

Meeting Date: Tuesday 27 June 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

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MAYORAL MINUTE

MM7/17 BOARDING HOUSES – R2 LOW DENSITY RESIDENTIAL ZONE – The Mayor, Councillor Bill Pickering

File Number: CLM/17/1/1/8 - BP17/571

Council has recently received a number of development applications for boarding houses in the R2 Low Density Residential Zone and concern has been expressed over the nature and number of applications being received.

Council has long expressed concern over the permissibility of Boarding Houses in low density neighbourhoods due to their heightened amenity impacts.

Boarding houses are currently permitted in the R2 Low Density Residential Zone under:-

1. Ryde LEP 2014 and
2. State Environmental Planning Policy (Affordable Rental Housing) 2009.

Boarding houses were introduced as a mandated land use in the R2 Low Density Residential Zone through a change in the Standard Instrument (SI) which is the gazetted base template for all LEPs in NSW by the Department of Planning and Environment in July 2009. As a mandated use in the SI all Council LEPs within NSW permit boarding houses in the R2 zone.

Prior to this state intervention, boarding houses were a prohibited use in the Residential 'A' zone under the Ryde Planning Scheme Ordinance.

In addition to the imposition of the Standard Instrument, under the State Environmental Planning Policy, boarding houses are a permitted use in the R2 zone subject to compliance with the following conditions:

1. The development being within an accessible area.

Accessible area is specifically defined and includes land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station
- (c) 400 metres walking distance of a bus stop used by a regular bus service

2. Whether the design of the development is compatible with the character of the local area.

MM7/17 (continued)

In order to reinstate Council's previous prohibition of boarding houses in low density areas Council is required to write to the Minister requesting the following:

1. An amendment to the Standard Instrument to remove boarding houses as a mandated use permitted with Council consent within the R2 Low Density Zone on the basis that each Council should be able to determine the suitability of such a within its particular Council area.
2. That the City of Ryde be made exempt from State Environmental Planning Policy (Affordable Rental Housing) 2009 as it applies to boarding houses and the R2 Low Density Zone on the basis of the lack of suitability of such a use in the low density zones within Ryde and the alternate forms of housing currently available in the zone.

The request for removal of the land use from the R2 zone is made on the basis that each Council within NSW should be able to determine the suitability of boarding houses within its particular Council area, with regard to the local amenity and constraints.

RECOMMENDATION:

That Council endorse the Mayor writing to the Minister for Planning, Minister for Housing and Special Minister of State Anthony Roberts MP requesting:-

- An amendment to the Standard Instrument to remove boarding houses as a mandated use permitted with Council consent within the R2 Low Density Zone on the basis that each Council within NSW should be able to determine the suitability of such a use within its particular Council area.
- That the City of Ryde be made exempt from State Environmental Planning Policy (Affordable Rental Housing) 2009 as it applies to boarding houses and the R2 Low Density Zone on the basis of the lack of suitability of such a use in the low density zones within Ryde and the alternate forms of housing currently available in the zone.

ATTACHMENTS

There are no attachments for this report.

1 REQUEST FOR LEAVE OF ABSENCE - Councillor Terry Perram

Report prepared by: Senior Coordinator - Governance**File No.:** CLM/17/1/1/2 - BP17/613

REPORT SUMMARY

Councillor Perram has requested a Leave of Absence from Tuesday, 27 June 2017 to Monday, 24 July 2017 inclusive.

REPORT SUMMARY

That Councillor Perram's Leave of Absence for the period from Tuesday, 27 June 2017 to Monday, 24 July 2017 inclusive be approved.

2 CONFIRMATION OF MINUTES - Council Meeting held on 23 May 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/1/2 - BP17/517

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Council Meeting 4/17, held on 23 May 2017 be confirmed.

ATTACHMENTS

1 MINUTES - Ordinary Council Meeting - 23 May 2017

ITEM 2 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 4/17**

Meeting Date: Tuesday 23 May 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.15pm

Councillors Present: The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio, Pendleton, Stott and Yedelian OAM.

Apologies: Councillor Simon.

Leave of Absence: Councillors Perram and Salvestro-Martin.

Note: Councillor Pendleton left the meeting at 9.16pm and did not return. She was not present for consideration or voting on Items 5(1), 5(2), 5(3), 5(4), 5(5), 5(6), 5(7), 5(8), 5(9), 5(10), 5(11), 5(12), 4(4), Precis of Correspondence 1, Precis of Correspondence 2, Notice of Motion 2, Notice of Motion 3, Notice of Motion 4, Questions with Notice 1, Questions with Notice 2 and Item 8 (Confidential).

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Community Services, Manager – Environment, Health and Building, Executive Officer – Ryde Civic Hub, Senior Coordinator – Communications, Senior Coordinator – Social Development and Capacity Building, Senior Coordinator – Community Engagement, Community Project Officer – Young People, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

PRAYER

Reverend Nicholas Fried of the Eastwood Uniting Church was present and offered prayer prior to the commencement of the meeting.

SUSPENSION OF STANDING ORDERS

Councillor Yedelian OAM requested a Suspension of Standing Orders, to allow Council to observe a one minutes silence in recognition of the recent events that have occurred in Manchester, United Kingdom.

ITEM 2 (continued)

ATTACHMENT 1

Councillor Maggio also requested Council to observe a one minutes silence to acknowledge the passing of Mr Keith Aggett, President of the Ryde Eastwood Leagues Club.

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Standing Orders be Suspended to allow Council to observe a one minute silence in recognition of the recent events that have occurred in Manchester, United Kingdom and also a one minute silence to acknowledge the passing of Mr Keith Aggett, President of the Ryde Eastwood Leagues Club, the time being 7.22pm.

Record of Voting:

For the Motion: Unanimous

ONE MINUTE SILENCE

Note: A one minute silence was then observed by the meeting in recognition of the recent events that have occurred in Manchester, United Kingdom.

Note: A one minute silence was then observed by the meeting to acknowledge the passing of Mr Keith Aggett, President of the Ryde Eastwood Leagues Club.

RESUMPTION OF STANDING ORDERS

Council then Resumed Standing Orders, the time being 7.25pm.

LEAVE OF ABSENCE

Note: The Mayor, Councillor Pickering advised the meeting that Councillor Salvestro-Martin had requested a Leave of Absence for tonight's Council Meeting, 23 May 2017.

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Councillor Salvestro-Martin's Leave of Absence for tonight's Council Meeting, 23 May 2017 be approved.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Pendleton requested a Leave of Absence for the period 5 June 2017 to 29 June 2017, inclusive.

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

That Councillor Pendleton's Leave of Absence for the period 5 June 2017 to 29 June 2017, inclusive be approved.

Record for the Voting:

For the Motion: Unanimous

DISCLOSURES OF INTEREST

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – Report of the Ryde Civic Hub Committee Meeting 4/17 held on 9 May 2017 for the reason that her continued and consistent opposition to the sale/redevelopment of the Civic Centre public land with the inclusion of high rise residential development, the loss of the bus interchange and internal auditorium and other community amenity is consistent with her core commitment made to the electorate at the 2012 elections.

Councillor Stott disclosed a Less than Significant Non-Pecuniary Interest in Item 4(2) – Community Halls and Meeting Rooms For Hire Historical Arrangements for the reason that she is the Secretary of the Ryde Eisteddfod Committee.

Council's Acting Director – Customer and Community Services, Angela Jones-Blayney disclosed a Less than Significant Non-Pecuniary Interest in Item 4(2) – Community Halls and Meeting Rooms For Hire Historical Arrangements for the reason that she is the City of Ryde's designated representative who attends the Ryde Eisteddfod Committee Meetings.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION OF AWARD TO COUNCILLOR YEDELIAN OAM FOR 13 YEARS OF SERVICE TO THE CITY OF RYDE

The Mayor, Councillor Pickering presented Councillor Yedelian OAM with a Certificate of Appreciation from Local Government NSW for his 13 years of service to the City of Ryde.

Councillor Yedelian OAM has been a Councillor at the City of Ryde from March 2004 to present and he was Deputy Mayor for the period September 2007 to August 2009.

ITEM 2 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

| Name | Topic |
|--|--|
| Lindsay Donald (representing Gladesville Hornsby Football Association) | Notice of Motion 1 – Christie Park Amenities Building |
| Helen Armson (representing Gladesville Hornsby Football Association) | Notice of Motion 1 – Christie Park Amenities Building |
| Buckley Findlay (representing Gladesville Hornsby Football Association) | Notice of Motion 1 – Christie Park Amenities Building |
| Jasmine Inkster | Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources |
| Yvette Vignando | Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources |
| Liam Regent (representing Ryde Youth Theatre) | Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources |
| Kimberly Green | Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources |
| Hassan Mehdi | Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources |
| Gian Vignando (representing Ryde Youth Theatre) | Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources |
| Penny Pedersen | Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources |
| Paul Azizi (representing Raymond Azizi) | Item 7 – Blenheim Park – Update and Status – Property Acquisitions |

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Stott and Maggio)

That the speakers who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Planning and Environment Committee Meeting 4/17 held on 9 May 2017 and the Works and Community Committee Meeting 3/17 held on 16 May 2017 and the speaker who registered after the deadline be allowed to address the meeting, the time being 8.03pm.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons then addressed the Council:-

| Name | Topic |
|---|---|
| Edna Wilde (representing Ryde Eisteddfod) | ITEM 4(2) – Community Halls and Meeting Rooms for Hire Historical Arrangements |

Note: Mark Shanahan (representing Houserroom Pty Ltd) was called to address Council, however he was not present in the Chamber.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

| Name | Topic |
|--|---|
| Patrick Azizi (representing Alnox Pty Ltd) | Blenheim Park Expansion |
| Rosemarie Lavery | Corner Badajoz Road and Callaghan Street – new works and Council Amalgamation |

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council now consider the following Items, the time being 8.17pm:-

- Notice of Motion 1 – Christie Park Amenities Building
- Item 6 – Ryde Youth Theatre: Update on Investigations into Alternate Funding Sources
- Item 7 – Blenheim Park – Update and Status – Property Acquisitions
- Item 4(2) – Community Halls and Meeting Rooms for Hire Historical Arrangements

Record for the Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

NOTICE OF MOTION

1 CHRISTIE PARK AMENITIES BUILDING - Councillor Roy Maggio

Note: Lindsay Donald (representing Gladesville Hornsby Football Association), Helen Armson (representing Gladesville Hornsby Football Association) and Buckley Findlay (representing Gladesville Hornsby Football Association) addressed the Meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the City of Ryde approve the naming of the Christie Park amenities building 'The Ross Iredale Building' to commemorate the 36 years of volunteer service on the Board of Gladesville Hornsby Football Association.
- (b) That the City of Ryde approve the transfer of the name 'The Ross Iredale Building' to the proposed new amenities building that will be built at Christie Park as Phase 2 of the redevelopment.
- (c) That 'The Ross Iredale Building' naming, by way of a plaque, be implemented within 14 days of this meeting, in consultation with the Board of Gladesville Hornsby Football Association.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

6 RYDE YOUTH THEATRE: UPDATE ON INVESTIGATIONS INTO ALTERNATE FUNDING SOURCES

Note: Jasmine Inkster, Yvette Vignando, Liam Regent (representing Ryde Youth Theatre), Kimberly Green, Hassan Mehdi, Gian Vignando (representing Ryde Youth Theatre) and Penny Pedersen addressed the Meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council endorses Option 3 to allocate the amount of \$75,000 per annum, for 4 years; being 2017/18 to 2020/21 for the purpose of funding the Ryde Youth Theatre program and that this be funded from the General Revenue budget to allow for stability and additional resources to sustain the activities of the program whilst Council Officers continue to explore long term options for the program.
- (b) That a further report with an update on the Ryde Youth Theatre be provided to Council in October 2019.

ITEM 2 (continued)

ATTACHMENT 1

- (c) That the Ryde Youth Theatre provides a report on their activities and financials to be included in Council's Annual Financial Report.
- (d) That Council promote the Ryde Youth Theatre through its normal communication channels, including the Mayor's column, social media and Council's website.

Record of Voting:

For the Motion: Unanimous

7 BLENHEIM PARK - UPDATE AND STATUS - PROPERTY ACQUISITIONS

Note: Paul Azizi (representing Raymond Azizi) addressed the Meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

That this update and status report be noted.

Record of Voting:

For the Motion: Unanimous

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 3/17 held on 16 May 2017

2 COMMUNITY HALLS AND MEETING ROOMS FOR HIRE HISTORICAL ARRANGEMENTS

Note: Edna Wilde (representing Ryde Eisteddfod) addressed the Meeting in relation to this Item.

Note: Councillor Stott disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she is the Secretary of the Ryde Eisteddfod Committee.

Note: Council's Acting Director – Customer and Community Services, Angela Jones-Blayney disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she is the City of Ryde's designated representative who attends the Ryde Eisteddfod Committee Meetings.

RESOLUTION: (Moved by Councillors Stott and Li)

- (a) That Council maintains the status quo with historical arrangements for the following groups:

ITEM 2 (continued)

ATTACHMENT 1

1. Armenian Senior Citizens
2. Ryde Eisteddfod
3. Easy Care Gardening
4. Indonesian Welfare Society
5. Italian Leisure
6. Italo-Australian Senior Citizens Association
7. Ryde Art Society
8. Ryde Schools Spectacular
9. Lantern Club

and that the in-kind and financial support provided to all these groups be reported in Council's Annual Financial Report.

- (b) That effective 1 July 2017, that the Community Migrant Resource Centre bookings at the Eastwood Meeting Rooms be amended from four days a week down to three days a week and that the group pay \$9,385.23 per annum plus any CPI increases for such use. In addition, that Council's subsidy to this group be reported in Council's Annual Financial Report and that Council explores the potential of an alternative venue option to be managed under a licence arrangement.
- (c) That should Rock N Soul Choir apply for future use of Council's venues, that they be charged the current "Standard" rate under Council's Fees and Charges Schedule, until such a time that they can provide evidence that they are registered as a not for profit community organisation.

Record of the Voting:

For the Motion: Unanimous

4 RESTORATION OF WORLD WAR I HONOUR BOARDS AND PROPOSED LOCATIONS FOR PUBLIC DISPLAY

Note: This matter was dealt with later in the Meeting as detailed in these Minutes.

MAYORAL MINUTES

6/17 BALLOON RELEASE BAN - The Mayor, Councillor Bill Pickering

RESOLUTION: (Moved by The Mayor, Councillor Pickering and Councillor Yedelian OAM)

- (a) That Council ban the release of balloons at Council events and in Council managed reserves.

ITEM 2 (continued)

ATTACHMENT 1

- (b) That Council include a “No release of balloons” policy in Council’s Events Guidelines.
- (c) That Council advocate for a State and National education program on the issues associated with balloon release and encourage the banning of balloon release.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Li, Pendleton, Stott and Yedelian OAM

Against the Motion: Councillor Maggio

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 April 2017

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the Minutes of the Council Meeting 3/17, held on 26 April 2017 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 4/17 held on 9 May 2017

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council determine Item 2 of the Planning and Environment Committee report 4/17, held on 9 May 2017 noting that Items 1, 3 and 4 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

2 118 BALACLAVA ROAD, MARSFIELD. LOT 8 DP 16216. Local Development Application for construction of two-storey boarding house containing 10 boarding rooms. LDA2016/0287.

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Local Development Application No 2016/287 be refused for the following reasons:

ITEM 2 (continued)

ATTACHMENT 1

1. The development is unsatisfactory when assessed against the provisions of Ryde DCP 2014, specifically, in terms of the following provisions:
 - Topography and excavation controls
 - Visual privacy
 - Acoustic Privacy
 - Internal building design
 - Boarding House Management
 - Clothes drying facilities
 - Lack of detail regarding boarding house management
2. The proposal will have unacceptable impacts on the amenity of adjoining residential properties, in particular due to noise impacts, potential privacy and overlooking impacts and waste disposal arrangements.
3. The development is unsatisfactory in terms of vehicle access. Specifically, safe vehicle access to and from the site often cannot be provided due to cars parked on the street which limits sight distance for drivers entering and leaving the site.
4. The development is unsatisfactory in terms of stormwater drainage disposal. Specifically, the development relies on drainage through an adjoining property to connect into Council's stormwater system, however presently there is no drainage easement available over the adjoining property to enable such drainage to occur.
5. The proposal is not in the public interest.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Li, Maggio, Stott and Yedelian OAM

Against the Motion: Councillors Laxale and Pendleton

3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 4/17 held on 9 May 2017

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that her continued and consistent opposition to the sale/redevelopment of the Civic Centre public land with the inclusion of high rise residential development, the loss of the bus interchange and internal auditorium and other community amenity is consistent with her core commitment made to the electorate at the 2012 elections.

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 4/17, held on 9 May 2017 in accordance with the Ryde Civic Hub Committee Terms of Reference.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 11 April 2017

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the Minutes of the Ryde Civic Hub Committee 3/17, held on 11 April 2017, be confirmed.

Record for the Voting:

For the Motion: Unanimous

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 18 - MAY 2017

Note: A Memorandum from Council's Executive Officer – Ryde Civic Hub dated 22 May 2017 was tabled in relation to this matter and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the Committee receives and notes the content of this report.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Li, Maggio, Stott and Yedelian OAM

Against the Motion: Councillors Laxale and Pendleton

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 3/17 held on 16 May 2017

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council determine Items 2 and 4 of the Works and Community Committee report 3/17, held on 16 May 2017 noting that Items 1, 3, 5 and 6 were dealt with by the Committee within its delegated powers.

