

7 FEBRUARY 2013

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 12 FEBRUARY 2013.

Ordinary Meeting of Council Meeting No. 2/13

Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde - 7.30pm

Meeting Date: Tuesday 12 February 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Note: *This meeting will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993.*

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MAYORAL MINUTES**MM1/13 REIMBURSEMENT OF HALL HIRE FEE – The Mayor, Councillor Ivan Petch****File No.:** MYR/07/10/7 - BP13/37

A request has been received seeking reimbursement of a hall hire fee paid on behalf of the Ryde Community Alliance Group. The group booked the North Ryde Community Hall for a public meeting held on 15th December 2012.

Council has previously resolved not to waive venue hire fees, but to direct community groups to Council's grants scheme.

However, in this instance, the meeting was community related and does not fall into the normal category of community grants and as such an exception, I recommend that a reimbursement of the hire fee of \$292.50 be approved.

RECOMMENDATION:

That Council approve the reimbursement of the hire fee paid by the Ryde Community Alliance Group for use of the North Ryde Community Hall on 15th December 2012.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Councillor Ivan Petch
The Mayor

1 CONFIRMATION OF MINUTES - Council Meeting held on 11 December 2012

Report prepared by: Acting Section Manager - Governance
File No.: GRP/12/5/5/5 - BP12/1495

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 23/12, held on 11 December 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 11 December 2012

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 23/12**

Meeting Date: Tuesday 11 December 2012

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, Perram, Pickering, Simon and Yedelian OAM.

Councillor Yedelian OAM left the meeting at 12.23am on Wednesday, 12 December and did not return. He was not present for consideration of Notice of Motion 1, Notice of Motion 2, Questions with Notice 1, Questions with Notice 2, Mayoral Minute 22/12, Item 27 and Item 28.

Apologies: Nil.

Leave of Absence: Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Information Officer, Service Unit Manager – Urban Planning, Service Unit Manager – Governance, Manager – Communications and Media, Service Unit Manager – Environmental Health and Building, Service Unit Manager – Rangers and Parking Services, Section Manager – Open Space Planning and Assets, Community Project Officer and Acting Section Manager – Governance.

PRAYER

Reverend Mal York of the West Ryde Anglican Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in Item 10 – Gladesville RSL Development Proposal, for the reason that he is a member of the Gladesville RSL Club.

Councillor Pickering disclosed a less than significant non-pecuniary interest in Item 10 – Gladesville RSL Development Proposal, for the reason that he is a member of the Gladesville RSL Club.

Councillor Maggio disclosed a less than significant non-pecuniary interest in Item 10 – Gladesville RSL Development Proposal, for the reason that he is a member of the Gladesville RSL Club.

ITEM 1 (continued)

ATTACHMENT 1

Councillor Pendleton disclosed a less than significant non-pecuniary interest in Item 21 – Request for Tender – Council Telephony Services, for the reason that she has a small parcel of Telstra shares.

PRESENTATION OF CHEQUE TO THE ROTARY CLUB TREE OF JOY APPEAL

The Mayor, Councillor Petch and Tony Burnette (Telstra Top Ryde Manager) presented Rob Mitchell (Rotary Club of Ryde) with a cheque for the total of \$1,281.40 for the Rotary Club Tree of Joy Appeal. The funds were raised from donations collected at the Community Christmas Celebration held on Sunday, 2 December 2012.

PRESENTATION OF CHEQUE TO ERIN'S PLACE

The Mayor, Councillor Petch presented Gabby Prowse, Manager, Erin's Place with a cheque for \$1,000.00. Erin's Place is a crisis refuge for women and children escaping domestic violence.

PRESENTATION OF SYDNEY GREENSPACE AWARD FROM THE AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS

Council's Section Manager – Open Space Planning and Assets, Ms Fiona Morrison presented The Mayor, Councillor Petch with the Sydney Greenspace Award from the Australian Institute of Landscape Architects. The Award was won for the City of Ryde Integrated Open Space Plan (prepared in partnership with Clouston Associates and Oneighty Sport and Leisure Solutions) and recognises local authorities who have pursued excellence in planning, managing and providing for better and more accessible quality open space.

PRESENTATION OF CERTIFICATES FOR PARTICIPATION IN THE RYDE YOUTH THEATRE PRODUCTION

The Mayor, Councillor Petch presented certificates to the following persons for their participation in the Ryde Youth Theatre Production titled *Gravity*:-

- Diana Morgan
- Christina Buda
- Audrey Blyde
- Rebecca Shell
- Gian Vigando
- Carla Hedley
- Damian Zanatta
- Bokkie Robertson
- Alaric Powe
- Louis Regan
- Eden Me-tal
- Annastasia Gryzabowski

ITEM 1 (continued)

ATTACHMENT 1

LEAVE OF ABSENCE

Councillor Simon requested a Leave of Absence from Saturday, 2 February 2013 to Saturday, 9 March 2013.

Councillor Perram requested a Leave of Absence from Friday, 8 February 2013 to Sunday, 17 February 2013.

RESOLUTION: (Moved by Pickering and Maggio)

- (a) That Councillor Simon's Leave of Absence for the period from Saturday, 2 February 2013 to Saturday, 9 March 2013 be approved.
- (b) That Councillor Perram's Leave of Absence for the period Friday, 8 February 2013 to Sunday, 17 February 2013 be approved.

Record of Voting

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Tim Flett (representing Pirasta Pty Ltd)	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Gordana Vasic	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Kevin Bevitt	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Gerry Manderson	Item 24 – Ryde River Walk – Public Exhibition of Design and Statement of Environmental Effects
Errol Penrose	Item 24 – Ryde River Walk – Public Exhibition of Design and Statement of Environmental Effects
Tod Anderson (representing himself and Taleen Tashjian)	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Bradley Browne (representing Ryde Ex Services Club)	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
John Stevens (representing Max Potential) and Bradley Browne (representing Club 6)	Mayoral Minute 19/12 – Club 6 Sponsorship 2013
Arthur Zougliis (representing Adam Kaplan / Hunter Holden (Victoria Road Ryde)	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters

ITEM 1 (continued)

ATTACHMENT 1

Lindsey Cox	Item 24 – Ryde River Walk – Public Exhibition of Design and Statement of Environmental Effects
Judith Partland (representing Gladesville Public School)	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Dr Jeremy Quek	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Patricia Bloomfield	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Aaron Lynch	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Rocky Tassone	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Graeme Cordiner	Item 10 – Gladesville RSL Development Proposal
Jennie Minifie (representing Ryde Environment Group)	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
Noel Plumb (representing Ryde Community Alliance and Ryde Environment Group)	Item 8 – Code of Meeting Practice and Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters

Note: Shayne Millard and Peter Zaknic were called to address Council, however were not present in the Chamber.

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

That the late request to address Council on Items Listed on the Agenda and also members of the public who had requested to address Council on Items Not 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:-

Name	Topic
Leanne Dean (representing Ryde Community Alliance)	Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Julie Worsley (representing Allengrove Against Inappropriate Development)	A response and a future direction for proposed Allengrove Crescent Development Appeal
Tim Nightingale	Proposed Development at Whiteside Street

Note: Chris Bullock, Terry Palapanis and Alex Medakovic were called to address Council, however were not present in the Chamber.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Simon and Pickering)

That Council now consider the following Items, the time being 9.05pm:-

- Mayoral Minute 19/12 – Club 6 Sponsorship 2013
- Item 8 – Code of Meeting Practice
- Item 10 – Gladesville RSL Development Proposal
- Item 12 – Draft Ryde LEP 2011 – Submissions and Related Matters
- Item 24 – Ryde River Walk – Public Exhibition of Design and Statement of Environmental Effects

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

MM19/12 CLUB 6 SPONSORSHIP 2013

Note: John Stevens (representing Max Potential) and Bradley Browne (representing Club 6) addressed the meeting in relation to this Item.

Note: A document was tabled by John Stevens in relation to this Item and a copy is ON FILE.

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

That:

- (a) Council provide the opportunity for two City of Ryde Service Unit Mangers to become coaches in the 2013 Max Potential Program.

ITEM 1 (continued)

ATTACHMENT 1

- (b) Council endorse an additional allocation of funding of \$3,600 from the existing 2012 – 2013 staff training budget to fund the coach participation fee.
- (c) The additional funding be included as part of the next quarterly review.
- (d) The General Manger write to Tatjana Domazet, Angela Jones-Blayney and Janice Nicholson thanking them for the contribution in the program last year.

Record of Voting:

For the Motion: Unanimous

8 CODE OF MEETING PRACTICE

Note: Noel Plumb (representing Ryde Community Alliance and Ryde Environment Group) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council adopt the draft Code of Meeting Practice as attached to this report for public exhibition for a period of not less than 28 days with the following amendments:-
 - (i) That the enactment of resolutions commence no earlier than midday the following day of the meeting unless otherwise resolved by Council.
 - (ii) That where Questions with Notice are received prior to the Agenda being printed, they be included in the Agenda.
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice from 19 December 2012 to 18 February 2013.
- (d) That a further report be provided to Council in March 2013 to consider adoption of the draft Code of Meeting Practice.
- (e) That Council note the inclusion of the General Purpose Committee as detailed in this report and in the draft Code of Meeting Practice.
- (f) That Council confirm the webcasting trial will be undertaken for both Council meetings and the General Purpose Committee (when held) from February 2013.

Record of Voting:

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

ITEM 1 (continued)

ATTACHMENT 1

Against the Motion: Councillor Yedelian OAM

10 GLADESVILLE RSL DEVELOPMENT PROPOSAL

Note: The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in this Item for the reason that he is a member of the Gladesville RSL Club.

Note: Councillor Pickering disclosed a less than significant non-pecuniary interest in this Item for the reason that he is a member of the Gladesville RSL Club.

