- Lord Mayor
- Disclosures Coordinator - Director Legal & Governance
- Disclosures Officers - all Directors, Manager Risk & Governance and Manager People & Culture.

Contact details for these positions are provided in Appendix A.

If your report involves a councillor, you should make it to the CEO. If your report relates to the CEO, you should make it to the Lord Mayor.

Any manager or supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the employee to make the report to one of the positions listed above.

If you would like additional information before making a public interest disclosure you can contact the City's Governance team on 02 9265 9333.

Who you can report to outside the City

Employees and councillors are encouraged to report wrongdoing within the City, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

a) Investigating authorities

The PID Act lists a number of investigating authorities in NSW that employees and councillors can report wrongdoing to and the type of wrongdoing each authority deals with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority.

The relevant investigating authorities for the City are:

- the ICAC - for reports about corrupt conduct
- the NSW Ombudsman - for reports about maladministration
- the Auditor General - for reports about serious and substantial waste
- the Information Commissioner - for disclosures about a breach of the GIPA Act
- the Office of Local Government - for disclosures about local councils (e.g. pecuniary interest contraventions).

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided in Appendix A.

You should be aware that the investigating authority may discuss any such reports with the City. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately. We will also provide appropriate support and assistance to employees or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b) Members of Parliament or journalists

To have the protections of the PID Act, employees reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to at least one of the following:

- the CEO
- a person nominated in this policy; or
- an investigating authority.

Additionally, the City or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result; or

- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Furthermore, to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true. The disclosure must also in fact be substantially true.

c) Other external reporting

If you report wrongdoing to a person or authority that is not listed above or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may also mean that you could be in breach of legal obligations or our Code of Conduct, for example, by disclosing confidential information.

For more information about reporting wrongdoing outside the City, contact the Disclosures Coordinator or the [NSW Ombudsman's Public Interest Disclosures Unit](#).

How you can make a report

You can report wrongdoing in writing or verbally, but you are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

The City's [Internal Report Form](#) and external [online reporting form](#) are also available to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The Reporter should keep a copy of this record.

Can your report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the City, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action has or will be taken and the outcome of any review or investigation.

It is important to realise that making a disclosure anonymously may not prevent you from being identified by the subjects of the report or your colleagues.

If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

Feedback to employees who report wrongdoing

Employees and councillors who report wrongdoing and provide their contact details will be told what is happening in response to their report.

a) Acknowledgement

When you make a report, the City will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, the City will send you an acknowledgment letter, providing:

- information about how we will respond to your report
- the likely timeframes for any review or investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

b) Progress updates

While your report is being dealt with, such as by a review or investigation or making other enquiries, you will be given:

- information about the progress of the review/investigation or other enquiries and reasons for any delay
- advice of any decisions by the City not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

c) Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

Maintaining Confidentiality

The City realises Reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take all necessary steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the CEO, or in the case of a report about the CEO, the Disclosures Coordinator and the Lord Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any employees or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Managing the risk of reprisal and workplace conflict

When an employee or councillor reports wrongdoing, the City will undertake a thorough risk assessment, using the NSW Ombudsman's PID Risk Assessment template, to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the City may:

- relocate the Reporter or the employee who is the subject of the allegation within the current workplace
- transfer the Reporter or employee who is the subject of the allegation to another position for which they are qualified
- grant the Reporter or the employee who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

Protection against reprisals

The City will not tolerate any reprisal against employees or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for employees and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure or because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not do so.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence or has disclosed the identity of a Reporter (or information that is likely to lead to the identification of the Reporter) may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of our Code of Conduct and may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

The PID Act does not protect Reporters from disciplinary or other management action where the City has reasonable grounds to take such action. For example, if a Reporter accesses

confidential information in order to support their disclosure/s or the Reporter has performance issues unrelated to the allegation/s.

a) Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the CEO immediately. In the case of an allegation of reprisal by the CEO, you can alternatively report this to the Lord Mayor.

All supervisors must notify the Disclosures Coordinator or the CEO if they suspect that reprisal against an employee is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the CEO, the Lord Mayor can alternatively be notified.

If the City becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the City will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by an appropriate employee or an external investigator
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the Reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 9 of the City's Code of Conduct (detrimental action) by a councillor or the CEO to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman, ICAC or the Auditor General (depending on the type of wrongdoing you reported).

b) Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

Support for those reporting wrongdoing

The City will make sure that employees who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to our Employee Assistance Program under the City's Employee Assistance Program Policy for any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other employees involved in the internal reporting process where appropriate. Reporters and other employees involved in the process can discuss their support options with the Disclosures Coordinator.

Sanctions for making false or misleading statements

It is important all employees and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The City will not support employees or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct and may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

Your rights if you are the subject of a report

The City is committed to ensuring employees or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential where this is practical and appropriate.

If you are the subject of the report and if there may be adverse findings against you, at the appropriate time you will be:

- advised of substance of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about if action will be taken against you.

Procedural fairness and natural justice will be considered at each stage of the investigation. However in some cases, there may be an overriding public interest in not adhering to certain procedural fairness requirements, such as situations involving serious risks to personal safety or where we are obliged to maintain confidentiality due to the requirements of an external body (e.g. ICAC, NSW Police).

Where the reported allegations against the subject are clearly wrong, or have been reviewed/investigated and unsubstantiated, the subject will be supported by the City. The fact of the allegations and any investigation will be kept confidential, where possible, unless otherwise agreed to by the subject.

Reporting investigation findings internally

On the completion of an investigation, a report, including any recommendations will be provided to the CEO for review and approval through the Disclosures Coordinator.

Where the investigation concerns the conduct of the CEO, a report and any recommendations will be provided to the Lord Mayor.

Responsibilities

City employees and councillors will:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- assist those assessing, reviewing or investigating a report if requested, including supplying information on request, cooperating with any assessment, review or investigation and maintaining confidentiality
- treat any person dealing with a report of wrongdoing under this Policy with courtesy and respect
- respect the rights of any person who is the subject of reports
- adhere to the City's Code of Conduct
- not make false or misleading reports of wrongdoing
- not victimise or harass anyone who has made a report.

Lord Mayor

The Lord Mayor can receive reports from employees and councillors about the CEO. Where the Lord Mayor receives such reports, the Lord Mayor will:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the City's Code of Conduct in accordance with the City's adopted Code of Conduct Procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support Reporters, protect Reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

CEO

The CEO, as the Principal Officer, has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the City complies with the PID Act.

The CEO can receive reports from employees and councillors and will:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the City's Code of Conduct in accordance with the City's adopted Code of Conduct Procedures
- refer reports to an investigating authority, where appropriate
- ensure there are strategies in place to support Reporters, protect Reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated, or systemic problems are identified

- refer actual or suspected corrupt conduct to ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator will:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the CEO)
- deal with reports made under the City's Code of Conduct in accordance with the City's Code of Conduct Procedures
- coordinate the City's response to a report
- acknowledge reports and provide updates and feedback to the Reporter
- assess whether it is possible and appropriate to keep the Reporter's identity confidential
- request specific consent from a Reporter to disclose their identity to any external agency prior to referring a report of actual or suspected corrupt conduct or any evidence of a reprisal offence.
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- provide or coordinate support to staff involved in the reporting or investigation process, where required, including protecting the interests of any officer who is the subject of a report
- ensure the City complies with the PID Act
- ensure all employees and councillors with roles outlined in this policy receive training on their responsibilities
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC, as required.

Disclosures Officers will:

- document in writing any reports received verbally, and have the document signed and dated by the Reporter
- make arrangements to ensure Reporters can make reports privately and discreetly when requested, which may include away from the workplace
- discuss with the Reporter any concerns they may have about reprisal or workplace conflict
- forward reports to the Disclosures Coordinator or CEO for assessment
- action any recommendations arising from an investigation that are approved by the CEO and where you are responsible.

Supervisors and managers will:

- have a comprehensive understanding of this Fraud and Corruption Internal Reporting Policy
- create a local work environment where employees are comfortable and confident about reporting wrongdoing
- encourage employees to report known or suspected wrongdoing within the organisation and support employees when they do

- identify reports made to them in the course of their work which could be public interest disclosures, and assist the employee to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or CEO immediately if they believe an employee is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the CEO, notify the Lord Mayor
- action any recommendations arising from an investigation that are approved by the CEO and where you are responsible.

Consultation

Governance consulted with ICAC and NSW Ombudsman and internally with Legal Services, Internal Audit, Corporate Human Resources, Procurement, Office of the CEO and Financial Planning and Reporting.

References

Laws and Standards
• Corporations Act 2001 (Clth)
• Government Information (Public Access) Act 2009 (NSW)
• Independent Commission Against Corruption Act 1988 (NSW)
• Local Government Act 1993 (NSW)
• <u>NSW Ombudsman’s <i>Guideline B2: What should be reported?</i></u>
• NSW Ombudsman PID e-news (June 2019 Issue 38) - New Commonwealth whistleblower laws.
• Public Interest Disclosures Act 1994 (NSW)
• Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Clth)
• NSW Ombudsman’s Public Interest Disclosures templates
Policies and Procedures
• Code of Conduct
• Code of Conduct Procedures
• Conflict of Interest Policy
• EEO and Anti-Discrimination Policy
• Employee Assistance Program Policy
• Fraud and Corruption Control Plan
• Grievance and Conflict Resolution Policy

Policies and Procedures

- Harassment and Bullying Policy
- Work Health and Safety Policy

Review period

This policy will be reviewed every 2 years.

Approval Status

Council approved this policy on [DD MONTH YYYY].

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	23 June 2014	Approved by Council	2014/288568
Reviewed	6 April 2020	Update based on NSW Ombudsman model internal reporting policy and new whistleblower protection provisions in Corporations Act 2001 (Cth). Approved by Council	2014/288568
Reviewed			2014/288568
Commence Review Date			
Approval Due Date			

Ownership and approval

Responsibility	Role
Author	Governance Officer
Owner	Manager Risk and Governance
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Appendix A – Internal Reporting Contacts

Position	Contact details
Principal Officer CEO Monica Barone	02 9265 9118 mbarone@cityofsydney.nsw.gov.au
Lord Mayor Clover Moore	02 9265 9229 cmoore@cityofsydney.nsw.gov.au
Disclosures Coordinator Director Legal & Governance Kirsten Morrin	02 9265 9361 kmorrin@cityofsydney.nsw.gov.au
Disclosures Officers: Manager Risk & Governance Nellette Kettle	02 9265 9084 nkettle@cityofsydney.nsw.gov.au
Chief Financial Officer Bill Carter	02 9265 9386 bcarter@cityofsydney.nsw.gov.au
Chief Operating Officer Kim Woodbury	02 9246 7370 kwoodbury@cityofsydney.nsw.gov.au
Director City Life Emma Rigney	02 9246 7320 erigney@cityofsydney.nsw.gov.au
Director City Planning Development & Transport Graham Jahn	02 9265 9945 gjahn@cityofsydney.nsw.gov.au
Director City Services Veronica Lee	02 9265 9092 vlee@cityofsydney.nsw.gov.au
Director People, Performance & Technology Susan Pettifer	02 9265 9221 spettifer@cityofsydney.nsw.gov.au
Manager People & Culture TBA	TBA
Director Strategic Development & Engagement Kate Deacon	02 9246 7252 kdeacon@cityofsydney.nsw.gov.au

If you have any questions about this policy or any governance matter, contact our Governance team:

Telephone 02 9265 9333 (City of Sydney switchboard and ask for Governance)

Email governance@cityofsydney.nsw.gov.au

Website [City of Sydney – About Council - Our responsibilities – Governance.](#)

External Reporting Authorities

The contact details for external investigating authorities that employees can make a report or public interest disclosure to or seek advice from are listed below.