ITEM 2 (continued)

ATTACHMENT 1

Record for the Voting:

For the Motion: Unanimous

**2 COMMUNITY HALLS AND MEETING ROOMS FOR HIRE
HISTORICAL ARRANGEMENTS**

Note: This matter was dealt with earlier in the Meeting as detailed in these Minutes.

**4 RESTORATION OF WORLD WAR I HONOUR BOARDS AND
PROPOSED LOCATIONS FOR PUBLIC DISPLAY**

Note: This matter was dealt with later in the Meeting as detailed in these Minutes.

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
4/17 held on 16 May 2017**

Note: Councillor Pendleton left the meeting at 9.16pm and did not return. She was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council determine all Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Finance and Governance Committee Meeting 4/17, held on 16 May 2017 in accordance with the Finance and Governance Committee Terms of Reference.

Record for the Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 18 April 2017**

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the Minutes of the Finance and Governance Committee 3/17, held on 18 April 2017, be confirmed.

Record of the Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

2 INVESTMENT REPORT AS AT 30 APRIL 2017

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council endorse the Investment Report – April 2017.

Record of the Voting:

For the Motion: Unanimous

3 MARCH QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2016-2020 AND 2016/2017 OPERATIONAL PLAN

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That the report of the Acting Chief Financial Officer dated 31 March 2017 on the March Quarterly Review Report - Four Year Delivery Plan 2016-2020 and One Year Operational Plan 2016/2017, *Quarter Three, January – March 2017* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.37 million to Council's Working Capital for a projected balance as at 30 June 2017 of \$4.82 million, be endorsed.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$8.61 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 01 May 2017 be endorsed.
- (e) That the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over, as detailed in this report, be endorsed.

Record of the Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

**4 LOCAL GOVERNMENT REMUNERATION TRIBUNAL
DETERMINATION - Councillors and Mayoral fees for 2017/2018**

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2017:

- (a) 2.5% increase to Councillor fees from \$23,950 to \$24,550 per annum.
- (b) 2.5% increase to Mayoral fees from \$63,640 to \$65,230 per annum; in addition to the Councillor fees.

Record of the Voting:

For the Motion: Unanimous

5 REVIEW OF CODE OF CONDUCT POLICY AND ASSOCIATED DOCUMENTS

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council adopt the four draft Code of Conduct documents (**ATTACHED**)

- Code of Conduct April 2017 – Policy
- Code of Conduct April 2017 – Standards of Conduct
- Code of Conduct April 2017 – Complaints Procedure
- Guideline on the Interaction between Councillors and Staff

Record of the Voting:

For the Motion: Unanimous

6 ADVISORY COMMITTEE MEMBERSHIP

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council endorse Ms Cate Sinclair and Mr Yadaei being appointed members of the Economic Development Advisory Committee (EDAC).

ITEM 2 (continued)

ATTACHMENT 1

- (b) That Council endorse Mr Lochtenberg being appointed a member of the Macquarie Park Forum.

Record of the Voting:

For the Motion: Unanimous

7 SHOP RYDER COMMUNITY BUS SERVICE

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council continue the current operating level (four days per week) of the Shop Ryder Community Bus Service (the Service) beyond 1 July 2017 with funding of up to \$145k per annum indexed being allowed to fund the Service and that funding be split equally from General Revenue and the domestic waste management charge whilst-ever the buses are used for advertising waste messaging otherwise to be fully funded from General Revenue.
- (b) That any replacement buses required for the Service from 2018/19, or sooner as required, be funded from the Council's Plant Reserve.
- (c) The Service is reviewed on a quarterly basis and reported annually under the Council's adopted Corporate Reporting Standards to ensure it continues to meet agreed key performance indicators.

Record of the Voting:

For the Motion: Unanimous

8 PROPERTY MATTER

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council notes the content of the update on the Strategic Action Plan contained within the City of Ryde Property Strategy.

Record of the Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

9 REQUEST FOR TENDER - COR-RFT-18/16 - THE PROVISION OF CLEANING AND MAINTENANCE SERVICE OF GROSS POLLUTANT TRAPS

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council accepts the tender from Total Drain Cleaning Services Pty Ltd for “The Provision of Cleaning and Maintenance Services of Gross Pollutant Traps” to the amount of \$72,702 per annum excluding GST with an option to extend the contract for a further one (1) year as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Total Drain Cleaning Services Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council’s decision.

Record of the Voting:

For the Motion: Unanimous

10 REQUEST FOR TENDER COR-RFT-15/16 - OLYMPIC PARK STRATEGIC PLAN AND MASTER PLAN

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council accept the tender from Tompkins MDA Architects Pty Ltd for the Olympic Park Strategic Plan and Master Plan to the amount of \$196,040 (excl. GST) as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Tompkins MDA Architects Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council endorse the allocation of additional funding up to \$100,000 for the expert traffic and parking review. To be adjusted in the 2017/2018 budget (operation plan) and be funded from developer contributions.

ITEM 2 (continued)

ATTACHMENT 1

(d) That Council advise all the respondents of Council's decision.

Record of the Voting:

For the Motion: Unanimous

11 ADVICE ON COURT ACTIONS

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the report of the General Counsel be received.

Record of the Voting:

For the Motion: Unanimous

12 INAUGURAL REFUGEE WELCOME ZONE FORUM – CANBERRA – THURSDAY, 22 JUNE 2017

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council support the attendance of interested Councillors at the Inaugural Refugee Welcome Zone Forum on 22 June 2017, at a cost of \$170 + GST per registration, to be funded from the allocation for Councillors – Conference Expenses.

Record of the Voting:

For the Motion: Unanimous

Note: At the meeting, Councillor Laxale was the only Councillor who expressed an interest in attending the Inaugural Refugee Welcome Zone Forum on 22 June 2017.

ITEM 2 (continued)

ATTACHMENT 1

**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 3/17
held on 16 May 2017**

**4 RESTORATION OF WORLD WAR I HONOUR BOARDS AND
PROPOSED LOCATIONS FOR PUBLIC DISPLAY**

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Laxale)

- (a) That Council endorses the restoration of both the North Ryde School of Arts Roll of Honour and the Eastwood School of Arts Roll of Honour boards.
- (b) That Council endorses the Centenary of ANZAC and WWI Committee's preferred location to house both boards in the foyer on Level 1 leading into the Council Chambers due to the availability of space and widest range of hours for public access and viewing.
- (c) That Council endorses the promotion of this project and the available viewing times to the public through all its regular media channels.

Record for the Voting:

For the Motion: Unanimous

**6 RYDE YOUTH THEATRE: UPDATE ON INVESTIGATIONS INTO
ALTERNATE FUNDING SOURCES**

Note: This matter was dealt with earlier in the meeting as detailed in these Minutes.

7 BLENHEIM PARK - UPDATE AND STATUS - PROPERTY ACQUISITIONS

Note: This matter was dealt with earlier in the meeting as detailed in these Minutes.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 EASTWOOD COMMUTER CARPARK

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Maggio)

That the correspondence be received and the information noted.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

2 AUDIT OFFICE OF NEW SOUTH WALES - INITIAL LOCAL GOVERNMENT PERFORMANCE AUDITS

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 CHRISTIE PARK AMENITIES BUILDING - Councillor Roy Maggio

Note: This matter was dealt with earlier in the meeting as detailed in these Minutes.

2 INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) - Councillor Roy Maggio

Note: Councillor Pendleton was not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Maggio and Laxale)

That Council request the Acting General Manager to prepare a report into introducing an Independent Hearing and Assessment Panel (IHAP) at the City of Ryde and that this report be considered by the new Council, following their election on 9 September 2017.

On being put to the Meeting, the voting on the Motion was two (2) for and four (4) against. The Motion was **LOST**.

Record of Voting:

For the Motion: Councillors Laxale and Maggio

Against the Motion: The Mayor, Councillor Pickering and Councillors Li, Stott and Yedelian OAM

ITEM 2 (continued)

ATTACHMENT 1

3 STRENGTHENING PROCEDURES - INTERACTIONS BETWEEN COUNCILLORS AND DEVELOPERS - Councillor Roy Maggio

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Laxale)

That the Acting General Manager prepare a report to a future Council Meeting identifying;

- (a) What procedures are currently in place with respect to the interactions of staff and Councillors with Developers when negotiating Voluntary Planning Agreements; and
- (b) What measures can be implemented to improve these procedures in order to ensure the highest levels of probity and transparency in negotiations and finalising Voluntary Planning Agreement matters.

Record of Voting:

For the Motion: Councillors Laxale, Li, Maggio and Stott

Against the Motion: The Mayor, Councillor Pickering and Councillor Yedelian
OAM

4 NSW GOVERNMENT'S FIRE AND EMERGENCY SERVICES LEVY - Councillor Roy Maggio

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Laxale)

- (a) That Council strongly objects to the imposition of the Fire and Emergency Services Levy being collected through Council's rates and requests the Mayor to make representations on behalf of Council to the Premier of NSW, The Hon. Gladys Berejiklian, the Minister for Emergency Services, The Hon. Troy Grant and the Minister for Local Government, The Hon. Gabrielle Upton, seeking an explanation on the following;
 - i. Why the Local Government Industry is being used to collect the NSW Government's Fire and Emergency Services Levy?
 - ii. Why the City of Ryde community have not been consulted on this matter?
 - iii. Will the City of Ryde be fully compensated for all of its cost in undertaking the collection of this Levy on behalf of the State Government?

ITEM 2 (continued)

ATTACHMENT 1

- (b) That the Mayor write to the President of Local Government NSW seeking their support and to make further representations to the State Government on this matter.
- (c) That Council draft a suitable Motion to the next Local Government NSW Conference on this matter.
- (d) That Council issue information to the City of Ryde community through its normal communication channels such as the Mayor's Message and Council's website.

Record of Voting:

For the Motion: Unanimous

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Jeff Salvestro-Martin

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the following Answers to Questions with Notice be received and noted.

Record of Voting:

For the Motion: Unanimous

The below Questions relate to Holdmark VPA:-

Question 1:

What were the specific and critical skill sets that the lawyers engaged by City of Ryde to advise on the Holdmark VPA brought to this issue?

Answer 1:

The relevant solicitors providing advice in this matter are accredited Local Government and Planning Law specialists. They are therefore appropriately skilled to provide advice on the matter and draft the relevant VPA.

Question 2:

What was the name or names of the companies they were sourced from and why were 2 lawyers required when City of Ryde has an in-house lawyer?

ITEM 2 (continued)

ATTACHMENT 1

Answer 2:

The relevant firm is Sparke Helmore Lawyers. The firm is on Council's legal services panel as adopted by Council at its meeting on 9 December 2014. There was only one lawyer from that firm present at the meeting in question (Mr. Chris Drury). The other two persons who spoke at the meeting with Mr. Drury with respect to the Holdmark VPA were Council's VPA and Section 94 Coordinator and General Counsel.

Question 3:

How much was the legal bill for their advice on this matter?

Answer 3:

\$24,659.36 (incl GST). However, under Council's VPA policy, Council's reasonable legal costs associated with the preparation, negotiation, execution and implementation of VPAs are to be borne by the proponent. In this matter, Holdmark have previously agreed to pay for Council's legal costs albeit that they insisted that it be capped.

Question 4:

What other matters has this legal company (s) advised City of Ryde on since 1 January 2015?

Answer 4:

(a) *Voluntary Planning Agreements:*

- 1-3 Wharf Road, Gladesville.
- 2 - 10 Wharf Road, Gladesville.
- 2-4 Porter Street, Meadowbank.
- 10 Byfield Street, Macquarie Park.
- 388-392 Lane Cove Road, Macquarie Park.
- 8 Khartoum Road, Macquarie Park.
- North Ryde M2 Site (Lachlan's Line).
- 115-117 Church Street, Ryde.
- 723-730 Victoria Road, Ryde.
- 21-24 Railway Parade, Meadowbank.

(b) *LEC proceedings:*

- Kennards Self Storage Pty Limited v. CoR – 7-9 Khartoum Road, North Ryde.

ITEM 2 (continued)

ATTACHMENT 1

(c) *Other matters:*

- Review and negotiation of Strata Management Scheme for West Ryde Redevelopment.
- Closure of Public Road – Wharf Road and Meriton Street, Gladesville.

Question 5:

What is the total legal bill from this company (s) since 1 January 2015?

Answer 5:

\$140,396.71 (incl GST).

2 QUESTIONS WITH NOTICE - Councillor Denise Pendleton

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the following Answers to Questions with Notice be received and noted.

Record of Voting:

For the Motion: Unanimous

Question 1:

What specific “technical” issues resulted in the April Council Meeting to not be web streamed?

Answer 1:

Following the meeting of 26 April 2017, Council has sought a specific response from its Audio/Visual consultant (Ulmano Pty Ltd) as to the failures experienced in the Audio-Visual system at this Council meeting. This is summarised below:-

- The consultants responded that on this day they attended the Council chambers at 3.30pm in order to check on the system status and to assist Governance staff with the set-up of the system due to a number of modifications since the March 2017 meeting;
- At approximately 4.50pm, a representative from the consultants checked all operational aspects of the system, including the web streaming operation and no abnormalities were noted. The system was functioning in the required manner at this time;

ITEM 2 (continued)

ATTACHMENT 1

- It would appear that between this time and commencement of the meeting that there was a power surge that affected the web streamer settings;
- The consultants witnessed a further power surge during the meeting at 9.09pm which effectively disrupted some aspects of the voting system. The voting system was re-established at approximately 9.44pm although the web streaming settings could not be re-established.

The conclusions and recommendations as per the consultant's report are summarised below:-

- The consultants had witnessed a power surge at 9.09pm and therefore suspect that another power surge had occurred which effectively disrupted the web steaming settings prior to the start of the meeting. It is suspected that this occurred sometime between 4.50pm and the commencement of the meeting;
- The consultants believe that it was likely that the power surges were responsible for the web streaming issues experienced on the 26 April 2017 and were also responsible for the partial failure of the voting system on the night;
- They have recommended the installation of a UPS (Uninterruptable Power Supply) with full surge protection along with some modifications to start up procedures and testing;
- A UPS is in the process of being specified and installed and is expected to be in operation for the June Council meeting.

CLOSED SESSION

ITEM 8 – PROPERTY MATTER

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ITEM 2 (continued)

ATTACHMENT 1

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Council resolve into Closed Session to consider the above matters.

Record for the Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 10.25pm. The public and media left the chamber.

LATE CONFIDENTIAL REPORT

8 PROPERTY MATTER

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Stott and The Mayor, Councillor Pickering)

That Council make an offer to purchase 86 Blenheim Road and 12A – 14 Epping Road, North Ryde by private treaty up to the value as detailed in Option 3 in this report.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Maggio)

That Council resolve itself into open Council.

Record for the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 10.40pm.

ITEM 2 (continued)

ATTACHMENT 1

Note: Councillor Pendleton was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Maggio)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record for the Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

The National Anthem was sung at the conclusion of the meeting.

The meeting closed at 10.42pm.

CONFIRMED THIS 27TH DAY OF JUNE 2017

Chairperson

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/17 held on 13 June 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/3/2 - BP17/614

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 5/17 held on 13 June 2017. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Items 1, 3 and 4 were dealt with by the Committee within its delegated powers.

The following Committee recommendation for Item 2 is submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

- 2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: Peter Keegan (objector representing himself, his wife and other residents of Emu Street), Richard Reeve (objector), Doug Cummins (representing the applicant) addressed the meeting in relation to this Item.

Note: A copy of photographs of dwellings that present as three storeys in the location of 12 Emu Street, West Ryde were tabled by the Acting Director – City Planning and Development in relation to this Item and a copy is on FILE.

RECOMMENDATION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Section 96 application to modify Local Development Application No. MOD2016/0110 at 12 Emu Street, West Ryde being LOT 9 DP 27511 and LOT 8 DP 27511 be refused for the following reasons:-
1. Noncompliance with Ryde Development Control Plan 2014 with regards to Part 3.3 *Dwelling Houses and Dual Occupancy (attached)*:
 - *Section 2.1 Desired Future Character* – the addition will result in a dwelling that is not consistent with the desired future character of low scale 2 storey development due to the three storey appearance of the development when viewed from Winbourne Street East.
 - *Section 2.8.1 Building Height* – the proposed development exceeds 2 storeys in height when viewed from Winbourne Street East.

ITEM 3 (continued)

2. The adverse impact of the proposal (3 storeys) due to its proximity to dwellings of Heritage Conservation significance in the City of Ryde.
3. The application is not satisfactory for the purposes of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest due to the nature and extent of negative amenity objections received from the local community.

(b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Laxale and Yedelian OAM

Against the Motion: Councillor Stott

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ATTACHMENTS

1 MINUTES - Planning and Environment Committee Meeting - 13 June 2017

ITEM 3 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 5/17**

Meeting Date: Tuesday 13 June 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Councillors Present: Councillors Yedelian OAM (Chairperson), Laxale and Stott.

Apologies: Nil.

Leave of Absence: Councillor Pendleton.

Absent: Councillors Maggio, Salvestro-Martin and Simon.