Note: Councillor Maggio disclosed a less than significant non-pecuniary interest in this Item for the reason that he is a member of the Gladesville RSL Club.

Note: Graeme Cordiner addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and Simon)

That Council informs the Gladesville RSL and Community Club Ltd (RSL) that it is willing to consider its development vision (option 3) for the joint redevelopment of the Coulter Street carpark site and:

- (a) That the RSL (at its cost) undertakes preliminary community consultation, to seek community opinions of the proposal which are considered in shaping the final development vision to be considered by Council.
- (b) Following the community consultation, including key stakeholders, that a further report be provided to Council by the Gladesville RSL Club including details of the following:
 - (i) Indicative built form and uses;
 - (ii) Parking management (particularly during the construction phase);
and
 - (iii) Results of the community consultation process.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

ITEM 1 (continued)

ATTACHMENT 1

12 DRAFT RYDE LEP 2011 - SUBMISSIONS AND RELATED MATTERS

Note: Tim Flett (representing Pirasta Pty Ltd), Gordana Vasic, Kevin Bevitt, Tod Anderson (representing himself and Taleen Tashjian), Bradley Browne (representing Ryde Ex Services Club), Arthur Zougliis (representing Adam Kaplan / Hunter Holden – Victoria Road Ryde), Judith Partland (representing Gladesville Public School), Dr Jeremy Quek, Patricia Bloomfield, Aaron Lynch, Rocky Tassone, Jennie Minifie (representing Ryde Environment Group), Noel Plumb (representing Ryde Community Alliance and Ryde Environment Group) and Leanne Dean (representing Ryde Community Alliance) addressed the meeting in relation to this Item.

Note: A Memorandum from the Group Manager – Environment and Planning dated 11 December 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: A document was tabled by Kevin Bevitt in relation to this Item and a copy is ON FILE.

Note: A map was tabled by Tod Anderson in relation to this Item and a copy is ON FILE.

Note: A map was tabled by Dr Jeremy Quek in relation to this Item and a copy is ON FILE.

Note: A document dated 11 December 2012 was tabled by Patricia Bloomfield in relation to this Item and a copy is ON FILE.

Note: A submission was tabled by Councillor Pickering in relation to this Item and a copy is ON FILE.

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

That this matter be deferred for an open community workshop to be held in February 2013. The workshop is to address issues raised by speakers at the Council Meeting on 11 December 2012, in particular relating to allotment sizes, torrens title, etc and including comparisons of other Councils practices and resolution of the flooding issue affecting 100-104 Rowe Street, Eastwood, that includes the engineering assessment report.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

24 RYDE RIVER WALK - PUBLIC EXHIBITION OF DESIGN AND STATEMENT OF ENVIRONMENTAL EFFECTS

Note: Gerry Manderson, Errol Penrose, Lindsey Cox addressed the meeting in relation to this Item.

Note: A document dated 11 December 2012 was tabled by Gerry Manderson in relation to this Item and a copy is ON FILE.

Note: A document dated 11 December 2012 was tabled by Errol Penrose in relation to this Item and a copy is ON FILE.

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

That this matter be deferred for consultation with the affected owners.

AMENDMENT: (Moved by Councillor Simon and Pickering)

- (a) That Council place on Public Exhibition the detailed design and Statements of Environmental Effects for a period of three (3) months.
- (b) That a further report be submitted to Council following the Public Exhibition period.
- (c) That Council officers contact immediately affected residents and obtain their direct input and understand their main concerns.

On being put to the Meeting, the voting on the Amendment was ten (10) votes For and one (1) vote Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch

RESOLUTION: (Moved by Councillor Simon and Pickering)

- (a) That Council place on Public Exhibition the detailed design and Statements of Environmental Effects for a period of three (3) months.
- (b) That a further report be submitted to Council following the Public Exhibition period.
- (c) That Council officers contact immediately affected residents and obtain their direct input and understand their main concerns.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: The Mayor, Councillor Petch

MAYORAL MINUTES

MM20/12 RYDE HUNTERS HILL SYMPHONY ORCHESTRA

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

That Council:

- (a) Congratulate the RHHSO Board for its efforts with the development of the Orchestra and that Council officially support the Orchestra through its endorsement and permitting use of Council's logo.
- (b) Contribute to the operating costs of the RHHSO by payment of its Public Liability Insurance with the cost to be incorporated in the December quarterly review.
- (c) Support the permanent use of the Coxs Road Community Hall as the orchestra's rehearsal venue and that the fee for use of this facility be waived.
- (d) In principle agree to provide logistical and administrative support to the orchestra and further that the General Manager meet with the Chair of the Board to determine the scope of services requested. A further report to then be provided to Council nominating the budget and resourcing implications for inclusion in the budget. The scope is expected to include the advertising of upcoming concerts and events, provision of space in the Mayoral Column, Cityview and on Council's website to encourage community sponsorship and assistance with seeking the orchestra to apply for appropriate grant funding.
- (e) That the Mayor write to the Mayor of Hunters Hill Council seeking a contribution in support of the orchestra.

Record of Voting:

For the Motion: Unanimous

MM21/12 REVIEW OF ORGANISATIONAL STRUCTURE OF COUNCIL

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

- (a) That a workshop be held in February 2013 to discuss the merits of Council's current structure and to discuss future restructuring.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That no further senior staff appointment be effected by the General Manager until after the above workshop is held.

Record of Voting:

For the Motion: Unanimous

MM22/12 RYDE CITY BOWLING CLUB

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That consideration of this matter be deferred to Confidential Session.

Record of Voting:

For the Motion: Unanimous

MM23/12 PRINCES STREET - PARKING

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

That Council approve the installation of 150m of “no stopping” signs along the side frontage (Princes Street) of the Royal Ryde Rehabilitation Centre, commencing at the Morrison Road intersection to improve accessibility and safety for vehicles entering and existing the premises.

Record of Voting:

For the Motion: Unanimous

MM24/12 RESIGNATION OF GROUP MANAGER – PUBLIC WORKS – TERRY DODDS

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

- (a) That Council recognise and thank Mr Dodds for his contribution to Council.
- (b) That Council convey its best wishes to Mr Dodds in his new position with Isaac Regional Council.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MM25/12 FORMER RYDE HIGH SCHOOL – SMALLS ROAD RYDE

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

- (a) That Council acknowledge the sizeable Armenian community in the City of Ryde.
- (b) That Council support any application supported by the local community and made by the Armenian community for the establishment of an educational institution within the City of Ryde and in particular the former Ryde High School facility in Smalls Road Ryde.
- (c) That Council call upon the State Government to support any application supported by the local community and made by the Armenian community for the purpose of establishing an educational institution within the City of Ryde and in particular the former Ryde High School facility in Smalls Road.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – WHITSIDE DEVELOPMENT AND ALLENGROVE

Councillor Simon raised a Matter of Urgency regarding the Whiteside Development and Allengrove.

The Mayor, Councillor Petch accepted this as a Matter of Urgency.

RESOLUTION: (Moved by Councillors Simon and Maggio)

That Council consider a Matter of Urgency regarding the Whiteside Development and Allengrove, the time being 10.32pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – WHITSIDE DEVELOPMENT AND ALLENGROVE

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (a) That Council request the General Manager to write to the Department of Planning, Ryde MP The Honourable Victor Dominello and the Planning Minister, Mr Brad Hazzard, requesting a meeting with the Mayor and any other Councillor who wishes to attend. The purpose of the meeting will be to discuss the Whiteside Development currently before the Planning Commission and to request the support of the State Government in opposing the development.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That subject to written confirmation of the Environmental Defenders Office (EDO) acceptance of defending this matter, Council agree in principle to contribute to the appeal of the Allengrove matter to a maximum of \$10,000 and that the EDO be requested to provide Council with a cost plan for their defence of the matter together with a tax invoice.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 27 November 2012

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the Minutes of the Council Meeting 22/12, held on 27 November 2012 be confirmed.

Record of Voting:

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

Against the Motion: Councillor Maggio

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 14/12 held on 4 December 2012

RESOLUTION: (Moved by Councillors Simon and Chung)

That Council note that all Items of the Planning and Environment Committee meeting 14/12 held on 4 December 2012 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 15/12 held on 4 December 2012

RESOLUTION: (Moved by Councillors Perram and Laxale)

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

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

3 DELANGE ROAD - Provision of Bus Shelter

RESOLUTION: (Moved by Councillors Perram and Simon)

That Council take no further action as a shelter already exists 80 metres distant that is not in front of a private residence.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: The Mayor, Councillor Petch

COMPLETION OF BUSINESS – EXTENSION OF TIME

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, the time being 11.00pm.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

4 2012/2013 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND GENERAL MANAGER

RESOLUTION: (Moved by Councillors Li and Etmekdjian)

- (a) That during the period 12 December 2012 to 5 February 2013, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

5 COUNCIL WORKSHOPS AND INDUCTION SESSIONS

MOTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That Council endorse the Workshop schedule as set out in this report with the following amendments:
 - (i) That the LEP workshop be held on 5 February 2013:
 - (ii) That a workshop on the review of the Council Structure be held in February 2013 and:
 - (iii) That the workshop on the General Managers performance objectives be scheduled.
- (b) That Council endorse the conduct of a weekend Workshop to be held on 2 and 9 February 2013:
- (c) That Council resolve to conduct the site visits on 2 and 16 March 2013.
- (d) That Council confirm that where seven Councillors agree to attend a workshop, that the workshop be held.

AMENDMENT: (Moved by Councillors Pendleton and Laxale)

- (a) That Council endorse the Workshop schedule as set out in this report with the following amendments:
 - (i) That the LEP workshop be held on 5 February 2013:
 - (ii) That a workshop on the review of the Council Structure be held in February 2013 and:
 - (iii) That the workshop on the General Managers performance objectives be scheduled.
- (b) That Council endorse the conduct of a weekend Workshop to be held on 2 and 9 February 2013:
- (c) That Council resolve to conduct the site visits on 2 and 16 March 2013.
- (d) That Council confirm that where four Councillors agree to attend a workshop, that the workshop be held.

