



Urban
Growth
NSW

UrbanGrowth NSW Policy

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Contents

UrbanGrowth NSW Policy	1
Our Code of Conduct	4
Who is responsible for ethical behaviour?	4
How do we detect misconduct?	4
Conflicts of interest	6
Making ethical decisions	7
What is probity and ethical behaviour?	7
Probity standards	7
What is our ethnic affairs policy?	8
Preventing fraud and corruption	9
Can we give political donations or gifts on behalf of UrbanGrowth NSW?	9
Can we receive gifts?	9
Protecting privacy	10
Collecting personal information	10
Using personal information	11
Keeping and securing personal information	11
Disclosing information	11
How do we handle compliments and complaints?	13
How do we manage our retail sales?	14
Methods of sale.....	14
Customer contacts	14
Priority numbers	14
Reservations, deposits and bonds	14
Buying land using Landcom’s Priority Numbering System	16
Showing your interest.....	16
The day of release	17
How do we select and engage builders?	18
Accounting	19
What are our accounting policies?	19
What is our policy on paying accounts?	19
Community relations	20
How do we support local communities?.....	20
How do we support charities?	20
What kinds of donations do we make?	20
What kinds of sponsorship do we commit to?	21
Environmental management	22

Moderate income housing	23
Urban design	24
Procurement	25
What procurement principles do we adopt?	25
How do we procure goods and services?	25
How do we monitor performance of our contractors and consultants?	25
Managing our records	26
Why do we have to keep and manage records?	26
Business continuity	27
Communicating during and after a crisis or emergency	27
Establishing our voice	28

Our Code of Conduct

UrbanGrowth NSW places paramount importance on integrity, probity and the promotion of a positive and responsive attitude. Our Code of Conduct supports these values and is issued with the full support of the UrbanGrowth NSW Board and the Managing Director.

We do everything in our power to protect public assets by ensuring that all of our dealings are honest, ethical and businesslike and our policies help us detect fraud and corruption as quickly and efficiently as possible.

Staff are expected to familiarise themselves with and abide by, all applicable rules and procedures in operation within UrbanGrowth NSW, and to comply with the legal and regulatory requirements applicable to UrbanGrowth NSW.

To safeguard against breaching this requirement, staff should ensure they follow the rules and procedures contained in the relevant manuals and operating guidelines, and if still in doubt they should seek the advice of their manager.

Each member of staff commits to following the corporate Code of Conduct.

Who is responsible for ethical behaviour?

All permanent, temporary or contract staff are required to follow the Code of Conduct. We are given a copy of the Code of Conduct during our induction and we are required to sign that we understand and will abide by the Code at all times. Everyone is expected to act in an ethical, accountable manner and to take care of public assets.

From time to time, such as during reviews, appraisals or changes of duties, we reaffirm that we understand this Code. If we are ever unsure whether an action or decision breaches this Code, we can discuss the matter with our manager or the Chief Operating Officer.

The Chief Operating Officer is our Fraud and Corruption Prevention Coordinator, who has particular responsibilities for preventing and detecting corruption within UrbanGrowth NSW, and for implementing our Fraud and Corruption Prevention Strategy.

The Executive coordinates, monitors, reviews and promotes the Code of Conduct strategy.

How do we detect misconduct?

As part of our risk and quality assurance process, the Audit Office of NSW conducts independent audits of our financial, operational and control activities to help prevent fraud and corrupt conduct. The NSW Audit Office reports its findings to our Board's Audit and Risk Management Committee.

In addition, the Audit and Risk Management Committee prepares an annual internal audit plan to review and continually improve our business system compliance. We engage an external party as our internal auditor to conduct reviews on the accuracy of our processes and transactions, and compliance with policies and laws.

We use probity auditors for strategic or complex processes and negotiations. This gives our third-party dealings greater integrity, and avoids real or perceived conflicts and charges of bias or favouritism.

We lessen the possibility of misconduct through having staff work cross-functionally, using formal delegations and separating certain work duties. We also follow the Workplace Surveillance Act 2005 which allows us to conduct formal staff surveillance.

