# Burwood Council

# Review of Planning Controls for the Burwood North Precinct

# Probity Plan

| Ref No: | |
|---|---|
| *Date:* | 15 November 2022 |
| *Version* | Final |

## Table of Contents

# 1. Introduction, Purpose and Audience

This probity plan (the *Probity Plan*) is prepared for Burwood Council (the *Council*, the *Organisation*) for the Burwood North Precinct Master Plan Development (the *Project*).

Centium Pty Ltd ABN 30 646 309 015 (*Centium*) has been engaged by the Council as Probity Advisors for the Project. Centium has prepared this Probity Plan for the purposes of delivering probity services to the Council for the Project to guide the Master Planning exercise to observe highest levels of probity.

The probity practitioners named in the Project Information Schedule are the representatives of Centium who will provide probity services on behalf of Centium for this specific Project.

This Probity Plan:

The Probity Plan will address probity in the plan making process to ensure that the engagement with all stakeholders (and groups) is systematic, impartial, fair, accountable and transparent. The Probity Plan will cover probity risks and management actions to mitigate the risks.

a.  defines the probity framework that applies to the Project and articulates the key probity obligations for the Project,
b.  defines the probity objectives for the Project,
c.  identifies the probity risks and probity controls, principles, procedures and protocols to be followed by those involved with the Project,
d.  provides guidance to the Project Teams on the management of probity generally and of specific probity issues that may arise during a Project; and
e.  provides a plan for delivery of probity services to the Project.

The Probity Advisor will also assist Council through the process to ensure that Council's engagement process is consistent with the Probity Plan. This will include providing ongoing advice and solutions as necessary on probity issues as they arise.

This Probity Plan should be read and understood by all the members of the Project Team for and should also be read and understood by all <u>consultants, agents, contractors and subcontractors engaged by the Council to assist with the Project</u>.

# 2. Probity Principles

Probity refers to the integrity, uprightness and honesty of a process. High levels of probity enhance and promote public sector values and interests which, in turn, support successful outcomes.

This Probity Plan and probity management (through the implementation and maintenance of the identified controls) is concerned with the procedures, processes and systems used in undertaking a project. Such processes adhere to the key probity principles (*Probity Principles*) described below:

| Probity Principle | Details |
|---|---|
| **Fairness** | Fairness requires having regard to all potential stakeholders to the review of planning controls, including any stakeholders that may be excluded by the stakeholder engagement process. |
| **Impartiality** | Requires the process is free of, or at least not adversely affected by a conflict of interest. Decision-makers should ensure that the decision-making process is free of actual or apprehended bias and address any implicit biases in the process. |
| **Accountability** | Project managers and decision makers demonstrate how discretion is used. This means that decisions are based on sound reasoning and are consistent with legislation, strategic plans, policies etc. |
| **Transparency** | Requires exposing the process to internal and external scrutiny (or the possibility of scrutiny). This means that complete and accurate records are kept of meetings and key decisions, cooperating with steering committees, complying with the *Government Information (Public Access) Act*. The records should be discoverable. i.e. they are properly managed and stored in the organisation's record management systems. |
| **Value for money** | Value for money in the context of this project means that the final recommended Master Plan meets requirements of legislation, PRCUTS, Burwood Council's Local Strategic Planning Statement, Community Strategic plan and any other relevant Council's plans & strategies. |

The Probity Principles apply to all phases and aspects of the Project, such as selection or assessment of submissions, workshops, marketing programs, procurement of professional/specialist services, as well as the actual transaction itself.

## 3. Probity Objectives

The probity objectives (*Probity Objectives*) of the Project are to:

1. Demonstrate on the face of the record compliance with applicable New South Wales law, policy and practice;
2. Ensure defensible outcomes by observing high levels of probity practice;
3. Minimise the potential for misconduct and/or fraud;
4. Enhance the Council's reputation in dealing with external proponents;
5. Enhance community and Council's comfort that the project is open, fair and unbiased; and,
6. Assist the Council in demonstrating that it has fulfilled its probity requirements relating to the Project.

## 4. Council Background

The Burwood Local Government Area (LGA) occupies 7.15 km2 and has a population approximately 41,201 persons. The Burwood LGA comprises the following suburbs – Burwood Heights, Croydon and part of Croydon Park, Enfield and Strathfield. Burwood LGA is situated within the Eastern City District, more generally described as part of the Inner West Region which typically includes the Ashfield LGA, Burwood LGA, City of Canada Bay LGA and the Strathfield LGA.