On being put to the Meeting, the voting on the Amendment was eight (8) votes For and three (3) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Amendment: Councillors Etmekdjian, Perram and Pickering

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

- (a) That Council endorse the Workshop schedule as set out in this report with the following amendments:
 - (i) That the LEP workshop be held on 5 February 2013:
 - (ii) That a workshop on the review of the Council Structure be held in February 2013 and:
 - (iii) That the workshop on the General Managers performance objectives be scheduled.
- (b) That Council endorse the conduct of a weekend Workshop to be held on 2 and 9 February 2013:
- (c) That Council resolve to conduct the site visits on 2 and 16 March 2013.
- (d) That Council confirm that where four Councillors agree to attend a workshop, that the workshop be held.

Record of Voting:

For the Motion: Unanimous

6 SUMMARY OF EXPENSES RELATING TO THE GENERAL MANAGER AND SENIOR STAFF

RESOLUTION: (Moved by Councillors Pickering and Simon)

That Council note the summary of expenses claimed by the General Manager and Senior Staff for the period between May 2012 and October 2012.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

7 2012 LOCAL GOVERNMENT ELECTION PROCESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the report be received and noted.

Record of Voting:

For the Motion: Unanimous

8 CODE OF MEETING PRACTICE

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

9 COMMUNITY COUNCIL MEETINGS

RESOLUTION: (Moved by Councillors Chung and Laxale)

1. That Council conduct three Community Council Meetings in 2013 at the venues as detailed in the report as follows with dates to be confirmed by staff:
 - (a) East Ward in March or April 2013;
 - (b) Central Ward in June or July 2013;
 - (c) West Ward in October or November 2013.
2. The format for the meetings shall be a General Purpose Committee to be known as Community Council Meetings.

Record of Voting:

For the Motion: Unanimous

10 GLADESVILLE RSL DEVELOPMENT PROPOSAL

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

11 SUBMISSION TO POSITION PAPER - IMPROVING THE IMPLEMENTATION OF THE STANDARD INSTRUMENT LEP PROGRAM

RESOLUTION: (Moved by Councillors Simon and Maggio)

That Council submits the attached submission to the Department of Planning and Infrastructure on the Position Paper – Improving the implementation of the Standard Instrument Local Environmental program.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

12 DRAFT RYDE LEP 2011 – SUBMISSIONS AND RELATED MATTERS

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

13 BOARDING HOUSES POLICY - Draft Enforcement Policy and Draft Development Control Plan

MOTION: (Moved by Councillors Li and Maggio)

- (a) That Council authorise public exhibition of the Draft Enforcement Policy - Boarding Houses and the City of Ryde Draft Amending Development Control Plan - Boarding Houses to be carried out in accordance with the Environmental Planning and Assessment Act 1979 for a minimum period of 28 days.
- (b) That Council authorise consultation on the Draft Enforcement Policy - Boarding Houses and City of Ryde Draft Amending Development Control Plan - Boarding Houses for key stakeholders including local education providers, relevant student groups, landlords, housing providers, developers, designers, resident action groups, and landowners and residents up to 100 metres of the Macquarie University.
- (c) That Council receive a further report on the outcomes of the exhibition of draft Boarding Houses Policy comprising:
 - 1. Draft Enforcement Policy: Boarding Houses
 - 2. City of Ryde Draft Amending Development Control Plan - Boarding Houses.

AMENDMENT: (Moved by Councillors Simon and Laxale)

- (a) That Council authorise public exhibition of the Draft Enforcement Policy - Boarding Houses and the City of Ryde Draft Amending Development Control Plan - Boarding Houses to be carried out in accordance with the Environmental Planning and Assessment Act 1979 for a minimum period of 28 days.
- (b) That Council authorise consultation on the Draft Enforcement Policy - Boarding Houses and City of Ryde Draft Amending Development Control Plan - Boarding Houses for key stakeholders including local education providers, relevant student groups, landlords, housing providers, developers, designers, resident action groups, and landowners and residents up to 100 metres of the Macquarie University.
- (c) That Council receive a further report on the outcomes of the exhibition of draft Boarding Houses Policy comprising:
 - 1. Draft Enforcement Policy: Boarding Houses
 - 2. City of Ryde Draft Amending Development Control Plan - Boarding Houses.

ITEM 1 (continued)

ATTACHMENT 1

- (d) That the requirement to return an illegal boarding house to its original condition prior to assessment of an application for a boarding house be removed.

On being put to the Meeting, the voting on the Amendment was two (2) votes For and nine (9) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Laxale and Simon

Against the Amendment: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Li, Maggio, Pendleton, Perram, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Li and Maggio)

- (a) That Council authorise public exhibition of the Draft Enforcement Policy - Boarding Houses and the City of Ryde Draft Amending Development Control Plan - Boarding Houses to be carried out in accordance with the Environmental Planning and Assessment Act 1979 for a minimum period of 28 days.
- (b) That Council authorise consultation on the Draft Enforcement Policy - Boarding Houses and City of Ryde Draft Amending Development Control Plan - Boarding Houses for key stakeholders including local education providers, relevant student groups, landlords, housing providers, developers, designers, resident action groups, and landowners and residents up to 100 metres of the Macquarie University.
- (c) That Council receive a further report on the outcomes of the exhibition of draft Boarding Houses Policy comprising:
1. Draft Enforcement Policy: Boarding Houses
 2. City of Ryde Draft Amending Development Control Plan - Boarding Houses.

Record of Voting:

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

Against the Motion: Councillors Laxale and Simon

14 NORTH RYDE URBAN ACTIVATION PRECINCT

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That Council nominate The Mayor, Councillor Petch and Councillor Yedelian OAM to be represented on the North Ryde Steering Committee.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council endorse the nomination of staff: Group Manager, Environment and Planning and Group Manager, Public Works, with the Group Manager Community Life as the alternate, to be represented on the North Ryde Steering Committee.

Record of Voting:

For the Motion: Unanimous

15 ESTABLISHMENT OF A MOBILE PLAYGROUP SERVICE IN THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Simon and Li)

That Council notes the report into mobile playgroups and acknowledges the positive benefits that mobile playgroups can have. In principle support is given to the mobile playgroups, subject to appropriate funding arrangements. To this end, Council requests the General Manager to:

- (a) Apply to both State and Federal Governments for grant options and seek other funding options as detailed in the report to fund a mobile playgroup in the Ryde LGA; and
- (b) Write to Anthony Roberts and Victor Dominello seeking their support for a funding application.

Record of Voting:

For the Motion: Unanimous

16 CHANGES TO FEES & CHARGES - TREES AND PLAQUES

RESOLUTION: (Moved by Councillors Perram and Pendleton)

- (a) That Council place on public exhibition the following fees and charges for the period of not less than 56 days, due to Christmas holidays.
- (b) That a further report be presented to Council for consideration after the public exhibition period addressing any submissions made.

Record of Voting:

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

Against the Motion: Councillors Maggio and Yedelian OAM

ITEM 1 (continued)

ATTACHMENT 1

17 MEADOWBANK / GLADESVILLE TRAFFIC STUDY

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That subject to confirmation in writing from the RMS of the \$100,000 contribution, Council approve expenditure of up to \$250,000 (including the funding provided by the Roads and Maritime Services (RMS) of \$100,000) and that the expenditure of this amount be approved.
- (b) That the budget adjustment be included in the next Quarterly Review for information.

Record of Voting:

For the Motion: Unanimous

18 ANNUAL TENDERS - Tender for Hire of Plant

RESOLUTION: (Moved by Councillors Perram and Pickering)

- (a) That the tenders for hiring of plant until 31 December 2013 from the following tenderers be accepted on an “as required “ basis for the indicated category of plant:

Tenderer	Category of Plant
A & A Hire Services	2, 4, 5
A & C Plant Hire Pty Ltd	2, 3, 4, 5, 6
Acclaimed Excavations Pty Ltd	1, 2, 3, 4, 5, 6
Active Tipper Hire Pty Ltd	2, 4, 5, 6
Allards Plant Hire Pty Ltd	1, 2, 3, 4, 6
Australian Grader Hire Pty Ltd	1
Barren Transport Pty Ltd	4, 5, 6
Coates Hire Operations Pty Ltd	8, 10
Complete Hire	8, 10
Conplant Pty Ltd	8
DXCore Pty Ltd	2, 4, 6
E & B Tipper Hire Pty Ltd	2, 4, 5, 6
G & R D Chong Pty Ltd	7
Haines Bros Earthmoving & Drainage	1, 2, 3, 4, 6
Kennards Hire Pty Ltd	10
Onsite Rental Group Operations Pty Ltd	10
Porter Plant	1, 2, 3, 4, 6, 8
R & K Johnson Excavations	2
Raygal Pty Ltd	1, 3, 4, 5, 6
Sherrin Rentals Pty Ltd	8, 10
Supreme Earthmoving Pty Ltd	2, 4
Universal Mobile Tower Hire	9

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the preferred contractors be advised that the work will be allocated to them on an “as required” basis, following consideration at the time of the following factors: type of work, price, availability, previous workmanship, relevant expertise, previous service provided to the residents and previous compliance to safety requirements.
- (c) That the non-complying tenderers be advised of the Council’s decision.

Record of Voting:

For the Motion: Unanimous

19 REQUEST FOR TENDER - COR-RFT-20/12 - Construction Services for the Installation of Sportsfield Lighting in Magdala Park, North Ryde.

