



CUMBERLAND  
CITY COUNCIL

## Council Meeting

*Wednesday, 7 April 2021 at 6:30pm*

Cumberland City Council Chambers

Merrylands Service Centre, 16 Memorial Avenue, Merrylands

## Councillor Contact Details

### Granville Ward

Clr Steve Christou (Mayor)	0419 651 187	Steve.Christou@cumberland.nsw.gov.au
Clr Joseph Rahme	0418 995 471	Joseph.Rahme@cumberland.nsw.gov.au
Clr Ola Hamed	0405 070 007	Ola.Hamed@cumberland.nsw.gov.au

### Greystanes Ward

Clr Eddy Sarkis (Deputy Mayor)	0418 306 918	Eddy.Sarkis@cumberland.nsw.gov.au
Clr Greg Cummings	0417 612 717	Greg.Cummings@cumberland.nsw.gov.au
Vacant	-	-

### Regents Park Ward

Clr Ned Attie	0419 583 254	Ned.Attie@cumberland.nsw.gov.au
Clr George Campbell	0409 233 315	George.Campbell@cumberland.nsw.gov.au
Clr Kun Huang	0418 911 774	Kun.Huang@cumberland.nsw.gov.au

### South Granville Ward

Clr Paul Garrard	0414 504 504	Paul.Garrard@cumberland.nsw.gov.au
Clr Tom Zreika	0400 805 303	Tom.Zreika@cumberland.nsw.gov.au
Clr Glenn Elmore	0418 459 527	Glenn.Elmore@cumberland.nsw.gov.au

### Wentworthville Ward

Clr Michael Zaiter	0418 432 797	Michael.Zaiter@cumberland.nsw.gov.au
Clr Suman Saha	0419 546 950	Suman.Saha@cumberland.nsw.gov.au
Clr Lisa Lake	0418 669 681	Lisa.Lake@cumberland.nsw.gov.au

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## ORDER OF BUSINESS

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- 1 Opening Prayer / Acknowledgement of Country / National Anthem**
- 2 Notice of Live Streaming of Council meeting**
- 3 Apologies / Requests for Leave of Absence**
- 4 Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**
- 5 Confirmation of Previous Minutes**  
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- 6 Mayoral Minutes**  
Nil
- 7 Public Forum / Presentation of Petitions**
- 8 Items Resolved by Exception**
- 9 Reports to Council**  
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C04/21-716 Tender Evaluation and Recommendation Report - Proposed Sale  
And Lease of Long Day Care

*Note: Included in Closed Council in accordance with Section 10A(2)(d)(ii) and (d)(iii) of the Local Government Act as the information involves information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.*

C04/21-717 Update on Joint Power Purchase Agreement

*Note: Included in Closed Council in accordance with Section 10A(2)(d)(i) of the Local Government Act as the information involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

C04/21-718 Outcome of Expression of Interest Process - Opportunity for  
Redevelopment of Council's site at Wentworthville

*Note: Included in Closed Council in accordance with Section 10A(2)(d)(i) and (d)(ii) of the Local Government Act as the information involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.*

#### **15 Other / General Matters**

#### **16 Close**



Item No: C04/21-709

## **MINUTES OF THE ORDINARY MEETING OF COUNCIL - 17 MARCH 2021**

Responsible Division:

Finance & Governance

Officer:

Director Finance & Governance

### **RECOMMENDATION**

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**That Council confirm the minutes of the Ordinary Meeting of Council held on 17 March 2021.**

### **ATTACHMENTS**

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1. Draft Minutes - 17 March 2021



DOCUMENTS  
ASSOCIATED WITH  
REPORT C04/21-709

Attachment 1

Draft Minutes - 17 March 2021



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## Minutes of the Council Meeting 17 March 2021

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**Present:**

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor
Ned Attie	Councillor
George Campbell	Councillor (via web conferencing)
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor (via web conferencing)
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor (via web conferencing joined 6:48pm)
Peter Fitzgerald	Acting General Manager
Melissa Attia	Director Community & Organisation Development
Daniel Cavallo	Director Environment & Planning
Richard Sheridan	Director Finance & Governance
Brendan Govers	Acting Director Works & Infrastructure

**Also Present:**

Charlie Ayoub	Executive Manager Corporate Services
Colin McFadzean	General Counsel
Carol Karaki	Senior Coordinator Governance & Civic Events
Olivia Shields	Senior Governance Officer

The Mayor, Councillor Christou declared the meeting open at 6:31pm.

**Opening Prayer**

The opening prayer was read by Fr. Peter Blayney from St Patrick's Catholic, Guildford.

**Acknowledgement of Country**

The Mayor, Councillor Christou read the following Acknowledgement of Country:

*"I would like to acknowledge the traditional owners of this land – the Darug People, and pay my respects to their elders past, present and emerging."*

**National Anthem**

At this point in the meeting the Mayor, Councillor Christou asked all of those in attendance to stand for the playing of the Australian National Anthem.

**Notice of Live Streaming of Council Meeting**

The Mayor, Councillor Christou advised that the Council meeting was being streamed live on Council's website and members of the public must ensure their speech to the Council is respectful and use appropriate language.

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**Min.1052 Apologies/Leave of Absence****Resolved (Elmore/Sarkis)**

That the apology tendered on behalf of Councillor Zreika be accepted.

Councillor Zreika later joined the meeting at 6:48pm via web conferencing.

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**Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**

Councillors Attie and Sarkis declared a less than significant non-pecuniary interest in items C03/21-699, C03/21-700 and C03/21-701 as they are both members of the Sydney Central City Planning Panel and they noted it is possible that these matters may be heard by the Panel in future. As such, they exited the Chamber during the consideration of these items.

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**Confirmation of Minutes****Min.1053 C03/21-695 Minutes of the Ordinary Meeting of Council - 03 March 2021****Resolved (Sarkis/Garrard)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 3 March 2021 with an amendment to Min.1043 to reflect the amendment moved by Councillor Garrard which was subsequently accepted by the mover of the Motion.

The Motion moved by Councillor Sarkis seconded by Councillor Garrard on being Put was declared CARRIED on the casting vote of the Mayor.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion:	Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.
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Councillor(s) Against the Motion:	Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.
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**Public Forum:**

**Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb
Mr Roydon Ng	C03/21-707 Notice of Motion - Racism Not Welcome Campaign	Lidcombe
Dr Sabrin Farooqui	C03/21-707 Notice of Motion - Racism Not Welcome Campaign	Potts Hill
Miss Nazanin Sharifi	C03/21-707 Notice of Motion - Racism Not Welcome Campaign	Doonside
Ms Yusra Metwally	C03/21-707 Notice of Motion - Racism Not Welcome Campaign	Chester Hill

**Min.1054 Suspension of Standing Orders**

**Resolved (Attie/Cummings)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Item C03/21-707 to be brought forward for consideration at this time of the Meeting.

**Min.1055 C03/21-707 Notice of Motion - Racism Not Welcome Campaign**

**Motion (Huang/Saha)**

That Council:

1. Note the alarming rise in incidents of racism in Australia and our local community;
2. Endorse the "Racism Not Welcome" campaign developed by the Inner West Multicultural Network (IWMN);
3. Support the instalment of bi-lingual\* "Racism Not Welcome" street signs in key locations around the Cumberland LGA as part of this campaign;
4. Work with the IWMN to install the "Racism Not Welcome" street signs; and
5. Allocate \$5000 towards Racism Not Welcome Campaign.

(\*English + one of the top 5 languages that reflects the demographic of the local community)

The Motion moved by Councillor Huang seconded by Councillor Saha on being Put was declared LOST on the casting vote of the Mayor.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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**Min.1056      Resumption of Standing Orders****Resolved (Sarkis/Zaiter)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

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**Min.1057      Matter of Urgency – Councillor Attie****Resolved (Sarkis/Cummings)**

That in accordance with Clause 9.3(b) of the Cumberland City Council Code of Meeting Practice, Standing Orders be suspended to permit the Matter of Urgency in relation to outdoor dining during Ramadan and Easter.

**ADJOURNMENT**

**7:50pm** The Mayor, Councillor Christou adjourned the Meeting for a short recess during the consideration of this item.

**7:58pm** The Mayor, Councillor Christou resumed the Meeting and consideration of this item continued accordingly.

**Carried Unanimously**

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**Min.1058      Matter of Urgency – Outdoor Dining during Ramadan and Easter****Resolved (Attie/Sarkis)**

That Council:

1. Allow cafes/restaurants within the LGA that wish to apply for the ability to serve customers immediately in front of their business during the month of Ramadan commencing at the time of Iftar and during the Easter period.
2. The outdoor dining fees shall be suspended pending a further decision of the Council under Section 610E of the Local Government Act for the period of Ramadan and Easter, consistent with the approach of the Mayoral Minute resolved by Council in April 2020.
3. Any café/restaurant that wishes to undertake cooking in front of their business can also apply however will be required to have inspections and comply with Council policies.
4. All activities pertaining to this motion are to be in accordance with Council's outdoor dining policy, Section 68 of the Local Government Act and relevant policies.
5. Fast track any applications within this category.

**Carried Unanimously**



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**Min.1059      Resumption of Standing Orders****Resolved (Garrard/Attie)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

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**Min.1060      Items by Exception****Resolved (Sarkis/Attie)**

That Council adopt items C03/21-696, C03/21-697, C03/21- 702, C03/21- 703 and C03/21-705 on the Council Agenda in bulk as per the recommendations in the reports.

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**Min.1061      C03/21-696 Legal Report****Resolved (Sarkis/Attie)**

That Council receive the report.

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**Min.1062      C03/21-697 Monthly Management Accounts - January 2021****Resolved (Sarkis/Attie)**

That Council receive the report.

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**Min.1063      C03/21-702 Readoption of the Asbestos Management Policy and Guideline****Resolved (Sarkis/Attie)**

That Council readopt the Asbestos Management Policy and supporting Guideline.

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**Min.1064      C03/21-703 Draft Asbestos Management Framework****Resolved (Sarkis/Attie)**

That Council place the *Draft Asbestos Management Framework 2021* on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the exhibition period.

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**Min.1065 C03/21-705 Approval of Heavy Vehicle Access to FBT - Transwest Pty Ltd****Resolved (Sarkis/Attie)**

That Council:

1. Approve a trial period of twelve (12) months for heavy vehicles under Higher Mass Limits to access Council roads identified under recommendation 2, subject to the completion of a surface dilapidation and condition report submitted by the applicant to Council and the payment of a performance bond as determined by Council's fees and charges.
2. Note that permissible access to Council's roads would be restricted to the following road sections:
  - (i) Long Street, Smithfield – From Cumberland Highway to Gipps Road (approximately 2.3km)
  - (ii) Britton Street, Smithfield – From Long Street roundabout to past the first bend (approximately 520m)

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**Min.1066 C03/21-698 Investment Report - February 2021****Resolved (Garrard/Sarkis)**

That Council receive the report and congratulate the finance staff on their efforts.