The original inhabitants of the area were the Wangal clan of the Eora nation. The area was first settled by Europeans in 1790. Burwood derived its name from a grant of 250 acres made by Governor Hunter on 3 August 1799 to Captain Thomas Rowley of the New South Wales Corps, who named the land after the Burwood Farm on which he had lived in his native Cornwall, England.

By 2041 the population of the Burwood LGA is anticipated to grow to around 58,178 people. This means over 16,977 more people will require housing, transport, schools, healthcare, services, leisure opportunities and green and open spaces. The advent of Sydney Metro West and a new metro station at the Burwood North Precinct, which is due to be operational by 2030, will likely increase the demand for housing above these current projections.

## 5. Burwood North Precinct Master Plan Project

### 5.1. Project context

Burwood North is a precinct identified in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which is a NSW Government initiative to revitalise land from Granville to Camperdown. Figure 1 shows the location of the Burwood North Precinct and its context in the broader Burwood local government area.

The PRCUTS establishes a 30-year vision to connect the city's two main central business districts of Sydney and Parramatta, via a renewed urban corridor. PRCUTS includes planning principles and guidance that establishes a framework for councils when preparing planning proposals. Since 2016 numerous supporting studies have been prepared across the PRCUTS to facilitate the implementation of the government vision.

According to the PRCUTS vision, the Burwood North Precinct is anticipated to have a:

* residential capacity of 370,000 m2, equivalent to a maximum of 3,500 dwellings
* commercial floor space capacity of 82,500 m2 minimum.

The Burwood North Precinct is bound by Wilga Street and Burwood Park to the south, Parramatta Road to the north, Shaftesbury Road to the east and Grantham Street to the west. This has extended the precinct southwards from Meryla Street and westwards from Park Streets, when compared against the original PRCUTS boundary. Burwood North extends into the Canada Bay local government area, located on the northern side of Parramatta Road. A metro station, located on the northern side of Parramatta road is under construction, with an entry located on Burwood Road, within the Burwood LGA.

*Figure 1: Burwood North Precinct*

## 5.2.    Project

Burwood Council (the Council) is commencing a review of the planning controls for the Burwood North Precinct (the Precinct) which is subject to the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). The outcome of the project will result in an update to the Burwood Local Environmental Plan 2021 (BLEP),

PRCUTS is an initiative of the NSW Government and aims to renew Parramatta Road and adjacent communities. Burwood North is a precinct identified in the Stage 1 renewal area. PRCUTS anticipates the Burwood North Precinct to have residential capacity of 370,000 square metres equivalent to up to 3,500 dwellings and commercial floor space capacity of a minimum of 82,500 square metres.

This review of planning controls will require the Council to procure a number of studies, such as traffic and transport assessment, engineering assessments, geotechnical and contamination assessment, which will inform the preparation of a comprehensive Masterplan for the Burwood North Precinct.

The Masterplan, Affordable Housing Policy and Contributions Scheme will be a component of the Planning Proposal, which will include amongst other aspects changes in zoning, height and density (FSR) requirements across the Precinct.

As required in the Plan Making process, Council will engage with stakeholders that include landowners, future developers, community interest groups and Councillors etc. who will have diverse interests and views. Council will prepare a stakeholder engagement plan to guide its stakeholder engagement activities. Stakeholder engagement will be undertaken in

a systematic, open and transparent manner while upholding highest probity standards to ensure community confidence in the final recommended Master Plan.

## 5.3. Key Project Milestones

A project timeline with milestones will be publicly available on the Burwood North Masterplan page of Participate Burwood and this page will be used to provide regular updates

## 5.4. Key project documents

Key project documents will be progressively published on the Burwood North Masterplan page of Burwood Council's Participate Burwood site. This will include links to NSW Government sites which provide the strategic background for the Burwood North Master planning process.

All project documentation will be maintained securely by the Council on the Council's content management system.

# 6. Project governance Structure and Key Stakeholders

## 6.1. Governance Structure

The project team managing the Review of Planning Controls consists of:

- Dylan Porter, Director City Strategy
- Rita Vella, Manager City Planning
- Ben Creighton, Executive Strategic Planner.

The project team will oversee the implementation of the project by a consortium of specialists led by Cox Architecture.

