

Meeting Date: Tuesday 11 June 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Council Meeting held on 28 May 2013

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/2 - BP13/63

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 11/13, held on 28 May 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 28 May 2013

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 11/13**

Meeting Date: Tuesday 28 May 2013

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: 7.30pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Pickering, Simon and Yedelian OAM.

Apologies: Councillor Salvestro-Martin.

Leave of Absence: Councillor Perram.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Manager – Customer Service and Governance, Manager – Urban Planning, Manager – Project Development, Manager – Ranger and Parking Services, Coordinator – Commissioning, Section Manager – Asset Networks, Acting Manager – Open Space, Section Manager – Open Space Planning and Assets, Section Manager – Design and Project Development, Section Manager – Governance and Councillor Support Coordinator.

PRAYER

Pastor Stephen Cooper of the Eastwood Baptist Church was present and offered prayer prior to the commencement of the meeting.

LEAVE OF ABSENCE

Councillor Simon requested a Leave of Absence for the period of 4 June 2013 to 8 June 2013.

Councillor Pickering requested a Leave of Absence for the period of 24 June 2013 to 21 July 2013.

RESOLUTION: (Moved by Councillors Simon and Li)

That Council approve Councillor Simon's Leave of Absence for the period of 4 June 2013 to 8 June 2013 and Councillor Pickering's Leave of Absence for the period of 24 June 2013 to 21 July 2013.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Errol Penrose	Item 9 – Ryde River Walk – Outcomes of the Public Exhibition
Bruce Lane (representing Waterfront Action Group)	Item 9 – Ryde River Walk – Outcomes of the Public Exhibition
Michael Chapman (representing Waterfront Action Group)	Item 9 – Ryde River Walk – Outcomes of the Public Exhibition
Jim Casey (representing Fire Brigade Employees Union)	Notice of Motion 3 – Fire Station Response Times and Closures

RESOLUTION: (Moved by Councillors Chung and Li)

That the late request to address Council on Items Listed on the Agenda be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Mr Tony Wong (representing Australian Dong Guan Business Chambers)	Notion of Motion 1 – Workshop to Discuss Proposal for Sister City with city of Dong Guan, China
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PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTES

MM14/13 MACQUARIE UNIVERSITY MENTORING PROGRAM

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

That:

- (a) Council endorse the participation of the Acting General Manager, Danielle Dickson, in the Macquarie University Lucy Mentoring program.
- (b) Council thank Ms Dickson for her willingness to take part in the program.

Record of Voting:

For the Motion: Unanimous

**MM15/13 TASK FORCE FOR NORTH RYDE STATION URBAN ACTIVATION
PRECINCT**

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Pendleton)

- (a) That the Acting General Manager be delegated to set up a North Ryde Station Precinct Urban Activation Task Force to coordinate responses and advocacy on the North Ryde Station Precinct UAP on behalf of the residents of Ryde, and that this Task Force be comprised of relevant Council staff, interested Councillors, the consultant to be engaged, and one member of the Friends of North Ryde; and
- (b) That the Task Force meet as soon as practicable after the appointment of the Independent Consultant; and
- (c) That a delegation comprising of the Mayor, interested Councillors and relevant staff seek a further meeting with the Minister for Planning, the Honourable Brad Hazzard, in order to advocate for further time to be allowed for submissions, the content of Council's submissions and any further matters raised by the Independent Consultant.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MM16/13 APPOINTMENT OF ACTING GENERAL MANAGER

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

That:

- (a) Council appoint Mr Roy Newsome to act in the role of Acting General Manager from 20 May 2013 until such time as Danielle Dickson returns from leave.
- (b) Upon the return of Ms Dickson to work, she will continue in the role of Acting General Manager.

Record of Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That Council now consider the following Items, the time being 7.58pm:

- Item 9 – Ryde River Walk - Outcomes of the Public Exhibition.
- Notice of Motion 3 – Fire Station Response Times and Closures.
- Notion of Motion 1 – Workshop to Discuss Proposal for Sister City with city of Dong Guan, China.

Record of Voting:

For the Motion: Unanimous

9 RYDE RIVER WALK - OUTCOMES OF THE PUBLIC EXHIBITION

Note: Errol Penrose, Bruce Lane (representing Waterfront Action Group) and Michael Chapman (representing Waterfront Action Group) addressed the meeting in relation to this Item.

Note: A document provided by Bruce Lane was tabled in relation to this Item and a copy is ON FILE.

Note: A document provided by Errol Penrose was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Simon and Laxale)

- (a) That Council endorses Ryde River Walk Option 1 as described in this report for implementation under the Infrastructure State Environment Planning Policy planning pathway.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the future implementation of the excluded sections of the Bill Mitchell Park, Glades Bay Park and Looking Glass Bay Park precinct (as described in this report) are deferred for future consideration when funding becomes available.
- (c) That Council approve a quarterly review adjustment of \$340,787 to provide matching funding for accepted grant funding, as detailed in this report and to incorporate into Council's 4 Year Delivery Plan, 2013-2017, and the 1 Year Operational Plan for 2013-2014.
- (d) That Council continue to consult with the landowner at 52 Ross Street during the detailed design stage to preserve and enhance water access for that residence.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

3 FIRE STATION RESPONSE TIMES AND CLOSURES - Councillor Roy Maggio

Note: Jim Casey (representing Fire Brigade Employees Union) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council, in support the recent resolution of NSROC board on this matter, note that the City of Ryde's contribution in the 2012/13 year is \$1.485 million and that due to recent budget restrictions imposed on Fire and Rescue Services response times by Fire Brigades are being compromised funding cuts to local services.
- (b) That Council reinforces its position that it is unacceptable for Gladesville, Ryde and Eastwood Fire Stations not to be fully operational 24 hours a day; and that Council is especially concerned that the increased response times, resulting from fire apparatus having to travel from other suburbs, pose an unacceptable safety risk for our residents. It is imperative that such a dense urban area, with many boarding houses, halfway houses, high care nursing homes, retirement villages, highly developed apartments, shopping centres, schools and hospital facilities, has a permanently operational fire station; and
- (c) That Council write to the Hon Barry O'Farrell, Premier of NSW Services expressing its grave concern over fire station closures and increased local response times, with copies to the Hon Michael Gallacher MP, Minister for Police and Emergency Services, and the Hon Victor Dominello MP, Member for Ryde.

ITEM 1 (continued)

ATTACHMENT 1

- (d) That the Acting General Manager make urgent representation to both the Commissioner of Fire and Rescue NSW and the Minister for Police and Emergency Services, to receive assurances that as Local Government make significant contributions to support the delivery of these services, Beecroft and Hornsby Stations will be fully serviced to reduce the regular backup of services from surrounding Brigades.
- (e) That Council seek a report from the Department of Emergency Services detailing to the dates of the closures of the local fire stations due to staffing shortages or any other reasons and that the Acting General Manager report the response to Council through the CIB.

Record of Voting:

For the Motion: Unanimous

1 WORKSHOP TO DISCUSS PROPOSAL FOR SISTER CITY WITH CITY OF DONG GUAN, CHINA - Deputy Mayor, Councillor Justin Li

Note: Tony Wong (representing Australian Dong Guan Business Chambers) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Li and Maggio)

- (a) That the City of Ryde invites representatives from the Australia Dong Guan Business Chamber to attend a Councillor workshop following Council's scheduled workshop on Sister Cities on 16 July 2013, in order to explore a potential mutually beneficial Sister City relationship with City of Dong Guan, China.
- (b) That Council explore appropriate options for a Korean Sister City relationship at the workshop on Sister Cities to be held on 16 July 2013.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 14 May 2013

RESOLUTION: (Moved by Councillors Pickering and Simon)

That the Minutes of the Council Meeting 10/13, held on 14 May 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 8/13 held on 21 May 2013

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

3 14A ETHEL STREET, EASTWOOD. LOT A DP 381028. Local Development Application for demolition and construction of a boarding house. LDA2012/0332.

Note: A Memorandum dated 23 May 2013 from the Group Manager – Environment and Planning was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Local Development Application No. 2012/0332 at 14A Ethel Street Eastwood, being LOT A DP 381028 be approved as a deferred commencement consent for a drainage solution to be provided by the applicant before the consent becomes operational to the satisfaction of the Group Manager Environment and Planning. The deferred commencement approval with conditions are set out below:-

PART 1 - DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979. This Consent does not become operative until the matters referred to in Part 1 have been submitted to Council and Council has notified you in writing that the Consent has become operative. The information required in Part 1 shall be submitted to Council within 1 year from the date of this notice or the Consent will have lapsed, in accordance with the requirements of Section 95(6) of the Environmental Planning and Assessment Act.

- 1. Easement Registration.** An interallotment drainage easement has been created through one of the adjoining downstream property owners to the downstream receiving drainage system (ie kerb and gutter or Council trunk drainage) and registered with the Land Titles Office.
- 2. Stormwater Drainage Plans.** Detailed stormwater drainage plans are to be submitted incorporating an onsite stormwater detention system (OSD) for the whole site. The OSD system and piped easement shall be designed strictly in accordance with Council's DCP 2010, Part 8.2: Stormwater Management.

ITEM 1 (continued)

ATTACHMENT 1

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

PART 2 - GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Site Plan / Site Analysis Plan	1/2/13	4926-1 Rev B
Proposed Ground Floor	1/2/13	4926-2 Rev B
Proposed First Floor	1/2/13	4926-3 Rev B
Proposed Second Floor	1/2/13	4926-4 Rev B
Proposed Third Floor	1/2/13	4926-5 Rev B
Roof Plan	1/2/13	4926-6 Rev A
South (front) Elevation	25/1/13	4685-7 Rev B
West (side) Elevation	25/1/13	4685-8 Rev B
North (rear) Elevation	25/1/13	4685-9 Rev B
East (side) Elevation	25/1/13	4685-10 Rev B
Section AA	25/1/13	4685-11 Rev B
Signage	25/11/12	4685-12 Rev A
Demolition Plan	7/3/12	DE4926-1
Schedule of External Building Materials and Finishes	12/2/13	4685-13

Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):

- a) To ensure adequate manoeuvrability, the two car parking spaces located beneath the building are to be deleted.
 - b) The motorcycle parking and bicycle racks are to be relocated to the area beneath the building that was previously car parking spaces.
 - c) The garbage and recycling area is to be relocated to the area beneath the building that was previously car parking spaces.
 - d) The area currently identified on the ground floor plan as 'garbage and recycling area', 'motorcycle parking' and 'bicycle racks' is to be fully landscaped in a manner that is consistent with the landscaping plan numbered LP4926-1 Rev B dated 1/2/13.
2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 4464505-03, dated 20 February 2013.

ITEM 1 (continued)

ATTACHMENT 1

4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
6. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
12. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
13. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

ITEM 1 (continued)

ATTACHMENT 1

14. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.
15. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

16. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
 - (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
17. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
18. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

ITEM 1 (continued)

ATTACHMENT 1

19. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
20. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
21. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
22. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

23. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$22,647.50
Open Space & Recreation Facilities	\$55,753.42
Civic & Urban Improvements	\$18,962.86
Roads & Traffic Management Facilities	\$2,586.69
Cycleways	\$1,615.66
Stormwater Management Facilities	\$5,135.60
Plan Administration	\$435.64
Car Parking	\$34,892.41
The total contribution is	\$142,029.80

ITEM 1 (continued)

ATTACHMENT 1

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

24. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
25. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
26. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
27. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
28. **Public Domain.** The public domain along the entire site frontage of Ethel Street is to be upgraded in accordance with the City Of Ryde Public Domain Technical Manual. This includes street lighting, footpath paving, street furniture and street tree planting. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the issue of any Construction Certificate for the development.

ITEM 1 (continued)

ATTACHMENT 1

29. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

30. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
31. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
32. **Disabled Access.** Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with Development Control Plan 2010 – Access for People with Disabilities, the Building Code of Australia and Australian Standard AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
33. **Fire Safety Schedule.** A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the **Construction Certificate**.
34. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

ITEM 1 (continued)

ATTACHMENT 1

35. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

36. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths, parking space dimensions and headroom clearances etc shall be designed comply with relevant section AS 2890.

Plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

37. **Reduction in On Site Car Parking.** A maximum of 2 car parking spaces, 4 motorcycle parking spaces and 3 bicycle racks are to be provided on the site. The two car parking spaces shown on the approved architectural plans that are adjacent to rear of the building are to be deleted to ensure compliance with AS2890. This amendment is to be demonstrated on the Construction Certificate plans.

38. **Detailed Landscape Plan.** A detailed landscape plan is to be submitted and approved by Council. This landscape plan is to include the areas currently marked as 'bicycle racks', 'motorcycle parking' and 'garbage and recycling areas' as landscaping. The additional landscaping is to be consistent with the landscape plan numbered LP4926-1 Rev B dated 1/22/13 drawn by Namoo Designs.

39. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system designed in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Accordingly, all roof gutters, downpipes and pipeline conveying runoff to the OSD system shall be designed for the 1 in 100 year, 5 minutes duration storm event. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

Detailed engineering plans including certification indicating compliance are to be submitted with the Construction Certificate application.

40. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

ITEM 1 (continued)

ATTACHMENT 1

41. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures,
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

42. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

ITEM 1 (continued)

ATTACHMENT 1

43. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
44. **Australia Post Box.** Prior to commencement of construction, the existing Australia Post box located in Dayman Place shall be re-located to a suitable location away from the approved driveway, in accordance with any requirement of Australia Post.
45. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
46. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
47. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

48. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
49. **Noise and vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

ITEM 1 (continued)

ATTACHMENT 1

50. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
51. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
52. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
53. **Construction materials.** All materials associated with construction must be retained within the site.
54. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
55. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
56. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
57. **Site Contamination – discovery of additional information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

In this regard, preliminary site contamination investigation reports and/or site contamination remediation plans may be required to address any concerns or issues arising in relation to potential site contamination.

ITEM 1 (continued)

ATTACHMENT 1

58. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent. The 4 trees identified in the Arboricultural Impact Assessment prepared by Urban Tree Management and dated 15 February 2013 are to be retained.
59. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained and the 4 trees referred to in the Arboricultural Impact Assessment prepared by Urban Tree Management and dated 15 February 2013 must be protected against damage during construction. The tree protection measures as identified in the Arboricultural Impact Assessment are to be implemented and maintained throughout the entire construction process.
60. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
61. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

62. **CCTV Installation.** Prior to the issue of any Occupation Certificate, CCTV is to be installed on the site. The CCTV is to focus on areas of high vulnerability such as the entry, public areas and halls. The CCTV is to be maintained in good operating order at all times.
63. **Fire Safety Certificates.** A Fire Safety Certificate/s from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.

ITEM 1 (continued)

ATTACHMENT 1

64. **Landscaping.** All landscaping works approved by condition 1 and 38 are to be completed prior to the issue of the final **Occupation Certificate**.
65. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in the BASIX Certificate numbered 4464505-03 dated 20 February 2013.
66. **BASIX Completion.** Within 2 days of issuing a final Occupation Certificate, the Principle Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP&A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt Tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.
67. **Public Domain.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any Occupation Certificate.
68. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

69. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
70. **Neighbour Notification.** Residents within a 200m radius of the site are to be provided with contact details in writing of the on-site manager (including a current mobile telephone number), who be contacted in the event of any noise disturbances arising from the use of the approved development. If any details of the on-site manager changes (including but not limited to the name of the on-site manager or contact telephone number etc), then arrangements shall be made to re-notify the residents within a 200m radius of such changes in detail within 14 days.

ITEM 1 (continued)

ATTACHMENT 1

71. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings (if any) are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4.*
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Confirming that the connection of the site drainage system to the trunk drainage system (if any) complies with Section 4.7 of AS3500.3-1990 (National Plumbing and Drainage Code).
 - Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management.
72. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
73. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

ITEM 1 (continued)

ATTACHMENT 1

74. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
75. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the plans approved in respect of Part 1 of this consent.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

76. **Operational Plan of Management.** The development must be operated in accordance with the Operational Plan of Management dated Amended 4/2/13 prepared by JKL Design and as amended by any subsequent conditions. The Operational Plan of Management can only be amended with the agreement of Council in writing.
77. **Amendments to the Operational Plan of Management.** The Operational Plan of Management referred to in the above condition is to be amended to include the following requirements:
- (a) All lodgers must sign an agreement upon commencement of their stay which will include a set of house rules and the consequences of breaking the rules.
 - (b) A list of the house rules is to be displayed in each room and common areas to remind both lodgers and guests of their responsibilities.
 - (c) The Manager is to keep details of all lodgers and next of kin details for emergency purposes for the duration of their stay.
 - (d) The name and 24 hour contact phone number of the Manager/Caretakers is to be displayed in a prominent position on each level and at the front of the premises.
 - (e) NSW Police are to be made aware of any complaints that are of a criminal nature.
 - (f) NSW Police and Council are to be provided with contact details of the Manager/Caretaker of the premises.
78. **Restricted Access.** The second floor balcony fronting the street, private open space areas and the rooftop area is to have restricted access. These areas must not be used for social gatherings (BBQ's, parties and the like).
79. **Use of the Private Outdoor Spaces.** The outdoor private spaces are only to be used between the hours of 7am to 10pm.

ITEM 1 (continued)

ATTACHMENT 1

80. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
81. **Operation of any Plant Equipment.** The operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.
 - (c) The transmission of vibration to any place of different occupancy.
82. **Drying of Clothes.** At no time are external windows, verandahs, porches or the like permitted to be used for the drying of clothes.
83. **Maintenance of the Premises.** The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times. All common areas within the boarding house, including bathrooms and their fixtures, are to be cleaned on at least weekly basis.
84. **Maintenance of the Premises.** Open space areas, including any lawns, gardens, or landscaped areas must be maintained on at least a fortnightly basis and kept in a clean and tidy condition at all times.
85. **Waste Management.** An adequate number of suitable waste containers must be kept on the premises for the storage of all garbage and recycling wastes generated between collections.
86. **Waste Management.** Waste storage areas and waste containers must be maintained in a clean and tidy condition at all times.
87. **Waste Management.** Staff or contractors must be employed to take the waste containers from garbage area to the container emptying point for servicing and to return the containers to the garbage area after servicing.
88. **Single Rooms.** All boarding rooms shown on the approved plans labelled single are considered to be single-person rooms and can be occupied by only one (1) lodger.
89. **Double Rooms.** All boarding rooms shown on the approved plans labelled double are considered to be double-person rooms and may be occupied by one (1) or two (2) lodgers.

ITEM 1 (continued)

ATTACHMENT 1

90. **Maximum Number of Lodgers per Room.** No boarding room is to be occupied by more than 2 adult lodgers.
91. **Maximum Number of Occupants.** The maximum occupancy of the whole development shall be no more than 16 residents and 1 on-site manager.
92. **Fixture to Doors.** A floor plan must be permanently affixed to the internal face of each bedroom door indicating the available emergency egress routes from the respective bedroom.
93. **Display near the Entrance.** A schedule showing the numeral designating each bedroom and the number of lodgers permitted to be accommodated in each must be conspicuously displayed near the entrance of the premises.
94. **Construction of the Kitchen.** The kitchen must be designed and constructed to permit easy and effective cleaning and prevent the entry and harbourage of pests.

Note: See AS 4674 for guidance on the design, construction and fit-out of food handling areas.

95. **Kitchen Facilities.** The kitchen facilities must include:
 - at least one stove and one microwave oven for every 12 residents;
 - a suitable system of exhaust ventilation;
 - at least one sink supplied with hot and cold running water for every 12 residents;
 - adequate bench space for the preparation of food;
 - sufficient refrigerators and freezers for residents to store cold and frozen food;
 - lockable storage cupboards for each resident to store dry goods;
 - sufficient cutlery, crockery and cooking utensils for the number of residents;
 - adequate storage facilities for all utensils provided for residents;
 - separate containers for collection of garbage and recyclable materials.
96. **Maintenance of the Premises.** The Manager is to ensure that all external facades and internal walls are well maintained and cleaned. If any graffiti occurs, this is to be removed immediately.
97. **Dining Facilities.** A dining area with sufficient tables and chairs must be provided in or adjacent to the kitchen for the use of residents.

ITEM 1 (continued)

ATTACHMENT 1

98. **Laundry Facilities.** The laundry facilities must include:
- at least one automatic washing machine for every 12 residents;
 - at least one domestic clothes dryer for every 12 residents;
 - at least one laundry tub supplied with hot and cold running water; and
 - an ironing board and iron.
99. **Illumination Hours for the Sign.** The signage is to cease illumination between the hours of 11pm to 7am.
100. **Air-handling and Water Systems.** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
101. **Access to all Plant, Equipment and Components.** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.
102. **Water Cooling and Warm Water Systems.** All water-cooling and warm water systems (including thermostatic mixing valves) regulated under the *Public Health Act 1991* must be registered with Council's Environmental Health Unit within one (1) month of installation.
- Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
103. **Grease Trap.** A grease trap must be installed if required by Sydney Water Corporation. Any grease trap installed must be located outside the building or in a specially constructed grease trap room and be readily accessible for servicing.
104. **Registration of Premises.** The operator of the business must register the premises with Council's Environmental Health Unit before operations commence and must renew the registration annually.
- (b) That Council accepts the payment of S94 for two carparking spaces which is to be reflected in the conditions of consent required by part a.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 7/13
held on 21 May 2013**

RESOLUTION: (Moved by Councillors Laxale and Pickering)

That Council determine Item 2 of the Works and Community Committee report, noting that Items 1, 3, 4, 5 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 CRICKET PRACTICE FACILITES IN THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Laxale and Maggio)

- (a) That this matter be referred to the Sports and Recreation advisory committee to provide comment prior a further report being presented to the Works and Community Committee.
- (b) That this further report provide specific statistical data.

Record of Voting:

For the Motion: Unanimous

4 DRAFT DCP 2010 PART 4.4 RYDE TOWN CENTRE - CIVIC PRECINCT

MOTION: (Moved by Councillors Pendleton and Li)

- (a) That Council resolve in the event of a gateway determination being issued for the planning proposal of the Ryde Civic Precinct, the amendment to Ryde Development Control Plan (DCP) 2010 – Part 4.4 Ryde Town Centre be exhibited concurrently with the planning proposal.
- (b) That Council staff follow up the progress of Ryde Civic Centre Precinct planning proposal and advise Councillors through the CIB as to its current status.
- (c) That Council is presented with a further report following the completion of the exhibition period.

AMENDMENT: (Moved by Councillors Chung and Pickering)

That Council resolve to withdraw the current planning proposal being considered by the Department of Planning and Infrastructure and move to replace it with a Planning Proposal which seeks to rezone the Civic Centre site B3.

ITEM 1 (continued)

ATTACHMENT 1

On being put to the Meeting, the voting on the Amendment was five (5) all. The Mayor used his casting vote Against the Amendment. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton and Simon

RESOLUTION: (Moved by Councillors Pendleton and Li)

- (a) That Council resolve in the event of a gateway determination being issued for the planning proposal of the Ryde Civic Precinct, the amendment to Ryde Development Control Plan (DCP) 2010 – Part 4.4 Ryde Town Centre be exhibited concurrently with the planning proposal.
- (b) That Council staff follow up the progress of Ryde Civic Centre Precinct planning proposal and advise Councillors through the CIB as to its current status.
- (c) That Council is presented with a further report following the completion of the exhibition period.

On being put to the Meeting, the voting on the Motion was five (5) all. The Mayor used his casting vote For the Motion. The Motion was CARRIED.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

5 DRAFT RYDE DEVELOPMENT CONTROL PLAN 2011 - SUBMISSIONS

Note: Councillor Chung left the meeting at 9.20pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That Council authorise that draft Ryde Development Control Plan 2011 be amended as outlined Table 2 - Amendments to DCP 2011.
- (b) That Council adopts draft Ryde Development Control Plan 2011 (to be renamed DCP 2013) as amended and that a public notice of Council's decision be placed in a local newspaper under the terms of the Regulations to the Environmental Planning and Assessment Act so the Plan may come into effect upon the notification of draft LEP 2013.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Maggio

6 MARCH 2013 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2012-2016 AND 2012/2013 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That the report of the Team Manager - Management Accounting, dated 13 May 2013 on MARCH 2013 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2012-2016 AND 2012/2013 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in maintaining current Council's Working Capital, to a projected balance as at 30 June 2013 of \$3.43 million, be endorsed and included in the 2012/2013 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net decrease in Transfers from Reserves of \$4.19 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 13 May 2013 be endorsed.
- (e) That Council note the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

Record of Voting:

For the Motion: Unanimous

7 INVESTMENT REPORT - April 2013

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

That Council endorse the report of the Chief Financial Officer dated 15 May 2013 on Investment Report – April 2013.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

8 CITY OF RYDE - DRAFT RESPONSE TO THE DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council endorse the draft City of Ryde response on the NSW Government's Draft Metropolitan Strategy for Sydney to 2031 and the response be submitted to the Department of Planning and Infrastructure, subject to the following amendments:

- Under the heading of Key Issues (page 166 of the agenda) in the report to include:
 - Meeting NSW Government growth targets with already overstretched infrastructure including integrated transport planning, local roads and schools.
 - Prioritising social, community, environment and economic outcomes.

Record of Voting:

For the Motion: The Mayor Councillor Petch and Councillors Etmekdjian, Laxale, Li, Maggio, Pendleton, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

9 RYDE RIVER WALK – OUTCOMES OF THE PUBLIC EXHIBITION

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

Note: Councillor Chung returned to the meeting at 9.27pm.

10 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION - Councillors and Mayoral fees for 2013/14

MOTION: (Moved by Councillors Laxale and Simon)

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2013:

- (a) 2.5% increase to Councillor fees (total fee payment of \$22,240 per annum).
- (b) 2.5% increase to Mayoral fees (total fee payment of \$59,100 per annum), noting that 10% of the Mayoral fee is paid to the Deputy Mayor.

AMENDMENT (Moved by Councillors Maggio and Pickering)

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2013:

- (a) 2.5% increase to Councillor fees (total fee payment of \$22,240 per annum).

ITEM 1 (continued)

ATTACHMENT 1

- (b) 2.5% increase to Mayoral fees (total fee payment of \$59,100 per annum), noting that 10% of the Mayoral fee is paid to the Deputy Mayor.
- (c) That Council explore the option of the 2.5 % increase being allocated to a fund for ad-hoc donations or minor projects in lieu of the 2.5% increase.

On being put to the Meeting, the voting on the Amendment was five (5) all. The Mayor used his casting vote Against the Amendment. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Li, Maggio, Pickering

Against the Amendment: The Mayor Councillor Petch and Councillors Laxale, Pendleton, Simon and Yedelian OAM

RESOLUTION: (Moved by Councillors Laxale and Simon)

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2013:

- (a) 2.5% increase to Councillor fees (total fee payment of \$22,240 per annum).
- (b) 2.5% increase to Mayoral fees (total fee payment of \$59,100 per annum), noting that 10% of the Mayoral fee is paid to the Deputy Mayor.

Record of Voting:

For the Motion: Unanimous

11 PAID PARKING AND BOOM GATES IN COUNCIL CAR PARKS

RESOLUTION: (Moved by Councillors Li and Etmekdjian)

That Council defer the matter to consideration at a workshop and Council conduct further research on the benefits of freeing up extra car spaces with the installation of unpaid boom gates versus other options to increase the number of car spaces.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

12 ELECTRONIC (E-NOTICES) ISSUING OF RATE NOTICES

Note: Councillor Yedelian OAM left the meeting at 9.38pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (a) That Council note and endorse the actions taken in respect of the electronic service of rate notices.
- (b) That Council examine the feasibility of providing a full payment option that attracts a small discount for rate payers.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 9.39pm.

13 CENTENARY OF ANZAC AND COMMEMORATION OF WORLD WAR I COMMITTEE

RESOLUTION: (Moved by Councillors Laxale and Simon)

- (a) That Council adopt the Draft Terms of Reference for the Centenary of Anzac and Commemoration of World War I Committee.
- (b) That Council endorse the nominations for the Centenary of Anzac and Commemoration of World War I Committee as outlined in the report.
- (c) That nominees for the Centenary of Anzac and Commemoration of World War I Committee be thanked for their nomination and advised of the first scheduled meeting.
- (d) That the Committee, once formed, work with the Federal Member for Bennelong to avail itself of available federal funding and ensure integration of efforts to celebrate the Centenary of Anzac and Commemoration of World War I.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

14 BUFFALO AND KITTY'S CREEK FLOODPLAIN RISK MANAGEMENT COMMITTEE

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That the formation of the Buffalo and Kitty's Creek Floodplain Risk Management Committee to oversee and guide the preparation of the Buffalo and Kitty's Creek *Floodplain Risk Management Study & Plan* be endorsed comprising of the following members:
- Up to four members of the local community, following call for expressions of interest
 - Up to four elected members of the City of Ryde, The Mayor, Councillor Petch and Councillors Chung and Perram.
 - A representative from the NSW Office of Environment and Heritage (OEH)
 - Representatives from the State Emergency Service
 - A representative from the Department of Planning
 - Members of the Council's Public Works and Environmental Planning Departments, being the Group Manager Public Works (Chairperson), the Manager Infrastructure Integration (Deputy Chairperson), and the Stormwater Coordinator
 - Specialist consultants as engaged.
- (b) That Council now determine the Councillor representation on the Buffalo and Kitty's Creek Floodplain Risk Management Committee.

Record of Voting:

For the Motion: Unanimous

15 PROVISION OF AN IN-HOUSE DELIVERY COURIER SERVICE

RESOLUTION: (Moved by Councillors Pickering and Pendleton)

That Council confirms the current arrangements for external service provider for delivery courier services and note that the Courier Service Tender will be reported to Council at the next Council meeting.

Record of Voting:

For the Motion: The Mayor Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Pickering and Simon

Against the Motion: Councillors Maggio and Yedelian OAM

ITEM 1 (continued)

ATTACHMENT 1

16 PROPOSED ACQUISITION BY AGREEMENT (ROADS AND MARITIME SERVICES) PART PUBLIC PATHWAY - 453 Victoria Road, Gladesville

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council sell to the Roads and Maritime Service for road widening, the front part of its operational land at 453 Victoria Rd as identified in the attached acquisition plan as Lot 9 DP 1008105.
- (b) That the Acting General Manager be delegated to negotiate compensation in accordance with part (a) above and as detailed in this report and execute necessary documentation in relation to the subject disposal.

Record of Voting:

For the Motion: The Mayor Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

17 FINANCIAL SUSTAINABILITY OF THE NSW LOCAL GOVERNMENT SECTOR - REPORT BY NSW TREASURY CORPORATION (TCORP)

RESOLUTION: (Moved by Councillors Laxale and Etmekdjian)

- (a) That Council note the “*Financial Sustainability of the New South Wales Local Government Sector*” report and its general findings as detailed in the report, including Council’s Financials Sustainability Rating of Sound with a Negative Outlook.
- (b) That Council will address its response to the findings of the TCorp report in its submission to the Independent Review Panel’s ‘Future Directions for NSW Local Government’ discussion paper.

Record of Voting:

For the Motion: The Mayor Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Pickering and Simon

Against the Motion: Councillors Maggio and Yedelian OAM

18 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Simon and Laxale)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: The Mayor Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

ITEM 1 (continued)

ATTACHMENT 1

LATE REPORT

19 WEST RYDE URBAN VILLAGE – ACCESS REPORT FOR EARLY OPENING OF BASEMENT CARPARKS

Note: A document from the West Ryde Chamber of Commerce was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the Mayor and Acting General Manager make further strong representations to Coles' management, including attending Coles' head office in Melbourne on behalf of Council to secure the early opening of the basement car parks.
- (b) That Council make available the access consultant's report to Coles, as detailed in **ATTACHMENT 1** of this report.
- (c) That Council endorse Option 1 as detailed in the report in respect of access to the Coles car park, requiring Coles to arrange a second opinion regarding the engineering advice relating to back propping for the Chatham Road vehicle exit as a matter of urgency.
- (d) That Council endorse the Acting General Manager to engage an independent advisor if necessary to review the further advice provided by Coles.
- (e) That Council fully supports the West Ryde Local Community Rally and that a written invitation be extended to Coles to attend the event which will be held on Saturday, 1 June 2013 at 10.00 am.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT

RESOLUTION: (Moved by Councillors Pickering and Simon)

- (a) That the correspondence be received and noted.
- (b) That the Acting General Manager again write to Independent Local Government Review Panel seeking clarification regarding the provision of relevant working papers as requested on 13 May 2013.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

NOTICES OF MOTION

1 WORKSHOP TO DISCUSS PROPOSAL FOR SISTER CITY WITH CITY OF DONG GUAN, CHING – Deputy Mayor, Councillor Justin Li

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

2 ADVERTISING ON PUBLIC LAND AND AROUND DOG OFF LEASH PARKS - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

1. That the Acting General Manager provide a report to Council advising of the options for advertisement around the dog off leash parks including proposed fees and terms and conditions for such advertising that are compliant with the requirements of the State Environmental Planning Policy 64.
2. That the Acting General Manager investigate the potential of advertising on public land as an revenue generating option such as advertisement around dog parks, with the expression of interests to be sent to all local vet business and dog food companies, and report back to Council.

Record of Voting:

For the Motion: The Mayor Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Pendleton

3 FIRE STATION RESPONSE TIMES AND CLOSURES - Councillor Roy Maggio

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

ITEM 1 (continued)

ATTACHMENT 1

NATIONAL ANTHEM

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

The meeting closed at 10.15pm.

CONFIRMED THIS 11TH DAY OF JUNE 2013

Chairperson

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
9/13 held on 4 June 2013**

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/2 - BP13/73

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 9/13 held on 4 June 2013. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Item 1 was dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 2, 3, 4 and 5 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 29 VIMIERA ROAD, EASTWOOD - LOT 10 DP 4574. Building Certificate Application for unauthorised building works to the existing dwelling, including a first floor addition, extensions to the rear of the dwelling and demolition. BC2013/0003.

Note: Ian Mooney (objector), George Raymond (objector on behalf of himself and Derek and Lina Raymond), Lachlan Roots (objector) and Stefano Laface (applicant on behalf of Pyramid Consulting) addressed the Committee in relation to this Item.

Note: Correspondence was tabled by George Raymond and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Salvestro-Martin and Chung)

- (a) That BC2013/0003 at 29 Vimiera Road, Eastwood being LOT 10 DP 4574 be refused for the following reasons:
1. The alterations and additions result in a dwelling which is inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of the streetscape in the immediate area.
 2. The alterations and additions create a significant visual impact to the streetscape and public domain with a poor design outcome in terms of form, massing, integration and materiality.
 3. The alterations and additions do not integrate with the form or character of the existing dwelling house on site.
 4. In the circumstances of the case, approval of the development is not in the public interest.

ITEM 2 (continued)

5. The applicant has not demonstrated full compliance with the requirements of the National Construction Code Series - Building Code of Australia (BCA).
 6. The roof water is not suitably discharged into an approved drainage system as required by the BCA. Documentary evidence has not been submitted demonstrating that the proposed drainage system complies with the Council's Development Control Plan 2010 (DCP).
- (b) That the persons who made submissions be advised 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 **11 JUNE 2013** as substantive changes were made to the published recommendation

3 52A PELLISIER ROAD, PUTNEY. LOT 2 DP 859984. Development Application for alterations and first floor additions to the existing dwelling, and new swimming pool. LDA2013/0012.

Note: Kylie and Tony Gillies (objectors), Norm Fletcher (objector on behalf of Annette Marsh), Annette Marsh (objector), Gary Dilles (objector), Stewart Macpherson (objector), George Rofail (applicant) and Michael Yousef (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with an objector.

Note: Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that a speaker on the matter is known to him.

Note: The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is a neighbour and knows both the applicant and objector in the matter. He left the meeting at 5.47pm and was not present for consideration or voting on this Item.

Note: Photographs provided by Annette Marsh were tabled and a copy is ON FILE.

Note: Correspondence provided by George Rofail was tabled and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Chung and Salvestro-Martin)

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney be deferred to enable the applicant to submit amended plans that provide a more skilful design that improves view sharing opportunities for neighbours and relocates the pool further away from the dwelling and lowers the pool coping height.

ITEM 2 (continued)

- (b) That upon receipt of the amended plans required in part A, the plans are renotified to neighbours and all previous objectors.
If no further objections are received, then the application can be determined by the Group Manager Environment and Planning. If further objections are received, then a further report will be prepared for the consideration of the Planning and Environment Committee.
- (c) That the people who made submissions be advised 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 **11 JUNE 2013** as substantive changes were made to the published recommendation.

4 52 DARVALL ROAD, EASTWOOD. LOT 10 DP 13514. Local Development Application for the use of existing building as a secondary dwelling and an outbuilding. LDA2013/0100.

Note: Guiping (David) Zhao (objector), Sebastiano Laguzza (objector) and Junjian Lin (Wendy You) (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Pendleton)

- (a) That Local Development Application No. LDA2013/0100 at 52 Darvall Road Eastwood be approved subject to the **ATTACHED** conditions (Attachment 3).
- (b) That Council inspect the property on at least two occasions over 24 months to ensure compliance with the consent.
- (c) That the Group Manager Environment and Planning write to the Building Professionals Board expressing Council's concern regarding this matter and to request an urgent response to the complaint.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Chung and Pendleton

Against the Motion: Councillor Salvestro-Martin

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ITEM 2 (continued)

- 5 3-5 TRELAWNEY STREET, EASTWOOD. Part LOT B & LOT A DP 401296. New mixed use development: a building with six retail/commercial tenancies (534m²); 57 apartments (13X1 bedrooms, 44X2 bedrooms) and basement parking, and strata subdivision. LDA2011/0611.**

Note: Andy Ludvik (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Salvestro-Martin)

- (a) That Local Development Application No. 2011/0611 for the construction and strata subdivision of a mixed use development consisting of a building with six retail/commercial tenancies, 57 residential apartments and basement parking for 107 cars at 3-5 Trelawney Street, Eastwood be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That Council accept the Voluntary Planning Agreement (Reference No. PJAC_100970_017.DOC) made by N & G Projects Pty Ltd in conjunction with the approval of LDA2011/0611.
- (c) That the persons who made submissions be advised 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 **11 JUNE 2013** as it is outside the Committee's delegations

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 4 June 2013

ITEM 2 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 9/13

Meeting Date: Tuesday 4 June 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.05pm

Councillors Present: Councillors Pendleton (Chairperson), Chung, Salvestro-Martin and The Mayor, Councillor Petch.

Note: The Mayor, Councillor Petch arrived at the meeting at 5.39pm and was present for consideration for Item 2 only. He left the meeting at 5.47pm and did not return.

In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

Apologies: Councillor Maggio.

Leave of Absence: Councillors Simon and Yedelian OAM.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Fast Track Team, Executive Officer – Assessment, Team Leader – Fast Track Team, Assessment Officer, Consultant Town Planner (Creative Planning Solutions), Team Leader – Building Compliance, Section Manager - Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Chung disclosed a Less than Significant Non-Pecuniary interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that he is familiar with an objector.

Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that a speaker on the matter is known to him.

The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary interest in Item 3 - 52A Pellisier Road, Putney - LDA2013/0012, for the reason that he is a neighbour and knows both the applicant and objector in the matter.

ITEM 2 (continued)

ATTACHMENT 1

1 CONFIRMATION OF MINUTES - Meeting held on 21 May 2013

Note: The Mayor, Councillor Petch was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Chung and Salvestro-Martin)

That the Minutes of the Planning and Environment Committee 8/13, held on Tuesday 21 May 2013, 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 29 VIMIERA ROAD, EASTWOOD - LOT 10 DP 4574. Building Certificate Application for unauthorised building works to the existing dwelling, including a first floor addition, extensions to the rear of the dwelling and demolition. BC2013/0003.

Note: Ian Mooney (objector), George Raymond (objector on behalf of himself and Derek and Lina Raymond), Lachlan Roots (objector) and Stefano Laface (applicant on behalf of Pyramid Consulting) addressed the Committee in relation to this Item.

Note: Correspondence was tabled by George Raymond and a copy is ON FILE.

ADJOURNMENT

RESOLUTION: (Moved by Councillors Chung and Salvestro-Martin)

That the Planning and Environment Committee Meeting adjourn for five (5) minutes, the time being 5.42pm.

Record of Voting:

For the Motion: Unanimous

In accordance with Clause 4.2.5 of the Code of Meeting Practice, The Chairperson, Councillor Pendleton adjourned the meeting to Tuesday, 4 June 2013, to reconvene at 5.47pm in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde, the time being 5.42pm.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Pendleton, Chung and Salvestro-Martin.

ITEM 2 (continued)

ATTACHMENT 1

MEETING RECONVENED

The Meeting reconvened at 5.47pm on Tuesday, 4 June 2013 in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Pendleton, Chung and Salvestro-Martin.

Apologies: Councillor Maggio.

Leave of Absence: Councillors Simon and Yedelian OAM.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Fast Track Team, Executive Officer – Assessment, Team Leader – Fast Track Team, Assessment Officer, Consultant Town Planner (Creative Planning Solutions), Team Leader – Building Compliance, Section Manager - Governance and Councillor Support Coordinator.

RECOMMENDATION: (Moved by Councillors Salvestro-Martin and Chung)

- (a) That BC2013/0003 at 29 Vimiera Road, Eastwood being LOT 10 DP 4574 be refused for the following reasons:
1. The alterations and additions result in a dwelling which is inconsistent with the desired future character for the R2 Low Density Residential zone, and in particular the character of the streetscape in the immediate area.
 2. The alterations and additions create a significant visual impact to the streetscape and public domain with a poor design outcome in terms of form, massing, integration and materiality.
 3. The alterations and additions do not integrate with the form or character of the existing dwelling house on site.
 4. In the circumstances of the case, approval of the development is not in the public interest.
 5. The applicant has not demonstrated full compliance with the requirements of the National Construction Code Series - Building Code of Australia (BCA).
 6. The roof water is not suitably discharged into an approved drainage system as required by the BCA. Documentary evidence has not been submitted demonstrating that the proposed drainage system complies with the Council's Development Control Plan 2010 (DCP).

ITEM 2 (continued)

ATTACHMENT 1

- (b) That the persons who made submissions be advised 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 **11 JUNE 2013** as substantive changes were made to the published recommendation

3 52A PELLISIER ROAD, PUTNEY. LOT 2 DP 859984. Development Application for alterations and first floor additions to the existing dwelling, and new swimming pool. LDA2013/0012.

Note: Kylie and Tony Gillies (objectors), Norm Fletcher (objector on behalf of Annette Marsh), Annette Marsh (objector), Gary Dilles (objector), Stewart Macpherson (objector), George Rofail (applicant) and Michael Yousef (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with an objector.

Note: Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that a speaker on the matter is known to him.

Note: The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is a neighbour and knows both the applicant and objector in the matter. He left the meeting at 5.47pm and was not present for consideration or voting on this Item.

Note: Photographs provided by Annette Marsh were tabled and a copy is ON FILE.

Note: Correspondence provided by George Rofail was tabled and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Chung and Salvestro-Martin)

- (a) That LDA2013/0012 at 52A Pellisier Road, Putney be deferred to enable the applicant to submit amended plans that provide a more skilful design that improves view sharing opportunities for neighbours and relocates the pool further away from the dwelling and lowers the pool coping height.
- (b) That upon receipt of the amended plans required in part A, the plans are renotified to neighbours and all previous objectors.
If no further objections are received, then the application can be determined by the Group Manager Environment and Planning. If further objections are received, then a further report will be prepared for the consideration of the Planning and Environment Committee.
- (c) That the people who made submissions be advised of Council's decision.

ITEM 2 (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 **11 JUNE 2013** as substantive changes were made to the published recommendation.

4 52 DARVALL ROAD, EASTWOOD. LOT 10 DP 13514. Local Development Application for the use of existing building as a secondary dwelling and an outbuilding. LDA2013/0100.

Note: Guiping (David) Zhao (objector), Sebastiano Laguzza (objector) and Junjian Lin (Wendy You) (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Pendleton)

- (a) That Local Development Application No. LDA2013/0100 at 52 Darvall Road Eastwood be approved subject to the **ATTACHED** conditions (Attachment 3).
- (b) That Council inspect the property on at least two occasions over 24 months to ensure compliance with the consent.
- (c) That the Group Manager Environment and Planning write to the Building Professionals Board expressing Council's concern regarding this matter and to request an urgent response to the complaint.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Chung and Pendleton

Against the Motion: Councillor Salvestro-Martin

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

5 3-5 TRELAWNEY STREET, EASTWOOD. Part LOT B & LOT A DP 401296. New mixed use development: a building with six retail/commercial tenancies (534m²); 57 apartments (13X1 bedrooms, 44X2 bedrooms) and basement parking, and strata subdivision. LDA2011/0611.

Note: Andy Ludvik (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Salvestro-Martin)

- (a) That Local Development Application No. 2011/0611 for the construction and strata subdivision of a mixed use development consisting of a building with six retail/commercial tenancies, 57 residential apartments and basement parking for

ITEM 2 (continued)

ATTACHMENT 1

107 cars at 3-5 Trelawney Street, Eastwood be approved subject to the **ATTACHED** conditions (Attachment 1).

- (b) That Council accept the Voluntary Planning Agreement (Reference No. PJAC_100970_017.DOC) made by N & G Projects Pty Ltd in conjunction with the approval of LDA2011/0611.
- (c) That the persons who made submissions be advised 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 **11 JUNE 2013** as it is outside the Committee's delegations

The meeting closed at 7.26pm.

CONFIRMED THIS 18TH DAY OF JUNE 2013.

Chairperson

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/13 held on 4 June 2013

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/2 - BP13/83

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 8/13 held on 4 June 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1 and 3 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 JOINT NSROC REGIONAL WASTE DISPOSAL INITIATIVE

RECOMMENDATION: (Moved by Councillors Pickering and Etmekdjian)

That Council:-

- (a) participate in preparations to go to tender for procurement of waste disposal/processing services for NSROC Councils for a contract commencing in 2014, noting that a further report on tender criteria will come to Council for final agreement as to participation in the tender.
- (b) be part of an application for authorisation (through revocation and substitution of 2003 authorisation) from the Australian Competition and Consumer Commission for group purchasing of waste disposal services.
- (c) participate in formal arrangements with NSROC Councils as shown diagrammatically on page 5 of **CONFIDENTIAL ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**, and to contribute \$8,286 to the costs of establishing partnership arrangements for shared services procurement and management by NSROC Councils, commencing with the waste disposal tender.
- (d) contribute \$13,395 to the governance structure establishment costs on an equal basis amongst all NSROC Councils, and the tender preparation costs in line with volume participation in the waste contract.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as it is outside the Committee's delegations

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 4 June 2013

ITEM 3 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 8/13**

Meeting Date: Tuesday 4 June 2013
Location: Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

Councillors Present: Councillors Laxale (Chairperson), Etmekdjian, Li and Pickering.

In the absence of Councillor Perram, the Deputy Chairperson – Councillor Laxale chaired the meeting.

Apologies: Nil.

Leave of Absence: Councillor Perram.