Conflicts of interest

We comply with the requirements of the Public Finance and Audit Act 1983 and Treasurer's directions relating to conflicts of interest. Members of the Board, the Executive, and our independent chairmen complete Declarations of Interests and Associations which are assessed and managed in order to maintain UrbanGrowth NSW's ethical framework. These Declarations are required annually, and whenever changes occur.

Making ethical decisions

What is probity and ethical behaviour?

Our ethical behaviour is fundamental in all aspects of our business activities. It encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency.

We display probity through our honest conduct and ethical decision making and in doing so we:

- avoid the potential for corrupt practice
- improve financial results
- minimise conflicts and the potential for litigation
- ensure our decisions are accountable, transparent and confidential.

Probity standards

Our probity standards are in line with:

- NSW Treasury's Code of Practice for Procurement
- ICAC guidelines.

What is our ethnic affairs policy?

We aim to be a leader in creating better communities by delivering quality urban developments with high and sustainable social, environmental and economic standards.

In doing this, we recognise and respect the culture, language and religion of others by:

- promoting interpretation and translation services when delivering our marketing and sales material, including electronic information delivery
- having a customer service culture, and a translator where needed, to better meet customers' and residents' needs and explain our development activities
- consulting extensively with the community and other stakeholders before, during and after a project.

Preventing fraud and corruption

We do not tolerate any act of fraud or corruption and we are committed to maintaining an organisational culture that conducts business honestly and ethically, within our Code of Conduct and the law.

Can we give political donations or gifts on behalf of UrbanGrowth NSW?

We do not make political donations of any value or kind including, but not limited to, money or items on behalf of UrbanGrowth NSW.

We are NOT permitted to give gifts of any value or kind on behalf of UrbanGrowth NSW other than token promotional consumer gifts (e.g. branded marketing materials) which must be approved by the Head of Division.

Can we accept gifts?

We are NOT permitted to accept gifts of any value or kind including, but not limited to, hospitality, gifts (except token promotional items such as a pen, mug, and mouse pad), gratuities or donations.

Should an employee of UrbanGrowth NSW receive a gift, they are required to politely decline, return it to the sender, and advise the sender of our zero tolerance gifts policy and that it will be recorded in our Gifts Register.

Protecting privacy

We are committed to protecting the privacy of the public, customers, clients and our staff. Two key laws regulate how we handle personal information:

- Privacy and Personal Information Protection Act 1998 (the NSW Privacy Act)
- Privacy Amendment (Private Sector) Act 2000 (the Commonwealth Privacy Act).

Collecting personal information

We can collect personal information that legally and directly relates to our activities or functions, and that is both reasonable and necessary.

Unless it is for court or tribunal proceedings, we only collect information directly from a person if:

- they have authorised someone else to give us the information
- they are under 16, and it comes from a parent or a guardian.

We only collect information about people that:

- is accurate
- is up to date
- is complete
- does not intrude unreasonably on the person.

We cannot collect personal information:

- illegally
- excessively
- beyond the scope of our activities
- outside the identified purpose.

People have the right to refuse a request for information or only to answer it in part, except where:

- we are investigating a complaint which we may refer to an investigative agency
- we are legally authorised to collect the information
- a refusal may prejudice a person's own interests.

To help them decide what information they should supply, we tell them:

- that we are collecting it
- the reasons for it
- who will receive it
- if it is voluntary or a legal requirement
- what will happen if they do not give it to us
- their right to access or correct it.

Using personal information

We only use information that we collect for the stated purposes we said it is for. We only use it for a different purpose if:

- the person agrees
- its purpose directly relates to that different purpose
- it could prevent or reduce a serious and imminent threat to someone's life or health.

We may use information for another purpose where we are:

- investigating a complaint which we may refer to an investigative agency
- within the law to do so.

Keeping and securing personal information

We make sure that we:

- do not keep it longer than is necessary
- dispose of it in a secure way
- use reasonable security to safeguard it against loss, unauthorised access, use, modification, disclosure and misuse
- do not use or release personal information in an unauthorised way.

Disclosing information

We do not release a person's information unless:

- it directly relates to the reason why it was collected, and there is no reason to believe the person will object
- the person would believe that the information is usually shared in that way
- it could prevent or reduce a serious and imminent threat to someone's life or health.