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That Council accepts the tender from Smada Electrical Services Pty. Ltd. for Construction Services for the Installation of Sportsfield Lighting at Magdala Park, North Ryde as recommended in the Tender Evaluation Report for the lump sum of \$192,570 (GST excl).
- (b) That Council advise all the respondents of Council’s decision.

Record of Voting:

For the Motion: Unanimous

20 REQUEST FOR TENDER - COR-RFT-04/12 - Implement Updated Handheld Technology to Assist Parking

MOTION: (Moved by Councillors Pickering and Perram)

- (a) That Council accepts the tender from Reino International Pty Ltd for the provision of Hand Held Devices for the sum of \$132,400 (excluding GST) which is for the initial first three (3) year period and \$16,800 (excluding GST) is required for the next two by one (1) year options.
(The \$132,400 is to supply and install software and provide maintenance and support services and to host the software for 20 handheld devices for a three year period. The \$16,800 is for the next two by one year options to maintain, support and host software).
- (b) That Council delegate the General Manager the authority to enter into a contract with Reino International Pty Ltd on the terms contained within the tender.
- (c) That Council advise all the respondents of Council’s decision.

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Yedelian OAM and Li)

That no tenders be accepted and no further action be taken.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and eight (8) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Li, Maggio and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Pendleton, Perram, Pickering and Simon

RESOLUTION: (Moved by Councillors Pickering and Perram)

- (a) That Council accepts the tender from Reino International Pty Ltd for the provision of Hand Held Devices for the sum of \$132,400 (excluding GST) which is for the initial first three (3) year period and \$16,800 (excluding GST) is required for the next two by one (1) year options.
(The \$132,400 is to supply and install software and provide maintenance and support services and to host the software for 20 handheld devices for a three year period. The \$16,800 is for the next two by one year options to maintain, support and host software).
- (b) That Council delegate the General Manager the authority to enter into a contract with Reino International Pty Ltd on the terms contained within the tender.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

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

Against the Motion: Councillors Li, Maggio and Yedelian OAM

21 REQUEST FOR TENDER - COUNCIL TELEPHONY SERVICES

Note: Councillor Pendleton disclosed a less than significant non-pecuniary interest in this Item for the reason that she has a small parcel of Telstra shares.

RESOLUTION: (Moved by Councillors Li and Etmekdjian)

- (a) That Optus Networks Pty Ltd be accepted as Council's preferred vendor in relation to the tender for the Provision of Telephony Services for the City of Ryde, subject to successful negotiations for the entering into a formal contract agreement as detailed in this report.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the General Manager be delegated authority to enter into negotiations with Optus Networks Pty Ltd with a view to the execution of a formal contract agreement.
- (c) That the General Manager be delegated the authority to amend the contract on matters which are not material and which are in the best interests of Council.
- (d) That the General Manager be delegated the authority to sign the Contract Agreement on behalf of Council.
- (e) The Council endorse the budget allocations as detailed in this report.
- (f) That all companies who lodged a tender submission for the Provision of Telephony Services for the City of Ryde be advised of Council's decision.

Record of Voting:

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

Against the Motion: Councillor Maggio

22 MEADOWBANK NETBALL COURTS - DELEGATION TO AWARD CONTRACT

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That due to the urgency for Council to complete the works at Meadowbank Netball Courts prior to the commencement of the 2013 netball season, Council hold an Extraordinary Council meeting at 7.30pm on Tuesday, 22 January 2013 to consider the tender relating to the Meadowbank Netball Courts.
- (b) That Council accepts the offer from the Eastwood Ryde Netball Association to contribute to the project and increase the project budget by \$67,190 (GST exclusive), representing capital contribution by Eastwood Ryde Netball Association.
- (c) That the Association be notified of the Extraordinary Council meeting, process and timeframe for the project.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

23 CITY OF RYDE TENNIS COURTS

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

- (a) That Council extend the licence agreement for Kings Park Tennis Centre to Denistone East Community Tennis Courts Committee Inc for additional 5 years, under the same terms and conditions.
- (b) That the General Manager be given delegated authority to execute all relevant documents for Kings Park Tennis Centre licence agreement.
- (c) That Council advertise an Expression of Interest/Requests for Proposals, seeking submissions from suitable not-for-profit organisations for the management and operation of Abuklea and Olympic Park Tennis centres.
- (d) That Council advise the organisations currently managing the facilities of the process and encourage them to apply.
- (e) That Council extend the existing agreement on a month-by-month arrangement under the same terms and conditions of the original agreement, until such time the outcome of the Expression of Interest/Request for proposal has been reported back to Council.
- (f) That a further report be submitted to Council following an Expression of Interest/Requests for Proposals process.

Record of Voting:

For the Motion: Unanimous

24 RYDE RIVER WALK – PUBLIC EXHIBITION OF DESIGN AND STATEMENT OF ENVIRONMENTAL EFFECTS

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

LATE ITEMS

25 REQUEST FOR TENDER - COR-RFT-14/12 - Playground Equipment Maintenance Services for the City of Ryde

RESOLUTION: (Moved by Councillors Li and Etmekdjian)

- (a) That Council accepts the tender from Kico Inspection & Testing Services Pty Ltd for the Playground Equipment Maintenance Services for the amount of \$32,010.00 for year 1 (plus parts), \$33,610.50 for year 2 (plus parts) and \$35,289.57 for year 3, with an option to extend for additional two (2)years by mutual agreement.

ITEM 1 (continued)

ATTACHMENT 1

(b) That Council delegate to the General Manager the authority to enter into a contract with Kico Inspection & Testing Services Pty Ltd on the terms contained within the tender and the contract documents

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

Record of Voting:

For the Motion: Unanimous

26 REQUEST FOR TENDER - COR-RFT - 15/12 - Playground Equipment Condition Audit Services for City of Ryde

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

(a) That Council accepts the tender from Playfix Pty Ltd for the Playground Equipment Condition Audit Services for the amount of \$13,095 for year 1, \$13,618.00 for year 2, and \$14,162.00 for year 3 with an option to extend for a further two (2) years, as mutually agreed.

(b) That Council delegate to the General Manager the authority to enter into a contract with Playfix Pty Ltd on the terms contained within the Tender.

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

Record of Voting:

For the Motion: Unanimous

27 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE AND MACQUARIE PARK FORUM – APPOINTMENT OF REPRESENTATIVES

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That consideration of this matter be deferred to Confidential Session.

Record of Voting:

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

Against the Motion: Councillor Li

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Yedelian OAM left the meeting at 12.23am on Wednesday, 12 December and did not return to the meeting.

NOTICES OF MOTION

1 EASTWOOD RYDE NETBALL ASSOCIATION - Councillor Roy Maggio

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

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That in recognition of her contribution to the Eastwood Ryde Netball Association and netball at all levels that the Courts situated at Meadowbank Park be named the Norma Woods Netball Courts.
- (b) That Council install a plaque in the surrounding area to mark the great contribution of Norma Woods with the naming ceremony and presentation to be held at the first game of the new netball season.
- (c) That this recommendation be submitted to the Association's Executive Committee for ratification and their formal advice be brought back to Council.

Record of Voting:

For the Motion: Unanimous

2 VOLUNTARY PLANNING AGREEMENTS - Councillor Terry Perram

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

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That the General Manager provide options for Council to consider when further dealing with the VPAs for proposed developments at 3-5 Trelawney Street and 7-9 Rutledge Street Eastwood to fully allocate the funds from the VPAs, if accepted, to legacy projects for the community at Eastwood in close proximity to the developments that are capable of being undertaken in conjunction with or in the same time frame as the developments. Options to include:

- Completion of electricity undergrounding along the remaining section of Trelawney Street between Rutledge and Rowe Streets;
- Provision of safe and legal bicycle access to the two developments across Rutledge Street from Trelawney Street the southern side and bicycle access along the frontage of both developments and beyond to the gate of Eastwood Public School for the safety and benefit of school children.

ITEM 1 (continued)

ATTACHMENT 1

- Combination of the above.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Roy Maggio

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

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

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

Record of Voting:

For the Motion: Unanimous

The following Questions with Notice and Answers were provided to Council.

Question 1: **How many people, if any, have been fined in the last 12 months for illegally parking cars, trailers or boats in the City of Ryde?**

Answer 1:

The following information is taken from Council's Infringement Management System (Pinforce Manager):-

In the last 12 months to date (1st November 2011 and 30th October 2012) the total number of vehicles issues Parking Infringements in the City of Ryde totalled 23,322.

The offences were broken up between the following offence locations;

Council Free Car Parks Offences	=	3,282
On Street Offences	=	20,040

Question 2: **In the last 12 months to present, how much money, if any, was expended on obtaining either verbal or written legal advice from General Counsel?**

ITEM 1 (continued)

ATTACHMENT 1

Answer 2:

A meaningful response to this question cannot be given as the General Counsel is an employee of Council.

Question 3: **In the past 12 months how much money has been spent on external legal consultation and advice?**

Answer 3:

For the 2011/2012 financial year, a total of \$492,898 has been expended on all matters across Council's operations, excluding projects.

Question 4: **How does that compare to the previous 12 months?**

Answer 4:

The expenditure for the 2010/2011 year was \$283,107.

Question 5: **What is the ratio of cost of "in-house" legal costs to external legal cost as a percentage?**

Answer 5:

For reasons previously stated, this is difficult to calculate, however it is estimated at approximately 60% internal / 40% external.

Question 6: **What was the total value of the matters dealt with by the "in-house" legal advice?**

Answer 6:

As the General Counsel is an employee of Council this is difficult to assess, however it is estimated that the value of in-house legal advice exceeds the costs of employing the General Counsel.

Question 7: **What other Councils employ their own in-house Legal Counsel?**

Answer 7:

Unfortunately there is no local government database available, however many Councils employ their own in-house Legal Counsel with additional support staff. As an example Sydney, Leichhardt, Marrickville, Sutherland, Blacktown, Penrith, Blue Mountains, The Hills, Parramatta, Manly and Hornsby are a sample of Councils who employ their own General Counsel.