Staff Present: Acting Group Manager – Community Life, Acting Group Manager - Public Works, Section Manager – Waste, Section Manager – Traffic, Section Manager – Governance and Executive Assistant to Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 21 May 2013

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That the Minutes of the Works and Community Committee 7/13, held on Tuesday 21 May 2013, 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 JOINT NSROC REGIONAL WASTE DISPOSAL INITIATIVE

RECOMMENDATION: (Moved by Councillors Pickering and Etmekdjian)

That Council:-

- (a) participate in preparations to go to tender for procurement of waste disposal/processing services for NSROC Councils for a contract commencing in 2014, noting that a further report on tender criteria will come to Council for final agreement as to participation in the tender.

ITEM 3 (continued)

ATTACHMENT 1

- (b) be part of an application for authorisation (through revocation and substitution of 2003 authorisation) from the Australian Competition and Consumer Commission for group purchasing of waste disposal services.
- (c) participate in formal arrangements with NSROC Councils as shown diagrammatically on page 5 of **CONFIDENTIAL ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**, and to contribute \$8,286 to the costs of establishing partnership arrangements for shared services procurement and management by NSROC Councils, commencing with the waste disposal tender.
- (d) contribute \$13,395 to the governance structure establishment costs on an equal basis amongst all NSROC Councils, and the tender preparation costs in line with volume participation in the waste contract.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **11 JUNE 2013** as it is outside the Committee's delegations

3 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE - held on 28 March 2013 - Osgathorpe Road

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council support the implementation of the following traffic management measures for Osgathorpe Road, subject to future budget considerations/resident consultation as follows:

- (a) parking bay edgelines along both sides of Osgathorpe Road.
- (b) rumble strip medians and rumble strip edgelines along the inner radius bend between Farm Street and Towns Street.
- (c) a speed hump along Osgathorpe Road (mid block) between Towns Street and Tennyson Road.

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 5.01pm.

CONFIRMED THIS 18TH DAY OF JUNE 2013.

Chairperson

4 OMBUDSMAN SYSTEM

Report prepared by: Manager - Customer Service and Governance
File No.: GRP/11/7/1/6 - BP13/574

REPORT SUMMARY

This report is provided in response to a resolution of Council to consider options for an Ombudsman system.

This report provides details of Council's current policies and processes in effectively managing and reporting on citizen complaints and the Governance framework. The report recommends changes to strengthen existing systems and practices, including the formation of a Governance Group of key staff that would report annually to Council through the Audit and Risk Committee's annual report.

In order to further demonstrate Council's commitment to excellence in the delivery of customer service and complaints management processes, it is recommended that Council develop a Customer Service Charter to be reported back to Council in September 2013.

RECOMMENDATION:

- (a) That Council endorse the establishment of a Governance Group in accordance with the ATTACHED Terms of Reference.
- (b) That a review of the performance of the Governance Group be included in the Audit and Risk annual report to Council.
- (c) That a further report be provided to Council by September 2013 regarding a Customer Service Charter.

ATTACHMENTS

- 1 Customer Feedback Policy
- 2 Customer Feedback Management Procedures
- 3 Managing Unreasonable Complainant Conduct Policy
- 4 Draft Terms of Reference - Governance Group

Report Prepared By:

Shane Sullivan
Manager - Customer Service and Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 4 (continued)**Background**

At its meeting held 12 March 2013 Council resolved as follows:

That a report for Council be prepared with options for an Ombudsman system that ensures citizens' complaints are dealt with fairly and impartially, that assists staff to focus on policies, guidelines and controls and which addresses systemic issues relating to poor administration, weak internal controls or unethical conduct within the Council.

The report should include consideration of the effective management of complaints and in particular how an Ombudsman system might be implemented by Ryde Council to:

- *impartially investigate complaints by citizens about poor administration, maladministration or misconduct by council staff or councillors (in an administrative capacity).*
- *reach resolutions that are fair and reasonable.*
- *if a resolution can't be reached, the Ombudsman provides advice to Council to facilitate a final decision.*
- *to provide guidance and education for staff and councillors about ethical decision-making, proper conduct, council policies.*
- *ensure learnings from complaints and feedback are utilised for continuous improvement in Council systems and processes.*

This report gives consideration to this resolution and outlines current practices and proposed changes to address the issues raised.

COUNCIL'S CURRENT POLICIES, PROCEDURES AND PRACTICES

The following is an overview of the current policies, procedures and practices at the City of Ryde with regard to the functions that could fall under the purview of an Ombudsman.

1. City of Ryde - Customer Feedback Management Process (including Managing Unreasonable Complainant Conduct)*Background*

Council has a Customer Feedback Management process which has been in place since 2011.

The Department of Local Government recommended that Council adopt a formal complaints process. Our policy and processes forms part of the Community Strategic Plan Outcome Framework, to place customer satisfaction at the heart of our performance, improve best practice service and ensure customer feedback is captured and handled in an effective and systematic way.

ITEM 4 (continued)

The position of Coordinator Complaints Management was created in July 2011 to manage and coordinate all Council's complaints and customer feedback. The title was changed in August 2012 to Coordinator Customer Feedback and Business Improvement in recognition of the role reviewing all positive and negative feedback and the focus on improving business processes based on feedback from customers.

Aims of the Policy

Council's Customer Feedback system was established under the Customer Feedback Policy. The process aims to:

- create a second chance to provide service and satisfaction to dissatisfied customers,
- identify areas or processes that need improvement,
- identify areas of good performance and customer satisfaction,
- provide opportunities to strengthen public confidence in Council, and
- inform planning and allocation of resources decisions.

The Customer Feedback Management process was developed based on the Effective Complaint Handling Guidelines produced by the NSW Ombudsman.

The Customer Feedback Policy (**ATTACHMENT 1**) aims to identify service improvements, increase customer satisfaction, strengthen customer input into our services, acknowledge areas of excellence and respond effectively to our customers.

The Complaints Handling Procedure (**ATTACHMENT 2**) aims to assist staff in resolving, conciliating and investigating complaints and to identify performance standards that will be measured and reviewed to help improve Council customer services.

Sophisticated complaint management systems allow customers to lodge complaints in many ways. There must be systems in place to capture and coordinate complaints and ensure they are investigated, resolved, managed and communicated back to the customer professionally and within agreed timeframes.

The City of Ryde system provides for all these areas in ensuring a comprehensive system for all complaints, the aim of which is to ensure complaints are dealt with fairly and impartially,

The City of Ryde Complaints Handling Procedure provides three tiers of review in accordance with recommendations from the *NSW Ombudsman's Effective Complaint Handling Guidelines (2nd Edition December 2010)*.

ITEM 4 (continued)

Feedback on the Policy

The policy and process has been reviewed by the Division of Local Government who commended Council on its commitment to customer service and continuous improvement as reflected in the policy and procedures.

In addition, City of Ryde was asked by the NSW Ombudsman to present our Customer Feedback system at the National Investigations Symposium in October of 2012 as a best practice model.

What is a Complaint?

For the purposes of this process the Customer Feedback Policy defines a Complaint as an 'expression of dissatisfaction with Council's level and quality of service, employee conduct, or the application of policies and procedures affecting an individual customer or group of customers'. The procedure document related to the Policy goes on to explain that a complaint is specifically not:

- An initial request for service,
- A request for information or explanation of Council's policies or procedures,
- The lodging of an appeal in accordance with legislative appeal provisions,
- A refusal or desire not to follow an existing documented appeal process,
- An objection, or
- Negative feedback in a submission or survey, or dislike of a policy or procedure.

This procedure also clarifies that it does not apply to complaints involving the following issues:

- Decisions made by the elected Council;
- Appeals against fines issued by Council officers;
- Internal staff complaints which will follow the normal grievance procedures as defined in the Local Government State Award;
- Complaints about third parties (e.g. a neighbour dispute);
- Complaints relating to Development Applications.

How Complaints are Managed

- Each complaint received by Council is recorded in a Customer Feedback Register.
- The complaint is assessed and allocated a tier based on the severity of the allegation.

ITEM 4 (continued)

Below is an outline of the three tier structure for management of complaints:

- Tier 1 – Frontline complaint handling (Minor failure of service or difference in customer and Council expectation of service)
 - Tier 2 – Internal review or investigation (Allegation of deliberate or serious wrong doing).
 - Tier 3 – Independent review (Allegation requiring external investigation).
- The complaint is referred to an Investigating Officer.
 - The complaint is then investigated and a response provided to the customer within an allotted time period (5 working days for Tier 1 Complaints, 15 working days for Tier 2 or 3 Complaints).
 - Details of the outcome of the complaint, the cause of any failure of service and business improvement recommendations are recorded in the Customer Feedback Register.
 - This information is reported to the Executive Team and Council on a quarterly basis.

The more promptly a grievance/complaint can be resolved, the more likely it is that the customer will be satisfied and think highly of the organisation. Complainants expect their complaints to be resolved immediately by the first person they talk to. If that is not possible, then they expect their matter to be resolved promptly. Dissatisfaction rises sharply if a response takes an unreasonable time.

Outcomes of a complaint investigation

The details of recommended business improvements as a result of a complaint are provided to the Executive Team and the relevant staff. They are registered and monitored to ensure appropriate preventative action has been taken to address the issue that led to the original complaint.

There is also an opportunity for this role to provide a quality control element to our existing Customer Request Management system (CRM) which will in turn provide more meaningful analysis of how the City of Ryde is dealing with all its Customer Requests. This system is currently under development.

Examples of changes to practice as a result of complaints include:

- Streamlining animal registration process
- Additional signage at the Ryde Aquatic Leisure Centre
- Implementation of a call recording system in customer service to train staff
- Implementation of a revised Development Assessment checklist
- Improvements to Council's website, forms available on line and the size of document downloads.

ITEM 4 (continued)*Resourcing*

Clear delegations must be provided to staff that take into account the type of complaints and problems the organisation may be called upon to resolve. On this basis, a dedicated resource in the form of a Coordinator Feedback and Business Improvement is employed by the City of Ryde who possesses particular skills and aptitudes necessary for dealing with and managing complainants, coordinating the complaints management process and reporting on the organisation's management, performance and feedback received from the process.

The Coordinator Feedback and Business Improvement role is responsible for coordinating the following:

- a) Providing the process and system to ensure complaints are captured, tracked and reported to the organisation.
- b) Referring the complaint for investigation of complaints by the responsible Group Manager/Manager in accordance with the process set out in the Complaints Handling Procedure.
- c) Being the interface with the complainant and advising the complainant of the expected timeframe to address the complaint and agreeing on when the next update will be provided in relation to the complaint.
- d) Report findings and provide recommendations regarding complaints.
- e) Maintain data in relation to complaints and report this information to the Executive Team (number of complaints, details of resolutions and highlighting any patterns or trends).
- f) Instigation of a panel for the referral of serious complaints in conjunction with the Manager Audit and Risk, monitoring progress and ensuring the complainant is informed.
- g) Provision of feedback to the General Manager, Group Manager and relevant Service Unit Managers as well as the complainant on the outcome of any external investigation.
- h) Facilitate training of staff in complaint handling as part of their induction as well as a component of their regular learning and development. The Coordinator Feedback and Business Improvement will also ensure our Managers are trained to analyse and respond to complaint types to promote a culture of continuous improvement.
- i) Liaise with Manager Audit and Risk to identify any trends or areas of concerns that should be considered in Internal Audit Planning.

ITEM 4 (continued)

It is imperative that the City of Ryde complaints management system clearly defines who is responsible for dealing with complaints in the organisation. The organisation must be clear about what their role and responsibilities are in dealing with complaints. A dedicated resource for the management of this important facet of our business sends a clear message to our customers that we take their matters seriously and are responsive to their needs.

One of the major roles of the Coordinator Feedback and Business Improvement is to contact the complainant to obtain feedback regarding the process to ensure the complainant is satisfied with the process, if not the outcome.

Unreasonable Customer Conduct

While the majority of complainants have legitimate concerns and genuinely seek resolution, a small proportion of complainants demonstrate unreasonable concerns and unreasonable and uncooperative behaviour. Council has developed a policy for managing unreasonable customer conduct. The substance of the complaint dictates the level of resources allocated to it, not the complainant's wishes, demands or behaviour.

The City of Ryde Dealing with Unreasonable Customer Conduct Policy has been developed in accordance with recommendations from the *NSW Ombudsman's Managing Unreasonable Complainant Conduct Practice Manual (1st Edition June 2009)*.

The Dealing with Unreasonable Customer Conduct policy implemented as a result of a Council Resolution on 24 May 2011 (**ATTACHMENT 3**) allows Council to manage unreasonable complainant conduct such that Council's services, staff and resources are utilized efficiently and ethically.

The Dealing with Unreasonable Customer Conduct Policy fully adheres to the draft Model Managing Unreasonable Complainant Conduct Policy provided to Council by the NSW Ombudsman's Office in April 2011 and incorporates comments received from the NSW Ombudsman's Office and the Division of Local Government.

Performance Information

For the period from July 2011 to March 2013, the following details and performance information relating to complaints, compliments and unreasonable complainant conduct are detailed below:

Complaints received: 155

Tier 1: 133 Tier 2: 21 Tier 3: 1

ITEM 4 (continued)

Complaints upheld: 63%

Compliments received: 362

Complainant currently undertaking a 6 month trial of relaxed restrictions:	1
Complainants are under formal warning	2
Complainants have been moved to access restrictions	3

2. Audit and Risk Function

The City of Ryde has an Audit and Risk Function which provides a further avenue for the investigation of complaints. The Unit focuses on Internal Audit as well as Risk Management and administration of the Procurement Framework. The Unit also provides an educational service with particular regard to fraud and corruption prevention.

Audit and Risk Committee

As Councillors would be aware there is an Audit and Risk Committee which was originally established in 2006. As of 29 June 2009, the Committee has included two independent representatives. This Committee provides Council with independent oversight and assistance in the areas of risk, control, compliance and financial reporting.

Membership of the Committee, which meets four times per year, is currently as follows;

- Elizabeth Gavey (Independent and chair of the Committee)
- John Gordon (Independent member)
- Councillor Denise Pendleton
- Councillor Artin Etmekdjian
- There are also 2 alternates (Councillors Chung and Salvestro- Martin)

This Committee also establishes the role and direction for internal audit and maximizes the benefits from the Internal Audit function. The Committee recommends Council's Annual Audit Plan to Council.

The Internal Audit Unit reports to the General Manager administratively, however on a function basis the Unit reports to the Audit and Risk Committee to ensure external, independent advice and direction is provided.

Internal Audit Function

Council's internal audit function was established in 2006. Audits are conducted in accordance with the annual Internal Audit Plan which is approved by the Audit and Risk Committee and Council. This is based on Council's Enterprise Risk management Framework which includes strategic as well as operational risks to the organisation.

ITEM 4 (continued)

Both management and contemporary issues (eg: those highlighted by bodies such as the ICAC and Division of Local Government) are also considered for internal audit.

The role of the audit is to evaluate the adequacy and effectiveness of internal controls and to assist Council Management in the discharge of its responsibilities. This can include compliance with regulations, internal policies and procedures, performance audits and investigations.

External Agency interaction and oversight

Council is subject to interaction and oversight by external agencies such as;

- Division of Local Government
- Independent Commission Against Corruption
- Department of Planning
- Department of the Environment and Climate change
- Roads and Maritime Services
- Office of the Ombudsman NSW
- Office of the Information Commissioner – Government Information (Public Access) Act

3. Public Officer

Section 342 of the Local Government Act requires that the General Manager designate a member of staff as the Public Officer. At the City of Ryde this role is held by the General Counsel.

The Public Officer as set out by the Local Government Act (s343);

- may deal with requests from the public concerning the council's affairs
- has the responsibility of assisting people to gain access to public documents of the council
- may receive submissions made to the council
- may accept service of documents on behalf of the council
- may represent the council in any legal or other proceedings
- has such other functions as may be conferred or imposed on the public officer by the general manager or under this Act.

At the City of Ryde, many of the above services or functions are carried out by staff other than the Public Officer, however, in accordance with the Act the role remains as a further avenue of access to Council.

Very few enquiries are received at the City of Ryde through the Public Officer. The instances where the Public Officer is contacted are predominantly for the service of documents on behalf of Council.

ITEM 4 (continued)

The General Counsel also fulfils the role of Privacy Contact officer and is required to manage and uphold Council's obligations under the Privacy and Personal Information Protection Act (1998)

4. Governance Framework

The Governance Unit is accountable for the governance framework at the City of Ryde and this includes the development of policies and ensuring key areas of Council's operations have current policies. In addition, the Unit manages systems to ensure Council compliance with relevant legislation.

Other control areas of Council are included in Council's Corporate Governance Framework relating to procurement, risk management, internal audit, information management and security. For this reason, staff in critical roles regularly meet to deal with governance and complaints matters. The positions involved in working through these issues are:

- Group Manager, Corporate Services
- Manager, Customer Service and Governance
- Manager, Audit and Risk
- General Counsel; and
- Coordinator Feedback and Business Improvement

This report recommends a formalisation of this process to provide a greater degree of accountability and consistency.

The Governance Unit is also responsible for providing guidance and education for staff and Councillors about ethical decision-making, proper conduct and Council policies. This includes the Code of Conduct, Pecuniary Interests, delegations of authority and the development of policies and the policy framework.

It is noted that Code of Conduct training was provided to Councillors as part of the induction program. Further training has been provided to Councillors and staff as a result of the adoption of the Code of Conduct in February 2013.

5. Public Interest Disclosure – Internal Reporting Policy

The purpose of the Internal Reporting Policy – Public Interest Disclosures is to support and protect staff and Councillors making public interest disclosures. This policy sets out the process for handling reports that are classified as protected disclosures under the Public Interest Disclosures Act.

Staff or Councillors who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged and supported by the City of Ryde and supports the City of Ryde values.

ITEM 4 (continued)

Council's Policy which was adopted 27 September 2011 follows the NSW Ombudsman's Internal reporting policies and procedures Guideline with regard to the reporting of:

- a. Corrupt conduct;
- b. Maladministration;
- c. Serious and substantial waste in local government;
- d. Government information contravention; or
- e. Other wrongdoing

A further aspect of the Governance framework is training around Public Interest Disclosures. At the City of Ryde there are a number of designated Public Interest Officers who are trained and endorsed to receive Public Interest Disclosures. The policy is due for review in October 2013 and it is planned that further staff training will be provided following this review.

6. Government Information (Public Access) Act

Under the Government Information (Public Access) Act there exist clear processes and steps for the handling of complaints and/or reviews of formal applications under this legislation. Complaints about informal applications are dealt with under Council's existing Customer Feedback Management Process.

This is currently managed within the Records Management Services Section of Council.

It is noted that training is scheduled for Councillors regarding the Government Information (Public Access) Act in July 2013.

INTERNAL OMBUDSMAN

Although the resolution of Council does not refer specifically to an Internal Ombudsman, that is a permanent role within Council, it is worth giving consideration to this function and its application in NSW.

Some of the NSW Councils that have an Internal Ombudsman are Burwood, Sutherland, Ku-ring-gai, Wyong and Hurstville. The role of that position and the number of staff to support it varies from Council to Council. Depending on the size of the Internal Ombudsman's office, they may be responsible for audit and risk, procurement, complaints and/or governance policies. However, in all instances the role reports directly to the General Manager.

ITEM 4 (continued)

In preparing this report, staff contacted the NSW Ombudsman's Office to gain an understanding on their position with regard to Internal Ombudsmen. Staff were directed to an issues paper; *Council Internal Ombudsman – 'Independent Ear' or 'Complaints Commissioner'?*

In discussing the challenges facing the Council Internal Ombudsman, the paper states that there is the

“ . . . perception that they lack the necessary degree of independence to properly function as an Ombudsman's office. Council Internal Ombudsman are council employees. They are appointed by council, report directly to the general manager, and while they are often appointed for a term set out in their guidelines, their employment can be terminated at will and they have no greater protection from dismissal than any other council employee.”

The issue paper also references a 2001 report by the Sutherland Internal Ombudsman, which states:

“The independence of the Internal Ombudsman has been questioned on occasions, given that the recommendations of an investigation are made to the General Manager or the Mayor. There is a perception that by reporting to an internal authority, the role of the Ombudsman may be diminished.”

It is clear that establishing a role within Council that is 'independent' is problematic. Whether an Internal Ombudsman is completely separate from Council and impartial, it is noted that there will always remain a perception that they are part of Council and therefore not truly independent.

The issue paper also identifies public confusion about the operation of the Internal Ombudsman and its role at Council. In addition, it points to confusion when the NSW Ombudsman is dealing with an Internal Ombudsman and states that “the involvement of the Internal Ombudsman has sometimes introduced further confusion and complication.”

As a result, it is not recommended that Council pursue an Internal Ombudsman position but rather give consideration to other processes or mechanisms to achieve the goals of the Council resolution, without compromising the independence or public perception of the system.

EXTERNAL AGENCIES and NETWORKS

The City of Ryde has a good working relationship with both the NSW Ombudsman's Office and the Division of Local Government.

ITEM 4 (continued)

It is standard practice for policies relating to complaints or governance to be forwarded to these agencies for comment during exhibition periods and the feedback received has been positive and constructive.

As stated above, the Customer Feedback framework has been given particular acknowledgement by the NSW Ombudsman and Council's Coordinator Customer Feedback and Business Improvement liaises with this office as required on particular matters.

City of Ryde staff involved in governance functions and complaint management also participate in networks such as the Local Government Managers Association. The Manager, Customer Service and Governance currently sits on the Governance Executive for the Association. These networks provide valuable opportunities for staff to share issues and key representatives from the NSW Ombudsman's Office, Office of the Information Commissioner and Division of Local Government are active participants in these networks.

RECOMMENDED FRAMEWORK

While it is felt that Council's current Customer Feedback Policy and procedures provides for:

- the impartial investigation of complaints,
- reaching resolutions in a timely, fair and reasonable manner, and
- ensuring complaints and feedback are utilised for continuous improvement of Council's processes.

it is also acknowledged that there is an opportunity for improvement to increase consistency and transparency.

It is also acknowledged that at the City of Ryde there is separation of the functions that may fall under the purview of an Ombudsman system. The responsibilities lie within different Council Units. There is some benefit to having this decentralisation as it allows areas to review and comment on the actions and outcomes of other areas without having been intimately involved in their development.

However, in order to promote a more systematic method for dealing with complaints and concerns, policies and controls; a City of Ryde Governance Group (the group) has been established with the following positions:

- Manager, Customer Service and Governance
- Manager, Communications and Media
- Manager, Audit and Risk
- General Counsel (Public Officer)
- Governance Support Coordinator
- Coordinator Customer Feedback and Business Improvement
- Section Manager Records Management Services

ITEM 4 (continued)

The draft Terms of Reference for the Governance Group are attached (**ATTACHMENT 4**).

One of the key aspects of an Ombudsman system is the perception of impartiality. As identified by the NSW Ombudsman's Office this may be difficult to maintain if the role is filled by a Council employee.

As a result, Council may consider it appropriate that the above group be supplemented by an external party selected from the NSROC Review Panel through an Expression of Interest process. This would ensure a person with suitable experience and qualifications, who is not a Council staff member, is able to provide external professional advice. In addition, they could be consulted to provide advice where resolutions to complaints can not be reached.

It is noted that, should Council pursue this proposal, the panel member selected would no longer be eligible to conduct investigations for the City of Ryde.

A further key aspect of an Internal Ombudsman system is accountability and transparency. To achieve this it is recommended that the group provide an annual report to Council through the Audit and Risk Committee annual report to Council.

It is felt that this system would further support current practices and continue to ensure complaints are dealt with fairly and impartially. It will also address the concerns raised by the NSW Ombudsman's Office, by providing a higher degree of independence and accountability. The reporting process through the Audit and Risk Committee adds a further layer of external review and reporting.

The number of complainants who have remained unhappy with the process or outcome following the implementation of the customer feedback management process is very small. Should Council endorse to pursue this proposal (of engaging an external party), such complainants could be offered the option to escalate their complaint to the external reviewer for investigation. This would in no way preclude them from exploring the option to escalate their complaint to the NSW Ombudsman but rather, offer an alternate avenue.

At this time, it is proposed that the Governance Group framework be put in place for one year without the participation of an external party. The Group's performance could then be reviewed after that period and as part of the annual report from the Governance Group, that would identify future steps and improvements.

AWARENESS OF COMPLAINT AVENUES – CUSTOMER SERVICE CHARTER

A significant aspect of a system for the handling of complaints is public awareness of the avenues available to them. Although Council currently has strong complaint management procedures there is not a significant awareness of this service in the community.

ITEM 4 (continued)

To improve the profile of our customer focus and the associated complaint management processes, it is proposed that a Customer Service Charter be developed for consideration by Council.

Once this Charter is adopted, it would be promoted on Council's website, the on-hold call messaging and social media avenues as they become available. Further options for promotion of the charter will be provided to Council as part of the report.

In addition, it is proposed that customer service training, including the complaint management process, be provided to relevant staff following the adoption of a Customer Service Charter.

It is anticipated that this could commence in early 2014.

Financial Implications

The engagement of an external reviewer to sit on quarterly meetings of the Committee offered as an option in this report will result in a financial impact. There are currently no funds available for this service and an adjustment to the 2013/14 Operating Plan would be required.

It is estimated that this will cost approximately \$10,000 per year to allow for pre-reading, meeting attendance and assisting in report preparation. There would be an additional cost for any investigations required.

It is noted that the establishment of an Internal Ombudsman at Council would result in an additional staff member which would cost considerably more than the above proposal. This is estimated at \$250,000 per year.

For these reasons it is proposed that the Governance Group framework be put in place for one year without the participation of an external party. The Group's performance could then be reviewed after that period and as part of the annual report from the Governance Group that would identify future steps and improvements.

The promotion of a Customer Service Charter would result in some additional cost which is currently not provided for in the 2013/14 Operating Plan. Options regarding this promotion will be presented in the further report to Council.

Options

The following options are presented for Council's consideration:

1. Continue to operate under the current policies and procedures without the addition of a Governance Group reporting to the Audit and Risk Committee, nor the development of a Customer Service Charter.

ITEM 4 (continued)

2. Establish the Governance Group and engage a third party reviewer to participate in meetings. The group would report every six months to the Audit and Risk Committee and annually to Council.
3. Progress the establishment of an Internal Ombudsman's position within Council. This role would report to the General Manager and further consideration would need to be given to the structure of the office, any additional roles or functions and confirmation of the appropriate budget.
4. Pursue the development of a Customer Service Charter and take no action with regard to the Governance Group reporting to Council through the Audit and Risk Committee, as set out in this report.

ITEM 4 (continued)

ATTACHMENT 1



Customer Feedback Policy

Scope

The City of Ryde is committed to delivering quality customer service and to communicating effectively with our community.

We realise that sometimes, despite our best efforts, people may not be happy with the way we have performed a service. The Customer Feedback Policy and Complaints Handling Procedure provide a framework to ensure that feedback received is handled in an appropriate, effective and systematic way.

This Policy applies to all service complaints, formal complaints, compliments and general feedback received by the City of Ryde from its customers.

Purpose

This Policy aims to identify service improvements, increase customer satisfaction, strengthen customer input into our services, acknowledge areas of excellence and respond effectively and independently to individual cases of dissatisfaction.

Guidelines

The implementation of this policy should help:

- create a second chance to provide service and satisfaction to dissatisfied customers,
- identify areas or processes that need improvement,
- identify areas of good performance and customer satisfaction;
- provide opportunities to strengthen public confidence in Council, and
- inform planning and allocation of resources decisions.

We will achieve our objectives by:

- staff and customer awareness of the Customer Feedback Policy and the Complaints Handling Procedures and commitment to our procedures.
- encouraging and facilitating feedback from customers and using this information to improve services and facilities;
- recognising and rewarding excellent service to our customers;
- ensuring customer satisfaction in all areas of our business;
- rewarding and recognising staff who have excelled in customer service.
- ensure customer's complaints are taken seriously and reviewed independently.

Service Guarantee

Customer Feedback Policy		
Owner: Customer Service Unit	Sub-Program: Customer Service	Created: 12 August 2010
Trim Reference: D10/91901	Review date: 1 August 2012	Endorsed: 9 March 2011

ITEM 4 (continued)

ATTACHMENT 1

The City of Ryde understands the importance of receiving customer feedback and commits to the following principles:

- we will accept your feedback courteously with a view to improving our service.
- we will handle your feedback in accordance with these guidelines and its documented procedures.
- we will publicise how residents, businesses and members of the community can provide feedback to the City of Ryde.
- we will provide a clear review mechanism for complaint handling including referral to an external body where a complaint cannot be resolved internally.
- we will regularly report on feedback received and the outcomes to ensure confidence in City of Ryde services.
- wherever possible, complaints will be resolved quickly and without escalation.
- when complaints do escalate, resources will be utilised to the maximum effect in investigating them and improving prevention and education programs so that incorrect practice and disputes are reduced.
- The City of Ryde regards complaints as an opportunity to improve its services and processes and complainants will be helped and supported.

Definitions

Complaint	An expression of dissatisfaction with Council's level and quality of service, employee conduct, or the application of policies and procedures affecting an individual customer or group of customers.
Compliment	An expression of satisfaction/ respectful acknowledgment of Council's service delivery standard, customer focus and exemplary employee conduct where expectations regarding; efficiency, effectiveness, fairness, accessibility and responsiveness, are exceeded.

Feedback

The City of Ryde encourages feedback and links it to improving its service. Feedback may range from letters and/or cards expressing gratitude or suggestions on improvement, through to complaints about the services provided by the City and its staff.

We view feedback as a valuable opportunity to review policies, procedures and practices, and to make changes where necessary. Feedback (compliment, suggestion, and complaint) may be provided by letter, fax, email, verbally (in person or over the telephone) or by completing the feedback form on the City's website.

Communicating the Customer Feedback Policy and the Complaints Handling Procedures

Customer Feedback Policy		
Owner: Customer Service Unit	Sub-Program: Customer Service	Created: 12 August 2010
Trim Reference: D10/91901	Review date: 1 August 2012	Endorsed: 9 March 2011

ITEM 4 (continued)

ATTACHMENT 1

Copies of the Customer Feedback Policy and the Complaints Handling Procedures will be made available to members of the community via the City of Ryde website, and in its Libraries, Customer Service Centre and Ryde Planning and Business Centre by request.

References - Legislation

This Policy incorporates information from Effective Complaint Handling Guideline – 2nd Edition (NSW Ombudsman) – December 2010

Review Process and Endorsement

This Policy will be reviewed by the Customer Service Unit as required. This Policy requires endorsement by the Executive team.

Attachments

<i>Number</i>	<i>Title</i>	<i>Trim Reference</i>
1.	Procedure – Complaints Handling	D10/91901
2.	Procedure – Rewarding and Recognising Customer Compliments	To be developed
3.	Procedure – Encouraging Customer Feedback	To be developed

Customer Feedback Policy		
Owner: Customer Service Unit	Sub-Program: Customer Service	Created: 12 August 2010
Trim Reference: D10/91901	Review date: 1 August 2012	Endorsed: 9 March 2011

ITEM 4 (continued)

ATTACHMENT 1



Complaints Handling Procedure

Related Policy

This procedure relates to the part of the Customer Feedback Policy pertaining to the recording, handling and reporting of service and formal complaints.

Aim

This procedure aims to assist staff in resolving, conciliating and investigating complaints of varying complexity. It also aims to identify performance standards that will be measured and reviewed to help improve Council customer services.

In addition, this procedure aims to ensure that members of the public can be confident that their complaints will be fully assessed internally and where it cannot be resolved, will be referred to an external independent body for assessment and resolution.

Definitions

Competitive Neutrality	The principle that Council businesses should not operate with any unfair competitive advantage.
Complaint	An expression of dissatisfaction with Council's level and quality of service, employee conduct, or the application of policies and procedures affecting an individual customer or group of customers.
Corrupt Conduct	Deliberate or intentional wrong doing, not negligence or a mistake. It has to involve or affect a NSW Public official or public sector organisation.
Council	The City of Ryde
Grievance	An expression of dissatisfaction by a Council employee, about the way they have been treated by another member of staff (including a supervisor).
Maladministration	Conduct that involves action or inaction of a serious nature that is contrary to the law, unreasonable, unjust, oppressive, improperly discriminatory or based wholly or partly on improper motives.
Protected disclosure	An allegation of corrupt conduct, maladministration, or serious and substantial waste for which protection may be given under the Protected Disclosures Act.
Reportable allegation	Inappropriate behaviour that is detrimental to a child or young person. The victim of the inappropriate behaviour must be aged less than 18 years at the time of the incident. Only a reportable allegation in relation to a member of staff constitutes a complaint under this policy.

Further documentation		
Owner: Customer Service Unit	Accountability: Complaints management development	Issue: 22 August 2011
Trim Reference: D10/91901	Policy: Customer Feedback	Page 4 of 16

ITEM 4 (continued)

ATTACHMENT 1

Reportable conduct	Assault, ill treatment or neglect, or exposing or subjecting a minor to behaviour that psychologically harms the child. Only reportable conduct in relation to a member of staff constitutes a complaint under this policy.
Request	A request for the provision of services (including the provision of information), a report about damaged or faulty infrastructure, or a report requiring action by Council's Compliance section eg. noise, pollution, dogs, food premises etc. A report of a child at risk, a reportable allegation or of reportable conduct under child protection legislation that is not related to the services that Council provides constitutes a request by virtue of the obligations on Council staff as mandatory reporters.
Serious or substantial waste	The uneconomical, inefficient or ineffective use of resources, authorised or unauthorised which results in a loss/wastage of public funds/resources.

Complaints

a) What are complaints?

A complaint is an expression of dissatisfaction with Council's level and quality of service, employee conduct, or the application of policies and procedures affecting an individual customer or group of customers. Complaints can be made by letter, fax or email, verbally (in person or over the telephone) or via Councillor requests and no distinction will be made in the treatment of complaints based on the method in which they are submitted.

A complaint is not:

- An initial request for service*;
- A request for information or explanation of Council's policies or procedures;
- The lodging of an appeal in accordance with legislative appeal provisions;
- A refusal or desire not to follow an existing documented appeal process;
- An objection; or
- Negative feedback in a submission or survey, or dislike of a policy or procedure;

*It is important to acknowledge that when a customer states that they are "making a complaint about something" it is often not a "complaint" but a request for action or help. There is a need to clarify each matter and determine if it falls within the above definition.

This procedure **does not apply** to complaints involving the following issues:

- Decisions made by the elected Council;
- Appeals against fines issued by Council officers;
- Internal staff complaints which will follow the normal grievance procedures as defined in the Local Government State Award;
- Complaints about third parties (e.g. a neighbour dispute);
- Complaints relating to Development Applications;

Categories of Complaints

a) Service complaints

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A service complaint is an expression of dissatisfaction with the service provided by Council.

Examples of service complaints include but are not limited to:

- The decision of a staff member;
- The advice of a staff member;
- The quality and range of services provided;
- Failure to meet a service standard;
- A Council policy or procedure not being followed; or
- The conduct of a staff member, contractor, consultant or volunteer of Council.

b) Formal complaints

A formal complaint is any complaint that alleges serious wrongdoing by an individual or a group within council.

Examples of formal complaints include but are not limited to:

- Maladministration;
- Serious and substantial waste of public money;
- Corrupt conduct;
- Pecuniary interests;
- Possible breaches of Council's Code of Conduct.

c) Anonymous Complaints

Sometimes people are more comfortable making an anonymous complaint as confidentiality is guaranteed. Council will do its best to review anonymous complaints. However, it can be very difficult to resolve these issues, or enforce legislation, without the ability to thoroughly investigate and gather evidence and witness information.

Where inadequate/insufficient information is provided to investigate a matter, a review will not be conducted.

Action is taken on anonymous complaints as far as it is possible to do so without being able to consult with the complainant. If there is sufficient information in the complaint, a review will be conducted.

All personal and health information collected by the City in connection with a complaint will be handled in accordance with all applicable privacy laws and will only be used for the purpose of investigating the complaint.

d) Complaints covered by other policies

In addition there are some complaints that may need to be dealt with and resolved, that are covered under separate policies or legislation.

If at any point in the management or investigation of a complaint it becomes apparent that the complaint involves any of the following issues then the procedures for the management of that type of issue will supersede standard procedures for complaint handling.

- Public Interest Disclosures (PID)

Complaints made under the Protected Disclosures Act are to be handled in accordance with Council's Public Interest Disclosure Internal Reporting - Council Policy.

- Complaints concerning Councillors

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Complaints concerning Councillors, including allegations in relation to the Code of Conduct, are to be referred to the General Manager and dealt with in accordance with the provisions of Council's Code of Conduct.

- Allegations under the Child Protection legislation

Complaints relating to Child Protection are to be referred to Council's Child Protection Officer and managed in accordance with the relevant Policy.

- Competitive Neutrality Complaints

Complaints are to be referred to the Chief Financial Officer. Any complaints are required to be reported in Council's Annual report.

- Allegations of breaches of the Trade Practices Act

Complaints relating to breaches of the Trade Practices Act are to be referred to the Manager, Risk and Audit.

- Privacy and Personal Information Protection Act

Complaints relating to privacy and breaches of the Privacy and Personal Information Protection Act are to be referred to the General Counsel.

- Breaches of the Code of Conduct by Council Staff

Complaints that entail, or are substantially based on, an allegation of a breach of the Code of Conduct by a Council staff member, will be managed in accordance with the procedures outlined in this document. At the conclusion of the complaint investigation, the Coordinator Feedback and Business Improvement will review the alleged breach and provide a report to the Group Manager/ Manager and notify the General Manager. The Group Manager/ Manager must determine whether the complaint constitutes a breach of Council's adopted Code of Conduct and if so, what subsequent course of action is to be taken.

Staff responsibilities

All staff are responsible for:

- Assisting complainants as much and as quickly as they can;
- Clarifying and confirming the details of the complaint;
- Registering all 'expressions of dissatisfaction', disputes or complaints with the Coordinator Complaints Management;
- Attempting to resolve complaints unless it is of a serious nature;
- Acting to resolve the complaint where possible including apologising where appropriate;
- Advising the complainant of complaint resolution procedures and escalating complaints appropriately.

The *Manager Customer Service* is responsible for:

- The review of this policy;
- The Manager Customer Service will arrange the provision of training and support to staff in the implementation of this policy, particularly the Investigating Officer.

Group Managers are responsible for:

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- Accepting and responding to any complaints that are referred to them in an appropriate and timely manner;
- Ensuring they reinforce compliance by Managers with the complaint management process;
- Identifying any improvements or changes that may be needed to improve customer service.

Managers/supervisors are responsible for:

- Accepting and responding to any complaints that are referred to them in an appropriate and timely manner;
- Ensuring they reinforce compliance by Managers with the complaint management process;
- Identifying any improvements or changes that may be needed to improve customer service;
- Recording and updating actions on complaints.

Coordinator Feedback and Business Improvement will coordinate:

- Investigation of complaints by the responsible Group Manager/Manager in accordance with the process set out in this procedure;
- Advising the complainant of the expected timeframe to address the complaint and agree on when the next update will be provided in relation to the complainant;
- Reporting of findings and provide recommendations regarding complaints;
- Maintaining data in relation to complaints and reporting this information to the Executive Team (number of complaints, details of resolutions and highlighting any patterns or trends);
- Communication with the complainant in cases where complaints are referred to an external body or agency in conjunction with the Manager Risk and Audit;
- Provision of feedback to the General Manager, Group Manager and relevant Service Unit Managers as well as the complainant on the outcome of any external investigation;
- The facilitation of training staff in complaint handling as part of their induction as well as a component of their regular learning and development. The Coordinator Feedback and Business Improvement will also ensure our Managers are trained to analyse and respond to complaint types to promote a culture of continuous improvement;
- Implementation of Council's Managing Unreasonable Customer Conduct Policy.

Mayor is responsible for

- Receiving and appropriately forwarding complaints about the General Manager.

General Manager is responsible for

- Receiving and appropriately forwarding complaints about the Mayor, Senior Staff and Councillors.

The Three Tier Structure – Handling Complaints

Customers have the right to complain. Where possible, Council will invite and encourage feedback on all services and information provided. That feedback can be provided in a

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variety of forms such as verbally, fax, mail, email or survey. Where required, customers will be provided assistance to lodge complaints.

Below is information regarding the three tier structure for service and formal complaints.

a) Tier One Complaints - Frontline complaint handling.

All Council staff will, within the scope of their role, endeavour to resolve issues which are the subject of complaints at the first point of contact. This would normally involve verbal discussions between the complainant and the staff member and agreed resolutions between all parties. On occasion the staff member receiving the complaint may need to involve or consult with an immediate supervisor or another staff member in order to resolve the complaint. Details of all complaints that are resolved at this level must be provided to the Coordinator Feedback and Business Improvement for record and analysis purposes.

The Coordinator Feedback and Business Improvement will ensure that staff are aware of methods to record complaints, including detailing the outcome in Council's Record Management System or Customer Request Management System. The integrity and accuracy of the data we keep is crucial to the effectiveness of our work and our ability to monitor our performance.

In some cases staff will not be able to resolve the complaint at this level, in these cases the complaint should be escalated to the Coordinator Feedback and Business Improvement for review as a Tier Two complaint.

Examples of situations which might classify a complaint as Tier Two:

- The nature of the complaint necessitates a semi-formal enquiry;
- The complexity of the matter precludes it from being resolved without a more substantial enquiry;
- The complaint involves an allegation of deliberate wrongdoing;
- Questions of precedent for the Council may be involved;
- Significant disciplinary action is a possible outcome; or,
- The complaint is identified as a formal complaint.

All complaints that identify a particular member of staff by name will be escalated to the Coordinator Feedback and Business Improvement for classification and appropriate referral.

In all cases where the complaint is escalated as a Tier Two complaint, the complainant should be told that this is the case.

b) Tier Two Complaints - Internal review or investigation

Where complaints cannot be resolved at the first point of contact they will be referred to the Coordinator Feedback and Business Improvement for review as a Tier Two complaint. In these cases the Coordinator Feedback and Business Improvement will record the complaint, refer it to the appropriate Manager/Group Manager and contact the Complainant to inform them of how their complaint will be investigated. The level of investigation that will be undertaken will depend on the seriousness of the complaint and the resources available to undertake the investigation.

Tier Two complaints will be referred to the appropriate Group Manager. Where the complaint relates to the conduct of a staff member to whom the complaint would normally be referred it should be redirected to their supervisor.

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The Manager to whom the complaint is referred will appoint an investigation officer who will formulate an investigation plan and carry out the investigation (the process for investigating complaints is set out below under Investigating Complaints).

At the end of the investigation, the investigation officer will provide a report to the relevant Manager/Service Unit Manager/Group Manager and to the Coordinator Feedback and Business Improvement. The report will examine the issues and outline the actions taken including the outcomes of the complaint and any recommendations for systemic improvement or policy review.

The Coordinator Feedback and Business Improvement will inform the Complainant of the outcome of the investigation and any actions that will be undertaken in response to the complaint. Whilst it is understood that Complainants may not always be happy with the outcome, the Coordinator Feedback and Business Improvement will obtain feed back to ensure that the Complainant is satisfied with the process, if not the outcome.

In cases where the Complainant is not satisfied they will be informed of their rights to refer their complaints to external sources of review.

Council will not refer a complaint to an external agency unless:

- There is a compelling reason to believe that an internal investigation is not capable of providing a fair and equitable resolution; or,
- There is an obligation to refer the matter to an external agency.

Decisions to refer a complaint to an external agency require the approval of the General Manager on advice from a Group Manager, General Counsel or the Manager Risk and Audit.

c) Tier Three Complaints - Independent review.

In circumstances where a complaint cannot be resolved through these internal processes Council will refer the complaint to an appropriate external agency for review. Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the Division of Local Government or an independent investigating group or individual.

For all Tier 3 complaints and where the complaint is one of a more serious nature involving allegations of maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interests it will be referred to the Manager Risk and Audit or General Counsel in consultation with the General Manager to appoint an external reviewer.

The Manager Risk and Audit, with support from the General Counsel as required, will manage and monitor the outsourcing of these complaints and provide fortnightly reports to the General Manager regarding their progress

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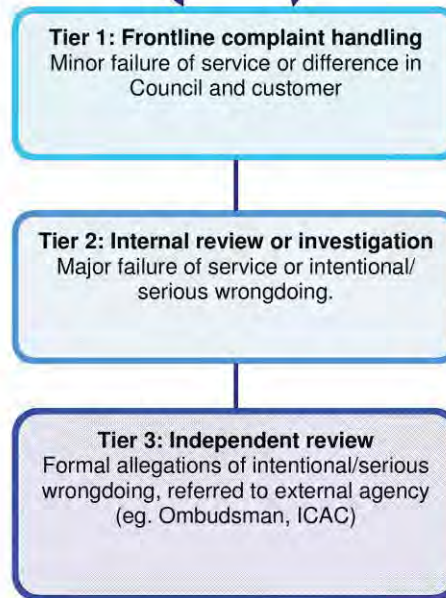
Three Tier Model:

The customer wants:

- a user friendly complaints system
- to be heard
- to be understood
- to be respected
- an explanation
- an apology
- efficient action

Council needs:

- a user friendly system for accepting customer feedback;
- clear delegations and procedures for staff to deal with complaints and provide remedies;
- clear internal and external referral procedures if complaint is not resolved at frontline;
- recording system to capture complaint feedback;
- performance standards including timeframes for response and quality response;
- to systematically review complaint data to identify problem areas and analyse trends;
- to act to improve service deliver in identified areas.



Recording, monitoring and reporting on complaints

Any staff member that is receiving a complaint or dealing with a complainant should keep records of these interactions. The following information will be recorded, as a minimum, for all complaints:

- The nature of the complaint (including classification)
- The form of the complaint (eg: phone, email)
- The address or location to which the complaint relates
- Conduct, services or practices identified in the complaint
- Suggested improvements/changes
- Where the complaint is about an individual – the name of that individual
- Group and Unit
- Action taken
- Total response time

All Staff are responsible for ensuring that complaints received by them are recorded in Council’s Record Management System or Customer Request Management System and are updated to reflect any changes in circumstances or new developments that they become aware of. The keeping of accurate records on complaints will assist us in responding promptly and accurately to complainants.

Accurate records will also allow us to analyse and report trends. Specifically we will be looking to see whether issues are systemic or recurring to allow us to improve our processes and reduce future complaints. Collection of data regarding analysis of complaints will guide

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future business improvement. Recurring or system wide problems will be identified and the action or service that has been the source of the complaints can be addressed. This may be through the use of corrective or preventative actions and innovative improvements.

The Coordinator Feedback and Business Improvement will follow up on all investigated complaints for quality assurance. This will involve contacting the complainant following the resolution or closure of the complaint to obtain feedback regarding the process and to ensure the complainant is satisfied with the process, if not the outcome.

A report will be generated by the Coordinator Feedback and Business Improvement on a quarterly basis and referred to the Executive Team for information. The report will include complaint classification by Tier, Unit, and Group and will also include complaint resolution timeframes, in addition to process improvement recommendations.