Staff Present: Acting Director – City Planning and Development, Acting Director – Corporate and Organisational Support Services, Acting Director – Customer and Community Services, Acting Manager – Assessment, Acting Manager – City Planning, Senior Coordinator – Development Assessment, Assessment Officer – Town Planner, Senior Coordinator – Development Engineering Services, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 9 May 2017

RESOLUTION: (Moved by Councillors Stott and Laxale)

That the Minutes of the Planning and Environment Committee 4/17, held on 9 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

**2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511.
Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: Peter Keegan (objector representing himself, his wife and other residents of Emu Street), Richard Reeve (objector), Doug Cummins (representing the applicant) addressed the meeting in relation to this Item.

ITEM 3 (continued)

ATTACHMENT 1

Note: A copy of photographs of dwellings that present as three storeys in the location of 12 Emu Street, West Ryde were tabled by the Acting Director – City Planning and Development in relation to this Item and a copy is on FILE.

RECOMMENDATION: (Moved by Councillors Laxale and Yedelian OAM)

(a) That Section 96 application to modify Local Development Application No. MOD2016/01110 at 12 Emu Street, West Ryde being LOT 9 DP 27511 and LOT 8 DP 27511 be refused for the following reasons:-

1. Noncompliance with Ryde Development Control Plan 2014 with regards to Part 3.3 *Dwelling Houses and Dual Occupancy (attached)*:
 - *Section 2.1 Desired Future Character* – the addition will result in a dwelling that is not consistent with the desired future character of low scale 2 storey development due to the three storey appearance of the development when viewed from Winbourne Street East.
 - *Section 2.8.1 Building Height* – the proposed development exceeds 2 storeys in height when viewed from Winbourne Street East.
2. The adverse impact of the proposal (3 storeys) due to its proximity to dwellings of Heritage Conservation significance in the City of Ryde.
3. The application is not satisfactory for the purposes of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest due to the nature and extent of negative amenity objections received from the local community.

(b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Laxale and Yedelian OAM

Against the Motion: Councillor Stott

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as dissenting votes were recorded and substantive changes were made to the published recommendation.

3 6 FOURTH AVENUE, EASTWOOD - LOT 130 IN DP4648 Local Development Application – Construction of a multi dwelling housing development containing three (3) dwellings, including a two-storey five-bedroom dwelling at the front of the site, and two single-storey three bedroom dwellings to the rear, and strata subdivision. LDA2015/0651.

Note: Glenn Wong (representing the applicant) addressed the meeting in relation to this Item.

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Laxale and Stott)

- (a) That Local Development Application No. LDA2015/00651 at 6 Fourth Avenue, Eastwood be approved subject to the **ATTACHED** conditions – see **Attachment 1**.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

- 4 8 FOURTH AVENUE, EASTWOOD - LOT 129 IN DP4648. Local Development Application – Construction of a multi dwelling housing development containing three (3) dwellings, including a two-storey five-bedroom dwelling at the front of the site, and two single-storey three bedroom dwellings to the rear. Includes strata subdivision. LDA2015/0652.**

Note: Stephen Brading (objector) and Glenn Wong (representing the applicant) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Laxale and Stott)

- (a) That Local Development Application No. LDA2015/652 at 8 Fourth Avenue, Eastwood be approved subject to the **ATTACHED** conditions – see **Attachment 1**.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

The meeting closed at 5.33pm.

CONFIRMED THIS 8TH DAY OF AUGUST 2017.

Chairperson

4 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 5/17 held on 13 June 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/4/2 - BP17/615

REPORT SUMMARY

Attached are the Minutes of the Ryde Civic Hub Committee Meeting 5/17 held on 13 June 2017. The Minutes will be listed for confirmation at the next Ryde Civic Hub Committee Meeting.

The following Committee recommendations for all Items 1 and 2 are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees:

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 9 May 2017

RECOMMENDATION: (Moved by The Mayor, Councillor Pickering and Councillor Laxale)

That the Minutes of the Ryde Civic Hub Committee 4/17, held on 9 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 19 - JUNE 2017

RECOMMENDATION: (Moved by The Mayor, Councillor Pickering and Councillor Laxale)

- (a) That the Committee receives and notes the content of this report.
- (b) That the name of this Committee is changed to the Ryde Central Committee from 1 July 2017, in accordance with the gazettal of the name 'Ryde Central' by the Geographical Names Board.

ITEM 4 (continued)

- (c) That Council informs the community of the change in name of the Ryde Civic Hub site to 'Ryde Central' through a Mayoral Press Release and promoting it through Council's normal communication channels, such as the Mayoral column, Council's website and social media.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS

- 1 MINUTES - Ryde Civic Hub Committee Meeting - 13 June 2017

ITEM 4 (continued)

ATTACHMENT 1

**Ryde Civic Hub Committee
MINUTES OF MEETING NO. 5/17**

Meeting Date: Tuesday 13 June 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.00pm

Councillors Present: The Mayor, Councillor Pickering and Councillors Stott (Chairperson) and Laxale.

Apologies: Councillors Perram and Yedelian OAM.

Leave of Absence: Councillor Pendleton.

Absent: Councillors Maggio, Salvestro-Martin and Simon.

Staff Present: Acting Director – Corporate and Organisational Support Services, Acting Director – Customer and Community Services, , Acting Director – City Planning and Development, Executive Officer – Ryde Civic Hub, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 9 May 2017

RECOMMENDATION: (Moved by The Mayor, Councillor Pickering and Councillor Laxale)

That the Minutes of the Ryde Civic Hub Committee 4/17, held on 9 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 4 (continued)

ATTACHMENT 1

**2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS
REPORT 19 - JUNE 2017**

RECOMMENDATION: (Moved by The Mayor, Councillor Pickering and Councillor Laxale)

- (a) That the Committee receives and notes the content of this report.
- (b) That the name of this Committee is changed to the Ryde Central Committee from 1 July 2017, in accordance with the gazettal of the name 'Ryde Central' by the Geographical Names Board.
- (c) That Council informs the community of the change in name of the Ryde Civic Hub site to 'Ryde Central' through a Mayoral Press Release and promoting it through Council's normal communication channels, such as the Mayoral column, Council's website and social media.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 6.20pm.

CONFIRMED THIS 8TH DAY OF AUGUST 2017.

Chairperson

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/17
held on 20 June 2017**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/2/2 - BP17/616

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 4/17 held on 20 June 2017. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 5, 6 and 7 were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 2, 3 and 4 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

**2 DENISTONE EAST BOWLING CLUB - COMMUNITY CONSULTATION
OUTCOMES AND FUTURE USE**

RECOMMENDATION: (Moved by Councillors Maggio and Stott)

- (a) That Council endorse the implementation of passive and active recreation open space (Community Consultation Option 2) on the land known as Denistone Bowling Club and allocate a total of \$2.2 million to be funded by Developer Contributions and be adjusted in the Four Year Delivery Plan accordingly (\$400,000 in 2018/19 and \$1.8M in 2019/20) for this purpose.
- (b) That Council write to all who took part in the community consultation for the Denistone Bowling Club advising of the Council's resolution and thanking them for their time and input.

Record of Voting:

For the Motion: Councillors Maggio and Stott

Against the Motion: Councillor Laxale

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as dissenting votes were recorded and it is outside the Committee's delegations.

3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE

Note: Lesley Slender, Elizabeth Lawrence (representing City of Ryde Sports Advisory Committee – Skate Park Working Party), Ellissia Valenta, Aidan Fisher (representing Ryde Youth Council), Andrew Alcorn (representing Ryde Skate Park Working Party), Aileen Jaji, Dominic Hassett, Kenrick Thompson, Margaret Booth, Barry Booth and Ivan Valenta addressed the meeting in relation to this Item.

ITEM 5 (continued)

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) In accordance with the results of the community consultation, that Council endorse Meadowbank Park as the location for construction of the Ryde Outdoor Youth and Family Recreation Space, including skate facilities.
- (b) That Council endorse the allocation of an additional \$1.3M for the construction of the Ryde Outdoor Youth and Family Recreation Space at Meadowbank Park. To be funded by Developer Contributions, and to be adjusted in the Four Year Delivery Plan accordingly (adjusting the funding to \$500,000 in 2017/2018 and \$2.3m in 2018/19).
- (c) That Council write to all who took part in the community consultation, including NSW Police, NSW Health and the Skate Park Working Group thanking them for their contributions to the Ryde Outdoor Youth and Family Recreation Space and advising them of the Council's resolution.
- (d) That all residents who addressed Council in relation to this item be invited to future community consultations to progress the concept to construction stage.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as it is outside the Committee's delegations.

4 GRANT FUNDING - ROADS AND MARITIME SERVICES - TRAFFIC CONTROL SIGNALS

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council accepts the grant funding of \$50,000 from RMS.
- (b) That the funding received from the RMS be consolidated as an income and increased program expenditure budget within the 2017/18 Traffic and Transport Program.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as it is outside the Committee's delegations.

ATTACHMENTS

- 1 MINUTES – Works and Community Committee Meeting - 20 June 2017**

ITEM 5 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 4/17**

Meeting Date: Tuesday 20 June 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Councillors Present: Councillors Maggio (Chairperson), Laxale and Stott.

Apologies: Councillors Li, Perram and Yedelian OAM.

Leave of Absence: Councillor Pendleton.

Absent: Councillor Simon.

Staff Present: Acting General Manager, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, Manager – Operations, Manager – Project Development, Manager – RALC, Acting Manager – City Planning, Acting Manager – Asset Systems, Acting Manager – Business Infrastructure, Senior Coordinator – Project Planning, Senior Coordinator – Open Space Planning and Development, Senior Coordinator – Environment, Senior Coordinator – Parks and Recreation, Senior Coordinator – Waste, Senior Coordinator – Traffic, Transport and Development, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Community Engagement Coordinator, Open Space Planner, Project Delivery Manager, Community Project Officer – Young People, Stormwater Engineer, Consultant (Convic), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 16 May 2017

RESOLUTION: (Moved by Councillors Stott and Laxale)

That the Minutes of the Works and Community Committee 3/17, held on 16 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

ITEM 5 (continued)

ATTACHMENT 1

2 DENISTONE EAST BOWLING CLUB - COMMUNITY CONSULTATION OUTCOMES AND FUTURE USE

RECOMMENDATION: (Moved by Councillors Maggio and Stott)

- (a) That Council endorse the implementation of passive and active recreation open space (Community Consultation Option 2) on the land known as Denistone Bowling Club and allocate a total of \$2.2 million to be funded by Developer Contributions and be adjusted in the Four Year Delivery Plan accordingly (\$400,000 in 2018/19 and \$1.8M in 2019/20) for this purpose.
- (b) That Council write to all who took part in the community consultation for the Denistone Bowling Club advising of the Council's resolution and thanking them for their time and input.

Record of Voting:

For the Motion: Councillors Maggio and Stott

Against the Motion: Councillor Laxale

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as dissenting votes were recorded and it is outside the Committee's delegations.

3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE

Note: Lesley Slender, Elizabeth Lawrence (representing City of Ryde Sports Advisory Committee – Skate Park Working Party), Ellissia Valenta, Aidan Fisher (representing Ryde Youth Council), Andrew Alcorn (representing Ryde Skate Park Working Party), Aileen Jaji, Dominic Hassett, Kenrick Thompson, Margaret Booth, Barry Booth and Ivan Valenta addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) In accordance with the results of the community consultation, that Council endorse Meadowbank Park as the location for construction of the Ryde Outdoor Youth and Family Recreation Space, including skate facilities.
- (b) That Council endorse the allocation of an additional \$1.3M for the construction of the Ryde Outdoor Youth and Family Recreation Space at Meadowbank Park. To be funded by Developer Contributions, and to be adjusted in the Four Year Delivery Plan accordingly (adjusting the funding to \$500,000 in 2017/2018 and \$2.3m in 2018/19).
- (c) That Council write to all who took part in the community consultation, including NSW Police, NSW Health and the Skate Park Working Group thanking them for their contributions to the Ryde Outdoor Youth and Family Recreation Space and advising them of the Council's resolution.

ITEM 5 (continued)

ATTACHMENT 1

- (d) That all residents who addressed Council in relation to this item be invited to future community consultations to progress the concept to construction stage.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as it is outside the Committee's delegations.

4 GRANT FUNDING - ROADS AND MARITIME SERVICES - TRAFFIC CONTROL SIGNALS

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council accepts the grant funding of \$50,000 from RMS.
- (b) That the funding received from the RMS be consolidated as an income and increased program expenditure budget within the 2017/18 Traffic and Transport Program.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as it is outside the Committee's delegations.

5 ANNUAL WASTE STATUS REPORT

RESOLUTION: (Moved by Councillors Stott and Laxale)

That Council receive and note the Waste Status Report.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

ITEM 5 (continued)

ATTACHMENT 1

6 PROJECT STATUS REPORT MAY 2017

RESOLUTION: (Moved by Councillors Stott and Laxale)

That Council receive and note the Supplementary Report.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

7 SYNTHETIC SURFACE - OPPORTUNITY FOR IMPROVED FINANCIAL RETURN AND COMMUNITY USE

RESOLUTION: (Moved by Councillors Stott and Laxale)

- (a) That Council seek requests for proposals for the use of synthetic sports fields at ELS Hall Park and Christie Park during off-peak periods for the conduct of corporate and social sports activities for a two year period with a two year option.
- (b) That a further report be brought back to Council following the completion of the request for proposals process.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

The meeting closed at 6.23pm.

CONFIRMED THIS 18TH DAY OF JULY 2017.

Chairperson

**6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
5/17 held on 20 June 2017**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/5/2 - BP17/617

REPORT SUMMARY

Attached are the Minutes of the Finance and Governance Committee Meeting 5/17 held on 20 June 2017. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

The following Committee recommendations for all Items 1, 2, 3, 4, 5, 6, 7 and 8 are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees:

**1 CONFIRMATION OF MINUTES - Finance and Governance Committee
Meeting held on 16 May 2017**

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That the Minutes of the Finance and Governance Committee 4/17, held on 16 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

2 INVESTMENT REPORT AS AT 31 MAY 2017

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That Council endorse the Investment Report as at 31 May 2017.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 6 (continued)

3 FOUR YEAR DELIVERY PLAN 2017-2021 INCLUDING ONE YEAR OPERATIONAL PLAN 2017/2018

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council note the public submission received during the public exhibition period and the response to the submission, as detailed in this report.
- (b) That in accordance with Sections 404 & 405 of the Local Government Act (1993), the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan for 2017/2018 be adopted as the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018, incorporating the amendments described in this report, and all changes consequential thereunto.
- (c) That, in accordance with Sections 534, 535 and 538 of the Local Government Act, 1993, Council makes the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2017 as detailed in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.
 - (i) A Residential Ordinary Rate of zero point zero seven nine eight one six (0.079816) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).
 - (ii) A Business Ordinary Rate of zero point five three seven five two two (0.537522) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business - Major Retail Centre - Macquarie Park or sub-categorised as Business - Major Retail Centre - Top Ryde), subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).
 - (iii) A Business - Major Retail Centre - Macquarie Park Ordinary Rate of zero point five nine two six four seven (0.592647) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Macquarie Park in accordance with Section 529(2)(d).
 - (iv) A Business - Major Retail Centre - Top Ryde Ordinary Rate of zero point five nine two six four seven (0.592647) in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre – Top Ryde in accordance with Section 529(2)(d).