For disclosures about:	External reporting authority
Corrupt conduct	<p>Independent Commission Against Corruption (ICAC) Phone: 02 8281 5999 Toll free: 1800 463 909 NRS Speak and Listen Telephone: 1300555727 then ask for 028281 5999 Email: icac@icac.nsw.gov.au Web: www.icac.nsw.gov.au Address: Level 7, 255 Elizabeth Street Sydney NSW 2000</p>
Maladministration	<p>NSW Ombudsman Phone: 02 9286 1000 1800 451 524 NRS Speak and Listen Telephone: 1300 555 727 then ask for 02 9286 1000 Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au Address: Level 24, 580 George Street, Sydney NSW 2000</p>
Serious and substantial waste	<p>Auditor General Phone: 02 9275 7100 Email: mail@audit.nsw.gov.au Web: www.audit.nsw.gov.au Address: Level 15, 1 Margaret Street, Sydney NSW 2000</p>
Breaches of the GIPA Act	<p>Information Commissioner Phone: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au Web: www.ipc.nsw.gov.au Address: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000 Postal: GPO Box 7011, Sydney NSW 2001</p>
Local councils (e.g. pecuniary interest contravention)	<p>Office of Local Government Phone: 02 4428 4100 Tel. typewriter (TTY): 02 4428 4209 Facsimile: 02 4428 4199 Email: olg@olg.nsw.gov.au Web: olg.nsw.gov.au Address: 5 O'Keefe Avenue, Nowra, NSW 2541 Postal: Locked Bag 3015, Nowra NSW 2541 Sydney Office: Level 16, 320 Pitt Street, Sydney NSW 2000</p>

Attachment B

**Current Fraud and Corruption Internal
Reporting Policy with Tracked Changes**

~~Fraud and Corruption~~ ~~Internal Reporting Policy~~ Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing

Purpose

To document our internal reporting system which enables City of Sydney (City) employees and councillors, **in addition to others covered by the policy's scope**, to report wrongdoing without fear of reprisal. This policy sets out what can be reported, who you can report wrongdoing to at the City and how reports of wrongdoing will be dealt with.

This policy is designed to complement normal communication channels between supervisors and employees. Employees are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act). **This policy complies with the requirement under s 6D of the PID Act for the City to set out its procedures for receiving, assessing and dealing with public interest disclosures.**

The internal reporting system established under this policy is not intended to be used for employee grievances, which should be raised through our [Grievance and Conflict Resolution Policy](#). If an employee makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with our Grievance and Conflict Resolution Policy.

Scope

This policy applies to:

- City councillors
- City employees, including permanent (whether full-time or part-time), temporary and casual employees, agency staff, volunteers, trainees and students on work placements.

Under the PID Act this policy also applies to **consultants, employees of contractors providing services to the City and** public officials of another council or public authority who report wrongdoing relating to the City.

This policy is just one in the suite of the City’s complaint handling policies. Workplace disputes, harassment or bullying complaints, or health and safety concerns are covered by:

- **Equal Employment Opportunity and Anti-Discrimination Policy**
- **Grievance and Conflict Resolution Policy**
- **Harassment and Bullying Policy**
- **Work Health and Safety Policy**

Definitions

Term	Meaning
Disclosures Coordinator	Director Legal & Governance
Disclosures Officers	All Directors, and the Manager Risk & Governance and Manager People & Culture. Directors refer to the Director of a Division, the Chief Financial Officer and the Chief Operating Officer and not to any other position with the word Director in its title.
Employees	Permanent (whether full-time or part-time), temporary and casual employees, agency staff, volunteers, trainees and students on work placements
GIPA Act	Government Information (Public Access) Act 2009
ICAC Act	Independent Commission Against Corruption Act 1988
PID Act	Public Interest Disclosures Act 1994
Principal Officer	Chief Executive Officer (CEO)
Reporter	An employee, councillor or other person to whom this policy applies that has reported any suspected wrongdoing within the City, or any activities or incidents within the City that they believe are wrong, in accordance with this policy
Subject	Employee, councillor or other person to whom this policy applies who is the subject of a report of wrongdoing

Policy Statement

The City is committed to the highest standard of ethical and accountable conduct and will support and protect the reporting of wrongdoing. Individuals who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the City.

The City will:

- create a climate of trust, where people are comfortable and confident about reporting wrongdoing
- **make this policy available on our internal and external website**
- encourage individuals to come forward if they become aware of wrongdoing within the City
- keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- take steps to protect Reporters from reprisal and manage workplace conflict
- assess all reports of wrongdoing it receives from Reporters and deal with them appropriately, fairly, reasonably and impartially, respecting the rights of any person who is the subject of a report
- if some form of wrongdoing has been found, take appropriate action to rectify it
- keep the individual who makes a report informed of its progress and the outcome
- encourage the reporting of wrongdoing within the City, but respect any decision to disclose wrongdoing outside the City
- ensure managers and supervisors at all levels in the City understand the benefits of reporting wrongdoing, are familiar with this policy and aware of the needs of those who report wrongdoing
- review this policy periodically to ensure it is relevant and effective
- provide adequate resources to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training about how to make reports
 - assess and review, investigate or otherwise deal with allegations
 - manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems.

Once wrongdoing has been reported, the City decides whether a report should be investigated, and if so, how it should be investigated and by whom.

The City must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

The City has a responsibility to refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The City will request specific consent from a Reporter to disclose their identity to any external agency prior to referring a report of actual or suspected corrupt conduct or any evidence of a reprisal offence. If the Reporter does not grant consent, the City will keep the identity of the Reporter anonymous subject to any legal requirements for disclosure.

To ensure the City complies with the PID Act and deals with all reports of wrongdoing properly, all employees and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

Roles

Position	Responsibility
Principal Officer (CEO)	<ul style="list-style-type: none"> Ensures the City has an internal reporting policy and Employees are aware of this policy and the protections of the PID Act. Ensures the City's compliance with this policy and its obligations under the PID Act. Ensures at least one officer is responsible for receiving public interest disclosures within the City.
Disclosures Coordinator	<ul style="list-style-type: none"> Receives and assesses reports and is the primary point of contact in the City for the Reporter.
Disclosures Officers	<ul style="list-style-type: none"> Disclosures Officers provide advice about the internal reporting system and the City's Fraud and Corruption Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing. Receives reports of wrongdoing and assist employees and councillors to make reports.

What you should be reported?

You should report any suspected wrongdoing within the City, or any activities or incidents you see within the City that you believe are wrong.

Reports about five categories of serious misconduct will be dealt with under this policy. If they meet the criteria of a public interest disclosure, they will also be dealt with under the PID Act.

The five categories are:

- corrupt conduct
- maladministration
- serious and substantial waste of public money
- breach of the GIPA Act, and
- local government pecuniary interest contravention.

See below for details about these types of conduct. More information about what can be reported under the PID Act can also be found in the NSW Ombudsman's [Guideline B2: What should be reported?](#)

All other wrongdoing or suspected wrongdoing should be reported to your manager, supervisor or Human Resources staff to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of employees or the public.

Even if these reports are not dealt with as public interest disclosures, the City recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the employee making the report from reprisal.

a) Corrupt conduct

Corrupt conduct is defined in Sections 7, 8 and 9 of the ICAC Act and is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation.

While it can take many forms, some examples of corrupt conduct include when:

- a public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for their own personal gain or the advantage of others
- a public official dishonestly exercises his or her official functions, or improperly exercises his or her official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of his or her official functions
- a member of the public influences, or tries to influence a public official's exercise of functions.

b) Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of the application.

c) Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large-scale contract
- having no or poor processes in place for a system involving large amounts of public funds.

d) Breach of the GIPA Act

A breach of the GIPA Act is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

e) Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior City employee recommending a family member for a City contract and not declaring the relationship
- a councillor participating in consideration of a **DA tender** for a **property service** they or their family have an interest in.

Assessment of Reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the CEO where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether a review or investigation should be carried out and how it should be carried out.

In assessing a report, the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken.

When will a report be treated as a public interest disclosure?

The City will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

1. the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act or local government pecuniary interest contravention
2. the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
3. the report has to be made to the CEO (or, for reports about the CEO, the Lord Mayor), a position nominated in this policy (see below), an investigating authority or (in limited circumstances) to an MP or journalist.

Reports by employees are not public interest disclosures if they:

- mostly question the merits of government policy
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

Who you can receive a report within to at the City?

~~Employees are encouraged to report general wrongdoing to their supervisor or the Governance team. However,~~ The PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the City who are authorised to receive a public interest disclosure:

- **Principal Officer - CEO**
- Lord Mayor ~~(for reports about the CEO only)~~
- Disclosures Coordinator - ~~(Director Legal & Governance)~~
- Disclosures Officers - ~~(all Directors, and the Manager Risk & Governance and Manager People & Culture).~~

Contact details for these positions are provided in Appendix A

If your report involves a councillor, you should make it to the CEO. If your report relates to the CEO, you should make it to the Lord Mayor.

Any **manager or** supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the employee to make the report to one of the positions listed above.

If you would like additional information before making a public interest disclosure you can contact the City's Governance team on 02 9265 9333.

Who can receive a report you can report to outside the City?

Employees and councillors are encouraged to report wrongdoing within the City, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

a) Investigating authorities

The PID Act lists a number of investigating authorities in NSW that employees and councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority.

The relevant investigating authorities for the City are:

- the Independent Commission Against Corruption (ICAC) - for reports about corrupt conduct
- the NSW Ombudsman - for reports about maladministration
- the Information Commissioner - for disclosures about a breach of the GIPA Act
- the Auditor General - for reports about serious and substantial waste
- the Office of Local Government - for disclosures about local councils (e.g. pecuniary interest contraventions).

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may discuss any such reports with the City. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately. We will also provide appropriate support and assistance to employees or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b) Members of Parliament or journalists

To have the protections of the PID Act, employees reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to at least one of the following:

- the CEO
- a person nominated in this policy, including the Mayor for reports about the CEO; or
- an investigating authority.