The project team will draw on Burwood Council resources, across all Directorates, to progress the project.

The composition of the project team may change as the project progresses in response to project needs.

## 6.2. Council policies related to conduct

Council's policies that have direct relevance to the conduct of the project are:

- Code of conduct policy
- Related party disclosures policy
- Conflict of interest policy
- Gifts and benefits policy
- Internal Ombudsman policy
- Lobbying policy
- Statement of business ethics
- Public interest disclosures policy
- Fraud and corruption prevention policy
- Communications policy
- Social media policy

- Interaction between council official's policy

# 7. Probity responsibilities of project team members

In applying the Probity Principles and Probity Objectives, Centium has established a number of specific Probity Controls as a guide for Project Team Members. These Probity Controls are referred to in Section 9 and related protocols are attached to this Probity Plan.

As well as adhering to specific Probity Controls, all Project Team members must:

- deal with all interested stakeholders and proponents fairly, impartially, transparently and consistently;
- demonstrate compliance with the Probity Principles;
- behave honestly and with integrity;
- not make improper use of project information (confidential or otherwise), or their duties, status, power or authority to gain a benefit for themselves or any other person;
- neither seek nor accept any inducements or offers of employment from any proponent;
- at all times behave in a way that upholds the values, the integrity and the good reputation of the Council;
- implement and maintain physical and technological security and confidentiality of documentation and information;
- assist in accountability and demonstrate an adherence to probity requirements including proper record-keeping and tracking of probity issues consistent with this Probity Plan;
- inform themselves of probity issues to the extent necessary to understand the relevant probity and procedural requirements of the Project;
- comply with relevant NSW Government legislation including the NSW Local Government Act;
- comply with relevant Council policies and procedures as they apply to the Project;
- comply with the Council's Codes of Conduct policy including the Council's key principles and guide to ethical decision making; and,
- ensure that they understand probity and other compliance requirements.

Project Team Members are required to use this Probity Plan to become familiar with those aspects of probity and process that are related to their duties, to know when and how to deal with those issues, and to understand when and how and they should seek advice from the Probity Advisor.

# 8. Probity Advisor

The Probity Advisor is an independent specialist advisor to the Project. This independence is essential for the proper exercise of the probity function.

The engagement of a Probity Advisor does not relieve the Project Team Members, consultants and contractors and council staff of their probity responsibilities.

In taking a proactive approach to probity, the Probity Advisor and all Project Team Members must take care to ensure that the Probity Advisor remains independent of the actual conduct of the Project. This is a shared responsibility.

Should a Project Team Member, stakeholder, proponent or interested party have any concerns about probity issues at any time they are required to immediately advise the Probity Advisor.

The Probity Advisors and their contact details are set out in the *Project Information Schedule*.

Communications with the Probity Advisor are confidential unless otherwise agreed or as required by law. Communications with the Probity Advisor should be sent to the Probity Advisor at their email address set out in the Project Information Schedule.

# 9. Probity Risk and Controls

The Probity Advisor will undertake an initial probity risk analysis for the Project and issue to the Council a Probity Risk Register.

To address the specific and general risks identified the following Probity Controls should be adopted. The table below is an outline of the applicable Protocols and other project standards that should be followed as Probity Controls for the Project.

The Project Information Schedule may contain additional Probity Controls or modify these standard Probity Controls.

## 9.1. Risks

1. Stakeholder(s) with an interest in the development of the Precinct are not engaged effectively.
2. Stakeholders are not provided information equitably resulting in some stakeholders not being presented with the same fact-base about the project.
3. Stakeholder(s) feel that their concerns have not been heard.
4. Stakeholder(s) influence the Master Planning process to their advantage over those of other stakeholders.
5. Councillors influence the Master Planning process as part of the Council's oversight process
6. Intellectual property shared with the Council is not handled in a manner that reflects the requirements of the intellectual property owner, e.g. it is used for purposes other than for Master Planning, is made public when it is provided in confidence etc.
7. Issues are not assessed impartially according to a predetermined framework to ensure achievement of the strategic goals for the Precinct.
8. Uncertainties in the development of the Master Plan are not recognised properly and handled accordingly.
9. Lead consultant personnel do not carry out the project diligently, in an unbiased manner, and are influenced by outside interests.
10. Council is unable to account for the basis of the final recommended Master Plan.