ITEM 6 (continued)

- (v) An Environmental Management Rate of zero point zero one four nine seven nine seven (0.0149797) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty six dollars and sixty six cents (\$56.66), which will levy thirty six percent (36%) of the total amount raised within this rate.
- (vi) An Infrastructure Renewal and Maintenance Special Rate of Zero point zero one four two three four four (0.0142344) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of ninety five dollars and seventy two cents (\$95.72), which will levy fifty percent (50%) of the total amount raised within this rate.
- (vii) A Macquarie Park Corridor Special Rate of zero point zero nine seven three seven zero seven (0.0973707) cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 495 and included in the Macquarie Park Corridor, as identified by the map contained in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.
- (viii) That aggregation of parcels of land, subject to a minimum or base amount, be permitted in accordance with Section 548A of the Local Government Act 1993.
- (d) That, in accordance with Section 496 (1) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service for each rateable residential property to be set at:
- Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
 - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and
 - the following additional services be provided, on request, to each rateable residential property, for the following annual charges or on a pro-rata basis:

| | |
|--|----------|
| (i) Additional 80 litre Garbage Bin | \$263.00 |
| (ii) Additional 140 litre Garbage bin | \$328.00 |
| (iii) Additional 240 litre Garbage bin | \$642.00 |
| (iv) Additional Recycle bin | \$ 52.00 |
| (v) Additional Green bin | \$ 52.00 |

ITEM 6 (continued)

- (e) That, in accordance with Section 496 (2) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service, on request, to Non-rateable residential properties to be set at:
- Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
 - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and
 - the following additional services be provided, on request, to each non-rateable residential property, for the following annual charges or on a pro-rata basis:

| | |
|--|----------|
| (i) Additional 80 litre Garbage Bin | \$263.00 |
| (ii) Additional 140 litre Garbage bin | \$328.00 |
| (iii) Additional 240 litre Garbage bin | \$642.00 |
| (iv) Additional Recycle bin | \$ 52.00 |
| (v) Additional Green bin | \$ 52.00 |
- (f) That, in accordance with Section 501 (1) of the Local Government Act 1993, Council makes the standard charge for the Other Waste Management service provided, on request, to non-rateable non-residential properties be set at:
- (i) Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
 - (ii) Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - (iii) Additional 140 litre Garbage bin \$328.00
 - (iv) Additional 240 litre Garbage bin \$642.00
 - (v) Additional Recycle bin \$ 52.00
 - (vi) Additional Green bin \$ 52.00
- (g) That in accordance with Section 496A of the Local Government Act 1993, Council makes the Stormwater Management Service Charge be levied at the following rates:

ITEM 6 (continued)

- | | | |
|-------|--------------------------------------|--|
| (i) | Strata titled residential home units | \$12.50 per unit |
| (ii) | Other residential property | \$25.00 per rateable property |
| (iii) | Business rateable properties | \$25.00 per 350 sq metres of land area |
| (iv) | Strata titled business units | \$12.50 per unit |
- (h) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:
- (i) the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$86,185 including GST for 2017/2018).
 - (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$67,870 including GST for 2017/2018).
 - (iii) the use of Council land for Jemena Gas Networks (NSW) Ltd (AGL) Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$81,610 for 2017/2018).
- (i) That Council sets the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at seven point five percent (7.5%) per annum.
- (j) That the Schedule of Fees and Charges, annexed to the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018 as amended in terms of this report, be made and fixed as Council's Fees and Charges for 2017/2018.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 6 (continued)

4 CARRYOVER FUNDS/PROJECTS 2016/2017 TO 2017/2018

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council endorse the proposed carryovers, totalling \$12.52 million and include them in the 2017/2018 Budget, detailed as follows:
- \$0.05 million for projects that Council has previously approved
 - \$1.13 million for projects that have been delayed due to contract dispute
 - \$1.50 million for projects that will benefit from broader scope for efficiencies
 - \$1.90 million for projects that were substantially commenced, tendered and/or contracts signed
 - \$1.94 million for projects that have been delayed for reasons detailed in this report
 - \$6.00 million for Central Park, Waterloo Road project due to circumstances beyond Council's control
- (b) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$12.43 million be adopted.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

5 DIRECT DEBIT PAYMENT OPTIONS

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That a direct debit facility not be included as an additional payment method, and
- (b) That the existing Bpay facility be promoted, together with simple guidelines being placed on Council's website and made available at Council's Customer Service Centre, in promoting this payment option to all ratepayers.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 6 (continued)

6 REPORTS DUE TO COUNCIL

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

7 REQUEST FOR TENDER - COR-RFT- 03/17- RYDE AQUATIC LEISURE CENTRE - SOLAR PHOTOVOLTAIC SYSTEM

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council accepts the Tender from Solgen Energy Pty Ltd. in the amount of \$494,937.93 (excluding GST) in accordance with their submission, clarifications received and Council's Conditions of Contract.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Solgen Energy Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advises all the respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 6 (continued)

8 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS

1 MINUTES – Finance and Governance Committee Meeting - 20 June 2017

ITEM 6 (continued)

ATTACHMENT 1

**Finance and Governance Committee
MINUTES OF MEETING NO. 5/17**

Meeting Date: Tuesday 20 June 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.24pm

Councillors Present: Councillors Maggio (Chairperson), Laxale and Stott.

Apologies: Councillors Perram and Yedelian OAM.

Leave of Absence: Councillor Pendleton.

Absent: Councillor Simon.

Staff Present: Acting General Manager, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Acting Chief Financial Officer, Manager – Operations, Manager – Project Development, Manager – RALC, Manager – Environment, Health and Building, Acting Manager – City Planning, Acting Manager – Asset Systems, Acting Manager – Business Infrastructure, Tenders and Contracts Manager, Senior Coordinator – Project Planning, Senior Coordinator – Open Space Planning and Development, Senior Coordinator – Environment, Senior Coordinator – Parks and Recreation, Senior Coordinator – Waste, Senior Coordinator – Traffic, Transport and Development, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Team Leader – Management Accounting, Community Engagement Coordinator, Project Delivery Manager, Stormwater Engineer, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Finance and Governance Committee
Meeting held on 16 May 2017**

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That the Minutes of the Finance and Governance Committee 4/17, held on 16 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 6 (continued)

ATTACHMENT 1

2 INVESTMENT REPORT AS AT 31 MAY 2017

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That Council endorse the Investment Report as at 31 May 2017.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

3 FOUR YEAR DELIVERY PLAN 2017-2021 INCLUDING ONE YEAR OPERATIONAL PLAN 2017/2018

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council note the public submission received during the public exhibition period and the response to the submission, as detailed in this report.
- (b) That in accordance with Sections 404 & 405 of the Local Government Act (1993), the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan for 2017/2018 be adopted as the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018, incorporating the amendments described in this report, and all changes consequential thereunto.
- (c) That, in accordance with Sections 534, 535 and 538 of the Local Government Act, 1993, Council makes the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2017 as detailed in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.
 - (i) A Residential Ordinary Rate of zero point zero seven nine eight one six (0.079816) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).
 - (ii) A Business Ordinary Rate of zero point five three seven five two two (0.537522) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business - Major Retail Centre - Macquarie Park or sub-categorised as Business - Major Retail Centre - Top Ryde), subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).

ITEM 6 (continued)**ATTACHMENT 1**

- (iii) A Business - Major Retail Centre - Macquarie Park Ordinary Rate of zero point five nine two six four seven (0.592647) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Macquarie Park in accordance with Section 529(2)(d).
 - (iv) A Business - Major Retail Centre - Top Ryde Ordinary Rate of zero point five nine two six four seven (0.592647) in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre – Top Ryde in accordance with Section 529(2)(d).
 - (v) An Environmental Management Rate of zero point zero one four nine seven nine seven (0.0149797) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty six dollars and sixty six cents (\$56.66), which will levy thirty six percent (36%) of the total amount raised within this rate.
 - (vi) An Infrastructure Renewal and Maintenance Special Rate of Zero point zero one four two three four four (0.0142344) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of ninety five dollars and seventy two cents (\$95.72), which will levy fifty percent (50%) of the total amount raised within this rate.
 - (vii) A Macquarie Park Corridor Special Rate of zero point zero nine seven three seven zero seven (0.0973707) cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 495 and included in the Macquarie Park Corridor, as identified by the map contained in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.
 - (viii) That aggregation of parcels of land, subject to a minimum or base amount, be permitted in accordance with Section 548A of the Local Government Act 1993.
- (d) That, in accordance with Section 496 (1) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service for each rateable residential property to be set at:
- Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
 - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and

ITEM 6 (continued)**ATTACHMENT 1**

- the following additional services be provided, on request, to each rateable residential property, for the following annual charges or on a pro-rata basis:

| | |
|--|----------|
| (i) Additional 80 litre Garbage Bin | \$263.00 |
| (ii) Additional 140 litre Garbage bin | \$328.00 |
| (iii) Additional 240 litre Garbage bin | \$642.00 |
| (iv) Additional Recycle bin | \$ 52.00 |
| (v) Additional Green bin | \$ 52.00 |

- (e) That, in accordance with Section 496 (2) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service, on request, to Non-rateable residential properties to be set at:
 - Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
 - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and
 - the following additional services be provided, on request, to each non-rateable residential property, for the following annual charges or on a pro-rata basis:

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| (i) Additional 80 litre Garbage Bin | \$263.00 |
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| (iii) Additional 240 litre Garbage bin | \$642.00 |
| (iv) Additional Recycle bin | \$ 52.00 |
| (v) Additional Green bin | \$ 52.00 |

- (f) That, in accordance with Section 501 (1) of the Local Government Act 1993, Council makes the standard charge for the Other Waste Management service provided, on request, to non-rateable non-residential properties be set at:
 - (i) Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)

ITEM 6 (continued)
ATTACHMENT 1

- (ii) Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - (iii) Additional 140 litre Garbage bin \$328.00
 - (iv) Additional 240 litre Garbage bin \$642.00
 - (v) Additional Recycle bin \$ 52.00
 - (vi) Additional Green bin \$ 52.00
- (g) That in accordance with Section 496A of the Local Government Act 1993, Council makes the Stormwater Management Service Charge be levied at the following rates:
- (i) Strata titled residential home units \$12.50 per unit
 - (ii) Other residential property \$25.00 per rateable property
 - (iii) Business rateable properties \$25.00 per 350 sq metres of land area
 - (iv) Strata titled business units \$12.50 per unit
- (h) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:
- (i) the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$86,185 including GST for 2017/2018).
 - (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$67,870 including GST for 2017/2018).
 - (iii) the use of Council land for Jemena Gas Networks (NSW) Ltd (AGL) Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$81,610 for 2017/2018).
- (i) That Council sets the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at seven point five percent (7.5%) per annum.

ITEM 6 (continued)

ATTACHMENT 1

- (j) That the Schedule of Fees and Charges, annexed to the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018 as amended in terms of this report, be made and fixed as Council's Fees and Charges for 2017/2018.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

4 CARRYOVER FUNDS/PROJECTS 2016/2017 TO 2017/2018

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council endorse the proposed carryovers, totalling \$12.52 million and include them in the 2017/2018 Budget, detailed as follows:
- \$0.05 million for projects that Council has previously approved
 - \$1.13 million for projects that have been delayed due to contract dispute
 - \$1.50 million for projects that will benefit from broader scope for efficiencies
 - \$1.90 million for projects that were substantially commenced, tendered and/or contracts signed
 - \$1.94 million for projects that have been delayed for reasons detailed in this report
 - \$6.00 million for Central Park, Waterloo Road project due to circumstances beyond Council's control
- (b) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$12.43 million be adopted.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 6 (continued)

ATTACHMENT 1

5 DIRECT DEBIT PAYMENT OPTIONS

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That a direct debit facility not be included as an additional payment method, and
- (b) That the existing Bpay facility be promoted, together with simple guidelines being placed on Council's website and made available at Council's Customer Service Centre, in promoting this payment option to all ratepayers.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

6 REPORTS DUE TO COUNCIL

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

7 REQUEST FOR TENDER - COR-RFT- 03/17- RYDE AQUATIC LEISURE CENTRE - SOLAR PHOTOVOLTAIC SYSTEM

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

- (a) That Council accepts the Tender from Solgen Energy Pty Ltd. in the amount of \$494,937.93 (excluding GST) in accordance with their submission, clarifications received and Council's Conditions of Contract.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Solgen Energy Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advises all the respondents of Council's decision.

ITEM 6 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

8 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 6.25pm.

CONFIRMED THIS 18TH DAY OF JULY 2017.

Chairperson

7 RELATED PARTY DISCLOSURES

Report prepared by: Governance Coordinator
File No.: CLR/07/8/99 - BP17/520

REPORT SUMMARY

This report is to advise Council that the Australian Accounting Standards Board ('AASB') has determined that from 1 July 2016, Council is required to disclose transactions associated with Related Party Relationships and Key Management Personnel ('KMP') compensation in its annual financial statements.

This report provides information regarding the requirements of AASB 124 - Related Party Disclosures, including the level of disclosure and reporting needed in order that Council is able to comply with this Australian Accounting Standard. This report details which KMP are required to make such disclosures. Failure of Council's KMP to provide the necessary information may result in a qualified audit of Council's Annual Financial Statements.

A framework to ensure compliance is detailed within the Related Party Disclosures Policy (**ATTACHMENT 2**) and Related Party Disclosures Guidelines (**ATTACHMENT 3**), and the report seeks Council's endorsement of both the Policy and Guidelines.

RECOMMENDATION:

That Council receive and note this report and the accompanying Related Party Disclosures Policy and Guidelines, as detailed in this report.

ATTACHMENTS

- 1 OLG Circular 16-36 - Related Party Disclosures - September 2016
- 2 Related Party Disclosures Policy - June 2017
- 3 Related Party Disclosures Guidelines - June 2017
- 4 Related Party Disclosures - Forms
- 5 Related Party Disclosures - Questions and Answers
- 6 Related Party Disclosures - Scenarios of Local Government Examples relating to Related Party Disclosures

Report Prepared By:

Lorie Parkinson
Governance Coordinator

Report Approved By:

John Schanz
Manager - Risk, Audit and Governance

Roy Newsome
Acting Director - Corporate and Organisational Support Services

ITEM 7 (continued)

Discussion

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, Council must produce annual financial statements that comply with Australian Accounting Standards. From 1 July 2016, the Australian Accounting Standards Board (AASB) has determined that AASB 124 - Related Party Disclosures will apply to government entities, including local governments. The advice on this matter from the Office of Local Government is detailed in **ATTACHMENT 1**.

The objective of AASB 124, is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties, and by transactions and outstanding balances, including commitments, with such parties. This objective is to be achieved by Council's disclosure of certain related party relationships and related party transactions, together with information associated with those transactions in its annual financial statements.

Disclosure in the financial statements will only be made where a transaction has occurred between Council and a related party of Council. In addition the transaction must be material in nature or size, when considered individually or collectively.

Disclosure Requirements under AASB 124

In accordance with the requirements of AASB 124, Council is required to disclose the following information in respect to related parties:

1. Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
2. KMP compensation in total and for each of the following categories (individual KMP compensation is not identified):
 - Short-term employee benefits;
 - Post-employment benefits;
 - Other long-term benefits; and
 - Termination benefits.
3. Where related party transactions have occurred:
 - The nature of the related party relationship; and
 - Information about the transactions, outstanding balances and commitments including terms and conditions.
4. Separate disclosures for each category of related party.

ITEM 7 (continued)

5. The types of transactions such as:

- Purchase or sale of goods (finished or unfinished);
- Purchase or sale of property and other assets;
- Rendering or receiving goods or services;
- Leases;
- Transfers of licence agreements, research and development, finance arrangements;
- Provision of guarantees and collateral;
- Commitment to do something if a particular event occurs or does not occur in the future (including executory contracts); and
- Settlement of liabilities on behalf of the entity or by the entity on behalf of that related party.

Failure to Comply may result in a Qualified Audit Report

If Council and/or the designated KMP fail to provide the information required under this standard, within the required timeframe, it may result in Council's Auditor qualifying their audit of Council's Annual Financial Statements.

Related Parties of Council

The related parties of Council are:

- Entities related to Council;
- Key Management Personnel (KMP) of Council (see below);
- Close family members of KMP; and
- Entities that are controlled or jointly controlled by KMP or their close family.

Key Management Personnel (KMP) of City of Ryde are defined as the Mayor and Councillors, the General Manager, and the Directors of Council. Guidance received from the NSW Treasury has indicated that this would include any person who has acted in a role (identified as a KMP) for a period of 3 months or greater during the financial year.

Other Key Definitions within AASB 24 are;

Related Party Transaction

A Related Party Transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

ITEM 7 (continued)Key Management Personnel

Key Management Personnel (KMP) are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly ie: General Manager, Directors.

Close Family Members

Close Family members – these include a KMP spouse, partner, children, dependants, spouse/partners children and dependants. This may also include any other relatives if they could be expected to influence or be influenced by, the KMP in their dealings with Council.

Ordinary Citizen Transactions

Ordinary Citizen Transactions (OCT) - are common transactions that all members of the City of Ryde community may incur when engaging with Council.

Examples include;

- The payment of Council rates, fees and charges;
- The use of Council facilities or attending Council functions.

Arm's Length Transactions

Arm's length transactions refers to transactions that are made in accordance with established processes, criteria or conditions and that result in outcomes that would be the same irrespective of the parties involved.

Examples include;

- The hiring of staff in accordance with established Council protocol;
- The awarding of Tenders or procurement practices that are accordance with established Council protocol.

Entities Controlled / Jointly Controlled by KMP or Close Family Members

Entities that are controlled or jointly controlled by KMP or their close family member – are entities (companies, trusts, partnerships, joint ventures etc) where the KMP or a close family member has control or joint control.

Examples include;

- A company who is owned or jointly owned by a close family member of a KMP. This would need to be disclosed (as a Related Party) as well as any transactions that the company had with Council.

Annual Collection Process for KMP

Each year, all KMP are to notify Council of their close family members and of entities that they, or their close family members, control or jointly control. However, as indicated through recent NSW Treasury correspondence, KMP will not be required to identify family members who are minors on this annual form. This will only be required if during the period the KMP identifies a close family member, who is a minor, as having conducted a reportable transaction.

ITEM 7 (continued)

It is important to note that the policy identifies that KMP do not need to declare Ordinary Citizen Transactions (OCT). However, in the event that an OCT transaction was to occur on terms and conditions that are different to those offered to the general public, then the transaction would need to be declared.

KMP do need to notify all Arm's Length Transactions. However, it may be determined that the transaction is immaterial and thus does not need to be included in the financial statements. Fees associated with planning and development activities are not considered to be immaterial, and therefore need to be disclosed.

It should be noted, all KMP compensation will be extracted by Council's Financial Service staff, and disclosed in the Annual Financial reports. The total amount will be disclosed, within each of the following categories and in totality;

- a) Short-term employee benefits;
- b) Post-employment benefits;
- c) Other long-term benefits; and
- d) Termination benefits.

Information Collection for Council's Other Related Entities

Financial Services will manage the collection of details of transactions with Council's other related entities, if there are any. These are entities that are controlled by Council, jointly controlled by Council or over which Council has significant influence, and could include joint ventures, superannuation funds, subsidiaries or associates. These entities and transactions may be identified through system analysis and consultation with various business areas in Council.

Policy and Guidelines

These requirements and the process to ensure compliance with AASB 124 are detailed in the Related Party Disclosures Policy (**ATTACHMENT 2**) and Related Party Disclosures Guidelines (**ATTACHMENT 3**).