ITEM 1 (continued)

ATTACHMENT 1

2 QUESTIONS WITH NOTICE - Councillor Roy Maggio

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

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

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

Record of Voting:

For the Motion: Unanimous

Question 1: **Does Golden Goal have the right to remove and/or dismantle fittings and equipment (4 kit soccer fields) installed under an approved development application endorsed by the Minister?**

Answer 1:

Refer to answer 4 below.

Question 2: **What is the total cost of Security Guards at the Ryde City Bowling Club?**

Answer 2:

\$23,286.80

Question 3: **What assets were the Security Guards protecting?**

Answer 3:

Cash, alcohol, computers, furniture, kitchen equipment and food, business records and books of account.

Question 4: **Who do the assets belong to at the Ryde City Bowling Club?**

Answer 4:

According to Clause 10.04 of the Lease Deed, the Lessor has the right to remove or otherwise deal with all goods, fittings, fixtures and effects found on the Premises (e)(v) of any of its assets in circumstances where a receiver or manager has been appointed.

According to Clause 7.05 of the Lease Deed (a) the Lessor will determine at its sole discretion at the end of the lease those fixtures or alterations which have become or form part of the premises to remain and become part of the Lessor's property.

Question 5: **Does a letter exist from the Minister approving the change of use?**

ITEM 1 (continued)

ATTACHMENT 1

Answer 5:

Yes, it will be provided at tonight's meeting.

Question 6: **Why is there an inconsistent view for both Bowling Clubs (Denistone and Ryde) regarding the receivers managing the assets?**

Answer 6:

Denistone was wound up at the Board's direction. All assets were sold off and surplus funds distributed to members. The building has reverted to Council ownership. Council owned the land.

In respect of Ryde, a Liquidator has been appointed by the Court on application by an unsecured creditor, and a Receiver and Manager appointed by the only secured creditor, Mr Palapanos. The ultimate determination in this matter rests with the Crown as owner of most of the land in question.

Question 7: **Does any lease or license that is less than 5 years need to go to tender?**

Answer 7:

Yes, except in exceptional temporary circumstances approved by the Crown. Council is only Trustee and Manager of most of the subject land. The remainder of the land is community land owned by Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Julie Worsley (representing Allengrove Against Inappropriate Development) and Tim Nightingale addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

MM22/12 RYDE CITY BOWLING CLUB

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: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

ITEM 1 (continued)

ATTACHMENT 1

**ITEM 27 – ECONOMIC DEVELOPMENT ADVISORY COMMITTEE AND
MACQUARIE PARK FORUM – APPOINTMENT OF REPRESENTATIVES**

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: (a) personnel matters concerning particular individuals (other than Councillors).

**ITEM 28 – UPDATE RYDE BOWLING CLUB – IMPLEMENTATION OF COUNCIL
RESOLUTION, PROGRESS REPORT**

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: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council; AND (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 12.30am. The public and media left the chamber.

MM22/12 RYDE CITY BOWLING CLUB

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

Note: A letter from Crown Lands dated 11 December 2012 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by The Mayor, Councillor Petch and Perram)

(a) That Council receive and note the correspondence from the RydeX Club.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council request the General Manager to prepare an expression of interest/tender (EOI) document and seek submissions from the community with regard to the future use of the Ryde Bowling Club site for Council's consideration and that this EOI be issued as soon as legally practicable given the current receivership.
- (c) That Councillors input be sought, at a future workshop session, on the proposed assessment criteria to be used in evaluating the submissions prior to the close of the EOI/tender period.
- (d) That Council invite the directors of the RydeX Club and other parties who make a submission to the above process, to a future Council workshop to address Council with regard to their proposal for the Ryde Bowling Club.

Record of Voting:

For the Motion: Unanimous

27 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE AND MACQUARIE PARK FORUM – APPOINTMENT OF REPRESENTATIVES

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

RECOMMENDATION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That Council amend the Terms of Reference to make the membership of the Economic Development Advisory Committee to include all local Chambers of Commerce and the individuals as identified in the report.
- (b) That Council accept the nominations to the Economic Development Advisory Committee and Macquarie Park Forum **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**, subject to part (c) below.
- (c) That Council call for further Expressions of Interest for the Macquarie Park Forum from 20 December 2012 to 31 January 2013 with a report to be provided to Council at its meeting on 12 February 2013.
- (d) That following an election, Council confirm Councillor Salvestro-Martin as Chairperson and Councillor Etmekdjian as Deputy Chairperson of the Economic Development Advisory Committee, in accordance with the 2010 Terms of Reference.
- (e) That Council confirm Councillor Pickering as Chairperson of the Macquarie Park Forum, in accordance with the 2010 Terms of Reference.
- (f) That Bike North be requested to nominate their alternate representative to the Bicycle Advisory Committee.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Maggio

28 UPDATE RYDE BOWLING CLUB – IMPLEMENTATION OF COUNCIL RESOLUTION, PROGRESS REPORT

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

Note: A letter from Crown Lands dated 11 December 2012 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Etmekdjian and Laxale)

- (a) That the Council request the General Manager to continue discussions with the Crown, seeking their advice on entering a temporary license agreement under Clause 102 of the Crowns Land Act and Clause 31 of the Crowns Land Regulation for a period of six months, as allowed for in the legislation, with the receivers and managers of the Camperdown Bowling Club (Golden Goal consenting) to occupy the current 'soccer' courts (excluding the club premises).
- (b) That Council endorse that proceeding with such a license is subject to agreement of commercial terms between the parties, as verified by an independent valuer, and the reimbursement to Council of its costs of entry of the premises, as well as an acknowledgement by the Receivers and Managers of Camperdown Bowling Club and Golden Goal that Council has not converted, or attempted to convert the interests of either the club or Golden Goal.
- (c) That subject to achievement of agreement of both of the above resolutions Council authorise the General Manager and the Mayor to execute all documents as necessary to give effect to this license agreement.
- (d) That pending agreement the current arrangements continue.
- (e) That the General Manager report back to Council with an update at the first Council meeting in 2013 on the implementation of this resolution and provide advice to Council on the potential utilisation of the site to maximum community benefit.
- (f) That Council request the General Manager to prepare an expression of interest/tender (EOI) document and seek submissions from the community with regard to the future use of the Futsal Courts for Council's consideration and that this EOI be issued and completed during the term of the six month temporary licence.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Maggio

OPEN SESSION

RESOLUTION: (Moved by Councillors Pickering and Simon)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 1.17am.

RESOLUTION: (Moved by Councillors Pickering and Simon)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 1.20am on 12 December 2012.

CONFIRMED THIS 12TH DAY OF FEBRUARY 2013

Chairperson

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 22 January 2013

Report prepared by: Acting Section Manager - Governance
File No.: GRP/12/5/5/5 - BP12/1546

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 Extraordinary Council Meeting 1/13, held on 22 January 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Extraordinary Council Meeting - 22 January 2013

ITEM 2 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 1/13**

Meeting Date: Tuesday 22 January 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, Salvestro-Martin, Simon and Yedelian OAM.

Apologies: Nil.

Leave of Absence: Councillor Perram.

Staff Present: General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Acting Manager – Communications and Media, Senior Project Manager and Service Unit Manager – Governance.

PRAYER

Mr John Neish, General Manager offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No Petitions were tabled.

TABLING OF DOCUMENTS

The Mayor, Councillor Petch circulated an email to all Councillors, a copy of which is ON FILE.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

ITEM 2 (continued)

ATTACHMENT 1

MATTERS OF URGENCY

PLANNING ASSESSMENT COMMISSION (PAC)

Councillor Pendleton advised that she wished to raise a Matter of Urgency regarding the Planning Assessment Commission (PAC).

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

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

That Council consider the Matter of Urgency regarding the Planning Assessment Commission (PAC).

Record of Voting:

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

Against the Motion: Councillor Pickering

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

That Council staff shall:

1. Arrange for a senior staff member to advise by the due date (31 January) that they are registering to address the Planning Assessment Commission (PAC) and to present Councillors' concerns at the meeting.
2. At the meeting, the staff member will tender a letter and also read it out to the audience from Council indicating:
 - (a) That Councillors are disappointed that the scheduling of the meeting has resulted in their inability to attend to support residents at the meeting because it conflicts with the Standing Committee meetings which have been scheduled well in advance and publicly advertised.
 - (b) That Council objects to the revised proposal which is still inconsistent with the Draft LEP 2011 zonings and not in the public interest, and intends to send the Planning Assessment Commission (PAC) a submission.
3. Councillors to receive a report in the next CIB about the meeting attendance, issues raised, outcomes and any next steps.
4. Council staff to prepare a submission for the Planning Assessment Commission (PAC) for the Council Meeting scheduled for 12 February 2013.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Pickering

MACQUARIE SHOPPING CENTRE

Councillor Salvestro-Martin advised that he wished to raise a Matter of Urgency regarding Macquarie Shopping Centre.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

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

That Council consider the Matter of Urgency regarding Macquarie Shopping Centre.

Record of Voting

For the Motion: Unanimous

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

- (a) That Council withdraw approval for noise generating night work as part of the special night works permit at the Macquarie Shopping Centre to be effective as of 29 January 2013.
- (b) That Council amend noise reports to weekly in lieu of monthly reports.
- (c) That a report be provided to Council regarding the requirements and reasons for night works at Macquarie Shopping Centre for Council's consideration of approval or refusal of a special night works permit.