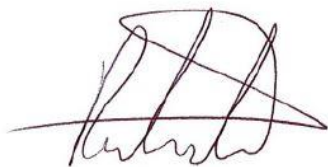# 10. Scope, Services and Key Deliverables

The following table identifies the roles, services and deliverables to be performed by the Probity Advisor and the related delivery method. The documents that will be maintained and stored by the Probity Advisor are highlighted in **orange**.

| Service/Deliverable | Delivery Method |
|---|---|
| Probity Plan | • Centium is preparing this Probity Plan in fulfilment of the service. <br> • The Probity Plan will identify the Probity Controls for the Project. <br> • The Probity Advisor will liaise with the Project Team to implement the Probity Controls. <br> • The finalised Probity Plan will be delivered to the Organisation and a copy will be stored by the Probity Advisor. |
| General process oversight | • The Probity Advisor will oversee the processes implemented by the Project Team generally as an independent observer. <br> • The Probity Advisor has identified the Probity Controls that apply to the Project having regard to the initial probity risk. The Probity Advisor will work with the Project Team to develop and work towards consistent compliance with the Probity Controls. <br> • A Register of relevant Probity Controls will be maintained by the Probity Advisor. |
| Process oversight: attendance at meetings | The Probity Advisor will: <br> • attend stakeholder engagement meetings (industry or public briefings) as required; <br> • attend other meetings as requested by the Project Team; <br> • where appropriate give a short introduction that touches on the relevant Probity Principles; <br> • liaise with the Project Manager to determine the meeting schedule and if specific Probity Principles or concerns are to be discussed; and, <br> • maintain a record of meetings attended. |
| Probity advice | • The Probity Advisor will provide ad hoc and formal advice on (potential, actual and perceived) probity issues or breaches and will assist the Council and the Project Team on all matters related to probity, compliance and standard operating procedures. <br> • The Probity Advisor will maintain a record of all probity advice. |
| Manage probity issues | • The Probity Advisor will manage probity issues by maintaining a Probity Issues Register of all potential, perceived and actual probity breaches, provide advice to manage probity breaches and provide recommendations to avoid recurrence of probity breaches. <br> • All issues will be managed having regard to relevant Probity Controls and will be reviewed by the Probity Advisor. <br> • Project Team members, Specialist advisors, consultants and contractors, and Proponents may report any probity related issues to the Probity Advisor. |
| Reporting | The Probity Advisor will prepare and provide: <br> • an interim probity report if required; and <br> • a final project probity report following completion of the Master Plan at the end of the Project. |

## 11.  Acceptance of this Probity Plan

This probity plan is accepted by:

Signed by the authorised delegate named below for and on behalf of **Burwood Council** but not so as to incur any personal liability:

Signed for and on behalf of **Centium Pty Ltd ACN 646 309 015**:

Signed

| | |
|---|---|
| **Name**:  Dylan Porter | **Name**  Alok Ralhan |
| **Title**:  Director City Strategy | **Title**  Probity Advisor |
| **Date**:  17 November 2022 | **Date**  15 November 2022 |

## 12.  Document Control and Amendments

This probity plan may be amended if required by the Council, with the consent of the Probity Advisor, provided the reasons for amendment are clearly documented and have been approved by the Council prior to implementation.

| Date | Version | Details | Author | Approved |
|---|---|---|---|---|
| 07/10/22 | DRAFT 0.9 | Draft Probity Plan release for comment | AR | AR |
| 09/11/22 | DRAFT 0.95 | Comments incorporated; released fir finalisation | AR | AR |
| 15/11/22 | FINAL | Final check | AR | AR |

# Attachments

## A1. Attachment – Glossary

The following capitalised terms, if used in this Probity Plan (including associated attachments annexures, controls and protocols) will have the meaning assigned to them in the following table unless the context otherwise requires. Some capitalised terms that are defined in a particular part of the Probity Plan should be read as importing the same meaning throughout the Probity Plan (including associated attachments, annexures, controls and protocols).