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**Min.1067 C03/21-699 45 Barcom Street, Merrylands West - Draft Voluntary Planning Agreement and Draft Development Control Plan**

**Note:** Councillors Attie and Sarkis exited the Chamber at 8:17pm prior to the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

**Resolved (Cummings/Elmore)**

That Council:

1. Endorse in-principle the public benefit offer from the applicant of 45 Barcom Street, Merrylands West, for a monetary contribution towards local infrastructure upgrades in the Merrylands West area, as well as a monetary contribution towards the Duck River Masterplan;
2. Endorse that the draft Voluntary Planning Agreement and draft site-specific Development Control Plan for 45 Barcom Street, Merrylands West, be publicly exhibited for a period of 28 days in accordance with statutory and policy requirements; and
3. Note that the planning proposal for 45 Barcom Street, Merrylands West, will be placed on Post-Gateway public exhibition at the same time as the exhibition of the

draft Voluntary Planning Agreement and draft site-specific Development Control Plan.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Rahme, Saha, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

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**Min.1068 C03/21-700 2-22 William Street, Granville - Planning Proposal, Development Control Plan and Voluntary Planning Agreement**

**Note:** Councillors Attie and Sarkis were not present in the Chamber during the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

**Resolved (Cummings/Zaiter)**

That Council:

1. Adopt the recommended planning controls for 2-22 William Street, Granville, as previously resolved by Council, being:
  - a. a maximum building height of 16 metres be applied to the site;
  - b. a maximum Floor Space Ratio of 1.7:1 be applied to the site; and
  - c. removal of existing local heritage item I205 known as 10 William Street, Granville (Lot 27 DP 2371).
2. Finalise the Planning Proposal (Attachment 1), as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.
3. Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.
4. Adopt the site-specific Development Control Plan as an amendment to the Parramatta Development Control Plan 2011, as provided in Attachment 4, with the Development Control Plan coming into effect on the date of notification (gazettal) of the Local Environmental Plan amendment.
5. Delegate to the General Manager the authority to make minor, non-policy corrections or formatting changes to the Development Control Plan controls, if required, prior to coming into effect.
6. Endorse that the site-specific Development Control Plan provisions be carried over to the new Cumberland Development Control Plan when this is in force.
7. Endorse and delegate authority to the Mayor and General Manager to execute the Voluntary Planning Agreement on behalf of Council for 2-22 William Street, Granville, as provided in Attachment 5.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Rahme, Saha, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

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**Min.1069 C03/21-701 Planning Proposal - 2 Railway Street and 3-7 East Street, Lidcombe**

**Note:** Councillors Attie and Sarkis returned to the Chamber at 8:19pm following the consideration of this item as they had declared a less than significant non-pecuniary interest in relation to this item.

**Resolved (Zaiter/Lake)**

That Council note the rejection by the Department of Planning, Industry and Environment of the Planning Proposal at 2 Railway Street and 3-7 East Street, Lidcombe.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Rahme, Saha, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

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**C03/21-702 Readoption of the Asbestos Management Policy and Guideline**

This item was dealt with earlier in the meeting.

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**C03/21-703 Draft Asbestos Management Framework**

This item was dealt with earlier in the meeting.

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**Min.1070 C03/21-704 Response to Notice of Motion Granville Park Stadium Naming**

**Resolved (Cummings/Rahme)**

That Council :

1. Name the new Granville Park stadium, The Eric Tweeddale Stadium.



2. Install an interpretive plaque detailing Eric Tweedale's achievements and contributions to Australia and the plaque be placed in the Eric Tweedale Stadium.
3. Include an acknowledgement of Mick O'Connell in the function room at the Eric Tweedale Stadium.

**Carried Unanimously**

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**C03/21-705 Approval of Heavy Vehicle Access to FBT - Transwest Pty Ltd**

This item was dealt with earlier in the meeting.

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**Min.1071 C03/21-706 Cumberland Traffic Committee - Minutes of Electronic Meetings held in February 2021**

**Resolved (Sarkis/Attie)**

That:

1. The minutes of Part 1 Items of the Cumberland Traffic Committee electronic meeting of 3 February 2021, be received and noted; and
2. The minutes of Part 2 Items of the Cumberland Traffic Committee electronic meeting of 3 February 2021 be received and recommendations contained therein be approved.

**Carried Unanimously**

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**C03/21-707 Notice of Motion - Racism Not Welcome Campaign**

This item was dealt with earlier in the meeting.

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**Min.1072 Closed Session**

**Resolved (Attie/Elmore)**

At this stage of the meeting being 8:27pm, the Mayor advised that in accordance with Section 10a of the *Local Government Act 1993* the meeting would move into Closed Session, with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action was taken as the items listed were within the following provisions under Section 10a of the *Local Government Act*:-

- (2) *The matters and information are the following:*
- (d) *commercial information of a confidential nature that would, if disclosed,*
- (i) *prejudice the commercial position of the person who supplied it,*
- (ii) *confer a commercial advantage on a competitor of the council.*

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**Min.1073      Open Session****Resolved (Sarkis/Cummings)**

Council returned to Open Session at 8:36pm to resolve the below Confidential Item:

C03/21-708 Outcome of Expression of Interest Process - Opportunity for  
Redevelopment of Council's site at Wentworthville

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**Min.1074      C03/21-708 Outcome of Expression of Interest Process -  
Opportunity for Redevelopment of Council's site at Wentworthville****Resolved (Attie/Zaiter)**

That Council defer the matter to the next Council Meeting.

**Carried Unanimously**

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The Mayor, Councillor Christou closed the meeting at 8:36pm.

Chairperson\_\_\_\_\_ Acting General Manager\_\_\_\_\_

Item No: C04/21-710

## **PROPOSAL FROM EDUCATION AND CARE SERVICES REVIEW WORKING GROUP**

Responsible Division: Community and Organisation Development  
Officer: Director Community and Organisation Development  
File Number: SC488  
Community Strategic Plan Goal: *Transparent and accountable leadership*

### **SUMMARY**

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At its ordinary meeting of 16 December 2020, Council resolved (Min. 983 Res 12/20-7) the following with respect to the review of the operation of Council's Education and Care service:

*1. Accept the Tender Evaluation Panel's recommendation to proceed to a Selective Tender process for the sale of the Long Day Care centres as outlined in the Expression of Interest, and invite Advantage Childcare Services, Lighthouse Childcare and The Infants Home Child & Family Services to Tender in accordance Section 55(4) of the Local Government Act 1993 and Clauses 168 and 169 of the Local Government (General) Regulation 2005.*

*"2. Undertake a Selective Tender process for the sale of the Family Day Care Centres as outlined in the Expression of Interest, and invite all seven (7) submissions, in accordance Section 55(4) of the Local Government Act 1993 and clauses 168 and 169 of the Local Government (General) Regulation 2005.*

*3. In parallel with the selective tender process work with staff and the USU on a proposal that if the service were to be retained in house would allow the service to be delivered at minimal, if any, subsidy.*

*4. At the end of the selective tender process a report be brought back to Council summarising the results of that process and the work outlined in Point 3 above."*

This report, accompanied by a presentation being delivered to Council by Ms Sandie Morthen of the United Services Union (USU), summarises the work completed to date by the working group initiated in accordance with point 3 of the above resolution and explains the proposal developed by the working group in meeting the intent of this resolution.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Receive and note this report and presentation by the United Services Union on behalf of the Education and Care Services Review Working Group (the working group); and**
- 2. Defer consideration of this matter until the subsequent closed session of Council at this meeting on 7 April 2021, during which time the results of the recent tender process will also be discussed, in ensuring full and thorough consideration of both the outcome of the tender process and the proposal developed by the working group.**

## REPORT

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At its ordinary meeting of 16 December 2020, Council resolved (Min. 983 Res 12/20-7) the following with respect to the review of the operation of Council's Education and Care service:

*1. Accept the Tender Evaluation Panel's recommendation to proceed to a Selective Tender process for the sale of the Long Day Care centres as outlined in the Expression of Interest, and invite Advantage Childcare Services, Lighthouse Childcare and The Infants Home Child & Family Services to Tender in accordance Section 55(4) of the Local Government Act 1993 and Clauses 168 and 169 of the Local Government (General) Regulation 2005.*

*"2. Undertake a Selective Tender process for the sale of the Family Day Care Centres as outlined in the Expression of Interest, and invite all seven (7) submissions, in accordance Section 55(4) of the Local Government Act 1993 and clauses 168 and 169 of the Local Government (General) Regulation 2005.*

*3. In parallel with the selective tender process work with staff and the USU on a proposal that if the service were to be retained in house would allow the service to be delivered at minimal, if any, subsidy.*

*4. At the end of the selective tender process a report be brought back to Council summarising the results of that process and the work outlined in Point 3 above."*

In January 2021, Council, with the United Services Union (USU), formed the Education and Care Services Review Working Group (the working group).

This group consisted of the following:

Ms Sandie Morthen – Organiser with the USU

Councillor Lisa Lake

Councillor Suman Saha

Melissa Attia - Director Community and Organisation Development

Two Management Representatives from Children Youth and Families

Two Employee Representatives from Education and Care

One Representative from Council's Finance team

The working group met on at least a weekly basis from January 2021 to April 2021 and has developed the proposal summarised in the presentation delivered by Ms Morthen at the Council meeting of 7 April 2020. This presentation, in draft form, was also delivered to Councillors present during briefings on 13 March 2021 and 23 March 2021.

A number of measures have been recommended by the working group, both in terms of cost savings and revenue generation. These measures, which form the proposal by the working group, are summarised below:



Ongoing Annual Net Profit	
Increased Utilisation	\$548,551
Charge Families for Public Holidays	\$247,802
Reduce Annual Shutdown Period	\$40,000
Lease the Sometime Centre	\$100,000
Lease Building on Military Road Merrylands. Note the option could also be taken to run a preschool service which would see an Annual Net profit of \$123,424	\$100,000
Savings	
Restructure Administration Team	\$463,711
Savings from the Closure of the Sometime Centre	\$176,073
Adverse Working Conditions – Pay as Per the Local Government Award)	\$51,000

Should all of the above measures be successfully implemented by Council, the net improvement in the result for the service would be \$1,727,137 annually. It should be noted that this result may not be achieved in the first year following implementation as there may be one off costs attributed to staff redundancies and it is also likely that some of these changes may take a period of time to implement to the full extent, meaning the total quantum of these ongoing savings may not be realised on an annual basis until the second and subsequent years post-implementation.

## COMMUNITY ENGAGEMENT

Council has undertaken some consultation to date with the families who utilise our Education and Care Services. This is likely to be an ongoing dialogue as this matter progresses, to ensure families remain informed about the status of this review.

It should be noted that to date, a significant number of parents who utilise these services have expressed concern about the potential for them to be operated by a provider outside of Council. These submissions are summarised in **Attachment 1** of this report.

## POLICY IMPLICATIONS

There are no policy implications for Council associated with this report.

## RISK IMPLICATIONS

There are no risk implications for Council associated with this report.

## FINANCIAL IMPLICATIONS

Should all of the measures recommended by the working group be successfully implemented by Council, the net improvement in the result for the service would be \$1,727,137 annually.

It should be noted that this result is not likely to be achieved in the first year following implementation as there may be one off costs attributed to staff redundancies and it is also likely that some of these changes may take a period of time to implement to their

full extent, meaning the total quantum of these ongoing savings may not be realised on an annual basis until the second and subsequent years post-implementation.

## **CONCLUSION**

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The proposal outlined in this report has been developed by the working group in good faith over a number of months. In developing this proposal, the working group has engaged with Education and Care staff as well as other Councils, to understand their experience and ideas about how to improve the performance of the service.

Whilst the working group recommends that Council endorse this proposal and retain the service under the operation of Council, irrespective of the outcome, the working group acknowledges the efforts of all involved in the development of the proposal and recognises the high degree of respect and professionalism afforded to each other during the process.