There are two forms (**ATTACHMENT 4**) that each KMP must submit each year:

- KMP Related Party Notification Form; and
- KMP Related Party Transactions Declaration Form.

In addition to this, due to the tight reporting timeframes associated with the production of Council's Annual Financial statements for the 2016/17 year, the requirements in relation to the current financial year (ending 30 June 2017) are also detailed below.

ITEM 7 (continued)

| Form | Description | Ongoing Requirements | Requirements for 2016/17 Financial Year |
|--|---|--|---|
| KMP Related Party Notification Form | <p>Lists all related parties of KMP, excluding minors unless they have been, or may be, involved in a related party transaction.</p> <p>The KMP must list in this form:</p> <ol style="list-style-type: none"> 1. Close family members 2. Entities controlled by KMP and/or close family members. | <p>This form must be received by 30 April each year, or within 30 days of commencement of the KMP.</p> <p>An updated form is to be submitted immediately should changes be identified.</p> | <p>This form must be received by the Governance unit from all KMP by Friday 14 July 2017. Council's Governance staff will liaise with each KMP.</p> |
| KMP Related Party Transactions Declaration Form | <p>Gives details of any related party transactions between Council and KMP or their close family members, or entities controlled or jointly controlled by KMP or any of their close family members.</p> | <p>Must be received by 30 June each year.</p> | <p>This form must be received by the Governance unit from all KMP by Friday 14 July 2017. Council's Governance staff will liaise with each KMP.</p> |

To assist in the implementation of these requirements, please find attached 'Questions and Answers' (**ATTACHMENT 5**) and 'Scenarios of Local Government Examples' (**ATTACHMENT 6**), relating to Related Party Disclosures.

Privacy and Access to Information

Information provided by KMP and other related parties shall be held by Council for the purpose of compliance with Council's legal obligations under AASB 124. Please note, this information is not a Public Register and the full content will be retained in a register and will be auditable. Access will only be available as required by the *Government Information (Public Access) Act 2009*, and in accordance with the *Privacy and Personal Information Protection Act 1998*.

Disclosure of Information collected

Information identified as material will be published collectively in Council's annual financial statements. Materiality will be determined by Financial Services staff and will be assessed in terms of the potential effect on the relationship on the financial statements, rather than the materiality of the transaction to the KMP. All KMP compensation is considered to be material.

ITEM 7 (continued)

It is noted that transactions associated with the City of Ryde Councillor Expenses and Facilities Policy do not need to be declared, as this information is reported within the Statutory Information section of Council's Annual report.

Financial Implications

Adoption of the recommendation will have no financial impact.

However, non-compliance with this Australian Accounting Standard may result in Council receiving qualifications to its Audit report.

ITEM 7 (continued)

ATTACHMENT 1

Strengthening local government



Office of
Local Government

Circular to Councils

| | |
|-----------------------------|--|
| Circular Details | Circular No 16-36 / 27 September 2016 / A515462 |
| Previous Circular | |
| Who should read this | General Managers / Senior Staff / Finance Staff |
| Contact | Ms Laura Love, Policy Team, laura.love@olg.nsw.gov.au |
| Action required | Information |

Financial reporting obligations - AASB 124 Related party disclosures

What's new or changing

- As advised during the Code of Accounting Practice and Financial Reporting (Code) Update 24 consultation process, the Australian Accounting Standards Board has determined that, from 1 July 2016, AASB 124 related party disclosures will apply to government entities, including local governments.
- In the annual financial statements for 2016-17, councils must disclose related party relationships, transactions and outstanding balances, including commitments.

What this will mean for your council

- Related parties are likely to include the mayor, councillors, general manager, senior executives, their close family members and any entities controlled or jointly controlled by councils.
- Any transactions between councils and these parties, whether monetary or otherwise, will need to be identified and may need to be disclosed.
- This information will be audited as part of the annual external audit.
- From 1 July 2016 councils should have systems in place to identify related parties and capture transactions. Comparatives are not required.

Key points

- In the financial reporting period beginning 1 July 2016, related party relationships and transactions with key management personnel, their close family members and council-related entities, will need to be identified and may need to be disclosed in councils' financial statements.

Where to go for further information

- The Office of Local Government is hosting a webinar on Wednesday 12 October 2016 (11:30am to 12:30pm) to provide further guidance on related party disclosures and assist councils in meeting their requirements.
- Council finance staff, general managers, other key management personnel and key stakeholders are encouraged to participate.
- Details on how to participate in the webinar are provided at Attachment A.



Tim Hurst
Acting Chief Executive

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ITEM 7 (continued)

ATTACHMENT 2

**RELATED PARTY DISCLOSURES
POLICY**

Purpose

Under the *Local Government Act 1993* and *Local Government (General) Regulation 2005*, all local government organisations in NSW must produce annual financial statements that comply with Australian Accounting Standards.

From 1 July 2016, the Australian Accounting Standards Board (AASB) has determined that AASB Standard 124: Related Party Disclosures will apply to government entities, including local councils. This means that Council is required to disclose related party relationships, transactions and outstanding balances, including commitments, commencing in its 2016/17 Financial Statements.

The objective of AASB 124 is to give visibility to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties, and by transactions and outstanding balances, including commitments, with such parties. AASB 124 is not in place to assess Council's governance or probity issues.

The purpose of this policy is to ensure that Council complies with the disclosure requirements as prescribed in AASB Standard 124: Related Party Disclosures. This includes ensuring that Key Management Personnel (KMP) are aware of their responsibilities to identify and disclose related parties and transactions.

The City of Ryde Related Party Disclosures Policy is applicable from 1 July 2016.

Scope

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions. AASB 124 provides that Council must disclose all material and significant related party transactions and outstanding balances, including commitments, in its annual financial statements.

Related party relationships are a normal feature of commerce and business. A related party relationship is able to influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively one party may refrain from trading with Council because of the significant influence of another.

A **related party** is a person or entity that is related to the entity that is preparing its financial statements.

A **related party transaction** is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Key Management Personnel (KMP) are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

| Related Party Disclosures Policy – June 2017 | | |
|--|--------------------------------------|----------------|
| Owner – Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/60717 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 2

**RELATED PARTY DISCLOSURES
POLICY**

Council's related parties are:

- entities related to Council;
- Key Management Personnel (KMP);
- close family members of key management personnel; and
- entities or persons that are controlled or jointly controlled by key management personnel, or their close family members.

The City of Ryde KMP are identified as:

- Councillors;
- General Manager;
- Directors of Corporate and Organisational Support Services, City Works and Infrastructure, Customer and Community Services, and City Planning and Development.

Each year, six steps need to be undertaken to ensure complete information is available in order to meet the requirements of AASB Standard 124: Related Party Disclosures;

1. All KMP are to notify Council of their close family members and of entities that they, or their close family members, control or jointly control.
2. All KMP are to provide details of their transactions with Council and Council entities, made by them, their close family members, or entities that they, or their close family members, control or jointly control.
3. All KMP are to provide details of non-monetary benefits that they have received from Council
4. Financial Services will conduct business system analysis to extract details of Council's transactions with Council entities (for example subsidiaries, associates, and joint ventures).
5. Financial Services will extract details of KMP's financial compensation.
6. Financial Services will review KMP's declarations and verify, where possible, in Council's business systems.

Exceptions

1. Transactions associated with the City of Ryde Councillor Expenses and Facilities Policy do not need to be declared, as this information is reported within the Statutory Information section of Council's Annual Report.
2. KMP do not need to provide details of close family members who are minors initially. This disclosure is only required if during the period the KMP identifies a close family member, who is a minor, as having conducted a reportable transaction. (NSW Treasury FAQs – May 2017)

Following the collection of all data, Financial Services will assess this information and make determinations regarding disclosure. Disclosure in Council's financial statements will only be made where a transaction has occurred between Council and a related party of Council, and this transaction is material in size or nature, when considered individually or collectively. All KMP compensation is considered material and significant.

| Related Party Disclosures Policy – June 2017 | | |
|--|--------------------------------------|----------------|
| Owner – Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/60717 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 2

**RELATED PARTY DISCLOSURES
POLICY**

Further detail on transactions that are required to be notified in accordance with this policy and AASB Standard 124: Related Party Disclosures, and how this information is to be notified and stored are given in the Guidelines.

Privacy and Access to Information

Information provided by KMP and other related parties shall be held by Council for the purpose of compliance with Council's legal obligations under AASB 124 and shall be otherwise disclosed only where required by the *Government Information (Public Access) Act 2009*, and *Privacy and Personal Information Protection Act 1998*.

References

AASB Standard 124: Related Party Disclosures- July 2015
Office of Local Government webinar and Q&As - October 2016
Treasury Circular –TC 16-12 – December 2016
LG Debits and Credits – March and May 2017
Australian Accounting Standards Board – Agenda Decision April 2017
Treasury Circular – Frequently Asked Questions: Related Party Disclosures – May 2017

Attachments

| Document Title | Trim Reference |
|---|----------------|
| Guidelines | D17/62131 |
| KMP Related Party Notification Form | D17/81854 |
| KMP Related Party Transactions Declaration form | D17/81856 |

| Related Party Disclosures Policy – June 2017 | | |
|--|--------------------------------------|----------------|
| Owner – Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/60717 | Review date: June 2019 | |

ITEM 7 (continued)

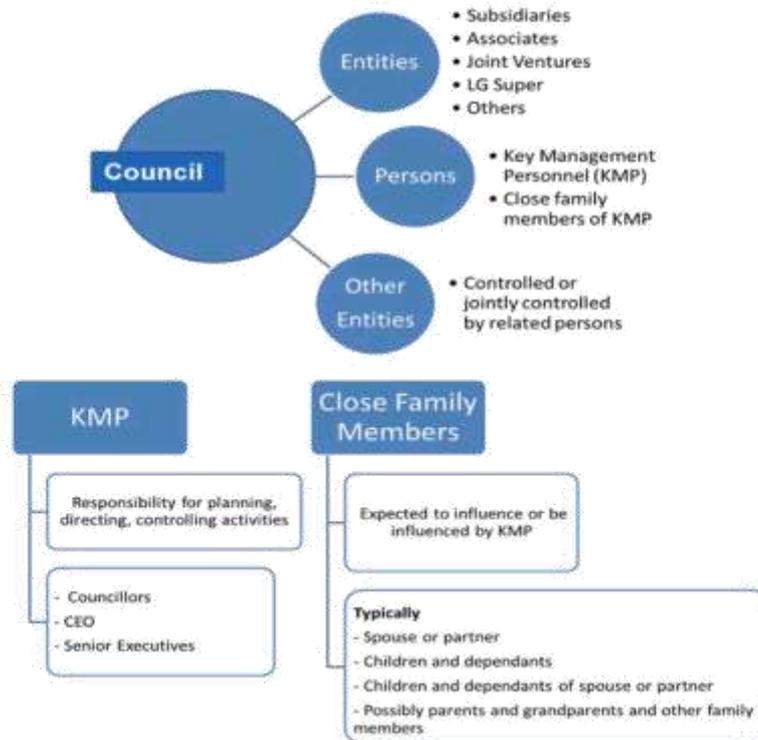
ATTACHMENT 3

**RELATED PARTY DISCLOSURES
GUIDELINES**

WHO AND WHAT ARE COUNCIL'S RELATED PARTIES?

What is a related party of council?

The following diagram gives an overview of common related parties that a council will have:



Council's related parties are:

- entities related to Council;
- key management personnel (KMP);
- close family members of key management personnel; and
- entities or persons that are controlled or jointly controlled by key management personnel, or their close family members;

| RELATED PARTY DISCLOSURES GUIDELINE – June 2017 | | |
|---|--------------------------------------|----------------|
| Owner: Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/62131 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 3

**RELATED PARTY DISCLOSURES
GUIDELINES**

IDENTIFYING ENTITIES RELATED TO COUNCIL

Entities controlled by council, jointly controlled by Council or over which council has significant influence are related parties of council. Examples of these related parties are subsidiaries, associates, joint ventures and superannuation funds,

A person or entity is also a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council.

Council's Financial Services team will manage the investigation to identify entities related to Council. This investigation will include consultation with Council's leadership team regarding current agreements and arrangements, and also analysis within the financial and project management systems.

Council will refer to AASB 10 – Consolidated Financial Statements, AASB 11 – Joint Arrangements and AASB 128 – Investments in Associates and Joint Ventures to make these determinations.

Financial Services will conduct business system analysis to extract details of Council's transactions with other related party entities, on an annual basis for inclusion in the Financial Statements.

DETERMINING KEY MANAGEMENT PERSONNEL

Key Management Personnel (KMP) are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

At City of Ryde, KMP are identified as

- Councillors
- General Manager
- Directors of Corporate and Organisational Support Services, City Works and Infrastructure, Customer and Community Services, and City Planning and Development.

A person who is acting in a position that has been identified as KMP, becomes a KMP if the appointment is for three months or greater.

Entities that are controlled or jointly controlled by KMP or their close family members are also related parties. These may include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

| RELATED PARTY DISCLOSURES GUIDELINE – June 2017 | | |
|---|--------------------------------------|----------------|
| Owner: Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/62131 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 3

**RELATED PARTY DISCLOSURES
GUIDELINES**

Council will refer to AASB 10 – Consolidated Financial Statements and AASB 11 – Joint Arrangements to confirm a KMP declaration that states that they or a close family member controls, or jointly controls, an entity.

DISCLOSURE OF RELATED PARTY TRANSACTIONS IN FINANCIAL STATEMENTS

Related party transactions that are not ordinary citizen or immaterial, must be disclosed in the Financial Statements in aggregate or by description and must include the following detail:

- the nature of the related party relationship.
- the amount of the transactions.
- the amount of outstanding balances, including commitments, and
 - (i) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
 - (ii) details of any guarantees given or received.
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

When assessing materiality and whether to include each transaction in the Financial Statements, Council will consider both the size and the nature of transaction, individually and collectively.

Materiality is to be assessed in terms of the potential effect of the relationship on the financial statements, rather than the materiality of the transaction to the KMP; and whether the transaction was part of an ordinary operational or *arm's length transaction* (eg purchase of property, plant and equipment, hiring employees) on normal commercial terms and conditions including meeting tendering requirements.

All transactions between Council and related parties, whether monetary or not, are required to be identified and noted in the Related Parties register, unless identified as *ordinary citizen transactions*.

Ordinary citizen transactions (OCT) are transactions that an ordinary community member would undertake with Council, which are undertaken in the ordinary course of participating in Council's functions and activities.

Examples are

- paying rates;
- parking fees;
- use of Council facilities;
- paying fines on normal terms and conditions; and
- pet registration fees.

| RELATED PARTY DISCLOSURES GUIDELINE – June 2017 | | |
|---|--------------------------------------|----------------|
| Owner: Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/62131 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 3

**RELATED PARTY DISCLOSURES
GUIDELINES**

Arm's length transactions are transactions between parties that are made in accordance with established processes, criteria or conditions that result in outcomes that would be the same irrespective of the parties involved.

Any transaction that occurs on terms and conditions that are different to those offered to the general public may become material, for example staff discounts.

Fees associated with development activities are not considered to be immaterial.

Identifying KMP Compensation

Council's Financial Services team will identify details of KMP compensation on an annual basis for inclusion in the Financial Statements. KMP compensation means all forms of consideration paid, payable or provided in exchange for services provided.

Compensation is to be disclosed in total, and for each of the following categories:

- a) short-term employee benefits;
- b) post-employment benefits;
- c) other long-term benefits; and
- d) termination benefits.

Council will also disclose amounts incurred for the provision of KMP services that are provided by a separate management entity – for example fees to a KMP engaged as an independent contractor or through an agency.

Process to identify related party transactions with KMP or their close family members, including with entities they control (or jointly control)

In order to meet the disclosure requirements, Council's KMP are required to complete two forms each year.

Step 1

All KMP are responsible for identifying their close family members and entities they or close family members control for each financial year, using the KMP Related Party Notification form.

This form is to be received no later than:

- 30 days after a KMP commences their term of employment
- 30 April each year

If a KMP identifies related parties at other times in the year, they are to submit an updated KMP Related Party Notification form.

As suggested by NSW Treasury, KMP do not initially need to provide details of close family members who are minors. This disclosure is only required if during the period the KMP identifies a close family member, who is a minor, as having conducted a reportable transaction. (NSW Treasury FAQs – May 2017).

| RELATED PARTY DISCLOSURES GUIDELINE – June 2017 | | |
|---|--------------------------------------|----------------|
| Owner: Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/62131 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 3

**RELATED PARTY DISCLOSURES
GUIDELINES**

Step 2

The second step is for KMP to complete a KMP Related Party Transactions Declaration form. This form enables KMP to provide details of any related party transactions in the financial year, between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members.

Please note that transactions associated with the City of Ryde Councillor Expenses and Facilities Policy do not need to be declared on this form, as this information is reported within the Statutory Information section of Council's Annual Report.

The RPD notification form is to be received no later than 30 June each year.

KMP are not required to notify Council of transactions of their *ordinary citizen transactions*.
KMP are required to notify transactions that they assess as being *arm's-length transactions*.

Please refer to the listing of Key Terms and Definitions below.

REGISTER OF RELATED PARTIES AND RELATED PARTY TRANSACTIONS

The Manager, Risk, Audit and Governance shall maintain a register of Council's related party transactions, including KMP Notification and Declaration forms.