Additionally, the City or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

~~It is important to note that a higher standard for protection under the PID Act applies (such as protection against legal action) if you report wrongdoing to an MP or journalist. You will not only need to believe that your disclosure is substantially true. It must also be proven that it is true in order for it to be a protected disclosure.~~

Furthermore to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true. The disclosure must also in fact be substantially true.

c) Other external reporting

If you report wrongdoing to a person or authority that is not listed above or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may also mean that you could be in breach of legal obligations or our Code of Conduct, for example, by disclosing confidential information.

For more information about reporting wrongdoing outside the City, contact the Disclosures Coordinator or the NSW Ombudsman’s Public Interest Disclosures Unit.

How to you can make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. The City’s [Internal Report Form](#) and [external online reporting form](#) are also available for employees or councillors to use to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The Reporter should keep a copy of this record.

Can a your report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the City, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action has or will be taken and the outcome of any review or investigation.

It is important to realise that making a disclosure anonymously may not prevent you from being identified by the subjects of the report or your colleagues.

If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

Feedback to employees who report wrongdoing

Employees and councillors who report wrongdoing and provide their contact details will be told what is happening in response to their report.

a) Acknowledgement

When you make a report, the City will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, the City will send you an acknowledgment letter, providing:

- information about how we will respond to your report
- the likely timeframes for any review or investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the

performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

b) Progress updates

While your report is being dealt with, such as by a review or investigation or making other enquiries, you will be given:

- information about the progress of the review/investigation or other enquiries and reasons for any delay
- **advice of any decisions by the City not to proceed with the matter**
- **advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.**

c) Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

Maintaining Confidentiality

The City realises Reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take all necessary steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the CEO, or in the case of a report about the CEO, the Disclosures Coordinator and the Lord Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any employees or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Managing the risk of reprisal and workplace conflict

When an employee or councillor reports wrongdoing, the City will undertake a thorough risk assessment, using the [NSW Ombudsman's PID Risk Assessment template](#), to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the City may:

- relocate the Reporter or the employee who is the subject of the allegation within the current workplace
- transfer the Reporter or employee who is the subject of the allegation to another position for which they are qualified
- grant the Reporter or the employee who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

Protection against reprisals

The City will not tolerate any reprisal against employees or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for employees and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure or because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not do so. Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence or has disclosed the identity of a Reporter (or information that is likely to lead to the identification of the Reporter) may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of our Code of Conduct and may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local*

Government Act 1993 and may include suspension or disqualification from civic office.

The PID Act does not protect Reporters from disciplinary or other management action where the City has reasonable grounds to take such action. **For example, if a Reporter accesses confidential information in order to support their disclosure/s or the Reporter has performance issues unrelated to the allegation/s.**

a) Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the CEO immediately. In the case of an allegation of reprisal by the CEO, you can alternatively report this to the Lord Mayor.

All supervisors must notify the Disclosures Coordinator or the CEO if they suspect that reprisal against an employee is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the CEO, the Lord Mayor can alternatively be notified.

If the City becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the City will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by an appropriate employee or an external investigator
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the Reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 9 of the City's Code of Conduct (detrimental action) by a councillor or the CEO to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman, ICAC or the Auditor General (depending on the type of wrongdoing you reported).

b) Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

Support for those reporting wrongdoing

The City will make sure that employees who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to our Employee Assistance Program for any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other employees involved in the internal reporting process where appropriate. Reporters and other employees involved in the process can discuss their support options with the Disclosures Coordinator.

Sanctions for making false or misleading statements

It is important all employees and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The City will not support employees or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct and may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

~~The~~ Your rights of persons who if you are the subject of the report

The City is committed to ensuring employees or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential where this is practical and appropriate.

~~Procedural fairness and natural justice will be considered at each stage of the investigation.~~ If you are the subject of the report and if there may be adverse findings against you, at the appropriate time you will be:

- advised of substance of the allegation
- advised of your rights and obligations under the relevant related policies and procedures

- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about if action will be taken against you.

Procedural fairness and natural justice will be considered at each stage of the investigation. However in some cases, there may be an overriding public interest in not adhering to certain procedural fairness requirements, such as situations involving serious risks to personal safety or where we are obliged to maintain confidentiality due to the requirements of an external body (e.g. ICAC, NSW Police).

Where the reported allegations against the subject are clearly wrong, or have been reviewed/investigated and unsubstantiated, the subject will be supported by the City. The fact of the allegations and any investigation will be kept confidential, where possible, unless otherwise agreed to by the subject.

Reporting investigation findings internally

On the completion of an investigation, a report, including any recommendations will be provided to the CEO for review and approval through the Disclosures Coordinator.

Where the investigation concerns the conduct of the CEO, a report and any recommendations will be provided to the Lord Mayor.

Responsibilities

City employees and councillors will:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- assist those assessing, reviewing or investigating a report if requested, including supplying information on request, cooperating with any assessment, review or investigation and maintaining confidentiality
- treat any person dealing with a report of wrongdoing under this Policy with courtesy and respect
- respect the rights of any person the subject of reports
- adhere to the City's Code of Conduct
- not make false or misleading reports of wrongdoing
- not victimise or harass anyone who has made a report.

Lord Mayor

The Lord Mayor can receive reports from employees and councillors about the CEO. Where the Lord Mayor receives such reports, the Lord Mayor will:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the City's Code of Conduct in accordance with the City's adopted Code of Conduct Procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support Reporters, protect Reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

CEO

The CEO, **as the Principal Officer**, has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the City complies with the PID Act.

The CEO can receive reports from employees and councillors and will:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the City's Code of Conduct in accordance with the City's adopted Code of Conduct Procedures
- **refer reports to an investigating authority, where appropriate**
- ensure there are strategies in place to support Reporters, protect Reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated, or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator will:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the CEO)
- deal with reports made under the City's Code of Conduct in accordance with the City's Code of Conduct Procedures
- coordinate the City's response to a report
- acknowledge reports and provide updates and feedback to the Reporter
- assess whether it is possible and appropriate to keep the Reporter's identity confidential
- **request specific consent from a Reporter to disclose their identity to any external agency prior to referring a report of actual or suspected corrupt conduct or any evidence of a reprisal offence.**
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- provide or coordinate support to staff involved in the reporting or investigation process, where required, including protecting the interests of any officer the subject of a report
- ensure the City complies with the PID Act
- ensure all employees and councillors with roles outlined in this policy receive training on their responsibilities
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC, as required.

Disclosures Officers will:

- document in writing any reports received verbally, and have the document signed and dated by the Reporter
- make arrangements to ensure Reporters can make reports privately and discreetly when requested, which may include away from the workplace
- discuss with the Reporter any concerns they may have about reprisal or workplace conflict
- forward reports to the Disclosures Coordinator or CEO for assessment

- **action any recommendations arising from an investigation that are approved by the CEO and where you are responsible.**

Supervisors and managers will:

- have a comprehensive understanding of this Fraud and Corruption Internal Reporting Policy
- create a local work environment where employees are comfortable and confident about reporting wrongdoing
- encourage employees to report known or suspected wrongdoing within the organisation and support employees when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the employee to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or CEO immediately if they believe an employee is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the CEO, notify the Lord Mayor
- **action any recommendations arising from an investigation that are approved by the CEO and where you are responsible.**

Consultation

Governance consulted with the **ICAC and NSW Ombudsman and internally with Legal Services, Internal Audit, Corporate Human Resources, Procurement, Office of the CEO and Financial Planning and Reporting.** Governance also consulted with the Office of the CEO, Corporate Human Resources, Financial Plan & Report, Internal Audit, Legal and Procurement, who reviewed this policy and provided comments.

References

Laws and standards

- Corporations Act 2001 (Clth)
- Government Information (Public Access) Act 2009 (NSW)
- Independent Commission Against Corruption Act 1988 (NSW)
- Local Government Act 1993 (NSW)
- [NSW Ombudsman's Guideline B2: What should be reported?](#)
- NSW Ombudsman PID e-news (June 2019 Issue 38) - New Commonwealth whistleblower laws.
- Public Interest Disclosures Act 1994 (NSW)
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Clth)
- **NSW Ombudsman's Public Interest Disclosures templates**

Policies, procedures and guidelines

- Code of Conduct
- Code of Conduct Procedures
- **Conflict of Interest Policy**
- EEO and Anti-Discrimination Policy
- **Employee Assistance Program Policy**
- Fraud and Corruption Control Plan
- Grievance and Conflict Resolution Policy
- Harassment and Bullying Policy
- Work Health and Safety Policy

Review period

This policy will be reviewed every 2 years

Approval status

Council approved this policy on ~~6 April 2020~~.

Approval history

Stage	Date	Comment	TRIM Reference
Original Policy	23 June 2014	Approved by Council	2014/288568
Review	6 April 2020	Update based on NSW Ombudsman model internal reporting policy and new whistleblower protection provisions in Corporations Act 2001 (Clth). Approved by Council	2014/288568
Next review	April 2022		
Reviewed			2014/288568
Commence Review Date	(Date, month, year – should be 9 months prior to the end of the next review period)		
Approval Due Date	(Date, month, year of when the next review of the policy is due to be finalised/ approved)		

Ownership and approval

Responsibility	Role
Author	Governance Officer
Owner	Manager Risk and Governance
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Appendix A – Internal Reporting Contacts

Position	Contact details
Principal Officer CEO Monica Barone	02 9265 9118 mbarone@cityofsydney.nsw.gov.au
Lord Mayor Clover Moore	02 9265 9229 cmoore@cityofsydney.nsw.gov.au
Disclosures Coordinator Director Legal & Governance Kirsten Morrin	02 9265 9361 kmorrin@cityofsydney.nsw.gov.au
Disclosures Officers: Manager Risk & Governance Nellette Kettle	02 9265 9084 nkettle@cityofsydney.nsw.gov.au
Chief Financial Officer Bill Carter	02 9265 9386 bcarter@cityofsydney.nsw.gov.au
Chief Operating Officer Kim Woodbury	02 9246 7370 kwoodbury@cityofsydney.nsw.gov.au
Director City Life Emma Rigney	02 9246 7320 erigney@cityofsydney.nsw.gov.au
Director City Planning Development & Transport Graham Jahn	02 9265 9945 gjahn@cityofsydney.nsw.gov.au
Director City Services Veronica Lee	02 9265 9092 vlee@cityofsydney.nsw.gov.au
Director People, Performance & Technology Susan Pettifer	02 9265 9221 spettifer@cityofsydney.nsw.gov.au
Manager People & Culture TBA	TBA
Director Strategic Development & Engagement Kate Deacon	02 9246 7252 kdeacon@cityofsydney.nsw.gov.au
If you have any questions about this policy or any governance matter, contact our Governance team:	
Telephone	02 9265 9333 (City of Sydney switchboard and ask for Governance)
Email	governance@cityofsydney.nsw.gov.au
Website	City of Sydney – About Council - Our responsibilities – Governance

Appendix A – External Reporting Authorities

The contact details for external investigating authorities that employees can make a report or public interest disclosure to or seek advice from are listed below.