## **ATTACHMENTS**

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1. Summary of Submissions from Parents to Education and Care Services Review Working Group

**DOCUMENTS  
ASSOCIATED WITH  
REPORT C04/21-710**

**Attachment 1**

**Summary of Submissions from  
Parents to Education and Care  
Services Review Working Group**



**Attachment 1: Submission Response Summary Table**

Sub. No.	Summary of comments
1	Wanted a Council run centre for their daughter to attend and believe education and childcare cannot be monetised but are investments for future generations. Private centres are focused on profit. Is Council sending a message that it does not welcome young families anymore.
2	Council childcare services are sought after, often with long waiting lists. Council centres are known for high standards in caring for children and are continually trying to exceed benchmarks, whilst private centres still need to meet these standards. Council run centres cater for specific needs of children whilst private do not. Private centres cut costs with cheaper, poor quality food provided to children whilst Council focuses on nutrition. Council run centres have long term employees.
3	Was not satisfied with any other centre in area. Council run centre was impressed by immediately. Private ones are understaffed, with poor interaction with children by staff who look like they are just out of high school. Council centres have a broad range of staff with different qualifications and experience. Some Council staff have been at centre for over 10 years. Concerned about less policy and procedure with private run centres. Council has not consulted with community on this issue.
4	Council centres are cleaner, better quality of service and resources, quality of food is better and healthier, staff are well trained and care about children and parents, cheaper rate for better quality and know that every extra cent goes towards resources and not profit.
5	If outsourced what extra costs will parents endure, will staff remain the same, will the quality of care remain the same. The current elected Council seems to be dismissing anything said by the families/ community of Cumberland Council.
6	No consultation with the community took place. Many families chose Council run centres due to their exceptional standards and their previous affordability. Unlike private enterprise profits are returned to the community and if there is no profit, Council funds from other departments may be utilised to support these centres. Cumberland Children and Families

	Strategy states there is likely to be an undersupply of education and care services. Staff to child ratios are better at Council run centres.
7	Does not want Cumberland centres to be privatised.
8	Private centres focus on profit rather than quality of care. Chose Pemulwuy for its excellent reputation and it runs on a not-for-profit model and is focused on providing quality care for children rather than being underpinned by the principles of capitalism. Centre is exceeding in all seven areas of the NQS. Council run centres provides both a benchmark for other centres in the area and a healthy competition in the market. If privatised, costs may go up which will make it difficult for families to pay for childcare and the quality of care will drop as privately run centres would not have the same level of accountability and focus on care. If privatised, will seek care at another centre as soon as possible.
9	When Council tried to shut centres during COVID it caused outrage and caused families in the community to be upset. What would a permanent change do? Care provided by Council services is tremendous, would this stay the same and would fees increase as costs are already difficult for families. Council has always been about the community, what about our needs and the needs of our children. There has been no regard to the current parents using these centres.
10	Disappointed that centres could potentially be taken over by another party. Have sent children to three different centres, of which two were privately run. Difference between Council and private is astonishing. Private centres focus is to generate revenue whereas Council is all about the best interests of the children. Children have come home happiest from Council centre, where policies and procedures are adhered to consistently and the educators seem much happier too. Child has a sensory processing disorder and the private centre advised that they would have to decide if child could continue with them whereas at Council centre a plan was developed to assist with additional needs.
11	Actions by Council are not being received well by the community. Trust in Council service is unmatched and this comes from dedicated and passionate staff and processes, regulations and high standards. Council should not be hiding behind the words that they are trying to 'deliver these services to a better standard' when the decision is clearly financial. There is not a better standard of service that could be offered and the recent review and standard rating received of 'exceeding expectations', clearly supports this. Is there anything else that parents can provide such as providing own nappies, can a review be done first to brainstorm ideas prior to selling off the most trusted and loved service.



12	<p>Unwelcome news that Council is considering this. Is council simply 'ticking boxes' rather than really listening to what parents and guardians need and want. The service is vitally important and provides a safe, nurturing environment for my daughter and her peers. The necessity of an affordable service like GWCC cannot be trivialised because of a small cost saving for Cumberland City Council. The current child to educator ratio works and the children are thriving because of it. A drop in this would likely see a drop in each child's development. The other negative to switching to a private model is the increase in fees. The majority of families who attend your Childcare Services are local ratepayers. Whilst the benefit might be visible on their rates notices at first, the cost they will have to outlay for Childcare Services will increase, making any 'value' redundant.</p> <p>I was born in and spent the first 30 years of my life in the Cumberland City Council area, I know the area and I know the families who use these services that the Council runs. I also wanted to highlight that my husband and I moved away from GWCC about a year ago now but have continued to travel 1hr each way, 3-days/week (6hrs/week of travel) to ensure our child remains at the centre because of the level of care she receives and development she's made, her love of the educators and her love for the centre.</p>
13	<p>This centre has a great reputation and the staff are wonderful and friendly we all have a great relationship with them, and our kids love the staff which is important. As the Children are so young its difficult as a parent to find a centre that they connect with and knowing that your children feel safe and are still close to home. This centre has a great reputation the waiting list are so long which shows that a lot of families in our community are wanting to send their children to this centre. This centre received Exceeding in all seven areas which is a fantastic achievement this gives me peace of mind and pleasure that my children are attending an excellent centre with the best head start and education I can give them before they start school.</p>
14	<p>Very worried for the sale of children services within council and the impact of this sale on my own family and the families around me. Concerned about the quality of the service and decline in quality if a for profit organisation takes over and also worried about staff turn over as my children have formed strong bonds with their educators and fear many will leave as they will lose the benefits council offers. I am concerned either I will have to move or I will have to find alternate care for my children as I currently work in the same service as my children and the potential owners may change the policies. I am concerned about the possible price increase and decline in care and education. There are no other services within the area close to the standards of Pemulwuy Childrens Centre. Who exceed in all areas of the NQS. I sincerely hope council is able to save their most important resource and continue to provide exceeding education and care for children in the council area.</p>

15	Single working mother in the Police force who relies on this service. Would effectively be completely negatively impacted if OOSH services were to be cut during the tender process. My job would be affected as would my ability to financially support my children as a single mum. I cannot begin to describe to you the importance the services at GWOOSH offer both myself and my children, with no other local alternative.
16	Is there anything parents can do to keep centres run by Council. Staff are amazing and have been sending children to centre for years. Afraid of what will change and would consider pulling children out next year.
17	Upset to hear that Friend Park could be privatised as son attends this centre. Happy with the way the centre is run and Council care improves children's wellbeing and upbringing.
18	Enrolled son at Friend Park and he commenced in January. Happy with Council's child care and do not want to see it privatised.
19	Pleased with Council services and chose them for their community focus, putting the care and education of our children first and foremost, rather than private providers which have a commercial focus. Staff have always been wonderful and I feel assured that Council is responsible and has stringent policies in place at these services. I have concerns about changes taking place part way through a year as well, as we haven't had an opportunity to change providers at the start of the year when places normally fill. Cost hasn't played a part in our decision to use Council services so if necessary perhaps families would be willing to pay more if necessary while remaining fully run by Council. I would be interested to hear what other changes would occur if the tender proceeds - eg would staffing, policies etc remain unchanged and only the party delivering them change?
20	Privately owned centres have strong desire for profit rather than providing child focused care for children. Chose this centre for excellent reputation, quality of care and because it runs on a not-for-profit model. Council centres raise the standards of other centres in the area. Asking that Council not only consider the children but also the parents and educators at these centres that will be greatly affected if centres are privatised.  <i>Note: 27 parents have signed copies of the same letter with the above content.</i>
21	Do not privatise Cumberland Council child care centres. My son went to a private childcare centre and was locked in a room everyday because he cried. When I raised this with the manager of the childcare he refused the allegations and



	when I said that I would take the matter further I was provided with a written apology. Please consider my vote and do not privatise child care.
22	I'm a parent of a child that attends Family Day Care (FDC) under Cumberland Council and I sincerely urge you to retain the FDC services with Cumberland council as we are truly happy and satisfied with the services provided and in fact was one of our criterias while choosing a day care. Please let me know how parents can help in retaining the services under the Council instead of outsourcing them.



Item No: C04/21-711

## REVIEW OF FRAUD AND CORRUPTION CONTROL POLICY

Responsible Division: Finance & Governance  
Officer: Director Finance & Governance  
File Number: HC-06-06-2/04  
Community Strategic Plan Goal: *Transparent and accountable leadership*

### SUMMARY

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This report recommends the revised *Fraud and Corruption Control Policy* be readopted following a periodic Policy review undertaken.

### RECOMMENDATION

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**That Council readopt the *Fraud and Corruption Control Policy*.**

### REPORT

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In accordance with the Policy review date, a review has been undertaken of the *Fraud and Corruption Control Policy*.

A number of minor/administrative changes are recommended to the Policy. Minor amendments to legislation and document references have been updated to ensure currency of information, as well as some further minor clarifications and explanatory statements inserted. Council's Internal Ombudsman Shared Service has also had an opportunity to provide input into the review of the Policy.

Upon adoption in 2019, the Policy was considered best practice by Council's Audit, Risk and Improvement Committee as it aligned with the Fraud and Corruption Control Framework as released by the NSW Audit Office. The revised Policy was reported to the 15 February 2021 Audit, Risk and Improvement Committee meeting and was recommended to proceed to Council for re-adoption.

It is now recommended that the revised *Draft Fraud and Corruption Control Policy* be readopted as outlined in Attachment 1 of this report.

### COMMUNITY ENGAGEMENT

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There are minor administrative changes to the *Fraud and Corruption Control Policy*. No substantial changes to the Policy are recommended, and therefore no further community engagement is recommended at this time.

## **POLICY IMPLICATIONS**

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If adopted, the revised *Fraud and Corruption Control Policy* will rescind and replace the previously adopted version of this Policy.

## **RISK IMPLICATIONS**

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Driving a fraud and corruption free staff culture within the organisation increases the likelihood of prudent and ethical decision making, a positive reputation for Council, and staff who are engaged with the leadership and direction of the organisation.

## **FINANCIAL IMPLICATIONS**

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There are no financial implications for Council associated with this report.

## **CONCLUSION**

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The *Draft Fraud and Corruption Control Policy* has been reviewed in accordance with the review date. It is now recommended that the Policy be readopted by Council.

## **ATTACHMENTS**

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1. Draft Fraud and Corruption Control Policy

DOCUMENTS  
ASSOCIATED WITH  
REPORT C04/21-711

Attachment 1  
Draft Fraud and Corruption  
Control Policy



CUMBERLAND  
CITY COUNCIL

# Fraud and Corruption Control Policy

## AUTHORISATION & VERSION CONTROL

Policy Number	POL-012
Policy Owner	Director Finance & Governance
Date Adopted	XXXX
Version No	3.0
Document ID	XXXX
Review Date	XXXX

## FOREWORD

I am pleased to introduce to you Cumberland City Council's reviewed *Fraud and Corruption Control Policy*. The executive and leadership group of Council are strongly committed to driving a high performing organisation underpinned by robust governance practices and ethics principles. We are continually focused on proactively driving a fraud-free culture through the delivery of all our policies, processes, and projects throughout all levels of our organisation.

Hamish McNulty  
GENERAL MANAGER

## PURPOSE

This Policy outlines Cumberland City Council's commitment to the prevention, deterrence, detection and investigation of all forms of fraud and corrupt conduct. It ensures that appropriate mechanisms are in place to protect the integrity, security and reputation of Council.