| Term | Meaning |
|---|---|
| **Agencies or Agency** | NSW Government departments and agencies |
| **Code of conduct** | The following codes of conduct and policies:<br>• Council Code of Conduct<br>• Statement of Business Ethics<br>• Conflict of Interest Policy; and<br>• Related Party Disclosures Policy<br>• Lobbying policy<br>• Public interest disclosures policy<br>• Fraud and corruption prevention policy |
| **Communications Manager** | The Project Manager. |
| **Confidential Information** | All information relating to the Project that is not public information. This includes submissions made by stakeholders who request that their identifying details are not disclosed. |
| **Confidentiality and Conflict of Interest Undertaking** | Means the Council's confidentiality and conflict of interest undertaking as amended from time to time, which must be signed by Project Team Members and Advisors prior to being involved in the Project. |
| **Confidentiality and Process Deed Poll** | Confidentiality and Process Deed Poll |
| **Conflict of Interest** | A conflict of interest exists when a reasonable person might perceive that a public official's personal interest(s) could be favoured over their public duties. |
| **Conflict of Interest Declaration** | A written declaration of any Conflict of Interest provided by a Project Team Member, member of the lead consultant or contractors in respect of the Project whether or not set out in the Confidentiality and Conflict of Interest Undertaking. |
| **Conflict of Interest Register** | A register recording all Conflict of Interest notifications and any applicable management plans |

| | |
|---|---|
| **Assessment Plan** | Means (as applicable) process and standards used to assess issues, concerns and feedback obtained from stakeholders. |
| **Governance Officer** | The person in the Organisation designated as the governance officer for the Project or, in the absence of such a person, the Project Manager |
| **Panel Chair** | Means a person who resolves assessment of issues, concerns and feedback that is not settled by the project team. The Chair of the Project Team is the Panel Chair in the event another person is not designated as Panel Chair. |
| **Probity Advisor** | A properly qualified person appointed by Centium to provide probity advice for a Project as set out in the Project Information Schedule. |
| **Probity Issue Register** | A register in which any probity issues that arise during the Project are recorded. |
| **Probity Principles** | The probity principles set out in Section 2. |
| **Project Information** | All hard copy and electronic documents, including plans, specifications and financial data which is collated to provide information in relation to the Project. |
| **Project Manager** | A person appointed by the Council who is responsible for planning execution, monitoring, control and management of the Project and is the person identified in the Project Information Schedule. |
| **Project Team** | The Staff and contractors employed or engaged by the Council to manage the Project as set out in the Project Information Schedule. |
| **Project Team Member** | Means a member of the Project Team. |
| **Protocols** | The probity protocols that are attached to this Probity Plan |
| **Staff** | Any employee (whether part or fulltime), including a contractor, consultant or subject matter expert, of the Council or engaged by the Council and includes Project Team Members. |
| **Stakeholder** | Any person, entity or party who has or may have a direct or indirect interest or involvement in the Project. |
| **Team Member** | Any Staff designated by the Organisation to work on the Project and includes all members of the Project Team and the Evaluation Panel. |

## A2. Attachment – Project Information Schedule

This Project Information Schedule is to be attached to a copy of the Probity Plan for filing with the Project records.

| Item | Details |
|---|---|
| **Project Name** | Review of Planning Controls: Development of the Burwood North Precinct Masterplan |
| **Burwood North Precinct details** | The Burwood North Precinct is bound by Wilga Street and Burwood Park to the south, Parramatta Road to the north, Shaftesbury Road to the east and Grantham Street to the west. This has extended the precinct southwards from Meryla Street and westwards from Park Streets, when compared against the original PRCUTS boundary. Burwood North extends into the Canada Bay local government area, located on the northern side of Parramatta Road. See Figure 1. |
| **Council reference to project** | F22/636 |
| **Document Repository Location** | Burwood Council Content Manager |
| **Project Sponsor/Executive** | Dylan Porter, Director City Strategy |
| **Project Control Group** | Burwood Council's Executive Group |
| **Project Manager for the development of the Master Plan** | Rita Vella, Manager City Planning Project/Lead consultant: Cox Architecture |
| **Probity Advisor Name and Contact Details** | Alok Ralhan alok.ralhan@centium.com.au +61 412 800 815 |
| **Specific Risks Identified and Specific Probity Controls** | Nil |

The following Protocols and Controls detailed in the Probity Plan will be used in this Project. Additional Protocols and Controls may be added throughout the project if required.

| Included | Control/Protocol |
|----------|------------------|
| Y | Conflicts of Interest Protocol |
| Y | Probity Issues Register |
| Y | Burwood Council IT Security Policy Applies |
| Y | Stakeholder engagement plan |
| Y | Keeping Adequate Records Protocol |

**Other Information:** Nil

# Controls and Protocols

## C1.    Protocol for Managing Conflicts of Interest

A Conflict of Interest is a situation in which a private or personal interest may influence, or may appear to influence, the objective exercise of duties by a Team Member.  Conflicts of Interest may be apparent or potential as well as actual.  This protocol is in addition to any obligation persons may have under relevant legislation or statue or policy issued by the Organisation.