Record of Voting

For the Motion: Unanimous

RECOMMITTAL – MATTER OF URGENCY – PLANNING ASSESSMENT COMMISSION (PAC)

RESOLUTION: (Moved by Councillors Pickering and Pendleton)

That the Matter of Urgency regarding the Planning Assessment Commission (PAC) be recommitted.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting

For the Motion: Unanimous

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

That Council staff shall:

1. Arrange for a senior staff member to advise by the due date (31 January) that they are registering to address the Planning Assessment Commission (PAC) and to present Councillors' concerns at the meeting.
2. At the meeting, the staff member will tender a letter and also read it out to the audience from Council indicating:
 - (a) That Councillors are disappointed that the scheduling of the meeting has resulted in their inability to attend to support residents at the meeting because it conflicts with the Standing Committee meetings which have been scheduled well in advance and publicly advertised.
 - (b) That Council objects to the revised proposal which is still inconsistent with the Draft LEP 2011 zonings and not in the public interest, and intends to send the Planning Assessment Commission (PAC) a submission.
3. Councillors to receive a report in the next CIB about the meeting attendance, issues raised, outcomes and any next steps.
4. Council staff to prepare a submission for the Planning Assessment Commission (PAC) for the Council Meeting scheduled for 12 February 2013.

Record of Voting

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 REQUEST FOR LEAVE OF ABSENCE - Councillor Artin Etmekdjian

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Councillor Etmekdjian's Leave of Absence for the period from Monday, 28 January 2013 until Friday, 8 February 2013 inclusive be approved.

Record of Voting

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

CLOSED SESSION

ITEM 2 – MEADOWBANK NETBALL COURTS

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: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

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

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

Note: The Council closed the meeting at 8.00pm. The public and media left the chamber.

2 MEADOWBANK NETBALL COURTS

RECOMMENDATION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That Council accept the tender from Court Craft Pty Ltd for the construction of two (2) new netball courts at Meadowbank Park Netball Complex, Adelaide Street, Meadowbank to the amount of \$128,156 (GST exclusive) as recommended in the Tender Evaluation Report.
- (b) That the required contribution by Eastwood Ryde Netball Association be 40% of the total amount of the contract.
- (c) That Council advise all the respondents of Council's decision.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

OPEN SESSION

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 8.13pm.

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

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 8.15pm.

CONFIRMED THIS 12TH DAY OF FEBRUARY 2013

Chairperson

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
1/13 held on 5 February 2013**

Report prepared by: Acting Section Manager - Governance
File No.: GRP/12/5/5/5 - BP12/1496

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 1/13 held on 5 February 2013. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Items 1, 3, 4 and 5 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 1106 VICTORIA ROAD, WEST RYDE. LOT C DP 389182. Local Development Application for the change of use from a single dwelling to an attached dual occupancy. LDA2012/0251.

Note: Councillor Maggio disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he knows the owners of the property.

Note: Councillor Chung disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he had a prior close affiliation with the applicant.

Note: Councillor Chung left the meeting at 4.46pm and did not participate in the debate or voting on this Item.

Note: A Memorandum dated 4 February 2013 from the Group Manager – Environment and Planning was tabled in relation to this Item and a copy is ON FILE.

Note: Jaclyn Woods (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Maggio.)

That Local Development Application No. LDA2012/0251 at 1106 Victoria Road, West Ryde be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 2), with condition 10 (Section 94 Contribution) to be removed.

Record of Voting:

For the Motion: Councillors Maggio and Yedelian OAM

ITEM 3 (continued)

Against the Motion: Councillor Pendleton

Note: This matter will be dealt with at the Council Meeting to be held on **12 FEBRUARY 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation

ATTACHMENTS

1 Minutes - Planning and Environment Committee - 5 February 2013

ITEM 3 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 1/13

Meeting Date: Tuesday 5 February 2013

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 4.07pm

Councillors Present: Councillors Pendleton (Chairperson), Chung, Maggio and Yedelian OAM.

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

Apologies: Councillor Salvestro-Martin

Leave of Absence: Councillor Simon.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Service Unit Manager – Governance, Team Leader – Assessment, Senior Town Planner, Assessment Officer – Town Planner, Team Leader – Development Engineers, Executive Building Surveyor, Business Support Coordinator – Environment and Planning and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a Significant Non-Pecuniary Interest in Item 2 – 1106 Victoria Road, West Ryde – LDA2012/0251 for the reason that he knows the owners of the property.

Councillor Chung disclosed a Significant Non-Pecuniary Interest in Item 2 – 1106 Victoria Road, West Ryde – LDA2012/0251 for the reason that he had a prior close affiliation with the applicant.

1 CONFIRMATION OF MINUTES - Meeting held on 4 December 2012

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 14/12, held on Tuesday 4 December 2012, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

2 1106 VICTORIA ROAD, WEST RYDE. LOT C DP 389182. Local Development Application for the change of use from a single dwelling to an attached dual occupancy. LDA2012/0251.

Note: Councillor Maggio disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he knows the owners of the property.

Note: Councillor Chung disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he had a prior close affiliation with the applicant.

Note: Councillor Chung left the meeting at 4.46pm and did not participate in the debate or voting on this Item.

Note: A Memorandum dated 4 February 2013 from the Group Manager – Environment and Planning was tabled in relation to this Item and a copy is ON FILE.

Note: Jaclyn Woods (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Maggio.)

That Local Development Application No. LDA2012/0251 at 1106 Victoria Road, West Ryde be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 2), with condition 10 (Section 94 Contribution) to be removed.

Record of Voting:

For the Motion: Councillors Maggio and Yedelian OAM

Against the Motion: Councillor Pendleton

Note: This matter will be dealt with at the Council Meeting to be held on **12 FEBRUARY 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation

3 13 SMITH STREET RYDE. LOT 13 DP 5558. Local Development Application for demolition, construction of a part 4/part 5 storey residential flat building with 16 apartments and basement car parking for 18 vehicles, and strata subdivision. LDA2012/0185.

Report: The Committee inspected the property at 13 Smith Street, Ryde.

Note: Councillor Chung returned to the meeting at 5.01pm.

Note: A Memorandum dated 4 February 2013 from the Group Manager – Environment and Planning was tabled in relation to this Item and a copy is ON FILE.

Note: Anthony Vaccaro (objector) and Adam Byrnes (on behalf of the applicant) addressed the Committee in relation to this Item.

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Maggio and Chung)

(a) That Local Development Application No. LDA2012/0185 at 13 Smith Street Ryde being LOT 13 DP 5558 be approved subject to the **ATTACHED** conditions (Attachment 1) with condition 28 to be amended to read as follows:

28. **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	\$35,953.87
Open Space & Recreation Facilities	\$88,510.93
Civic & Urban Improvements	\$30,104.47
Roads & Traffic Management Facilities	\$4,106.60
Cycleways	\$2,564.98
Stormwater Management Facilities	\$8,153.43
Plan Administration	\$691.64
The total contribution is	\$170,085.93

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>.

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

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

4 10 RIVER AVENUE, CHATSWOOD WEST. LOT 53 DP 16042. Local Development Application for the erection of an outbuilding at the rear. LDA2012/0269.

Note: A Memorandum dated 5 February 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 Maggio and Chung)

That Local Development Application No. 2012/0269 at 10 River Road, Chatswood West, being LOT 53 DP 16042 be approved subject to the conditions in **Attachment 2** and the following condition as included in the circulated memorandum:

31A **Safe site access** Safe and suitable access shall be provided between the rear of the dwelling and the approved cabana structure.

Record of Voting:

For the Motion: Unanimous

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

5 16 PUNT ROAD, GLADESVILLE. LOT 502 DP 732745. Local Development Application for alterations and additions to seniors housing (residential care facility): additional facilities including new office, meeting room, change room, and laundry. LDA2012/0015.

Note: Geraldine Killalea (objector) and John Stuart and Robert Pufflett (on behalf of the owner and applicant) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Local Development Application No. 2012/0015 for 16 Punt Road, Gladesville, be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That the staff involved be congratulated.

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 5.20 pm.

CONFIRMED THIS 19TH DAY OF FEBRUARY 2013.

Chairperson

**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/13
held on 5 February 2013**

Report prepared by: Acting Section Manager - Governance
File No.: GRP/12/5/5/5 - BP12/1497

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 1/13 held on 5 February 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 3, 5 and 6(a), 6(c), 6(d), 6(e), 6(f), 6(g), 6(h), 6(i), 6(j), 6(k), 6(l), 6(m), 6(n), 6(o), 6(p), 6(q), 6(r), 6(s), 6(t), 6(u) and 6(v) were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 2, 4 and 6(b) 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 TREE ISSUE - 75 ABUKLEA ROAD, EASTWOOD

Report: The Committee inspected the property at 75 Abuklea Road, Eastwood.

RECOMMENDATION: (Moved by Councillors Li and Pickering)

That both trees on Council land outside 75 Abuklea Road, Eastwood be removed due to their proximity to the resident's home.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **12 FEBRUARY 2013** as substantive changes were made to the published recommendation

**4 OUTCOMES FROM INVESTIGATIONS FOR RYDE WHARF AT SHEPHERDS
BAY**

RECOMMENDATION: (Moved by Councillors Perram and Laxale)

That the matter be deferred for consideration and comment by the Heritage Advisory Committee at its next meeting.

Record of Voting:

For the Motion: Unanimous

ITEM 4 (continued)

Note: This matter will be dealt with at the Council Meeting to be held on **12 FEBRUARY 2013** as substantive changes were made to the published recommendation

6 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 22 November 2012

RECOMMENDATION: (Moved by Councillors Perram and Laxale)

- (b) That Council adopt the following recommendations in relation to the report titled "WEST PARADE AND RAILWAY PARADE, EASTWOOD" - Request for Drop off / Pick up area, as follows:
- (i) That Council approve 'No Parking' restrictions (6am-10am, 3pm-7pm) with 'Kiss and Ride' supplementary signs and 1/2P (10am-3pm) along Railway Parade north of station exit for two (2) car spaces.
 - (ii) That Council approve 'No Parking' restrictions (6am-10am, 3pm-7pm) with 'Kiss and Ride' supplementary signs and 1/2P (10am-3pm) along West Parade outside Eastwood Park for two (2) car spaces.
 - (iii) That Council write to Railcorp requesting that the existing zebra crossing in front of the station entry on the western side be converted to a raised zebra crossing.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **12 FEBRUARY 2013** as substantive changes were made to the published recommendation

ATTACHMENTS

- 1** Minutes - Works and Community Committee - 5 February 2013

ITEM 4 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 1/13**

Meeting Date: Tuesday 5 February 2013

Location: Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 4.30pm

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

Apologies: Nil.