## SCOPE

This Policy applies to all Council staff, Councillors, committee members, contractors, consultants, and other persons who perform functions on behalf of Council such as volunteers and external parties.

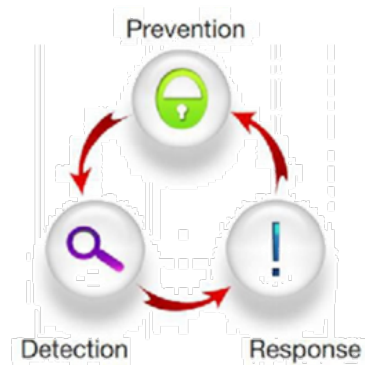
## DEFINITIONS

- **Fraud:** Fraud can be defined as a deliberate and premeditated action which involves the use of deception to gain advantage from a position of trust and authority. The type of events include: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception.
- **Corruption:** The deliberate, dishonest or preferential use of power or position, a breach of public trust or the misuse of information, or material acquired in the course of official functions. The *Independent Commission Against Corruption Act 1988* further defines corruption.
- **Corrupt conduct:** Corrupt conduct, as defined in the *Independent Commission Against Corruption Act 1988* ("the ICAC Act"), is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation.
- **Council official:** For the purpose of this Policy, Councillors, staff, members of Council committees and delegates of Council are Council officials.

## POLICY STATEMENT

Council will not tolerate misconduct, fraudulent or corrupt conduct by any Council official. Council is committed to proactively maintaining an organisation underpinned by ethics and integrity, free of fraud and corruption. This Policy is supported by Council's *Fraud and Corruption Control Plan*, which details the key initiatives Council is undertaking to ensure staff are appropriately informed, educated and empowered to drive a workplace culture free of fraud and corruption. Council's *Fraud and Corruption Control Policy* is based on the fraud control framework identified by the NSW Audit Office. The fraud control framework has ten key attributes, which sit within the themes of prevention, detection and response.





This model has ten attributes:



The implementation of the 10 key attributes are detailed further in Council's *Fraud and Corruption Control Plan*.

## REQUIREMENTS

### Attribute One: Leadership

The General Manager and leadership team are firmly committed to managing fraud and corruption risks within Council. Council requires new staff being onboarded into the organisation to complete a Code of Conduct eLearning module, which is also available to all staff. In addition, all new staff attending corporate induction are delivered a presentation on their *Code of Conduct*, fraud and corruption prevention, and risk management responsibilities.

The leadership group and managers are responsible for implementing the fraud and corruption control framework. Where appropriate, responsibility for driving fraud control processes are contained within the position descriptions and work plans of senior staff and relevant checks are made in the pre-employment screening process for high-risk roles.

**Attribute Two: Ethical Framework**

Council has a framework of clear policies and procedures which set out acceptable standards of ethical behaviour. Council outlines these policies and procedures during the recruitment process to ensure all potential Council staff have an understanding of Council's expectations. These policies include the *Code of Conduct*, which outlines expected standards of behaviour and *Secondary Employment Policy*, which outlines responsibilities and requirements in relation to obtaining secondary employment. Council also has a *Gifts and Benefits Guideline* and a firm stance on the management of conflicts of interest which is embedded throughout key organisational Policies and processes. Council also requires designated persons and key management staff to complete annual disclosure of interest returns and related party disclosure declarations, which are publicly available. Council also has a *Statement of Business Ethics* which is required to be complied with by all doing business with Council.

**Attribute Three: Responsibility Structures**

There is a clear accountability and responsibility structure for the implementation and monitoring of corruption prevention strategies. The structure is made known to staff across Council and is detailed below:

General Manager: The General Manager has ultimate responsibility for managing fraud and corruption risks within Council. In accordance with the *Independent Commission Against Corruption Act 1988* and Council's *Code of Conduct*, the General Manager is obliged to report any matter to the Independent Commission Against Corruption (ICAC) or relevant external agencies such as the Office of Local Government, the NSW Ombudsman or the Police, that they suspect on reasonable grounds, or may concern, corrupt conduct whether on the part of Council officials or any party with whom Council conducts business. In cases of complaints against the General Manager, the Mayor or Administrator assumes the aforementioned responsibilities.

Leadership Group & Managers: The responsibility for the prevention of fraud and corruption rests with the leadership group and managers. The responsibilities of management include: creating an environment where fraud and corruption is not tolerated, identifying risks of fraud and corruption, supporting organisational wide initiatives and taking appropriate action to ensure that controls are in place to prevent and detect fraud.

Council Staff/Officials: All Council officials have a role to play in the prevention, detection and reporting of fraud. All Council officials are bound by Council's *Code of Conduct*. Council officials have an obligation to report cases of suspected fraud or corrupt conduct either through Council's internal reporting procedure, in accordance with Council's *Public Interest Disclosures Policy*, or directly to the ICAC or relevant external agency. Managing fraud risks is also now included in business unit planning processes to demonstrate fraud and corruption prevention is integrated within all levels of Council.

Internal Audit: Whilst the primary responsibility for the identification of fraud and corruption rests with the leadership group and managers, the internal audit function examines the adequacy of internal controls over high-risk processes and evaluates the potential for fraud to occur. The Internal Audit Assistant investigates low to medium-risk processes not subject to the Internal Audit Program, evaluates the potential for fraud to occur and recommends improvements to Council's processes, ensuring relevant controls are in place.

Governance and Risk Unit: The *Fraud and Corruption Control Policy* sits within the responsibility of the Governance and Risk unit of Council. The Executive Manager Corporate Services is the Chief Risk Officer of the organisation, and is responsible for the provision of fraud and corruption control initiatives and the overall implementation of the *Fraud and*



### *Corruption Control Plan.*

Mayor and Councillors: The Mayor and Councillors are responsible for ensuring that management is carrying out the tasks assigned to them in relation to fraud risk and corruption prevention, as well as understanding the environment to determine if management can override or influence the controls in place.

Internal Ombudsman: The Internal Ombudsman is Council's nominated Public Interest Disclosures Coordinator and Code of Conduct Complaints Coordinator. The General Manager may also refer a serious complaint to the Internal Ombudsman Shared Service for appropriate investigation and action in accordance with the Internal Ombudsman Shared Service Governance Charter.

In accordance with the *Public Interest Disclosures Act 1994*, such reports must be made to an investigating authority including:

- The Independent Commission Against Corruption (ICAC) – for corrupt conduct
- The NSW Ombudsman – for maladministration
- The Law Enforcement Conduct Commission (LECC) – for law enforcement misconduct
- The Inspector of the LECC – for disclosures about the LECC or its staff
- The Office of Local Government, Department of Premier and Cabinet – for serious and substantial waste in local government
- The ICAC Inspector – for disclosures about the ICAC or its staff
- The Information Commissioner – for disclosures about a government information contravention.

Audit, Risk and Improvement Committee: An established Audit, Risk and Improvement Committee meets regularly throughout the year and play a pivotal role in the oversight of Council's Governance, Risk and Audit functions. The Committee is responsible for the regular review and oversight of Council's operations to ensure robust and effective risk management practices within Council.

Contractors/Consultants/Volunteers: Contractors, consultants, volunteers and any other persons who perform public official functions on behalf of Council, are encouraged to support Council's commitment to preventing fraud and corruption through reporting suspicious behaviour in accordance with the *Code of Conduct*. All external parties who engage in business with Council are expected to observe Council's *Statement of Business Ethics*, comply with Council policies and refrain from engaging in fraudulent and corrupt conduct.

### **Attribute Four: Fraud Control Policy**

Council has implemented a *Fraud and Corruption Control Policy* as well as a *Fraud and Corruption Control Plan*, detailing key initiatives regularly being undertaken to ensure corruption prevention strategies, policies, procedures and systems are in place. These policies, procedures and systems respond to the corruption risks faced by Council. The *Fraud and Corruption Control Policy* incorporates the ten attributes of fraud control contained in the NSW Audit Office's *Fraud Control Improvement Kit* (February 2015). The *Fraud and Corruption Control Policy* does not operate in isolation and has strong links to other ethical behaviour policies such as the *Code of Conduct*. All levels of management within Council are responsible for monitoring and evaluating the operation of the policy within their area of responsibility.

### **Attribute Five: Prevention Systems**

Council's leadership group is committed to controlling fraud and corruption risks. Fraud and corruption risk assessments are undertaken in accordance with industry standards and

quantify the level, nature and form of the risks to be managed. Improvements to internal control systems are made to mitigate risks identified in fraud and corruption risk assessments, and are monitored for effectiveness over time. Education initiatives are driven regularly. The *Fraud and*

*Corruption Control Plan* outlines Council's actions in implementing and monitoring fraud and corruption prevention initiatives. Detection and response initiatives are updated regularly and reported to the Audit, Risk and Improvement Committee.

#### **Attribute Six: Fraud Awareness**

Every staff member has a responsibility to contribute to eliminating fraud and corruption. Council's *Code of Conduct* and Governance training plan are provided to assist staff in understanding the expected standards of ethical conduct. Staff are provided with Code of Conduct eLearning module to educate on the identification of fraud and corruption risks, the fraud and corruption control accountabilities of management, and how to respond if fraud or corruption is suspected. Council also periodically runs staff surveys on fraud awareness.

#### **Attribute Seven: Third Party Management Systems**

The incidence of fraud and corruption can be minimised through the education of customers, suppliers and the community about acceptable standards of behaviour expected of Council staff, customers, suppliers and community members that interact with Council. As expectations about standards of behaviour can differ, it is important that Council outlines its expectations to external parties with whom it interacts. Resources such as the *Procurement Governance Manual* and new supplier form explain how staff and organisations dealing with Council are to conduct procurement activities for goods, services and construction, ensuring that Council deploys consistent procurement processes that are aligned with the *Local Government Act* and *Local Government General Regulation*.

Council also has a *Statement of Business Ethics* which is provided to customers, suppliers and the community. This document sets out the expected standards of behaviour of Council staff when conducting business with customers, suppliers and community members.

All staff can develop understanding through training and the inclusion of fraud and corruption prevention information in letters, invoices, purchase orders, contracts, tenders, and on Council's website and intranet. These resources ensure that staff and external parties remain aware of the fraud risk and complexities for procurement services.

#### **Attribute Eight: Notification Systems**

Policies, systems and procedures are in place to enable the reporting of suspected fraud or corrupt conduct. Fraud and corruption notification systems give the complainant the opportunity to report the suspected fraud or corrupt conduct anonymously to Council's Internal Ombudsman Shared Service. Any employee who makes a report of suspected fraud or corrupt conduct is protected from reprisal under the *Code of Conduct* and *Public Interest Disclosures Policy*, under the *Public Interest Disclosure Act 1994* and *Public Interest Disclosure Act 2013*.

Policies, systems and procedures give equal opportunities to Councillors, managers, staff, contractors, consultants, customers and suppliers to notify Council of suspected fraud or corrupt conduct. Council policies outline the rights of all Council officials to externally report suspected fraud and corruption, whilst also identifying the nature of suspected fraud and corruption which require reporting to the NSW Police, the ICAC, the Audit Office of New South Wales, and to other external agencies. Council has an Internal Ombudsman Shared Service where anyone can independently seek advice or report instances of fraud, corruption or serious wrongdoing. External notification takes place as required in light of the above legal and policy requirements, and the responsibility to report these matters rests with the General Manager.