In addition, a register of all complaints will be held by the Coordinator Feedback and Business Improvement, including complaints covered by other policies (see below). All complaints not covered under this policy are the responsibility of the relevant Group Manager/ Manager in accordance with the structure set out in this procedure, as defined under 'Categories of Complaints' (section d - complaints covered by other policies). It is the responsibility of the relevant Group Manager/ Manager to provide report data to the Coordinator Feedback and Business Improvement on a quarterly basis for the purpose of this register.

A statement regarding Council's performance in relation to handling complaints will be included in the Annual Report. This will include the total number of complaints received and the percentage classified as formal complaints.

Classification

<i>No.</i>	<i>Area</i>	<i>Referred for more information/assistance to:</i>
1	Policies and Procedure	Coordinator Feedback and Business Improvement
2	Quality of Service	Coordinator Feedback and Business Improvement
3	Staff Conduct	Human Resources Manager
4	Public Interest Disclosures (PID)	Public Interest Disclosure Coordinator
5	Child Protection	Child Protection Disclosure Coordinator
6	Privacy	Privacy Contact Officer
7	Competitive Neutrality	National Competition Policy Complaints Handling Officer
8	Trade Practices	Manager Risk and Audit
9	Government Information Public Access (GIPA)	Right to Information Officer
10	Fraud and Corruption Prevention	Fraud and Corruption Prevention Officer
11	Mayor and Councillor Conduct	General Manager
12	General Manager Conduct	Mayor

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Service Standard

Complaints will be dealt with quickly, courteously, fairly and within established timelines.

Complainants will be advised of how long it will take to deal with their complaint in accordance with the complaint handling timelines and will be kept informed of the progress. If additional time is required to resolve the issues the complainant will be kept informed by the Coordinator Feedback and Business Improvement and advised of the additional time required and the reasons for the delay.

The City of Ryde delivers a wide range of services and products and consequently the type of complaints we receive also varies widely. Many complaints can be resolved quickly and easily. Other complaints will have complex issues which require further investigation.

a) Acknowledgement

All complaints will be acknowledged in writing within 5 working days.

Acknowledgements for Tier 2 and 3 Complaints will detail:

- the name and contact number of the Coordinator Feedback and Business Improvement
- the estimated length of time it may take to resolve the complaint
- a unique reference number for the complaint.

b) Response

Staff will aim to complete and respond to:

- all Tier 1 Complaints within 5 business days
- all Tier 2 and 3 Complaints within 21 days (15 business days)

Where this is not possible, the Coordinator Feedback and Business Improvement will advise the complainant of the following within 21 days:

- the estimated length of time it may take to resolve the complaint
- a timeframe for when they can expect a further update.

c) Update

The Coordinator Feedback and Business Improvement will advise the complainant of the expected timeframe to address the complaint and agree on when the next update will be provided in relation to the complainant.

Investigating Complaints

The investigator is responsible for ascertaining all relevant facts pertaining to a complaint. At the conclusion of the fact finding exercise, the investigator must report his or her findings and, if appropriate, make relevant recommendations. This task must be conducted in an impartial, independent and objective manner.

The investigator (nominated by the Group Manager), should not be conducted by anyone with direct involvement with the person or matter the subject of the complaint. The investigator will prepare an investigation plan that will form the basis of a report. The investigation plan will:

- Summarise the information provided about the complaint so as to make clear what exactly has been complained about;

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- Consider the purpose of, or what is hoped to be achieved by, investigating the complaint;
- Identify, as far as possible, the information that needs to be gathered in order to achieve the objectives of the investigation;
- Determine the action that needs to be taken to gather this information, and determine a timeframe for these tasks. In particular, identify whether any of the information requires specific skills to access and/or interpret (technical);
- Consider conciliation, mediation or further direct negotiations to remedy the complaint.
- Anticipate possible problems and plan for them. In particular, identify whether all of the information can be obtained; and
- Prioritise tasks according to their urgency and the resources necessary to achieve them.
- Identify any possible budget impact

Investigators must abide any confidentiality requirements applying to the investigation, including impressing upon all witnesses their obligation to keep details of the investigation confidential.

Due process must be observed in every investigation, ensuring adherence to procedural fairness (natural justice) requirements. Procedural fairness ensures that decision making is fair and reasonable and include giving a fair hearing, not being biased and acting on the basis of logically probative evidence.

During interviews, the subject of the investigation and witnesses are permitted the presence of a third party. Having a person of their choice present can make the subject/ witness feel more comfortable and this will make the interview easier to conduct. The investigator must make sure that any third party permitted to be present understands they are an observer and may not take part in the discussion or interview, is not a potential witness, has not agreed to assist any other witnesses to the investigation, and undertakes to respect the confidentiality of the issues discussed in the interview.

a) Investigation Report

At the end of the investigation, the investigator will provide a report to the relevant Group Manager/General Manager and to the Coordinator Feedback and Business Improvement. The report will examine the issues and outline the actions taken including the outcomes of the complaint and any recommendations for systemic improvement or policy review.

The recommended action should focus on options to resolve the complaint and, if relevant, to avoid a recurrence of similar problems. The action may include changes in policies or procedures, provision of staff training or redress.

Where there is clear evidence that a complainant's conduct is unreasonable and staff have made all reasonable attempts to resolve it, it may be appropriate to advise the complainant in writing that Council will not be pursuing the matter further unless new information is provided.

b) Results of investigation – communication to complainant

In order to finalise the complaint the complainant will be advised in writing by the Coordinator Feedback and Business Improvement of the actions that will be taken in response to the complaint and the results of the investigation.

Redress will be provided for justified complaints.

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There are a number of options for redress that the Council will consider in response to a complainant who has been detrimentally affected by the actions of the Council. Where possible and appropriate, we will attempt to put the complainant back in the position they would have been in had things not gone wrong. This could include providing the desired service or changing a decision.

Further guidelines in relation to remedies are set out in *The Complaint Handler's Tool Kit, Options for Redress* from the NSW Ombudsman.

c) Independent External review

If a matter remains unresolved or the complainant is dissatisfied with the way a complaint has been handled they should be advised of their rights to:

- Approach another agency to seek resolution
- Alternative dispute resolution
- Appeal procedures or other legal remedies

In general the appropriate agency to contact would be:-

- ICAC for concerns related to corruption
- NSW Ombudsman for issues related to Child Protection, Protected Disclosures or procedural fairness
- Privacy NSW for complaints relating to privacy; and
- Department of Local Government for dissatisfaction with the outcome of a general complaint.

There are overlaps between the services these agencies offer and sometimes it is appropriate to contact more than one.

Council will only refer a complaint to an outside/independent agency with the approval of the General Manager. Recommending referral to another agency is only useful as a last resort where a complainant remains dissatisfied in spite of efforts made to resolve the situation. It is important to understand that these agencies generally refer the matter back to Council so it will not mean that the problem is "taken off our hands".

External Agencies

NSW Ombudsman

Level 24,580 George Street, SYDNEY NSW 2000
 Phone: 02 9286 1000 or 1800 451 524
 Fax: 02 9283 2911
 Email: nswomb@ombo.nsw.gov.au

NSW Division of Local Government

Locked Bag 3015, NOWRA NSW 2541
 Phone: 02 4428 4100
 Fax: 02 4428 4199
 Email: dlg@dlg.nsw.gov.au

The Independent Commission Against Corruption

GPO Box 500, SYDNEY NSW 2001
 Phone: 02 8281 5999 or 1800 463 909
 Fax: 02 9264 5364
 Email: icac@icac.nsw.gov.au

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NSW Privacy Commissioner

GPO Box 7011, SYDNEY NSW 2001

Phone: 02 8019 1600

Fax: 02 8114 3755

Email: privacyinfo@privacy.nsw.gov.au

Councils' Statutory Obligations to Provide Access

Councils have specific statutory obligations to provide access, these obligations include:

a) The right to access Council information

Members of the public have the right to access certain information held by the City of Ryde as identified in the Government Information (Public Access) Act 2009. Councils are also required to allow members of the public to access other information unless satisfied that allowing access would be contrary to the public interest or breach other statutory obligations.

b) The right to attend Council meetings

Members of the public have a right under section 10 of the Local Government Act to attend Council meetings and Committee meetings where all committee members are Councillors (unless the meeting has been closed to the public under section 10A). The right of members of the public to attend Council meetings does not confer a right to address the meeting; however, Council allows public participation in certain Council meetings and has rules that guide the exercise of this discretion.

Relevant Legislation

- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- Health Records Information Privacy Act 2002
- Independent Commission Against Corruption Act 1988
- Government Information (Public Access) Act 2009
- Public Interest Disclosure Act 2010
- Ombudsman Act 1974

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CUSTOMER FEEDBACK OPERATING PROCEDURES

MANAGING CUSTOMER FEEDBACK

1.1 PURPOSE

To ensure that all customer feedback received is handled in an appropriate, effective and systematic way in accordance with the Customer Feedback Policy.

1.2 SCOPE

This procedure applies to all service complaints, formal complaints, compliments and general feedback received by the City of Ryde from its customers.

1.3 RESPONSIBILITY

The Coordinator Feedback and Business Improvement is responsible for implementing this procedure.

1.4 PROCEDURE

- 1.4.1 The City of Ryde places customer satisfaction at the heart of our performance. Effective customer feedback management will identify service improvements, increase customer satisfaction, strengthen customer input into our services, acknowledge areas of excellence and respond effectively and independently to individual cases of dissatisfaction.
- 1.4.2 Customer feedback may range from letters and/or cards expressing gratitude or suggestions on improvement, through to complaints about the services provided by the City and its staff.
- 1.4.3 We view feedback as a valuable opportunity to review policies, procedures and practices, and to make changes where necessary. Feedback (compliment, complaint and suggestion) may be provided by letter, fax, email, verbally (in person or over the telephone) or by completing the Customer Feedback Form on the City's website.
- 1.4.4 These procedures address primarily the requirement for all external customers to be able to provide feedback and have it responded to in a respectful and timely manner as identified within the Complaints Handling Procedure.
- 1.4.5 All City of Ryde staff are responsible for receiving and recording customer feedback. Details of all customer feedback must be provided to the Coordinator Feedback and Business Improvement for record and analysis purposes.
- 1.4.6 The Coordinator Feedback and Business Improvement must record the feedback in TRIM Container SCM/11/1 Customer Service - Public Reaction - Customer Feedback Management and in the case of a Complaint or Compliment must record the information in the Customer Feedback Register, TRIM Container SCM/11/1/16 (D11/60916) for record and analysis purposes.
- 1.4.7 The Coordinator Feedback and Business Improvement is to ensure this procedure is completed within agreed timeframes as outlined in the Complaints Handling Procedure.

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1.5 DOCUMENTS

- Customer Feedback Form (City of Ryde Website: www.ryde.nsw.gov.au)
- Customer Feedback Policy (TRIM Ref: D10/91901)
- Complaints Handling Procedure (TRIM Ref: D10/91901)
- Customer Feedback Register (TRIM Ref: D11/60916)

TIER ONE SERVICE COMPLAINT HANDLING

1.1 PURPOSE

To ensure that all complaints received are handled in an appropriate, effective and systematic way in accordance with the Customer Feedback Policy and Complaints Handling Procedure.

1.2 SCOPE

This procedure applies to all complaints received by the City of Ryde classified as Tier One Service Complaints.

1.3 RESPONSIBILITY

The Coordinator Feedback and Business Improvement is responsible for implementing this procedure.

1.4 PROCEDURE

- 1.4.1 All Council staff will, within the scope of their role, endeavour to resolve issues that are the subject of complaints at the first point of contact. This would normally involve verbal discussions between the complainant and the staff member and agreed resolutions between all parties. On occasion the staff member receiving the complaint may need to involve or consult with their immediate supervisor or another staff member in order to resolve the complaint. Details of all complaints resolved at this level must be provided to the Coordinator Feedback and Business Improvement for record and analysis purposes in the Customer Feedback Register (TRIM Ref. D11/61906) and TRIM Container SCM/11/1 Customer Service - Public Reaction –Customer Feedback Management.
- 1.4.2 Upon receipt of a verbal complaint Council staff will record details of the complaint and provide this information to the Coordinator Feedback and Business Improvement.
- 1.4.3 Upon receipt of a written complaint Council's Records staff will record the complaint in TRIM and allocate the TRIM record to the Coordinator Feedback and Business Improvement.
- 1.4.4 Upon receipt of a complaint the Coordinator Feedback and Business Improvement will review the information and determine whether the matter classifies as a Tier One Complaint under the Complaints Management Procedure.

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- 1.4.5 If the matter classifies as a complaint the Coordinator Feedback and Business Improvement will record details of the complaint in the Customer Feedback Register (TRIM Ref. D11/61906) and TRIM Container SCM/11/1/3 Customer Service - Public Reaction –Service Complaints.
- 1.4.6 The Coordinator Feedback and Business Improvement will notify the appropriate Team Leader or SUM of the complaint (verbally and in writing) and provide details of the complaint, including relevant information about the complaints process and time frame for resolution.
- 1.4.7 The Coordinator Feedback and Business Improvement will acknowledge the complainant in writing and provide details of the complaints process and time frame for response.
- 1.4.8 The Team Leader or SUM will investigate the complaint and determine the facts, cause and resolution. They will complete the Complaint Resolution Form and provide a response to the complainant either verbally or in writing. Verbal responses must be accompanied by an email to the Coordinator Feedback and Business Improvement summarising the discussion.
- 1.4.9 The Coordinator Feedback and Business Improvement will review the final response and if satisfied will close the complaint. If the response is unsatisfactory the Coordinator Feedback and Business Improvement will follow up with the Team Leader/ SUM and complainant to achieve a satisfactory resolution to the complaint.
- 1.4.10 These procedures address primarily the requirement for all external customers to be able to provide feedback and have it responded to in a respectful and timely manner as identified within the Complaints Handling Procedure.
- 1.4.11 The Coordinator Feedback and Business Improvement is to ensure this procedure is completed within agreed timeframes as outlined in the Complaints Handling Procedure.

1.5 DOCUMENTS

- **Complaint Resolution Form**
- **Customer Feedback Policy (TRIM Ref: D10/91901)**
- **Complaints Handling Procedure (TRIM Ref: D10/91901)**
- **Customer Feedback Register (TRIM Ref: D11/60916)**

1.6 REFERENCES

- **Managing Customer Complaints Flow Chart**

TIER TWO FORMAL COMPLAINT HANDLING

1.1 PURPOSE

To ensure that all complaints received are handled in an appropriate, effective and systematic way in accordance with the Customer Feedback Policy and Complaints Handling Procedure.

ITEM 4 (continued)

ATTACHMENT 2

1.2 SCOPE

This procedure applies to all complaints received by the City of Ryde classified as Tier Two Formal Complaints.

1.3 RESPONSIBILITY

The Coordinator Feedback and Business Improvement is responsible for implementing this procedure.

1.4 PROCEDURE

- 1.4.1 All Council staff will, within the scope of their role, endeavour to resolve issues that are the subject of complaints at the first point of contact. This would normally involve verbal discussions between the complainant and the staff member and agreed resolutions between all parties. On occasion the staff member receiving the complaint may need to involve or consult with their immediate supervisor or another staff member in order to resolve the complaint. Details of all complaints resolved at this level must be provided to the Coordinator Feedback and Business Improvement for record and analysis purposes in the Customer Feedback Register (TRIM Ref. D11/61906) and TRIM Container SCM/11/1 Customer Service - Public Reaction –Customer Feedback Management.
- 1.4.2 Upon receipt of a verbal complaint Council staff will record details of the complaint and provide this information to the Coordinator Feedback and Business Improvement.
- 1.4.3 Upon receipt of a written complaint Council's Records staff will record the complaint in TRIM and allocate the TRIM record to the Coordinator Feedback and Business Improvement.
- 1.4.4 Upon receipt of a complaint the Coordinator Feedback and Business Improvement will review the information and determine whether the matter classifies as a Tier Two Complaint under the Complaints Management Procedure.
- 1.4.5 If the matter classifies as a complaint the Coordinator Feedback and Business Improvement will record details of the complaint in the Customer Feedback Register (TRIM Ref. D11/61906) and TRIM Container SCM/11/1/4 Customer Service - Public Reaction - Formal Complaints.
- 1.4.6 The Coordinator Feedback and Business Improvement will appoint an investigating officer to investigate the complaint, selected from the Investigations Panel.
- 1.4.7 The Coordinator Feedback and Business Improvement will notify the appropriate Group Manager of the complaint (verbally and in writing) and provide details of the complaint, including relevant information about the investigating officer, complaints process and time frame for resolution.
- 1.4.8 The Coordinator Feedback and Business Improvement will notify the investigating officer and provide details of the complaint, including providing them with a copy of the Complaint Investigation Plan and Complaint Investigation Report, TRIM references and time frame for resolution.
- 1.4.9 The Coordinator Feedback and Business Improvement will email DL Records and request that the investigating officer be given access to the appropriate TRIM container to assist them in conducting their investigation.

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- 1.4.10 The Coordinator Feedback and Business Improvement will contact the complainant in writing to inform them of how their complaint will be investigated, including details of the complaints process and time frame for response.
- 1.4.11 The investigating officer will investigate the complaint in accordance with the Complaint Investigation Plan and complete a Complaint Investigation Report to the Coordinator Feedback and Business Improvement and Group Manager.
- 1.4.12 The Coordinator Feedback and Business Improvement will review the final response and if satisfied will prepare a final written response to the complainant detailing the outcome of the investigation and any actions that will be taken in response. If the response is unsatisfactory the Coordinator Feedback and Business Improvement will follow up with the Investigating Officer and Group Manager to achieve a satisfactory resolution to the complaint.
- 1.4.13 These procedures address primarily the requirement for all external customers to be able to provide feedback and have it responded to in a respectful and timely manner as identified within the Complaints Handling Procedure.
- 1.4.14 The Coordinator Feedback and Business Improvement is to ensure this procedure is completed within agreed timeframes as outlined in the Complaints Handling Procedure.

1.5 DOCUMENTS

- Complaint Investigation Plan
- Complaint Investigation Report
- Customer Feedback Policy (TRIM Ref: D10/91901)
- Complaints Handling Procedure (TRIM Ref: D10/91901)
- Customer Feedback Register (TRIM Ref: D11/60916)

1.6 REFERENCES

- Managing Customer Complaints Flow Chart

TIER THREE EXTERNAL REVIEW COMPLAINT HANDLING

1.1 PURPOSE

To ensure that all complaints received are handled in an appropriate, effective and systematic way in accordance with the Customer Feedback Policy and Complaints Handling Procedure.

1.2 SCOPE

This procedure applies to all complaints received by or forwarded to the City of Ryde classified as Tier Three External Review Complaints.

ITEM 4 (continued)

ATTACHMENT 2

1.3 RESPONSIBILITY

The Coordinator Feedback and Business Improvement is responsible for implementing this procedure.

1.4 PROCEDURE

- 1.4.1 All Council staff upon receipt of a complaint of a more serious nature involving allegations of maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interests it will be referred to the Manager Risk and Audit or General Counsel in consultation with the General Manager to appoint an external reviewer.
- 1.4.2 The Coordinator Feedback and Business Improvement upon receipt of a complaint of a more serious nature involving allegations of maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interests, will provide a report to the Manager Risk and Audit or General Counsel for further assessment. If the Manager Risk and Audit or General Counsel agree the complaint classifies as a Tier Three complaint they will, in consultation with the General Manager appoint an external reviewer.
- 1.4.3 Council will only refer a complaint to an outside/independent agency with the approval of the General Manager. Recommending referral to another agency is only useful as a last resort as appropriate:
 - Independent Commission Against Corruption (ICAC) for concerns related to corruption.
 - NSW Ombudsman for issues related to Child Protection, Public Interest Disclosures (PID) or procedural fairness.
 - Privacy NSW for complaints relating to privacy; and
 - Division of Local Government (DLG).
- 1.4.4 The Coordinator Feedback and Business Improvement will record details of the complaint in the Customer Feedback Register (TRIM Ref. D11/61906) and TRIM.
- 1.4.5 The Coordinator Feedback and Business Improvement may provide a final response to the complainant if the external agency refers the matter back to Council.
- 1.4.6 These procedures address primarily the requirement for all external customers to be able to provide feedback and have it responded to in a respectful and timely manner as identified within the Complaints Handling Procedure.
- 1.4.7 The Coordinator Feedback and Business Improvement is to ensure this procedure is completed within agreed timeframes as outlined in the Complaints Handling Procedure.

1.5 DOCUMENTS

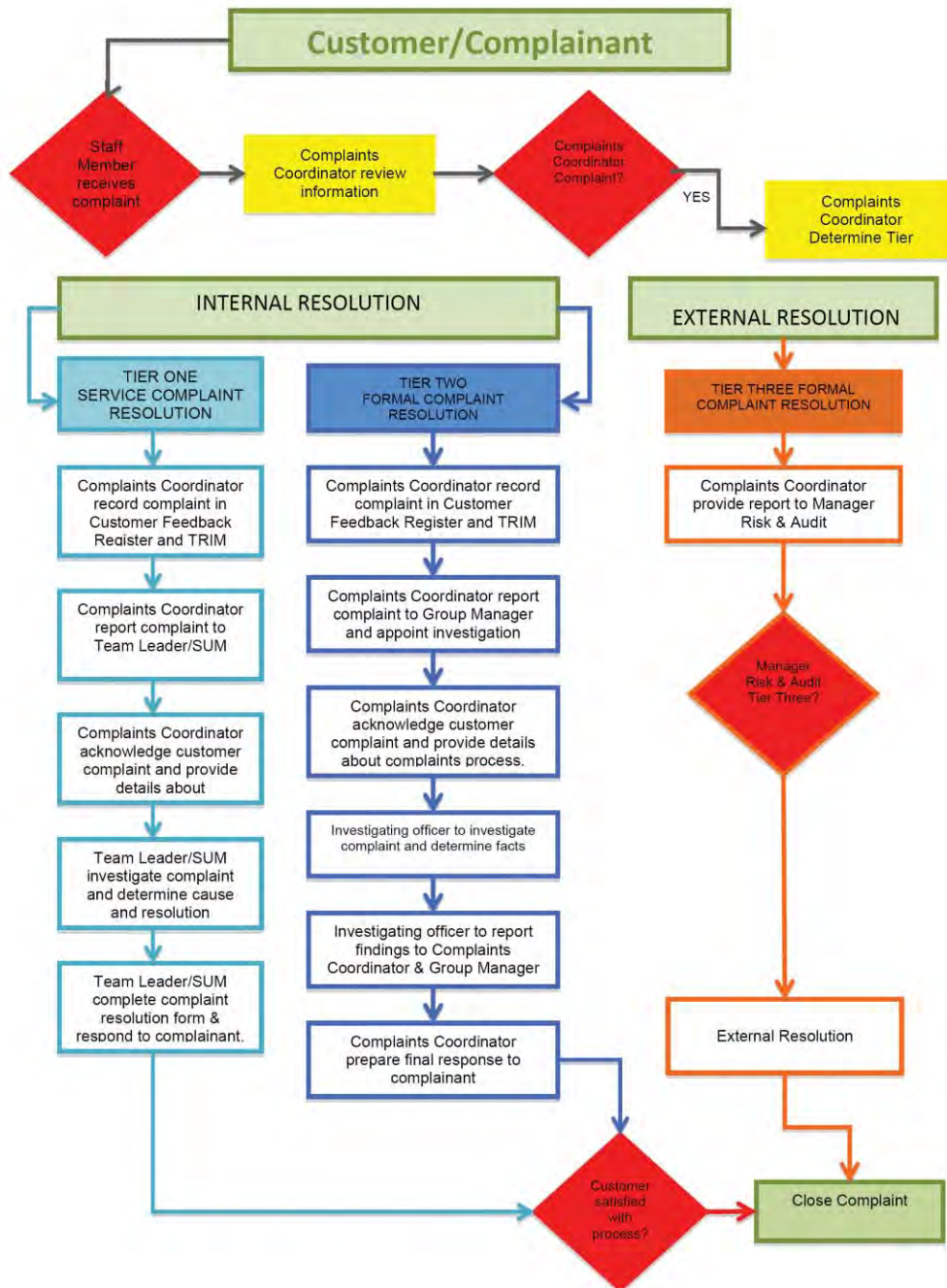
- Complaints Handling Procedure (TRIM Ref: D10/91901)
- Customer Feedback Register (TRIM Ref: D11/60916)

1.6 REFERENCES

- Managing Customer Complaints Flow Chart

ITEM 4 (continued)

ATTACHMENT 2



ITEM 4 (continued)

ATTACHMENT 2

MANAGING UNREASONABLE COMPLAINANT CONDUCT

1.1 PURPOSE

To ensure that unreasonable complainant conduct is managed in an appropriate, effective and systematic way in accordance with the Managing Unreasonable Complainant Conduct Policy and Procedure.

1.2 SCOPE

This procedure applies to customers and complainants who display unreasonable behaviours in their interactions with Council and Council's staff.

1.3 RESPONSIBILITY

The Coordinator Feedback and Business Improvement is responsible for implementing this procedure.

1.4 PROCEDURE

- 1.4.1 Unreasonable complainant conduct is behaviour by a complainant, which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the parties to a complaint.
- 1.4.2 All Council staff will, within the scope of their role, endeavour to resolve issues that are the subject of complaints at the first point of contact. All staff are responsible for reporting and monitoring all incidents of unreasonable complainant conduct. Monitoring will only be effective if staff members keep accurate and contemporaneous records of their interactions with complainants in Council's Record System.
- 1.4.3 When the Coordinator Feedback and Business Improvement receives notification of Unreasonable Complainant Conduct he/she will contact the staff member concerned to discuss the situation and ascertain the incident(s) that have led them to consider the complainant's conduct to be unreasonable, including whether the staff member or Council has done something to contribute to the complainant's unreasonable behaviour, and the impact of the complainant's conduct on the staff member.
- 1.4.4 The Coordinator Feedback and Business Improvement will then review CRM and TRIM for information about the complainant's prior conduct and history with Council to consider whether imposing an alternative service arrangement is warranted and whether it would be effective in managing the complainant's behaviour.
- 1.4.5 Upon review, if the Coordinator Feedback and Business Improvement considers the complainant's behaviour to be unreasonable in accordance with the Managing Unreasonable Complainant Conduct Policy and Procedure, they will prepare a report for the General Manager.
- 1.4.6 The General Manager will review the report and decide whether it is necessary to take action to manage the complainant's conduct. If so, the Coordinator Feedback and Business Improvement will provide the complainant with a written warning signed by the General Manager detailing the nature of the proposed action and identify the conduct that has caused Council to be concerned.

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- 1.4.7 The Coordinator Feedback and Business Improvement will record details of the written warning in the Managing Unreasonable Complainant Conduct - Record of Interactions (TRIM Container SCM/11/1/1) and Register of Alternative Service Arrangements (TRIM Ref. D11/16174).
- 1.4.8 The Coordinator Feedback and Business Improvement will monitor the behaviour of the complainant to ensure they do not breach the conditions of their warning letter. If a breach occurs the Coordinator Feedback and Business Improvement will notify the General Manager. If the General Manager agrees that the conditions of the warning letter have been breached, the Coordinator Feedback and Business Improvement will issue the complainant with a letter notifying him/her that his/her access has been modified or restricted.
- 1.4.9 The Coordinator Feedback and Business Improvement will monitor the complainant's behaviour to ensure that he/she is complying with the restriction(s) imposed.
- 1.4.10 If the complainant continues to display unreasonable behaviours after an alternative service arrangement has been made the Coordinator Feedback and Business Improvement will advise the General Manager, recommending whether further restrictions or service modifications need to be imposed on the complainant's ability to access Council services in order to better manage his/her conduct.
- 1.4.11 The Coordinator Feedback and Business Improvement is responsible for keeping a register of all complainants whose contact with Council is modified or restricted.
- 1.4.12 The Coordinator Feedback and Business Improvement is responsible for ensuring that information about warnings or alternative service arrangements is accessible to relevant staff and will update TRIM and CRM with a record outlining the nature of alternative service arrangements and the date on which it was imposed.
- 1.4.13 The Coordinator Feedback and Business Improvement is responsible for notifying Councillors of alternative service arrangements only, including the nature of alternative service arrangements and the date on which it was imposed.
- 1.4.14 Complainants are entitled to request a review of any decision to implement an alternative service arrangement. A review will be undertaken in no less than 6 months and no more than 12 months after any such restriction is imposed, except in exceptional cases.
- 1.4.15 These procedures address primarily the requirement for all staff members to take action to manage unreasonable complainant conduct and be confident that they will be supported by senior management as identified within the Managing Unreasonable Complainant Conduct Policy and Procedure.
- 1.4.16 The Coordinator Feedback and Business Improvement is to ensure this procedure is carried out in accordance with the Managing Unreasonable Complainant Conduct Policy and Procedure.

1.5 DOCUMENTS

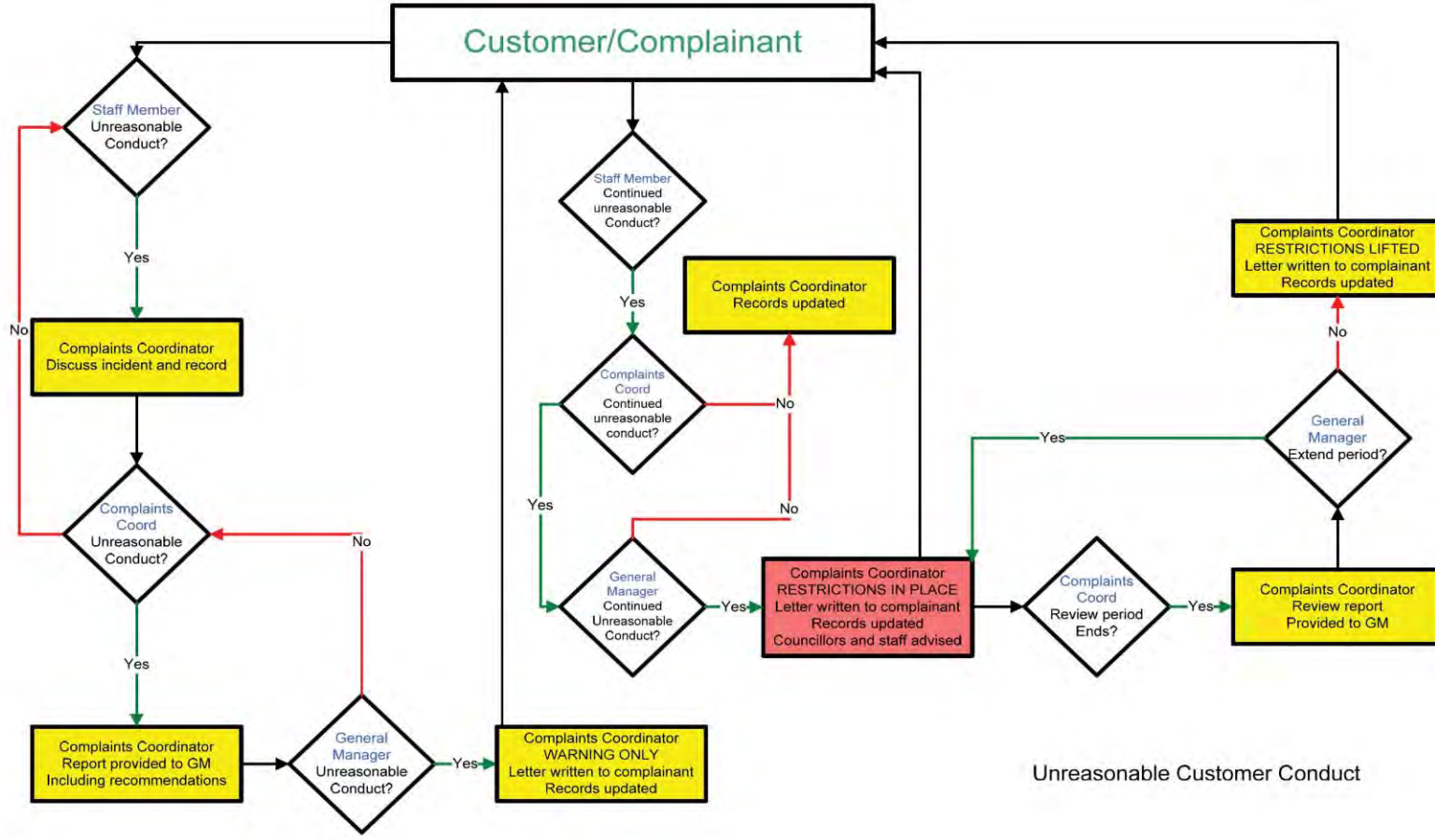
- **Managing Unreasonable Complainant Conduct Policy and Procedure.**
- **Register of Alternative Service Arrangements (TRIM Ref. D11/16174).**
- **Managing Unreasonable Complainant Conduct – Record of Interactions (TRIM Container SCM/11/1/1).**

1.6 REFERENCES

- **Managing Unreasonable Complainant Conduct Flow Chart**

ITEM 4 (continued)

ATTACHMENT 2



ITEM 4 (continued)

ATTACHMENT 2

RECORDING, MONITORING AND REPORTING ON CUSTOMER FEEDBACK

1.1 PURPOSE

To provide a method of recording, monitoring and reporting on customer feedback received.

1.2 SCOPE

This procedure covers all reporting related to customer feedback.

1.3 RESPONSIBILITY

The Coordinator Feedback and Business Improvement is responsible for implementing this procedure.

1.4 PROCEDURE

1.4.1 The Coordinator Feedback and Business Improvement is responsible for performing daily updates and maintenance of the Customer Feedback Register, TRIM Container SCM/11/1/16 (D11/60916) and TRIM Container SCM/11/1 Customer Service - Public Reaction - Customer Feedback Management for accurate and up to date record and analysis purposes.

REPORTING SCHEDULE

WEEKLY

The Coordinator Feedback and Business Improvement is responsible for ensuring the Customer Feedback Register, TRIM Container SCM/11/1/16 (D11/60916) and TRIM Container SCM/11/1 Customer Service - Public Reaction - Customer Feedback Management are accurate and up to date for record and analysis purposes.

The Coordinator Feedback and Business Improvement is responsible for ensuring active complaints are on track to be completed within agreed timeframes in accordance with the Complaints Management Procedure.

MONTHLY

The Coordinator Feedback and Business Improvement is responsible for ensuring the Customer Feedback Register, TRIM Container SCM/11/1/16 (D11/60916) and TRIM Container SCM/11/1 Customer Service - Public Reaction - Customer Feedback Management are accurate and up to date for record and analysis purposes.

The Coordinator Feedback and Business Improvement is responsible for ensuring active complaints are on track to be completed within agreed timeframes in accordance with the Complaints Management Procedure.

The Coordinator Feedback and Business Improvement is responsible for sending out an electronic notification of the current Unreasonable Complainant Conduct listing, including warnings and imposed access restrictions.

ITEM 4 (continued)

ATTACHMENT 2

The Coordinator Feedback and Business Improvement is responsible for checking the Unreasonable Complainant Conduct listing to determine any cases due for review.

QUARTERLY

The Coordinator Feedback and Business Improvement is responsible for updating the Master Register of Complaints in the Customer Feedback Register (TRIM Ref. D11/61906) and TRIM, in accordance with the Complaints Management Procedure.

The Coordinator Feedback and Business Improvement is responsible for updating the NSW Ombudsman's online Public Interest Disclosure (PID) reporting tool in accordance with the PID process as recorded in TRIM Container SCM/11/1 Customer Service - Public Reaction –Public Interest Disclosures.

The Coordinator Feedback and Business Improvement is responsible for updating the Customer Feedback Register (TRIM Ref. D11/61906) and 'visuals' to form the quarterly report to the Executive Team.

The Coordinator Feedback and Business Improvement is responsible for preparing a quarterly customer feedback update for the Ryde On newsletter.

ANNUALLY

The Coordinator Feedback and Business Improvement is responsible for preparing information for inclusion in the Annual Report relating to Customer Feedback.

1.4.2 These procedures address primarily the requirement for all external customers to be able to provide feedback and have it responded to in a respectful and timely manner as identified within the Complaints Handling Procedure.

1.4.3 The Coordinator Feedback and Business Improvement is to ensure this procedure is completed within agreed timeframes as outlined in the Complaints Handling Procedure.

1.5 DOCUMENTS

- **Complaints Handling Procedure (TRIM Ref: D10/91901)**
- **Customer Feedback Register (TRIM Ref: D11/60916)**

ITEM 4 (continued)

ATTACHMENT 2

DOCUMENT CONTROL

1.1 PURPOSE

To provide a uniform method for the control and issue of all new and amended documents that form part of the Customer Feedback Management Operating Procedures.

1.2 SCOPE

This procedure covers the distribution of all documents that form part of the Customer Feedback Management Operating Procedures.

1.3 RESPONSIBILITY

The Coordinator Feedback and Business Improvement is responsible for implementing this procedure.

1.4 PROCEDURE

- 1.4.2 The original approved documents that form part of the Customer Feedback Management Operating Procedures will become the MASTER.
- 1.4.3 Superseded documents are to be removed from the Operating Procedures and filed in TRIM under superseded Operating Procedures.
- 1.4.4 New documents are to be inserted into their correct sequence.
- 1.4.5 New documents are to be flagged and brought to the attention of the person(s) involved.
- 1.4.6 All documents are to be reviewed every 12 months.

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Managing Unreasonable Complainant Conduct - Policy

Scope

This policy applies to all dealings with customers by the City of Ryde staff and acknowledges that the management of complainant expectations is fundamental in the way we do business.

Purpose

The City of Ryde is committed to being accessible and responsive to all complainants who make contact with Council. At the same time, the ability of Council to provide services depends on our ability to use and allocate our resources fairly, effectively and efficiently across all complaints and complainants.

Council is therefore committed to ensuring that all complaints are dealt with equitably and that all of our staff members are aware of their roles and responsibilities, have the skills to appropriately manage complainant conduct, including unreasonable conduct, and are adequately supported by senior management to take action to deal with such conduct.

Context

This policy has been developed to assist staff to better manage complainants who display unreasonable behaviours in their interactions with us. It identifies the specific authority vested in all staff members to take action to manage unreasonable complainant conduct (UCC) and also identifies the processes and procedures that staff should follow when dealing with such conduct. Staff members who use and follow this policy and procedure can be confident that they will be supported by senior management.

It is important to note that this policy is not and should never be seen as a quick solution to deal with complainants who are difficult to deal with or who we want to avoid. It is intended to be applied to cases where unreasonable complainant conduct is an issue – as described above and elsewhere in this document – and will likely only be used in a very small minority of cases.

Defining Unreasonable Complainant Conduct

Unreasonable complainant conduct is behaviour by a complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the parties to a complaint. Examples of behaviours that can be characterised as unreasonable include:

Unreasonable persistence

- persisting with a complaint even though it has been comprehensively considered by the organisation, and where all avenues of review have been exhausted
- reframing a complaint in an attempt to get it taken up again
- showing an inability to accept the final decision by repeatedly raising the issue after reasonable attempts have been made to provide a reasoned and rational explanation

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- persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly
- persisting in wanting to know where to go next when it has been explained that there is nowhere else to go
- demanding a review because it is available but not arguing a case for a review
- making an issue out of anything
- getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having such contact.

Unreasonable demands

- insisting on outcomes that are unattainable (is a not-in-jurisdiction issue, wants the department shut down or someone fired from their job, prosecution of individuals)
- insisting on a 'moral' outcomes, e.g. justice in the community interest, when really a personal interest is at stake
- demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exists
- wanting revenge or retribution
- wanting what is not possible or appropriate, e.g. copies of sensitive documents, names/contact details staff, other complainants or whistleblowers, etc.
- issuing instructions and making demands as to how a complaint should be handled
- providing supporting details that are extraordinarily detailed when such detail is not relevant to the complaint
- making unreasonable resource demands, expecting resources in excess of or out of proportion to the seriousness of issue, e.g. wanting us to seek expert opinion.
- wanting regular and lengthy phone contact where this is not warranted
- showing reactions or demand for action that are out of proportion to the significance of the issue
- moving the goal posts — changing the desired outcome
- shopping for a sympathetic ear in the office — demanding to talk to a supervisor or the General Manager personally
- placing us on an extensive email copy list and expecting responses to numerous emails
- consistently creating complexity where there is none.
- presenting as overly needy or dependent (e.g. wanting to transfer responsibility for their wellbeing to the organisation).

Unreasonable lack of cooperation

- presenting a large quantity of information which is not organised, sorted, classified, summarised, where the complainant is clearly capable of doing this
- presenting information in dribs and drabs — refusing to present all information at the outset
- refusing to define issues of complaint ('the attached speaks for itself' — usually a large quantity of information) where the complainant is clearly capable of doing this
- focusing on principles rather than substantive issues
- changing the complaint, raising new issues in the process of our consideration
- displaying unhelpful behaviour, e.g. withholding information, dishonesty, misquoting others, swamping organisation with documents.

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Unreasonable arguments

- holding irrational beliefs, e.g. seeing cause and effect links where there are clearly none – is it unreasonable to hold an irrational belief or is it the resulting demands/behaviours that are?
- holding what is clearly a conspiracy theory unsupported by any evidence
- insisting that a particular solution is the correct one in the face of valid contrary or alternative arguments
- interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.
- insisting on the importance of an issue that is clearly trivial.

Unreasonable behaviour

- displaying confronting behaviour, e.g. rudeness, aggression, threats.
- sending rude, confronting, threatening letters
- making threats of self harm
- making threats of harm to others.
- displaying manipulative behaviour (overly ingratiating, tears, veiled threats).

Policy

The decision to impose an alternative service arrangement, most importantly one that restricts a complainant's ability to interact with our staff or access our services will only be made by the General Manager.

The Complaints Management Coordinator will be responsible for ensuring the recording, monitoring and reviewing of all cases where this policy is used to ensure that it is applied consistently and appropriately and to ensure transparency and accountability for all decisions made under this policy.

Councillors will be informed of a decision to limit a customer's access to Council in any of the ways set out in the attached procedure. Where appropriate, such advice will also be provided to the ICAC, Division of Local Government and/or the NSW Ombudsman for information.

Alternative service arrangements are alternative forms of service delivery that vary from the usual methods used by the City of Ryde. Council may impose an alternative service arrangement to vary or restrict the type of interaction or access that a complainant has with it and its staff to manage the impacts of his/her conduct, particular when it is characterised as 'unreasonable'. Where complainant conduct falls into more than one of the categories listed above the alternative service arrangements will reflect this.

In order to maintain high standards, protect staff and provide quality assurance the recording of all telephone interactions with the Customer Service Centre will become a mandatory requirement following the issue of either a formal written warning or an alternative service arrangement being imposed as this will assist to provide a level of protection for Customer Service Officers when dealing with unreasonable complainant conduct.

The parties to a complaint can include the organisation that is responsible for handling the complaint, the organisation or person that is the subject of the complaint, the complainant, other service users and members of the general public.

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The Managing Unreasonable Complainant Conduct Procedure sets out the process for implementing this policy.

Key References

This policy is supported by the strategies set out in the *Managing Unreasonable Complainant Conduct Procedure*. Staff should refer to the procedure for further information.

In addition, there is a *Managing Unreasonable Complainant Conduct Practice Manual* available at www.ombo.nsw.gov.au.

Other references

- Customer Feedback Policy (including complaint management procedures)
- NSW Ombudsman Publication – “Dealing with Difficult Complainants” June 2009
- NSW Ombudsman Publication – “Managing Unreasonable Complainant Conduct Practice Manual” May 2009 an draft manual April 2011

Review Process and Endorsement

This Policy will be reviewed by the Governance Unit as required and at least every two years. This Policy requires endorsement by Council.

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Managing Unreasonable Complainant Conduct - Procedure

Related Policy

This procedure relates to the Policy on Dealing with Unreasonable Customer Conduct.

Responsibilities

All staff members

All staff members are responsible for familiarising themselves with this policy and related documents and should be capable of putting it into practice in appropriate cases. Staff members are also responsible for reporting and monitoring all incidents of unreasonable complainant conduct. Monitoring, and therefore management of unreasonable complainant conduct, will only be effective if staff members keep accurate and contemporaneous records of their interactions with complainants in Council's Record System.

Staff members who form the opinion that management action may need to be taken under this policy to deal with a complainant's conduct, must notify their Group Manager providing evidence in support of such action.

General Manager

The General Manager in consultation with the relevant staff member will determine the appropriate course of action for dealing with the complainant's unreasonable conduct under this procedure.

It should be noted that the General Manager may delegate administrative aspects of dealing with unreasonable conduct under this policy and procedure.

Coordinator Feedback & Business Improvement

The Complaints Management Coordinator is responsible for the management and administration of alternative service arrangements under this policy and office security, as well as maintaining a register of security incidents. Staff should tell the Complaints Management Coordinator of any security breaches that take place, as well as any possible amendments to this policy or related procedures.

The Coordinator Feedback and Business Improvement will make use of standard forms and checklists provided in the NSW Ombudsman's Model Policy for Managing Unreasonable Complainant Conduct.

Executive Team and Service Unit Managers

All Executive Team members and Service Unit Managers are responsible for supporting staff to apply the strategies in this policy and procedure, and to ensure compliance with the processes and procedures identified below.

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Councils' Statutory Obligations to Provide Access

Councils have specific statutory obligations to provide access, these obligations are described below:

- a) **The right to access Council information** – members of the public have the right to access certain information held by the City of Ryde as identified in the Government Information (Public Access) Act 2009. Councils are also required to allow members of the public to access other information unless satisfied that allowing access would be contrary to the public interest or breach other statutory obligations.
- b) **The right to attend Council meetings** – members of the public have a right under section 10 of the Local Government Act to attend Council meetings and Committee meetings where all committee members are Councillors (unless the meeting has been closed to the public under section 10A). The right of members of the public to attend Council meetings does not confer a right to address the meeting; however, Council allows public participation in certain Council meetings and has rules that guide the exercise of this discretion.

Alternative Services Arrangements Options

In cases where staff members are unable to manage a complainant's conduct using customer service strategies and those suggested in the *Managing Unreasonable Complainant Conduct Practice Manual, 2nd edition, 2011 (NSW Ombudsman)*, or where a complainant's conduct is so unreasonable that it requires immediate and decisive action by Council, we will consider imposing an alternative service arrangement under this part to manage the complainant's behaviour.

This process will be managed by the Coordinator Feedback and Business Improvement. Any proposed alternative service arrangements will require the General Manager's prior approval.

Generally speaking, unreasonable complainant conduct will be managed by limiting or adapting the ways in which we interact and/or deliver services to complainants by doing one or more of the following:

- **Who** – limiting the complainant to a sole contact point/staff member within our organisation
- **What** – restricting the subject matter that we will consider
- **When** – limiting a complainant's contact with our organisation to a particular time, day, or time limit or curbing the frequency of their contact with our organisation
- **Where** – limiting the locations where face-to-face interviews are held to secured venues, facilities or rooms or in areas of the office which are highly accessible and visible to other staff members or security guards
- **How** – limiting or modifying how the complainant can contact our office – i.e. the forms of contact that the complainant can have with our organisation. This can include modifying or limiting:

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- o face-to-face interviews, including prohibiting access to our premises
- o telephone communications
- o written communications
- o contact through a representative only
- o no further action
- o terminating our services all together

When we decide to impose an alternative service arrangement to manage a complainant's conduct we will always provide the complainant with clear reasons '**why**' we have decided to take such action. These reasons will be provided in a letter signed by the General Manager and will provide a full explanation of the option(s), if any, that are available to the complainant for interacting with our organisation.