Related party entities and transactions identified by Financial Services shall also be retained in the register.

It is important to note that transactions extracted or collected, that are then deemed to be not significant or material and thus not required to be disclosed in Financial Statements are still to be retained in the register for audit purposes.

Details of KMP compensation, prior to aggregation, are also retained in the register for audit purposes.

Privacy and Access to Information

Information provided by KMP and other related parties shall be held by Council for the purpose of compliance with Council's legal obligations under AASB 124 and shall be otherwise disclosed only where required by the *Government Information (Public Access) Act 2009*, and *Privacy and Personal Information Protection Act 1998*.

| RELATED PARTY DISCLOSURES GUIDELINE – June 2017 | | |
|---|--------------------------------------|----------------|
| Owner: Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/62131 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 3

**RELATED PARTY DISCLOSURES
GUIDELINES**

Key Terms and Definitions

| |
|--|
| <p>Key Management Personnel (KMP) KMP are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.</p> |
| <p>Related Party A person or entity that is related to the entity that is preparing its financial statements.</p> |
| <p>Control and Joint Control of an entity Control of an entity is present when there is: (a) power over the entity; and (b) exposure or rights to variable returns from involvement with the entity; and (c) the ability to use power over the entity to affect the amount of returns received. Joint control is the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p> |
| <p>Ordinary Citizen Transactions Transactions that an ordinary citizen would undertake with Council, which are undertaken in the ordinary course of participating in Council's functions and activities. Examples of ordinary citizen transactions considered not material in nature: are (a) paying rates and utility charges; (b) using Council's public facilities after paying the corresponding fees.</p> |
| <p>Arm's length transaction Transactions between parties that are made in accordance with established processes, criteria or conditions, that result in outcomes that would be the same irrespective of the parties involved. Examples include hiring of staff in accordance with normal Council protocol and the award of tenders or procurement in accordance with established Council protocol.</p> |
| <p>Close members of the family of a KMP Are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:</p> <ul style="list-style-type: none"> • that person's children and spouse or domestic partner; • children of that person's spouse or domestic partner; and • dependants of that person or that persons' spouse or domestic partner. <p>For the purposes of AASB 124, close family members may also include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the KMP in their dealings with Council.</p> |
| <p>Related Party Transaction A transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged, including but not limited to:</p> <ul style="list-style-type: none"> • purchases or sales of goods • purchases or sales of property and other assets • rendering or receiving of services • rendering or receiving of goods • leases • transfers under licence agreements • transfers under finance arrangements (example: loans) • provision of guarantees (given or received) • commitments to do something if a particular event occurs or does not occur in the future • settlement of liabilities on behalf of Council or by Council on behalf of that related party. |

| RELATED PARTY DISCLOSURES GUIDELINE – June 2017 | | |
|---|--------------------------------------|----------------|
| Owner: Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/62131 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 3

**RELATED PARTY DISCLOSURES
GUIDELINES**

Material (materiality)

Means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Significant (significance)

Means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

| | | |
|---|--------------------------------------|----------------|
| RELATED PARTY DISCLOSURES GUIDELINE – June 2017 | | |
| Owner: Risk, Audit and Governance | Accountability: Governance Framework | Policy Number: |
| Trim Reference: D17/62131 | Review date: June 2019 | |

ITEM 7 (continued)

ATTACHMENT 4

Key Management Personnel Related Party Notification Form



This form is to be completed by Council's Key Management Personnel (KMP) in accordance with the *Related Party Disclosures Policy and Guidelines*. The information collected in this declaration will be used to identify related party transactions that may be disclosed in Council's annual Financial Statements in accordance with Australian Accounting Standard AASB 124 Related Party Disclosures. This information is subject to audit.

REPORTING PERIOD :

YOUR DETAILS

Full Name

Position

YOUR CLOSE FAMILY MEMBERS

| Name of Close Family Member | Relationship to You |
|-----------------------------|---------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Entities Controlled or Jointly Controlled by You and / or Close Family Members

| Name of Entity | ABN or ACN of Entity | Period Related (if not for full period) |
|----------------|----------------------|---|
| | | |
| | | |
| | | |
| | | |
| | | |

Declaration

I declare that, to the best of my knowledge, the above information is a complete and accurate record of my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I have excluded minors unless there are, or are likely to be, relevant transactions. I make this declaration after reading the *Related Party Disclosures Policy and Guidelines*, which detail the purposes for which this information will be used and disclosed.

I have notified my close family members of their inclusion on this declaration form.

Signature

Date

Received

Trim Ref:

ITEM 7 (continued)

ATTACHMENT 4

Key Management Personnel Related Party Transactions Declaration Form - Year Ending 30 June 2017



| | | | |
|-----------|--|----------|--|
| Full Name | | Position | |
|-----------|--|----------|--|

From 2016/17 Council must disclose transactions with its Key Management Personnel (KMP) in the annual, audited Financial Statements.

What will be disclosed?

- Employee and Councillor compensation** will be disclosed in total, split by the type of benefit (e.g. short term benefits, post-employment benefits etc)
- Transactions between Council and entities related to you** must be disclosed if you have control over the entity or if you have significance, which is the power to participate in the financial and operating decisions of the entity. This may be: **Companies, Trusts and Partnerships** where you have control or significant influence, or **Sports Clubs, Societies or any other organisation** where you have control or significant influence.
- Transactions between Council and entities related to your 'close family members'** must also be disclosed if your close family member has control or significant influence over the entity. A close family member is your spouse, domestic partner, children or dependants.

Why is this required?

The Australian Accounting Standards Board (AASB) requires Council to comply with AASB 124 Related Party Disclosures when preparing the audited Financial Statements from 2016/17 onwards.

Please refer to Council's *Related Party Disclosure Policy and Guidelines* for more information.

Data Collection

The Finance Department will calculate disclosure for employee and Councillor compensation. You are required to disclose other relevant transactions using the Data Collection Sheet below.

You do not need to disclose 'ordinary citizen transactions' such as paying rates and fees for using Council facilities, or transactions associated with the Councillor expenses and facilities policy.

Assessment: Within the financial year ending 30 June 2017 were there any of the following transactions with City of Ryde?

| Did any of the following apply? | Transactions between Council and you | Transactions between Council and entities related to you | Transactions between Council and entities related to your Close Family Members |
|---|--|--|--|
| Purchase of goods or services from, or provision of goods or services to City of Ryde. | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Purchase of property or other assets from, or sale of property or other assets to City of Ryde. | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Leases entered into with City of Ryde. | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Grants or subsidies provided to or grants or subsidies received from City of Ryde. | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Voluntary work provided to, or received from City of Ryde. | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Debts forgiven in part or in full by City of Ryde. | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Any other transactions that could be considered a related party transaction with City of Ryde. | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
|----------|-----------|
| Received | Trim Ref: |
|----------|-----------|

ITEM 7 (continued)

ATTACHMENT 4

Key Personnel Related Party Transactions Declaration Form

If you answered YES to any of the previous questions, you must provide the details of each transaction in the table below. If you answered NO to all questions, please proceed to the declaration.

| Related Party Transactions with Council | | | | | |
|--|---|---|---------------------------------------|---------------------------------------|--|
| Details of Transactions | Details and Nature of Relationship | Total of Transactions for Period (GST Incl) | Outstanding Balances as at Year End | Commitment as at Year End | Comments / Terms and Conditions of Transaction |
| e.g. Provision of Cleaning Services | e.g. ABC Ltd - Company Wholly owned by my son <name of son> | e.g. \$100,000 | e.g. \$50,000 receivable from Council | e.g. \$400,000 over following 4 Years | e.g. Won through open tender standard terms and conditions |
| e.g. Wife employed by Council | e.g. Wife | job title - Salary = \$xx,xxx | | | I was not involved in the recruitment process |
| e.g. Contributions to the new pitch at xyz football club | e.g. I am president of the club | e.g. \$30, 000 | Nil | Nil | 100% of funds received for football field |
| | | | | | |
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| | | | | | |

Please complete a second form if further lines are required.

Declaration

I declare that, to the best of my knowledge, the above information is a complete and accurate record of related party transactions with Council involving myself, close family members or entities controlled or jointly controlled by myself or close family members. For any close family members noted above, I have informed them about the purpose of this declaration and how the information will be used and disclosed. I make this declaration after reading the *Related Party Disclosures Policy and Guidelines*.

| | | | |
|------------------|--|-------------|--|
| Signature | | Date | |
|------------------|--|-------------|--|

ITEM 7 (continued)

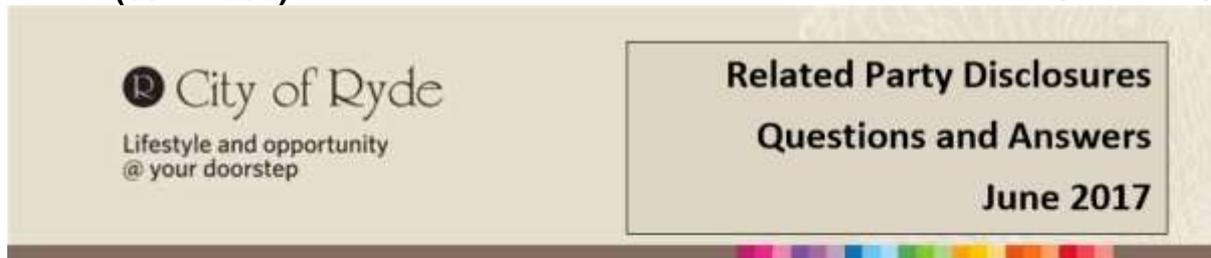
ATTACHMENT 5



| | |
|--|---|
| When do the related party disclosure requirements become applicable to Councils? | The application of AASB 124 – Related Party Disclosures has been extended to not for profit public sector entities, including Local Government, from 1 July 2016. |
| Is this a new standard? | No, while it is new to Local Government, it has been applicable in the private sector for some time. |
| What does this mean for Council? | Council needs to ensure compliance with the Australian Accounting standards in the preparation of its financial statements and therefore, Council needs to ensure compliance with this standard. This will include the identification of all related parties and transactions. |
| What is meant by a related party? | A related party is defined in AASB 124 as a “person or entity that is related to the entity that is preparing its financial statements”. Guidance is given below on who Councils related parties are. |
| Who are Council’s related parties? | Council has the following related parties; <ol style="list-style-type: none"> 1. Those entities that are related to Council. This includes for example any subsidiaries, joint ventures that Council controls or jointly controls. These requirements will be investigated by the Finance team; 2. Key Management Personnel (KMP) (see definition below) 3. Close family members of KMP 4. Entities or persons that are controlled by or jointly controlled by KMP or their close family members <p>Items 2-4 impact Councillors and are further explained below.</p> |
| Who are Council’s KMP? | The definition of a KMP is “those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly”. At the City of Ryde, KMP are identified as; <ul style="list-style-type: none"> • Councillors • General Manager • Directors |
| What is meant by “Close family members”? | This includes a KMP spouse, partner, children, dependants, spouse/partners children and dependants. It may also include other relatives such as grandparents, in laws, aunts/uncles, nieces/nephews and cousins if they could be expected to influence or be influenced by, the KMP in their dealings with Council. |

ITEM 7 (continued)

ATTACHMENT 5



| | |
|--|---|
| <p>What is meant by "entities or persons that are controlled by or jointly controlled by KMP or their close family members"?</p> | <p>These are any entities (i.e. Companies, partnerships, trusts etc) where the KMP or a close family member has control or joint control.</p> <p>Control is defined as having the power over the entity, to be able to significantly influence it. For example where a KMP or a close family member owns a company.</p> <p>An example where a KMP or a close family member may have an interest in but no control in a company is where they have a minor shareholding.</p> <p>Some further examples are illustrated in an attachment to the Councillor Information bulletin.</p> |
| <p>What do Councillors need to do to comply?</p> | <p>In order to assist in Council's compliance, we require the assistance of Councillors to complete two forms</p> <ul style="list-style-type: none"> • Key Management Personnel (KMP) Related Party Notification Form; and • KMP Related Party Transactions Declaration Form <p>For the 2016/17 period, these forms need to be completed by 14 July 2017.</p> <p>In future KMP Notification Forms are to be submitted by 30 April, and KMP Transactions Forms by 30 June each year.</p> <p>These forms are further outlined below.</p> |
| <p>KMP Related Party Notification Form</p> | <p>This is the first form that Council requires all of its KMP (including Councillors) to complete. This allows the identification of any close family members and any entities controlled by the KMP or their close family members.</p> |
| <p>KMP Related Party Transactions Declaration Form</p> | <p>This form must also be completed by Councils KMP (including Councillors). This form gives details of any related party transactions between Council and KMPs or their close family members, or entities controlled or jointly controlled by KMPs or any of their close family members.</p> |
| <p>Who is collecting these forms and will assistance be provided?</p> | <p>The Related Party process is being coordinated through the Risk, Audit and Governance unit with input and consultation with Finance staff.</p> <p>Governance staff will be available to provide assistance and to answer questions at any time. They will also provide one on one meetings with Councillors to assist with the completion of the forms if required.</p> |
| <p>What if a KMP is unaware of a related party or is estranged from a close family member?</p> | <p>The onus is on the KMP to complete these disclosures to the best of their knowledge.</p> |

ITEM 7 (continued)

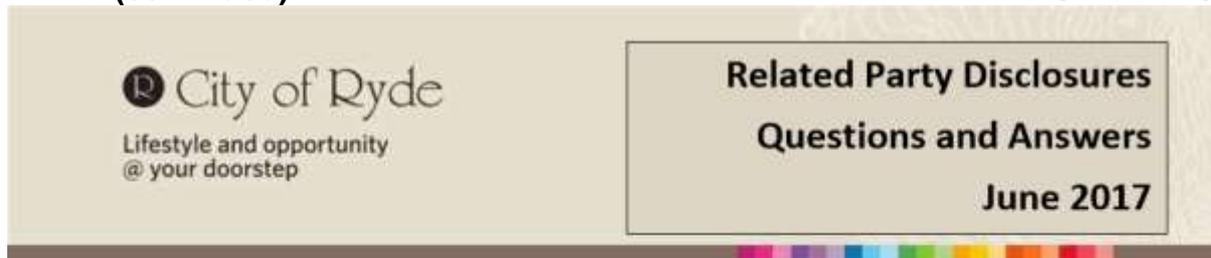
ATTACHMENT 5



| | |
|--|---|
| <p>Do KMP have to advise Close family members of this declaration?</p> | <p>Yes. The KMP has to inform the close family members identified on the KMP Related Party Notification Form about the purpose of the declaration and how the information will be used and disclosed.</p> |
| <p>What is the purpose of the declaration and how will this information be used and disclosed?</p> | <p>The purpose of the declaration is to gather information in order for Council to comply with the requirements of AASB 124. The information will be used to assess whether there is a material impact on the financial statements. Information disclosed will be done collectively and will not individually identify KMP or their close family members.</p> |
| <p>When was Council advised of this requirement, and what information has been received?</p> | <ul style="list-style-type: none"> • Council initially received an OLG circular in September 2016 advising the requirements to be bought in for the 2016/17 year. • Councillors were advised of the introduction of AASB124 at the Council meeting of 25 October 2016 as part of the External Auditors address on the 2015/16 financial statements. • Information clarifying requirements and auditor's expectations has been received from the OLG, NSW Audit Office, NSW Treasury and the Accounting Standards Board between February and May 2017. |
| <p>Will this be Audited?</p> | <p>This will be the discretion of Council's External Auditor (the Audit Office (AO)) of NSW who has engaged PriceWaterhouseCoopers to undertake the Audit. The AO will oversight the External Audit process.</p> <p>It is anticipated that the External Auditors will review Council's policy and processes to demonstrate these three steps:</p> <ol style="list-style-type: none"> 1. Council has identified related parties and related party relationships 2. Council has identified and recorded related party transactions 3. Council has assessed the information and determined whether the transactions need to be disclosed. <p>Council will keep documentary evidence as to what has and hasn't been disclosed and why.</p> |
| <p>Is payment of rates a related party transaction?</p> | <p>It is a related party transaction, however disclosure is not required if the KMP is paying his/her rates just like every other rate payer – ie it is an 'ordinary citizen transaction'.</p> |
| <p>Would this example need to be disclosed? A KMP's son applied to do school based work experience with a different KMP's section?</p> | <p>If for example the work experience is available to the general public and is not paid work experience then it is not a transaction and would therefore not be considered for disclosure. If Council makes a decision to pay the son of the KMP when others had not been paid for the same work experience, then it may require disclosure.</p> |

ITEM 7 (continued)

ATTACHMENT 5



| | |
|---|--|
| Will the OLG issue a template form to submit similar to the pecuniary interest disclosure form? | The OLG does not intend to issue a template form of disclosure. |
| Is the OLG going to develop a model policy for Councils to use as a standard, along with a related party transaction declaration? | OLG is not intending to develop a model Policy. There are a number of Policies already developed by councils in NSW and other States. A link to these policies has been provided on the OLG website. |
| Are "use of Council assets" also included in related party transactions not just dollars? | Yes. Just because it is not a financial transaction does not mean it does not need to be disclosed. E.g. if Council allows a Councillor to use office space (for personal reasons), this would be considered a transaction even though it is not a financial transaction. |
| Is Council required to record all relationships regardless of the fact there may be no transactions? | Yes - they need to know the relationships in order to be able to determine whether transactions have taken place. |
| Why can't an enhanced Pecuniary Interest Disclosure suffice? | <p>In order to capture the relevant information there is a requirement essentially for two sets of information. The purpose of the two documents is different, although for some KMPs there may be some overlap.</p> <p>The Pecuniary Interest form is intended to identify conflicts of interests which may affect the Councillor / designated person's ability to be objective in Council decisions and gains / losses which the Councillors and designated persons have incurred in their role as Councillor / designated persons. The AASB 124 disclosures are intended to provide information to users of the financial statements about transactions which have occurred during the reporting period between the Council and their related parties.</p> <p>The AASB 124 disclosures in the financial statements include an aggregation of information rather than providing detailed information on each KMP and if this information was included on the pecuniary interest form then certain personal information would be on the public record without any requirement for this to be the case.</p> <p>OLG came to the conclusion that as the purpose of the information being collected is not the same there is no scope to consolidate these two disclosures.</p> |
| What is the penalty to Council for non-compliance? | Potential qualification of financial statements. |
| Are the financial statements invalidated by non-compliance? | When signing off on the preparation of the financial statements the Council will not be able to say that the financial statements are in compliance with Accounting Standards and an audit qualification may be received. |

ITEM 7 (continued)

ATTACHMENT 6



Example 1 - Key Management Personnel – Close Family Members

The Mayor of XYZ Council (Suzanne) has lived in the municipality her whole life. In fact her family has been in the area for over three generations. Suzanne's cousin David, owns and operates a local newsagent through a company Today's News Pty Ltd, of which he is 100% owner. Today's News is a supplier of newspapers to Council.