We may release information where:

- the person agrees
- it is part of law enforcement proceedings
- it is covered by a subpoena, search warrant or other instrument
- it is being referred to an investigative agency
- it is for another agency with the same Minister
- it is for an agency under the Premier, or for informing the Premier.

We do not release personal information about:

- ethnic or racial origin
- political opinion
- religious or philosophical belief
- trade union membership
- health or sexual activities.

How do we handle compliments and complaints?

Stakeholders are invited to send us feedback (by phone, fax, email or mail) expressing views about their experience with us. When we receive a complaint we respond in an attentive and timely manner and follow the guidelines set out in the Procedures for Handling and Registering Compliments and Complaints and the NSW Ombudsman's guidelines.

When we receive a complaint we register it and assign an appropriate person to respond to the complainant and resolve the issue in a timely manner.

How do we manage our retail sales?

Methods of sale

We determine the method of sale by the extent of public interest or demand in a precinct. If we deem that demand will exceed supply, we may issue priority numbers or auction the lots, in part of, or the whole, of the sales release.

Customer contacts

We ask all prospective purchasers who express an interest in a precinct to provide contact details. We add these details to the Customer Contact List we keep in the precinct folder at the sales office.

When a sales release date is set for a precinct, the Landcom sales team will send to all the prospective purchasers on the Customer Contact List:

- details of the release date
- a preliminary sales plan, if available
- a 'Buying your Landcom home site' brochure which includes notification that a high demand for lots may require the issuing of priority numbers before the sales release day.

The details of the sales release are also publicly advertised.

Priority numbers

If, before the sales release day:

- we anticipate that the sales release will attract campers, or
- people are camping in readiness to reserve a lot,

the UrbanGrowth NSW representative seeks approval from the Development Director and General Manager to issue priority numbers from 4 pm on that day.

The priority number process is detailed in the consumer guide below.

Reservations, deposits and bonds

We accept reservations only from the intended end purchaser. We do not permit the use of nominees.

Where the purchaser is a company, the specific company that is acquiring the land must make the reservation.

If a purchaser wishes to have a person act as agent on their behalf, they are to submit written authority at the time of reservation with the nominated name and other identifying details of the purchaser.

Prospective purchasers pay an administration fee that is normally non-refundable. The administration fee forms part of the lot's purchase price once it is exchanged, but is forfeited if exchange does not occur.

Subject to the terms and conditions of the sale approved by the General Manager, a prospective purchaser can transfer the administration fee to another available lot at any time up to 14 days after reservation.

When a purchaser transfers a reservation to another lot the terms and conditions of the original reservation are also transferred, so that the exchange date and settlement date remain unchanged.

If the purchaser wants to transfer the reservation to another lot after the specified 14-day period (or other approved period):

- the administration fee is forfeited
- the reservation is cancelled
- the lot is returned to the Price List
- a new reservation is processed for the new lot.

A client can transfer the reservation to another client name at any time up to exchange, except in the case of reservations taken using either the Priority Number System or ballots. This client transfer is registered in our Land Information System (LIS).

Unless a special promotion states otherwise, retail and wholesale customers pay a minimum 5% exchange deposit on lot purchases. UrbanGrowth NSW (Landcom) accepts deposits in:

- cash
- a personal cheque
- a financial institution's cheque
- a deposit bond.

When we accept deposit bonds, we advise purchasers that acceptance of the bond is subject to approval by our legal team, which must approve it before exchange. In the case of partnered projects or joint ventures, the Project Management Committee decides whether to accept a deposit bond.

Purchasers pay their deposits when the contracts exchange, including at an auction. In the event of default, purchasers forfeit their deposits, in their entirety, and we reserve the right to sue for damages.

Purchasers who are late in settling contracts incur interest based on a floating interest rate. We calculate this at 2% a year above the Commonwealth Bank of Australia's rate for overdrafts above \$100,000. The General Manager Finance and IT determines the rate each quarter and the Legal team calculate the interest on each sale.

Buying land using Landcom's Priority Numbering System

PLEASE NOTE: This Priority Numbering System is only available to individuals. The system is not available to companies, trusts or other corporate structures. Building companies are excluded from purchasing lots on the first weekend of sale.