1. Who – limiting the complainant to a sole contact point/staff member within Council

In certain cases it may be appropriate to restrict a complainant to a sole contact point or staff member who exclusively manages their complaint and/or interactions with Council. This staff member will preferably be a senior experienced officer who is capable of effectively managing the complainant, such as the Complaints Coordinator.

Complainants who are restricted to a sole contact person will be also given the contact information for one other officer within Council whom they can contact when the first identified officer is unavailable.

All other staff members who receive a phone call or other communication from a complainant whose access has been limited in this way should:

- o refer the complainant or written correspondence to the appropriate officer, or
- o remind the complainant of the nature of their restriction and then politely terminate the call, or
- o require the complainant to book an appointment or face-to-face interview, as appropriate.

To avoid staff 'burn out' the decision to restrict a complainant to a sole contact point will be reviewed on a 6 monthly basis or as requested by the staff member(s) concerned.

2. What – restricting the subject matter of the communications made to Council by a complainant

Where a complainant repeatedly sends written communications (emails, forms, or letters) that do not raise a substantial issue, that include inappropriate information or materials or that relate to a complaint that has been comprehensively considered (and reviewed at least once) by Council, it may be appropriate to limit the issues that they can raise with our office. For instance, we may:

- advise a complainant that any new correspondence that they send to Council will be read and filed without acknowledgement unless it raises a new significant issue, provides new and relevant information on a previous matter or raises any other matter that we consider warrants action by Council

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- notify the complainant that only one new correspondence will be responded to each month and he/she may decide which correspondence he/she would like a response for. It may also be appropriate to place a further restriction on the number of issues that will be dealt with in each correspondence to deal with cases where complainants attempt to circumvent the limitation by raising multiple issues in the one complaint ('one issue per letter once a month').

3. When – limiting a complainant’s contact with Council to a particular time or day of the week/month or otherwise limiting the duration and/or frequency of our interactions with him/her

Where a complainant’s telephone, written or face to face contact with Council places an unreasonable demand on our time and resources and/or raises substantial health or safety concerns, we may consider limiting their ability to interact with Council by:

- limiting the length or duration of telephone calls, written correspondence or face-to-face interviews
 - phone calls will be limited to 5 minutes at a time and will be politely terminated at the end of that time period
 - voluminous written communications will not exceed 10 pages or they will be sent back to the complainant to be summarised – only appropriate in cases where the complainant is capable of summarising the information, but refuse to do so
 - limiting face-to-face interviews to a period not exceeding 30 minutes.
- limiting the frequency of telephone calls, written correspondence or face-to-face interviews
 - telephone communications will be limited to 1 per month or other specified number, depending on the service provided
 - written communications will not exceed 1 per month, depending on the service provided
 - limiting face-to-face interviews to 1 per month, depending on the service provided
- limiting phone calls to a particular time of day that is most suitable for the case officer
- any other appropriate and reasonable arrangement that the Coordinator Feedback and Business Improvement considers appropriate in the circumstances.

Any communications that are attempted (or received) by the complainant that fall outside of these arrangements will be politely concluded after reminding the complainant of their next available opportunity to contact us in the proscribed way.

However, if a complainant calls with a genuine emergency, staff should address the issue raised as they would for any other complainant with that same emergency issue.

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4. Where – limiting face-to-face interviews to secured facilities and areas

Where a complainant's conduct poses a substantial health or safety risk for Council officers, other service users or members of the public while on Council premises, we may consider limiting the locations where we conduct face-to-face interviews or visits with complainants. Interviews may be restricted to secured rooms or facilities, office locations or to specific times when it is least likely the complainant's conduct will disrupt other members of the public. In certain cases, consideration may also be given to setting up a new secure venue where we can deliver services to certain members of the public.

5. How – limiting or modifying how the complainant can contact our office

(a) Restricting or modifying access to Council premises

If a complainant is violent or overtly aggressive, or is unreasonably disruptive to other service users or makes frequent unannounced visits to Council premises and demands to speak with staff, it may be appropriate to consider restricting or our face-to-face contact with him/her.

Restrictions can include:

- permitting attendance at Council premises to specified times only, for example, when additional security is available or when they are less likely to disrupt other members of the public.
- permitting attendance on an appointment only basis with a particular member of staff (note: even though the complainant may be restricted to a particular staff member, where possible, this staff member should be accompanied by a colleague for safety and security purposes).
- requiring that the complainant only attend interviews with a support person or representative that has been previously approved by Council.
- restricting access to a particular premises or area of the office –e.g. reception area or secured room/facility, if appropriate.
- banning the complainant from attending our premises altogether and then implementing an alternative service arrangement such as limiting the complainant to written contact only or 'telephone only' contact.
- any other appropriate and reasonable service modification or restriction that the General Manager considers appropriate in the circumstances.

Where a complainant's access to Council premises has been restricted and he/she nevertheless attempts to enter Council premises in violation of this restriction, staff should:

- provide him/her with a verbal warning instructing him/her to leave Council premises

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- advise him/her that we will contact security or the police if he/she does not comply with our requests or directions to leave Council premises
- advise him/her not to attend Council premises again, unless he/she is instructed otherwise.

All front line and Customer Service staff should be made aware of the identity of any complainants who are restricted from accessing Council premises and should be advised of what actions they should take when such complainants attend Council premises.

If a complainant is admitted to Council premises before his/her identity is established then he/she should be promptly and firmly advised by reception staff to leave the premises (and return only in accordance within the terms of his/her restriction, if he/she is not banned altogether).

(b) Using legal powers to restrict access to Council premises

As a last resort or in rare cases of extreme personal violence, intimidation, stalking, or other criminal conduct, it may be appropriate for the General Manager to lawfully restrict a complainant's access to our premises or for a staff member to obtain a personal apprehended violence order (AVO) to deal with a complainant's conduct. The law provides a basis for taking civil and/or criminal action in relation to trespass. It empowers owners, occupiers, or persons in charge of a premise to require another person to leave their premises in certain circumstances.

An AVO, on the other hand, is a legal order obtained by an individual from the Local Court under the Crimes (Domestic and Personal Violence) Act. AVOs aim to protect people from personal violence, threats, harassment or intimidation by restricting the conduct and movements of their aggressor (in this case the complainant). To apply for an AVO, a person must have a reasonable and genuine fear of actual or threatened; personal violence, intimidation, stalking or other seriously inappropriate behaviour.

The City of Ryde will only use legislation or court action or support the use of AVOs to deal with unreasonable complainant conduct in extreme cases. These options can have serious implications for complainants under the civil and/or criminal law and careful consideration must be had to other alternative arrangements in managing the complainant's conduct.

At the same time, it should be noted that alternative service arrangements are not replacements for laying a criminal charge against a complainant who engages in conduct that amounts to a criminal offence. Staff should therefore be advised about circumstances where it will be appropriate to report the complainant's conduct to police.

Note: Because AVOs are a personal remedy, they will not assist with Council issues in cases where Unreasonable Complainant Conduct is an issue.

(c) Restricting or modifying telephone communications

Where a complainant engages in confronting behaviour, for example, swearing, rudeness, threats, aggression abusive conduct or is otherwise uncooperative during telephone communications, we may limit or modify his/her telephone contact with Council.

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Modifications can include:

- limiting the length or duration of telephone calls, for example, to twenty minute intervals
- limiting the number of times (or frequency) that a complainant can phone Council within a specified period, for example, to once a month phone calls, depending on the type of service we are providing or to a particular day of the week
- limiting whom they can contact, often to one case officer or to a specific phone line(s), message bank(s) or fax machines, if appropriate
- limiting the subject matter that they can phone Council about. For instance, we may restrict their ability to phone our office about a particular issue if that issue has been dealt with to finality and has been the subject of at least one review
- any other appropriate and reasonable alternative service arrangement that the General Manager considers appropriate in the circumstances.

As an alternative to telephone contact and face-to-face interviews, we may also consider limiting a complainant's contact to 'writing only'. 'Writing only' restrictions may include limiting the complainant to written communications through Australia Post only or through one or more of our online services, including emails or online forms.

Where a complainant's contact is restricted to 'writing only', the General Manager should clearly identify, the specific means by which written communications will be accepted from the complainant. For instance, the complainant should be informed if he/she should send any communications through Australia Post or by email to a particular email address or using some other online communication service. Also, if it would not be suitable for a complainant to enter Council premises to submit the written communication then this should be indicated to him/her as well. The complainant will be informed that any attempts by him/her to send communications in a way other than what has been described in their restriction, will be read and filed without acknowledgement.

The General Manager will also give careful consideration to whether a 'writing only' restriction will be appropriate to the complainant's personal circumstances. For instance, it is never appropriate to restrict a complainant's access to 'writing only' if that complainant is not proficient in English, is illiterate or vision impaired or is suffering from some other ailment that would affect their ability to comply with this restriction with relative ease. As a result, this restriction should only be used as a last resort when it has been determined that other alternative service arrangements would be ineffective in managing the complainant's behaviour.

The City of Ryde considers this restriction to be a serious one that can involve serious restrictions on a complainant's ability to access Council services. As a result, this decision will only be made by the General Manager after careful consideration of other management strategies.

(d) *Restricting or modifying written access*

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Where a complainant sends large quantities of information which are not organised or summarised, when they are capable of doing this, or sends frequent or inappropriate information to Council, we may limit or modify their written contact with Council.

Modifications and restrictions can include:

- requiring that they summarise or organise information and materials as a condition to taking further action on their complaint, if the complainant is capable of doing this.
- requiring that the complainant clearly identify their issues of complaint, as a condition to taking further action on their complaint, if the complainant is capable of doing this.
- requiring that the complainant identify the relevance of voluminous or numerous materials, attachments or other information, if their relevance is not apparent and if the complainant is capable of doing this.
- requiring complainants to take out inappropriate or sexually explicit content from their written communications as a condition to proceeding with their complaint.
- restricting the frequency with which the complainant can send emails or other written communications to Council.
- limiting the amount of correspondence that the complainant can send to Council in the future – e.g. the complainant can send a maximum of 5 pages, single sided, in font size 12 each month.
- limiting the subject matter of the written communications that will be responded to – e.g. complaints about a particular subject matter will be read and filed without acknowledgement.

In certain circumstances we may also restrict a complainant from engaging in a particular form of written contact with Council. For instance if the complainant is sending numerous, frequent or inappropriate emails, despite being advised against this, we may restrict his/his ability to send email communications to Council by blocking his/her email account/address. We may require that he/she only send written communications through Australia Post if he/she would like a response to that correspondence. Otherwise it will be read and filed without acknowledgement by Council.

Such restrictions may also be applied to other forms of online communications including online forms and forums, or any other written method of contact that a complainant can have with Council and which may be used unreasonably.

It is essential that in any situation where we are considering restricting or modifying a complainant's written access to Council, we consider the complainant's personal circumstances. For instance, if the complainant is not proficient in English, is illiterate, is vision impaired or is suffering from some other ailment that would affect their ability to comply with that arrangement/restriction. As a result, in such cases, it would be more appropriate to consider other more flexible options that account for this issue.

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(e) Communications through a representative or support person only

In cases where a complainant's conduct cannot be easily managed, it may be appropriate to require that any communications with him/her should be done through a representative or support person acting on his/her behalf. The representative or support person may be chosen by the complainant and will be the medium through which all communications to and from the complainant occurs.

The General Manager must endorse the representative or support person before he/she can act on the complainant's behalf.

(f) Restricting access to our services all together

In rare cases, and as a last resort after attempting one or more of the alternative service arrangements listed above, we may decide that it is necessary to terminate a complainant's ability to access our services altogether. A decision to have no further contact can only be made by the General Manager, after reviewing the situation and determining that the complainant is unlikely to modify his/her conduct and poses a serious threat to our staff or other service users. We will only consider terminating our services to a complainant if the complainant concerned:

- is consistently abusive, or makes threats to staff or other members of the public using our services or our premises
- causes damage to the property of the organisation, or intimidates or threatens physical harm to staff or third parties
- is physically violent
- produces a weapon

(g) Other Agencies

The General Manager may advise complainants that if they are dissatisfied they may raise any concerns they may have about the manner in which Council has dealt with their matter with the NSW Ombudsman, the Division of Local Government or, if appropriate, the Independent Commission Against Corruption.

Conciliation

In cases where we cannot terminate our contact or relationship with a complainant and it is apparent that Council bears some responsibility for causing or exacerbating the complainant's unreasonable behaviour, the General Manager may decide that conciliation be used to resolve the situation and rebuild our relationship with that complainant.

The conciliation will be undertaken by an independent third party conciliator who can assist us to reach a solution that both we and the complainant consider to be satisfactory in the circumstances.

Conciliation may however be inappropriate or ineffectual in cases where a complainant is inflexible and demonstrates an unwillingness to participate in the process in good faith.

Process

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- (a) *Factors that will be considered by the General Manager when deciding to impose an alternative service arrangement to manage a complainant's conduct*

When the Coordinator Feedback and Business Improvement receives notification of Unreasonable Complainant Conduct he/she will contact the staff member concerned to discuss the situation and may suggest informal ways for dealing with the complainant's conduct.

The Coordinator Feedback and Business Improvement will discuss with the staff member:

- the incident(s) that have led them to consider the complainant's conduct to be unreasonable, including whether the staff member or Council has done something to contribute to the complainant's unreasonable behaviour
- the impact of the complainant's conduct on the staff member and/or other persons, including whether, and if so, how the behaviour crossed the case officer's personal boundaries
- whether the complainant was responsive to the case officer's warnings, if any
- the level of disruption caused by the complainant's conduct
- the actions that the case officer has taken to manage the complainant's conduct, if any
- the alternative service arrangement(s) that the case officer thinks would be most appropriate in the circumstances.

The Coordinator Feedback and Business Improvement will then review CRM and TRIM for information about the complainant's prior conduct and history with Council and will give consideration to:

- whether the type of conduct concerned involved overt anger, aggression, violence or assault (*which is unacceptable in all circumstances*)
- whether the complainant's case has merit
- the likelihood of the complainant modifying his/her unreasonable behaviour, if he/she is given a warning
- whether imposing an alternative service arrangement would be effective in managing the complainant's behaviour
- whether imposing an alternative service arrangement would affect the complainant's ability to meet his/her obligations, such as reporting obligations
- whether imposing an alternative service arrangement would have an undue impact on the complainant's welfare, livelihood or dependents, etc.
- whether the complainant's personal circumstances may have contributed to the behaviour – e.g. is the complainant a vulnerable person who is under significant stress as a consequence of one or more of the following:

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- o homelessness
- o physical disability
- o illiteracy or other language or communication barrier
- o mental or other illness
- o personal crises
- o substance or alcohol abuse, etc.
- whether the complainant's unreasonable conduct was proportional, in the circumstances
- whether there are any statutory provisions that would limit the types of alternative service arrangements that we can use to manage the complainant's conduct

As a result of the above, the Coordinator Feedback and Business Improvement will provide a report to the General Manager.

Once the General Manager has considered these factors, he/she will decide whether it is necessary to take any action to manage the complainant's conduct. If so, the Coordinator Feedback and Business Improvement will provide the complainant with a written warning signed by the General Manager detailing the nature of the proposed action and identify the conduct that has caused Council to be concerned.

Note: Alternative service arrangements, in particular those that restrict a complainant's ability to access Council services, must never be imposed in a way that avoids or limits an access or service right that a complainant has been afforded under statute.

(b) Written warning to be provided to complainant

Unless a complainant's conduct poses a substantial risk to staff health and safety (or the health and safety of third parties) the Coordinator Feedback and Business Improvement will issue a written warning, signed by the General Manager, about the unreasonableness of his/her conduct will outline the potential action(s) that may be taken to manage his/her conduct if the behaviour continues.

The warning letter will:

- provide specific details about the date, time, location of the incident/unreasonable conduct
- identify the specific behaviour(s) that have caused Council to be concerned
- clearly state the types of restrictions that may be imposed on the complainant's access if the behaviour continues, in general terms
- where possible refer the complainant to any relevant customer service/complaint handling policies, which outline the standards of behaviour that we expect from people who complain to Council.
- provide the name and phone number for Coordinator Feedback and Business Improvement who the complainant can contact about the letter
- be signed by the General Manager, or his/her delegate.

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The Coordinator Feedback and Business Improvement will record the details of all written warnings in TRIM.

In rare and extreme cases where the complainant's conduct involves overt anger, aggression, violence, assault or other unlawful/unacceptable conduct and poses an immediate threat to the health and safety of Council officers, the General Manager has discretion to impose an immediate restriction on the complainant's access, without providing him/her with a prior written warning. The Coordinator Feedback and Business Improvement must still notify the complainant, in writing, of the decision to restrict his/her access to Council services in the way described below.

(c) Notifying the complainant of a decision to impose an alternative service arrangement, in writing

The complainant will be notified by letter signed by the General Manager that a decision has been made to restrict his/her access.

The letter will:

- identify the unreasonable behaviour that caused Council to be concerned
- include the date(s) of the relevant incidents, including details, where possible
- identify the type of alternative service arrangement(s) that will be imposed to manage his/her behaviour
- specify the duration of the alternative service arrangement, which will not exceed 12 months
- indicate when the decision to impose the alternative service arrangement(s) will be reviewed
- provide the name and contact details of the Complaints Management Coordinator who the complainant can contact to discuss the letter
- be signed by the General Manager.

The Coordinator Feedback and Business Improvement is responsible for keeping a register of all complainants whose contact with Council is modified or restricted. The file should contain all correspondence advising complainants of the alternative service arrangements imposed.

The Coordinator Feedback and Business Improvement is also responsible for ensuring that information about the alternative service arrangements is accessible to relevant staff and will update TRIM and CRM with a record outlining the nature of the alternative service arrangements and the date on which it was imposed.

Once a complainant has been issued with a written warning or letter notifying him/her that his/her access restricted or modified, the Coordinator Feedback and Business Improvement will monitor the complainant's contact for a period of time to ensure that he/she is complying with the restriction(s) imposed. If the complainant fails to do so, the Coordinator Feedback and Business Improvement will advise the General Manager, recommending whether further restrictions or service modifications need to

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be imposed on the complainant's ability to access Council services in order to better manage his/her conduct.

(d) Complainant continues to display unreasonable behaviours after an alternative service arrangement has been made

If a complainant attends Council premises when he/she has been advised we will only communicate with him/her in writing – we will remind the complainant of the General Manager's decision outlined in correspondence to him/her and ask him/her to leave and put his/her concerns in writing. Where necessary, we will also warn the complainant that he/she may be escorted from Council premises if they do not leave.

If the complainant does not leave Council staff may contact the Council Security provider or the Police requesting assistance.

If we receive a telephone call from a complainant whose access has been limited to written contact only, staff will remind the complainant that his/her access has been restricted and the type of contact they can have with Council. Staff will then proceed by politely terminating the call, avoiding entering into any debates or discussions with the complainant about their complaint or the decision to limit/modify their access.

If we receive written communications from a complainant in a form other than that described in his/her restriction, e.g. complainant sends email when he/she has been restricted to sending written communications through Australia Post, the written communication will be read and filed without acknowledgment, unless it raises an issue that we decide warrants further investigation. If so, the Coordinator Feedback and Business Improvement will review the circumstances and provide any recommendations as to whether the complainant's access restriction needs to be amended in any way.

All staff members are responsible for recording any communications received from complainants in contravention of their access or service restriction. Staff will record all such incidents in TRIM and will duly notify the Coordinator Feedback and Business Improvement. The Coordinator Feedback and Business Improvement will also keep a record of the incident for consideration when the complainant's access restriction is reviewed

(e) Reviewing decisions to impose alternative service arrangements

Complainants are entitled to request a review of any decision to implement an alternative service arrangement. A review will be undertaken no less than 6 months and no more than 12 months after any such restriction is imposed, except in exceptional cases.

Complainants will be invited, in writing, by the Coordinator Feedback and Business Improvement to participate in the process of review, when appropriate. The complainant should be given the option to participate in the process using written communications, telephone or face-to-face interview, as appropriate.

In cases where an alternative service arrangement has failed to curb the complainant's conduct and the complainant has continued to behave unreasonably throughout the period of restriction, the General Manager may decide whether or not to invite the complainant to participate in the review process. If the General Manager decides that it is not appropriate for the complainant to participate in the review process, he/she will still notify the complainant, in writing, of the outcome of the

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review, including explaining the reasons for the decision (i.e. the on-going unreasonable conduct).

When undertaking a review, the Coordinator Feedback and Business Improvement will give consideration to:

- all of the records contained within CRM and TRIM that relate to the complainant's conduct during the period of restriction
- whether the complainant has had any contact with Council during the restriction period
- any arguments put forward by the complainant about the appropriateness of the access restriction, in particular, matters relating to his/her personal circumstances (e.g. has the complainant's circumstances changed in a way that would render an alternative service arrangement inappropriate or ineffective?)

The Coordinator Feedback and Business Improvement will also review all records relating to the original decision to impose an alternative service arrangement to manage the complainant's conduct and will consult any staff members who have had contact with the complainant during the restriction period, if necessary.

The Coordinator Feedback and Business Improvement will then provide a report to the General Manager to make a determination.

Note: sometimes a complainant may have no cause to contact Council during the period specified in their restriction. Therefore, their lack of contact with the organisation or seeming compliance with the service restriction may not be appropriate for determining whether the restriction has been effective. This will need to be assessed on a case by case basis by the Coordinator a Feedback and Business Improvement nd determined by the General Manager.

The complainant will be notified by written communication (by letter) of the outcome of a review. The review letter will:

- explain the processes and procedures that was undertaken during the review
- briefly state the factors that were taken into account when deciding whether to maintain, remove, or amend the alternative service arrangement
- explain the decision/outcome of the review, along with reasons.

If the outcome of the review is that the alternative service arrangement will be maintained or amended, the letter notifying the complainant of the outcome of the review will also:

- indicate the nature of the new or continued alternative service arrangement, including details of how he/she can contact Council and how the organisation will contact him/her
- the duration of the new restriction period

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- provide the name and contact details of the Coordinator Feedback and Business Improvement who the complainant can contact to discuss the letter
- be signed by the General Manager or his/her delegate.

The Coordinator Feedback and Business Improvement is responsible for keeping a record of the outcome of the review, as well as ensuring that information about the review is made available to relevant staff. He/she will also update CRM and TRIM with a record outlining the outcome of the review and any other relevant information.

Once CRM and TRIM are updated all relevant staff who are likely to have contact with the complainant will be notified by the Coordinator Feedback and Business Improvement of the outcome of the review, in particular where the complainant's access restrictions have been maintained or modified.

(f) Incidents of aggressions, violence, and assault

Any incident of aggression should be reported to the relevant Manager, Group Manager and the Coordinator Feedback and Business Improvement as soon as possible and within 24 hours if a staff member is away from Council office(s) when the incident occurs. If an assault occurs, supervisors are responsible for ensuring first aid and/or medical treatment is provided to any staff member or visitor requiring assistance. All assaults that would constitute a criminal offence should be reported to the police.

An incident report must also be submitted to the relevant Group Manager within 24 hours. If the injured person is unable to complete the form, the relevant supervisor or Manager must complete the form in as much detail as possible. The relevant Group Manager is responsible for providing staff with any assistance they may need in dealing with police.

The details of the complainant's conduct will be recorded by the Coordinator Feedback and Business Improvement into TRIM and CRM.

(g) All other incidents of unreasonable complainant conduct

Staff who form the opinion that a complainant's conduct is unreasonable and warrants action under this policy, must advise the Coordinator Feedback and Business Improvement who will provide them with the appropriate form for completion.

The staff member should complete this form and forward it electronically or by hand delivery to the Complaints Management Coordinator as soon as possible, preferably within 24 hours.

All staff members are responsible for making a record of any observed unreasonable complainant conduct. This should be recorded in the relevant complaint file. All records should be factual and descriptive of observed behaviour and conduct. Do not use pejorative or offensive terms or attempt to psychoanalyse the complainant.

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Managing staff stress and debriefing

(a) Staff reactions to stressful situations

Dealing with complainants who are very demanding, abusive aggressive and/or violent can be extremely stressful and, at times, distressing or even frightening. It is perfectly normal to get upset or experience stress when dealing with difficult situations. Everyone reacts differently to stressful events. Stress can be cumulative, often resulting in a strong reaction to a minor event which forms part of a chain of stressful events.

Signs of stress can include:

- physical signs such as shock, nausea or fainting immediately after an event, or long term aches, pains and fatigue
- emotional responses such as anger, fear or depression – this is often reflected by crying or feeling tearful
- difficulty in thinking clearly, making decisions or concentrating on the job
- behavioural changes such as increased irritability, withdrawing from people, insomnia, nightmares or resorting to alcohol or substance abuse more frequently or in greater quantities.

Recognising signs of stress in yourself and others is an important step in dealing with the problem. Council has a responsibility to support staff members who experience stress as a result of situations arising at work.

Council will provide staff with the opportunity to debrief after stressful incidents, and will ensure staff members have the appropriate training and support to appropriately engage with people exhibiting unreasonable behaviours.

(b) Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with issues. It is usually voluntary, with the exception of operational debriefs, and can occur in a number of different ways.

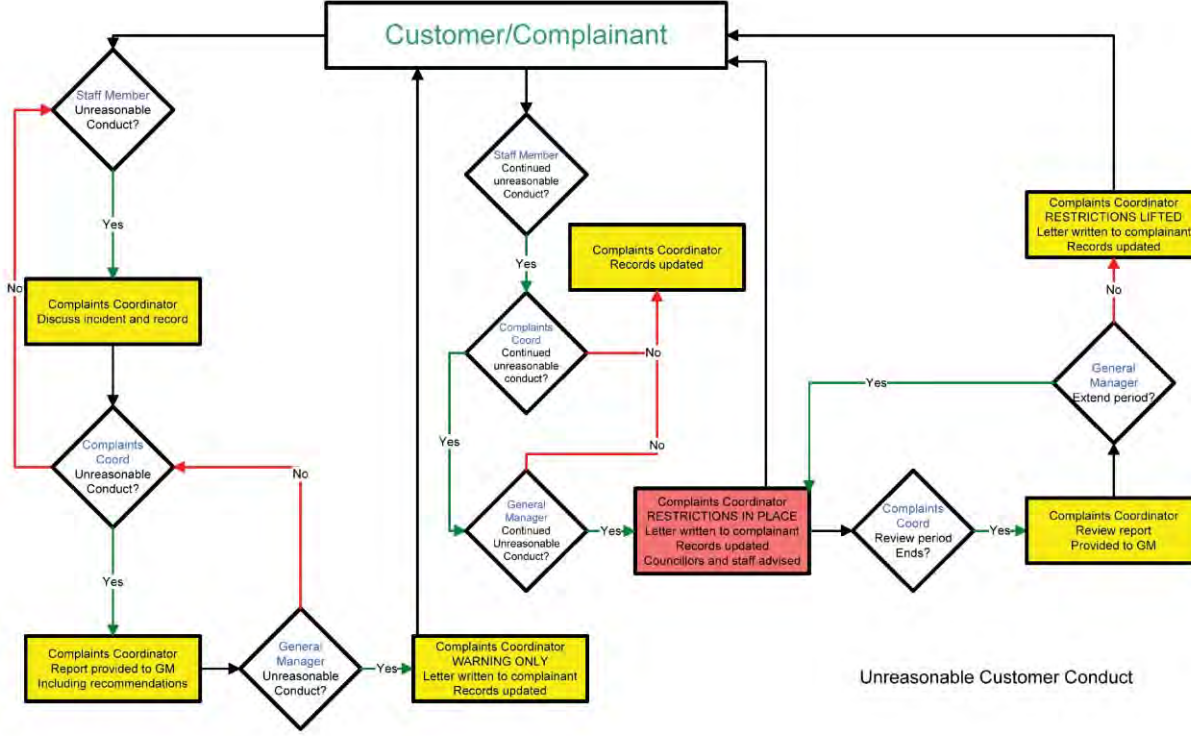
If a staff member chooses, informal debriefing after a *minor* incident may be provided by peers, managers or supervisors. Staff members are expected to assist a colleague to debrief if they are asked for this assistance.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program – a free, confidential counselling service. To make an appointment call: 1300 366 789. For traumatic incident or crisis counselling, call 1800 451 138. Brochures about this service are available from Human Resources and further information is available on the intranet.

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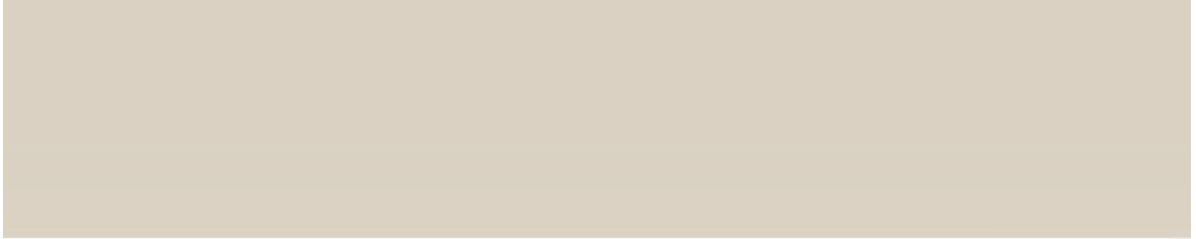
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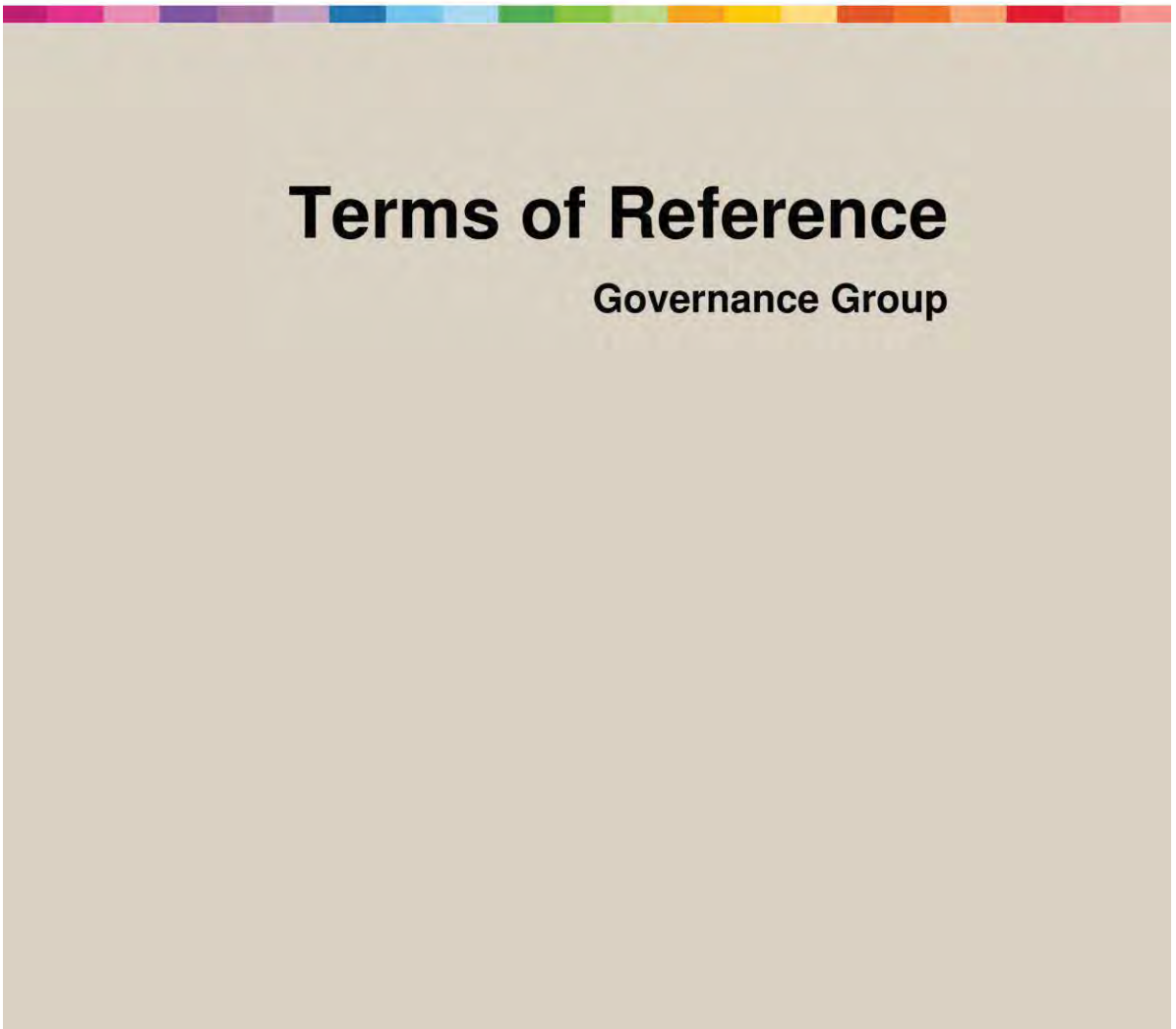
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Lifestyle and opportunity @ your doorstep



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Document Version Control

Document Name:	Terms of Reference – Governance Group
Document ID:	
Document Status:	
Version Number:	Version 1.0
Date:	13 November 2012
Author:	Manager, Customer Service and Governance
Authorised By:	
Distribution:	

Change History

Version	Issue Date	Author	Reason for Change
1.0	9 May 2013	Shane Sullivan	First draft



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GOAL: To promote a systematic method for dealing with complaints and concerns, policies and controls.

1. Roles

The purpose of this group is to act as a forum for staff with governance functions at the City of Ryde.

The Group will:

- Review relevant Governance policies as required and provide comment on the continued improvement of policies, guidelines and controls including but not limited to:
 - o Code of Conduct
 - o Customer Feedback Management
 - o Provision of Expenses and Facilities to the Mayor and other Councillors
 - o Statement of Business Ethics
 - o Gifts and Benefits Policy
 - o Public Interest Disclosures
 - o Unreasonable Complainant Conduct
 - o Privacy Protection
 - o Access to Information
- Provide advice on the investigation of complaints and to review the outcomes of complaints investigated
- Review and advise on the implementation of business improvements initiatives as a result of complaints and compliments.
- Develop and oversee the implementation of training and education for staff and Councillors about ethical decision making, appropriate conduct and relevant policies
- Review and provide advice on the designation of Unreasonable Customer Conduct.
- Develop an action plan for the above and regularly review and update progress against that plan.
- Provide, where appropriate, communication to staff and Councillors regarding issues raised and initiatives identified.

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3. Membership and Administrative Support

Membership of the Governance Group will be as follows:

- Manager, Customer Service and Governance
- Manager, Communications and Media
- Manager, Audit and Risk
- General Counsel (Public Officer)
- Governance Support Coordinator
- Coordinator Customer Feedback and Business Improvement
- Section Manager Records Management Services

Other staff or representatives from external agencies will be invited to attend as required.

Where the Group is unable to come to an agreed position or course of action required, the matter will be referred in the first instance to the Group Manager, Corporate Services or General Manager as appropriate.

The Manager, Governance and Customer Service will be accountable for the conduct of this Group, as well as administrative support and providing reports as set out in Communications and Reporting.

4. Meetings

Meetings will be held every three months at a minimum, however any member of the Group has the authority to call meetings as required.

Each meeting shall be properly recorded by the taking of minutes by the Governance Support Coordinator

5. Communications and Reporting

The agendas, reports and minutes of the Group shall be stored as a permanent record of Council.

The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Manager, Customer Service and Governance and if any error in the minutes is confirmed, they shall arrange to make the appropriate changes.

Every year a report will be provided to the Audit and Risk Committee regarding the outcomes of the Group and progress against the action plan.

Annually, a report will be provided to Council as part of the Audit and Risk annual report to Council.

5 POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

Report prepared by: Governance Support Coordinator
File No.: CLR/07/8/9/6/2 - BP13/809

REPORT SUMMARY

The 'Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors' ensures that City of Ryde Councillors have access to reasonable facilities and support so they can fulfil their civic duties, while also ensuring accountability, transparency and equity.

This policy was initially presented to Council on 23 October 2012. The policy, as endorsed by Council at the Council meeting of 26 March 2013, was placed on public exhibition between 15 April 2013 and 15 May 2013, with no public submissions being received. Comment was also requested from the Division of Local Government, and a discussion of their feedback is contained within this report.

This report recommends that Council accept the 'Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors' (**ATTACHMENT 1**), including three minor additions in response to the Division's feedback.

RECOMMENDATION:

- (a) That Council adopt the ATTACHED Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and other Councillors, as amended and incorporating the proposed changes as detailed in the report.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy be forwarded to the Division of Local Government.

ATTACHMENTS

- 1 Draft Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors

Report Prepared By:
Lorie Parkinson
Governance Support Coordinator

Report Approved By:
Shane Sullivan
Manager - Customer Service and Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 5 (continued)

Discussion

The 'Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors' must comply with the *Local Government Act 1993* (the Act). This policy ensures that there is accountability and transparency in the facilities provided to Councillors and the reimbursement of expense incurred by Councillors in carrying out their civic duties.

In accordance with the requirements of the Division of Local Government (the Division) and the Act, Council is required to annually adopt a Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors. In accordance with Section 252 of the *Local Government Act 1993*, adoption is required "within 5 months of the end of the year", which would have been by the end of November 2012.

After Council adopts the policy, Council is required to submit the policy, a copy of the public notice and any submissions received, to the Chief Executive of the Division.

The policy was last adopted by Council on 22 November 2011.

History

The draft 'Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors', was initially provided to Council on 23 October 2012. There followed a Notice of Rescission, and the item was reconsidered at the Council meeting of 13 November 2012, where Council resolved:

1.
 - (a) *That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and other Councillors Policy for a period of at least 28 days.*
 - (b) *That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.*
 - (c) *That Council approve the appropriate disposal of the Mayoral vehicle*
 - (d) *That Clause 28 be amended to include access for meeting rooms at the library as available for the purposes of Councillors meeting with the public during operating hours and free of charge.*
2. *That Council staff bring a further report to Council detailing options on how Councillors reimbursement of expenses can be streamlined.*

The policy, as endorsed by Council on 13 November 2012, was placed on public exhibition during the period 19 December 2012 and 23 January 2013, with no submissions being received.

ITEM 5 (continued)

On 12 February 2013 Council received a report that reviewed the Councillor Expenses reimbursement process. During this meeting there was also discussion about investigating alternative means of providing telecommunication equipment to Councillors. Council resolved:

- (a) *That Council re-exhibit the Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors.*
- (b) *That Council commence a trial, as soon as practicable, of the electronic submission process for Claims for Reimbursement of Councillor Expenses for six months with Councillor feedback to be sought through the Councillor Information Bulletin.*
- (c) *That Council provide the option to Councillors of either Council to supply all Councillors with all technology and communication equipment, and make payment for all the associated operating and usage charges or allow Councillors to continue with the flexibility to source their own telephone technology and seek reimbursement.*
- (d) *That staff engage with the Council during the exhibition period to review the computer technology issued to Councillors.*

At the Council meeting of 26 March 2013 (completed on 9 April 2013), a further report was provided to Council prior to re-exhibition to confirm the proposed changes to the policy regarding mobile phones, and to advise Council of an additional change that had been requested by the Mayor with regard to legal assistance provisions and expenses.

At that meeting, Council endorsed:

- the provision of a Telstra managed telecommunication service including an iPhone and call costs, as an alternative to Councillors using their own telephone technology and seeking reimbursement;
- the proposed amendments to the Clause 17 - Legal assistance provisions and expenses; and
- the exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy, including that a copy was to be provided to the Division of Local Government for comment.

Public Exhibition and Call for Submissions

The draft 'Payment of Expenses and Provision of Facilities for the Mayor and other Councillors Policy', as endorsed at the Council meeting of 26 March 2013, was placed on public exhibition as follows:

- City of Ryde website: Monday 15 April 2013 until Wednesday 15 May 2013
- Northern District Times: advertised on Wednesday 17 April 2013

ITEM 5 (continued)

It was advertised that the draft Policy was available to view on the City of Ryde website, at Customer Service in the Civic Centre, and at the Libraries. Submissions could be made directly on the City of Ryde website, by mail or by email. As required by Section 253 of the *Local Government Act 1993*, the exhibition and submission period was for at least 28 days, and closed on Wednesday 15 May 2013.

No submissions were received.

Feedback from Division of Local Government

As resolved at the Council meeting of 26 March 2013, the policy was sent to the Division of Local Government with a request that the Division review the draft policy and provide any comments by the close of submission period on 15 May 2013.

On Friday 24 May 2013, the Division provided feedback on the draft Policy. The Division also advised that the changes could be incorporated into the next Policy, which is due for revision in October 2013. Further clarification of the emailed feedback was then sought by staff.

Each of the points in the email from the Division have been listed and discussed below. Please note that the clause references, given in brackets, are to the 2009 Division of Local Government publication 'Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW, 2009'.

1. No statement about no private benefit (cl 1.6.4).

While the City of Ryde policy does address private use in Clause 22 – Private use of equipment and facilities, the Division has suggested this should be made clearer. Therefore it is proposed to include an additional key principle – Private Benefit - in the Objectives section of the policy.

- (e) ***Private benefit: Councillors shall not obtain private benefit from the provision of equipment and facilities. Occasional incidental private use is acknowledged, and is not subject to a compensatory payback. Should substantial private use occur, payback or reimbursement will be required.***

2. Lack of consideration for participation, equity and access (cl 1.6.12)

After discussion, the Division acknowledged that this was addressed in both the City of Ryde Policy Objectives and Clause 15 – Care and other related expenses.

3. Provide clear mechanism to reimburse private benefit for all expense and facilities (special reference to phone, computers etc)

ITEM 5 (continued)

The City of Ryde policy in Clause 22.1 – Private use of equipment and facilities, says “Council facilities, equipment and services are not to be used for private purposes, unless the use is incidental, unavoidable and of a minor nature.”

To emphasise this point, an amendment is proposed to Clause 13.4 of the City of Ryde policy as follows:

“Council may provide Councillors with a mobile phone and call plan in lieu of the individual Councillor seeking reimbursement for mobile telephone costs. It is noted that there **may** be a small proportion of **incidental** private/personal use.”

No further detail is required as the policy reflects Clause 1.6.4 of the Division’s Guidelines that says “However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to Council”.

4. Private use of Mayor’s car not allowed in any circumstances except for incidental private use (cl 2.4.2).

The Division’s guidelines (cl 2.4.2) says “*Councillors, including the mayor, should only obtain incidental private benefit from the provision of a motor vehicle for official use unless the policy specifically provides for the private use and has a mechanism in place for a payment to be made for that private use.*”

Clause 31.1 of the City of Ryde policy says

A Toyota Camry Hybrid Level 2 (or general equivalent) shall be provided by the Council and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for private purposes by the Mayor. The cost of petrol used for private purposes shall be the responsibility of the Mayor.

The Division’s advice is that the policy should be that the Mayor is responsible for the full usage of the vehicle during periods of private use, and that this cost is to be calculated using the approved travel mileage rate.

It is thus proposed to amend Clause 31.1 of the City of Ryde Policy to state:

*A Toyota Camry Hybrid Level 2 (or general equivalent) shall be provided by the Council and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for **incidental** private purposes by the Mayor. ~~The cost of petrol used for private purposes shall be the responsibility of the Mayor.~~*

Should substantial private use occur the Mayor is required to reimburse to Council the cost of this private use, which will be calculated using the mileage rates prescribed in the relevant legislation or policies applicable to employees of the Council.

ITEM 5 (continued)

Additionally it should be noted that currently the Mayor uses a personal vehicle, and claims reimbursement for Council related travel expenses using a logbook, mileage rates and a Request for Councillor Reimbursement form, in accordance with Clause 31.3 of the City of Ryde policy.

5. Provide maximum limits for all expenses and facilities.

Maximum limits are provided either in the policy or in Council's adopted annual budget.

The three changes to the City of Ryde 'Payment of Expenses and Provision of Facilities for the Mayor and other Councillors Policy', as described above, are not considered significant and therefore their inclusion would not require the policy to be placed on further public exhibition.

As no public submissions were received, the Division's feedback has been addressed, and the proposed amendments are not significant, it is recommended that this draft policy is adopted by Council.

Progress on implementing other relevant Council resolutions

It was resolved on 12 February 2013 that Council would trial an electronic submission process for Claims for Reimbursement of Councillor Expenses, for six months. A draft form is currently with developers, and it is anticipated the trial will commence in September 2013.

On 12 February 2013, Council also resolved that staff would communicate with Councillors to review the computer technology that is provided to Councillors. This review is currently occurring, and includes a survey of Councillors that was distributed on 31 May 2013.

Critical Dates

Section 252 of the Local Government Act, 1993, required that adoption occurred "within 5 months of the end of the year", that was by the end of November 2012. As this has been significantly delayed, it is important that this matter is soon resolved.

Additionally, Council should be aware that Section 252 also requires that this policy, once adopted, needs to be reviewed annually, and a revised policy adopted by the end of November 2013.

Council should be aware that further amendments can be made to the policy. However, if the amendments are considered to be significant, Council would be required to place the policy on public exhibition again for a period of 28 days, before it can be adopted.

Financial Impact

Adoption of these recommendations will have no financial impact.

ITEM 5 (continued)

ATTACHMENT 1

**Policy on the Payment of Expenses
and Provision of Facilities for the
Mayor and Other Councillors**

Scope

- (1) This Policy, and associated procedures and guidelines, may be cited as the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors, and is effective from ***date to be inserted***.
- (2) In this Policy, and associated procedures and guidelines, unless otherwise stated, the expression "Councillor" refers to all Councillors of the City of Ryde, including the Mayor and Deputy Mayor.

Purpose

This Policy ensures that Councillors have access to the facilities and support required to fulfil their civic duties. It also aims to ensure that the facilities provided to Councillors to carry out their civic functions are equitable and in keeping with legislative requirements.

In addition, the purpose of this Policy, and associated procedures and guidelines, is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors.

Objectives

- (1) The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to the Councillors of the City of Ryde, the cost of which shall be met by the Council.
- (2) This Policy also aims to uphold and demonstrate the following key principles:
 - (a) Conduct: Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act 1993* or any other Act.
 - (b) Participation, equity and access: The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic duties and business of Council.

Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors		
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Trim Reference: D13/44983	Review date: Annual	Endorsed:

ITEM 5 (continued)

ATTACHMENT 1

**Policy on the Payment of Expenses
 and Provision of Facilities for the
 Mayor and Other Councillors**

-
- (c) Accountability and transparency: The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
- (d) Reasonable expenses: Councillors shall only be reimbursed for expenses reasonably incurred in their performance of their role as a Councillor.
- (e) ***Private benefit: Councillors shall not obtain private benefit from the provision of equipment and facilities. Occasional incidental private use is acknowledged, and is not subject to a compensatory payback. Should substantial private use occur, payback or reimbursement will be required.***
- (3) Only those entitlements specifically described in this Policy shall be provided by the Council.