Suzanne and David have always been close and regularly socialise. Suzanne has been identified as a KMP of the Council.

David is classified as a Close Family Member of Suzanne because he would be able to influence, or be influenced by, that person with their dealings with Council. Both David and the Company he controls, Today's New Pty Ltd would both be Related Parties of the Council. Any transactions that the Council makes with the newsagent would need to be separately identified and need to be disclosed.

Example 2 - Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members

Councillor Carlos is a part owner in a retail tile and paver supplies company – Superstrong Pavers. He is an equal partner in the company of five owners. Superstrong Pavers has won a contract with Council. Due to his recognition of conflicts of interest, Carlos has not participated in the development of the bid or the negotiation of the contract.

As he has joint control of the business, Carlos is required to initially declare his relationship with Superstrong on the KMP notification form. Due to the winning of the bid, and subsequent payments for product sold to Council, he must also declare these transactions on the KMP Transactions form.

Any commercial transactions that Superstrong has with Council do need to be declared by Councillor Carlos, even if they are what is termed an *arm's length transaction - transactions between parties that are made in accordance with established processes, criteria or conditions, that result in outcomes that would be the same irrespective of the parties involved*. For example Superstrong may have to pay a one off excess waste collection fee. However, Financial Services may decide not to disclose this transaction in the Financial Statements, if it is not deemed material.

ITEM 7 (continued)

ATTACHMENT 6



Example 3 - Different Party Transactions that may occur between Related Parties

The Council's functions include raising revenue to fund its functions and activities, and planning for and providing services and facilities (including infrastructure) for the local community. In carrying out its functions, the Council undertakes a wide range of activities including the imposition of rates and charges upon constituents, and the provision without charge of services such as parks and roads.

Councillor Sam is a ratepayer residing within the Council's constituency. As such, Councillor Sam takes advantage of the availability of free public access to local parks and libraries. Councillor Sam also used the swimming pool at the Council's Recreation Centre twice during the financial year, paying the casual entry fee applicable to the general public each time. The recreation centre has approximately 20,000 visitors each financial year.

All of the transactions described above between the Council and Councillor Sam (KMP) are related party transactions. They are also *ordinary citizen transactions - transactions that an ordinary citizen would undertake with Council, which are undertaken in the ordinary course of participating in Council's functions, services and activities* – and therefore Sam is not required to declare them on his KMP Transactions Declaration form.

8 STRENGTHENING PROCEDURES - INTERACTIONS BETWEEN COUNCILLORS AND DEVELOPERS

Report prepared by: Manager - Risk, Audit and Governance; General Counsel;
Acting Director - City Planning and Development
File No.: GRP/09/7/11 - BP17/648

REPORT SUMMARY

At Council's meeting on 23 May 2017, Council resolved to be advised of the current procedures in place for staff and Councillor interactions with Developers, in negotiating Voluntary Planning Agreements ('VPAs'). The resolution requested recommendations to improve and strengthen the level of transparency and probity in negotiating and finalising VPAs.

This report proposes changes to both Council's existing VPA Policy and Code of Conduct.

A full review of Council's VPA Policy is scheduled for next year (2018) and the Code of Conduct will be further reviewed in 2017, following the September 2017 Council election.

However, the report proposes both policies be updated immediately as an interim measure in strengthening both Policies in respect of interactions between Councillors and staff with Developers, in negotiating VPAs. It is also recommended that this interim change to Council's VPA Policy be placed on public exhibition for 28 days.

RECOMMENDATION:

- (a) That Council amend its Code of Conduct – Standards of Conduct, with new Clauses 3.7 and 3.8, as detailed in this report.
- (b) That Council amend its Voluntary Planning Agreement Policy as detailed in this report and place the amended Policy on public exhibition for 28 days.
- (c) That a further report be provided to Council, only if there are public submissions received from the public exhibition of the Policy.

ATTACHMENTS

- 1 City of Ryde - Voluntary Planning Agreements (VPA) Policy (Adopted 14 July 2015)

ITEM 8 (continued)

Report Prepared By:

John Schanz
Manager - Risk, Audit and Governance

Paul Kapetas
General Counsel

Liz Coad
Acting Director - City Planning and Development

Report Approved By:

Roy Newsome
Acting Director - Corporate and Organisational Support Services

ITEM 8 (continued)

At Council's meeting on 23 May 2017, in considering a Notice of Motion from Councillor Maggio, Council resolved as follows:

“That the Acting General Manager prepare a report to a future Council meeting identifying:

- (a) What procedures are currently in place with respect to the interactions of staff and Councillors with Developers when negotiating Voluntary Planning Agreements; and*
- (b) What measures can be implemented to improve these procedures in order to ensure the highest levels of probity and transparency in negotiations and finalizing Voluntary Planning Agreement matters.”*

Council, at its meeting on 14 July 2015 adopted its Voluntary Planning Agreements (VPA) Policy (**ATTACHMENT 1**).

The VPA Policy establishes a framework to guide Developers as to the preparation of Planning Agreements with Council under the relevant requirements of the Environmental Planning and Assessment Act 1979. It does not contain any specific provisions relating to the interactions between Councillors, staff and developers other than a generic statement that Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a Planning Agreement.

Council's Acting Director of City Planning and Development has confirmed that the VPA Policy will be reviewed in 2018 after the adoption of Council's Section 94 Contributions Plan. In this regard, it is anticipated that additional provisions will be incorporated in the VPA Policy to clarify the interactions of Councillors and staff with developers when negotiating planning agreements. However, as an interim measure, the following Clauses are proposed to be added to Council's VPA Policy:

- A Councillor or staff member of the City of Ryde must ensure that development decisions, including conducting any negotiations pertaining to planning agreements, are properly made or conducted (as the case may be) and that parties involved in those processes are dealt with fairly. In doing so, a Councillor or staff member must avoid any occasion for suspicion of improper conduct in the development assessment and planning agreement processes.*
- In determining development applications or negotiating and agreeing planning agreement terms, a Councillor or staff member must ensure that no action, statement or communication between themselves and applicants, developers or objectors conveys any suggestion or willingness to provide improper concessions or preferential treatment.*

ITEM 8 (continued)

The other key Policy that has been reviewed in preparing this report is Council's Code of Conduct. The Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions.

The Code of Conduct does not contain any specific references to planning agreements. However, it does refer to the conduct of council officials when they are making decisions as a result of the development assessment process.

While Council's Code of Conduct is reviewed annually by November of each year, it is proposed to make a similar interim amendment to Council's Code of Conduct as follows;

Amend Clauses 3.7 and 3.8 of the Code of Conduct – Standards of Conduct to read as follows to incorporate references to planning agreements:

- 3.7 *You must ensure that development decisions, **including conducting any negotiations pertaining to planning agreements**, are properly made or conducted (as the case may be) and that parties involved in those processes are dealt with fairly. In doing so, you must avoid any occasion for suspicion of improper conduct in the development assessment **and planning agreement processes**.*
- 3.8 *In determining development applications **or negotiating and agreeing planning agreement terms**, you must ensure that no action, statement or communication between yourself and applicants, developers or objectors conveys any suggestion or willingness to provide improper concessions or preferential treatment.*

Financial Implications

Adoption of the recommendation will have no financial impact.

ITEM 8 (continued)

ATTACHMENT 1

Voluntary Planning Agreements (VPA) Policy

Scope

This Policy applies to the use of Planning Agreements to which the Council is a party.

The public benefits negotiated through the Planning Agreement process will be administered by Council in the context of delivering the key outcome areas of the City of Ryde:

- A City of well-being
- A City of liveable neighbourhoods
- A City of prosperity
- A City of progressive leadership
- A City of environmental sustainability
- A City of connections
- A City of harmony and culture

Purpose

This policy establishes a framework to guide the preparation of Planning Agreements under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The policy objectives are to:

- Establish a fair, transparent and accountable framework governing the use of Planning Agreements by the Council of the City of Ryde (Council);
- Give stakeholders in development greater involvement in the type, standard and location of public facilities and other public benefits; and
- Adopt innovative and flexible approaches to the provision of infrastructure and other public benefits in a manner that is consistent with Council's strategic and infrastructure plans.

This policy is not legally binding, however it is intended that the Council and all persons dealing with Council in relation to Planning Agreements will follow this Policy to the fullest extent possible.

The acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council.

| Planning Agreements Policy | | |
|----------------------------|--|----------------------------------|
| Owner: Urban Planning | Accountability: Developer contributions development and management | Policy No: EPU002 |
| Trim Reference: D15/141166 | Review date: 1 March 2018 | Adopted by Council: 14 July 2015 |

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Definitions

| Term | Meaning |
|--------------------------|---|
| Act | Environmental Planning and Assessment Act 1979 (EP&A Act) |
| Contribution Rates | The monetary contribution relating to un-deferral as contemplated by Draft Ryde LEP 2014 (Amendment 1) Macquarie Park Corridor. |
| Council | Council of the City of Ryde |
| Developer | A person who has sought a change to an environmental planning instrument that includes the making, amendment or repeal of an instrument, or who has made or proposes to make a Development Application, or who has entered into an agreement with or is otherwise associated with such a person |
| Development Application | Has the same meaning as in the Act |
| Development Contribution | Contribution provided by the Developer under a Planning Agreement being a monetary contribution, the dedication of land free of cost to Council, any other material public benefit or any combination of them. |
| Explanatory Note | A written statement that provides details of the objectives, nature, effect and merits of a Planning Agreement, or an amendment to or revocation of a Planning Agreement as required under the Regulation. |
| Instrument Change | A change to an environmental planning instrument whether it be for the making, amendment or repeal of that instrument. |
| Planning Agreement | A voluntary agreement between one or more planning authorities and a Developer: (a) who seeks to change an environmental planning instrument (which may be for rezoning or other purpose); or (b) who has made, or proposes to make a Development Application |
| Planning Benefit | A Development Contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community. |
| Planning Obligation | An obligation imposed by a Planning Agreement on a developer requiring the developer to make a Development Contribution. |
| Public | The community as a whole or, where context requires, a section of the community |
| Public Benefit | The benefit enjoyed by the public as a consequence of a Development Contribution. |
| Public Facilities | Public infrastructure, facilities, amenities and services. |

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| | |
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| Public Purpose | Includes (without limitation) any of the following: (a) The provision of (or the recoupment of the cost of providing) public amenities or public services; (b) The provision of (or the recoupment of the cost of providing) affordable housing; (c) The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land; (d) The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or other infrastructure; (e) The monitoring of the planning impacts of a development; (f) The conservation and enhancement of the natural environment. |
| Regulation | Environmental Planning and Assessment Regulation 2000 |

Note: This Policy adopts the terms used in the *Practice Note on Planning Agreements* published by the former Department of Planning and Natural Resources (July 2005) and the definitions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Overview of Planning Agreements

Planning Agreements are voluntary agreements that allow Development Contributions such as the dedication of land at no cost to Council, monetary contributions, any other material public benefit or any combination of these for a public purpose. Refer to Annexure A for guidance with respect to suggested Public Benefits that are applicable to the Ryde Local Government Area (LGA).

Planning Agreements form one part of Council's developer contribution system. This developer contribution system includes Council's Section 94 or Section 94A contribution plans (as the case may be) that have been adopted in accordance with the relevant provisions of the Act.

Any offer to enter into a Planning Agreement with Council is to be initialised in writing to the Council by the Developer.

The written offer is to contain adequate information for Council to properly consider whether or not to accept the offer. In this regard, the offer should include as much information as possible including but not limited to the following matters:

- (a) The Land to which the Planning Agreement relates, including its legal description;

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- (b) The Development Application or Planning Proposal that relates to the Planning Agreement;
- (c) The Developer's details;
- (d) If the Developer is not the owner of the subject land, then the land owner's details and whether the land owner intends to enter into the Planning Agreement as well (if so, a written offer will also be required from the relevant land owner(s));
- (e) The Public Benefits being offered under the terms of the Planning Agreement; and
- (f) The nature of the security to be provided for the Public Benefits;

Planning Agreements are separate from, but complement Council's Section 94 or Section 94A (as the case may be) contribution plans.

Planning Agreements provide an efficient means of increasing and broadening the range of community infrastructure in conjunction with redevelopment.

Planning Agreements may arise through either a Development Application or a request for an Instrument Change.

The acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council.

Council will not accept any component of a public benefit under the terms of a Planning Agreement if that component is already required to be provided by virtue of a condition of a development consent with the exception where the Planning Agreement proposes any off sets to contributions under Section 94 or Section 94A (as the case may be) of the Act.

In determining whether to accept an offer to enter into a Planning Agreement, the Council is required to take into consideration a number of matters including the nature and value of the public benefit being offered in proportion to the nature and value of the exceedance of the planning controls sought by the Applicant in the case of a Development Application or any Instrument Change.

POLICY ON THE USE OF PLANNING AGREEMENTS

Principles governing the use of Planning Agreements

Planning Agreements will be governed by the following principles:

- Council will assess the public benefit of the Development Contribution when deciding whether to proceed with the Planning Agreement;

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- Council will not allow Planning Agreements to improperly restrict the exercise of its functions under the Act, Regulation or any other act of law;
- Council will not use Planning Agreements for any purpose other than a proper planning purpose;
- Development that is unacceptable on planning grounds will not be supported because of planning benefits offered by developers that do not mitigate the impacts of development;
- When considering a Development Application or planning proposal, Council will not give undue weight to a Planning Agreement;
- Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a Planning Agreement;
- Council will not improperly rely on its statutory position, or otherwise act improperly, in order to extract unreasonable public benefits from developers under Planning Agreements, and will ensure that all parties involved in the Planning Agreement process are dealt with fairly; and
- If Council is subject to a financial interest from a development, being the subject of a Planning Agreement, it will take appropriate steps to ensure that it manages any conflict of interest it has between its role as planning authority and its interest in the development.

Circumstances where Council may enter into a Planning Agreement

Council may negotiate a Planning Agreement offered by a developer in connection with any Development Application or proposal for an Instrument Change relating to any land in the Council's local government area.

Acceptability test to be applied to all Planning Agreements

Council will consider the following questions in order to assess the desirability of a proposed Planning Agreement:

- (a) Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to the statutory planning controls and other adopted planning policies and infrastructure strategies and the circumstances of the case?

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- (b) Does the proposed Planning Agreement provide for a reasonable means of achieving the relevant planning purpose and securing the relevant public benefit?
- (c) Will the proposed Planning Agreement produce outcomes that protect the public interest?
- (d) Are there any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement?
- (e) Will the proposed Planning Agreement provide benefits that bear a relationship to the delivery of services and infrastructures within the LGA?
- (f) Is the quantum of the Public Benefit commensurate with the value of the Development Contribution?

Consideration of Planning Agreements in relation to planning proposals and Development Applications

When exercising its functions under the Act in relation to a Development Application or a proposal for an Instrument Change to which Planning Agreement relates, Council will consider:

- (a) whether the proposed Planning Agreement is relevant to the Development Application or Instrument Change and whether it may be subsequently considered in connection with the Development Application or Instrument Change; and
- (b) if so, the proper planning weight to be given to the proposed Planning Agreement.

Types and forms of contributions

To ensure that Development Contributions provided under Planning Agreements are directed towards appropriate and legitimate planning purposes, Council will consider whether the proposed Development Contributions:

- (a) mitigate or compensate for the impact of the relevant development;
- (b) meet Council's planning policy objectives including those set out in section 94 or section 94A contributions plans (as the case may be);
- (c) meet the requirements of Council's public infrastructure works program; and
- (d) meet the objectives of other relevant draft or adopted Council policies, strategies or plans.

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The form of a Development Contribution to be made under a proposed Planning Agreement will be determined by the particulars of the Development Application or planning proposal to which the Planning Agreement relates.