For disclosures about:	External reporting authority
Corrupt conduct	Independent Commission Against Corruption (ICAC) Phone: 02 8281 5999 Toll free: 1800 463 909 NRS Speak and Listen Telephone: 1300555727 then ask for 028281 5999 Email: icac@icac.nsw.gov.au Web: www.icac.nsw.gov.au Address: Level 7, 255 Elizabeth Street Sydney NSW 2000
Maladministration	NSW Ombudsman Phone: 02 9286 1000 1800 451 524 NRS Speak and Listen Telephone: 1300 555 727 then ask for 02 9286 1000 Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au Address: Level 24, 580 George Street, Sydney NSW 2000
Serious and substantial waste	Auditor General Phone: 02 9275 7100 Email: mail@audit.nsw.gov.au Web: www.audit.nsw.gov.au Address: Level 15, 1 Margaret Street, Sydney NSW 2000
Breaches of the GIPA Act	Information Commissioner Phone: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au Web: www.ipc.nsw.gov.au Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000 Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000 Postal: GPO Box 7011, Sydney NSW 2001
Local councils (e.g. pecuniary interest contravention)	Office of Local Government Phone: 02 4428 4100 Tel. typewriter (TTY): 02 4428 4209 Facsimile: 02 4428 4199 Email: olg@olg.nsw.gov.au Web: olg.nsw.gov.au Address: 5 O'Keefe Avenue, Nowra, NSW 2541 Postal: Locked Bag 3015, Nowra NSW 2541 Sydney Office: Level 16, 320 Pitt Street, Sydney NSW 2000

If you have any further questions about this policy or any governance matter, contact our Governance team:

Telephone — 02 9265 9333 (City of Sydney switchboard and ask for Governance)

Email governance@cityofsydney.nsw.gov.au

Website [City of Sydney – About Council – Our responsibilities – Governance.](#)

Item 11.

Macleay Streetscape Improvements – Works on Private Land

File No: S120379

Summary

This report outlines the details of, and need for, two proposed Access Deeds between the Council of the City of Sydney and two private landowners to enable the upgrade of privately owned footway sections as part of the Macleay Streetscape Improvement Project.

The Macleay Streetscape Improvement Project was endorsed by Council on 29 June 2020, following approval through the Local Pedestrian, Cycling and Traffic Calming Committee on 18 June 2020. The original project scope was from Orwell Street to Challis Avenue, Potts Point. On 29 March 2021, Council endorsed additional work in Macleay Street to extend the improvements to McDonald Street. The works for Macleay Street include a paving and kerb upgrade (including kerb extensions and build outs).

Two sections of footway on the western side of Macleay Street, between Manning Street and Rockwall Crescent, are on privately owned land parcels (at 77 and 81 Macleay Street, Potts Point). An easement for public right of way (Easement) in favour of the Council of the City of Sydney is in place for both parcels and responsibility for the maintenance of the land rests with the respective landowners.

This report recommends that Council enters into formal agreements with the owners of the land parcels for the City to undertake footway upgrade works consistent with the City's current works to Macleay Street.

The proposed works to upgrade the footway paving will improve pedestrian accessibility and visual amenity.

Recommendation

It is resolved that:

- (A) Council enters into Access Deeds with the owners of 77 and 81 Macleay Street, Potts Point, generally in accordance with Confidential Attachment B to the subject report, that allows the City to fund and undertake footway upgrade works to the privately owned sections of footway in Macleay Street currently burdened by an Easement for public right of way in favour of the City;
- (B) authority be delegated to the Chief Executive Officer to finalise and execute the Access Deeds; and
- (C) Council note the financial implications detailed in Confidential Attachment C to the subject report.

Attachments

- Attachment A.** Macleay Street Private Property Mark Up
- Attachment B.** Deeds of Agreement - 77 and 81 Macleay Street (Confidential)
- Attachment C.** Financial Implications (Confidential)

Background

1. The Macleay Streetscape Improvement Project was endorsed by Council on 29 June 2020, following approval through the Local Pedestrian, Cycling and Traffic Calming Committee on 18 June 2020.
2. The original project scope was from Orwell Street to Challis Avenue, Potts Point. On 29 March 2021, Council endorsed additional work in Macleay Street to extend the improvements to McDonald Street.
3. Two small parcels of land forming part of 77 and 81 Macleay Street are privately owned paved areas (refer to Attachment A). Public access through these parcels of land is protected by an easement for public right of way in favour of the Council of the City of Sydney (Easement). Responsibility for maintenance of the land parcels currently rests with the respective land owners.
4. Any works Council proposes to undertake at the cost of Council on private land require consent from the landowner.
5. The works for Macleay Street include the following improvements:
 - (a) a paving and kerb upgrade (including kerb extensions and build outs);
 - (b) continuous footpath treatments along both sides of Macleay Street between Orwell Street and McDonald Street;
 - (c) enhanced street lighting with the addition of Smartpoles;
 - (d) new street furniture including seating, bike racks and bubblers;
 - (e) new garden beds and plantings; and
 - (f) a raised intersection at Greenknowe Avenue.

Access Deed

6. An Access Deed (summarised at Confidential Attachment B) has been drafted for execution between the Council of the City of Sydney and the respective landowners of numbers 77 and 81 Macleay Street, Potts Point.
7. The Access Deeds define the proposed works to be undertaken by the City on the land and outline each party's obligations.

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

8. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 5 – A city for walking, cycling and public transport – the project improves pedestrian amenity and safety through enhanced footpath treatments, localised footpath widening and continuous footpath treatments, improved lighting and increased amenities such as seating and bubblers.

- (b) Direction 7 - Resilient and diverse communities – the project will provide an improved public domain that meets the needs of a wide variety of user groups and provides opportunities for social interaction.

Social / Cultural / Community

9. The project will provide improved amenity for local residents and visitors to the city to encourage walking and social interaction.
10. The project will also improve the material quality of the public domain to compliment the important local character of the street.

Organisational Impact

11. The works outside 77 and 81 Macleay Street will not create additional City-owned assets.
12. Maintenance of the footway areas fronting 77 and 81 Macleay Street will remain with the respective property owners following completion of the City's work.

Risks

13. If the Access Deeds are not entered into with the landowners of 77 and 81 Macleay Street, the City will not be in a position to undertake the footpath upgrade works on those parcels of land. This will result in inconsistent paving treatments along this section of footway (between the privately owned brick paving and City-owned concrete unit paving) and potential issues with the flow of surface stormwater across the land due to level changes.

Social / Cultural / Community

14. The proposed upgrade works will improve the safety, amenity and character of Macleay Street by providing consistent, high quality paving finishes. The works will create allow safer pedestrian activation while maintaining the heritage, character and feel of Macleay Street.

Maintenance

15. There will be no change to the maintenance of the privately owned sections. This will remain the responsibility of the respective land owners.

Financial Implications

16. As noted above, the works outside 77 and 81 Macleay Street will not create additional City-owned assets and are therefore not a capital project. Funding for the works will be accommodated within the City's footway operational budgets. Sufficient funds are available and no additional funding is required for paving works in the two parcels of private land.
17. The current delivery program proposes implementation commencing in August 2022 (pending execution of the Access Deeds) to align with the expected completion of the Macleay Streetscape Improvement Project works.
18. The component cost for the works on private property are itemised in Confidential Attachment C.

Relevant Legislation

19. Local Government Act 1993 - Section 377(1)(n) states that only Council can resolve to carry out work on private land for an amount that is less than the amount or rate fixed by Council for the carrying out of any such work. As there is no rate fixed for undertaking the type of work proposed on private land, Council approval is required before the works can proceed.
20. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
21. Attachments B and C contain confidential commercial information which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
22. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

23. Completing the works to the privately owned sections of land in conjunction with the City's current Macleay Streetscape Improvement Project works will result in optimal cost efficiency for the City and minimise disruption to business owners and the community.
24. The Macleay Streetscape Improvement Project is currently on track for completion by the end of August 2022. Approval is sought to allow execution of Access Deeds and commencement of works to the private land parcels from August 2022, in line with the completion of the main project works.

Public Consultation

25. Representatives of the owners of 77 and 81 Macleay Street have been consulted about the proposed work to the privately owned sections of footway. Consultation occurred through site meetings, by email and by phone calls.
26. On 28 March 2022 and 11 April 2022, the City sought in principle approval by email from each owner to proceed towards formalising an Access Deed, subject to Council approval.

27. Approval in principle from both owners has been provided on the understanding that there is no cost to them for the works.
28. If approval to enter into the Access Deeds is obtained, notification will be sent to the landowners and the residents of the affected buildings prior to construction commencing on the private land parcels. The notification will include the final design plan and an updated program of works.