It is a requirement that:

- Conflicts of interest are specifically addressed in the planning stage of the Project to ensure that all Team Members understand what a Conflict of Interest is; the situations in which a Conflict of Interest can arise; and
- the procedures to be followed in the event of a conflict of interest, be it actual or apparent.

**Declaring a situation which may give rise to a conflict of interest**

If, at any time during the Project, a Team Member is accused of an apparent or actual conflict of interest or has some concern that a situation or set of circumstances may give rise to an apparent or actual conflict of interest, the Team Member must immediately notify the Probity Advisor making full disclosure of all relevant information relating to that situation or set of circumstances.

Team Members are not empowered to determine whether a situation or set of circumstances constitutes a Conflict of Interest. The responsibility for this rests with the Probity Advisor.

The application of a Code of Conduct to a Team Member does not derogate from their obligation to adopt and follow the principles for managing Conflicts of Interest.

**Declaring a third party's conflict of interest**

If, at any time during the Project, a Team Member becomes aware or suspects that a situation or set of circumstances, involving a Stakeholder or proponent, which may give rise to an apparent or actual Conflict of Interest, the Team Member must immediately notify the Probity Advisor, making full disclosure of all relevant information relating to that concern or suspicion. The Probity Advisor must treat such notification as anonymous.

**Conflict of Interest register**

The Probity Advisor must maintain the Conflict of Interest Register to record each Conflict of Interest Declaration and any notifications or changes.

**Assessment and Management**

Upon receipt of a notification that a Conflict of Interest may have arisen, the Probity Advisor must assess whether the issue is likely to, or is likely to be perceived to, have the potential to interfere with proper decision making, and, whether it needs to be specifically managed.

If a Conflict of Interest is identified but classified as non-material by the Probity Advisor, the Probity Advisor will record in the Conflicts of Interest Register the details, the determination and any management action taken to prevent any perception that the conflict was material and influenced any relevant decision.

If a Conflict of Interest is identified and classified as material by the Probity Advisor, the Probity Advisor will record in the Conflict of Interest Register the details, the determination and implement appropriate strategies to manage the interest, relative to the nature and seriousness of the conflict to prevent any perception that the conflict influenced any relevant decision. This may require the Team Member to be reassigned to other duties until the matter is resolved.

Where a Conflict of Interest has been declared, regardless of the materiality of the interest, the Probity Advisor should ensure that the notification form is forwarded to the Organisation's Governance Officer or in their absence, the Project Sponsor.

**Documenting Conflicts**

The Probity Advisor must document in the Register how it addresses the related interests of persons involved in the Project. This will enable the Organisation to clearly show, if questions are asked about the probity of decision making, how a related interest did not interfere with proper decision making and helps increase the transparency of the process.

**Updating Interest Declarations**

During the course of the Project, situations can change, thus requiring Conflict of Interest Declarations to be updated. For example, different and additional private sector parties might have become involved in the Project. Team Members should review their Conflict of Interest Declarations on a regular basis (preferably at least every two months and after receipt of submissions to an EOI or RFT) to identify if they need updating or if earlier Conflict of Interest Declarations have become more relevant and need to be addressed. If they become aware of a Conflict of Interest at any time during the course of the Project, they must immediately notify the Probity Advisor as soon as they become aware.

**Meeting agenda item**

The agenda for every meeting of the Project Team should include a consideration of the status of conflicts of interest of Project Team Members as a standard agenda item at the start of the meeting.

**Gifts, benefits, Inducements and Offers of Employment**

Team Members must not accept a gift or benefit that may be regarded by the public as likely to influence the performance of public duties. Team Members must immediately inform the Probity Advisor if offers of gifts, hospitality or other benefits are made. This is to ensure that no perceived or real compromise or Conflict of Interest exists. A perception of undue benefit or inappropriate gain can be easily generated by the acceptance of gifts or hospitality.

If Team Members are approached by a Stakeholder or proponent regarding the possibility of employment during or after the Project, that Team Member must notify the Probity Advisor.