Relationship to section 94 or section 94A contributions (as the case may be)

Normally public benefits in Planning Agreements are additional to required contributions. By exception, a Planning Agreement may partly or fully exclude the application of section 94 or section 94A contributions in relation to developments, the subject of a Planning Agreement.

The ability in a Planning Agreement to partly or wholly exclude the application of section 94 or section 94A contributions gives Council a degree of flexibility to redistribute the financial, social and environmental costs and benefits of a development. This flexibility provides the opportunity to address issues that may not have been anticipated or may not be able to be appropriately addressed with the more rigid requirements of section 94 or section 94A contributions.

Where a Planning Agreement partly or fully excludes the application of section 94 or section 94A contributions, the Act prevents Council from imposing a condition of development consent requiring the payment of those contributions except to the extent that it requires the payment of the balance of those contributions where the Planning Agreement only partly excludes them.

A Planning Agreement may also exclude the benefits provided under such agreement being considered in the assessment of section 94 or section 94A contributions. In such cases, the Act precludes the application of section 94(6) which would otherwise require the consideration of any land, money or material public benefit contributed to the consent authority when assessing section 94 contributions or S94A contributions.

Public notification of Planning Agreements

A Planning Agreement cannot be entered into, amended or revoked unless public notice is given and the Planning Agreement is first made publicly available for inspection for a minimum period of 28 days.

If the Planning Agreement is in connection with a Development Application, the public notice shall be given, if practicable, as part of and contemporaneously with, and in the same manner as, any notice of the Development Application.

If the Planning Agreement is in connection with a proposal for an Instrument Change, the public notice shall be given, if practicable, as part of and contemporaneously with,

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and in the same manner as, any public notice of the relevant planning proposal that is required under the Act.

Where it is not practicable to give public notice at such times, the Regulation requires that it be given as soon as possible after as determined by Council.

Amendments may be required as a result of public submissions or for other reasons.

Where amendments are required to a draft Planning Agreement, the amended draft Planning Agreement and explanatory note may be re-exhibited.

Where Council has entered into a Planning Agreement and the agreement is in force, it must include certain particulars relating to the Planning Agreement in its annual report for that year.

Amendment to Planning Agreement

Where Council has entered into a Planning Agreement and the parties to the agreement have agreed to vary the Planning Agreement, then a new letter of offer and a deed of variation will be required to be entered into to formally record the changes to the terms of the Planning Agreement.

The deed of variation will need to be publicly notified for 28 days prior to the parties executing the document.

The deed may also be required to be registered on the title of the subject land.

Independent third parties

Independent third parties may, at the sole discretion of Council, be used wherever it is deemed appropriate by Council for various reasons including but not limited to, circumstances where it is considering whether the Planning Agreement delivers a net public benefit.

The cost associated with the use of independent third parties will be borne by the developer.

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Assessing proposed provisions under a Planning Agreement

The matters that Council may consider in any negotiations for a Planning Agreement include whether,

- (a) the demands created by the development for new public infrastructure, amenities or services are addressed;
- (b) the facilities and/or services to be provided meet the planning and strategic objectives of Council;
- (c) mitigation of the impact of development is addressed;
- (d) recurrent funding of public facilities is required;
- (e) past deficiencies in infrastructure provision that would otherwise prevent a development from occurring are addressed;
- (f) monitoring the planning impacts of development is required;
- (g) planning benefits for the wider community accrue from the Planning Agreement; and
- (h) any initial or ongoing costs are designated as Council's responsibility.

Standard Contributions

Wherever possible, Council will seek to standardise Development Contributions sought under Planning Agreements in order to streamline negotiations and provide fairness, predictability and certainty for developers. However, this does not prevent public benefits being negotiated on a case by case basis particularly where planning benefits are also involved.

Recurrent Contributions

The Council may request developers to make Development Contributions towards recurrent costs of public facilities through a Planning Agreement. Generally, the Planning Agreement will only require the Developer to make contributions towards the recurrent costs of the facility until a public revenue stream is established to support the on-going costs of the facility, or for a time agreed between the parties.

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Pooling of Development Contributions

Where a proposed Planning Agreement provides for a monetary contribution by the Developer, Council may seek to include provisions permitting money paid under the agreement to be pooled with money paid under other Planning Agreements. These monetary contributions will allow public benefits to be provided in a fair and equitable way, particularly for essential infrastructure anywhere in the Ryde LGA.

Valuing public benefits under a Planning Agreement

The value of a benefit proposed under a Planning Agreement will be determined prior to the agreement being publicly notified.

If a Development Contribution under a Planning Agreement is the carrying out of works for a public purpose, Council may value that Development Contribution on the basis of a cost estimate for the works. This may be prepared by a suitably qualified quantity surveyor or valuer (as the case may be) appointed by Council and paid by the Developer.

Where the Development Contribution under a Planning Agreement includes the dedication of land and the value of that land is to be taken into account, Council may seek the services of an appropriately qualified land valuer as appointed by Council and at the cost of the Developer in order to value the land being dedicated.

In the event that a Planning Agreement proposes works and services that would normally be provided as a condition of development consent, then those works and services will be deemed to have no value under the Planning Agreement.

Costs of entering into Planning Agreements

The costs of preparing, negotiating, executing, varying and monitoring compliance with the Planning Agreement, including any external or internal costs to Council together with the cost of employing independent consultants and/or independent third parties are all costs associated with entering into a Planning Agreement. Generally, Council will require that all reasonable costs are met by the Developer.

Credits and Off-sets

In the event that the costs of any works-in kind that are to be provided by a Developer exceed the costs of those works as agreed with Council in a Planning Agreement:

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- (a) Council will not agree to a Planning Agreement providing for those additional costs to be:
- refunded to the developer; or
 - off-set against any Development Contributions required to be made by the developer; and
- (b) The developer will not be able to make any further claim against Council for those additional costs.

Implementation agreements

In appropriate cases, Council may require a Planning Agreement to provide that before the commencement of development and subject to the agreement all relevant parties, the parties are to enter into an implementation or side agreement in addition to the VPA for matters such as:

- Issues of commercial sensitivity;
- The terms on which the developer will provide Council with early access to the land;
- The manner in which completed work is to be handed over to Council;
- The manner in which work to be completed by Council and the Developer separately are to interface.

These agreements may be publicly notified at the sole discretion of Council, having regard to their commercial sensitivity.

Provision of security under a Planning Agreement

Council will require a Planning Agreement to make provision for security to cover the Developer's obligations under the agreement.

At the discretion of Council, the form of security will be an unconditional performance bond or bank guarantee provided by an institution regulated by the Australian Prudential Regulation Authority (APRA).

The security must be in favour of the Council to the full value of the Developer's obligations under the Planning Agreement and on terms otherwise acceptable to Council.

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Notations on certificates under section 149(5) of the Act

Council will require a Planning Agreement to contain an acknowledgement by the Developer that Council will make a notation about a Planning Agreement on any certificate issued under section 149(5) of the Act relating to the land the subject of the agreement

Registration of Planning Agreements and caveat

Pursuant to Section 93H of the EP&A Act, Council will generally require a Planning Agreement to contain a provision requiring the Developer to agree to registration of the agreement on the title to the land to which the agreement applies.

On execution of the Planning Agreement and until it is registered on title, the developer will be required to consent to Council lodging a caveat on the title of the relevant land.

Council will require the relevant registered land owner to consent to and procure the consent of any other prior registered interests to the registration of the Planning Agreement and the caveat.

The costs of registering the Planning Agreement and the caveat on the title of the land are to be borne by the Developer.

The Developer is to provide Council with all the necessary documents required to facilitate the registration of the Planning Agreement and caveat on the title to the land, including the written consent of any parties with interests in the land

The Council is to lodge the Planning Agreement and the caveat for registration on the title of the land.

Monitoring and review of a Planning Agreement

Council will monitor the performance of the Developer's obligations under the Planning Agreement.

Template for Planning Agreement

Council has prepared an example of the type of Planning Agreement that Council may propose for Planning Agreements under section 93F of the Act where a monetary contribution is proposed in relation to a Development Application.

Depending on the nature of the public benefits offered by the Developer and whether the offer relates to a Development Application or Instrument Change, the clauses in

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this template are subject to changes (for example, if the public benefit is works that are required to be undertaken by the Developer then clauses regarding those works will be included).

Council will negotiate and prepare the Planning Agreement at the Developer's cost.

References - Legislation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Practice Note on Planning Agreements – Department of Infrastructure Planning and Natural Resources, July 2005

Review Process and Endorsement

This Policy is endorsed by Council and will be reviewed the earlier of three years after it comes into effect or the date of change to the Legislation.

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Annexure A

The contribution offered by the developer is to be in accordance with Council's requirement for a Development Contribution.

The following is a list of possible Development Contributions that Council may accept under the terms of a Planning Agreement.

The list is not exhaustive and Developers are encouraged to discuss these or other requirements that may be included in a Planning Agreement with Council prior to making any offer to enter into such an agreement.

Planning Agreements may also involve the payment of monetary contributions, partial or full construction of new facilities, expansion, upgrades, augmentations, embellishments, fit-outs and resourcing of existing facilities or any other public benefit as agreed to by the Council.

1. Potential Material Public Benefits – Outside Macquarie Park

| | |
|----------------|--|
| Infrastructure | <ul style="list-style-type: none"> Accessibility improvements – accessible parking, kerb ramps, modifications to public buildings or areas, Roads – design and construction, Open space – parks, public places, embellishment, Drainage and storm water controls, Traffic measures, Transport outcomes, Pedestrian and cycleways linkages and footpaths Telecommunication networks Power, water, gas Communications and information technology such as WIFI public space Bridges (vehicular and pedestrian) |
| Facilities | <ul style="list-style-type: none"> Accessible, key worker and affordable housing Community services – e.g. meeting rooms, halls, libraries Child care and family health care centres Public toilets Youth spaces Public leisure facilities Performance spaces Civic spaces Public car parking areas and commuter parking Bus shelters Family care facilities Sport, recreation and activity centres Business, research and creative industries incubator space and ancillary uses |

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| Public domain improvements | Paving – paths, streets and open space areas Plantings – streets and open space areas Furniture – seats, bins Banners Public art in streets, open space and other public domain space Kerbs and gutters Treatment and/or features in public places Facilities such as kiosk in parks and open spaces Turf Public leisure, sport and recreation facilities Environmental management improvements such as water and energy minimising devices Water quality devices Water bubblers, lockers and other amenities Signage including suburb identification, way finding, parking, interpretation and information signs for pedestrians, cyclists and users of other vehicles. |
| Other | Cash contributions Key worker housing Land dedicated for use as parks, facilities, pedestrian connectivity and new roads Contributions for the development of community facilities plans and cultural facilities plans Aboriginal site protection Other benefits in line with Council plans and strategies -including plans of management, flood plan management plans, traffic and transport plans, master-plans, development controls plans, local environmental plans and the management plan |

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PRECIS OF CORRESPONDENCE

1 INDEXATION OF THE FINANCIAL ASSISTANCE GRANT PROGRAM

Report prepared by: Administration Officer - Councillor Support
File No.: MYR/07/10/7 - BP17/624

CORRESPONDENCE:

Submitting correspondence from Senator the Hon Fiona Nash, Minister for Local Government and Territories, dated 25 May 2017 regarding the indexation of the Financial Assistance Grant program.

RECOMMENDATION:

That the correspondence be received and the information noted.

ATTACHMENTS

- 1 Letter from Senator the Hon Fiona Nash, Minister for Local Government and Territories dated 25 May 2017

Report Prepared By:

Kathryn Fleming
Administration Officer - Councillor Support

Report Approved By:

Amanda Janvrin
Senior Coordinator - Governance

Roy Newsome
Acting Director - Corporate and Organisational Support Services

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 1



Senator the Hon Fiona Nash
Minister for Regional Development
Minister for Local Government and Territories
Minister for Regional Communications
Deputy Leader of The Nationals

PDR ID: MC17-002473

Cr Bill Pickering
Mayor
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

25 MAY 2017

Dear Mayor

The Turnbull-Joyce Coalition Government is delivering for our councils. Since becoming Minister for Local Government and Territories in July 2016, I have met with councils throughout Australia and heard first-hand about their challenges, opportunities and plans for the future.

One issue that councils have often raised with me is the indexation of the Financial Assistance Grant program. I am pleased to announce that indexation will return to the program from 1 July 2017 and will deliver a boost of \$78.3 million to councils across the nation.

The total funding delivered under the Financial Assistance Grant program for 2017-18 will be almost \$2.4 billion, growing to almost \$2.6 billion by 2019-20. Your council's funding allocation for 2017-18 will be determined by your local government grants commission shortly.

The Coalition Government has also agreed to bring forward two quarterly payments to councils from 2017-18 to the current financial year. This will give councils the opportunity to start work immediately on projects they have been putting off and to benefit from additional interest on their cash in the bank.

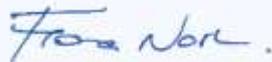
Pausing indexation on the Financial Assistance Grant program was a difficult decision. However, the Coalition Government is committed to repairing the budget and the indexation pause, while unpopular, was necessary to contribute to this task. I thank local governments for their efforts in constraining costs and working within their existing budgets – something that all levels of government have had to do.

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 1

The Coalition Government is committed to assisting councils as they deliver essential local services to our communities. As the Minister for Local Government and Territories, I look forward to working with you to support this important work.

Yours sincerely



FIONA NASH

NOTICES OF MOTION

1 MEMBERSHIP FOR THE STATUS OF WOMEN ADVISORY COMMITTEE - Councillor Roy Maggio

File Number: CLM/17/1/1/6 - BP17/553

MOTION:

As Chairman of the Status of Women Advisory Committee, I have received some expressions of interest from community members to join the Status of Women Advisory Committee.

That Council accept these expressions of interest, to join the Status of Women Advisory Committee effective immediately:-

- Angelina Bonifacio – Women’s Network organiser for 3 years.
- Jessica Erickson Thornton – Women’s Network committee member.
- Lisa Aynajian – Primary School teacher and law student.
- Angelika Hollo – Retired teacher, volunteer and active guest of Status of Women Advisory Committee.
- Suzanne Marks – Runs a not for profit Medical Association and active guest of Status of Women Advisory Committee.
- Roseanna Gallo – Order of Australia, led Rotary Club of Macquarie Park, Chairperson of Rotary Carols.
- Penny Pedersen – Local community radio broadcaster and active guest of Status of Women Advisory Committee.

NOTICES OF MOTION (CONTINUED)

2 CITY OF RYDE'S INAUGURAL CORK AND FORK FESTIVAL - Deputy Mayor, Councillor Jane Stott

File Number: CLM/17/1/1/6 - BP17/626

On Sunday, 4 June 2017 the City of Ryde held its inaugural Cork and Fork event at Kissing Point Park, Putney. The event was extremely successful and attracted in excess of 5,000 people.

As the Chair of the East Ward Advisory Committee, I would like to formally acknowledge the amazing efforts of the following Committee Members who worked tirelessly to ensure this event came to fruition:

Ross Anderson – The Wine Empire

Sandra Donovan – Concord Ryde Sailing Club

Peter Grayson – Bresic Whitney Real Estate

I would also like to thank the local residents and visitors for the contribution they made to the event through their attendance. Many people have expressed their appreciation of the City of Ryde Council for holding this event and bringing vibrancy to their local community.

In addition, I would like to acknowledge the efforts of the City of Ryde Events team led by Michelle Carter who worked with the East Ward Advisory Committee to develop and run an event that was the first of its kind for the City of Ryde.

There is no better way of bringing people together than with a festival of food, wine, free entertainment and children's activities. All of these elements combined to make a magnificent and memorable event.

MOTION:

- (a) That Council formally acknowledge the efforts of the following East Ward Events Advisory Committee Members:-
 - Ross Anderson
 - Sandra Donovan
 - Peter Grayson
- (b) That Council formally acknowledge the local residents and visitors for the contribution they made through their attendance at the event.
- (c) That Council formally acknowledge the efforts of the City of Ryde Events Team led by Michelle Carter.

NOTICES OF MOTION (CONTINUED)

**3 GIANT STEPS – SYDNEY TOWER STAIR CHALLENGE - Sunday, 27
August 2017 - Councillor Roy Maggio**

File Number: CLM/17/1/1/6 - BP17/625

MOTION:

- (a) That Council seeks Expressions of Interest from staff and Councillors to participate in the 'Giant Steps Sydney Tower Stair Challenge' on Sunday, 27 August 2017.
- (b) That Council endorse a fundraising event, to cover the \$208 entry cost per team.
- (c) That Council promote this event through the normal channels.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Jeff Salvestro-Martin

File Number: CLM/17/1/1/10 - BP17/482

The below Questions relate to Legal Matters:-

Question 1:

Please advise how much has been spent on Legal Matters at City of Ryde by Financial Year 2012 to 2016?

Question 2:

Please advise for each Financial Year the proportion of each total at Q1 (as a %) spent on external consultant lawyers?

Question 3:

Please provide a table detailing the aggregate expenditures at Q2 by company name? Only the details of the top 6 highest earning companies need be listed.

Question 4:

Do all the companies at Q3 sit on City of Ryde preferred supplier list?

Question 5:

What is the total value of contracts to non preferred legal suppliers issued between 2012 and 2016?

CONFIDENTIAL ITEMS

9 PROPERTY MATTER

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Report prepared by: Team Leader - Properties

File No.: CSG/17/1/6/1 - BP17/629

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