**Attribute Nine: Detection systems**

Available data is analysed and reviewed to ensure that irregularities and warning signals are identified at an early stage and flagged for further review. Council's leadership group is responsible for implementing control mechanisms that minimise the risk of fraudulent transactions and corrupt behaviour. Internal audits/ service reviews regularly examine samples of medium and high-risk processes across Council to detect any patterns of irregularities. Outcomes of audits/reviews are reported to the Executive Manager Corporate Services and the Audit, Risk & Improvement Committee on a regular basis.

Council's Internal Ombudsman Shared Service regularly reports on known concerns arising with other member Councils and shares information to identify possible areas of exposure and avoid possible similar concerns.

**Attribute Ten: Investigation Systems**

Reports of alleged fraud and corrupt conduct by Council staff is investigated by the Internal Ombudsman Shared Service and/or senior management on the direction of the General Manager, in accordance with widely used and recognised investigation standards, relevant legislative frameworks and instruments.

**RELATED LEGISLATION**

- *Independent Commission Against Corruption Act 1988*
- *Local Government Act 1993 and General Regulation 2005*
- *Public Interest Disclosures Act 1994*

**RELATED DOCUMENTS AND COUNCIL POLICY**

- Code of Conduct
- Procedures for the Administration of the Model Code of Conduct
- Fraud and Corruption Control Plan
- Compliments and Complaints Management Policy
- Public Interest Disclosures Policy
- Statement of Business Ethics
- Internal Ombudsman Shared Service Governance Charter



Item No: C04/21-712

## DRAFT PENSIONER REBATE POLICY

Responsible Division: Finance & Governance  
Officer: Director Finance & Governance  
File Number: R-13-02/02  
Community Strategic Plan Goal: *Transparent and accountable leadership*

### SUMMARY

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The revised *Draft Pensioner Rebate Policy* has been developed to harmonise voluntary rates rebates.

This report recommends that the *Draft Pensioner Rebate Policy* be placed on public exhibition for consultation with the community, with a Policy commencement date of 1 July 2021, in line with rates harmonisation.

The Policy includes the revised voluntary rates rebate amount of up to \$25 for all eligible pensioners. Council will continue to honour the higher \$100 rebate amount only for those former Parramatta ratepayers who were eligible to receive the higher amount as at 30 June 2021.

### RECOMMENDATION

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**That Council place the revised *Draft Pensioner Rebate Policy* on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the exhibition period.**

### REPORT

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Council provides two rates rebates to eligible pensioners, being a mandatory rebate and voluntary rebate.

#### **Mandatory Rebate**

The mandatory rebate falls under section 575 of the *Local Government Act 1993*, where eligible pensioners are provided a concession of up to \$250 on their ordinary rates and domestic waste management services charge.

The cost of providing this concession is shared between the State Government (55% or \$137.50 per rebate) and local councils (45% or \$112.50 per rebate). The rebate totals \$2.5m for Council, of which Council is reimbursed approximately \$1.4m by the State Government.



## Voluntary Rebate

In addition to the mandatory pension rebate, Council may also set an additional voluntary rebate.

The voluntary rebate falls under section 582 of the *Local Government Act 1993*, where a council may “*waive or reduce rates, charges and interest due by any person prescribed by the regulations who is in receipt of a pension.*”

The current break up of voluntary rebates is shown in the table below, totalling \$221,000. Former Parramatta pensioners receive an additional \$100 rebate, former Holroyd receive an additional \$15 rebate, and former Auburn do not receive an additional rebate.

Current Voluntary Pension Rebate - \$100, \$15 and Nil				
Former LGA	Current Voluntary Rebate \$	Current cost to Council \$	Rate Payers receiving rebate, by former LGA	% Rate Payers receiving rebate, by former LGA
Holroyd	15	76,320	5,088	51.7%
Auburn	0		2,934	29.8%
Parramatta	100	145,000	1,450	14.7%
Parramatta Ineligible*	0		376	3.8%
Total		\$ 221,320	9,848	100%

\*Ineligible if property owned & resided less than 5 years, per former Parramatta Council policy

Two options were considered to harmonise the voluntary rebate portion, with preference given to option 2.

- Option 1 – One voluntary rebate across Council.
- Option 2 – Two voluntary rebates. Those former Parramatta pensioners being provided a \$100 rebate continue to receive it, and all other eligible pensioners harmonised (including previously ineligible Parramatta ratepayers who had not owned and resided in the area for 5 years or more).

The tables below show the two options, with the financial impact to Council for a set rebate amount.

Voluntary Rebate - Option 1			Voluntary Rebate - Option 2		
One Rebate			Two Rebates - Parramatta \$100, Harmonise others		
Voluntary Rebate \$	Full Cost to Council \$	Cost above current budget of \$221k	Voluntary Rebate \$	Full Cost to Council \$	Cost above current budget of \$221k
			9	221,320	0
			10	228,980	7,660
			15	270,970	49,650
			20	312,960	91,640
22	221,320	-	22	333,733	112,413
25	246,200	24,880	25	354,950	133,630
30	295,440	74,120	30	396,940	175,620
35	344,680	123,360	35	438,930	217,610
40	393,920	172,600	40	480,920	259,600
45	443,160	221,840	45	522,910	301,590
50	492,400	271,080	50	564,900	343,580
60	590,880	369,560	60	648,880	427,560
70	689,360	468,040	70	732,860	511,540
80	787,840	566,520	80	816,840	595,520
90	886,320	665,000	90	900,820	679,500
100	984,800	763,480	100	984,800	763,480

Option 1 (one rebate) – By using the current cost to Council of \$221,000 for providing a voluntary rebate, one rebate across Council therefore equates to a \$22 per eligible ratepayer. This will however mean a reduction to those who were receiving the \$100 rebate (former Parramatta).

Option 2 (two rebates) – Being the preferred option. All eligible pensioners will receive a new voluntary rebate amount, proposed at \$25. In order to not disadvantage former Paramatta Council ratepayers receiving the \$100 voluntary rebate, Council will continue to provide the \$100 rebate only to those who are eligible to receive it, as at the new Pensioner Rebate Policy commencement date.

By honouring the \$100 voluntary rebate to those eligible to receive it at the revised Policy commencement date and setting the rebate at \$25 for all other eligible pensioners, the cost to Council will be \$355,000, an increase of \$134,000 from the current budget. These set rebate amounts ensure the additional cost can be absorbed in the 2021/22 budget and will also ensure all pensioners receive at least the same rebate (\$100 former Parramatta) or a higher rebate than previous years.

Combined with the mandatory rebate of \$250, the total concessions for eligible pensioners will be either \$275 per year, or \$350 per year (for former Parramatta ratepayers).

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**COMMUNITY ENGAGEMENT**

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The *Draft Pensioner Rebate Policy* will be placed on public exhibition for a period of 28 days, to enable the community to have an opportunity for input.

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**POLICY IMPLICATIONS**

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There are no policy implications for Council associated with this report.

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**RISK IMPLICATIONS**

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There are no risk implications for Council associated with this report.

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**FINANCIAL IMPLICATIONS**

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Should Council proceed with option 2, being voluntary rebates of \$100 and \$25, the total cost to Council will equate to \$355,000, which requires an increase of \$134,000 to be added to the 2021/22 budget.

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**CONCLUSION**

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Council has prepared the *Draft Pensioner Rebate Policy* to harmonise voluntary rates rebates. All eligible pensioners will receive a \$250 mandatory rebate, plus an additional voluntary rebate of either \$25 or \$100. The \$100 will continue for eligible pensioners who were receiving the \$100 at 30 June 2021. It is recommended that the *Draft Pensioner Rebate Policy* proceed to public exhibition.

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**ATTACHMENTS**

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1. Draft Pensioner Rebate Policy

DOCUMENTS  
ASSOCIATED WITH  
REPORT C04/21-712

Attachment 1  
Draft Pensioner Rebate Policy



CUMBERLAND  
CITY COUNCIL

## Draft Pensioner Rebate Policy

### AUTHORISATION & VERSION CONTROL

Policy Number	POL-029
Policy Owner	Director Finance & Governance
Date Adopted	
Version No	2
Document ID	2068342
Review Date	July 2023

## PURPOSE

The purpose of this policy is to provide eligible pensioners with the mandatory pensioner concession relating to Rates and Charges under the provisions of Section 575 of the *Local Government Act 1993* (the Act). Also, Section 582 of the Act to provide an additional voluntary concession.

## SCOPE

This Policy applies to eligible pensioners within the Cumberland City Council Local Government area (LGA) who are owners, responsible for the payments of rates and occupy the dwelling to which they are paying rates as their sole or principal place of living.

## POLICY STATEMENT

Council provides a reduction in rates to eligible pensioners by way of a mandatory and voluntary rebate under the Act.

### Mandatory Rebate

Under Section 575 of the Act, a mandatory rebate of up to \$250 is provided to eligible pensioners.

### Voluntary Rebate

In addition to the mandatory rebate, Council provides voluntary rebate of up to \$25 to eligible pensioners under section 582 of the Act.

Ratepayers from the former Parramatta Council LGA who had received up to \$100 additional voluntary rebate will continue to receive this rebate amount whilst they continue to be an eligible pensioner. To have received this benefit, the eligible pensioner had to apply, own and occupy the

## PRINCIPLES

To be an 'eligible pensioner' the ratepayer must be in receipt of a current Pensioner Concession Card issued by Centrelink.

Alternatively, you must be a holder of the Department of Veterans Affairs' (DVA) Gold Card & must also have a Pensioner Concession Card to be eligible. If you are a holder of a DVA Total Permanent Incapacitated (TPI) or Extremely Disabled Adjustment (EDA) Card the mandatory rebate will apply.

In addition, to claim the rebate on rates, the pensioner must be the owner, be responsible for payment of rates, and occupy the dwelling to which they are paying rates as their sole or principal place of living.



## REQUIREMENTS

All pensioners wishing to make an application for a rebate must apply on the prescribed form as advised by Section 579 of the Act.

The mandatory rebate will be calculated proportionate to the quarterly periods remaining for that financial year in accordance with Section 575 of the Act. Similarly, concessions cease on the last day of a quarterly period in accordance with Section 584 of the Act. Council's voluntary rebate will also be proportionate in the same manner as Section 575 of the Act.

If eligibility ceases for a former Parramatta Council pensioner, then become eligible again for a rebate, the pensioner must re-apply for a pensioner concession rates rebate and the new Concession Card is to be provided. The voluntary rebate will be up to \$25 and calculated according to Section 575 of the Act.

If you are a holder of a Pensioner Concession Card or DVA Card, then you must apply within the same financial year of receiving this card. A rebate will be applied on the current financial year only.

## RELATED LEGISLATION

- *Local Government Act (1993)*

## RELATED DOCUMENTS AND COUNCIL POLICY

- *Pensioner Concession Application Form*



Item No: C04/21-713

**LETTER OF OFFER FOR 298-302 MERRYLANDS ROAD, 2 AND 2A CAMBRIDGE STREET, MERRYLANDS**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: DA-2020/0791  
Community Strategic Plan Goal: *A resilient built environment*

**SUMMARY**

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Development Application DA-2014/531 was approved by the former Holroyd City Council on 12 January 2016 for the consolidation of 4 lots into 1, demolition of existing structures and construction of a 5 storey shop top housing development comprising of 39 residential units and 6 ground floor commercial premises and at grade and basement parking.

The development was approved with conditions relating to the construction and dedication of road widening along Cambridge Street.