VERONICA LEE

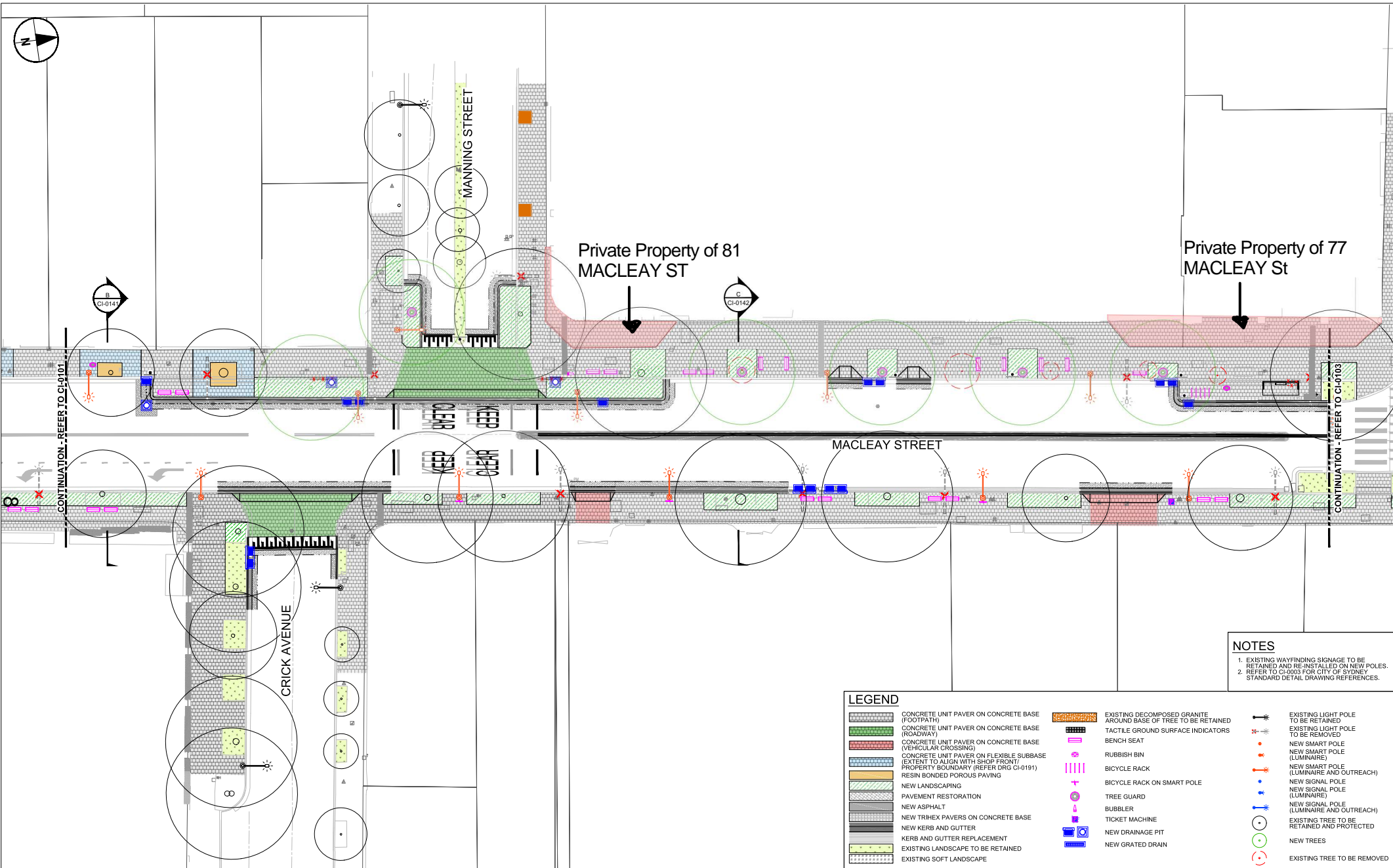
Director City Services

Simon Fay, Program Delivery Manager

Craig Taragel, Project Manager, Macleay Street Project

Attachment A

Macleay Street Private Property Mark Up



- NOTES**
- EXISTING WAYFINDING SIGNAGE TO BE RETAINED AND RE-INSTALLED ON NEW POLES.
 - REFER TO CHANGES FOR CITY OF SYDNEY STANDARD DETAIL DRAWING REFERENCES.

LEGEND

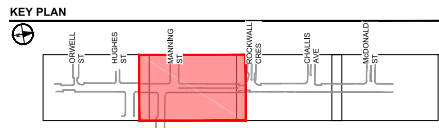
	CONCRETE UNIT PAVER ON CONCRETE BASE (FOOTPATH)		EXISTING DECOMPOSED GRANITE AROUND BASE OF TREE TO BE RETAINED		EXISTING LIGHT POLE TO BE RETAINED
	CONCRETE UNIT PAVER ON CONCRETE BASE (ROADWAY)		TACTILE GROUND SURFACE INDICATORS		EXISTING LIGHT POLE TO BE REMOVED
	CONCRETE UNIT PAVER ON CONCRETE BASE (VEHICULAR CROSSING)		BENCH SEAT		NEW SMART POLE (LUMINAIRE)
	CONCRETE UNIT PAVER ON FLEXIBLE SUBBASE (EXTENT TO ALIGN WITH SHOP FRONT/ PROPERTY BOUNDARY (REFER DRG CI-0191)		RUBBISH BIN		NEW SMART POLE (LUMINAIRE AND OUTREACH)
	NEW LANDSCAPING		BICYCLE RACK		NEW SMART POLE (LUMINAIRE AND OUTREACH)
	NEW ASPHALT		BICYCLE RACK ON SMART POLE		NEW SIGNAL POLE (LUMINAIRE)
	NEW TRIHEX PAVERS ON CONCRETE BASE		TREE GUARD		NEW SIGNAL POLE (LUMINAIRE)
	NEW KERB AND GUTTER		BUBBLER		NEW SIGNAL POLE (LUMINAIRE AND OUTREACH)
	KERB AND GUTTER REPLACEMENT		TICKET MACHINE		EXISTING TREE TO BE RETAINED AND PROTECTED
	EXISTING LANDSCAPE TO BE RETAINED		NEW DRAINAGE PIT		NEW TREES
	EXISTING SOFT LANDSCAPE		NEW GRATED DRAIN		EXISTING TREE TO BE REMOVED

This drawing is confidential and shall only be used for the purpose of this project. The signing of this title block confirms the design and drafting of this project have been prepared and checked in accordance with the AECOM quality assurance system to ISO 9001-2000.

AECOM
CONSULTANT
AECOM Australia Pty Ltd
A,B,N 20 093 846 925
www.aecom.com

PROJECT
Macleay Street Upgrade
Potts Point

CLIENT
CITY OF SYDNEY
SYDNEY CIVIL



PROJECT MANAGEMENT INITIALS

AL	EC	ON
DESIGNER	CHECKED	APPROVED

ISSUE/REVISION

NO	DATE	DESCRIPTION
05	22.01.2021	100% IFC ISSUE
04	27.10.2020	100% IFC ISSUE
03	16.10.2020	100% IFC ISSUE
02	31.07.2020	DRAFT IFC
01	24.07.2020	ISSUE FOR CONSTRUCTION
IR		DATE DESCRIPTION

PROJECT NUMBER
60616465
SHEET TITLE
GENERAL ARRANGEMENT
PLAN
SHEET 02
SHEET NUMBER
60616465-001-SHT-1000-CI-0102

FOR CONSTRUCTION

Document is Restricted

CONFIDENTIAL
By virtue of the Local Government Act 1993 Section 10A Paragraph 2

Document is Restricted

Item 12.

Tender - T-2021-568 - Construction of Wimbo Park, Surry Hills

File No: X009056

Tender No: T-2021-568

Summary

This report provides details of the tenders received for the construction of Wimbo Park, Surry Hills.

Wimbo Park is located at 560 Bourke St, Surry Hills and extends east to South Dowling Street. The space has been created from the combination of the previous Wimbo Park and the open space created from the NSW Government's CBD and South East Light Rail project (CSELR).

These works are to construct a new public park and shared zone upgrade to Parkham Lane and Parkham Place, providing a valuable open space for the local community to gather for passive and active recreation. The site area for the works is approximately 6000m².

Council endorsed the concept design on 27 February 2017. A Development Application was approved 24 September 2019 before a revised concept design for the park went to community consultation in early 2020.

On 23 June 2021, the Section 4.55 Development Application Modification was approved for the revised design of the park. The shared zone to Parkham Lane and Parkham Place was approved by the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) under the Roads Act 1993 on 18 March 2021. Following, the design was further developed in coordination with Transport for NSW and Transdev to satisfy their conditions of consent to enable the project to proceed to tender. The request for tender was released to market on 9 June 2022 for a period of six weeks.

This report recommends that Council accept the tender offer of Tenderer C for the construction of Wimbo Park, Surry Hills and approve additional funding required to undertake the works.

Recommendation

It is resolved that:

- (A) Council accept the tender offer of Tenderer C for the construction of Wimbo Park, Surry Hills for the price and contingency as set out in Confidential Attachment A to the subject report;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve that the additional funds sought are brought forward from the provision for Open Space Renewal works in 2025/26, as shown in the forward estimates, included in the City's current Long Term Financial Plan as outlined in Confidential Attachment A to the subject report.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. In October 2015, the CBD and South East Light Rail (CSELR) project commenced works to deliver light rail services between Circular Quay and Randwick. The project was delivered by TfNSW with construction to be undertaken by Acciona. Wimbo Park and Olivia Gardens multi-residential apartment building on the site to the east of the previous Wimbo Park was demolished. The CBD and South East Light Rail project used this site as the construction compound for the entire light rail project until mid-2019 when the care and maintenance of the site was handed back to the City of Sydney.
2. The City entered into a development agreement with Transport for NSW to ensure Transport for NSW dedicated the balance of any land not required for light rail purposes to the City for future use as a community area. This provided the opportunity to deliver a new public park in this location to meet the evolving needs of the community.
3. A new park will be created by extending the existing Wimbo Park, spanning the block between Bourke Street and South Dowling Street, on the southern side of the light rail line in Surry Hills. The new park will fill the space that was created through the removal of the Olivia Gardens apartment which was done to make way for the light rail project. The existing road on the southern border of this space, will be converted into a shared zone to improve connectivity and increase the pedestrian space of this site.
4. A head design consultant was engaged in July 2016 to create a concept design for the extension of Wimbo Park. The concept design for the park created a new space so that it filled the empty space created by the CBD and South East Light Rail project and the demolition of the Olivia Gardens apartment block at this location.
5. On 27 February 2017, Council resolved to approve the project concept design for Wimbo Park to allow for coordination with the CBD and South East Light Rail project team, to proceed with design development, and prepare relevant planning approvals, documentation and tender for construction works. A Development Application was approved 24 September 2019.
6. The site CBD and South East Light Rail project team delivered on completion of the light rail project in this area included a shared path running parallel to the light rail line, a large open lawn area and a half-delivered paved plaza area. The site offered little to no amenity to the community other than being a space to transit through. In late 2019, the Community expressed a desire to reduce the quantity of hard surfaces in the park, increase screening to adjoining residents and to increase the 'park-feel' of the space through the conversion of an existing road to become a low-speed shared zone for vehicles, cyclists and pedestrians.
7. Council further revised the concept design in response to this feedback by the community to improve the open space amenity as delivered by CBD and South East Light Rail project. The revised concept design for the park went to community consultation in early 2020. The design included undertaking improvement works to Parkham Lane and Parkham Place.
8. The revised concept design will deliver:
 - shade trees and open lawn with connecting pathways and sitting walls;
 - an increase in parkland and a reduction in hard pavement;

- a shared zone along Parkham Lane and shared path through the park to improve connectivity for people moving through the site from Central to Moore Park;
 - plants and screening to maintain privacy for adjacent homes to screen the existing substation and electrical kiosks next to Bourke Street;
 - improved stormwater drainage to better manage the flooding on this site;
 - retained fence and planting buffer separate the park from the light rail line; and
 - reinstatement of the Wimbo Park mosaic mural and stonemasons' memorial.
9. The Development Application Modification with Transport for NSW consent conditions was approved on 23 June 2021, for the design of the new park which will increase the existing Wimbo Park across the site to the east. Local Pedestrian, Cycling and Traffic Calming Committee approval was given on 18 March 2021 to convert Parkham Lane and Parkham Place into a shared zone.
10. Following the approval of the Development Application Modification, the design was further developed in coordination with Transport for NSW and Transdev to satisfy their conditions of consent to enable the project to proceed to tender.

Invitation to Tender

11. A public open tender was run from 9 June 2022 for 6 weeks and closed on 21 July 2022. It was advertised on TenderLink, the City of Sydney electronic tendering portal. An online and on-site briefing was held during the tender.

Tender Submissions

12. Three submissions were received from the following organisations:
- Growth Civil Landscapes;
 - Ford Civil Contracting; and
 - Regal Landscapes.
13. No late submissions were received.

Tender Evaluation

14. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
15. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.