Leave of Absence: Councillor Etmekdjian.

Staff Present: Group Manager – Community Life, Acting Group Manager – Public Works, Manager Asset Systems, Manager Infrastructure Integration, Manager Operations, Section Manager – Traffic and Governance, Service Unit Manager – Project Development, Service Unit Manager – Open Space, Urban Forest Officer, Team Leader – Strategic Planning, Acting 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 4 December 2012

RESOLUTION: (Moved by Councillors Pickering and Laxale)

That the Minutes of the Works and Community Committee 15/12, held on Tuesday 4 December 2012, 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 TREE ISSUE - 75 ABUKLEA ROAD, EASTWOOD

Report: The Committee inspected the property at 75 Abuklea Road, Eastwood.

RECOMMENDATION: (Moved by Councillors Li and Pickering)

That both trees on Council land outside 75 Abuklea Road, Eastwood be removed due to their proximity to the resident's home.

ITEM 4 (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 **12 FEBRUARY 2013** as substantive changes were made to the published recommendation

**3 RIGHT OF CARRIAGEWAY OVER 36A STATION STREET WEST RYDE-
NEWQUEST PROJECTS PTY LTD ON BEHALF OWNERS OF 29-31 GAZA
ROAD WEST RYDE**

RESOLUTION: (Moved by Councillors Pickering and Li)

- (a) That in principle, support be given to the granting of a right of carriage way in favour of the owners of 29-31 Gaza Road West Ryde over Council's land at 36A Station Street West Ryde
- (b) That the General Manager be delegated the authority to negotiate the compensation payable by the owners of 29-31 Gaza Street West Ryde to Council for granting the right of carriage in line with the commercial terms set out in this Report.
- (c) That a further report be provided following the finalisation of negotiations in respect of the level of compensation payable to Council in granting the right of carriageway over 36A Station Street West Ryde to the owners of 29-31 Gaza Road West Ryde.

Record of Voting:

For the Motion: Unanimous

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

**4 OUTCOMES FROM INVESTIGATIONS FOR RYDE WHARF AT SHEPHERDS
BAY**

RECOMMENDATION: (Moved by Councillors Perram and Laxale)

That the matter be deferred for consideration and comment by the Heritage Advisory Committee at its next meeting.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **12 FEBRUARY 2013** as substantive changes were made to the published recommendation

ITEM 4 (continued)

ATTACHMENT 1

5 ADJUSTMENTS TO CAPITAL WORKS SCHEDULES AND ADDITIONAL CAPITAL PROJECTS

Note: Anna Lloyd addressed the Committee in relation to this Item.

Note: Photographs and further information were tabled in relation to this Item and copies are ON FILE.

RESOLUTION: (Moved by Councillors Li and Pickering)

- (a) That the Road Resurfacing renewal program listings of projects be updated to reflect the section being done for Talavera Road is from Khartoum Road to Lane Cove Road to match the RMS regional roads program funding, with the extra income and expenditure confirmed in the second quarter review.
- (b) That Stormwater Asset Replacement and Stormwater Improvement Programs listings be adjusted to
 - (i) defer Ball Avenue and Bowden Street;
 - (ii) delete Epping Road median lowering;
 - (iii) clarify as design only for Meriton Street, ELS Hall Park and Waterloo Park detention basin; and
 - (iv) add design of Gwendale Crescent.
- (c) That the additional \$400,000 to complement the Transport for NSW funds for the finalisation of the Epping to Chatswood Rail Line station ready works be sourced from the Macquarie Park Special Rate reserve.
- (d) That the income and expenditure budget adjustments to reflect the Transport for NSW funded and Roads & Maritime Service works be confirmed in the second quarter review.

Record of Voting:

For the Motion: Unanimous

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

6 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 22 November 2012

RESOLUTION: (Moved by Councillors Laxale and Pickering).

That this Item be considered in seriatim.

Record of Voting:

For the Motion: Unanimous

Note: The Item was then considered in seriatim.

ITEM 4 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (a) That Council adopt the following recommendation in relation to the report titled "CURZON STREET, WATT AVENUE AND BAVIN AVENUE, TOP RYDE" - Request for 2P Resident Parking Scheme, as follows:
- (i) That Council approve the installation of 2P (8am- 6pm, Mon-Fri) Resident Parking Scheme (RPS) along the southern side of Curzon Street, along the southern side of Watt Avenue and along the western side of Bavin Avenue.
 - (ii) That Top Ryde parking zone be corrected to Zone 11, as Zone 10 is operational in Marsfield.

Record of Voting:

For the Motion: Unanimous

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

RECOMMENDATION: (Moved by Councillors Perram and Laxale)

- (b) That Council adopt the following recommendations in relation to the report titled "WEST PARADE AND RAILWAY PARADE, EASTWOOD" - Request for Drop off / Pick up area, as follows:
- (i) That Council approve 'No Parking' restrictions (6am-10am,3pm-7pm) with 'Kiss and Ride' supplementary signs and 1/2P (10am-3pm) along Railway Parade north of station exit for two (2) car spaces.
 - (ii) That Council approve 'No Parking' restrictions (6am-10am, 3pm-7pm) with 'Kiss and Ride' supplementary signs and 1/2P (10am-3pm) along West Parade outside Eastwood Park for two (2) car spaces.
 - (iii) That Council write to Railcorp requesting that the existing zebra crossing in front of the station entry on the western side be converted to a raised zebra crossing.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **12 FEBRUARY 2013** as substantive changes were made to the published recommendation

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (c) That Council adopt the following recommendation in relation to the report titled "MORRISON ROAD AND PARRY STREET, PUTNEY" - Request for "Stop" control at intersection, as follows:

ITEM 4 (continued)

ATTACHMENT 1

- (i) That Council approve the installation of “Stop” controls at the intersection of Parry Street and Morrison Road.
- (ii) That Council approve the installation of ‘Changed Traffic Conditions’ signs along Morrison Road and Parry Street on a temporary basis.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (d) That Council adopt the following recommendations in relation to the report titled “PRINCES STREET, RYDE” - Request for No Stopping Restrictions, as follows:

That Council approve ‘No Stopping’ on the eastern side of Princes Street for a distance of 150 metres south of Morrison Road in front of the Royal Ryde Rehabilitation Centre.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (e) That Council adopt the following recommendation in relation to the report titled “CLARENCE STREET, NORTH RYDE” - Request for 1P parking restrictions and No Right Turn restrictions, as follows:

That Council not proceed with 1P parking restrictions along Clarence Street and ‘No Right Turn’ restrictions at Blenheim Road intersection as neither is warranted.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (f) That Council adopt the following recommendation in relation to the report titled “MALVINA STREET AND FORREST ROAD, RYDE” - Request for “Kiss and Ride” outside school and ‘No Parking’ at cul-de-sac, as follows:

ITEM 4 (continued)

ATTACHMENT 1

- (i) That Council approve 'No Parking' along the annulus of the cul-de-sac at the eastern end of Forrest Road, Ryde.
- (ii) That Council approve 'No Parking' (8am-9am, 2.30pm-3.30pm, School Days)' along Forrest Road outside the school administration office for three (3) car parking spaces with 'Kiss and Ride' supplementary plates.
- (iii) That Council approve additional times (8am-9am) on the existing 'No Parking' signs along Malvina Street south of school access driveway.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (g) That Council adopt the following recommendation in relation to the report titled "VINCENTIA STREET, MARSFIELD" - Request for restricted parking, as follows:

That Council take no action on parking along Vincentia Street as the average on-street parking utilisation is only 44%.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (h) That Council adopt the following recommendation in relation to the report titled "HERBERT STREET, WEST RYDE" - Request for parking restrictions, as follows:

That Council approve '2P (8am – 6pm, Mon – Fri)' parking on the northern side of Herbert Street between Anzac Avenue and Hermitage Road.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (i) That Council adopt the following recommendation in relation to the report titled "WARRAWONG STREET, EASTWOOD" – Request for 'No Stopping' along the inner radius bend, as follows:

ITEM 4 (continued)

ATTACHMENT 1

That Council approve the 'No Stopping' along the inner radius of the bend where Warrawong Street meets Brush Road.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (j) That Council adopt the following recommendation in relation to the report titled "DENISTONE ROAD, EASTWOOD" – No Parking (Motorcycles excepted), as follows:

That Council install 'No Parking' (Motorcycle excepted) signs for a length of 4 metres along Denistone Road, Eastwood outside property No.32.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (k) That Council adopt the following recommendation in relation to the report titled "MIRIAM ROAD, WEST RYDE" – No Parking (Kiss and Ride), as follows:

That Council undertake a six (6) month trial in relation to the provision of a single 'No Parking' space along the side frontage (Miriam Road) of No.52 West Parade and that a follow up report be submitted to the Committee following the completion of the trial period confirming its use and whether the installation should be supported permanently.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (l) That Council adopt the following recommendation in relation to the report titled "PRICE STREET, RYDE" - Request for Traffic Calming Devices, as follows:

ITEM 4 (continued)

ATTACHMENT 1

This item be deferred as the supplier of counting services undertook surveys along an alternate street by accident.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

(m) That Council adopt the following recommendation in relation to the report titled "CRESSY ROAD, RYDE" – Request for "one way" traffic movement, as follows:

That Council take no action to make Cressy Road between Victoria Road and Buffalo Road 'one way' in the northerly direction.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

(n) That Council adopt the following recommendation in relation to the report titled "SHAFTSBURY ROAD AND PERKINS STREET, EASTWOOD" – Request of left turn traffic, as follows:

That Council take no action to install painted blisters along Perkins Street in the intersection of Shaftsbury Road as current data does not support any changes at this intersection.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

(o) That Council adopt the following recommendation in relation to the report titled "MALVINA STREET AND FORREST ROAD, RYDE" - Request for marked pedestrian crossing, as follows:

(i) That Council not proceed with the installation of a pedestrian crossing along Malvina Street and Forrest Road outside Ryde Secondary College and the RMS warrants are not met.