A further Modification Application MOD-2014/531/3 was approved on 13 June 2018 by the Cumberland Local Planning Panel for an additional storeys, accommodating an extra 4 residential units and 6 additional parking spaces.

The above DA has lapsed and a new DA (DA-2020/0791) has been lodged with Council on 17 December 2020 for demolition of existing structures and construction of a six (6) storey mixed use development, comprising 42 residential units and six (6) commercial tenancies over at grade and basement car parking and strata subdivision.

Since the lodgement of the new DA, the applicant has had ongoing discussions with Council officers regarding the road widening and scope for an additional storey on the site. During these discussions, Council officers have sought internal legal advice on the application for the road widening. The advice indicates that this needs to be progressed through an offer and the preparation of a Planning Agreement.

The current DA includes an additional storey with 4 units and an offer to enter into a Planning Agreement with Council to cover the construction and dedication of the road widening.

Following review by Council officers, it is recommended that Council endorse in-principle the offer for the road widening and construction. The offer is consistent with the Cumberland Planning Agreements Policy as it would provide a public benefit through the construction of local infrastructure that is identified in local planning controls.

## RECOMMENDATION

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### That Council:

1. **Endorse in-principle the letter of offer for 298-302 Merrylands Road, 2 and 2A Cambridge Street, Merrylands, regarding the construction and dedication of the road widening.**
2. **Note that the Council resolution on the letter of offer will be considered as part of assessment for the development application on the site.**

## REPORT

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### *Context*

Development Application DA-2014/531 was approved by the former Holroyd City Council on 12 January 2016 for the consolidation of 4 lots into 1 lot, demolition of existing structures and construction of a 5 storey shop top housing development comprising of 39 residential units and 6 ground floor commercial premises and at grade and basement parking.

The development was approved with conditions relating to the construction and dedication of road widening along Cambridge Street.

A further Modification Application MOD-2014/531/3 was approved on 13 June 2018 by the Cumberland Local Planning Panel for an additional storey accommodating an extra 4 residential units and 6 additional parking spaces.

The above DA has lapsed and a new DA (DA-2020/0791) has been lodged with Council on 17 December 2020 for demolition of existing structures and construction of a six (6) storey mixed use development comprising 42 residential units and six (6) commercial tenancies over at grade and basement car parking and strata subdivision.

Since the lodgement of the new DA, the applicant has had ongoing discussions with Council officers regarding the road widening and scope for an additional storey on the site. During these discussions, Council officers have sought internal legal advice on the application for the road widening. The advice indicates that this needs to be progressed through an offer and the preparation of a Planning Agreement.

### *Proposed Offer*

The development approved under MOD-2014/531/3 by the Cumberland Local Planning Panel included an uplift for an additional storey accommodating an extra 4 residential units and 6 additional parking spaces.

The new DA-2020/0791 has been lodged with Council which includes the same uplift of an additional storey with 4 units.

The new DA proposes a maximum building height of 20.6m. The maximum building height permitted under the Holroyd LEP is 17m. It is noted that the floor space ratio

remains compliant with the current planning controls. The additional building height can be attributed to the uplift of an additional storey containing 4 residential units with a combined area of approximately 320sqm.

As part of the development application, the developer has offered to enter into the Planning Agreement which includes the construction, subdivision and dedication to Council of the road widening. The road widening which equates to an approximate area of 97sqm is required under the Holroyd DCP 2013. This is shown graphically in Figure 1.

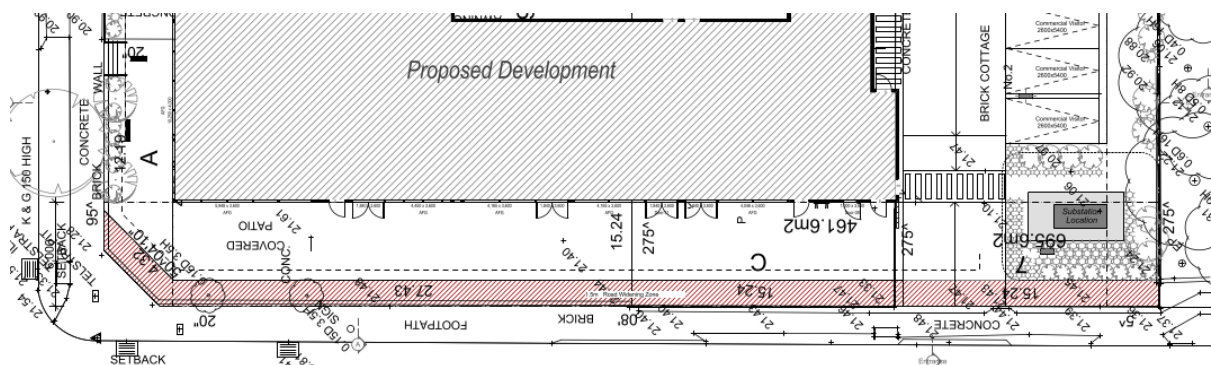


Figure 1 – Proposed Road Widening

### **Public Benefit**

The road widening is consistent with the Cumberland Planning Agreements Policy as it would provide a public benefit through the construction of local infrastructure that is identified in local planning controls.

The road widening is identified in Appendix K of Part A – General Controls of the Holroyd DCP 2013 and is shown in Figure 2 below.



Figure 2 – DCP Provision for 1.5m Road Widening along Cambridge Street

### **Next Steps**

The development application DA-2020/0791 is being finalised and will be presented to the Cumberland Local Planning Panel for determination. Subject to Council's in-principle endorsement of the offer, a condition will be recommended to the Panel that the preparation, notification and finalisation of a Planning Agreement be undertaken in accordance with the offer. If the Panel approves the development application, a further report will be presented to Council on the draft Planning Agreement prior to public notification.

Should Council not support the offer, the assessment will be finalised with consideration of this outcome.

### **COMMUNITY ENGAGEMENT**

Should the offer be endorsed by Council and the development application approved by the Cumberland Local Planning Panel, the draft planning agreement will be publicly notified in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* and Council's Planning Agreements Policy.

### **POLICY IMPLICATIONS**

Policy implications are outlined in the body of the report.

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**RISK IMPLICATIONS**

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There are minimal risk implications for Council associated with this report.

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**FINANCIAL IMPLICATIONS**

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There are no financial implications for Council associated with this report.

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**CONCLUSION**

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The developer's offer to enter into a planning agreement has been considered and is found to be satisfactory and in accordance with Holroyd Development Control Plan 2013. The agreement in its current form has been reviewed by Council's planning staff. The Agreement is consistent with the relevant principles and requirements detailed in Council's Planning Agreements Policy, and with the statutory provisions of the *Environmental Planning and Assessment Act 1979*.

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**ATTACHMENTS**

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1. Proposed Offer
2. Analysis of Offer (confidential)





DOCUMENTS  
ASSOCIATED WITH  
REPORT C04/21-713

Attachment 1  
Proposed Offer





18 March 2021

## CUMBERLAND COUNCIL

Att: Jai Shankar

**DA2020/0734- MIXED USE DEVELOPMENT- 298-302 MERRYLANDS  
ROAD AND 2-2A CAMBRIDGE STREET, MERRYLANDS****OFFER TO DEDICATE ROAD WIDENING TO CAMBRIDGE STREET**

I refer to ongoing discussions regarding the abovementioned development site, and specifically the issue of road widening to Cambridge Street of 1.5m that is identified in Councils DCP.

There is no trigger for acquisition of the land in the LEP however as discussed the proponent would be willing to dedicate the land free of cost to Council to facilitate the road widening as a means of facilitating a suitable planning outcome and to align with the desire to widen the road in the DCP and to carry out the necessary works to facilitate this during construction of the development.

We would invite Council to apply this as a condition of consent on the basis that this is offered to Council.

Further in relation to the issue of height and the height exceedance we note that this was previously approved by council and in keeping within character to the constructed development across Cambridge Street and hence found to be a suitable planning outcome previously. This additional height gives an appropriate transition providing gateway entry to Merrylands Town Centre and reinforces intersection of Merrylands Road and Cambridge Street.

The same planning merits apply to this new scheme as those considered previously and we also note that the dedication of the land is a part factor in the additional height-through the necessity in increasing the front setback across the building. However we rely on the attached Clause 4.6 variation that demonstrates that the departure to the height control, which has already been approved at this height, has merit and the variation is able to be supported pursuant to Clause 4.6.

I am happy to discuss the above and can be contacted on 0425 134 158.

Jonathon Wood  
Think Planners Pty Ltd  
PO BOX W287  
Parramatta NSW 2076



Item No: C04/21-714

## **AUDIT, RISK AND IMPROVEMENT COMMITTEE - DRAFT MINUTES OF MEETING HELD ON 15 FEBRUARY 2021**

Responsible Division: Finance & Governance  
Officer: Director Finance & Governance  
File Number: HC-06-03-28  
Community Strategic Plan Goal: *Transparent and accountable leadership*

### **SUMMARY**

This report presents the Minutes of the Audit, Risk and Improvement Committee meeting held on 15 February 2021 for Council's information.

### **RECOMMENDATION**

**That Council receive the Draft Minutes of the Audit, Risk and Improvement Committee meeting held on 15 February 2021.**

### **REPORT**

Council's Audit, Risk and Improvement Committee recently held a meeting on 15 February 2021.

The minutes of this meeting will be formally adopted at the next Ordinary Committee meeting being held in May 2021.

Minutes of this meeting are attached for Council's information.

### **COMMUNITY ENGAGEMENT**

There are no consultation processes for Council associated with this report.

### **POLICY IMPLICATIONS**

There are no policy implications for Council associated with this report.

### **RISK IMPLICATIONS**

There are no direct risks associated with this report. However, the presentation of the meeting minutes to Council provides transparent oversight of Council activities.

### **FINANCIAL IMPLICATIONS**

The operations of the Audit, Risk and Improvement Committee are coordinated by the Corporate Services division of Council utilising existing allocated resources. There are no additional financial implications for Council associated with this report.

## CONCLUSION

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The minutes of the Audit, Risk and Improvement Committee meeting are provided to Council for information purposes and to ensure that the review mechanisms of Council operate in an open and transparent manner. It is recommended that Council receive this information.

## ATTACHMENTS

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1. Draft Minutes of Audit Risk and Improvement Committee - Monday 15 February 2021



DOCUMENTS  
ASSOCIATED WITH  
REPORT C04/21-714

Attachment 1

Draft Minutes of Audit Risk and  
Improvement Committee -  
Monday 15 February 2021



**Audit, Risk and Improvement Committee**  
**15 February 2021**

Minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Monday 15 February 2021.

**PRESENT**

Mr. Stephen Home (Chairperson), Mr. John Barbeler, Dr. Jim Taggart, Cr. Eddy Sarkis, Cr. Michael Zaiter.

**ADVISORY MEMBERS IN ATTENDANCE**

Hamish McNulty – General Manager, Richard Sheridan – Director Finance and Governance, Carol Karaki – Acting Executive Manager Corporate Services, Belinda Doig – Senior Coordinator Audit, Risk and Safety, Mark Griffiths – BDO Australia, Kenneth Leung – NSW Audit Office, James Winter – Grant Thornton and Shirley Huang – Grant Thornton.