16. All submissions were assessed in accordance with the approved evaluation criteria being:
- (a) The lump sum price and schedule of prices.
 - (b) Company profile with demonstrated experience in carrying out construction works of a similar scope, complexity and scale, company quality management system, company environmental management and commitment to sustainability and compliance with code of conduct.
 - (c) Personnel allocation, qualifications, experience, technical ability, and percentage of time on project; identified sub-contractors and their experience; and any Aboriginal and Torres Strait Islander Involvement.
 - (d) The tenderers ability to achieve the proposed program & deliverables based on their current commitments. Proposed construction program with staging shown to achieve the project and deliverables: program duration, sequencing and appropriately detailed breakdown of work tasks and lead times; and consideration of contract requirements including hold & witness points and milestones.
 - (e) Proposed construction methodology, including staging of works, environmental management and referencing to the proposed site management plans and proposed Pedestrian & Traffic Management Plans as submitted by the tenderer. The tendered methodology must be site and project specific and must demonstrate how the tenderer proposes to manage site constraints, conditions and risks. It must explain proposed staging of works including impact to vehicles, cyclists and pedestrians and the methods to minimise impact to surrounding residents.
 - (f) Work health and safety; and
 - (g) Financial and commercial trading integrity, including insurances.

Performance Measurement

17. The City will ensure that performance standards are met during construction by:
- (a) holding weekly site meetings with the contractor to cover Work Health and Safety, environment, progress of work against contract program, sub-contractor items, design issues and requests for information, hold and witness points, quality non-conformances, public enquires and planned liaison activities, extension of time claims and variations;
 - (b) undertaking regular site inspections and completing a monthly construction site verification checklist to identify any non-compliance with the approved project WHS&E Management Plan; and
 - (c) monitoring and assessing the contractor's performance in accordance with the Principal's Key Performance Indicators including Work Health and Safety compliance, quality of work, time, reporting and communication.

Financial Implications

18. Significant cost increases have recently been experienced in the building industry. Additional funds are required for this project due to the recommended tender exceeding pre-tender estimates. Acceptance of the recommended tender will therefore require Council to increase the project budget, as detailed in Confidential Attachment A.
19. The total contract sum and contingency for the construction of Wimbo Park, Surry Hills is detailed in Confidential Attachment A.

Relevant Legislation

20. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.
21. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
22. Attachments A and B contains confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
23. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

24. The following key dates will apply to this project if approved:
 - (a) Contract Execution September 2022
 - (b) Site Possession October 2022

Options

25. Alternative options have been considered and include:
 - (a) Not proceed with the tender and defer the works. This option is not recommended because it would not provide the required services to the community.

- (b) Undertake further value engineering in addition to that undertaken prior to tender. Further value engineering would reduce the function of the open space and therefore would impact on service delivery. This option would delay the project and incur additional consultant costs for redesign and given the current market volatility the time taken for redesign may offset any costs savings.
 - (c) Undertake the works in stages by constructing the new park space and upgrading the shared zone separately. This option is not recommended as it would result in increased disruption to the residents and will likely be substantially more costly.
26. No other viable options have been identified during the tender evaluation process.

Public Consultation

- 27. 7 to 30 November 2015 – The City obtained early input from local residents and businesses with 209 pieces of feedback received from stakeholder meetings with businesses, Lord Mayor on site community consultation, letters sent to residents and businesses, social media posts via Sydney Your Say and an online survey.
- 28. 19 November to 19 December 2016 - Community engagement process to consult on the concept design, including letter drop, Sydney Your Say, hardcopies at the Surry Hills Library and Town Hall House and a consultation event held at Wimbo Park, on Saturday 19 November 2016 which was attended by the Lord Mayor.
- 29. February 2017 - Stakeholders emailed to give notice that the scoping report and design was going to Council in February 2017. One community stakeholder (neighbour) attended the Committee meeting.
- 30. January/February 2018 - Development Application had a 28-day public exhibition period of the design.
- 31. 30 November 2018 – City’s website updated with revised concept plan showing the addition of the shared zone and modification to the shared path.
- 32. 25 September 2019 - On site meeting with the Director of Centennial Parklands Trust, City design team representative and the Lord Mayor.
- 33. 14 to 31 July 2020 - Community feedback on the revised design for Wimbo Park through online engagement during Covid-19 with 33 submissions captured through letter drop, direct emails online meetings, social media and Sydney Your Say.
- 34. 9 September 2020 - Lord Mayor online community update and Q&A session.
- 35. January/February 2021 - Development Application modification 28-day public exhibition period of the design.
- 36. 13 October 2021 – Consultation with Bourke Street Public School for alternate drop-off/pick-up arrangement during construction.
- 37. 25 and 29 March 2022 - Door knock to Parkham Street, Parkham Lane and South Dowling Street residents to inform them of the project and likely impacts.

38. Future notification following engagement of the contractor includes:
- (a) Notifying Bourke Street Public School of the timeframe for the alternate drop-off/pick-up arrangement during construction.
 - (b) Communication to residents of planned commencement of construction and updating website.
 - (c) Contractor to install City signage boards on fencing.
 - (d) Contractor's communication for staging and impacts during construction.

KIM WOODBURY

Chief Operating Officer

Brendan Barrett, Specialist Project Manager

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Item 13.**Tender - Reject and Negotiate - T-2021-607 - Public Access IT Refresh**

File No: X039997.001

Tender No: T-2021-607

Summary

The Public Access IT (PAIT) program provides free or low-cost access to the internet, computers, software and printing services at Libraries, Community Centres and Childcare Centres across the City. PAIT was first implemented in 2017 and operates in 27 locations. There are 261 computers, 12 printers and 13 payment kiosks available for community use.

The service exists in the following locations:

Table 1 – Public Access IT Locations

Abraham Mott Activity Centre	Alexandria Child Care Centre	Broughton Street Kindergarten
Cliff Noble Centre	Customs House Library	Darling Square Library
Glebe Library	Green Square Library	Harry Jensen Community Centre
Hilda Booler Kindergarten	Juanita Nielsen Community Centre	Kings Cross Library
King George V Children's Program	Newtown Library	Pymont Children's Program
Redfern Children's Program	Redfern Community Centre	Redfern Occasional Child Care
Reginald Murphy Community Centre	Ron Williams Community Centre	Surry Hills Children's Program
Surry Hills Library	Town Hall Library Link	Ultimo Children's Program
Ultimo Library	Waterloo Library	Woolloomooloo Children's Program

The current service is contracted until June 2023, when infrastructure will be at the end of life and requires replacement.

The Public Access IT program will implement new features such as:

- (a) improved experience for community when logging on to computers and utilising printing capabilities;
- (b) additional payment options and improve experience for community paying for the use of computers, printing, and other peripheral devices;
- (c) providing a mix of devices (fixed and mobile) for the community to use within the various locations;
- (d) providing a network for all PAIT devices to connect to the internet (e.g., desktop computers, laptops, iPads, printers, and other peripheral devices); and
- (e) upgrading Wi-Fi service at 12 community centres and venues for hire;

Table 2 - Locations where Wi-Fi will be upgraded:

Abraham Mott Community Space	Cliff Noble Community Centre	Erskineville Town Hall
Glebe Town Hall	Harry Jensen Community Centre	Juanita Nelson Community Centre
King George V Recreation Centre	Pymont Community Centre	Redfern Community Centre
Reginald Murphy Community Centre	Rex Centre	Ultimo Community Centre

- (f) expanding the Wi-Fi service at community centres and venues for hire from 12 locations to 30 locations

Table 3 - List of locations where Wi-Fi will be introduced:

Alexandria Town Hall	Benledi House	Booler Community Centre
Brown St community Centre	Darlinghurst Community Centre	East Sydney Community & Arts Centre
Harold Park Community Space	St Helens Community Centre	Joseph Sargeant Community Centre
Maybanke; Redfern Oval Community Room	Perry Park Recreation Centre	Peter Forsyth Auditorium, Mary McDonald Centre

Redfern Town Hall	Robyn Kemmis Community Centre	Ron Williams Community Centre (Kepos St)
Sydney Park Cycling Centre	Sydney Park Pavilion	Tote building

*NOTE - Green Square Public School and Community spaces will have Wi-Fi when building works are completed.

A tender was conducted to select a suitable vendor for completing and supporting the replacement of the City's Public Access IT service.

The City proposed to enter into an initial four-year agreement with one optional four-year extension for a possible total of eight years. Based on the tender evaluations, all submissions were identified as non-conforming.

This report recommends that Council resolve to reject both tender responses received and enter negotiations with one or more suppliers for the provision of the Public Access IT program.

Recommendation

It is resolved that:

- (A) Council decline to accept the tender offers for Public Access IT program for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute, and administer the contracts relating to the tender; and
- (E) Council be informed of the successful vendor via the CEO Update.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. The provision of free access to computers, software and the internet supports learning and digital inclusion. It is crucial to supporting the community to stay informed and connected, particularly in the current environment (post-pandemic, severe weather conditions, and community health).
2. The Public Access IT (PAIT) program is in high demand with an average of 50,000 sessions in the last two years prior to the Covid-19 pandemic as per the below table:

Service	July 2018 – February 2019	July 2019 – February 2020	Trend
Public PC Usage (number of 30 minutes sessions)	46,473	51,740	up by 11.3%
Printing from PCs (number of copies)	28,289	30,421	up by 7.5%
Photocopies (number of copies)	5,117	5,615	up by 9.7%

3. Although during the pandemic the numbers in the table above may have declined, we are expecting the community to be using our Public Access IT services with anticipated growth. It is important to note that the service is being re-shaped, and the technology is being upgraded through this program which will allow for the anticipate growth in usage. This pattern is likely to commence around July 2023 as the new technology is rolled out.
4. The current contracted service concludes in June 2023, when infrastructure will be at the end of life. The City issued documentation to suitable suppliers through an open tender.
5. The requirements built into the tender included:
 - (a) improve experience for community to access computers, utilise printing capabilities and make payment for usage of these services.
 - (b) web printing to allow community to send print jobs from their personal devices to library and community centre printers.
 - (c) new mobile devices (laptops and iPads) in addition to current fixed devices (desktop computers and printers) for community to use within PAIT locations.
 - (d) new PAIT Wi-Fi network to Community spaces, childcare and libraries to cater for mobile devices (e.g. laptops and iPads).
 - (e) refreshed fixed desktop computers and printers across libraries, community spaces and childcare centres.
 - (f) upgraded payment kiosks to modern standards that accommodate new purchasing features for community.

- (g) device refresh and device management for Makerspace & library programs.
- (h) upgraded Wi-Fi at community centres and venues for hire and expanding the service to over 30 locations. This was an optional service in this tender.

Invitation to Tender

6. The tender was released through Tenderlink on the City's e-Tender portal on 12 April 2022. The deadline for submissions was set for 20 May 2022.

Tender Submissions

7. Two submissions were received from the following organisations:
 - (a) ASI Solutions Pty Ltd (incumbent supplier); and
 - (b) Mobilecorp Pty Ltd.
8. Further information and comments on the submissions received are detailed in Confidential Attachment A.