## C2. Protocol for Probity Issue Management

A Probity Issue is any event, situation or set of circumstances that may affect the core probity elements and/or the specific probity elements of the project including:

- Fairness
- Impartiality
- Accountability
- Transparency
- Value for Money.

Although the situation or breach may be subject to Organisational reporting, it should also be reported to the Probity Advisor.

For clarity, a Conflict of Interest is also a Probity Issue. Unless a separate Conflict of Interest Issue management protocol is in place, Conflict of Interest Issues will be managed according to this protocol.

**Requirement to Report Issues**

All Project Team Members are required to report any event, situation or set of circumstances that may give rise to a Probity Issue.

All Project Team Members are required to report any event, situation or set of circumstances that may give rise to a Conflict of Interest either for them or any other team member.

Probity issues should be notified to the Probity Advisor either using the form provided by the Probity Advisor, or, by email (*Probity Issue Notification*). A sample Probity Issue Notification form is attached.

**Recording and Managing Probity Issues**

On receipt of a Probity Issue Notification, the Probity Advisor is required to:

- record the event, situation or set of circumstances in the Probity Issue Register as a reported Probity Issue;
- assess the Probity Issue to determine whether there is a need for further action including:
- reporting the issue to relevant internal or external authorities
- developing an Issue Management Plan
- raising the issue within the project governance structure
- provide ongoing management of the Probity Issue in accordance with any agreed Probity Issue Management Plan and in collaboration with any Agency or Organisation as required in the Issue Management Plan;
- raise awareness of the Probity Issue, if appropriate, at Project meetings;
- update project information, such as Risk Registers, as required; and
- provide a report on all Probity Issues to be included with the Probity Report(s).

**Sample Notification Form**

The following is a sample form to notify a Probity Issue by email. It is not required that this form is used but it is required the details identified on the form are included in the email notification:

| PROBITY ISSUE NOTIFICATION | |
|---|---|
| **Project:** | **Project Manager:** *(if known)* |
| **Issue Originator:** *(Name and contact details)* | **Date Raised:** |
| **Issue Description:** *(Brief description of the event, situation or set of circumstances)* | |
| **Perceived Impact/Risk:** *(Brief assessment of the impact to or risk to the project of the reported issue)* | |
| **Recommended Actions:** *(if any)* | |
| **Supporting Documentation:** *(Attach to email if possible)* | |

## C3.    Maintaining Records Protocol

During the Project, a database must be maintained that contains sufficient information to enable audits and independent review to be conducted. Any departures from this practice should be justified based on sound and well documented reasons and should be approved by the Senior Project Manager and the Probity Advisor.

A record of contacts with Stakeholders and proponents should be maintained on the database.

Records of discussions of meetings with any Stakeholders and proponents should be taken and filed on the database and should reflect sufficient detail to identify the substantive issues and the key action items.

The key information that should be maintained on the database includes:

- documents that provide a history of the Project;
- all strategic planning documents;
- all Project related plans;

- all Project related technical plans;
- all notices of meetings;
- the Probity Plan;
- all Probity Reports;
- communications with stakeholders;
- minutes/record of discussions of briefings and meetings;
- all confidentiality undertakings / agreements; and
- all conflicts declarations and associated conflicts management plans.

## C4.    Protocol for stakeholder engagement

Consultation with stakeholders will be carried out according to the requirements set out in the Community Participation Plan.

Council will follow the procedure for engagement set out in the Burwood North Precinct Community Engagement Plan. The following procedures form part of the stakeholder engagement process:

- Providing background information and confirming how feedback/comment received will be handled and that a commitment cannot be made regarding any particular outcome of the process;
- Requiring registration for targeted engagement events with contact details, organisations they represent and their interest (such as community member, landowner, resident, business owner in the Precinct, service provider, developer etc);
- Encouraging those attending a drop-in engagement session to register their details and interest;
- Attendees agree to any procedural aspects of the meetings, such as recording of proceedings.
- All feedback/comment should be identified with stakeholder details. Where stakeholders do not wish to be identified or their feedback not to be shared publicly, processes should be adopted to act on these requirements.

## C5.    Addendum – Cox's Probity Commitment

The lead consultant (Cox Architecture) will also comply with this probity plan and will put in place controls and processes to ensure that all probity values described in this document are observed.