**INVITEES IN ATTENDANCE**

Elizabeth Renneberg – Acting Internal Ombudsman, Daniel Anderson – Executive Manager Environment and Planning Systems, Dane Hamilton – Executive Manager Information Services, Mohamed Gourani – Internal Audit Liaison Officer and Olivia Shields – Senior Governance Officer (Minute Taker),

**IN CAMERA ITEMS**

The Independent External Committee Members, Councillors, General Manager, Internal Auditors, External Auditors and Internal Ombudsman met via Skype to discuss any in-camera matters prior to the commencement of the meeting.

The formal ARIC meeting here opened at 1:51pm.

**ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson opened the meeting with an Acknowledgement of Country.

**SAFETY BRIEFING**

The Chairperson outlined the emergency evacuation arrangements for the meeting location, noting the meeting was being held by Teleconferencing and in person.

**APOLOGIES**

The General Manager noted that Charlie Ayoub is on paternity leave and Carol Karaki is acting in his position.

**DECLARATIONS OF INTEREST**

Nil.

**Min. 139** ITEM ARIC002/21 - CONFIRMATION OF AUDIT, RISK AND IMPROVEMENT COMMITTEE - MINUTES OF MEETING HELD ON 9 NOVEMBER 2020

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**RESOLVED**

That the minutes of the Audit, Risk and Improvement Committee meeting held on 9 November 2020 be received and the recommendations contained therein, be adopted.

**Discussion:**

The ARIC noted that further information could be provided in relation to the Work, Health and Safety and Workers Compensation update especially in relation to injuries, first aid and the WHS Committee participation.

**Action:**

The minutes of 9 November 2020 be adopted.

**Min. 140** ITEM ARIC003/21 - OUTSTANDING ARIC ACTIONS, EXTERNAL AUDIT, INTERNAL AUDIT AND CRIP AUDIT RECOMMENDATIONS

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**RESOVLED**

That the Audit, Risk and Improvement Committee receive and consider the information contained in the report.

**Discussion:**

The ARIC noted there are no outstanding ARIC action items.

The ARIC noted the status of the external audit items and advised that these items will be discussed in depth in further reports.

The ARIC noted in relation to internal audit that there are 4 items requiring an extension. The ARIC noted an item which is 760 days overdue and why the item was being listed as low risk. The ARIC suggested that this item may need to be reviewed in relation to retaining this item due to the length of time. The ARIC did note however that a tender process has commenced so there is current work being undertaken which will close this item off in the near future.

The General Manager confirmed that there was a previous attempt at a tender process however there were issues with the tenders and Council rejected all of them. The General Manager noted that having fixed those issues, the process has restarted, and Council are hopeful to have a successful outcome in the near future.

The ARIC supported these extensions in light of the explanation provided by the General Manager.

The ARIC noted that internal audit number R10 extension was approved which they deemed appropriate.

Audit, Risk and Improvement Committee  
15 February 2021

The ARIC noted that there was a recommendation by the Internal Ombudsman that recommendations that come through the service are kept within a register which provides visibility of action for each item.

**Action:**

Nil.

**Min. 141**      ITEM ARIC004/21 - AUDITOR GENERAL'S PERFORMANCE AUDIT REPORT

**RESOVLED**

**That the Audit, Risk and Improvement Committee note the report and propose action points, if any, in light of the recommendations presented by the Auditor-General.**

**Discussion:**

The Director Finance and Governance provided an overview of the report noting that a lot of the guidance was Council becoming more aligned with State Government processes. The Director Finance and Governance noted that legislatively this isn't feasible in all areas. However, Council has taken some of the recommendations into consideration.

The ARIC enquired regarding the criteria for when Council want to have a probity advisor/auditor appointed. The Director Finance and Governance noted that our Procurement Operating Procures has a risk based assessment, so when it gets to the medium/high risk area, it will progress to a third party provider. The Director Finance and Governance advised that through the probity plan an assessment can be made.

The ARIC requested that perhaps in 6 months' time it would be good to provide the ARIC with an update in regard to the effectiveness of the supplier performance.

The ARIC advised that their feedback in relation to the audit report is when the internal auditors develop the program, consideration should be given to the forward program of the performance audits. This should be done with a view that in some circumstances an audit should be internal audit should be undertaken in advance of the performance audit. The ARIC noted that this isn't always possible however it is best practice.

**Action:**

Update to be provided to the ARIC in 6-9 months' time by the Director Finance and Governance in relation to the effectiveness of supplier performance.



**Min. 142**      **ITEM ARIC005/21 - AUDIT OFFICE 2019/2020 MANAGEMENT LETTER****RESOLVED**

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**That the Audit, Risk and Improvement Committee note the Management Letter and the actions assigned, which are to be added to the External Audit Register.**

**Discussion:**

The Director Finance and Governance gave a review of the report noting that Council have dropped from 14 items to 3. The Director Finance and Governance noted Council recently had a meeting with the external auditors, and following that it appears that some improvements have been made, however the feedback provided will be taken into consideration.

The Director Finance and Governance noted that depreciation of assets does require a large cost. The Director Finance and Governance further noted that the asset revaluations issues came about when the accounting standard was changed after the amalgamation, which made this challenging.

The ARIC noted that Council is tracking in the right direction in order to deal with each matter and keeping an open dialogue with the auditors will be beneficial.

The ARIC enquired whether this item now complete. The Director Finance and Governance noted that on 30 June 2021 this will be reviewed to determine whether it will be included in the next audit, noting this item is never really completed.

Kenneth Leung noted that the completion date will be revisited and advised that the management response is noted.

The ARIC noted that the result of 14 items to 3 items is a good result.

The ARIC noted regarding issue 3, that there has no month been added. The Director Finance and Governance advised he is happy to include 30 June 2021.

The ARIC enquired when the annual engagement plan is going to be received. Kenneth Leung noted that the discussions have commenced regarding audit items for 2021. Kenneth Leung noted the election has been taken into consideration. Kenneth Leung advised the timeline and annual engagement plan will be included within the May business paper.

The ARIC noted that they always like to ensure there are no cash flow issues which could ensure that Council didn't need to dip into restricted funds. The Chair noted that Council are always transparent with providing this information.

**Action:**

The financial statements timetable and annual engagement plan to be included within the May business paper by the NSW Audit Office.

- Min. 143**      ITEM ARIC006/21 - INTERNAL AUDIT FINAL REPORTS - REGULATORY SERVICES & COMPLIANCE ENFORCEMENT, BUSINESS CONTINUITY PLANNING (BCP) AND EVALUATION OF CLAIMS AGAINST COUNCILLOR EXPENSES AND FACILITIES POLICY

## **RESOLVED**

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**That the Audit, Risk and Improvement Committee:**

- 1. Receive the final internal audit reports for Regulatory Services & Compliance Enforcement, Business Continuity Planning (BCP) and Councillor Expenses, including the risk levels identified;**
- 2. Note that adequate responses by management have been provided.**

### **Discussion:**

Mark Griffiths gave an overview of reports for Regulatory Services & Compliance Enforcement, Business Continuity Planning (BCP) and Councillor Expenses.

#### **Regulatory Services & Compliance Enforcement:**

Mark Griffiths noted that there were 11 recommendations made regarding this area. With 9 being medium risk and 2 being low risk. Mark Griffiths also advised that the teams were very knowledgeable and are diligent with the way in which they plan and execute their roles.

The ARIC advised that they were of the opinion that recommendations should be more specific rather than "management should consider" as this can ensure relevant action is undertaken. Mark noted that they would take this feedback into consideration. .

#### **Business Continuity Planning (BCP):**

Mark Griffiths noted that their review took into consideration Council's response to COVID19 with 3 areas of improvement were identified.

The first being the business impact assessment should be reviewed annually to review critical business processes and resources. The second being BC testing should be undertaken based on the test schedule of scenarios within the BCP. The third being training should be conducted on a regular basis to ensure knowledge and awareness of all staff.

The ARIC noted that the report states that Council has been successful with their management of COVID19 noting Council have been proactive in their approach, taking into consideration of a recent Cumberland outbreak of COVID19. The ARIC noted that taking a BCP audit during COVID19 is the right approach as this demonstrates the stresses in real time and allows for real evidence to be considered.

#### **Councillor Expenses:**

Mark Griffiths noted that BDO are aware that there were some improvements required which they have taken into consideration.

The ARIC noted that consideration could be a reconciliation could be provided to Councillors within the year to advise them of their balances. The General Manager noted



that he agreed with some issues with internal procedures and noted that requirements are going to be tighter for claiming for expenses.

Clr Zaiter noted that Councillors do receive reports every 6 months of what they have claimed. Clr Zaiter highlighted the issue within the audit which had taken into account when the reimbursement was paid rather than when it was incurred. The General Manager advised that he wrote a letter to BDO outlining this issue and that he has a meeting with BDO to ensure this never happens again. Mark Griffiths noted that they have taken action in relation to the inconsistencies within the report.

Clr Zaiter also noted that some more internal control needs to be given to the documentation which accompanies a reimbursement claim. The ARIC agreed with Clr Zaiter's comments and noted the General Manager's response of the implementation of new internal controls. The ARIC further noted that the onus is equally on the individual making the claim along with the individual reviewing the claim.

**Action:**

Nil.

**Min. 144**      ITEM ARIC007/21 - GENERAL MANAGER'S UPDATE

**RESOLVED**

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**That the Audit, Risk and Improvement Committee receive the General Manager's update.**

**Discussion:**

The General Manager provided the following update:

- COVID-19 continues to be a challenge for Council. When news of the Berala cluster was released very early in the new year Council reacted very quickly and implemented a range of measures to ensure the health and safety of our staff and those visiting Council facilities. These measures included:
  - Reinstatement of daily CIMT meetings
  - Introduction of mandatory mask wearing in Council's customer contact centres
  - Introduction of mask wearing for staff while walking around Council's offices and if required to sit in close proximity to other people
  - Reinstatement of concierges at customer contact centres
  - Temporary closure of Berala Community Centre
  - Distribution of a letter in 8 community languages throughout the LGA containing important information about COVID-19 and COVID-19 testing.
- Once it was clear that situation had stabilised, and the government eased restrictions about mask wearing Council eased its mask wearing requirements and reverted to twice weekly CIMT meetings.
- We continue to monitor changes in restrictions and respond accordingly.
- One of our key focuses over the six months has been budget repair and the results for the end of December demonstrate that these efforts are delivering results. This

does not mean however that the job is done. There is still much work to be done to rebuild cash reserves and reinstate the capital funding removed over recent years.

- In addition to the savings measures implemented one of the key contributors to our improved financial position is the reduction in our capital works programs of around \$21 million over the last two years. These funds have to be made up once our cash position allows.
- A report on the audit of Councillor expenses reimbursements was considered by Council at its meeting on 3 February 2021 and this issue is dealt with later in this meeting. I was very disappointed in the quality of this report. The first version provided to us did not have findings and recommendation and the revised version contained many errors and omissions. I have written to BDO expressing my concerns. I am meeting with the Director this week.
- Council made a submission on the Auditor General's performance audit on procurement which is also on the agenda of this meeting.

The ARIC noted that Cumberland decided to hold Australia Day events which were more significant than most other Council's. The ARIC noted that they received weekly updates from Council staff in relation to the measures that would be in place to ensure COVIDSafe events would be taking place.

**Action:**

Nil.

**Min. 145**      ITEM ARIC008/21 - LEGAL REPORT

**RESOLVED**

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**That the Audit, Risk and Improvement Committee receive and note this report.**

**Discussion:**

The ARIC noted there was no discussion on this item, however they are still happy to receive this report. The ARIC further noted the review is usually around trends or items that they may otherwise not be aware of and the absence of that is ideal.