References - Legislation

This Policy is made pursuant to Sections 252 - 254 of the Local Government Act 1993.

Review Process and Endorsement

As required by Section 252 (1) of the Act, the Policy is to be adopted by Council annually, within 5 months after the end of each year.

As required by Section 253 of the Act, public notice of at least 28 days is required to be given of Council's intention to adopt or amend the Policy. Public notice is not required if an amendment is "not substantial". The term "not substantial" shall be taken to mean minor changes to wording of the Policy or changes to monetary provisions or rates that are less than 5%. It shall also mean minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the Policy will, however, require public notice no matter how minor.

As required by Section 253 (5) of the Act, public notice of 28 days is required to be given prior to each annual adoption process, even if there is no proposed change to the Policy.

Attachments

Title
Procedure – Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors
Guidelines – Councillor Attendance at Conferences

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ATTACHMENT 1

Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors

PROCEDURE

Related Policy

These procedures relate to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

Reporting requirements

Section 428 of the Act and clause 217 of the Local Government (General) Regulation ("the Regulation") require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy.

PAYMENT OF EXPENSES GENERALLY

Payment of Councillor Fees

- 1 (1) An annual fee is paid to each Councillor by the Council. The fee is the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this policy, the annual fee paid to each Councillor is intended to offset the costs involved in discharging the functions of civic office including, but not limited to, all incidental and out-of-pocket expenses relating to transport, clothing, home office expenses, home telephone and postage costs.
- (3) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Councillor holds office.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Councillors Fee.

Reimbursement and reconciliation of expenses

- 2 (1) Reimbursement of costs and expenses to Councillors under part 13 – Communication costs will only be made upon the production of appropriate receipts and tax invoices, and the completion of the "Request for Councillor Reimbursement" form. Expenses and costs incurred must be in accordance with the requirements of this Policy.
- (2) Reimbursement of other costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the "Request for Councillor Reimbursement" form. Expenses and costs incurred must be in accordance with the requirements of this Policy. Where no receipts or tax invoices are submitted, a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred. If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any

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supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request.

- (3) The General Manager or one other delegated employee shall assess all such claims and if considered to be reasonable and to be legitimately payable under this Policy, shall approve the claim for payment and payment shall be made within seven (7) days.
- (4) Should the General Manager or delegated employee decide that the claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still consider that the claim should be paid, it shall be considered that a dispute exists and the provisions of the Disputes clause of this policy shall apply. See Clause 34.

Payments in advance

- 3 (1) Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the Policy. However, Councillors must fully reconcile all expenses against the cost of the advance within one (1) week of their return, with receipts, and submit these details to the General Manager or his/her delegated employee for verification. Any unspent money is required to be returned at this time.
- (2) The maximum value of a cash advance is \$500.

ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

Monetary Limits

- 4 Monetary limits are stated in this Policy against each expense category as required. These monetary limits set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Time Limits

- 5 Reimbursement of costs and expenses to Councillors must be made within 3 months of the cost or expense being incurred.

Spouse and partner expenses

- 6 (1) In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor in the performance of his or her duties, such as attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within metropolitan Sydney.

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- (2) Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person will be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function, including carer costs. Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.
- (3) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of sub-clause (2). Official receipts will be required for reimbursement under this clause.
- (4) In recognition of the importance of a good work and family balance, spouses, partners or accompanying persons are welcome to join Councillors whilst attending events away from home. In such circumstances, Council will not require reimbursement of costs if no additional travel and accommodation expenses are incurred over and above what would have been expended by the individual Councillor. For example, if the person/s travel as a passenger in the Councillor's vehicle and are able to be accommodated in the same room already provided as standard to the Councillor, it will be considered that no additional cost has been incurred by Council.
- (5) Where a spouse, partner or accompanying persons do attend an event away from home with the Councillor, all additional costs of the person/s will not be met by Council except for attendance at official dinners or ceremonies associated with the event and for which partners are invited to attend. This provision does not extend to social outings and tours which may be provided as part of a "partners program".
- (6) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of sub-clause (5). Official receipts will be required for reimbursement under this clause.

SPECIFIC EXPENSES

Attendance at seminars, conferences and training courses

- 7 (1) Council approval is required for Councillors to attend seminars or conferences on behalf of the Council by way of a report to be included in the Council business papers. The report will include the purpose of the seminar, conference and training course, expected total costs, expected benefits for Councillors to attend and the names of Councillors who have indicated an interest to attend.
- (2) After returning from the seminar, conference or training course, the Councillor/s, or accompanying member of Council staff, shall provide a written report to Council on the aspects of the event relevant to Council business and/or the local community. No written report is required for the Annual Conferences of the Local Government Associations or for compulsory training courses or seminars required by any Government agency.
- (3) Council will pay the seminar, conference or training course registration fees charged by the organisers including the costs of related official meals and associated tours

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where they are relevant to the business and interests of the Council. Any time and costs incurred in undertaking activities not related to attendance at the event shall not be included in the expenses paid by Council.

- (4) Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the seminar, conference or training course, including the cost of meals (and reasonable cost of drinks) when they are not otherwise included in the fees. Each Councillor is entitled to seek reimbursement up to \$100 per meal for the purpose of this sub-clause up to a limit of 3 meals per day. Official receipts will be required for reimbursement under this clause.
- (5) Councillors shall be entitled to seek reimbursement for attendance at dinners and other non-Council functions where briefings relevant to the Council's interest are provided by key members of the community, politicians, government departments and business. Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of this sub-clause. Official receipts will be required for reimbursement under this clause.
- (6) Councillors, who are Executive Members of an organisation relevant to Council's interest by way of a Council resolution, shall be entitled to seek reimbursement and support for their attendance to the Executive Meetings held by the organisation. Council will meet the cost of the Councillor's transportation and accommodation expenses, including the cost of meals. The support provided to Councillors in their capacity as an Executive Member of an organisation shall only be valid for the period they hold such a position.
- (7) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.
- (8) When determining attendance at conferences and seminars consideration will be given to the Councillor Attendance at Conference guidelines.

Training and education expenses

- 8 (1) An induction program shall be conducted by the General Manager for Councillors upon election to Council and every subsequent re-election. This program may include the provision of resources and the attendance at training courses.
- (2) Provision for other training and education for Councillors will be made separately in Council's budget via the adopted Management Plan. All Councillors will be offered the same access to the same training in accordance with the budget allocated.

General travel and accommodation arrangements

- 9 (1) All travel by Councillors to a seminar, conference or training course shall be undertaken by utilising the most direct route and the most practical and economical mode of transport subject to any personal medical considerations or extenuating circumstances.

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- (2) Economy class air travel will be provided as standard for travel within Australia. The cost of any upgrade shall be the responsibility of the Councillor. Air travel will be allowed for any overseas travel (subject to Council approval). Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- (3) Where trains are used, first class train travel will be provided, including sleeping berths where available.
- (4) Council shall also meet the cost of any transfers between a Councillor's residence and a transport interchange (ie: airport) and between the transport interchange and hotel or venue, such costs not to exceed the cost of taxi fares.
- (5) Council shall provide Councillors with taxi vouchers for travel to a seminar, conference or training course. Councillors must ensure that unused vouchers and the receipts of used vouchers are provided to Council after seven (7) days of the event.
- (6) Council shall reimburse travel expenses to a seminar, conference or training course by a Councillor whilst using their own private vehicle by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred. The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council. Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst using their private vehicles on Council related business.
- (7) Any accommodation required by Councillors will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the Councillor. Where possible, Council will make payment of the accommodation booking prior to the date of arrival.

Local travel arrangements and expenses

- 10**
- (1) Under normal circumstances, Councillors are expected to provide their own transport to and from the Civic Centre and the Councillor's home and place of work for the purpose of undertaking Council business.
 - (2) Transport to and from the Civic Centre and a Councillor's home and/or place of work may be provided by the Council at the discretion of the General Manager having regard to the circumstances, whenever it is not practicable for a Councillor to use his or her normal method of transport.
 - (3) Council shall reimburse expenses incurred by Councillors for travel on Council related business outside a 15km radius of the Ryde Civic Centre, excluding the NSROC region. Travel expenses include use of a private vehicle, use of public

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transport, taxis, hire cars, travel using a Council vehicle and associated costs such as parking and road tolls. Except for the provisions of clause 9(6), actual costs will be reimbursed. Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst travelling on Council related business.

- (4) A Council vehicle (with or without a driver), a hire car, or a taxi voucher may be provided to a Councillor for the purpose of attending any Council related event at the discretion of the General Manager having regard to the circumstances.
- (5) Nothing in this Policy prevents a Councillor from travelling in a Council vehicle with a staff member who is also attending any Council related event.

Interstate or overseas travel

- 11 (1) Council approval is required for interstate or overseas travel for which reimbursement is sought by Councillors. Any travel proposals for Councillors to travel interstate or overseas requires to be included in the non-confidential business papers of Council for which due public notice has been given. Such proposals cannot be considered in a late report or Mayoral Minute.
- (2) Any application for interstate or overseas travel will require full details of the travel including itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective re-imburement of such travel expenses so all expenses must be approved in advance.
- (3) After returning from interstate or overseas travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community.

Incidental Expenses

- 12 (1) Council shall reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses incurred by Councillors.
- (2) Incidental expenses include, but are not limited to, in-house hotel television, telephone or facsimile calls, internet charges, refreshments, laundry and dry cleaning, and newspapers.
- (3) Each Councillor is entitled to seek reimbursement up to \$20 per day for the purposes of this clause.

Communication costs and expenses

- 13 (1) Councillors are entitled to seek reimbursement for communications costs and expenses covering the areas of email, internet, telephone (both fixed and mobile) and postage.
- (2) Each Councillor is entitled to seek reimbursement up to \$300 per month (\$3600 per annum) for the purposes of this clause.

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- (3) Where the communication costs include the provision of a communication device through a communication plan, Council shall reimburse the costs associated with the plan, including email, internet and telephone access and usage. Communication costs also include expenses incurred by a Councillor for the proportion of leasing, renting or repayment costs associated with any communication device used by a Councillor in undertaking their role as a Councillor.
- (4) ***Council may provide Councillors with a mobile phone and call plan in lieu of the individual Councillor seeking reimbursement for mobile telephone costs. It is noted that there will may be a small proportion of incidental private/personal use.***

Meals and refreshments

- 14 (1) Morning and afternoon tea may be provided to each Councillor when in attendance at the Civic Centre during normal office hours. A meal including drinks may be provided to each Councillor at the Civic Centre whenever the Councillor is required to attend at the Civic Centre, or leave from or return to the Civic Centre, for a Council related event.
- (2) Meals and refreshments may also be provided to Councillors when attending a local community event or festival. The General Manager shall determine when such meals and refreshments are to be provided.
- (3) Pursuant to clauses 7(3) and 7(4), meals and refreshments may also be provided to Councillors when attending a seminar, conference or training course.

Care and other related expenses

- 15 (1) Where a Councillor has responsibilities for the care and support of any relative, the Council may reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.
- (2) The total amount paid to a Councillor in a financial year under sub-clause (1) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year.
- (3) In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Local Government Act.

Relative, in relation to a person, means any of the following:

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a)*

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- (4) Where a Councillor has a special requirement, such as disability and access needs, Council shall meet reasonable costs and expenses required in order for that Councillor to discharge the functions of civic office.
- (5) The total amount paid to a Councillor in a financial year under sub-clause (4) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year, however, Council can approve additional expenditure in extenuating circumstances.
- (6) Each application for care and support of a relative or for meeting the special requirements of a Councillor is to be made in writing to the General Manager or his/her delegated officer and will be assessed on its merits. The General Manager may use his/her discretion to refer the matter to Council for determination.

Insurance provisions and expenses

- 16
- (1) In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
 - (2) Councillors are also provided additional liability protection by way of the Councillors and Officers Liability Policy, and personal injury protection by way of the Personal Accident Policy.
 - (3) Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
 - (4) Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

Legal assistance provisions and expenses

- 17
- (1) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - (a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
 - (b) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act;
 - (c) a Councillor for proceedings before the ~~Local Government Pecuniary Interest and Disciplinary Tribunal~~ or an **appropriate** investigative **or review** body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the ~~Tribunal~~ or investigative **or review** body makes a finding substantially favourable to the Councillor.

Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has

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proceeded past any initial assessment phase to a formal investigation or review.

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.

In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

- (2) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- (3) Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- (4) Council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.
- ~~(5) The provisions of this section shall not apply in respect of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, the Council itself.~~
- (5) ***Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution of Council at a Council Meeting prior to costs being incurred.***

ADDITIONAL MAYORAL EXPENSES

Mayoral Fee

- 18 (1) An annual fee is paid to the Mayor by the Council. The fee shall be the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this Policy, the annual fee paid to the Mayor is intended to offset the additional costs involved in discharging the functions of the mayoral office over and above the costs incurred by other Councillors.

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- (3) In the event that the Council resolves to pay an annual fee to the Deputy Mayor, the amount of such annual fee shall be deducted from the amount determined to be paid to the Mayor.
- (4) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Mayor holds office.
- (5) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral Fee.

Civic Expenses

- 19** Council shall meet the cost of providing refreshments and associated expenses for civic functions, civic receptions and any other formal event hosted by the Mayor, subject to adequate funds being allocated and available in the Council's adopted Management Plan.

Communication costs and expenses

- 20** Council shall reimburse up to an additional \$250 per month (\$3,000 per annum) for communication costs and expenses for the Mayor, over and above the monthly expenditure limit prescribed in clause 13.

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PROVISION OF FACILITIES - GENERAL PROVISIONS

Provision of facilities generally

- 21 (1) Facilities, equipment and services shall be provided to Councillors to support them in undertaking their role as elected members of the Council.
- (2) The equipment supplied under sub-clause (1) shall be of adequate capacity and functionality to generally undertake the role of Councillor. Unless otherwise resolved by the Council, the equipment shall be provided to a Councillor only once during the term of each Council. Council remains in ownership of the equipment and will be responsible for maintenance, replacement, insurance, technology upgrades and supply of consumables, and the equipment is required to be returned at the end of the term of each Councillor. However, Councillors shall be offered the option to purchase the subject equipment that they have been in possession of, at the conclusion of their term, at current market value. Unless stated otherwise, the Councillor shall be responsible for all other costs of operation, for such equipment.

Private use of equipment and facilities

- 22 (1) Council facilities, equipment and services are not to be used for private purposes unless the use is incidental, unavoidable and of a minor nature.
- (2) Where a Councillor obtains a private benefit for the use of a facility provided by the Council, the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the benefit shall be determined by Council in non-confidential session of a Council meeting.
- (3) Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

PROVISION OF FACILITIES - SPECIFIC PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

Stationery and other items

- 23 (1) Each Councillor may receive:
- (a) 2500 sheets of plain white A4 paper per year;
- (b) 500 plain white DLE envelopes per year;
- (c) 500 business cards per year in a format agreed by each Councillor;

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the year commencing from the date of election to Council and each subsequent anniversary.

Additional supplies of the above stationery items may be provided by the General Manager if considered warranted having regard to the particular needs of any Councillor.

- (2) Each Councillor may be issued from time to time with name badges, a security access card, ties/scarves and other corporate apparel or accessories for personal use. Security access cards are required to be returned when the Councillor ceases to hold office.
- (3) Stationery is not to be used to produce election material or for any other political purposes.

Home Office and Equipment

24 The following equipment and facilities may be provided by the Council at a location nominated by the Councillor:

- a personal computer with office and related software (up to a total value of \$3,000)
- a printer which may include or have attached facilities for facsimile, scanning, photocopying and telephone answering (up to a total value of \$1,000)
- ***an iPad or other tablet device (up to a total value of \$1,000)***

All amounts stated are inclusive of GST.

Parking

25 Councillors shall be provided with allocated parking at the Civic Centre for attendance at meetings and functions in the performance of their role as a Councillor and be provided with a parking permit sticker for use when parking in the Civic Centre Car Park. No other parking concessions within the City of Ryde will be granted and Council will not indemnify Councillors for any damage to their vehicles whilst utilising this facility.

Secretarial Support

26 Secretarial support may be provided at the discretion of the General Manager for each Councillor at the Civic Centre. This may include typing, photocopying or use of a telephone. All expenses incurred including the cost of staff shall be met by the Council.

Delivery of Material

27 At least once weekly, each Councillor may receive a delivery of material from Council including business papers, correspondence, newspapers, etc delivered to one property address nominated by the Councillor.

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Council Meeting Chamber and Library Meeting Rooms

- 28 Councillors may use the Council Meeting Chamber *or access the meeting rooms at the library, as available and in accordance with the relevant booking process for the purposes of Councillors meeting with the public during operating hours and free of charge* to conduct meetings with members of the public. The nature of the meeting must relate to Council business.

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR

Mayoral Office

- 29 A furnished Mayoral Office shall be provided by the Council at the Civic Centre, including a computer with office and related software (including access to email and internet).

Secretarial Support

- 30 Secretarial support shall be provided by the Council. All necessary staff, office equipment, furnishings, printing, stationery, postage and other general office expenses shall be met by the Council, subject to adequate funds being available in the Council's adopted Management Plan.

Motor Vehicle

- 31 (1) A Toyota Camry Hybrid Level 2 (or general equivalent) shall be provided by the Council and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for *incidental* private purposes by the Mayor. ~~The cost of petrol used for private purposes shall be the responsibility of the Mayor.~~

Should substantial private use occur the Mayor is to reimburse to Council the cost of this private use, which will be calculated using the mileage rates prescribed in the relevant legislation or policies applicable to employees of Council.

- (2) A car parking space shall be allocated at the Civic Centre for the Mayoral vehicle.
- (3) *Should the Mayor elect not to make use of the vehicle for the length of their term, it will be disposed of appropriately. The Mayor will be entitled to reimbursement for all Council related travel expenses in accordance with the rate set out in the "Councillor Reimbursement Form". Reimbursements will be made upon the production of an appropriate vehicle mileage log and the completion of a "Request for Councillor Reimbursement" form.*

Ceremonial Clothing

- 32 The Mayor shall be supplied with a suitable robe and chains of office.

Other equipment and facilities

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- 33** (1) In addition to equipment and facilities already provided to the Mayor as a Councillor, the Mayor shall be entitled to the following equipment and facilities:
- (a) an additional 500 business cards per year of term in a format agreed by the Mayor,
 - (b) 200 Christmas Cards per year of term,
 - (c) corporate attire and presentation gifts for use in connection with civic and ceremonial functions eg: tie, scarfs, mementos
- (2) The General Manager shall have discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, subject to funding being made available in the adopted Management Plan and the provision of such equipment or facilities is considered reasonable for the efficient and effective performance of the Office of the Mayor. Should the General Manager exercise his/her discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy a report detailing the provision shall be presented to Council.

OTHER MATTERS

Disputes

- 34** Should any Councillor consider that a dispute exists at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute and the General Manager shall submit such reports to the next meeting of the Council to have the dispute determined by a resolution of the Council having regard to this policy, the Act and any other relevant law. The decision of the Council shall be binding on all of the parties.

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LEGISLATIVE PROVISIONS

The relevant legislative provisions are set out below. In this legislation, the expression "year" means the period from 1 July to the following 30 June.

Local Government Act

252 *Payment of expenses and provision of facilities*

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 *Requirements before policy concerning expenses and facilities can be adopted or amended*

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*

(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and

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- (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
- (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.
- 254 Decision to be made in open meeting
- The council or a council committee, all the members of which are councillors, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.
- 428(pt) Annual reports
- (1) Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.
- (2) A report must contain the following:
- (f) the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,

Local Government (General) Regulation

- 217(pt) Additional information for inclusion in annual report
- (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
- (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
- (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,

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- (iii) *the attendance of councillors at conferences and seminars,*
- (iv) *the training of councillors and the provision of skill development for councillors,*
- (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vii) *the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
- (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,*

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Under Section 248A of the Act, Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from office or the right to be paid any fee is suspended.

Under Section 254A of the Act, Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation, a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's

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entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government and Council Policy provisions

This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

- (1) Division of Local Government Circular No. 09-36, 7 October 2009, "*Release of Revised Councillor Expenses and Facilities Guidelines*"
- (2) Division of Local Government Publication, "*Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW, October 2009*"
- (3) Department of Local Government Circular No. 05-08, 9 March 2005, "*Legal Assistance for Councillors and Council Employees*"
- (4) ICAC Publication "*No excuse for misuse*", November 2002
- (5) City of Ryde "*Code of Conduct*"

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ATTENDANCE AT CONFERENCES

Related Policy

This guideline sets out the criteria to determine the attendance of Councillors at Conferences. It relates to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

Guidelines

Council acknowledges the value of Councillor attendance at conferences to enable them to be both knowledgeable and current on issues affecting the City of Ryde. In order to ensure that attendance at Conferences is equitable, transparent and consistent, attendance will be limited as follows:

1. Local Government Association Conference – the number of voting delegates plus one. Details of the delegates and attendee to be determined by resolution of Council.
 2. Australian Local Government Association Conference.
 3. In addition, to 1 and 2 above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
 4. Within 2 months after the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors Information Bulletin.
 5. No Councillor can attend a Conference without the prior approval of Council. Reports to Council are to include details of the Conference and an estimate of the associated costs including registration, transport and accommodation.
 6. Council may resolve that a Councillor can attend more than one conference per year but this determination will be dependant on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.
 7. Each year, as part of the review of the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors, Council officers will provide a full report of expenditure and Conference attendance by Councillors.
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6 VOLUNTARY PLANNING AGREEMENT OFFER - 125-135 CHURCH STREET, RYDE.

Report prepared by: Client Manager**File No.:** VPA2012/97/002 - BP13/678

REPORT SUMMARY

Council is in receipt of Local Development Application LDA2012/0097, at 125-135 Church Street, Ryde for the demolition of all existing buildings and construction of a mixed use development comprising of residential and retail uses.

The development will consist of four Buildings: -

- Buildings A & B, facing Porter Street being 6 to 7 storeys
- Buildings C & D, facing Church Street being 5 to 6
- The development will have a retail component on the ground floor of each of the buildings
- A total of 269 residential apartments and 380 carparking spaces over two basement carparking levels with all vehicular access from Porter Street.
- Construction of a central public plaza with an east-west through site link from Church Street to Porter Street to connect with the through site line within the adjacent Bay One development in Porter Street.

As part of the proposal, the proponents are seeking to enter into a Voluntary Planning Agreement (VPA) with Council. The VPA forms a contractual agreement between Council and the Developer. The purpose of this report is for Council to determine whether it will endorse the VPA should the application be approved by Joint Regional Planning Panel. The VPA offers public benefit.

It is recommended that Council determine whether the proposed development is acceptable and if supported, endorse the Voluntary Planning Offer.

RECOMMENDATION:

- (a) That Council support 'in principle' the Voluntary Planning Offer made by Motive Properties Pty Limited as part of the Development Application LDA2012/97 at 125-135 Church Street, Ryde for the construction of four mixed use residential/commercial buildings,
- (b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application, and
- (c) That the Acting General Manager be delegated to finalise the Voluntary Planning Agreement with Motive Properties Pty Limited.

ITEM 6 (continued)

ATTACHMENTS

- 1 Plan showing items included in VPA
- 2 Landscape Plan and Public Domain - 001
- 3 Landscape Plan and Public Domain -002
- 4 Traffic Plans
- 5 Council's Valuation Report Original
- 6 Council's Valuation Report Amending Letter
- 7 Councils QS Report
- 8 Proponents Valuation
- 9 Proponents QS Report
- 10 VPA Offer Letter
- 11 Draft Voluntary Planning Agreement

Report Prepared By:

Adrian Melo
Client Manager

Report Approved By:

Vince Galletto
Team Leader - Building and Development Advisory Service

Dominic Johnson
Group Manager - Environment & Planning

ITEM 6 (continued)

Site (*Refer to map.*)



Councillor Representations

Nil.

Political Donations or Gifts

Any political donations or gifts disclosed? No.

Background

Prior to lodgement, the applicant undertook a prelodgement meeting and review by Council's Urban Design Review Panel (UDRP) on 8 December 2011. Some amendments were made as a result of the review by the UDRP.

The Development Application (DA) was submitted to Council on 28 March 2012.

Following lodgement the applicant presented the DA to the UDRP on 18 May 2012. The UDRP advised that as a result of reducing the height in the pre DA proposal the buildings have increased in depth, resulting in deeper apartments and bedrooms without windows. It was noted that whilst some improvements have been made as result of the prelodgement meeting there were still areas of concerns relating to Porter Street frontage, amenities to the buildings, setbacks and landscaping. The panel did not support the new layout of the buildings.

ITEM 6 (continued)

A letter was sent to the applicant on 6 June 2012. The matters listed below were raised and the applicant was advised to withdraw the application and resubmit when Ryde LEP 2011 is imminent or enter into a Voluntary Planning Agreement (VPA) to offset the impact of the greater height/density and provide a public benefit.

Following a meeting held with the applicant on 25 June 2012, the applicant advised that they will modify the design by lowering building heights to correspond to Ryde LEP 2010 and any variation to the existing LEP 2010 height control will be offset by a VPA which includes the widening of Porter Street.

Amended plans and VPA were submitted on 14 September 2012. Following receipt of the VPA offer, Council's VPA Panel met on 18 September 2012 to consider the VPA offer. The Panel identified some areas of concern and requested the following:

1. Exclusion of matters considered necessary and consequential to the development,
2. Further information and clarity regarding matters included as part of the VPA,
3. Deletion of the widening of Well St as this was not required,
4. Valuation by a registered valuer for the land to be dedicated to Council, and
5. Amendments to the wording of the VPA.

The proponent provided an amended VPA offer addressing the above matters on 27 November 2012, including a Land Valuation for the proposal. The amended VPA was placed on public exhibition between 11 December 2012 and 6 February 2013.

Following the receipt of the amended VPA, the proposal was referred internally within Council for consideration of the traffic, public domain and open space works and a VPA Panel meeting was held on 29 November 2012. The VPA Panel meeting resolved that the matters proposed under the VPA were generally acceptable, subject to an independent review of the Quantity Surveyors (QS) and Land Valuation report provided by the applicant.

The proposal was also considered by Executive Team on 17 December 2012 and it was determined that the matters included in the VPA offer were considered acceptable as the development was generally in accordance with surrounding developments and that the heights complied with those contained within RLEP 2011. It was recognized that no precedent was being set by the proposal as this had already been established by the Bayone Development to the west of the site. This was subject to endorsement by Council and the independent review of the Land Valuation and QS Report being positive.

The independent review of the QS Report and Land Valuation were completed on 18 March 2013 and 15 March 2013 respectively. Council's Land Valuation provided a value for the land \$271,000 less than that nominated by the applicant. Council's QS Report identified a value \$488,634 less than that nominated by the applicant.

ITEM 6 (continued)

A meeting between Council and the proponents on 7 May 2013 resolved to arrange for two separate meetings between the proponents and Council's Valuers and Quantity Surveyors to resolve and provide definite figures. These meetings were held during the week commencing 13 May 2013. These meetings resulted in revised figures for both the QS report and the Land Valuation on behalf of both parties. This was the direct result of Council's QS and Valuer and the proponents QS and Valuer discussing the proposal jointly. The final reports resulted in both parties revising their figures which provided Council's QS Report being \$38,047 greater than that of the proponent. Council's land valuation resulted in a range of values for the land which were between \$66,200 and \$17,672 less than those of the applicant. This was the result of the identification of different FSRs under the proposed DA vs those proposed under RLEP 2011. These figures are further discussed under the ***Consideration of the Voluntary Planning Agreement*** section of this report.

The referral to Council's Traffic/Transport and Development Management Unit identified that there were still outstanding issues regarding the alignment of the kerb layout along Porter St, the approach to the roundabout at the intersection of Well St and Porter St and that detailed plans for the pedestrian crossing were to be provided. A meeting regarding these issues was held between Council and the proponent on 26 February 2013. This resulted in the applicant providing further amended plans on 11 April 2013. These were reviewed by Council's Traffic/Transport and Development Management Unit whom provided in approval of the amended plans on 7 April 2013. Following approval of the amended plans the applicant provided to Council a full set of revised architectural plans on 23 April 2013.

Following the above, the applicant provided an amended VPA Document on the 30 May 2013 updating all plan references and costings in light of the QS Report and Land Valuations.

The proponents were advised of an updated Section 94 Contribution calculation on 31 May 2013, which resulted in a revised VPA offer being submitted to Council on the 31 May 2013.

Report

Council has received Local Development Application LDA2012/97, at 125-135 Church Street, Ryde. The development proposes the following works:

- Demolition of the existing buildings on the site.
- Construction of four mixed residential and retail buildings ranging between five to seven storeys.
- A total of 269 apartments are proposed in the four buildings consisting of 1 x studio apartment (less than 1%), 204 x 1 bedroom apartments (76%), 51 x 2 bedroom apartments (19%) and 13 x 3 bedrooms apartments (5%).

ITEM 6 (continued)

The buildings are designed as perimeter style buildings around a central public plaza with ground floor retail component off each of the buildings and an upper level central landscaped courtyard. Building heights have been designed with higher density adjacent to Porter Street, to match the five to seven storey developments opposite at 82-84 Porter Street. A café with outdoor seating area is located at the corner of Porter and Wells Street to activate the corner and draw pedestrians into the plaza area.

Pedestrian access to the central public plaza will be via Porter, Church and Well Streets with a public through link through the central plaza linking Church Street to Porter Street.

A VPA is a contractual agreement between Council and a developer under which public benefit for a public purpose is delivered as part of a Development Application. As the Development Application is to be determined by the JRPP and the VPA is a contractual agreement between Council and the Developer, Council must determine whether the VPA is supported. The JRPP will be notified of Council's resolution regarding the VPA prior to its determination of the Development application on 24 June 2013.

The assessment report for the proposed development will be made available to Councillors at the same time that it is provided to the JRPP.

Summary of VPA Offer

Matters proposed by the proponent to be delivered as part of the VPA are as follows:

- Land dedication to Council to allow for the widening of Porter St in accordance with Development Control Plan 2011:
 - 295m² along Porter St at northern boundary of property
 - 42m² to allow for splay corner at intersection of Porter St and Well St.
- Construction works for the widening of Porter St and splay corner at intersection of Well St and Porter St including public domain upgrades, new kerb alignment, road sub-base and surfacing, line marking, street signage, stormwater diversion, tree planting, multi-function poles, granite paving and turfing.
- Provision of Through-Site-Link, with only 50% of these costs are offset against Section 94.
- Construction of raised pedestrian threshold connecting through site link to adjacent development (Bayone Development) across Porter Street. This includes speed humps, raised painted walkway, street signage, lighting at walkway and landscaped kerb blisters at each end of the walkway.

ITEM 6 (continued)

- Embellishment of the Civic Gateway open space area located at the corner of Church St and Wells St. Only 50% of these costs are offset against Section 94.
- A monetary contribution of \$113, 000.00 to Council for traffic upgrade within the Meadowbank Employment Area.
- A monetary contribution of \$877,152.96 to Council with no allocated use.
- Exclusion of the provision of section 94.

A plan identifying the extent of the proposed works to be included as part of the VPA is provided as **Attachments 1** through to 4.

The above works are to be carried out at the Developer's expense, following the granting of development consent to the development application. Normally, the VPA is registered on the title of the subject property, ensuring that if the property is sold any future purchasers will be required to adhere to the VPA. Given that the JRPP will be determining the application, this matter will be dealt with by the JRPP at time of determination.

Consultation

The development application was notified and advertised between the period of 13 April 2012 and 9 May 2012. During this period, two submissions were received. During this exhibition period, there was no VPA proposed.

The proponent agreed to enter into a Voluntary Planning Agreement with Council to provide for a public benefit to offset the impact of the greater height/density and amended plans were received on 24 September 2012.

The amended plans and VPA were notified and advertised between 11 December 2012 and 6 February 2013. During this period two additional submissions were received, however these submissions related to the DA only and not the VPA.

Consideration of the Voluntary Planning Agreement

The Section 93F of the *Environmental Planning and Assessment Act 1979* details various matters that must be addressed by a VPA.

It should be noted that the VPA satisfies all requirements of Section 93F and that the VPA has identified that substantial public benefit is being provided.

ITEM 6 (continued)

A detailed consideration of Section 93F is provided below.

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
<p><i>(1) A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):</i></p> <p><i>(a) who has sought a change to an environmental planning instrument, or</i></p> <p><i>(b) who has made, or proposes to make, a development application, or</i></p> <p><i>(c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,</i></p> <p><i>under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.</i></p>	<p>The proponents are seeking to provide:</p> <ul style="list-style-type: none"> – Land dedication to Council to allow for the widening of Porter St. – Construction works for the widening of Porter St including public domain upgrades. – Provision of Through-Site-Link, with only 50% of these costs are offset against Section 94. – Construction of raised pedestrian threshold connecting through site link to adjacent development (Bayone Development) across Porter Street. – Embellishment of the Civic Gateway open space area located at the corner of Church St and Wells St. Only 50% of these costs are offset against Section 94. – A monetary contribution of \$113,000.00 to Council for traffic upgrade within the Meadowbank Employment Area. – A monetary contribution of \$877,152.96 to Council with no allocated use. <p>The provisions of the above constitute land dedication and material public benefit which shall be used and applied towards a public purpose.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><i>(2) A public purpose includes (without limitation) any of the following:</i></p> <p><i>(a) the provision of (or the recoupment of the cost of providing) public amenities or public services,</i></p> <p><i>(b) the provision of (or the recoupment of the cost of providing) affordable housing,</i></p> <p><i>(c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,</i></p>	<p>All matters included within the VPA constitute public amenity, with the exclusion of the undefined cash contribution.</p> <p>No affordable housing is provided.</p> <p>The VPA includes a total of \$113, 000 cash contribution for traffic management within the MEA.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

ITEM 6 (continued)

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
<p><i>(d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,</i></p>	<p>The proposal includes monetary contributions to be paid to Council to be utilised where deemed appropriate. Council's expenditures will be for public amenities, public services or other infrastructure.</p>	<p>Yes</p>
<p><i>(e) the monitoring of the planning impacts of development,</i></p>	<p>No monitoring of planning impacts is provided.</p>	<p>N/A</p>
<p><i>(f) the conservation or enhancement of the natural environment.</i></p>	<p>No conservation or enhancement of the natural environment is provided.</p>	<p>N/A</p>
<p><i>(3) A planning agreement must provide for the following:</i></p> <p><i>(a) a description of the land to which the agreement applies,</i></p> <p><i>(b) a description of:</i> <i>(i) the change to the environmental planning instrument to which the agreement applies, or</i> <i>(ii) the development to which the agreement applies,</i></p> <p><i>(c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,</i></p> <p><i>(d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 94, 94A or 94EF to the development,</i></p> <p><i>(e) if the agreement does not exclude the application of section 94 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 94,</i></p> <p><i>(f) a mechanism for the resolution of disputes under the agreement,</i></p> <p><i>(g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.</i></p>	<p>It is considered that the VPA adequately satisfies the requirement of this part.</p>	<p>Yes</p>

ITEM 6 (continued)

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
<i>(3A) A planning agreement cannot exclude the application of section 94 or 94A in respect of development unless the consent authority for the development or the Minister is a party to the agreement.</i>	The VPA excludes the operation of Section 94 on the proposed development.	Yes
<i>(5A) A planning authority, other than the Minister, is not to enter into a planning agreement excluding the application of section 94EF without the approval of: (a) the Minister, or (b) a development corporation designated by the Minister to give approvals under this subsection.</i>	Section 94EF does not apply to the proposal.	N/A
<i>(6) If a planning agreement excludes benefits under a planning agreement from being taken into consideration under section 94 in its application to development, section 94 (6) does not apply to any such benefit.</i>	The VPA seeks the exclusion of the application of Section 94.	N/A
<i>(7) Any Minister, public authority or other person approved by the Minister is entitled to be an additional party to a planning agreement and to receive a benefit under the agreement on behalf of the State.</i>	No additional parties are proposed.	N/A
<i>(8) A council is not precluded from entering into a joint planning agreement with another council or other planning authority merely because it applies to any land not within, or any purposes not related to, the area of the council.</i>	No joint planning agreement with another council or planning authority is proposed.	N/A
<i>(9) A planning agreement cannot impose an obligation on a planning authority: (a) to grant development consent, or (b) to exercise any function under this Act in relation to a change to an environmental planning instrument.</i>	The planning agreement does not impose an obligation to grant development consent or change an environmental planning instrument. Whilst the VPA forms part of the Development Application, support of the VPA does not grant approval to the Development Application.	Yes
<i>(10) A planning agreement is void to the extent, if any, to which it requires or allows anything to be done that,</i>	The works proposed under the VPA are to be subject to further consideration by the JRPP and will be determined as part of the	Yes

ITEM 6 (continued)

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
<i>when done, would breach this section or any other provision of this Act, or would breach the provisions of an environmental planning instrument or a development consent applying to the relevant land.</i>	application. Subject to careful consideration of the proposed works by JRPP and standard conditions of consent, it is unlikely that the matters to be dealt with under the application and VPA will breach to <i>Environmental Planning and Assessment Act 1979</i> , applicable environmental planning instruments or development consent applying to the subject site.	

As identified above, it can be seen that the proposed Voluntary Planning Agreement satisfies the principles underlying the use of planning agreements and fulfills several categories of works that Council will consider as part of a VPA. Notwithstanding the above, further consideration of the Voluntary Planning Agreement and the public interest and benefit is detailed below.

The merits of the Voluntary Planning Agreement were discussed in detail during several meetings of an internal Panel chaired by Council's General Counsel.

It was considered that the proposal provided substantial public benefit and was in the public interest due to scope of matters to be provided by the proponents. The table below summarizes the matter proposed and the public benefit delivered.

Matter proposed	Public Benefit
Land dedication to Council to allow for the widening of Porter St in accordance with Development Control Plan 2011: <ul style="list-style-type: none"> ○ 295m² along Porter St at northern boundary of property ○ 42m² to allow for splay corner at intersection of Porter St and Well St. 	The public benefit provided by these land dedications result in the delivery of a widened Porter St as required under Draft Development Control Plan 2011 which is currently not in force. This widening will allow for an improved streetscape and widened road carriageway which will alleviate existing problems within Porter St. Legally, pursuant to Section 79C of the <i>Environmental Planning and Assessment Act 1979</i> , no legal weight is given to a draft Development Control Plan as it is not legally identified as an <i>environmental planning instrument</i> . Accordingly, under the existing planning framework Council has no power to force the applicant to provide the land dedication to allow for the widening of Porter St. However, given that the Draft Ryde LEP 2011 is considered certain and imminent, the applicant can potentially take advantage of the increased heights proposed under the RLEP 2011.
Construction works for the widening of Porter St and splay corner at intersection of Well St and Porter St including public domain upgrades, new kerb alignment, road sub-base and surfacing, line marking, street signage, stormwater	As discussed above, the road widening and associated works will allow for an improved streetscape and widened road carriageway which will alleviate existing problems within Porter St. This will provide a significant public benefit.

ITEM 6 (continued)

Matter proposed	Public Benefit
diversion, tree planting, multi-function poles, granite paving and turfing.	
Provision of Through-Site-Link, with only 50% of these costs are offset against Section 94.	<p>The through site link will connect Church St with an existing through site link provided as part of the Bayone Development to the west of the subject development. This will improve through block permeability with the immediate surrounds of the site providing an improved public domain.</p> <p>In recognition of the fact that the through site link and associated plaza areas provide amenity to the development itself and will likely have a direct impact upon the value of the development, it is intended that only 50% of the value of the through site links construction works will be offset against Section 94.</p>
Construction of raised pedestrian threshold connecting through site link to adjacent development (Bayone Development) across Porter Street. This includes speed humps, raised painted walkway, street signage, lighting at walkway and landscaped kerb blisters at each end of the walkway.	<p>This item will improve the functionality of the through site link within the subject development and will connect it with that on the adjoining property to the west (Bayone Development).</p>
Embellishment of the Civic Gateway open space area located at the corner of Church St and Wells St. Only 50% of these costs are offset against Section 94.	<p>The embellishment of this area will improve the entrance to Ryde via Church St. It will also rejuvenate a tired Council asset. Civic Gateway has a total size of approximately 660m².</p> <p>In recognition of the fact that the upgrading of the Civic Gateway will provide amenity to the development itself and will likely have a direct impact upon the value of the development, it is intended that only 50% of the value of the embellishment be offset against Section 94.</p>
A monetary contribution of \$113, 000.00 to Council for traffic upgrade within the Meadowbank Employment Area.	<p>Council undertook a mesoscopic traffic modelling exercise as part of its submission against the Part 3A Shepherds Bay Concept Plan and Project Application. This modelling identified a range of traffic infrastructure works to resolve ongoing traffic management issues in and around Meadowbank. The traffic impacts and associated infrastructure directly attributable to the redevelopment of 125-135 Church St has a value of approximately \$113,000.00. The proponent has included this as part of the VPA.</p> <p>These funds provide a resource to Council that can be used for the benefit of the wider community through funding the provision of traffic infrastructure within the Meadowbank areas.</p>
A monetary contribution of \$877,152.96 to Council with no allocated use..	<p>Whilst the VPA seeks the exclusion of section 94 contributions, the proposal includes a monetary contribution of \$877,152.96. The exclusion of section 94 is considered to be relatively inconsequential in</p>

ITEM 6 (continued)

Matter proposed	Public Benefit
	comparison to the benefits gained under the VPA. As such, this loss is considered in the public benefit as it results in substantial gains. A further consideration of section 94 contributions and the comparison of the material benefits is provided below.

As part of the VPA process, Council engaged a Land Valuer and Quantity Surveyor to provide an independent value for the works to be delivered to Council and the land to be dedicated. These independent reports and those of the proponents are provided as Attachments 5 through to 9.

The value of proposed works exceeds the required Section 94 Contributions that would be applicable to the development between \$335,666.42 - \$500,602.8. This figure does not include the land value of the right of way and the money required for its ongoing maintenance. A break down of the value of works being undertaken and the Section 94 Contributions is provided below.

Item	Council Value		Proponent Value		Difference
Land dedication: <ul style="list-style-type: none"> ○ 295m² along Porter St at northern boundary of property ○ 42m² to allow for splay corner at intersection of Porter St and Well St. 	FSR 2:1	\$808,800	\$875,000		-\$66,200
	FSR 2.12:1	\$857,328	\$875,000		-\$17,672
Total 337m²					
Construction works for the widening of Porter St and splay corner at intersection of Well St and Porter St including associated works.	\$808,776.32		\$771,280		\$37,496.32
Provision of Through-Site-Link, with only 50% of these costs are offset against Section 94.	Total	\$226,237.6	Total	\$227,587	-\$1,349.4
	50%	\$113,118.8	50%	\$113,793	-\$674.2
Construction of raised pedestrian threshold	\$26,427.17		\$66,445		-\$40,017.83
Corner open space embellishment	Total	\$97,950.66	Total	\$63,033	\$34,917.66
	50%	\$48,975.33	50%	\$31,516	\$17,459.33
A monetary contribution for traffic upgrade	\$113,000		\$113,000		Nil
A monetary contribution with no allocated use.	\$1,032,582.78		\$1,032,582.78		Nil

ITEM 6 (continued)

Item	Council Value		Proponent Value	Difference
Total	FSR 2:1	\$2,838,680.40	\$3,003,616.78	-\$164,936.38
	FSR 2.12: 1	\$2,887,208.40		-\$116,408.38
Contribution under the Council's Section 94 Contribution Plan	\$2,503,013.98			
Offer in excess of Section 94 Contributions	FSR 2:1	\$335,666.42 (13.4%)	\$500,602.8 (20%)	-\$164,936.38
	FSR 2.12: 1	\$384,194.42 (15.3%)		-\$116,408.38

It can be seen that the value of the proposed VPA represents substantial public benefit above and beyond the applicable Section 94 Contributions between 13.4% to 20% depending on the figures applied. Normally, to ensure that the VPA is registered on the title of the land it would be necessary to impose a condition on the consent for this to occur prior to the issue of any Construction Certificate. This issue will be addressed by the JRPP at time of determination.

It should be noted that according to the draft Development Assessment Report, the proposal is considered acceptable on planning grounds given the certain and imminent nature of the draft RLEP 2011 and surrounding development. Accordingly, the proponent could potentially wait for gazettal of the Draft RLEP 2011 and the finalisation of the Development Control Plan 2011. Should this occur, any future development on the site would only need to provide:

1. Land dedication and construction works for widening of Porter St and Well St (approx. value of \$1,666,104 FSR of 2.12:1),
2. Section 94 Contributions (\$2,520,640)

Accordingly, the proposed VPA in its current form provides a significant uplift in public benefit above and beyond those that could be achieved under a development permissible under the RLEP 2011.

Notwithstanding the above, it should be noted that Council received the final version of the legal VPA document on 31 May 2013. Due to the limited timeframes as a result of the Joint Regional Planning Panel meeting on 24 June 2013, it was necessary for staff to submit the application for consideration by Council before Council's General Counsel had been given the opportunity to undertake a final review of the document prior to submission to Council. As such, it is recommended that should the matters included as part of the VPA be supported by Councillors that the General Manager be granted delegation to finalise the negotiation of the legal VPA instrument to ensure that the document is legally sound and binding on both parties.

ITEM 6 (continued)

It should also be noted that the final VPA offer encapsulated in the letter provided as Attachment 10 has not been reflected in the final legal instrument submitted by the proponents as detailed at Attachment 11. Notwithstanding this, the letter represents an offer by the proponent to enter into a VPA with Council.

Critical Dates

The following deadlines are required to be met:

- A recommendation as to whether Council supports the VPA is to be submitted to the JRPP for the determination of the application at its meeting on 24 June 2013.

Policy Implications

There are no policy implications through adoption of the recommendation.

Financial Impact

The proponents have nominated to enter into a VPA with Council to off-set the non-compliances with the RLEP 2010, specifically the non-compliances with height. Notwithstanding this, the proposal is largely compliant with the Ryde Local Environmental Plan 2011 (RLEP 2011) and the associated Development Control Plan 2011. These documents are considered to be certain and imminent given that they were endorsed by Council on the 12 March 2013 and are currently with the Department of Planning and Infrastructure awaiting gazettal.

Should Council elect to not enter into the VPA, it is possible that the proponent will simply wait for the gazettal of the RLEP 2011 or seek approval of the current DA by the JRPP based on the certain and imminent nature of the RLEP 2011. Council's assessment of the DA has considered the proposal on its merits and has recommended approval.