Tender Evaluation

9. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
10. None of the tenders were deemed to be conforming as outlined in the Confidential Tender Evaluation Summary – Attachment A.
11. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) Ability to meet the requirements as defined by the City of Sydney.
 - (b) Demonstrated experience in carrying out services of a similar size and nature.
 - (c) Personnel allocation, qualifications, experience, capacity, including sub-contractors.
 - (d) Ability to meet proposed timeframes.
 - (e) Environment, Accessibility and Aboriginal and Torres Strait Islander engagement.
 - (f) Work Health & Safety.
 - (g) Demonstrated financial and commercial trading integrity.
 - (h) Insurances.

Performance Measurement

12. The tender required that the proposed solution would need to comply with mandatory requirements and meet the service levels specified in the tender contract.

Financial Implications

13. Sufficient funds have been allocated for this project within the current year's Technology and Digital Services budget and future years' forward estimates (subject to the final confirmed pricing) as outlined in Confidential Attachment A.

Relevant Legislation

14. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.
15. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
16. Attachment A contains confidential commercial information of the tenderers and details of the Council's tender evaluation and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
17. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

18. Council approval to enter into negotiations with suitable suppliers - August 2022.
19. It is anticipated that the City will complete negotiations and execute a contract with one or more suppliers to target 30 October 2022.
20. Current contracted service concludes on 30 June 2023.

Options

21. Option 1: Cancel and re-advertise the tender. This option is not recommended as it is highly probable to result in the same outcome.
22. Option 2: Cancel the tender and discontinue the project. This option is not recommended because Public Access IT is a highly utilised service for our community, and not providing the service beyond the end of the contract period would adversely impact the community as well as the reputation of the City.

Option 3: Reject the tender offers received and negotiate directly with supplier(s). Delegate authority to the Chief Executive Officer to enter into contract(s). Implement the solution with the preferred supplier(s). The City believes that a contract(s) that meets the City's business needs could be successfully negotiated. For this reason, this option is recommended.

EMMA RIGNEY

Director City Life

Brett Pozniak, Program Manager - IT Portfolio

Heather Davis, Manager Libraries and Learning

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Item 14.

Tender - Reject and Negotiate - T-2021-565 - Waterloo Library Roof Remediation Works

File No: X011539.001

Tender No: T-2021-565

Summary

This report provides details of the tenders received for Waterloo Library Roof Remediation Works.

Due to its age, the existing roof of Waterloo Library is in poor condition leading to water leakage and damage to building fabric. The aim of the work is to undertake remedial works to stabilise the two chimneys and to prevent water penetration from both the slate and metal roofs into the building and to undertake repair works to elements which have been damaged by previous water penetration.

This report recommends that Council decline to accept the tender offer/s received for Waterloo Library Roof Remediation Works for the reasons set out in Confidential Attachment A to the subject report, and enter into negotiations with suitable contractors for the Roof Remediation Works.

Recommendation

It is resolved that:

- (A) Council decline to accept the tender offers for the Waterloo Library Roof Remediation Works for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (E) Council be informed of the successful contractor via the CEO Update.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. Waterloo Library is located at 770 Elizabeth Street, Waterloo. It is a local landmark of over 135 years. The site is located on the south-eastern corner of Elizabeth and Kellick Streets. The main entrance is via Elizabeth Street.
2. During heavy rains there has been water ingress through the metal and slate roofs causing damage to the internal building fabric. Remediation works are required to the existing metal and slate tile roofs to prevent further water ingress and damage.
3. The scope of works approved for the project included addressing building fabric damage from water ingress, stabilisation of the two chimneys and to provide better access to roof for maintenance and service of existing PV panels. This will include replacement of approximately 80 per cent of the Welsh slate roof tiles. Repair works need to be undertaken to the internal walls for patching of damage caused by water ingress.
4. Northrop Consulting Engineers were engaged as the Structural Engineers to develop the scope and prepare tender documentation for the roof remediation works.

Invitation to Tender

5. The Request for Tender was advertised on the City's e-Tendering portal on 23 February 2022 and closed on 6 April 2022.

Tender Submissions

6. Six submissions were received from the following organisations:
 - Elevate Builders Pty Ltd;
 - HBS Group;
 - Murphy's Remediation Builders Pty Ltd;
 - Perfect Contracting Pty Ltd;
 - Rapid Construction Pty Ltd; and
 - Sassan Vodjdani Pty Ltd.
7. No late submissions were received.

Tender Evaluation

8. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
9. The results of the evaluation are provided in the Confidential Tender Evaluation Summary – Attachment A.

10. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) the lump sum price and schedule of prices;
 - (b) company information including company profile and response to sustainable outcomes, personnel allocation, experience and capacity, including sub-contractors and Aboriginal & Torres Strait Islander involvement. Details of roles, qualifications, percentage of time on project and relevant experience of nominated project team members including experience, role and relationship for any subcontractors;
 - (c) demonstrated previous experience in carrying out works of a similar size and nature, capacity and technical ability to carry out the work under the contract including references;
 - (d) proposed program and ability to achieve the program/deliverables including duration, sequencing and appropriately detailed breakdown of works tasks under contract and the ability to meet milestones;
 - (e) proposed project methodology including all scope and requirements under the tender documents, all project management plans including sustainable outcomes and environmental management, construction and operational waste management, perceived risks and innovation. Proposed method of undertaking works whilst avoiding adverse impacts to tenant, minimising risks and reducing costs and warranties;
 - (f) Work, Health and Safety; and
 - (g) financial and commercial trading integrity, including insurances.

Performance Measurement

11. The City will ensure that performance standards are achieved during construction through regular assessment of the following Key Performance Indicators:
 - (a) Safety and Environment - works performed safely, to avoid incidents and non-conformances. The site management plan to be developed and implemented in such a way as to ensure the safety of all depot staff and visitors;
 - (b) Communication - weekly site meetings and daily online / phone correspondence;
 - (c) Programming and Resources - approach and methodology strategically planned to maximise the efficient and effective use of resources and materials while ensuring all documentation and contract requirements are submitted on time;
 - (d) Quality Assurance - inspections, witness and hold points as necessary to meet the quality standards set out by the City; and
 - (e) Cost Variations - all efforts made to mitigate a variation to the contract with negative cost implications.
12. At the end of construction, the City will assess the contractor and complete a performance review.

Financial Implications

13. There are sufficient funds allocated for this project within the current years capital works budget and future years forward estimates.

Relevant Legislation

14. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.
15. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
16. Attachment A contains confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
17. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

18. The following key dates apply to this project:
 - (a) Negotiations Commence September 2022
 - (b) CEO approval / CEO Update October 2022
 - (c) Contract Execution November 2022

Options

19. An alternative option is to retender the works for the roof remediation. This option is not recommended given six tenders were received and it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender.
20. An alternative option is to not proceed with the tendered works. This option is not recommended as it would have an ongoing impact on the operations of the library and will not address the water ingress and damaged building fabric.

Public Consultation

21. Development Consent has been received for the project and public consultation completed.
22. No further public consultation has been undertaken for the tendered scope.

KIM WOODBURY

Chief Operating Officer

Rajit Swaminathan, Project Manager

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Item 15.**Cancellation of Part of Tender - T-2021-486 - Compact Footway Sweeping and Scrubber Machines - Footway Scrubber Machine**

File No: X082973.001

Tender No: T-2021-486

Summary

In April 2021, the City publicly advertised a tender for the supply of Compact Footway Sweeper and Scrubber Machines. The Request for Tender (RFT) for the supply of Compact Footway Sweeping and Scrubber Machines comprised four separate parts:

- (a) Industrial Floor Scrubber Machine (1 Unit);
- (b) Footway Sweeper Machine (9 Units);
- (c) Electric Footway Sweeper Machine (1 Unit); and
- (d) Footway Scrubber Machine (2 Units).

This report recommends that Council decline to accept the tender offers for part (d) - Footway Scrubber Machines and cancel that part of the tender.

Parts (a), (b) and (c) have been recommended for approval under delegation in line with the City's Procurement processes.

During the period that the Tender process was underway, it was identified that there may be alternate options and machines which could better meet the City's future requirements. The City now wishes to explore and review its requirements and conduct additional market research to identify and assess suitable options, followed by a new procurement process with a revised scope for the supply of footway scrubber machines.

Recommendation

It is resolved that Council:

- (A) decline to accept the tender offers for the Footway Scrubber Machines portion of Tender T-2021-486 and cancel the portion of the tender for the Footway Scrubber Machines, noting that the remaining parts of the tender will proceed; and
- (B) note that a revised request for tender will be issued at a later date.

Attachments

Nil.

Background

1. The purpose of this tender was for the supply of Compact Footway Sweeping and Scrubber Machines. The machines support the City's Cleansing and Waste business unit operations in maintaining clean streets, footpaths and plazas across the City of Sydney local government area. The procurement of the plant is part of the City's asset renewal program.
2. The Request for Tender was divided into four parts, each representing a category of machinery:
 - (a) Industrial Floor Scrubber Machine (1 Unit);
 - (b) Footway Sweeper Machine (9 Units);
 - (c) Electric Footway Sweeper Machine (1 Unit); and
 - (d) Footway Scrubber Machine (2 Units).
3. Tenderers were not required to bid on all parts of the tender. The pricing of all parts was on a schedule of rates per unit, with no minimum guarantee of purchase. Accordingly, there is no financial risk to the City if machinery is not purchased.
4. Parts (a), (b) and (c) of the Tender have been recommended for approval under delegation in line with the City's Procurement processes.

Invitation to Tender

5. A public tender process was conducted.
6. The tender was open on Thursday, 29 April 2021 and closed on Thursday, 27 May 2021, a period of four weeks.
7. The tender was advertised on the Supply Nation website and via Tenderlink, the City of Sydney's E-tendering Portal.

Tender Submissions

8. The City of Sydney received seven submissions from the following organisations:
 - Brak Pty Ltd t/a Sweepers N Scrubbers;
 - Bucher Municipal;
 - Conquest Equipment Technologies Pty Ltd;
 - Enviropath Pty Ltd;
 - Garwood International Pty Ltd;
 - Hako Australia Pty Ltd; and

- Rosmech Sales and Service Pty Ltd.
9. No late submissions were received.

Tender Evaluation

10. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
11. All submissions were assessed in accordance with the approved evaluation criteria being:
- (a) The lump sum price and schedule of prices.
 - (b) Demonstrated capacity, experience, and technical ability to deliver the Goods under the contract.
 - (c) Demonstrated best practice in safety and a solution which aligns with the City's zero emission goals where possible.
 - (d) Demonstrated ability of the equipment to meet and exceed the requirements as outlined in the specifications including, but not limited to, quality and innovation of the equipment.
 - (e) Quality and value of the response in relation to initial and ongoing warranty, servicing, training, and customer service.
 - (f) Work Health and Safety.
 - (g) Financial and commercial trading integrity including insurances.