How lots are sold

Most Landcom sales are made on a “first come, first served” basis. However, when there is a high demand for our lots, we may take steps to ensure that sales are conducted in a manner that is orderly and fair for everyone, particularly when prospective purchasers begin to queue at the sales centre before the day of release.

In these cases, Landcom reserves the right to implement a Priority Numbering System.

Showing your interest

You can express your interest in a project prior to its sale by joining our customer database for the project. You will need to provide some basic contact information either via an online form, at the Landcom Sales Centre or over the telephone. We will then contact you when lots in that project are about to be released for sale.

Simply joining our database does not give you preference over another purchaser to buy a lot. The database is only used to provide you with information.

Priority number issuing

New releases are advertised in the press and online as well as by email notification to those on the database.

Should people decide to queue for a lot at any time prior to the release, Landcom reserves the right to implement the following priority number process;

- Where a queue has formed outside of the Sales Centre operating hours, numbers will be issued when the Sales Centre opens in the order of the queue. The first number will be issued to the first person who attends at the Sales Centre and so on down the queue. Numbers will be issued during Sales Centre hours up until the closing time of the Sales Centre on the day before the release.

- A “Priority Numbers and Names list” will be placed on the door of the Sales Centre listing the names of prospective purchasers and their nominated lots in priority number order so that you can check your position in the queue.
- To obtain a priority number, you must nominate the lot you wish to purchase. Each person may only nominate one lot and will only receive one priority number. Each lot can only be nominated once. Once all lots have been nominated priority numbers will still be issued to those attending the Sales Centre, but with no lot number shown.
- If you wish to change your nominated lot prior to the day of sale, you will forfeit your original priority number and be given the next available priority number. The lot you originally nominated will then not be available for nomination or reservation until the day of sale.
- Ensure that the name/s on the priority number sheet is/are the exact name/ under which you will exchange contracts and settle you purchase. You cannot change these details at any time.
- If you are unable to attend the issuing of the priority numbers, another person may obtain the number on your behalf if they provide a signed “Authority To Obtain a Priority Number” form. This form, which authorises your representative to act on your behalf, is available from the Landcom Sales Centre or at:
<http://www.landcom.com.au/downloads/file/places/AuthoritytoObtainPriorityNumberandReserveLotFINAL.pdf> .

The day of release

When your priority number is called you should:

- Confirm whether you still wish to purchase your nominated lot; or
- Confirm that you wish to purchase another lot made available by the earlier withdrawal of a prospective purchaser whose nominated lot was higher on the list; or
- Cancel your nomination in which case you will forfeit your priority number.

When you have confirmed your intent to purchase a lot, you should:

- Confirm your identity (drivers license or passport)
- Pay a \$300 non-refundable administration fee (\$500 at Oran Park Town)
- Receive a Client Reservation Notice which will be in the exact names as on your priority number

Your purchase will then proceed as normal through to the exchange of contracts and settlement.

How do we select and engage builders?

We use various mechanisms to allocate lots to builders, including:

- ballots
- allocation on a first come basis
- expressions of interest and tenders based on design and/or price option agreements.

We require builders to comply with all of our legal requirements. In addition:

- call option fees must be consistently applied. The standard fee is \$1,000 for call options and 5% of the purchase price for 'put and call' options
- builders are appointed as the principal contractor for each of the sites.

Accounting

What are our accounting policies?

Our accounting policies are set out in our annual report.

We comply with relevant policies, circulars and directions distributed by the NSW Treasury:

- NSW Treasury Policy Papers (TPPs)
- NSW Treasury Circulars (TCs)
- Treasurer's directions.

What is our policy on paying accounts?

We comply with Section 18 of the Public Finance and Audit Regulation 2000, and ensure that all accounts we receive for payment are paid on time. If a supplier's contract does not stipulate a time of payment, we make payment by the end of the month following the month in which the account or statement is received. We exercise the option of a discount for early payment, whenever possible.

Community relations

How do we support local communities?

We support local communities by:

- providing public facilities in our developments
- sponsoring community events
- supporting charities.

How do we support charities?

When providing our support to a charity, we base our decision on the following criteria:

- clearly benefits the community
- widely accepted in the community
- able to work towards meeting one of its aims with our support
- enhances our reputation
- it is registered
- enters into an agreement with us with regard to our level of support
- agrees that we can investigate any third party they wish to use (such as a builder, who may be involved in the donation)
- consults with us before publicly promoting our support.