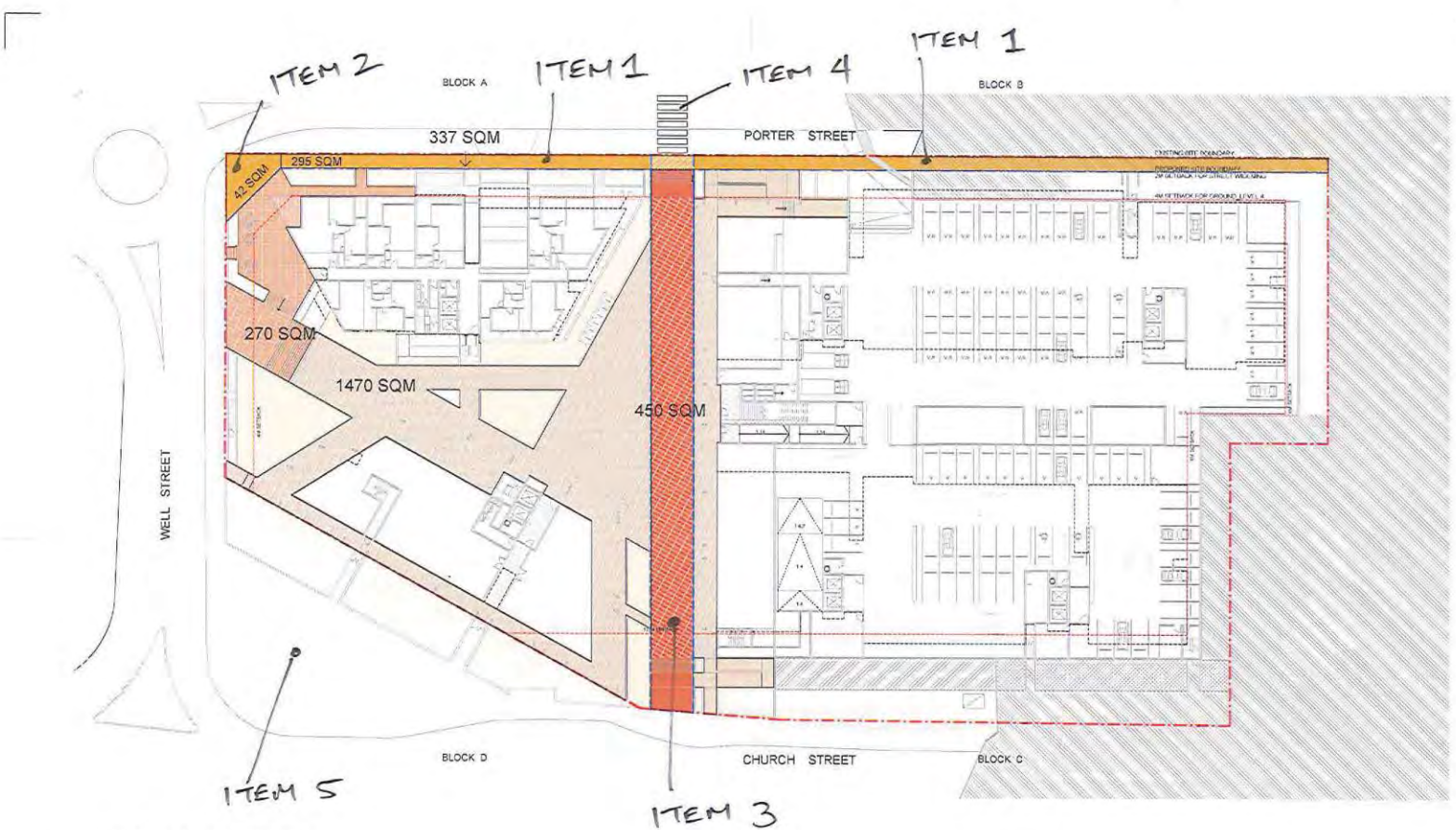
Other Options

There are three options in considering the VPA:

- (1) Endorse the VPA as it is in its current form as recommended by this report,
- (2) Refuse the VPA for reasons deemed appropriate by Council, or
- (3) Seek amendments to the VPA as deemed appropriate by Council.

ITEM 6 (continued)

ATTACHMENT 1



1 Site Plan - Public Domain Area
1:250

*architectus Sydney 2009

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Do not scale drawings. Verify all dimensions on site.

C:\projects\publicdomain\125-135 Church St - Well Street - 2013\125-135 Church St - Well Street - 2013.dwg

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	11/11/13
2	ISSUE FOR PERMIT	11/11/13
3	ISSUE FOR PERMIT	11/11/13
4	ISSUE FOR PERMIT	11/11/13
5	ISSUE FOR PERMIT	11/11/13
6	ISSUE FOR PERMIT	11/11/13
7	ISSUE FOR PERMIT	11/11/13
8	ISSUE FOR PERMIT	11/11/13
9	ISSUE FOR PERMIT	11/11/13
10	ISSUE FOR PERMIT	11/11/13

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	11/11/13
2	ISSUE FOR PERMIT	11/11/13
3	ISSUE FOR PERMIT	11/11/13
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8	ISSUE FOR PERMIT	11/11/13
9	ISSUE FOR PERMIT	11/11/13
10	ISSUE FOR PERMIT	11/11/13

LEGEND	DESCRIPTION	AREA (SQM)
[Orange Box]	SITE AREA	1870 SQM
[Light Orange Box]	AREA OF ROADWIDENING	337 SQM
[Red Box]	THROUGH SITE LINK	450 SQM
[Light Red Box]	PUBLIC PLAZA LOWER	273 SQM
[Light Orange Box]	PUBLIC PLAZA UPPER	1470 SQM



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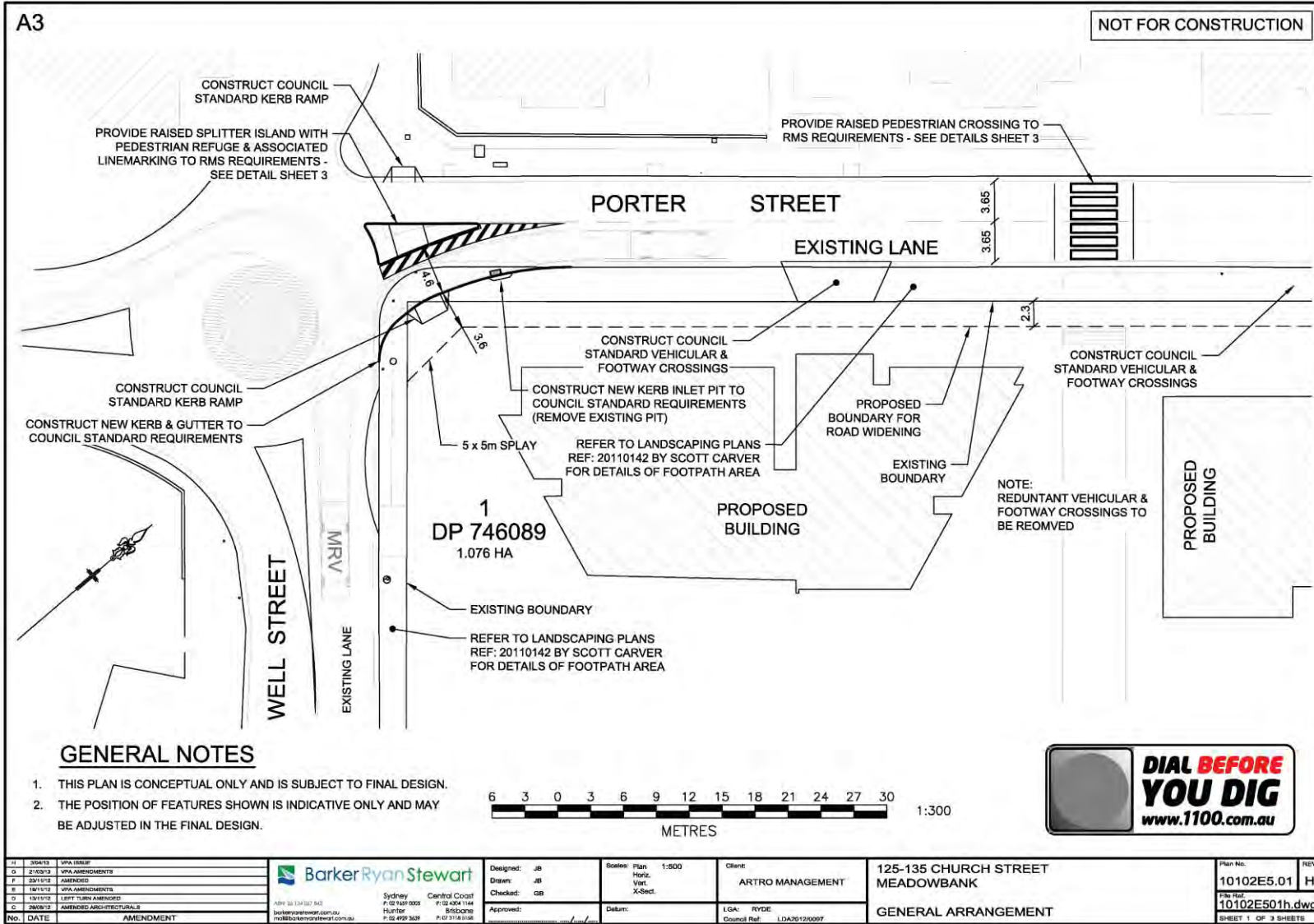
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DATE: 11/11/13
SCALE: 1:250
DRAWN: [Name]
CHECKED: [Name]

DA SUBMISSION		
PROJECT:	125-135 Church Street Meadowbank	
DESCRIPTION:	Site Plan - Public Domain Area	
DA NUMBER:	DA0013	C
DATE:	11/11/13	

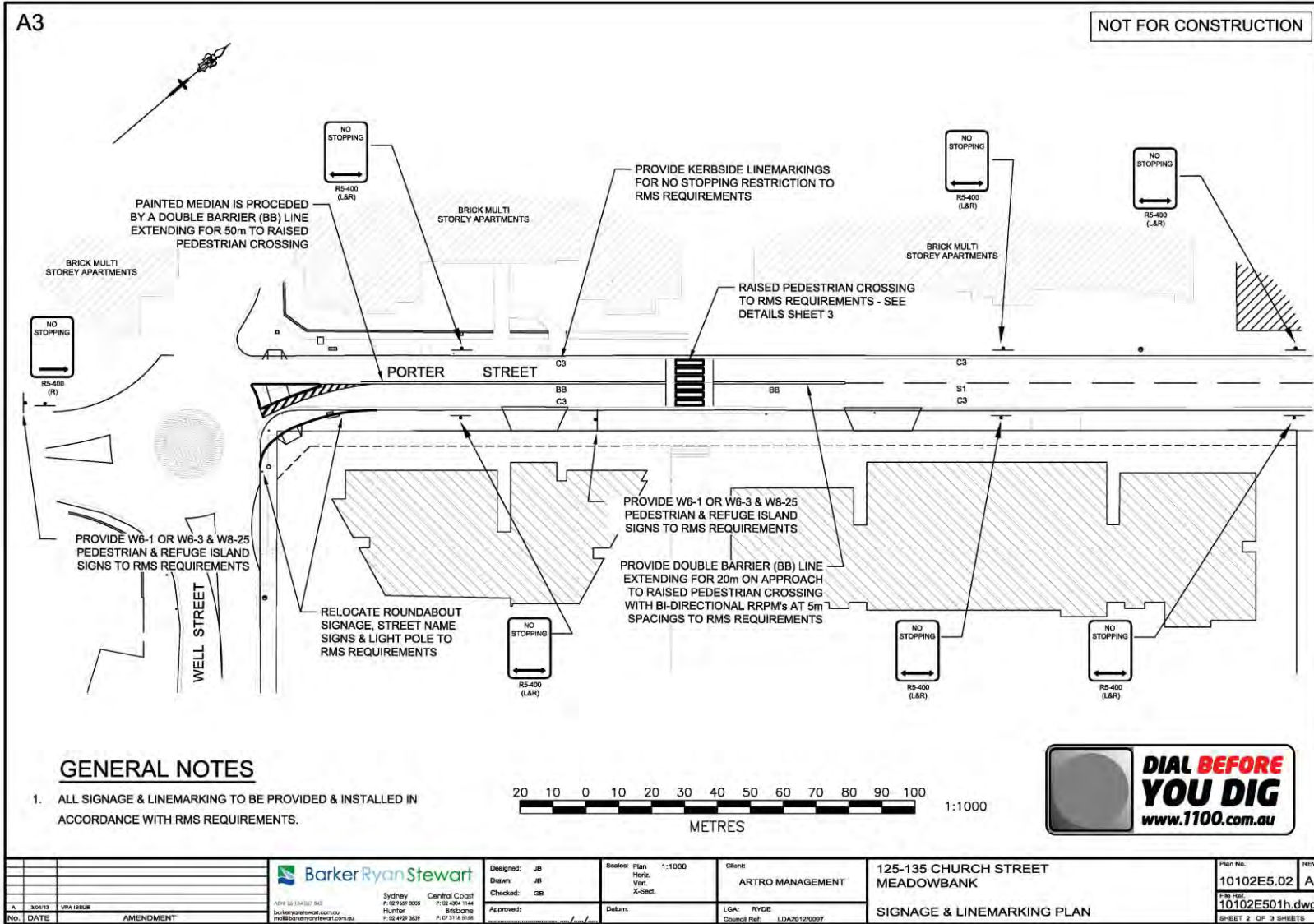
ITEM 6 (continued)

ATTACHMENT 4

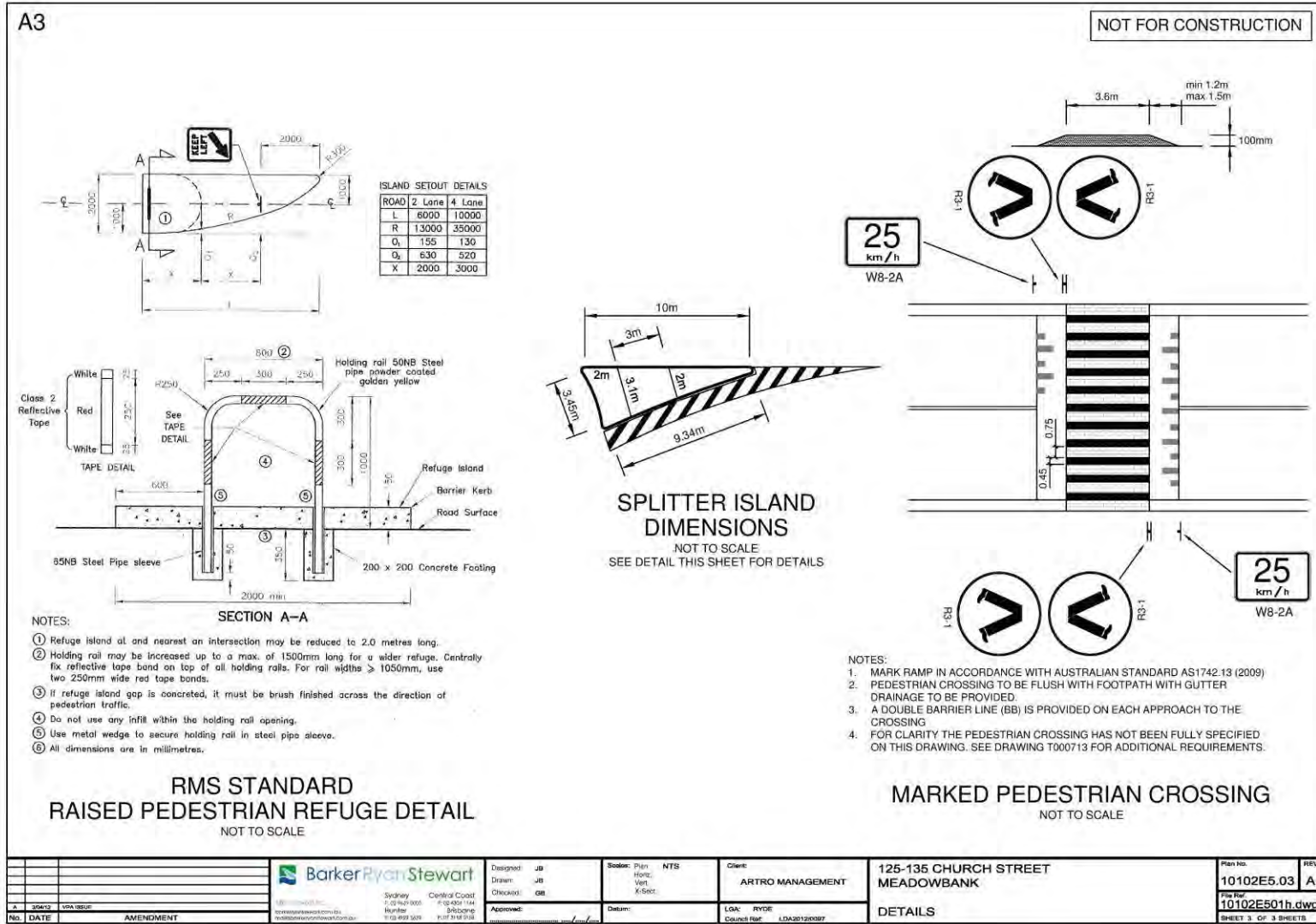


ITEM 6 (continued)

ATTACHMENT 4



<table border="1"> <tr> <td>No.</td> <td>DATE</td> <td>AMENDMENT</td> </tr> <tr> <td>A</td> <td>30/01/13</td> <td>VIA ISSUE</td> </tr> </table>		No.	DATE	AMENDMENT	A	30/01/13	VIA ISSUE	<p>Barker Ryan Stewart</p> <p>Sydney P: 02 9439 5000 Central Coast P: 02 4304 1144 Hunter P: 02 4929 3639 Newcastle P: 02 4929 3639</p>		<p>Designed: JB Drawn: JB Checked: GB Approved: _____</p>		<p>Scales: Plan 1:1000 Horiz. Var. X-Sept.</p>		<p>Client: ARTRO MANAGEMENT</p>		<p>125-135 CHURCH STREET MEADOWBANK</p>		<p>Plan No. 10102E5.02 File Ref. 10102E501h.dwg SHEET 2 OF 3 SHEETS</p>	
No.	DATE	AMENDMENT																	
A	30/01/13	VIA ISSUE																	



ITEM 6 (continued)

ATTACHMENT 5

**FPV
Consultants**

CURRENT MARKET VALUATION

VALUE OF LAND

125-135 CHURCH STREET, MEADOWBANK

DATE OF VALUATION: 11 MARCH 2013

ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 2 of 10 pages

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ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 3 of 10 pages

VALUATION SUMMARY

PROPERTY: 125-135 Church Street Meadowbank

DESCRIPTION: Development land

TITLE: Part of Lot 1 DP 746089

LAND AREA: 337 m²

ZONING: B4 Mixed Uses

DATE OF VALUATION: 11 March 2013

VALUATION: \$674,000

To any party relying on this report we advise that this one page summary must be read in conjunction with the attached report of which this summary forms part.

ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 4 of 10 pages

QUALIFICATIONS:

I am a Certified Practising Valuer, pursuant to the provisions of the Valuers Registration Act 1975. Registration No. 2768, without limitations. I am an Associate Member of the Australian Property Institute since 1984. I have 25 years in providing valuations for all types of property within the greater metropolitan area (12 years at the Valuer General's Department, 3 years at the State Valuation Office and 10 years in private practice). Since late 2002, I have worked as a sole practitioner in my current role at FPV Consultants.

INSTRUCTIONS:

Ryde Council requested FPV Consultants to provide a current market valuation of part land to be dedicated for road widening from a development site.

DATE OF VALUATION:

11 March 2013

BASIS OF VALUATION:

"Market rent is the estimated amount for which premises should rent, as at the relevant date, between a willing lessor and a willing lessee in an arm's length transaction, wherein the parties have each acted knowledgeably, prudently and without compulsion, and having regard to the usual market terms and conditions for leases of similar premises."

Market value of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer.

LOCATION:

The site is bounded by Church, Well and Porter Streets. Church Street is under the authority of the Roads & Maritime Services (RMS) and consists of three lanes in each direction. Well Street is a local Council controlled road consisting of one lane in each direction. Porter Street is also a local Council controlled road with a combined parking and travelling lane in each direction and consisting of narrow lane widths. A single lane roundabout exists at the intersection of Well and Porter Streets adjacent to the western corner of the site. An uncontrolled "left in, left out" intersection is located at the junction of Well and Church Streets. This intersection is supported by a "seagull" type median island and is fed by a deceleration lane in Church Street.

The site is located to the north of Well Street, between the Church Street (east) and Porter Street (west) and is situated along the eastern boundary of the Meadowbank Employment Area (MEA). The area to the west of the site contains a large amount of high density residential development. Development to the north consists of a range of different uses including single residences, commercial premises and some light industrial warehouses.

The site is located along the Sydney bus route with a bus stop located adjacent to the site along Church Street. The bus services link the area with Strathfield and Rhodes in the south and the various other bus connections at Victoria Road to the north.

ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 5 of 10 pages

Meadowbank railway station is located a short distance to the west, with the Northern Line linking Hornsby in the north to the Sydney CBD. The Sydney ferry services links the site with Parramatta in the west and Circular Quay in the east.



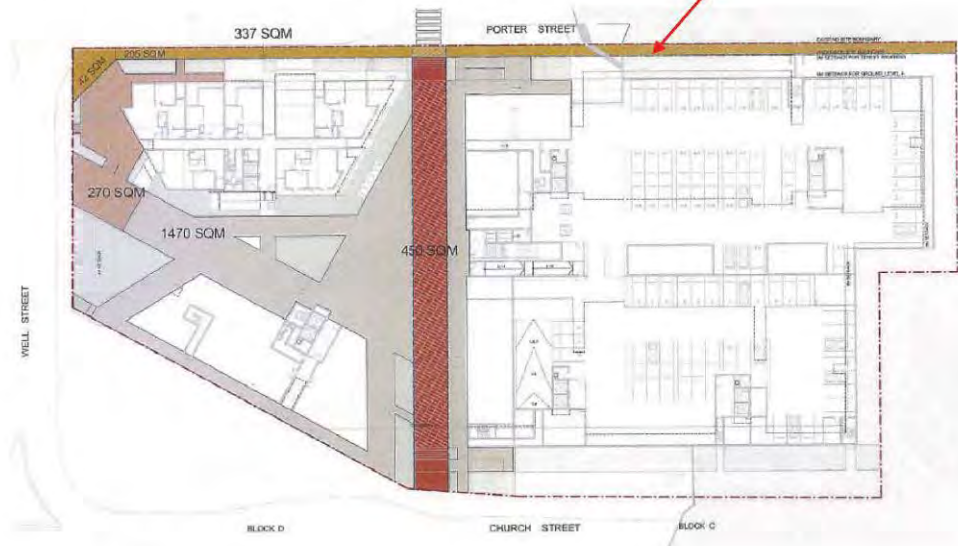
LEGAL DESCRIPTION:

The site is known Lot 1 DP 746089.

SITE DESCRIPTION:

Irregular shaped site with views towards North. The land has an area of approximately 1.076 ha and slopes in a southerly direction. The site is currently developed with a number of large industrial warehouses covering the site.

The land that will be dedicated is shown on the plan below and is 337 m²

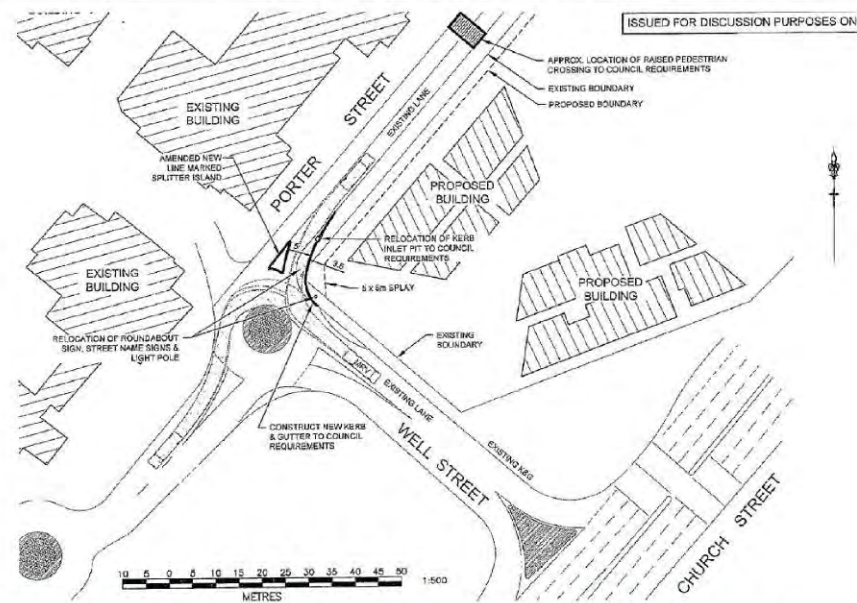


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ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 6 of 10 pages



ZONING:

The subject land is Zoned B4 Mixed Use under the Ryde Local Environmental Plan 2010 Ryde Local Environmental Plan (LEP) 2010 which was gazetted on 30 June 2010 and came into force on that day.

The B4 zone is intended to provide opportunities for mixed use developments, including Residential development.

Floor Space Ratio 2:1. Height Limit: 21.5 metres (6 storeys) under the Draft LEP 2011.

ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 7 of 10 pages

Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognise topography, landscape setting and unique location in design and land-use.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco-tourist facilities; General industries; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Industrial training facilities; Sex services premises; Stock and sale yards; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities

Development Description Submitted: 28/03/2012

The proposal is for a mixed residential and retail development, comprising four buildings with 269 residential apartments, six (6) small retail outlets with a total floor area of 1,195 m², basement car parking for 381 vehicles and associated facilities.

Car parking is located on the ground level and two basement levels. The retail development is located mainly at the ground level.

The residential development will contain a total of 269 units and made up as follows:

- 1 x Studio Apartment
- 204 x One Bedroom Units
- 51 x Two Bedroom Units
- 13 x Three Bedroom Units

The development contains a total of 381 car parking spaces (including 28 spaces designed for accessible use). The parking for the retail component is located on the ground level and has been isolated from the residential parking by electronic carpark barriers. Visitors to the residential component will require access from residents to access the marked visitors' spaces scattered throughout the ground and first basement levels.

The breakup between the uses is as follows:

- 44 x Retail spaces (including 3 disabled spaces)
- 283 x Residential spaces (including 8 disabled spaces)
- 54 x Visitors' spaces (including 3 disabled spaces).

ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 8 of 10 pages

SERVICES:

All access roads are bitumen sealed with concrete kerbing and guttering. It is noted that the usual utility services (water, sewerage, electricity and telephone) are available to the subject property.

MARKET COMMENTARY:

The GFC which affected the Sydney property market for most of 2008/09 saw property values for development sites decrease. Banks and Lenders tightened lending on thousands of developments either withdrawing funding or demanding onerous conditions on developers particularly on high density apartment projects.

In general with limited credit available to fund developments, development sites bore the blunt of the economic crisis.

There are a number of key indicators in Sydney and nationally showing that although there have been some recent improvements the property market remains patchy with some areas showing far greater activity than others.

The official cash rate is at 3.25%. The official interest rates are currently sitting at just 25 basis points above their historic low (the cash rate fell to 3.0% between April to September 2009).

There are many drivers as to why interest rates have been reduced so significantly over the past 15 months. In the main it is due to the fact that economic data has been generally more negative than positive, property values have been declining over most of the past two years and consumers have continued to save at high levels and largely shun additional debt. As credit demand and consumer spending dried up, the annual rate of inflation fell from 3.4% to reach a low of 1.2%, the lowest CPI reading since 1999), providing the RBA with plenty of scope to cut rates. The high Australian dollar and growth outlook for Australia's major trading partners was also a key factor in the rate cuts. As a result, the RBA has cut official interest rates in the hope of reviving consumer's propensity to spend and to increase their levels of confidence.

Development sites are still struggling with the strict availability of funds, whilst the take up off stock and the market in general is steady without the high projected growth rates as seen in the past.

Sales analysis:

Sale 1	Address:	2-4 Porter & 80 Belmore Street Meadowbank.			Land Area:	2,856 m ²
Sale Price:	\$8,000,000	Contract Date	21/6/11	Analysed Land Value	\$6,800,000	
Brief Comment:	The site is zoned B4 Mixed uses. FSR 2:1. The site is currently being developed. DA submitted before the sale for Construction of 61 units plus 674 m ² of commercial space over basement car parking with a potential gross floor area (GFA) of 5,712 m ² . I have allowed a positive adjustment to the sale for the added value of approved DA. Equates to \$2,380/m ² per site area or \$1,190/m ² per GFA. Smaller, comparable location when compared to the subject.					

FPV Consultants Email: fpv@optusnet.com.au

ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 9 of 10 pages

Sale 2	Address:	4-14 Constitution Road Meadowbank.		Land Area:	8,087.2 m ²
Sale Price:	\$16,736,000	Contract Date	9/3/11 & 1/8/2012	Analysed Land Value	\$16,736,000
Brief Comment:	The site is zoned B4 Mixed uses. FSR 2:1. Development site with a potential gross floor area (GFA) of 16,174.4 m ² . The block is irregular in shape, situated on the southern side of Constitution Road and is generally flat for the most part but with a decline near the southern boundary. Surrounded by other mixed use blocks, a number of which are still being used for light industrial purposes. At the sale date was a Circa 1970's, brick construction industrial/office building, currently used as warehousing/ office space as well as for motor vehicle detailing and car storage. The sale equates to \$2,069/m ² per site area or \$1,034/m ² per GFA. Large site. Comparable location when compared to the subject.				

Sale 3	Address:	92A Concord Road, North Strathfield.		Land Area:	1049.6 m ²
Sale Price:	\$1,310,000	Contract Date	10/11/11	Analysed Land Value	\$1,310,000
Brief Comment:	The site is zoned R3 Medium Density Residential with a FSR of 1:1. The site is identified as Lots 1, 2 & 3 in DP 1835. It is located on the western side of Concord Road and on the corner of Princess Avenue. The site is rectangular in shape and measures 39.63 metres along Concord Road and 26.905 metres along Princess Avenue. The site is relatively flat. The site is currently vacant with no vegetation. Previous use included a service station however all structures have been demolished, tanks removed and the site has been appropriately remediated. There are two existing vehicular access crossings from Concord Road and Princess Avenue due to its previous use as a service station. DA submitted after sale for Construction of residential flat building providing ten units over basement car parking with a potential gross floor area (GFA) of 1,050 m ² . Equates to \$1,248/m ² per site area and per GFA. Smaller plot when compared to the subject.				

VALUATION RATIONALE/METHODOLOGY:

The principal method of valuation is the comparison of Floor Space Rates (FSA) rates from sales of surrounding development sites with adjustments for the inherent characteristics of the sales compared to the subject site.

Consideration has been given to, but not limited to, the size of the developable GFA, location, zoning, the shape of the land and any views in comparison from the analysed sales evidence to that of the subject site.

It is considered the preferred approach in the analysis of sales evidence be assessed upon a rate per square metre of Gross Floor Area (GFA) that may be achieved upon the land than a review on a site area rate basis.

Floor space ratios may vary quite dramatically between sales evidence and the subject property and therefore the assessment upon the quantum of GFA negates these variances.

I have analysed 3 development site sales which are located close to the subject.

The sales within this report are considered to provide good comparable market evidence at the current date.

ITEM 6 (continued)

ATTACHMENT 5

Ryde Council Valuation: 125-135 Church Street Meadowbank March 2013 Page 10 of 10 pages

The sales of these development sites range from \$1,000 to \$1,250/m² per Floor Space Area (FSA). The best sale being No 2 at \$1,034/m² per GFA. The subject is larger and also on the main road therefore I will adopt a slightly lesser rate say \$1,000/m² per GFA.

Calculations 337 m² x 2:1 (FSR) = 674 m² (floor space area) x \$1,000/m² (per floor space area) as say \$674,000.

VALUATION:

The Current Market Value for land being part of the development site at 125 – 135 Church Street Meadowbank as at the 11 March 2013 is considered to be:

\$674,000.



Errol Ferdinands AAPI (Val)
Certified Practising Valuer
Registration No. 2768 (Without Limitations)

QUALIFICATIONS AND DISCLAIMERS:

1. The Valuer has no pecuniary interest in the said property past, present or prospective, and the opinion expressed is free of any bias in this regard. The Valuation has been made in conformity with the Code of Professional Ethics and Conduct laid down by the Australian Property Institute and the Regulations under the New South Wales Valuers Registration Act, 1975 as amended.

2. This report has been prepared for the private and confidential use of Ryde Council. It should not, without the express written authority be reproduced in whole or in part or relied upon by any other party for any purpose. My warning is registered here, that any party, other than those specifically named in this paragraph, should obtain their own valuation before acting in any way in respect of the subject property.

ITEM 6 (continued)

ATTACHMENT 6



Gerald Lore
Manager Properties
Ryde Council
28/5/2013

Dear Gerald

Re: 125-135 Church Street Ryde.

I refer to my valuation dated the 11 March 2013, a subsequent joint expert mediation conference on the 15 May 2013 and your instructions of the 22 May 2013 in which you requested me to proceed to finalise valuation in line with your recommendation post joint experts review.

I have been asked to specify a detailed breakdown of the methodology of the valuation thus providing a justification for why there is a difference between my valuation and the proponents whilst also considering the following:

- *The value of the land with the FSR applied under the draft RLEP 2011.
- *Value of the land with the FSR as proposed under the DA before Council.
- *Detailed discussion on the justification for the weight given to the DA documentation submitted to Council and currently under consideration and the influence of this on the value of land.

Original instructions:

Ryde Council requested FPV Consultants to provide a market valuation of part land to be dedicated for road widening from a development site.

The land that will be dedicated is 337 m²

Planning:

As discussed with Adrian Melo Client Manager for Council, the DA (for the subject) is in its final stages and will be determined shortly. The Assessment Officer is finalising the report which will go to a Joint Regional Planning Panel meeting date soon after Council forms an opinion on the VPA. The VPA will be determined by Council at a meeting on 11 June 2013.

The VPA has not been adopted by Council and the purpose of all this work to date is to determine whether it is a reasonable offer.

When Council enters into a VPA it is tied to the land. Should any future developers seek to undertake the DA, they will need carry out the works proposed under the VPA. The VPA can be varied at a later date but only with the agreement of both parties. Should future owners

ITEM 6 (continued)

ATTACHMENT 6

Ryde Council Valuation: 125-135 Church Street Meadowbank May 2013 Page 2 of 4 pages

wish to do development outside the scope or different to the proposed DA and VPA, a brand new DA will be required.

The DA will result in a FSR of 2.12:1 and there is no FSR currently under the RLEP 2010 applicable to the site. The Draft RLEP 2011 will apply a FSR of 2.0:1.

Amended valuation:

Based on discussions with the proponent's Valuer and further analysis of the market I have amended my valuation as follows:

I have concluded that the subject site at the current date has a substantially progressed DA and voluntary planning agreement with a floor space ratio (FSR) of 2.12:1 (x site area 337 m² = 714.44 m² of floor space area (FSA)).

It is well documented that an approved DA adds value to a site if recognised at being the highest and best use of the land.

Although not an approved DA (at this stage) it is my opinion that the planning progress adds to the value to the subject site.

I have adjusted for this, in my amended valuation (previously not taken into consideration).

I have also taken into considered that the subject property may have superior views to the best two comparable sales (used in my initial valuation). Also the market has improved since the sales transacted.

Original valuation:

I adopted 2:1 FSR in my previous report (674 m² FSA).

I did not considered the site with any DA benefit (approved or progressed)

Sales	4-8 Constitution Road Ryde	2-4 Porter Street Ryde
Analysed Rate per FSA \$/m ²	\$1,034	\$1,400
adjust for size	-5%	-15%
Adjust for Location	0%	0%
Adjust for DA	0%	-15%
Total adjustments	-5%	-30%
Adjusted FSA rate for application on the subject	\$982	\$980

I rounded up to \$1,000/m² per FSA (to be applied to the subject) x 674 m² of FSA and adopted a value of **\$674,000**

Please note

In the above table the subject site is adjusted positively when the sale is inferior and negatively when the sale is superior. The resulting rate is what the subject would sell for at the base date in comparison to the sale.

ITEM 6 (continued)

ATTACHMENT 6

Ryde Council Valuation: 125-135 Church Street Meadowbank May 2013 Page 3 of 4 pages

Amended valuation:

Sales	4-8 Constitution Road Ryde	2-4 Porter Street Ryde
Analysed Rate per FSA \$/m ²	\$1,034	\$1,400
Adjust for size	-5%	-15%
Adjust for Location	5%	5%
Adjust for DA	15%	-5%
Total adjustments	15%	-15%
Adjusted FSA rate for application on the subject	\$1,189	\$1,190

I rounded up to \$1,200/m² per FSA (to be applied to the subject).

FSR 2:1 as 674 m² of FSA
FSR 2:12 as 714.44 m² of FSA

Calculations:

FSR 2:1 as 674 m² of FSA x \$1,200/m² per FSA as \$808,800 (value of road widening land).
FSR 2:12 as 714.44 m² of FSA x \$1,200/m² per FSA as \$857,328 (value of road widening land).

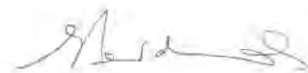
Differences in value:

The proponent's value has amended their valuation to \$875,000 (based on a 2:1 FSR)

VALUATION:

The Current Market Value for land being part of the development site at 125 – 135 Church Street Meadowbank as at the 28 May 2013 is considered to be:

FSR 2:1 - \$808,800
FSR 2:12 - \$857,328



Errol Ferdinands AAPI (Val)
Certified Practising Valuer
Registration No. 2768
(Without Limitations)

ITEM 6 (continued)

ATTACHMENT 6

Ryde Council Valuation: 125-135 Church Street Meadowbank May 2013 Page 4 of 4 pages

QUALIFICATIONS AND DISCLAIMERS:

1. I am a Certified Practising Valuer, pursuant to the provisions of the Valuers Registration Act 1975. Registration No. 2768, without limitations. I am an Associate Member of the Australian Property Institute since 1984. I have 25 years experience in providing valuations for all types of property within the greater metropolitan area (12 years at the Valuer General's Department, 3 years at the State Valuation Office and 10 years in private practice). Since late 2002, I have worked as a sole practitioner in my current role at FPV Consultants.
2. The Valuer has no pecuniary interest in the said property past, present or prospective, and the opinion expressed is free of any bias in this regard. The Valuation has been made in conformity with the Code of Professional Ethics and Conduct laid down by the Australian Property Institute and the Regulations under the New South Wales Valuers Registration Act, 1975 as amended.
3. This report has been prepared for the private and confidential use of Ryde Council. It should not, without the express written authority be reproduced in whole or in part or relied upon by any other party for any purpose. My warning is registered here, that any party, other than those specifically named in this paragraph, should obtain their own valuation before acting in any way in respect of the subject property.

ITEM 6 (continued)

ATTACHMENT 7

**RESIDENTIAL DEVELOPMENT
125 – 135 Church Street, Meadowbank
VPA Cost Estimate – (22nd May 2013)**

Quality Responsiveness Professionalism Dedicated Expertise
Professionalism Dedicated Expertise Quality Responsiveness
Expertise Quality Responsiveness Professionalism Dedicated
Dedicated Expertise Quality Responsiveness Professionalism

CITY OF RYDE COUNCIL

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ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L 090890850				SUMMARY	
Description	Qty	Unit	Rate	\$	c
SUMMARY					
	Page No.				
ROAD WIDENING and TRAFFIC ISLAND - Land Dedication along Porter Street	A/3			621,041	26
RAISED CONCRETE PEDESTRIAN WALKWAY - on Porter Street linking to site across the road	B/2			26,427	17
THROUGH SITE LINK	C/2			183,991	75
PARK REJUVENATION - Corner of Well Street and Church Street	D/2			97,950	66
CONSTRUCTION WORKS - as a result of road widening along Porter Street	E/2			187,735	06
CONSTRUCTION WORKS - and other works generally	F/2			49,245	85
EXCLUSIONS	G/2				NL
TOTAL OF ALL WORKS =	H/2			1,166,391	75
TOTAL AMOUNT of ESTIMATE =				1,166,391	75
Note: This Bill of Quantities contains pages numbered A/1 - H/2 . The Reader should ensure that the correct number of pages is in this document.					
CITY OF RYDE COUNCIL 125-135 Church St., Meadowbank 22nd May 2013					

(i)

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

	Description	Qty	Unit	Rate	\$	c
<u>ROAD WIDENING - Land Dedication along Porter Street</u>						
A	Strip existing road surfacing and sub-base. (Works have been assumed to be from centre of road crest to maintain camber)	963	m2	36.77	35,409	51
B	Strip existing kerb and remove from site	155	m	24.44	3,788	20
C	Sub-base preparation, 250mm thick sub-base, 150mm thick basecourse and two coat asphalt surfacing to road areas	963	m2	73.53	70,809	39
D	Allow for new concrete kerb and gutter	155	m	142.70	22,118	50
E	Linemarking	310	m	1.61	499	10
F	Street signage	8	No	750.00	6,000	00
G	Saw cut and strip existing road surfacing and sub-base and excavate for new triangular traffic island	1	Item	823.74	823	74
H	Sub-base preparation, 250mm thick sub-base, 150mm thick basecourse and 200mm thick triangular concrete traffic island / pedestrian refuge	1	Item	3,551.27	3,551	27
J	Excavate for, pour footings and install pedestrian refuge holding rail, complete with Class 2 reflective safety tape to detail	1	Item	614.12	614	12
K	Special 'zebra stripe' painting adjacent to new traffic island	17	m2	45.00	765	00
L	Cut out kerb and gutter and construct pram crossing at corner of Porter Street and Well Street	2	No	1,169.28	2,338	56
M	Relocate roundabout signage	1	No	925.71	925	71
N	Relocate street signage	1	No	1,011.86	1,011	86
P	Extract existing street lighting pole	1	No	1,604.43	1,604	43
Q	Street lighting - 'Smartpole', including wiring and conduits	9	No	38,450.00	346,050	00
					To Collection \$	496,309 39

CITY OF RYDE COUNCIL
 125-135 Church St., Meadowbank
 22nd May 2013

A/1

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

		090890850				
	Description	Qty	Unit	Rate	\$	c
	<u>(Cont'd) ROAD WIDENING - Land Dedication along Porter Street</u>					
A	Traffic control during roadworks	280	hrs	59.09	16,545	20
B	Subtotal =				512,854	59
C	Preliminaries at 12.5%	0.13	Item	512,854.59	64,106	82
D	Contractor's Margin at 3.5%	0.04	Item	576,961.41	20,193	65
E	Consultants' fees at 4%	0.04	Item	597,155.06	23,886	20
F	ROAD WIDENING - Land Dedication along Porter Street - Total =				621,041	26
				<i>To Collection \$</i>	124,731	87

CITY OF RYDE COUNCIL
 125-135 Church St., Meadowbank
 22nd May 2013

A/2

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850					
Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. A/1				496,309	39
Page No. A/2				124,731	87
ROAD WIDENING and TRAFFIC ISLAND - Land Dedication along Porter Street					
				621,041	26

CITY OF RYDE COUNCIL
 125-135 Church St., Meadowbank
 22nd May 2013

A/3

Carried to Summary \$

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

	Description	Qty	Unit	Rate	\$	c
	<u>RAISED CONCRETE PEDESTRIAN WALKWAY - on Porter Street linking to site across the road</u>					
A	Concrete walkway / speed bump sloped per standards; (Note: half of the extent of the breaking up of existing road surface, excavation for the crossing and sub-base is included in the previous cost exercise for the road widening)	49	m2	161.50	7,913	50
B	Granite paving to pedestrian crossing	31	m2	320.00	9,920	00
C	Paint to walkway	22	m2	45.00	990	00
D	Speed and pedestrian signage	4	No	750.00	3,000	00
E	Traffic control during roadworks - (included in previous cost exercise for the road widening)		Item		INCL	
F	Subtotal =				21,823	50
G	Preliminaries at 12.5%	0.13	Item	21,823.50	2,727	94
H	Contractor's Margin at 3.5%	0.04	Item	24,551.44	859	30
J	Consultants' fees at 4%	0.04	Item	25,410.74	1,016	43
K	RAISED CONCRETE PEDESTRIAN WALKWAY - on Porter Street linking to site across the road - Total =				26,427	17
	CITY OF RYDE COUNCIL			<i>To Collection \$</i>	26,427	17
	125-135 Church St., Meadowbank	B/1				
	22nd May 2013					

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850 Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. B/1				26,427	17
RAISED CONCRETE PEDESTRIAN WALKWAY - on Porter Street linking to site across the road					
CITY OF RYDE COUNCIL				26,427	17
125-135 Church St., Meadowbank	B/2		<i>Carried to Summary \$</i>		
22nd May 2013					

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

	Description	Qty	Unit	Rate	\$	c
	<u>THROUGH SITE LINK</u>					
	Structure and Slab Costs included in Overall Works					
A	Granite paving to through link	382	m2	320.00	122,240	00
B	Stairs connecting through link to kerb / pavement on each end; including paving leading up to stairs, balustrades and other associated works	66	m2	450.00	29,700	00
C	Subtotal =				151,940	00
D	Preliminaries at 12.5%	0.13	Item	151,940.00	18,992	50
E	Contractor's Margin at 3.5%	0.04	Item	170,932.50	5,982	64
F	Consultants' fees at 4%	0.04	Item	176,915.14	7,076	61
G	THROUGH SITE LINK - Total =				183,991	75
	CITY OF RYDE COUNCIL			<i>To Collection \$</i>	183,991	75
	125-135 Church St., Meadowbank	C/1				
	22nd May 2013					

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850					
Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. C/1				183,991	75
THROUGH SITE LINK					
				183,991	75

CITY OF RYDE COUNCIL
 125-135 Church St., Meadowbank
 22nd May 2013

C/2

Carried to Summary \$

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

	Description	Qty	Unit	Rate	\$	c
	<u>PARK REJUVENATION - Corner of Well Street and Church Street</u>					
A	Site preparation, including clear and grub, distribution of top soil, etc.	544	m2	11.60	6,310	40
B	Turf to park area around walkways. laid and maintained for 2 years	446	m2	8.11	3,617	06
C	Granite walkway / paths including edging and sub-grade preparation	98	m2	320.00	31,360	00
D	Street lighting - 'Smartpole', including wiring and conduits	1	No	39,600.00	39,600	00
E	Subtotal =				80,887	46
F	Preliminaries at 12.5%	0.13	Item	80,887.46	10,110	93
G	Contractor's Margin at 3.5%	0.04	Item	90,998.39	3,184	94
H	Consultants' fees at 4%	0.04	Item	94,183.33	3,767	33
J	PARK REJUVENATION - Corner of Well Street and Church Street - Total =				97,950	66
	CITY OF RYDE COUNCIL			<i>To Collection \$</i>	97,950	66
	125-135 Church St., Meadowbank	D/1				
	22nd May 2013					

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850					
Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. D/1				97,950	66
PARK REJUVENATION - Corner of Well Street and Church Street					
				97,950	66

CITY OF RYDE COUNCIL
 125-135 Church St., Meadowbank
 22nd May 2013

D/2

Carried to Summary \$

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850					
Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. E/1				187,735	06
CONSTRUCTION WORKS - as a result of road widening along Porter Street					
				187,735	06

CITY OF RYDE COUNCIL
125-135 Church St., Meadowbank
22nd May 2013

E/2

Carried to Summary \$

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850					
Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. F/1				49,245	85
CONSTRUCTION WORKS - and other works generally					
				49,245	85

CITY OF RYDE COUNCIL
 125-135 Church St., Meadowbank
 22nd May 2013

F/2

Carried to Summary \$

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

Description	Qty	Unit	Rate	\$	c
<u>EXCLUSIONS</u>					
The following items are excluded from this Estimate of Cost :					
A Goods and services Tax (GST)		Note			
B Long Service Leave Levy		Note			
C D.A. and other auxiliary fees		Note			
D Section 94 contributions		Note			
E Cost escalation, beyond November 2012		Note			
F Contingencies		Note			
CITY OF RYDE COUNCIL 125-135 Church St., Meadowbank 22nd May 2013			<i>To Collection \$</i>		NIL

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. G/1					NIL
EXCLUSIONS					
CITY OF RYDE COUNCIL 125-135 Church St., Meadowbank 22nd May 2013	G/2		<i>Carried to Summary \$</i>		NIL

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

Description	Qty	Unit	Rate	\$	c
Amount from summary level.				1,166,395	00
CITY OF RYDE COUNCIL 125-135 Church St., Meadowbank 22nd May 2013	H/1		To Collection \$		NIL

ITEM 6 (continued)

ATTACHMENT 7

SJA CONSTRUCTION SERVICES P/L

090890850

Description	Qty	Unit	Rate	\$	c
COLLECTION					
Page No. H/1					NIL
TOTAL OF ALL WORKS =					
CITY OF RYDE COUNCIL 125-135 Church St., Meadowbank 22nd May 2013	H/2		<i>Carried to Summary \$</i>		NIL

ITEM 6 (continued)

ATTACHMENT 7

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ITEM 6 (continued)

ATTACHMENT 8

**VALUATION
OF
11-17 Church Street
Ryde NSW 2112**



Motive Properties Pty. Ltd.