Financial Implications

12. There are sufficient funds allocated for this project within the current year's capital works budget and future years' forward estimates.

Relevant Legislation

13. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.

Critical Dates / Time Frames

14. There are no critical dates or timeframes for the Council to decline to cancel the Tender portion for the Footway Scrubber Machines.
15. Parts (a), (b) and (c) of the Tender have been recommended for approval under delegation in line with the City's Procurement processes.

Options

16. No other alternative viable options have been identified during the tender process.

VERONICA LEE

Director City Services

Damon Jeffery, Fleet Services Manager

Item 16.**Exemption from Tender – Parking Machine Service and Maintenance****File No: X006775.019****Summary**

This report seeks an exemption from inviting tenders for the provision of parking meter service and maintenance, inclusive of card payment gateway services, due to the unavailability of competitive or reliable tenderers.

The City owns 1,449 parking machines (with approximately 1,400 operational at any one time) which are serviced and maintained by the supplier of the ticket machines. The parking machines are in excellent condition and do not need replacement and will be functional for the full term of the proposed contract extension. The financial implications of replacing the parking machines is outlined in Confidential Attachment A.

The machines are serviced and maintained pursuant to a contract (No. 2739) which is due to expire on 30 November 2022 (inclusive of all options, which have been exercised).

The machines are programmed and managed remotely using a hosted system developed, maintained and operated by the service provider. In addition, the service provider facilitates payment processing through a third party provider in compliance with various payment card scheme requirements. There are currently no other compliant providers available for this service using the existing hardware within the machines.

There are no providers who could service and maintain the parking machines inclusive of the management systems and payment gateway services other than the original equipment manufacturer, and conducting a tender process would not produce competitive or reliable tenderers.

This report recommends that Council approve an exemption from tender for the provision of service and maintenance of the City's parking machines.

Recommendation

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 noting that, because of the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders to provide service and maintenance of the City's parking machines;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) going to tender would not deliver a competitive process due to the inability of any other tenderer to provide service inclusive of an integrated management and reporting system using the existing hardware within the machines; and
 - (ii) the service includes provision of compliant payment gateway processing, which can only be enabled by the same provider as that providing the management system;
- (C) Council note that the current parking machines do not need to be replaced and significant cost would be incurred if they were replaced;
- (D) Council approve entering into a contract with the existing service and maintenance contractor for a maximum five year term (three years plus two options of one year each, subject to satisfactory performance); and
- (E) authority be delegated to the Chief Executive Officer to negotiate and approve the terms of the contract of the services agreement with the contractor provided that the contract is consistent with this resolution.

Attachments

Attachment A. Financial Implications (Confidential)

Background

1. The City operates 1,449 parking ticket machines. All 1,449 machines are serviced and maintained pursuant to a contract (No. 2739) which is due to expire on 30 November 2022 (inclusive of all options, which have been exercised).
2. This report seeks an exemption from inviting tenders for the provision of parking machine service and maintenance, inclusive of card payment gateway services, due to the unavailability of competitive or reliable tenderers.
3. The current fleet of machines are all the same type of machine, although purchased at different times.
4. When the City previously tendered, the only responses received for the provision of service and maintenance for the existing machines was from the supplier of the machines.
5. The machines are all in communication with a central management system to enable them to be programmed, communicate with payment systems, report on the status of the machine, and provide transaction information. The provider of the machines has developed this system over a number of years, and currently maintains and operates this management system.
6. The machines are currently only 3G enabled for communication back to the central management system and will need to be upgraded to 4G communication prior to 30 June 2024 as Telstra will be disabling the 3G network on or prior to this date.
7. The management system facilitates links to payment gateway services, and is required to be compliant with various international payment card scheme mandates for security of card data, and processing of payments. Only the supplier of the management system can enable such links. Currently, there is only one approved gateway service which operates in conjunction with the City's transactional bank, Westpac. There may be more in future, however, any such gateway would need to be linked and configured to the management system by the supplier.
8. Technology within the parking industry is constantly changing and has accelerated in recent years with the development of Apps used on handheld phones. As the App market matures there is the potential for the City to reduce the current parking machine footprint across the Local Government Area. Any reduction in the number of new parking machines purchased at the end of the renewed contract would provide a significant financial benefit to the City.
9. No other supplier could provide service and maintenance to the machines to the standard required by the City because:
 - (a) there would be no link to a centralised management and reporting system to identify faults and display automated alarms from the machines;
 - (b) programming of the machines could not take place when tariffs and restrictions change;
 - (c) card payments would not be possible as the centralised communications and management system is required to provide this capability; and

- (d) even if another supplier were to 'reverse engineer' such a management system, the cost of doing so would be prohibitive, and an unacceptable risk to the operation of the machine network.
- 10. Therefore, a satisfactory result would not be achieved by inviting tenders to provide service and maintenance of the City's ticket machines because of the unavailability of competitive or reliable tenderers.
- 11. Accordingly, this report recommends that the existing supplier be engaged to service and maintain the existing ticket machines inclusive of a management and communications system.

Performance Measurement

- 12. Performance measures are in place with the current provider under the current contract. The provider has met the contract requirements, and will be required to meet similar requirements in a new contract.

Financial Implications

- 13. There are sufficient funds allocated for this project, within the current year's operating budget and future years' forward estimates, based on allowances in line with current agreements.
- 14. Market testing of service and maintenance fees as well as payment gateway fees has taken place and confirmed that current fees are in line with other providers.
- 15. The financial implications are outlined in Confidential Attachment A.

Relevant Legislation

- 16. Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy in respect of the proposed exemption from tender.
- 17. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- 18. Attachment A contains confidential commercial information which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
- 19. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

20. The existing service and maintenance contract for 1,449 machines ends on 30 November 2022. It is anticipated that if the recommendations set out in this report are adopted by Council, a new agreement would be in place by that date to enable continuous services to be provided.

Options

21. Council has the option of retendering for the services. This process is likely to take up to six months, which may require the existing contract to be extended month-to-month until the tender process is complete. However, for the reasons set out in this report, a different result is not expected to be achieved. Even if another tenderer provides a response, without the cooperation of the existing provider, there would be a need to:
 - (a) reverse engineer the entire communication and management system which records and reports on events, faults, technician attendance, transactions and alarms;
 - (b) understand and reverse engineer the programming capabilities of the machines in relation to tariffs, rates and timings;
 - (c) certify the credit card facilities with the City's transactional bank for EMV; and
 - (d) obtain a supply of spare parts.
22. Some of the above tasks could be expected to take between six and 12 months and incur significant expense. Refer to Confidential Attachment A for financial implications. During that time, the operation of the City's ticket machine network would be at high risk of failure.

Public Consultation

23. The infrastructure is already in place within the community, therefore no public consultation is required.

VERONICA LEE

Director City Services

Anthony Goodacre, Performance Optimisation Manager

CONFIDENTIAL
By virtue of the Local Government Act 1993 Section 10A Paragraph 2

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Item 17.**Contract Variation – 540 George Street Building Façade Remediation****File No: X022286.004****Tender No: RFT 2050****Summary**

This report seeks that Council approve a contract variation for 540 George Street Façade Remediation Works in order to complete the additional remediation required to the building fabric, and an increase to the contract contingency to address any potential future latent conditions.

Over time, the paint finish to the building exterior has deteriorated. The age of the building meant that the paint contained lead and required remediation as part of these works.

Competitive tenders were called for the façade remediation works to 540 George Street in mid-2020. After tender assessment, Duratec Ltd was engaged under delegation by the Chief Executive Officer in October 2020 to undertake the works.

The project scope is to strip and paint the George and Park Street facades of the building above the awning and complete associated remediation works to these facades. During the works, further testing identified additional locations that require remediation. For safety reasons, this additional remediation is required to be completed in conjunction with the contracted works. The remediation methodology demonstrates value for money as it is the lowest cost and shortest time to implement with minimum impact on the contract. All works are being undertaken with stringent safety procedures to ensure the workers and public are kept safe at all times.

The contract variation for additional remediation and contingency for potential future latent conditions requires Council approval.

Recommendation

It is resolved that:

- (A) Council approve a contract variation for the 540 George Street Building Façade Remediation contract to undertake the additional remediation for the amounts set out in Confidential Attachment A to the subject report;
- (B) Council approve an increase to the contract contingency to address any latent conditions for the amounts set out Confidential Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to negotiate variations to the contract relating to 540 George Street Building Façade Remediation.

Attachments

Attachment A. Financial Implications (Confidential)

Background

1. The building at 540 George Street is Council-owned and operated as a commercial building. Over time, the paint finish to the building exterior has deteriorated. The age of the building meant that the paint contained lead and requires remediation.
2. The project scope consists of the removal of lead paint from the George and Park Street facades of the building above the awning and associated remediation work to these facades.
3. A nominal 10-year life has been set for the remedial works, given the long-term intention to demolish the building as part of the Town Hall Square project.
4. Competitive tenders were called for the façade remediation works to 540 George Street in mid-2020. After tender assessment, Duratec Ltd were recommended for engagement as Contractor.
5. Approval to engage Duratec Limited as Contractor was given by the Chief Executive Officer in October 2020, in accordance with the Register of Delegations. Remediation works commenced on site in June 2021.
6. Investigations prior to tender identified remediation areas for the works.
7. During construction works, more extensive testing was possible due to improved access to the façade from the scaffolding. This testing revealed additional remediation was required to the building fabric.
8. For safety reasons, this additional remediation is required to be completed in conjunction with the contracted works. The remediation methodology demonstrates value for money as it is the lowest cost and shortest time to implement with minimum impact on the contract.
9. The contract variation for additional remediation and contingency for potential future latent conditions, takes the total amount of the contract with the Contractor, inclusive of GST, above the CEO delegation, requiring Council approval.
10. Additional funding for the contract variation, contingency, consultancy services, authority fees and project management services are required to support the completion of the additional remediation works.

Performance Measurement

11. Completion of remediation and provision of a clearance certificate will demonstrate successful performance.
12. The City will ensure that performance standards set for the contract are met to completion of the construction phase.

Financial Implications

13. There are sufficient funds allocated for this project within the current year's capital works budget. The additional funding requirement detailed in this report was incorporated in the adoption of the Integrated Planning and Reporting Program and Budget 2022/23, adopted by Council in June 2022.

Relevant Legislation

14. The tender process was conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.
15. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
16. Attachment A contains confidential commercial information which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
17. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

18. Construction including the additional remediation works and contingency is anticipated to be complete in mid-December 2022.

Options

19. The only option available is to complete the additional remediation works. This addresses statutory requirements, provides the best value for money and is appropriate for the planned life of the building.

Public Consultation

20. No public consultation has been undertaken because the matter is of a contractual nature. Notification is provided to tenants at regular intervals during construction.

KIM WOODBURY

Chief Operating Officer

Graham Brideson, Project Manager

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