**Action:**

Nil.

**Min. 146**      ITEM ARIC009/21 - FINANCE UPDATES

**RESOLVED**

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**That the Audit, Risk and Improvement Committee:**

- 1) Note and receive this report.

**2) Supports the reporting of unrestricted cash in all future financial statements.**

**Discussion:**

The Director Finance and Governance provided an overview of the report and noted that the consolidation of the domains is now complete, and the design work has been undertaken in regard to the Disaster Recovery Plan.

The Director Finance and Governance noted that more work needs to be undertaken to get Councillors all on the same page in regard to the annual financial statements, especially in relation to unrestricted cash.

The ARIC noted that Local Government accounting is complex and the OLG have not been as inclusive as they could be in relation to this issue. The ARIC further noted how the OLG have stated their requirements which Council have to comply with even if Council do not agree.

The ARIC enquired when the Councillor budget workshop is occurring, and the General Manager confirmed it was 12-13 March 2021.

Clr Zaiter enquired why staff would still like the inclusion of the unrestricted cash flow. The Director Finance and Governance advised the breakdown of the cash flow and having the statements provides a big picture of the true nature of the financial position.

The Director Finance and Governance noted the positive of 3.9m in the budget being 5%.

The ARIC enquired regarding the Federal Assistance Grant and the Director Finance and Governance noted there was an extension granted and that money would be reserved and not counted which means we breakeven.

The Director Finance and Governance noted within the mid-year review noted that our costs have reduced and noted that cost saving measures undertaken over the past 12-18 months have been successful.

The Director Finance and Governance noted that Council are receiving more capital grants which has slightly changed our numbers.

**Action:**

Nil.

**Min. 147**      ITEM ARIC010/21 - UPDATE ON COUNCIL'S RESPONSE TO THE  
LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN AUDIT REPORT  
OF THE NSW AUDIT OFFICE

**RESOLVED**

**That the Audit, Risk and Improvement Committee note this report.**

**Discussion:**



The Executive Manager Environment and Planning Systems gave an overview of the report outlining the focus areas being the governances of Local Infrastructure Contributions, internal controls over Local Infrastructure Contributions and transparency over the Local Infrastructure Contributions.

The Executive Manager Environment and Planning Systems noted that Council have commenced working through the recommendations of the audit.

The Executive Manager Environment and Planning Systems noted that the deferral of contribution plans was introduced due to COVID19 as well as the slowing of the development market.

The ARIC noted regarding measures to reduce probity risk and enquired if there is a criteria used to identify this. The Executive Manager Environment and Planning Systems and noted that Council have reviewed its VPA Policy and instead of undertaking an internal audit, Council are having independent valuers to result in the best outcome for Council and the applicant.

The ARIC enquired if TechOne can be used to review this rather than working off spreadsheets. The Executive Manager Environment and Planning Systems advised the objective is to have all the data within TechOne rather than having all the information within a spreadsheet for transparency reasons as well as data security.

**Action:**

Nil.

**Min. 148**      ITEM ARIC011/21 - DISASTER RECOVERY PLAN UPDATE

**RESOLVED**

**That the Audit, Risk and Improvement Committee note and receive this report.**

**Discussion:**

The Executive Manager Information Services provided an overview on the report noting the consolidation of systems has been completed which has been outstanding for an extensive amount of time.

The Executive Manager Information Services noted that the outstanding audit action to develop and carry out regular testing of a disaster recovery plan to protect business infrastructure is due to commence.

The ARIC enquired regarding staff working from home and what impact that has had in this regard. The Executive Manager Information Services noted that Council have implemented two factor authentications into Council's IT infrastructure to ensure data security as well as more training by Council staff on cyber security.

The ARIC enquired in relation to the penetration data testing and if the results could be provided at the next meeting. The Executive Manager Information Services confirmed that a report will be provided.

**Action:**

Results of the external penetration testing to be provided to the ARIC at the May 2021 meeting.

**Min. 149**      ITEM ARIC012/21 - BUSINESS IMPROVEMENT UPDATE

**RESOLVED**

---

**That the Audit, Risk and Improvement Committee receive and note the information contained in this report.**

**Discussion:**

The ARIC noted that developing this framework is important as the business improvement activity generates more recommendations than audits do as well as enabling the actions to be tracked.

The ARIC commended Council on the developing of a Change Management Framework as this ensures there is awareness around why decisions are being made.

The ARIC enquired regarding the climate survey and requested they be provided with the action plan and a report outlining this survey.

**Action:**

Report on the climate survey to be provided to the ARIC at the May 2021 meeting.

The ARIC to be provided with an attachment of the 2020 and 2021 calendar year process improvement projects schedule including process reviews to view what was done historically and what is planned.

**Min. 150**      ITEM ARIC013/21 - WHS & WORKERS COMPENSATION UPDATE

**RESOLVED**

---

**That the Audit, Risk and Improvement Committee receive and note the information contained in this report.**

**Discussion:**

The Senior Coordinator Audit, Risk and Safety provided an overview of the report and noted that the SWMS template has been adopted and is currently being tested.

The Senior Coordinator Audit, Risk and Safety noted that feedback regarding the WHS Committee has been taken on board and measures implemented have been a directorate reports with representatives speaking to each of their reports which has proved to engage staff and become proactive with our approach.

The Senior Coordinator Audit, Risk and Safety also noted that training has been undertaken to ensure staff are aware of their responsibilities are in regard to safety.

The ARIC noted that the open forum within these meetings are essential to generating change.

**Audit, Risk and Improvement Committee**  
**15 February 2021**

The Senior Coordinator Audit, Risk and Safety noted an audit regarding defibrators and noted 18 required to be changed. The Senior Coordinator Audit, Risk and Safety further noted there are roles within Council in our Children's Services and Seniors team who hold first aid certificates, which majority of the office were not aware of.

The Senior Coordinator Audit, Risk and Safety advised that we are beginning to look to staff to undertake first aid training as well as for staff who's training is about to expire.

The Senior Coordinator Audit, Risk and Safety advised that training has been given to Parking Patrol Staff to assist with how to defuse a heated situation after the assaults that were sustained by Council staff.

The Senior Coordinator Audit, Risk and Safety advised that the focus of the WHS team is to finalise the emergency management plans across Council, roll out the fire warden training, install the defibrillators, implement the SWMS audit recommendations and focus on our injury and near miss trends.

The ARIC requested a new adding within these reports called New Legislation, Regulations and Industry Guidelines just to confirm that this is something that is being considered regularly.

The ARIC noted that if there are any systematic issues, they should be mentioned in the report with any corrective actions.

The ARIC noted that there has been no mention of mental health within the reports. The Senior Coordinator Audit, Risk and Safety noted that a response can be provided outlining the measures Council are undertaking to support staff.

**Action:**

The ARIC requested the addition of a heading called "New Legislation, Regulations and Industry Guidelines" in the WHS & Workers Compensation Update Report.

The ARIC requested a report in relation to Council's response to mental health objectives.

**Min. 151**      ITEM ARIC014/21 - BUSINESS CONTINUITY MANAGEMENT  
UPDATE - COVID-19

**RESOLVED**

**That the Audit, Risk and Improvement Committee receive the management update report on Council's response to COVID-19, and provide any feedback on Council's Business Continuity Management approach undertaken.**

**Discussion:**

The ARIC advised that the Executive Manager Corporate Services sends weekly updates in relation to this item.

The ARIC noted the question was asked in real time regarding the Australia Day events were happy with the timing of the response.



Audit, Risk and Improvement Committee  
15 February 2021**Action:**

Nil.

**Min. 152**      ITEM ARIC015/21 - GOVERNANCE, RISK & PROCUREMENT  
INITIATIVES UPDATE

**RESOLVED**

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**That the Audit, Risk and Improvement Committee receive the report.**

**Discussion:**

The General Manager noted that the Australia Day event was highly compliant and was highly successful.

The ARIC noted regarding the Fraud Control Plan and advised it is tracking well with identifying the gaps and recommending measures for implementation.

The ARIC noted there has not been a strategic risk plan update in due course and if an update could be provided to them.

**Action:**

Strategic risk plan update to be provided to the ARIC at the May 2021 meeting.

**Min. 153**      ITEM ARIC016/21 - QUARTERLY PROCUREMENT AUDIT REPORT

**RESOLVED**

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**That the Audit, Risk and Improvement Committee note the Quarterly Procurement Audit Report, and provide any feedback to management for continuous improvement and compliance outcomes.**

**Discussion:**

The ARIC noted that Council are beginning to identify where the real issues are in relation to purchase order compliance which is an indication that the processes in place are working.

The ARIC noted the Works and Infrastructure are the highest of noncompliance which is generally the case within all Councils. The General Manager noted that the issue is a volume issue rather than a compliance issue as they usually generate 1000 in one quarter. The General Manager noted that this is something that is discussed every quarter within the QPR meetings and raised with the relevant Managers.

**Action:**

Nil.



**Min. 154** ITEM ARIC017/21 - INTERNAL OMBUDSMAN SHARED SERVICE  
REPORT FOR CUMBERLAND CITY COUNCIL**RESOLVED**

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**That the Audit, Risk and Improvement Committee receive the information.**

**Discussion:**

The Acting Internal Ombudsman provided an overview of the report and noted that Cumberland remained in second spot for use of the IOSS.

The Acting Internal Ombudsman advised that the majority of complaints received are predominately raised by members of the community with 27 being received in the quarter, with three remaining open at the time of this meeting.

The Acting Internal Ombudsman gave an overview of some of the notable outcomes that were outlined within the report.

The Acting Internal Ombudsman advised that public interest training is being undertaken.

The Acting Internal Ombudsman advised they have implemented a new system with Cumberland to track the progress of their recommendations with outcomes to be reported at the next ARIC meeting.

**Action:**

Report to be provided regarding outcomes of Cumberland progress tracking.

**GENERAL BUSINESS**

There were no items raised in general business.

**NEXT MEETING**

Next Meeting 10 May 2021 at 1.30pm

**MEETING CLOSE**

The meeting terminated at 4:48pm.

Signed:

Mr. Stephen Horne  
Chairperson



Item No: C04/21-715

## QUESTIONS ON NOTICE - SUBMITTED BY COUNCILLOR LAKE

Responsible Division: General Manager  
File Number: SC483

### QUESTION/S:

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Will the General Manager please provide an answer as a closed council report to the following question :-

Noting the Answer provided to the Question on Notice - Item No:C03/21-694 dated 3 March 2021 to the effect that a savings initiative to not proceed with the 2021 Lunar New Year festival, and/or a range of Council events was included in the attachment to a confidential report of 15 July 2020 as an amount to be saved in the line item function "Projects and Supervisors",

Would the General Manager please provide an itemised list of the "Projects and Supervisors" and their respective savings (that amounted to a total savings of \$94,516) that was contemplated by that line item.

### ANSWER/S:

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- The savings identified have included reductions in the events budget. At the time this was done Council was committed to finding savings due to COVID 19 restrictions as the pandemic was impacting income which would further impact our negative unrestricted cash.
- The Projects and Supervisors line applied to two sections of Community and Organisational development including \$94,516 (Arts and Culture) and \$191,566 (Events and Culture).
- A detailed plan of these savings committed to was presented to Council at the 11 November 2020 Council Briefing for the Quarter One review as part of the formal process of amending the budget as required under regulation 203 Local Government (general) Regulation 2005. A copy of this presentation is located on the Councillors portal.

### ATTACHMENTS

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Nil