Prepared By:

**VALUECORP
1st Floor 126 Victoria Road
GLADESVILLE NSW 2113**

***Inspection dates: 30th November 2012
20th May 2013***



Hentiy Holdings Pty Ltd
ACN 003 542 818
ABN 30 003 542 818

***Property Valuers and
Consultants***

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Institute***

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ITEM 6 (continued)

ATTACHMENT 8



V A L U A T I O N S U M M A R Y

PROPERTY

11-17 Church Street Ryde
(Being Lots 1 in Deposited Plan 46089)

DESCRIPTION

The subject property is located overlooking the shores of Parramatta River near Ryde Bridge, situated approximately 11 kilometres North West of the Sydney CBD. It is situated on the north eastern corner of the intersection of Well Street and Porter Street with considerable frontage to Church Street.

The immediate area is an older industrial location currently undergoing considerable gentrification to high density mixed commercial and residential development.

The lot forms an irregular allotment with frontages to three streets namely Church Street, Wells Street and Porter Street. The site has a gradual fall to the corner of Wells and Porter Street with Vehicular access from Porter Street.

Currently, erected on the land is a circa 1940 derelict brick saw tooth industrial building currently vacant.

We have sighted plans for a proposed multi level mixed residential commercial building with an area identified for road widening of approximately 337sqm.

As per our instructions from our client our valuation will be determined on the basis that approval has not been granted and will be predicated upon Council's acquisition of the subject.

CLIENT

Artro Management on behalf of Motive Properties Pty. Ltd.

INSTRUCTIONS

To assess the market value of the property and portions identified for road widening as per Plan and client instructions dated 16th May 2013, Project No 100068.00 DA 13 issue B dated 15/11/2012, as at the date of this report.

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ITEM 6 (continued)

ATTACHMENT 8



DATE OF INSPECTION

30th November 2012
20th May 2013

VALUATION

We are of the opinion that the market value of the land area described herewith for the purpose of road widening and in accordance with client instructions dated 16th May 2013, subject to the comments expressed herein, as at 20th May 2013 is:

\$875,000

EIGHT HUNDRED SEVENTY FIVE THOUSAND DOLLARS

Excluding GST

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ITEM 6 (continued)

ATTACHMENT 8



V A L U A T I O N R E P O R T

INTRODUCTION

We have been instructed by Artro Management on behalf of Motive Properties Pty. Ltd to assess the market value of the property and portions identified for road widening contained in plan, Project No 100068.00 DA 13 issue B dated 15/11/2012 in accordance with client instructions dated 16th May 2013 as at the date of this report.

It is noted that our advice is required for a submission to Ryde Council and in this connection we have made relevant investigations and enquiries enabling us to report as follows.

CRITICAL ASSUMPTIONS

Verifiable assumptions relate to encumbrances, zoning, encroachments, sewer location and flood status and can be confirmed by obtaining a Section 149 Certificate from Ryde Council, a sewerage diagram from Sydney Water, and a Survey Report.

Assumptions requiring further consultancy relate to environmental issues, structural integrity of any improvements.

Assumptions based on opinion are those detailed under the heading General Comments.

LOCATION

The subject property is located overlooking the shores of Parramatta River near Ryde Bridge, situated approximately 11 kilometres North West of the Sydney CBD. The property within 150 metres of the foreshores and has water views towards the Rhodes peninsula.

It is situated on the north eastern corner of the intersection of Well Street and Porter Street with considerable frontage to Church Street.

The site has frontage to three streets with its longest on Porter Street.

It is located on near the suburb boundary of Ryde and Meadowbank within a foreshore area being identified with high density residential development. The area is well serviced by bus, trains and the river cat making it a popular location for working class singles and couples with no children.

The immediate area is an older industrial location currently undergoing considerable gentrification to high density mixed commercial and residential development.

The subject is administered by Ryde Local Council.

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ITEM 6 (continued)

ATTACHMENT 8



LAND AND TITLE

The land is an irregular shaped parcel with a fall to the western corner of the site with access to three street frontages.

The property is known as Lots 1 in Deposited Plan 46089 the total site area is 10,760 sqm. (Per attached plan) The area of road widening has been defined as 337sqm running along the south western and north western boundary of the subject site.

We have not searched the title and should it be found that there are any easements, rights, restrictive covenants or other matters that affect the use and utility of the land this valuation may require review.

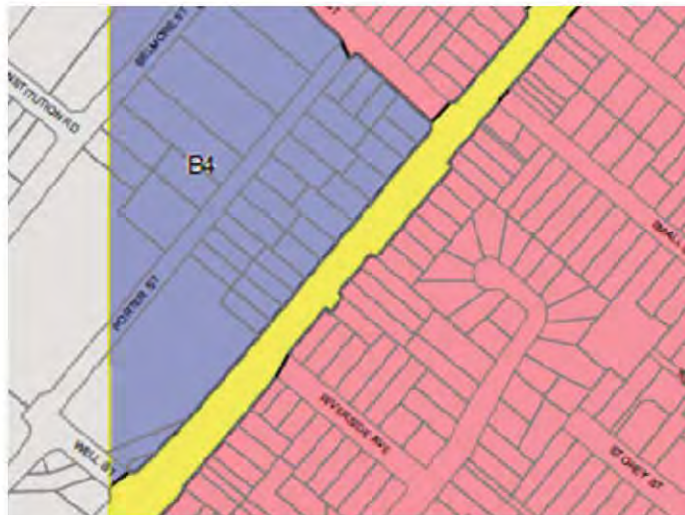
A full title search is recommended.

TOWN PLANNING

Perusal of the on-line maps made available by Ryde Council show that the land is within the B (4) District Centre under Ryde Local Environment Plan 2010 (As amended). A range of retail residential and commercial development is permitted with council consent.

Ryde council is currently exhibiting a Draft LEP which does not affect zoning but promotes a Floor Space Ratio of 2:1

Meadowbank Employment Area – Master Plan shows the property to be within precinct 4 and have an allowable Height control of four storeys for future development.



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ITEM 6 (continued)

ATTACHMENT 8



Zone B4 Mixed Use

1. Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognise topography, landscape setting and unique location in design and land-use.

2. Permitted without consent

Home-based child care; Home occupations

3. Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4. Prohibited

Advertising structures; Agriculture; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco-tourist facilities; General industries; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Industrial training facilities; Sex services premises; Stock and sale yards; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities

For confirmation of this zoning a Certificate under Section 149 of the Environmental Planning and Assessment Act, 1979 should be obtained from Fairfield Council which will fully detail the objectives and permissible uses.

Should a Section 149 Certificate fail to confirm the above noted zoning this valuation should be returned to us for comment and possible review.

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ITEM 6 (continued)

ATTACHMENT 8



DEVELOPABLE SITE ASSESSMENT

Our assessment of value is based on developable site sales which is a product of the site area multiplied by the allowable floor space (FSR) control for the site.

In this case an analysis of both the current Local Environmental Plan and Development Control Plan do not provide a specific FSR for the subject site. Governing controls appear to be a combination of height and other descriptive measures.

Our original report adopted a FSR of 1.4:1. Information subsequently provided, together with consideration of the draft plans available at Ryde Council, our FSR has been reviewed to 2:1.

We calculate as follows: Land area required for road widening 337sqm @ 2:1 equates to developable site area of 674sqm.

FLOOR SPACE RATIO (FSR) DISCLAIMER

NB: We are not Town Planners and therefore should our opinion of Floor Space Ratio be incorrect in any way the valuation should be referred to the Valuer for review.

IMPROVEMENTS

Erected upon the site is a derelict circa 1940's sawtooth industrial building. An internal inspection of the building was not made and for the purpose of this report improvements to the site have been disregarded.

METHOD OF VALUATION

The subject site represents a multi level commercial/residential development opportunity and as such we have concentrated our analysis on the development sites within 10 kilometre radius.

We have considered our instructions in relation to the impact on value by the council road widening of the area as defined within this report. The area which is being considered by council for the road widening will reduce the area allowable for development and as such should be rated on a per square metre basis.

In arriving at the market value for the subject property we have adopted direct comparison of available analysed development site sales area as our primary method and have considered a hypothetical before and after feasibility analysis as our check.

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ITEM 6 (continued)

ATTACHMENT 8



1) Direct Comparison Method

The subject is considered a mixed residential/commercial development site and for the purpose of comparison we have assessed sales of similar land value.

For comparison purposes, the annexed sales evidence shows a range of developable site values to lie within the range of \$1,000psm - \$2,381psm of land area.

We have considered the attached sales evidence. The upper range rate represents developable site value for a smaller nearby lower density raw site whilst the lower end is for an inferior site nearby to the subject within the same zoning. Due to the location and land size of the subject property the rate is considered to lie at the lower range of the market evidence and is assessed at \$1,300psm of developable site area. We calculate as:

Land area 674sq.m at \$1,300psm	\$876,200
For Rounding Purposes SAY	\$875,000

GENERAL COMMENTS ON THE SITE

The subject property is a multi-level residential development site located on the foreshores of Parramatta River. The immediate area has gone through substantial gentrification and renewal to high density residential living.

The site area is well serviced by public transport being on a rail and ferry link as well as being located close to main bus routes. The area is strategically located with access to both Sydney and Parramatta CBD whilst being on the main arterial north south route through Sydney.

Shopping and community services are located within one kilometre at Ryde including a newly refurbished commercial retail centre and access to Macquarie industrial and shopping area.

MARKET COMMENTRY

This region has had strong interest from the development community following on the success of other river foreshore sites such as Breakfast Point. It has already had some success with nearby developments such as the Shepherds Bay and Billbergia projects. Our enquiries with local selling agents and analysis of sales information within the Ryde area noted and that there is good demand for the purchase of residential apartments.

Liability limited by a scheme approved under Professional Standards Legislation

ITEM 6 (continued)

ATTACHMENT 8



VALUATION

We are of the opinion that the market value of the land area described herewith for the purpose of road widening and in accordance with client instructions dated 16th May 2013, subject to the comments expressed herein, as at 20th May 2013 is:

\$875,000

EIGHT HUNDRED SEVENTY FIVE THOUSAND DOLLARS

Excluding GST

DISCLAIMERS & QUALIFICATIONS

THIS VALUATION IS NOT TO BE USED FOR MORTGAGE PURPOSES.

This valuation is exclusive of GST and is made on the following assumptions:

That the property is not subject to any undisclosed encumbrances or restrictions that would affect the valuation in any way.

- (i) That the property is not subject to any undisclosed encumbrances or restrictions that would affect the valuation in any way.
- (ii) A) That the buildings are wholly within the subject land.
B) That there are no encroachments upon the subject land.

The valuation is made subject to the following limiting conditions:

That the ownership, legal description, zoning, dimensions and area have been ascertained by due enquiry but have not been the subject of a title search. This valuation is for the use only of the party to whom it is addressed and for no other purposes.

This valuation can only be relied upon for valuation purposes only and by the direct client of Valuecorp. Possession of this report or a copy thereof does not carry with it the right to publication, nor may it be used for any purposes by anyone but the applicant without the written consent of the Valuer. The value stated in this report is only valid for a period of three months from the report date.

This valuation is current as at the date of valuation only. The value assessed herein may change significantly unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

Liability limited by a scheme approved under Professional Standards Legislation

ITEM 6 (continued)

ATTACHMENT 8



Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this valuation.

The signatory below verifies that this report is genuine, and issued by and endorsed by Valuecorp Pty Ltd. However the opinion of the market value expressed in this report has been arrived at by the prime signatory acting as the Valuer.

BUILDING & CONSTRUCTION

This Valuation inspection and Report does not constitute a structural survey and is not intended as such. We have carried out an inspection only of the exposed and readily accessible areas of the improvements. Note, the Valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. Readers of this report should make their own enquiries. This Valuation has been based on the condition of the structural improvements and the property in general as at the inspection date, and if the property has to be sold in circumstances where its condition has deteriorated and/or essential fixtures/fittings removed there is likely to be a significant write down in the asset value when compared to the current assessment. Under these circumstances the Valuer will not be responsible for any reduction in value.

INSURANCE REPLACEMENT COST ESTIMATE

The recipient of this report is advised that the undersigned is not a Quantity Surveyor and has relied on published building costing guides to arrive at our option of replacement cost for insurance purposes for the subject property improvements. Our estimate includes an allowance for the following:(a) demolition and removal of debris; (b) professional fees and preliminaries and contingency costs; (c) extra cost of reinstatement; (d) an inflation factor in respect to lead time for demolition and building approval, construction period and policy year;

IMPROVEMENTS

This valuation assumes that all improvements have been constructed in accordance with the appropriate planning and building regulations in force at the time of construction, and that all appropriate approvals have been obtained from the relevant authorities.

The valuation is made on the basis that there are no encroachments by or upon the property. If the instructing party has any concerns regarding encroachments they should be referred to a Registered Surveyor for advice or current survey report.

LAND DIMENSIONS/AREA

Unless stated as otherwise in this report we advise that we have not searched or been provided with a copy of the current Title or Registered Plans and that any dimensions or land areas quoted in this report have been obtained from third party information sources and whilst every endeavour has been made to verify such information we accept no responsibility for inaccuracy of any information provided and relied upon.

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ITEM 6 (continued)

ATTACHMENT 8



ENVIRONMENTAL

The client acknowledges and recognizes that the Valuer is not expert in identifying environmental hazards and compliance requirements affecting properties. The Valuer has endeavoured to identify all matters of environmental concern and the effect they might have on the value of the property. However, the Valuer will not be held liable nor responsible for his/her failure to identify all such matters of environmental concern and the impact which any environmental related issue has on the property and its value including loss arising from site contamination; or the non-compliance with environmental laws; or costs associated with the clean-up of the property to which an environmental hazard has been recognized, including action by the Environmental Protection Agency to recover clean-up costs pursuant to the relevant Environmental Protection Act.

MARKET MOVEMENT & REPORT EXPIRY

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

CERTIFICATE OF TITLE

Unless stated as otherwise in this report we advise that a copy of the current Certificate of Title has not been provided or searched. This valuation assumes clear title. Should any encumbrances, easements, leases or other restrictions not mentioned in this report be known or discovered then the valuation should be referred to the valuer for comment. The signatory below verifies that this report is genuine, and issued by and endorsed by Valuecorp Pty Ltd. However the opinion of the market value expressed in this report has been arrived at by the prime signatory acting as the Valuer.

GST

Valuations of residential property for mortgage security purposes are undertaken on the basis that GST is not applicable. This valuation is prepared on the assumption that the subject property does not constitute a 'new residential property' as defined under ATO Ruling GSTR 2003/3. Further it is assumed that the subject property will transact as a residential property between parties not registered (and not required to be registered) for GST. The Market valuation herein therefore reflects a market transaction to which GST is not applicable.

VALUECORP

Valuer: Peter A. KARVON, AAPI
Registered Valuer
Registration No. 3488

Signature



Director: R.M. HECEK, FAPI
Certified Practising Valuer
Registration No. 727

Signature



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ITEM 6 (continued)

ATTACHMENT 8



ANNEXURES

MARKET EVIDENCE

SELECTION OF PHOTOGRAPHS

LOCATION MAP

LANE WAY ACQUISITION PLANS

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ITEM 6 (continued)

ATTACHMENT 8



COMPARABLE DEVELOPMENT SITE SALES

DATE	ADDRESS	SALE PRICE	SITE	FSR	USE	HEIGHT	RATE SITE	RATE DSA	
17/11/2010	47 Gladesville Road Hunters Hill	\$2,675,000	749	1.5	Mixed	2 storey	\$3,571	\$2,381	Near-by smaller lower density raw site for townhouses
11/06/2011	2-4 Porter Street / 80 Belmore St Ryde	\$8,000,000	2856	2	Mixed	4 Storey	\$2,801	\$1,401	Located opposite subject sold with Development approval smaller than subject smaller than subject overall superior rate
1/08/2012	8 Constitution Road Ryde	\$12,836,000	6418	2	Mixed	Multi	\$2,000	\$1,000	Nearby raw site bought in conjunction with no. 4 constitution Rd Similar zone, density and height. Inferior site to subject
9/03/2011	4 Constitution Road Ryde	\$3,900,000	1669	2	Mixed	Multi	\$2,337	\$1,168	Nearby raw site bought in conjunction with no. 8 constitution Rd Similar zone, density and height. Inferior site to subject
1/11/2010	9 Hassall Street Parramatta	\$13,200,000	1663	4	Mixed	Multi	\$7,937	\$1,984	Smaller higher density site sold with DA pending for 169 units after S.96 amendments in Parramatta

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ITEM 6 (continued)

ATTACHMENT 8



Subject Site



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ITEM 6 (continued)

ATTACHMENT 8



Subject Site



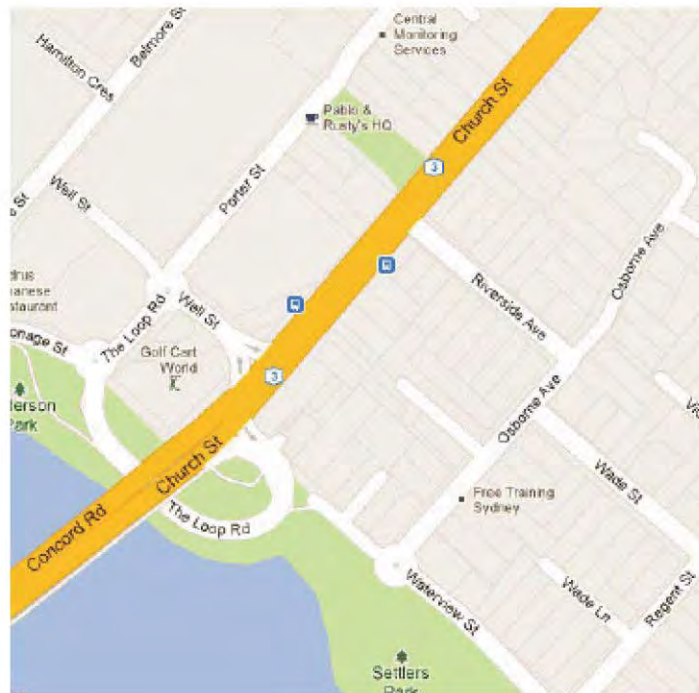
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ITEM 6 (continued)

ATTACHMENT 8



LOCATION PLAN



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ITEM 6 (continued)

ATTACHMENT 9

9323 Meadowbank VPA Review

Job Name : 9323-MEADOWBANK VPAR		Job Description				
Client's Name:						
Trd No.	Trade Description	Trade %	Cost/m2	Sub Total	Mark Up %	Trade Total
1	21 May 2013					
2	Residential Development					
3	125 - 135 Church St, Meadowbank					
4	Preliminary Cost Plan - VPA Works Update					
5						
6	Notes					
7						
8	Road Widening and Kerb Realignment - Land Dedication along Porter St	19.98		225,467		225,467
9	Raised Concrete Pedestrian Walkway on Porter St linking to site across the road	5.89		66,445		66,445
10	Through Site Link	16.31		183,992		183,992
11	Park Rejuvenation - Corner of Well St and Church St	5.59		63,033		63,033
12	Construction works as a result of road widening along Porter St	38.40		433,327		433,327
13	Construction and other works associated with VPA generally	3.86		43,595		43,595
14	Proposed Drainage on Porter Street	9.97		112,486		112,486
		100.00		1,128,345		1,128,345
Final Total : \$						1,128,345

ITEM 6 (continued)

ATTACHMENT 9

9323 Meadowbank VPA Review

Job Name :		9323-MEADOWBANK VPAR					<u>Job Description</u>	
Client's Name:								
Item No.	Item Description	Quantity	Unit	Rate	Mark Up %	Amount		
<i>Trade :</i> 1 <u>21 May 2013</u>								
1								
<u>21 May 2013</u>						Total :		
<i>Trade :</i> 2 <u>Residential Development</u>								
1								
<u>Residential Development</u>						Total :		
<i>Trade :</i> 3 <u>125 - 135 Church St, Meadowbank</u>								
1								
<u>125 - 135 Church St, Meadowbank</u>						Total :		
<i>Trade :</i> 4 <u>Preliminary Cost Plan - VPA Works Update</u>								
1								
<u>Preliminary Cost Plan - VPA Works Update</u>						Total :		
<i>Trade :</i> 5								
1								
						Total :		
<i>Trade :</i> 6 <u>Notes</u>								
1	Please note that the following cost plan has been prepared with limited documentation and information.							
	<u>This cost plan has been prepared based on the following documentation as prepared by Architectus:</u>							
2	Updated Landscape plans received from Arthur Zougliis on 08 May 2013							
3	Scott Carver - Landscape Plans dated 16 November 2012							
4	Generic raised road crossing drawings							
5	Highlighted Concept Drainage Design recieved 21/05/2013							
	<u>Inclusions:</u>							
6	For the purpose of this Cost Plan, Consultants fees have been included.							

ITEM 6 (continued)

ATTACHMENT 9

9323 Meadowbank VPA Review

Job Name : 9323-MEADOWBANK VPAR		Job Description				
Client's Name:						
Item No.	Item Description	Quantity	Unit	Rate	Mark Up %	Amount
<i>Trade : 6 Notes (Continued)</i>						
<u>The following items are excluded from this cost plan:</u>						
7	Goods and Services Tax					
8	Long service levy					
9	DA and other authority fees					
10	Section 94 contributions					
11	All fit-out costs					
12	Window coverings					
13	Works to existing public streets/roads except where listed under VPA works					
14	Cost escalation					
15	Fitout costs for the retail and cafe areas					
16	Contingency					
<u>Notes</u>						Total :
<i>Trade : 7</i>						
						Total :
<i>Trade : 8 Road Widening and Kerb Realignment - Land Dedication along Porter St</i>						
<u>Road Widening - Land Dedication along Porter St</u>						
1	Strip footpath and existing kerb. Works assumed from centre of road crest to maintain camber	963.00	m2	65.00		62,595.00
2	Sub-base preparation, basecourse and two coat asphalt surfacing to road areas	963.00	m2	90.00		86,670.00
3	Allow for concrete kerb	155.00	m	95.00		14,725.00
4	Line marking	1.00	item	1,200.00		1,200.00
5	Street signage	1.00	item	4,000.00		4,000.00
6	Traffic control during roadworks		Allow			17,000.00
7	Subtotal					<u>186,190.00</u>
8	Preliminaries @ 12.5%	0.13		186,190.00		23,273.75
9	Contractors Margin @ 3.5%	0.04		209,463.75		7,331.23
10	Consultants Fees @ 4%	0.04		216,794.98		8,671.80
11	Total					<u>225,466.78</u>

ITEM 6 (continued)

ATTACHMENT 9

9323 Meadowbank VPA Review

Job Name :	<u>9323-MEADOWBANK VPAR</u>	Job Description
Client's Name:		

Item No.	Item Description	Quantity	Unit	Rate	Mark Up %	Amount
<u>Road Widening and Kerb Realignment - Land Dedication along Porter St</u>						Total : 225,466.78

Trade : **9 Raised Concrete Pedestrian Walkway on Porter St linking to site across the road**

Item No.	Item Description	Quantity	Unit	Rate	Mark Up %	Amount
<u>Raised Concrete Pedestrian Walkway on Porter St linking to site across the road</u>						
1	Concrete walkway/speed bump sloped as per standards	49.00	m2	280.00		13,720.00
2	New landscaped kerb blister islands at each end of crossing	31.00	m2	650.00		20,150.00
3	Paint to walkway	1.00	Item	3,500.00		3,500.00
4	Signage	1.00	Item	5,000.00		5,000.00
5	Lighting at crossing	1.00	Item	10,000.00		10,000.00
6	Traffic control during roadworks		Allow			2,500.00
7	Subtotal					<u>54,870.00</u>
8	Preliminaries @ 12.5%	0.13		54,870.00		6,858.75
9	Contractors Margin @ 3.5%	0.04		61,728.75		2,160.51
10	Consultants Fees @ 4%	0.04		63,889.26		2,555.57
11	Total					<u>66,444.83</u>
<u>Raised Concrete Pedestrian Walkway on Porter St linking to site across the road</u>						Total : 66,444.83

Trade : **10 Through Site Link**

Item No.	Item Description	Quantity	Unit	Rate	Mark Up %	Amount
<u>Through Site Link</u>						
450m2						
Structure and slab costs included in overall works						
1	Granite paving to through link	382.00	m2	320.00		122,240.00
2	Stairs connecting through link to kerb/pavement on either end. Including paving leading up to stairs, balustrades and other associated works	66.00	m2	450.00		29,700.00
3	Total for Through Site Link					<u>151,940.00</u>
4	Preliminaries @ 12.5%	0.13		151,940.00		18,992.50
5	Contractors Margin @ 3.5%	0.04		170,932.50		5,982.64
6	Consultants Fees @ 4%	0.04		176,915.14		7,076.61
7	Total					<u>183,991.75</u>
<u>Through Site Link</u>						Total : 183,991.75

Trade : **11 Park Rejuvenation - Corner of Well St and Church St**

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ITEM 6 (continued)

ATTACHMENT 9

9323 Meadowbank VPA Review

Job Name : 9323-MEADOWBANK VPAR	Job Description
Client's Name:	

Item No.	Item Description	Quantity	Unit	Rate	Mark Up %	Amount
<i>Trade : 11 Park Rejuvenation - Corner of Well St and Church St</i>						
	<u>Park Rejuvenation - Corner of Well St and Church St</u>					
	544m2					
1	Site Preparation, including clear and grub, distribution of top soil etc	544.00	m2	20.00		10,880.00
2	Turf to park area around walkways, layed and maintained for 2 weeks	446.00	m2	22.00		9,812.00
3	Granite walkways/paths including edging and sub-grade preparation	98.00	m2	320.00		31,360.00
4	Subtotal					<u>52,052.00</u>
5	Preliminaries @ 12.5%	0.13		52,052.00		6,506.50
6	Contractors Margin @ 3.5%	0.04		58,558.50		2,049.55
7	Consultants Fees @ 4%	0.04		60,608.05		2,424.32
8	Total					<u>63,032.37</u>
<u>Park Rejuvenation - Corner of Well St and Church St</u>						Total : 63,032.37
<i>Trade : 12 Construction works as a result of road widening along Porter St</i>						
	<u>Construction works as a result of road widening along Porter St</u>					
1	Granite pavers pavement along extent of new road	337.00	m2	320.00		107,840.00
2	Smartpole street lighting as per city council specification including power reticulation	10.00	no	25,000.00		250,000.00
3	Subtotal					<u>357,840.00</u>
4	Preliminaries @ 12.5%	0.13		357,840.00		44,730.00
5	Contractors Margin @ 3.5%	0.04		402,570.00		14,089.95
6	Consultants Fees @ 4%	0.04		416,659.95		16,666.40
7	Total					<u>433,326.35</u>
<u>Construction works as a result of road widening along Porter St</u>						Total : 433,326.35
<i>Trade : 13 Construction and other works associated with VPA generally</i>						
	<u>Construction works and other works generally</u>					
1	Lighting to site through link	8.00	No	4,500.00		36,000.00
2	Subtotal					<u>36,000.00</u>
3	Preliminaries @ 12.5%	0.13		36,000.00		4,500.00
4	Contractors Margin @ 3.5%	0.04		40,500.00		1,417.50

ITEM 6 (continued)

ATTACHMENT 9

9323 Meadowbank VPA Review

Job Name : 9323-MEADOWBANK VPAR		Job Description				
Client's Name:						
Item No.	Item Description	Quantity	Unit	Rate	Mark Up %	Amount
<i>Trade : 13 Construction and other works associated with VPA generally (Continued)</i>						
5	Consultants Fees @ 4%	0.04		41,917.50		1,676.70
6	Total					<u>43,594.20</u>
Construction and other works associated with VPA generally						Total : 43,594.20
<i>Trade : 14 Proposed Drainage on Porter Street</i>						
Proposed Stormwater Drainage						
1	Based on the highlighted Concept Drainage Design drawing received 21/05/2013		Note			
2	Proposed stormwater pipe - assumed 1050mm diameter	56.00	m	1,000.00		56,000.00
3	Excavation required for proposed stormwater pipe assumed O.T.R	191.00	m3	70.00		13,370.00
4	Backfill required for proposed stormwater pipe	142.00	m3	60.00		8,520.00
5	Proposed stormwater pits	6.00	no	2,500.00		15,000.00
6	Subtotal					<u>92,890.00</u>
7	Preliminaries @ 12.5%	0.13		92,890.00		11,611.25
8	Contractors Margin @ 3.5%	0.04		104,501.25		3,657.54
9	Consultants Fees @ 4%	0.04		108,158.79		4,326.35
10	Total					<u>112,485.14</u>
Proposed Drainage on Porter Street						Total : 112,485.14

ITEM 6 (continued)

ATTACHMENT 10



31st May 2013

Adrian Melo
Client Manager
Building and Development Advisory Service

City of Ryde Council
Civic Centre
1 Devlin Street
Ryde NSW 2112

e AMelo@ryde.nsw.gov.au

Dear Adrian,

RE: Voluntary Planning Agreement Submission – Revision 3 – 125-135 Church St Meadowbank

Further to your Section 94 Contribution Calculation dated Friday 31st May 2013 and our discussions of same date, we confirm the amendment to the Voluntary Planning Agreement (VPA) Offer in relation to the above site and Development Application No. LDA 2012/0097as follows:

- The amended Value of the VPA is:
 - **\$3,003,616.78**
- This VPA Value is comprised of the following elements:

Column 1	Column 2
Development Contribution	Description
Dedicated Land	
1. Dedication to Council of approximately 295 m2 of the Land for the purposes of road widening and boundary realignment along Porter Street, Meadowbank NSW, to achieve a street reserve width of a minimum of 16 metres. Representing a total value of \$765,950	Item 1 in the Development Plan and road widening as depicted in the Road Widening Plan. A larger public road.

Unit 2, 85 Bourke Rd Alexandria NSW 2015
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ITEM 6 (continued)

ATTACHMENT 10



<p>2. Dedication to Council of approximately 42 m2 of the Land for the purposes of a splayed corner and boundary realignment along Well Street/Porter Street intersection Meadowbank NSW.</p> <p>Representing a total value of \$109,050</p>	<p>Item 2 in the Development Plan and as described in the Traffic & Parking Impact Assessment Report and the Roundabout Modification Plan.</p> <p>A larger public road.</p>
<p>Dedicated Land Subtotal: \$875,000**</p>	
<p>Contribution Works</p>	
<p>3. Contribution Works in the construction of road works and infrastructure works comprising of new smart pole street lighting, new kerb realignment, new road sub-base and surfacing from centre of road, new line marking, street signage, stormwater diversion, tree planting, granite paving to footpath and turf. Only those works which are as a direct result of the Porter Street widening described in Item 1 of this Schedule, and the corner splay of Porter St/Well St described in Item 2 of this Schedule, are included within the contribution costs.</p> <p>Refer to Landscape Plan and Public Domain Finishes Plan.</p> <p>Representing a total value of approximately \$771,280</p>	<p>Item 1 and 2 in the Development Plan.</p> <p>Items 8, 12 and 14 in the Cost Plan.</p> <p>Upgrading works to provide an improved public road.</p>
<p>4. Contribution Works in the construction of site-through link from Porter St to Church St comprising of granite paving, stairs and lighting. Only 50% of construction costs are to be included.</p>	<p>Item 3 in the Development Plan.</p> <p>Items 10 and 13 in the Cost Plan.</p> <p>Upgrading works to provide an improved pedestrian/cycle path for the public.</p>



ITEM 6 (continued)

ATTACHMENT 10



<p>Refer to Landscape Plan and Public Domain Finishes Plan. Representing a total value of \$227,587; 50% of which is \$113,793</p>	
<p>5. Contribution Works in the construction of raised pedestrian threshold connecting the site-through link to adjacent development across Porter St and comprising of new speed humps, raised painted walkway, street signage, lighting at walkway and landscaped kerb blisters at each end of walkway.</p> <p>Refer to Landscape Plan; Public Domain Finishes Plan. Representing a total value of \$66,445</p>	<p>Item 4 in the Development Plan Upgrading works to provide an improved through-link for the public. Detail to be adopted as per the details outlined in the Threshold Detail Plan. Item 9 in the Cost Plan.</p>
<p>6. Contribution Works in the form of corner park embellishment works on public land between Well and Church Street comprising of new granite paving to walkways and turf. Only 50% of construction costs are to be included.</p> <p>Refer to Landscape Plan and Public Domain Finishes Plan. Representing a total value of \$63,033; 50% of which is \$31,516</p>	<p>Item 5 in the Development Plan For the purpose of upgrading community facilities. Item 11 in the Cost Plan</p>
<p>7. Monetary Contribution towards traffic upgrade within the Meadowbank Employment Area.</p> <p>Representing a total value of \$113,000.</p>	<p>N/A</p>
<p>Contribution Works Subtotal: approximately \$1,096,034**</p>	
<p>Dedicated Land and Contribution Works Total: \$1,971,034**</p>	



ITEM 6 (continued)

ATTACHMENT 10



8. General Monetary Contribution Representing a total value of \$1,032,582.78	N/A
Subtotal: \$3,003,616.78**	
**Note: all figures provided are GST Exclusive	

We trust that the above documentation can be incorporated into our VPA Planning Agreement Version 3 and attached to this correspondence.

For and On Behalf of
Artro Management Pty Ltd



Arthur Zougli
Director
Artro Management

E:\PROJECTS\Current\Private Developers\Hunter Holden\Church St Meadowbank\Correspondence\Council\004 - 125-135 Church St Meadowbank - VPA Submission 30th May 2013 - AM.doc

c.c. Adam Kaplan

Unit 2, 85 Bourke Rd Alexandria NSW 2015
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e info@artro.com.au
w artro.com.au
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ITEM 6 (continued)

ATTACHMENT 11

Our Ref: MSP.LZM.122426



Planning Agreement

125-135 Church Street, Ryde NSW

City of Ryde Council (Council)

ABN 816 2129 2610

and

Motive Properties Pty Limited (Developer)

ABN 38 095 413 460

T 61 2 8281 4555
F 61 2 8281 4567
E law@cbp.com.au
I www.cbp.com.au

Level 42, 2 Park Street
Sydney NSW 2000
Australia

DX 280 Sydney
GPO Box 214
Sydney 2001
Advoc Asia member

**Colin Biggers
& Paisley**

ABN 38 941 300 979

LAWYERS

JT8FRUBWHZ

ITEM 6 (continued)

ATTACHMENT 11

cbp

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ITEM 6 (continued)

ATTACHMENT 11



Details

Date 2013

Parties

Name	City of Ryde Council
ABN	816 2129 2610
Description	Council
Notice details	Address 1 Devlin Street, Ryde NSW
	Fax
	Attention
Name	Motive Properties Pty Limited
ABN	38 095 413 460
Description	Developer
Notice details	Address 603 Victoria Road, Ryde NSW
	Fax (02) 8878 9579
	Attention Adam Kaplan

Background

- A The Developer owns the Land.
- B On 28 March 2012 the Developer lodged a development application with the Council to carry out demolition of all existing buildings and to construct a mixed use development at the Property for residential and retail uses, including a total of 256 residential apartments and 376 basement car parking spaces.
- C On 17 September 2012, the Developer lodged an amended Development Application to carry out Development at the Land with Council.
- D The Development Application was accompanied by an offer by the Developer on 17 September 2012 to enter into this Agreement to make various Development Contributions, if that Development Consent is granted.
- E As contemplated by section 93F of the Act, the parties wish to enter into an Agreement in connection with the Development Application on the terms and conditions of this Agreement.

ITEM 6 (continued)

ATTACHMENT 11



Operative Provisions

1. Definitions and Interpretation

1.1 Definitions

The following words have these meanings in this Agreement:

Act means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended) and includes any regulations made under that Act.

Agreement means this planning agreement.

Approval means any approvals, consents, Section 96 Modifications, part 4A of the Act certificates or approvals, certificates, Construction Certificates, occupation certificates, Complying Development Certificates, permits, endorsements, licences, conditions or requirements (and any variation to them) which may be required by Law for the commencement and carrying out of the Contribution Works.

Authority means any government, local government, statutory, public, ministerial, administrative, fiscal or other authority or body, and includes the Joint Regional Planning Panel or such other consent authority as may be lawfully appointed and authorised to grant an Approval, including an accredited certifier defined under the Act.

Business Day means any day except for Saturday or Sunday or a day which is a public holiday in Sydney.

Complying Development Certificate means a complying development certificate referred to in section 85 of the Act.

Concept Drainage Plan means the plan as described and annexed to Schedule 4 of this Agreement.

Consent Authority means an Authority having the function to determine the Development Application.

Construction Certificate means a construction certificate issued pursuant to the Act.

Contribution Works means the works described in Schedule 1.

Contribution Works Portion means each part of the Contribution Works set out separately in Schedule 1.

Cost Plan means the plan as described and annexed to Schedule 4 of this Agreement.

Dedicated Land means the land identified at items 1 to 2 in Column 1 of Schedule 1 to be dedicated to Council in accordance with this Agreement.

Developed Lot means a lot created by the subdivision (including strata subdivision) forming part of the Land which at the date of the request for transfer has been improved by completed built form in respect of which an occupation certificate has issued.

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



Development means the development of the Land in accordance with the Development Consent as modified or amended from time to time.

Development Application means the application for development consent associated with the Land submitted to the Consent Authority for demolition and removal of all buildings and trees; construction of four mixed residential and retail buildings; 269 apartments; 1,080 square metres GFA of ground level retail floor space fronting the public plaza; 364 parking spaces; 36 spaces of bicycle parking; 2,150 square metres of public domain forming a central public plaza; landscaping works, utility upgrade works; perimeter planting and footpaths; including any amendment or modification of the Development Application.

Development Consent means the consent granted by the Consent Authority to the Development Application, has the same meaning as in the Act and includes any amendment or modification of the Development Consent, including a Section 96 Modification.

Development Contributions means the Dedicated Land, Contribution Works and the provision of material public benefits referred to in the Development Contributions Schedule and includes the contribution amounts attributed to the Dedicated Land and Contribution Works.

Development Contribution Procedures means the Development Contribution Procedures set out in Schedule 2 of this Agreement.

Development Contributions Schedule means Schedule 1 of this Agreement.

Development Plan means the plan as described and annexed to Schedule 4 of this Agreement.

Explanatory Note means the Explanatory Note set out in Schedule 3 of this Agreement.

Force Majeure means any physical or material restraint beyond the reasonable control of the Party claiming force majeure.

GST has the meaning as in the GST Law.

GST Law means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of GST.

Land means the whole of the Land comprised in the certificate of title for Lot 1 DP 746089, known as 125-135 Church Street, Ryde NSW.

Law means:

- (a) the common law including principles of equity, and
- (b) the requirement of all statutes, rules, ordinances, codes, instruments, regulations, proclamations, by-laws or consent by an Authority,

that presently apply or as they may apply in the future.

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



Landscape Plan means the plans as described and annexed to Schedule 4 of this Agreement.

Public Domain Finishes Plan means the plans as described and annexed to Schedule 4 of this Agreement.

Road Widening Plan means the plan as described and annexed to Schedule 4 of this Agreement.

Roundabout Modification Plan means the plan as described and annexed to Schedule 4 of this Agreement.

Section 96 Modification means any modification of the Development Consent pursuant to section 96 of the Act.

Signage and Line Marking Plan means the plan as described and annexed to Schedule 4 of this Agreement.

Sunset Date means the date on which the Development Consent lapses.

Threshold Detail Plan means the plans as described and annexed to Schedule 4 of this Agreement.

Traffic & Parking Impact Assessment Report means the Traffic & Parking Impact Assessment Report prepared by Barker Ryan Stewart dated September 2012 and annexed to Schedule 4 of this Agreement.

1.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) headings are for convenience only and do not affect interpretation.
- (b) **"person"** includes an individual, the estate of an individual, a corporation, an Authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust.
- (c) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation.
- (d) a reference to a party to the Agreement includes a reference to servants, representatives, agents, and contractors of the party.
- (e) a reference to a document (including this Agreement) is to that document as varied, novated, ratified, supplemented or replaced from time to time.
- (f) a reference in this Agreement to any Law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



- (g) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender.
- (h) a reference to a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this Agreement, and a reference to this Agreement includes all schedules, exhibits, attachments and annexures to it.
- (i) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning.
- (j) "includes" in any form is not a word of limitation.
- (k) the Explanatory Note set out in this Agreement is not to be used to assist in construing the Agreement.
- (l) a reference to "\$" or "dollar" is to Australian currency.

1.3 Compliance with New Laws

If a Law is changed or a new Law comes into force (both referred to as "**New Law**"), and the Developer is obliged by the New Law to perform certain works or pay an amount which it is required to do in accordance with this Agreement, then, to the extent that the relevant obligation is required under the New Law and the Agreement, compliance with the New Law will constitute compliance with the relevant obligation under this Agreement.

2. Planning Agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by Part 4 of the Act.

3. Application of this Agreement

The Agreement applies to the Land and the Development.

4. Operation of this Agreement

- (a) This Agreement takes effect on the date of this Agreement after execution by both parties, subject to clause 4(b).
- (b) This Agreement will remain in force until:
 - (i) it is terminated by operation of Law; or
 - (ii) all obligations are performed or satisfied; or
 - (iii) the Sunset Date is reached, or
 - (iv) the Development Consent is surrendered in accordance with the Act; or
 - (v) it is otherwise discharged or removed in accordance with the terms of this Agreement.

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11

cbp

- (c) If a legal challenge to the Development Consent by a third party results in the Development Consent being rendered invalid or unenforceable, then the Developer may, in its absolute discretion, either terminate this Agreement or request the Council to consider changes to its terms.

5. Condition Precedent

The obligations of the Developer under this Agreement are conditional on the granting of Development Consent.

6. Development Contributions

The Developer will provide, or procure the provision of, the Development Contributions in accordance with this Agreement.

7. Application of the Act to the Development

- (a) This Agreement wholly excludes the application of:

- (i) sections 94 and 94A of the Act; or
- (ii) any Affordable Housing Levy; or
- (iii) any other monetary contributions required under the Act;

in connection with any Development Consent or Approval that is granted in respect of the Development Application or the Land, including any Section 96 Modifications.

- (b) The Council warrants that it will not make any claim or demand for additional Development Contributions to those provided for in this Agreement.
- (c) The obligations of the Developer under this Agreement involve a contribution to or provision of public amenities and services over and above those which would otherwise be imposed under section 94 and section 94A of the Act.

8. Registration

- (a) The Parties will take all practical steps to procure:

- (i) the consent of each person who:
 - (A) has an estate or interest in the Land registered under the *Real Property Act 1900* (NSW); or
 - (B) is seized or possessed of an estate or interest in the Land; and
- (ii) the execution of any documents; and
- (iii) the production of the relevant duplicate certificates of title,

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



to enable the registration of this Agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the register for the Land in accordance with section 93H of the Act.

- (b) The Parties will take all practical steps to procure the lodgement of this Agreement with the Registrar-General as soon as reasonably practicable after the Agreement is entered into by the Parties.

9. Dealing with the Land

The Parties acknowledge and agree that nothing in this Agreement abrogates, fetters or in any way prevents the Developer from selling, transferring, assigning, subdividing, mortgaging, charging, encumbering or otherwise dealing with the Land (excluding, after dedication, the Dedicated Land).

10. GST

10.1 Interpretation

In this clause 10:

- (a) Words and expressions which are not defined in this Agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.

10.2 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Agreement are exclusive of GST.

10.3 Payment of GST - additional payment required

- (a) If GST is payable by an entity (**Supplier**) in respect of any supply made under this Agreement (**Relevant Supply**), then the party required under the other provisions of this Agreement to provide the consideration for that Relevant Supply (**Recipient**) must pay an additional amount to the Supplier (**GST Amount**), as calculated under clause 10.3(b).
- (b) To the extent that the consideration to be provided by the Recipient for the Relevant Supply under the other provisions of this Agreement is a payment of money, the Recipient must pay to the Supplier an additional amount equal to the amount of the payment multiplied by the rate of GST for that Relevant Supply.
- (c) To the extent that the consideration payable by the Recipient is a taxable supply made to the Supplier by the Recipient, no additional amount shall be payable by the Recipient to the Supplier on account of the GST payable on that taxable supply.
- (d) The Recipient will pay the GST Amount referred to in this clause 10.3 in addition to and at the same time as the first part of the consideration is provided for the Relevant Supply.

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Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



10.4 Stamp Duty and GST

The Developer must pay all stamp duty and other duties, levies or charges including GST payable on or in respect of this Agreement.

10.5 Tax invoice

The Supplier must deliver a tax invoice to the Recipient before the Supplier is entitled to payment of the GST Amount under clause 10.3. The Recipient can withhold a payment of the GST Amount until the Supplier provides a tax invoice.

10.6 Adjustment event

If an adjustment event arises in respect of a taxable supply made by a Supplier under this Agreement, the amount payable by the Recipient under clause 10.3 will be recalculated to reflect the adjustment event and a payment will be made by the Recipient to the Supplier or by the Supplier to the Recipient as the case requires.

10.7 Reimbursements

Where a party is required under this Agreement to pay or reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the first party will be the sum of:

- (a) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party, or to which the representative member for a GST group of which the other party is a member, is entitled; and
- (b) any additional amount payable under clause 10.3 in respect of the reimbursement.