What kinds of donations do we make?

We consider requests for two types of significant donations:

- land at no cost
- land on favourable terms.

Depending on our financial position and approval from the Board, we make donations of land at no cost. We grant no more than one request for a land donation every two years.

What kinds of sponsorship do we commit to?

We work to an annual sponsorship budget with sponsorships covering two major groups:

- Community – this includes community events and services, charities, land donations or community facilities where UrbanGrowth NSW projects operate
- Industry – this includes state wide industry groups, Governing bodies or industry associations with common or similar business objectives to UrbanGrowth NSW.

Details of our sponsorship strategy and approval process are available on the UrbanGrowth NSW website.

Environmental management

We are committed to responsible environmental management. We comply with the requirements of AS/NZS ISO 14001, the Australian / New Zealand Standard for Environmental Management Systems and use an Environmental Management System (EMS).

We also aim to achieve environmental objectives on behalf of the community through our:

- Water Sensitive Urban Design Policy
- Energy Smart Communities Policy.

Details of these policies are available on our website.

Moderate income housing

In an effort to achieve diverse communities we aim to deliver 7.5% of our total land and/or housing product each year as moderate income housing where it is commercially viable.

Earnings and interest rates determine housing affordability. We calculate the moderate income housing price points each year using current interest rates and the earnings data released by the Australian Bureau of Statistics. We publish our annual performance in the annual report.

Urban design

We publish our design guidelines on our website in an effort to influence good urban design for our communities.

Procurement

What procurement principles do we adopt?

We comply with the principles of the New South Wales Government Code of Practice for Procurement and the competition thresholds set by the Board when procuring works, goods and services. All UrbanGrowth NSW employees conduct their procurement activities in a way which delivers sound commercial decisions, high standards of probity and compliance with UrbanGrowth NSW's Code of Conduct.

The key principles underpinning procurement that we have adopted are:

- value for money - being the benefits received compared to whole of life costs
- efficiency and effectiveness
- probity and equity
- effective competition.

How do we procure goods and services?

In procuring works, goods and services, we ensure that we:

- comply with our legal obligations
- have in place a robust framework and guidelines that provide a consistent approach to procurement
- undertake our procurement in an ethical manner and ensure the observance of probity throughout the procurement processes
- provide equal opportunity for suppliers to contract with us in the provision of works, goods and services
- identify and manage risk throughout the procurement process
- ensure we and our suppliers comply with the obligations of the contracts that we enter into.

How do we monitor performance of our contractors and consultants?

We monitor the performance of contractors and consultants by completing a [Consultant Performance Evaluation Report](#) or a [Contractor Performance Evaluation Report](#) and provide the findings of these reports to the contractors and consultants. Copies are sent to the UrbanGrowth NSW Contract Manager to keep on record.

Managing our records

We comply with the State Records Act 1998 and State records regulations for keeping, managing and destroying records. We provide access to our information in accordance with our responsibilities under the Government Information (Public Access) Act 2009 (GIPA Act).

Why do we have to keep and manage records?

Keeping and managing State Government records ensures:

- the information contained in the records is readily and easily accessible to support business activities
- there is evidence of decisions and actions taken.

The records we keep have continuing administrative, financial, legal, evidential or historic value to the business and the government. We store or register all our documents that are State records in Objective.

Business continuity

Our Business Continuity Management plan uses the guidelines of Standards Australia HB 221:2004.

Communicating during and after a crisis or emergency

The General Manager Corporate Marketing prepares a strategy, plan and procedures to communicate with staff, stakeholders and the media in the event of a crisis or emergency.

The plan includes:

- a list of stakeholders to be advised, when and by whom
- communication modes
- reporting arrangements
- control and coordination arrangements
- roles and responsibilities within the communications team.

Establishing our voice

We write in plain English and balance the needs of all our different readers, such as the general public, community partners, government agencies and members of parliament. We use language that suits the purpose and audience and we present information in a clear, direct style so that it can be understood in the way that it is intended.

We recognise the importance of and are committed to establishing and maintaining strong relationships with the communities within which we operate by responding to complaints quickly and supporting the local community.