11. Default

11.1 Notice

In the event a party considers another party has failed to perform and fulfil an obligation under this Agreement, it may give notice in writing to that party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.

11.2 Reasonable Time

In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes or causes a public nuisance or raises other circumstances of urgency or emergency.

11.3 Suspension of time-dispute

If a party disputes the Default Notice it may refer that dispute to dispute resolution under clause 12 of this Agreement.

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ITEM 6 (continued)

ATTACHMENT 11



12. Dispute Resolution

12.1 Notice of Dispute

If a party claims that a dispute has arisen under this Agreement (**Claimant**), it must give written notice to the other party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (**Claim Notice**). No party may start court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause 12.

12.2 Response to Notice

Within 10 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

12.3 Negotiation

- (a) The nominated representative must:
 - (i) meet to discuss the matter in good faith within 5 business days after service by the Respondent of notice of its representative;
 - (ii) use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

12.4 Further Notice if Not Settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Dispute Notice**) by mediation under clause 12.5 or by expert determination under clause 12.6.

12.5 Mediation

- (a) If a party gives a dispute Notice calling for the dispute to be mediated:
 - (i) the parties must agree to the terms of reference of the mediation within 5 business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
 - (ii) the Mediator will be agreed between the parties, or failing agreement within 5 business days of receipt of the Dispute Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (b) the Mediator appointed pursuant to this clause 12.5 must:
 - (i) have reasonable qualifications and practical experience in the area of the dispute; and

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ITEM 6 (continued)

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- (ii) have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (c) the Mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (d) the parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (e) the parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- (f) each party will bear their own professional and expert costs incurred in connection with the mediation.

12.6 Expert Determination

- (a) If the dispute is not resolved under clause 12.3 or 12.5, the dispute may, by agreement between the parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:
 - (i) the dispute must be determined by an independent expert in the relevant field:
 - (A) agreed upon and appointed jointly by the Council and the Developer; or
 - (B) in the event that no agreement is reached or appointment made within 30 business days, appointed on application of a party by the then current President of the Law Society of New South Wales;
 - (ii) the expert must be appointed in writing and the terms of appointment must not be inconsistent with this clause;
 - (iii) the determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
 - (iv) the expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
 - (v) each party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
 - (vi) any determination made by an expert pursuant to this clause is final and binding upon the parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal and any party may commence litigation in relation to the dispute

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



if it has not been resolved within 20 business days of the expert giving his or her decision.

12.7 Litigation

If the dispute is not finally resolved in accordance with this clause 12, either party is at liberty to litigate the dispute.

13. Notices

- (a) Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - (i) delivered or posted to that Party at its address set out on page 3 of this Agreement; or
 - (ii) faxed to that Party at its fax number on page 3 of this Agreement.
- (b) If a Party gives another Party 3 Business Days notice of a change of its address, or fax number, any notice, consent, information, application, or request is only given or made by that other Party if it is delivered, posted, or faxed to the latest address or fax number.
- (c) Any notice, consent, information, application or request is to be treated as given or made at the following time:
 - (i) if it is delivered, when it is left at the relevant address;
 - (ii) if it is sent by post, 2 Business Days after it is posted;
 - (iii) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- (d) If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

14. General

14.1 Entire agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, anything said or done by another Party, agent or employee of the Party, before this Agreement was executed, except as permitted by Law.

Name/Signature

Name/Signature

ITEM 6 (continued)

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14.2 Further acts

Each party must promptly sign and execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it, including giving an approval or consent.

14.3 Governing Law and Jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

14.4 Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

14.5 No fetter

Nothing in this Agreement is to be construed as requiring a Council to do, or refrain from doing, anything that would cause it to be in breach of any of its obligations at Law, and without limitation, nothing in this Agreement is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

14.6 Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under this Agreement and that entry into this Agreement will not result in the breach of any Law.

14.7 Severability

- (a) If any part of this Agreement can be read in any way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (b) If any part of this Agreement is illegal, unenforceable or invalid, that part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

14.8 Release and Discharge

- (a) To the extent the Developer has:
 - (i) satisfied its obligations under this Agreement; or
 - (ii) the Agreement no longer applies as a consequence of any event referred to in clause 4(b) of this Agreement;

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



the Council will provide a release and discharge of this Agreement with respect to any part of, or the whole of, the Land.

- (b) To the extent the Developer has:
 - (i) satisfied its obligations under this Agreement in respect of that part of the Land; or
 - (ii) the Agreement no longer applies as a consequence of any event referred to in clause 4(b) of this Agreement;

the Council will provide a release and discharge of this Agreement with respect to any part of the Land:

- (iii) if the Developer requests a partial release and discharge of this Agreement for the purpose of selling part of the Land as a Developed Lot; or
 - (iv) if the Developer requests a partial release and discharge of this Agreement in connection with the completion of a sale contract for a Developed Lot; or
 - (v) if the Developer requests a partial release and discharge of this Agreement to effect the transfer of part of Land to the Council or any other authority pursuant to this Agreement.
- (c) The Council will execute any form, and supply such other information, as is reasonably required to enable the removal of the Agreement from the title to the Land or part of the Land in accordance with this clause 14.8.

14.9 Modification, Review and Replacement

- (a) No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.
- (b) The Parties agree that this Agreement may be reviewed or modified in the circumstances using their best endeavours and acting in good faith, and in accordance with this clause 14.9.
- (c) Any review or modification will be conducted in the circumstances and in the matter determined by the Parties and in accordance with the provisions of the Act and Regulations. For clarity, no such review or replacement shall have any force or effect unless and until formal documents are signed by the Parties in accordance with this clause 14.9.

14.10 Waiver

The fact that a Party fails to do, or delays in doing, something the Party is required or entitled to do under this Agreement, does not amount to a waiver of any obligation by another Party.

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



14.11 Confidentiality

The Parties agree that the terms of this Agreement are not confidential and this Agreement may be treated as a public document and exhibited or reported without restriction by any Party.

14.12 Assignment and Novation

- (a) This Agreement may be assigned or novated by the Developer in accordance with any dealings the Developer may have with respect to its interests in the Land without requiring the Developer to obtain Council's Approval in respect of either the dealing or the assignment or the novation of this Agreement.
- (b) Council agrees to execute any deeds of assignment or novation or other documents necessary to assign, novate or otherwise transfer all of the Developer's rights and obligations under the Agreement to a successor as contemplated by the agreement.

14.13 Force Majeure

- (a) If a Party is unable by reason of force majeure to carry out wholly or in part its obligations under the Agreement, it must give to the other Party prompt notice of the force majeure with reasonably full particulars.
- (b) The obligations of the Parties so far as they are affected by the force majeure are then suspended during continuance of the force majeure and any further period as may be reasonable in the circumstances.
- (c) The Party giving such notice under this clause must use all reasonable effort and diligence to remove the force majeure or ameliorate its effects as quickly as practicable.
- (d) If the Parties are unable to agree on the existence of an event of force majeure or the period during which the obligations of the Parties are suspended during the continuance of the force majeure, that dispute must be referred for determination under the Agreement.

14.14 Legal and associated costs

Each party is responsible for payment of its own legal costs in connection with the preparation, execution and enforcement of this Agreement, unless otherwise agreed between the Parties or as may be ordered by a Court of competent jurisdiction.

14.15 Counterparts

This Agreement may be executed in counterparts. All counterparts when taken together are to be taken to constitute one instrument.

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



Execution

Dated:

Executed as an Agreement

Signed by **Motive Properties Pty Limited** under s.127(1) of the *Corporations Act 2001*

_____	_____
sign	sign
_____	_____
office (director)	office (director or secretary)
_____	_____
full name	full name

Signed by **The City of Ryde Council** by Danielle Dickson, Acting General Manager under Delegated Authority under section 377 of the *Local Government Act 1993 (NSW)*

_____	_____
sign	sign
_____	_____
office (director)	office (director or secretary)
_____	_____
full name	full name

Name/Signature

Name/Signature

ITEM 6 (continued)

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Schedule 1 Development Contributions Schedule

1. Development Contributions

The Developer undertakes to provide the following Development Contributions as set out and provided for in the Table below.

Column 1	Column 2
Development Contribution	Description
Dedicated Land	
1. Dedication to Council of approximately 295 m² of the Land for the purposes of road widening and boundary realignment along Porter Street, Meadowbank NSW, to achieve a street reserve width of a minimum of 16 metres. Representing a total value of approximately \$765,950	Item 1 in the Development Plan and road widening as depicted in the Road Widening Plan. A larger public road.
2. Dedication to Council of approximately 42 m² of the Land for the purposes of a splayed corner and boundary realignment along Well Street/Porter Street intersection Meadowbank NSW. Representing a total value of approximately \$109,050 (pending land value confirmation)	Item 2 in the Development Plan and as described in the Traffic & Parking Impact Assessment Report and the Roundabout Modification Plan. A larger public road.
Dedicated Land Subtotal: \$875,000**	
Contribution Works	
3. Contribution Works in the construction of road works and infrastructure works comprising of new smart pole street lighting, new kerb realignment, new road sub-base and surfacing from centre of road, new line marking, street signage, stormwater diversion, tree planting, granite paving to footpath and turf. Only those works which are as a direct result of the Porter Street widening described in Item 1 of this	Item 1 and 2 in the Development Plan. Items 8, 12 and 14 in the Cost Plan. Upgrading works to provide an improved public road.

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ITEM 6 (continued)

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cbp

<p>Schedule, and the corner splay of Porter St/Well St described in Item 2 of this Schedule, are included within the contribution costs.</p> <p>Refer to Landscape Plan and Public Domain Finishes Plan.</p> <p>Representing a total value of approximately \$771,280</p>	
<p>4. Contribution Works in the construction of site-through link from Porter St to Church St comprising of granite paving, stairs and lighting. Only 50% of construction costs are to be included.</p> <p>Refer to Landscape Plan and Public Domain Finishes Plan.</p> <p>Representing a total value of approximately \$227,587; 50% of which is \$113,793</p>	<p>Item 3 in the Development Plan.</p> <p>Items 10 and 13 in the Cost Plan.</p> <p>Upgrading works to provide an improved pedestrian/cycle path for the public.</p>
<p>5. Contribution Works in the construction of raised pedestrian threshold connecting the site-through link to adjacent development across Porter St and comprising of new speed humps, raised painted walkway, street signage, lighting at walkway and landscaped kerb blisters at each end of walkway.</p> <p>Refer to Landscape Plan; Public Domain Finishes Plan.</p> <p>Representing a total value of approximately \$66,445</p>	<p>Item 4 in the Development Plan</p> <p>Upgrading works to provide an improved through-link for the public.</p> <p>Detail to be adopted as per the details outlined in the Threshold Detail Plan.</p> <p>Item 9 in the Cost Plan.</p>
<p>6. Contribution Works in the form of corner park embellishment works on public land between Well and Church Street comprising of new granite paving to walkways and turf. Only 50% of construction costs are to be included.</p> <p>Refer to Landscape Plan and Public Domain Finishes Plan.</p>	<p>Item 5 in the Development Plan</p> <p>For the purpose of upgrading community facilities.</p> <p>Item 11 in the Cost Plan.</p>

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ITEM 6 (continued)

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	Representing a total value of approximately \$63,033; 50% of which is \$31,516.	
7.	Monetary Contribution towards traffic upgrade within the Meadowbank Employment Area. Representing a total value of \$113,000.	N/A
Contribution Works Subtotal: approximately \$1,096,034**		
Dedicated Land and Contribution Works Total: \$1,971,034**		
8.	General Monetary Contribution Representing a total value of \$877,152.96	N/A
Subtotal: approximately \$2,848,186.96**		
**Note: all figures provided are GST Exclusive.		

2. Development Contributions

- (a) The Development Contributions provided pursuant to Clause 6 and this Schedule must be delivered prior to the issue of any occupation certificate in accordance with the Act.
- (b) The Parties acknowledge and agree that the estimates relating to the Development Contributions pursuant to Clause 6 and this Schedule are estimates only and may not reflect the costs actually incurred.
- (c) The parties acknowledge and agree that further detail and refinement of the plans and documents at Schedule 4 may be necessary, having regard to the following:
 - (i) conditions reasonably affecting the Contribution Works which were not reasonably capable of identification on or before the date of this Agreement; or
 - (ii) to take into account a Section 96 Modification to the Development Consent.

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



Schedule 2 Development Contribution Procedures

1. Developer's undertakings

The Developer undertakes to carry out or procure the carrying out of, the design and construction of the Contribution Works set out in Schedule 1 as contemplated by, and in accordance with this Schedule 2 so as to ensure that completion of each Contribution Works Portion is achieved.

2. Contribution Works Procedures

2.1 Approvals

The Developer must:

- (a) prepare and obtain all Approvals necessary to carry out the Contribution Works; and
- (b) comply with all conditions of such Approvals.

2.2 Quality of Material and Work

The Developer must procure the Contribution Works to be carried out:

- (a) using good quality materials, which must be suitable for the purposes for which they are required under this Agreement;
- (b) in compliance with relevant standards determined by Australian Standards Limited, the Building Code of Australia and any relevant manufacturers' standards; and
- (c) so that the Contribution Works, when completed, are suitable for the purpose for which they are required as contemplated by the relevant Approvals.

2.3 Standards

The Parties agree that the design and specifications of the Contributions Works shall take into consideration Council's relevant development control plans, design codes and technical manuals.

2.4 Standards as conditions of Approval

The Parties agree that to the extent the Contribution Works are to be undertaken in accordance with clause 2.3 of this Schedule, where any inconsistency with the requirements of any Approvals exist, the requirements of that Approval shall prevail.

2.5 Reinstatement on damage or destruction

The Developer may but is not obliged to reinstate any Contribution Works where the damage or destruction is the result of:

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Name/Signature

ITEM 6 (continued)

ATTACHMENT 11



- (a) any negligent act or omission of the Council or its employees, consultants or agents relating to any part of the Contribution Works under this Agreement; or
- (b) the use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of Council of any part of the Contribution Works.

2.6 Implementation

- (a) During the period commencing on the date of issue of the final occupation certificate and ending 3 months later, the Developer is required to complete or rectify such works relating to the Contribution Works after receiving notice from the Council detailing any alleged defect and the works required to rectify the defect.
- (b) Whenever reasonably requested in writing by Council, the Developer must provide evidence of insurance prior to commencement of Contribution Works.

2.7 Works Completion

- (a) When, in the opinion of the Developer, the Contribution Works have reached completion, the Developer must notify Council.

2.8 Final Inspection by Council

- (a) Following the notification by the Developer pursuant to clause 2.7 of this Schedule, the Council's representative must inspect the Contribution Works within 14 days and must by written notice to the Developer concur that completion of the Contribution Works has been achieved; or identify with reasonable particularity what is required to occur to enable completion of the Contribution Works.

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cbp

Schedule 3 Explanatory Note

Name/Signature

Name/Signature

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Explanatory Note

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979 (NSW)

1. Parties

Motive Properties Pty Limited – ABN 38 095 413 460, 603 Victoria Road, Ryde NSW
(Developer)

City of Ryde Council – ABN 816 2129 2610 1 Devlin Street, Ryde (Council)

2. Description of Subject Land

The subject land is 125-135 Church Street, Ryde NSW being Lot 1 in DP746089.

The Developer is the owner of the subject land.

3. Description of Proposed Development Application

The proposed development is documented in Development Application No. 2012/0097 and includes the following:

- demolition and removal of all buildings and trees
- construction of four mixed residential and retail buildings including 269 apartments
- 1,080 square metres of GFA of ground level retail floor space fronting the public plaza; 364 parking spaces; 36 spaces of bicycle parking; 2,150 square metres of public domain forming a central public plaza
- landscaping works; utility upgrade works, perimeter planting and footpaths.

4. Summary of Objectives, Nature and Effect of the Draft Planning Agreement

4.1 Summary of Objectives

The objectives of the draft Planning Agreement are to:

- (a) dedicate land to Council for the purposes of road widening and boundary alignment;
- (b) provide a range of road works, infrastructure works and corner park embellishment works;

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- (c) provide monetary contributions to Council;

in order to provide a benefit for the public and to address the impacts of the proposed development on the locality and the need for additional infrastructure works and facilities to address these impacts.

4.2 Nature and Effect of the Draft Planning Agreement

The draft Planning Agreement requires the Developer to provide the following dedicated land, works and monetary contributions:

- (a) dedication to Council of land for the purposes of road widening and boundary realignment along Porter Street, Meadowbank NSW, to achieve a street reserve width of a minimum of 16 metres; and land for the purposes of a splayed corner and boundary realignment along Well Street/Porter Street intersection Meadowbank NSW
- (b) contribution works, including:
- construction of road works and infrastructure works as a direct result of Porter Street road widening and the corner splay of Porter street/Well street
 - construction of site-through link from Porter Street to Church Street comprising of granite paving, stairs and lighting
 - construction of raised pedestrian threshold connecting the site through-link to adjacent development across Porter Street
 - corner park embellishment works on public land between Well Street and Church Street comprising of new granite paving to walkways and turf
- (c) monetary contribution in the sum of \$113,000 to Council for the purposes of traffic upgrade within the Meadowbank Employment Area
- (d) general monetary contribution in the sum of \$877,152.96.

The estimated value of the works, monetary contributions and dedicated land provided by the Developer is \$2,848,186.96 (excluding GST).

The draft Planning Agreement provides that the obligations of the Developer under the draft Planning Agreement will be taken into consideration in determining the section 94 contributions in connection with the Development Application. The obligations of the Developer are over and above and comprise 120% of those contributions imposed under section 94, section 94A and section 94EF of the *Environmental Planning and Assessment Act 1979* (NSW) in connection with the proposed development.

The draft Planning Agreement will not come into effect until and unless consent is granted to the Development Application.

Name/Signature

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5. Assessment of the Merits of the Draft Planning Agreement

5.1 The Planning Purposes Served by the Draft Planning Agreement

In accordance with section 93F(2) of the *Environmental Planning and Assessment Act 1979* (NSW), the Planning Agreement promotes the following public purposes:

- (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) transport or other infrastructure relating to land
- (c) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure
- (d) the monitoring of the planning impacts of development
- (e) the conservation or enhancement of the natural environment

5.2 How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979 (NSW)

The draft Planning Agreement promotes the following objects of the *Environmental Planning and Assessment Act 1979* (NSW):

- (a) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment
- (b) the promotion and co-ordination of the orderly and economic use and development of land
- (c) the protection, provision and co-ordination of communication and utility services
- (d) the provision of land for public purposes, and
- (e) the provision and co-ordination of community services and facilities.

The draft Planning Agreement provides for a reasonable means of achieving those purposes.

6. How the Draft Planning Agreement Promotes the Public Interest

6.1 How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The draft Planning Agreement promotes Council's Charter under section 8 of the *Local Government Act 1993* (NSW) by:

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ITEM 6 (continued)

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- (i) the provision of adequate, equitable and appropriate services and facilities for the community in the form of providing land, road works, infrastructure works, corner park embellishment works and monetary contributions
- (ii) ensuring that the services and facilities are managed efficiently and effectively
- (iii) properly managing, developing, protecting, restoring, enhancing and conserving the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.

6.2 Whether the draft Planning Agreement Conforms with the Council's Capital Works Program

The draft Planning Agreement conforms with Council's Capital Works Program to the extent that it will supplement the Program by providing works and infrastructure and additional public facilities that will provide a public benefit. Also, it will provide contributions that Council would not normally be able to provide.

6.3 Whether the draft Planning Agreement specifies that certain requirements must be complied with before an occupation certificate is issued

The draft Planning Agreement provides that all development contributions including dedication of land, works, provision of infrastructure, and monetary contributions, must be delivered prior to the issue of any occupation certificate for the proposed development in accordance with the *Environmental Planning and Assessment Act 1979* (NSW).

7. The Impact of the Draft Planning Agreement on the Public or Any Section of the Public

The draft Planning Agreement impacts on the Public by promoting the Public's interest as outlined above.

8. Other Matters

None.

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Schedule 4 Plans and Documents

1. Plans and Documents

- (a) The Development Contributions are generally identified in the following plans and documents, which are **annexed** and provided to show the scope of the Development Contributions and for the purposes of quantifying the Development Contributions.

No	Plan/Document	Plan Number	Author	Date
1.	Development Plan	Drawing No. DA0013 Rev C	Architectus Sydney	22 April 2013
2.	Road Widening Plan	Drawing No. 10099_RWP	Total Surveying Solutions	4 October 2012
3.	Roundabout Modification Plan	Drawing No. 10102E5.01 Rev H	Barker Ryan Stewart	3 April 2013
4.	Signage and Line-marking Plan	Drawing No. 10102E5.02 Rev A	Barker Ryan Stewart	3 April 2013
5.	Traffic & Parking Impact Assessment Report	N/A	Barker Ryan Stewart	September 2012
6.	Cost Plan	9323 - VPA Review Complete	Slattery Australia Pty Limited	21 May 2013
7.	Threshold Detail Plan	Drawing No. 10102E5.03 Rev A	Barker Ryan Stewart	3 April 2013
8.	Landscape Plan and Public Domain Finishes Plan	Drawing No. 001 Rev F; Landscape Plan and Public Domain Finishes Plan	Scott Carver Pty Limited	22 April 2013
9.	Landscape Plan and Public Domain Finishes Plan	Drawing No. 002 Rev E; Landscape Plan and Public Domain	Scott Carver Pty Limited	16 November 2012

Name/Signature

Name/Signature

ITEM 6 (continued)

ATTACHMENT 11

cbp

		Finishes Plan		
10.	Landscape Plan	Drawing No. 003 Rev B; Sections	Scott Carver Pty Limited	16 November 2012
11.	Landscape Plan	Drawing No. 004 Rev B; Typical Details and Section	Scott Carver Pty Limited	16 November 2012
12.	Landscape Plan	Drawing No. 005 Rev B; Landscape Specification Notes and Council Detail	Scott Carver Pty Limited	16 November 2012
13.	Concept Drainage Plan	Drawing No. 100102SK1 Rev B	Barker Ryan Stewart	29 August 2012

Name/Signature

Name/Signature

7 LEADERS FORUMS - LOCAL GOVERNMENT REVIEW PANEL & PLANNING WHITE PAPER

Report prepared by: Councillor Support Coordinator
File No.: CLM/13/1/4/11 - BP13/831

REPORT SUMMARY

The Local Government NSW has planned a series of Leaders Forums in June and July to discuss the Independent Local Government Review Panel's Paper *Future Directions for NSW Local Government - 20 Essential Steps* and the Planning White Paper.

RECOMMENDATION:

- (a) That Council consider and determine Councillors attendance at the Local Government Review Panel Forum to be held on Friday, 28 June 2013.
- (b) That Council consider and determine Councillor attendance at the Planning White Paper Forum to be held on Tuesday, 2 July 2013.

ATTACHMENTS

- 1 Leaders Forum - Local Government Review Panel & Planning White Paper - Future Directions - Invitation

Report Prepared By:

Carol Mikaelian
Councillor Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Customer Service and Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 7 (continued)**Discussion**

The Local Government NSW wrote to the City of Ryde on 24 May 2013 inviting Councillors and staff to attend the scheduled Leaders Forums to discuss the Independent Local Government Review Panel's Paper *Future Directions for NSW Local Government - 20 Essential Steps* and the Planning Forum to discuss the White Paper.

A copy of the letter from the LGNSW is **ATTACHED**.

There are three forums planned to date, two in Sydney and one in Dubbo. The first forum will be held on Thursday, 13 June 2013 at the Dubbo RSL Club on the Planning White Paper. The Planning White Paper forum in Sydney is scheduled to be held on Tuesday, 2 July 2013 at the Portside Conference Centre, Sydney.

Participants will have the opportunity to provide their comments, observations, questions and feedback directly to the Minister for Planning and Infrastructure the Hon. Brad Hazzard MP and senior staff from the Department of Planning and Infrastructure (DP&I) who will be attending. LGNSW has permission to make its submission after this Forum.

The Leaders Forum to discuss the Independent Local Government Review Panel's paper *Future Directions for NSW Local Government - 20 Essential Steps* will be held on Friday, 28 June 2013 at Four Points by Sheraton, Sydney.

Attendees are encouraged to come along and offer their views about the Panel's paper and raise their concerns about the proposals within. This forum will also assist the LGNSW to test their understanding of its members' views about the various proposals and will provide valuable input into LGNSW's formal submission.

It is proposed that Danielle Dickson, Acting General Manager and Roy Newsome, Group Manager – Corporate Services attend the forum to discuss the Independent Local Government Review Panel's Paper on Friday, 28 June 2013 and Dominic Johnson, Group Manager – Environment and Planning attend the forum for the Planning White Paper on Tuesday, 2 July 2013.

ITEM 7 (continued)

ATTACHMENT 1



24 May 2013

Mr Danielle Dickson
Acting General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Dickson

Leaders Forums – Local Government Review Panel (Sydney venue) & Planning White Paper (Dubbo & Sydney venues)

As you are aware, Local Government is under a series of reviews the outcomes of which are set to significantly reshape our sector.

To assist with the LGNSW's lobbying, and to ensure all Councils are kept fully informed the Association has planned a series of Leaders Forums in June and July. Note that LGNSW has sought and been granted an extension of time in which to lodge final submissions to the Panels.

We very much appreciate the difficulties involved in attending multiple events over a relatively short period of time however the deadlines for feedback to the Review Panels are fast approaching and as a sector we are in unprecedented times.

There are 3 forums planned to date:

Thursday 13 June 2013 at the Dubbo RSL Club, 178 Brisbane Street, Dubbo - Planning Forum to discuss the White Paper from 10am – 3.00pm.

and

Tuesday 2 July 2013 at Portside Conference Centre, 207 Kent Street, Sydney – Planning Forum to discuss the White Paper from 10am – 3.00pm.

Mayors and General Managers are invited to attend either forum to hear about and comment on changes proposed to the NSW planning system.

Participants will have the opportunity to provide their comments, observations, questions and feedback directly to the Minister for Planning and Infrastructure the Hon. Brad Hazzard MP and senior staff from the Department of Planning and Infrastructure (DP&I) who will be attending. LGNSW has permission to make its submission after this Forum.

Attendees are encouraged to come along and offer their views about how they think the planning system can be improved, and raise any concerns about what is being proposed in the White Paper. These forums will also assist LGNSW to test our understanding of our members' views about the changes being proposed to the planning system.

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
LB, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 48 853 913 882

8 REQUEST FOR TENDER - COR-RFT 09/13 Santa Rosa Park New Amenities Building

Report prepared by: Project Manager
File No.: GRP/09/3/10 - BP13/743

REPORT SUMMARY

Request for Tender (RFT09/13) for the Santa Rosa New Amenities Building closed on 7 May 2013.

The tender is for the construction of new amenities building at Santa Rosa Park.

The Tender Evaluation Panel assessed all conforming tenders and recommended that Council accept the tender from Terrafirma Property Developments P/L for the sum of \$282,095 (GST inclusive).

RECOMMENDATION:

- (a) That Council accept the tender from Terrafirma Property Developments P/L for the Santa Rosa New Amenities Building works for the amount of \$282,095 as recommended in the Tender Evaluation Report.
- (b) That Council advise all the respondents of Council's decision and thank them for their submissions.

ATTACHMENTS

- 1 COR RFT 9-13 Santa Rosa Evaluation Documents - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Garo Aroutunian
Project Manager

Report Approved By:

Peter Nguyen
Service Unit Manger - Project Development

George Dedes
Acting Group Manager - Public Works

ITEM 8 (continued)

Tender Details

Council's preferred method of tendering was utilised through advertising in the Sydney Morning Herald and uploaded onto Council's eTender portal, Tender Link. The tender documents were available from 13 April 2013 and closed on 7 May 2013.

At the time of closing, tender submissions were received from the following respondents (in alphabetical order):

- ADR Group Pty Ltd
- Avant Construction Pty Ltd
- Castlereagh Construction Group Pty Ltd
- GW Building Pty Ltd
- Inaphase Pty Ltd
- Mainbuild Projects Pty Ltd
- Sydney D&C Pty Ltd
- Terrafirma Property Developments P/L

Evaluation

A tender evaluation committee comprising four Council officers assessed all tenders against the following criteria.

- Tender Price
- Previous Experience
- Sustainable Consideration
- Methodology
- Project Program
- Demonstrated understanding of Council's requirements
- Workers' Health and Safety
- Insurances
- Conformity to EPA requirements and past records of non-compliance

The tender evaluation committee evaluated the tender submitted by Terrafirma Property Developments P/L as the best value submission when compared against the evaluation criteria.

The tender assessment was overviewed by the Manager, Tender and Contract. A Tender Evaluation Report has been circulated to Councillors **UNDER SEPARATE COVER – CONFIDENTIAL (ATTACHMENT 1)**.

ITEM 8 (continued)**Consultation**

Internal business units consulted include:

- Open Space
- Planning
- Project Development

External groups consulted include:

- Community consultation
- Sporting groups & end user groups

Financial Implications

The cost of this project is \$282,095 (inclusive of GST). The ex GST cost is \$256,450.

This project will be funded from the 2012/13 Sportsground Amenities Expansion Program. Construction will occur in the 2013/14 financial year and the balance of \$25,000 will be funded from the 2013/14 Sportsground Amenities Expansion Program.

9 REQUEST FOR TENDER - COR-RFT-25/12 - Courier Service Tender

Report prepared by: Manager - Library Services
File No.: GRP/09/4/1/7 - BP13/812

REPORT SUMMARY

Historically, Council has been using courier services from one service provider with no record of procurement process for the provision of this service.

In order to address the current procurement requirements of City of Ryde, this service has been a subject of a tender process.

This tender report was considered at the Council meeting on 9 April 2013, and deferred subject to a further report on the provision of in-house delivery service. The report on the provision of in-house delivery service was further considered by Council on 28 May 2013, and Council resolved to proceed with the external service model for this service.

The Request for Tender (COR-RFT-25/12) for the "*Courier Service to City of Ryde*" was advertised from 15 January with a closing date of Tuesday, 26 February 2013.

The tender was seeking proposals for the reliable and cost effective provision of the following Courier Services:

- Daily courier run schedule Monday to Friday
- Home library services delivery run Tuesday, Wednesday & Thursday
- Councillor delivery service
- Daily Ryde Planning & Business Centre service
- Additional on-call services, as requested.

The Contract is for an initial period of three years with an option to extend for a further two year period.

Based on the tender price and other criteria outlined in the Tender Document, the Tender Evaluation Panel recommends that Council accept the tender from Fleet Flyers Pty Ltd trading as Australian National Couriers to the value of up to \$110,000 per annum.

RECOMMENDATION:

- (a) That Council accepts the tender from Fleet Flyers Pty Ltd trading as Australian National Couriers for the Courier Service to the City of Ryde to the amount of up to \$110,000 (excluding GST) per annum, for a three year period with an option to extend for a further two year period as recommended in the Tender Evaluation Report.

ITEM 9 (continued)

- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Fleet Flyers Pty Ltd trading as Australian National Couriers 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 and thank them for their submissions.

ATTACHMENTS

- 1 Courier Service Tender Evaluation Report - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Jill Webb
Manager - Library Services

Report Approved By:

Tatjana Domazet
Acting Group Manager - Community Life

ITEM 9 (continued)

Background

At its meeting of 28 May 2013, Council considered a report on the provision of in-house delivery service and resolved the following:

That Council confirms the current arrangements for external service provider for delivery courier services and note that the Courier Service Tender will be reported to Council at the next Council meeting.

Tender Details

Council advertised a Request for Tender (RFT) for courier services via Tenderlink. The tenders were released on the 15 January 2013 and closed on Tuesday, 26 February 2013.

By the close of tender, the following three companies submitted compliant tenders. These companies were in alphabetical order:-

- Fleet Flyers Pty Ltd trading as Australian National Couriers
- Direct Couriers Australia
- Kings Transport & Logistics

Evaluation

A Tender Evaluation Panel comprising three Council officers (Manager – Tenders and Contracts, Section Manager – Procurement and Emergency Responses and Section Manager – Library Operations) assessed all tenders against the following agreed criteria:-

- Price
- Previous experience
- Works Health & Safety
- Conformity to the EPA requirements Environmental & sustainability considerations
- Ability of Resource
- Conformity to the Documentation and understanding of Council requirements

Council's Evaluations Panel recommends awarding the contact to the Fleet Flyers Pty Ltd trading as Australian National Couriers as their submission ranked the highest, based on their Weighted Score against criteria and provided best value for money for the City of Ryde. Council staff have undertaken a number of steps to ensure that the Fleet Flyers Pty Ltd trading as Australian National Couriers has expertise and resources to deliver the service.

ITEM 9 (continued)

These included:

- Reference checks were made by contacting clients that are currently using the company for provision of similar services. These checks confirmed the company is capable of delivering these services.
- Review of company's structure and capabilities to ensure resources are available to deliver the services
- Review of WH&S systems and Quality management systems to ensure compliance with Council's requirements.

A Tender Evaluation report has been circulated to Councillors **UNDER SEPARATE COVER – CONFIDENTIAL (ATTACHMENT 1)**.

Critical Dates

This contract, if awarded, will need to commence from 1 July 2013 as the submissions are valid for 90 days.

Financial Implications

The provision of this service is already funded through the budget allocations within the existing Operational Budget across a number of Council Groups (Community Life, Corporate Services and Public Works). A sum of \$112,200 has been allocated in the draft Operational Budget for 2013/14 across these Groups.

The tender provided for fixed prices for all services outlined in the tender document for the life of the contract (three years plus two year option).

Year 1	- \$94,610.16
Year 2	- \$96,502.37
Year 3	- \$98,432.42

Most of the services are programmed and have been costed as indicated above. A small part of the service is for the provision of a one-off, irregular delivery service that cannot be quantified at this point in time and as a result, the overall value of the annual contract has been rounded up to \$110,000 to cater for these occasions.

PRECIS OF CORRESPONDENCE**1 PLANNING WHITE PAPER - COMMUNITY CONSULTATION**

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/09/6/5 - BP13/769

CORRESPONDENCE:

Submitting correspondence from the Hon Anthony Roberts MP, Member for Lane Cove, dated 14 May 2013, notifying Council of correspondence from the Department of Planning, outlining the community consultation process in relation to the White Paper – A new planning system for NSW, which is currently on exhibition.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Enclosed letter received from the Minister for Planning and Infrastructure replying the representation made by Anthony Roberts on behalf of the Council regarding White Paper

Report Prepared By:

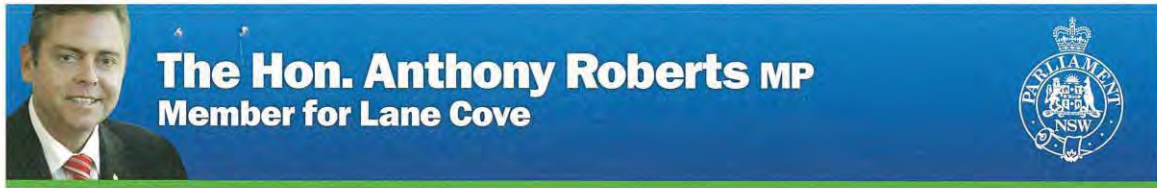
Sandra Warbrick
Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson
Group Manager - Environment & Planning

Precis of Correspondence 1 (continued)

ATTACHMENT 1



14 May 2013

Mr Dominic Johnson
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670



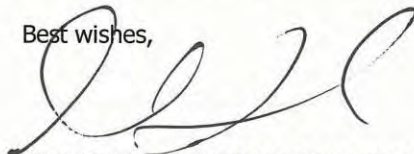

Dear Mr Johnson,

I am enclosing a letter received from the Minister for Planning and Infrastructure, replying to my representation on your behalf.

I trust the information is of assistance.

Please do not hesitate to contact me, should you require assistance in the future.

Best wishes,



THE HON. ANTHONY ROBERTS MP
MEMBER FOR LANE COVE
MINISTER FOR FAIR TRADING

AR:MJ

Visit www.anthonyrobertsmp.com.au

Precis of Correspondence 1 (continued)

ATTACHMENT 1



The Hon Brad Hazzard MP

Minister for Planning and Infrastructure

13 MAY 2013

Minister Assisting the Premier on Infrastructure NSW

The Hon. Anthony J. Roberts MP
Minister for Fair Trading
Member for Lane Cove
Level 3 Suite 302
230 Victoria Road
GLADESVILLE NSW 2111

13/06946

Dear Mr Roberts

Thank you for your letter concerning community consultation on the White Paper.

On 16 April, the NSW Government released the *White Paper – A new planning system for NSW* and the draft planning legislation for public feedback. The White Paper sets out in detail the first major overhaul of the planning system since 1979. It represents a smarter, more straightforward way of providing for best practice planning in NSW and seeks to reduce costs, delays and uncertainty to benefit the community, businesses and councils.

There are a number of ways to make submissions on the White Paper and draft legislation which is now on public exhibition until 28 June 2013. These include:

- Sending an online submission (including attachments) by visiting www.planning.nsw.gov.au/newplanningsystem.
- Using the online feedback tool to submit comments on specific sections or chapters of the White Paper.
- Posting a submission to New Planning System, GPO Box 39, Sydney NSW 2001.

People living in the City of Ryde can also join the discussion by:

- Participating in online discussion forums at "Have Your Say" <http://engage.haveyoursay.nsw.gov.au/newplanningsystem>
- Attending one of the briefings, feedback sessions and meetings being held across 17 different locations in metropolitan and regional areas NSW to provide direct feedback.
- Using the "Meeting In A Box" toolkit to hold your own meeting and provide feedback.
- Following us on Twitter @NSWplanning.

Implementing the new planning system will require the input of the community, industry and local government, not just while the White Paper is on public exhibition, but well into the future. Councils will be the key partners with State government in implementing the new planning system. In particular, state and local government will need to work together in developing the new planning culture for the successful implementation and operation of the new system - one which promotes cooperation and participation, the delivery of positive and pragmatic outcomes and a commitment to ongoing education and innovation.

Precis of Correspondence 1 (continued)

ATTACHMENT 1

I welcome your ideas on what the finished product may look like.

Thank you for your interest in the planning reforms. I encourage you to have your say during the White Paper exhibition period.

Should you have any further enquiries about this matter, I have arranged for Mr Marcus Ray, Executive Director, Planning Reform & General Counsel of the Department of Planning and Infrastructure to assist you. Mr Ray can be contacted on telephone number 02 9228 6396.

Yours sincerely



HON BRAD HAZZARD MP
Minister

08 MAY 2013

2 LOCAL GOVERNMENT (EARLY INTERVENTION) BILL 2013

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/11 - BP13/820

CORRESPONDENCE:

Submitting correspondence from Local Government NSW dated 30 May 2013 regarding the Local Government (Early Intervention) Bill 2013.

Councillors were previously provided with this correspondence and requested to provide their feedback and comments to the HelpDesk by 10 June 2013.

An update on the feedback and comments received from Councillors will be provided at the Council Meeting on 11 June 2013.

RECOMMENDATION:

- (a) That the correspondence be received noted.
- (b) That Council note the closing date for submissions has been extended until 12 June 2013.
- (c) That Council determine if it will make a submission on this matter, based on the feedback and comments received from Councillors.

ATTACHMENTS

- 1 Letter from Local Government NSW dated 30 May 2013 regarding the Local Government (Early Intervention) Bill 2013

Precis of Correspondence 2 (continued)

ATTACHMENT 1



30 May 2013

Dear Mayor and General Manager

Local Government (Early Intervention) Bill 2013 (the Bill)

On Tuesday 28 May 2013, at the request of Local Government NSW, the Government decided to defer debate on the Bill in the Legislative Council so that all councils will have the opportunity to further examine and comment on the Bill.

The aim of the Bill is to introduce a system whereby a council that is classified as dysfunctional by the Minister for Local Government may be issued with a Performance Improvement Order or a Suspension Order.

Local Government NSW was successful in having some amendments made to the Bill when it was debated in the Legislative Assembly. All the major political parties and independents approved the amendments at the committee stage.

Local Government NSW is now seeking further feedback from all councils on the provisions of the Bill so that a whole of local government submission may be made to the State Government setting out any issues arising from the Bill.

Matters that Local Government NSW would like you to consider include but are not limited to:

1. Performance Improvement Orders and Suspension Orders are not necessarily linked in the Bill in its current form.

The Association is of the view that a Suspension Order should not be issued unless a valid Performance Improvement Order has been issued and not been complied with by the council.

2. By way of the Bill the Minister will have total discretion to decide when action should be taken to improve the performance of the council.

The Association believes that there should be clear criteria in the legislation to limit the reasons the Minister can use to take action against a council to improve its performance.

3. As the Bill is currently drafted, the Minister would be able to initially suspend a council for three months and to appoint an interim administrator where the Minister believes that such action is necessary to improve or restore the "proper functioning of the council".

There is no definition of what constitutes the "proper functioning of the council" and the Association believes that if Performance Improvement Orders and Suspension Orders are not linked then such a definition is necessary in the legislation.

Your advice on whether you agree with the Association's position on the above three points is requested.

The Bill can be found on the Parliamentary website at
<http://www.parliament.nsw.gov.au/prod/parliament/nswbills.nsf/V3BillsListCurrent>

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882

Precis of Correspondence 2 (continued)

ATTACHMENT 1

Any other comments addressing aspects of the Bill are greatly encouraged and should be forwarded to Local Government NSW no later than close of business on Wednesday 12 June. Unfortunately, as the Bill is likely to proceed in the Legislative Council on 18th or 19th June, the Association has limited time in which to prepare its response.

If you have any questions on this matter please contact Local Government NSW Legal Officer Mr Frank Loveridge on (02) 9242 4125 or frank.loveridge@lgnsw.org.au

Yours sincerely,



Cr Keith Rhoades AFSM
Joint President



Cr Ray Donald
Joint President

3 RESPONSE TO FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT - TWENTY ESSENTIAL STEPS

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/09/5/6/4 - BP13/821

CORRESPONDENCE:

Submitting correspondence from Scott Phillips, General Manager Hornsby Shire Council, dated 20 May 2013, regarding Response to Future Directions for NSW Local Government – Twenty Essential Steps and the response by City of Ryde's Acting General Manager, Roy Newsome dated 31 May 2013.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from Hornsby General Manager regarding the Independent Review Panel's Future Directions for NSW
- 2 Letter from City of Ryde's Acting General Manager, Roy Newsome to Scott Phillips, General Manager Hornsby Shire Council dated 31 May 2013

Report Prepared By:

Lorraine Abboud-Safi
Executive Assistant to Group Manager

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

Precis of Correspondence 3 (continued)

ATTACHMENT 1



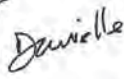
OFFICE OF THE GENERAL MANAGER

20 May 2013

Ms Danielle Dickerson
A/General Manager
Ryde City Council
DX 8403
RYDE NSW 2112



Dear Ms Dickerson



Response to Future Directions for NSW Local Government – Twenty Essential Steps

As you are no doubt aware, the Independent Local Government Review Panel released its 'Future Directions' report in April 2013.

In response to this report, Council has asked that I write to you and invite your Council to participate in preliminary discussions on mutual reform opportunities for our respective organisations consistent with the Panel's recommendations. I would be pleased if you would consider this matter and if minded, lead a small officer delegation at a meeting with myself and my team to discuss opportunities for our respective organisations. I will await your response before nominating dates and issuing a meeting agenda.

In addition to the above, Council has resolved to "commission independent research into the Hornsby Shire community's attitude and the attitude of communities in adjoining local government areas towards local government reform consistent with the Panels' recommendations". I am currently seeking written quotes from suitable organisations to undertake this research on Council's behalf and I expect to be in a position to appoint a consultancy early next week. As this research will involve residents in your local government area, I invite your Council to participate in the research. If interested, could you please give me a preliminary indication of your willingness to participate in the research by the end of this week in order that I can consult with you on the details of the work to be commissioned?

Irrespective of your Council's views of the Panel's Future Directions report, I believe that there are few in the industry who do not believe that local government can and should reform in some way. I look forward to the possibility of working with your organisation to identify mutual benefits for our communities and improvements in the industry itself.

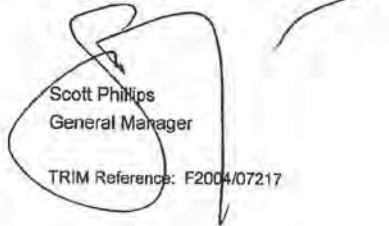
Hornsby Shire Council
ABN 20 706 998 972 PO Box 37, Hornsby NSW 1630 Phone 02 9847 6666 Email hsc@hornsby.nsw.gov.au
296 Pacific Highway, Hornsby 2077 DX 9855 Hornsby Fax 02 9847 6999 Web hornsby.nsw.gov.au

Precis of Correspondence 3 (continued)

ATTACHMENT 1

Please do not hesitate to contact me on 9847 6603 or sphillips@hornsby.nsw.gov.au if you require any further information. I look forward to hearing from you shortly.

Yours faithfully



Scott Phillips
General Manager

TRIM Reference: F2004/07217

Precis of Correspondence 3 (continued)

ATTACHMENT 2



Mr Scott Phillips
General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

31 May 2013

Dear Mr Phillips

I firstly apologise in not contacting you earlier on this matter.

Council has considered the report of the Independent Review Panel's 'Future Directions for NSW Local Government' and resolved as follows at its meeting on the 30 April, 2013;

- (a) *That Council advise the Independent Local Government Review Panel that while Ryde Council understands the principle of local government boundary adjustments, it does not see a future for the Ryde area as part of an enlarged Parramatta City and that in consequence, Council does not propose to attend the "Metropolitan Councils" workshop at Parramatta on 15 May 2013, but instead will attend as observers, at the Northern Sydney Councils workshop at Chatswood on 14 June 2013.*
- (b) *That following the meeting at Chatswood on 14 June 2013, Council hold a consultation program with the community to receive their feedback on the proposal for amalgamation.*

Further, this matter was considered at the last meeting of NSROC and there is a joint meeting of NSROC Councils to discuss both individual Council's response and NSROC's response on the 20 June 2013.

I have discussed your letter with the Mayor and it is proposed to submit this matter to Council for its consideration at its meeting on Tuesday, 11 June 2013.

If you have any further enquiries on this matter please contact me on 9952 8011.

Yours sincerely



Roy Newsome
Acting General Manager

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE – Councillor Jerome Laxale

In light of Council's recent submission against the UAP process in North Ryde, whereby it was noted that working group meetings and steering committee meetings were simply information sharing exercises where true consultation with Council did not take place, please advise:

Question 1:

How many of these types of meetings have been held?

Question 2:

Who has attended from Ryde Council (staff and Councillors) and other agencies?

Question 3:

What was discussed?

Question 4:

When will a full report on the meetings come back to Council (through CIB, Council report or otherwise)?

Question 5:

Please elaborate on the format of the meetings? Are they simply briefing sessions as outlined in Council's submission, or are they geared for genuine consultation with Council as a key stakeholder?

CONFIDENTIAL ITEMS**10 RENEWAL OF CONTRACT - COMMUNITY OF INTEREST NETWORK (MY PLACE)**

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; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Report prepared by: Section Manager - Community Engagement and Social Media
File No.: GRP/09/7/2/5 - BP13/802
Page No.: 281