ITEM 4 (continued)

ATTACHMENT 1

- (ii) That Council approve edge line markings along Malvina Street (wider section) between Buffalo Road and Forrest Road.
- (iii) That Council write to the Principal of Ryde Secondary College to publicise 'Kiss and Ride' areas along Forrest Road and Malvina Street through the college news letter.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (p) That Council adopt the following recommendation in relation to the report titled "COXS ROAD, RYDE" – Proposal for kerb blisters, as follows:
 - (i) That Council approve the concept proposal for traffic calming along Cox's Road between Blenheim Road and Cressy Road subject to further design development in consultation with RMS.
 - (ii) That the project be listed for future funding subject to budget consideration of capital works.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (q) That Council adopt the following recommendation in relation to the report titled "ROWE STREET, EASTWOOD" – Black Spot Program 2012/2013 – Black Length, as follows:

That Council investigate design options to optimise pedestrian safety at this intersection.

Record of Voting:

For the Motion: Unanimous

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

ITEM 4 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (r) That Council adopt the following recommendation in relation to the report titled “KINGS ROAD AT BRABYN STREET & HERDERSON STREET, DENISTONE EAST” - Request for roundabouts, as follows:
- (i) That Council not approve the installation of roundabouts at the intersections of Kings Road and Brabyn Street / Henderson Street at this time.
 - (ii) That Council monitor the traffic conditions in Kings Road and a further report be tabled at the Traffic Committee in six (6) months time.
 - (iii) That NSW Police be requested to undertake surveillance in the area to encourage compliance with the posted speed limit for local roads.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (s) That Council adopt the following recommendation in relation to the report titled “ADA STREET, FLINDERS ROAD, SMALLS ROAD, BARINGA STREET, TREVITT ROAD, NORTH RYDE” - Request for review of traffic conditions (traffic flow), as follows:
- (i) That Council not approve traffic calming measures along Ada Street, Flinders Road, Smalls Road, Baringa Street and Trevitt Road at present.
 - (ii) That Council monitor the traffic conditions in Ada Street, Flinders Road, Smalls Road, Baringa Street and Trevitt Road and a further report be tabled at the Traffic Committee in six (6) months time.
 - (iii) That NSW Police be requested to undertake surveillance in the area to encourage compliance with the posted speed limit for local roads.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (t) That Council adopt the following recommendation in relation to the report titled “WICKS ROAD, NORTH RYDE” – Request for ‘Keep Clear’ line marking, as follows:

ITEM 4 (continued)

ATTACHMENT 1

- (i) That Council install a “DO NOT QUEUE ACROSS INTERSECTION” signpost on Wicks Road at the Barr Street intersection.
- (ii) That Council install a “DO NOT QUEUE ACROSS INTERSECTION” signpost on Wicks Road at the Beatrice Street intersection.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (u) That Council adopt the following recommendation in relation to the report titled “GANNET STREET, GLADESVILLE” - Review of traffic flow and parking (Final Report), as follows:
 - (i) That Council supports the eastern end closure of Gannet Street (adjacent to Pittwater Road) to general traffic.
 - (ii) That Council prepare and submit a Traffic Management Plan (TMP) in relation to the eastern end closure of Gannet Street to the RMS for concurrence.
 - (iii) That Council list, for future capital works consideration, the construction of a cul-de-sac at the eastern end of Gannet Street.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (v) That Council adopt the following recommendation in relation to the report titled “SEE STREET, MEADOWBANK” – Request for No Parking restrictions, as follows:
 - (i) No Parking: 7.30am – 9.30am; 2.30pm – 4.30pm, Monday to Friday; and
 - (ii) 2P (Zone 8 Resident Parking Scheme): 9.30am – 2.30pm; 4.30pm – 9.00pm, Monday to Friday.

Record of Voting:

For the Motion: Unanimous

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

ITEM 4 (continued)

ATTACHMENT 1

The meeting closed at 5.50pm.

CONFIRMED THIS 19TH DAY OF FEBRUARY 2013.

Chairperson

5 CONFIRMATION OF MINUTES - Civic Precinct Committee Meeting held on 6 June 2012

Report prepared by: Acting Section Manager - Governance
File No.: GRP/12/5/5/5 - BP12/1545

REPORT SUMMARY

As the Code of Meeting Practice was recently amended to remove the Civic Precinct Committee, it is recommended that Council confirm the Minutes from the last Civic Precinct Committee Meeting held on 6 June 2012.

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 Civic Precinct Committee Meeting 3/12, held on 6 June 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Civic Precinct Committee - 6 June 2012

ITEM 5 (continued)

ATTACHMENT 1

**Civic Precinct Committee
MINUTES OF MEETING NO. 3/12**

Meeting Date: Wednesday 6 June 2012
Location: Committee Rooms 2 and 3, Level 5, Civic Centre,
1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

Apologies: Councillors Li, Petch, Salvestro-Martin and Tagg.

Leave of Absence: Councillor Perram.

Absent: Councillor Butterworth.

Staff Present: General Manager, Group Manager – Corporate Services, Group Manager – Environment & Planning, Chief Financial Officer, Development Director, General Counsel and Manager – Governance.

ADJOURNMENT

In accordance with the Code of Meeting Practice, as there was not a quorum at 7.30pm the meeting was adjourned to reconvene as follows:

- 8.00pm
- Wednesday, 6 June 2012
- Committee Rooms 2 and 3, Level 5 Civic Centre, 1 Devlin Street, Ryde

MEETING RECONVENED

On the meeting being reconvened by the Mayor, Councillor Etmekdjian, at 8.00pm, no quorum was present.

In accordance with the Code of Meeting Practice, as there was not a quorum all matters will be determined by Council at its meeting to be held 12 June 2012. This is in accordance with Council's Code of Meeting Practice and the Civic Precinct Committee's delegation. In respect of Item 2 – City of Ryde Precinct Redevelopment Tender, the report as amended will be referred to Council.

The following Councillors were in attendance at that time:

The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The meeting closed at 8.00pm.

6 PLANNING PROPOSAL - RYDE CIVIC PRECINCT

Report prepared by: Strategic Planner
File No.: LEP2012/15/3 - BP13/52

REPORT SUMMARY

Council on the 13 November 2012 resolved that through a Planning Proposal the Ryde Civic Precinct be rezoned for community and civic use that a height control of RL91 be reinstated for the Civic Centre site and the existing FSR for the Ryde Civic Precinct of 60 000sqm be retained.

A planning proposal has been prepared that proposes to:

1. rezone the land known as the Ryde Civic Precinct (identified as Precinct 1 – Civic/Mixed use in Ryde LEP 2010 Town Centres Precinct Map) to SP2 – Community uses and Public administration building
2. reinstate for the Civic Centre site a maximum height of RL91 and
3. amend the Ryde Town Centres Precincts map by renaming Precinct 1 – Civic/Mixed use to Precinct 1 – Ryde Civic.

The Planning Proposal is **ATTACHED**.

This report outlines the planning proposal (PP) and provides a preliminary assessment in relation to the requirements under the gateway plan-making process.

The report also identifies the need for Development Control Plan 2010 – Part 4.4 Ryde Town Centre to be amended to be in line with the proposed zoning and height changes within the PP.

This report recommends that Council refer the proposed rezoning to the Minister for Planning to request a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979 and that Council request to be given the Ministers delegation to determine the LEP under Section 59 Making of local environmental plans by the Minister of the Environmental Planning and Assessment Act 1979.

The report also recommends that DCP 2010 – Part 4.4 Ryde Town Centre be amended in line with the proposed changes put forward in the Planning Proposal.

RECOMMENDATION:

- (a) That Council forward the planning proposal for the Ryde Civic Precinct to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested.

ITEM 6 (continued)

- (b) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (c) That an amendment to Ryde Development Control Plan (DCP) 2010 – Part 4.4 Ryde Town Centre be prepared that brings controls in line with the proposed height and zoning changes to the Ryde Civic Precinct and that a further report be presented to Council prior to exhibition of that amendment.
- (d) That Council allocate \$ 35,000 for the employment of a planning consultant to undertake an independent assessment of the Planning Proposal for the Ryde Civic Precinct following the public exhibition of the proposal.

ATTACHMENTS**1 Planning Proposal - Ryde Civic Precinct**

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Margaret Fasan
Team Leader - Design and Development**Dominic Johnson**
Group Manager - Environment & Planning

ITEM 6 (continued)

Background

Key elements relating to the zoning and height changes to the land are outlined below:

- Council in December 2008 resolved to prepare a draft LEP to increase the permissible height of the Ryde Civic Precinct (Precinct 1 – Civic/Mixed use) from RL 91 to RL130.
- A planning proposal to:
 - increase height on the main part of the site to RL130 and
 - reduce nett usable floor area for the Precinct to 60 000sqmwas exhibited with a concept plan for 6 weeks from the 10 August – 21 September 2011.
- Council resolved on the 18 October 2011 to amend the Planning Proposal by providing a range of heights on the main part of the site (75m, 21.5m and 0m). The amended PP was exhibited for 4 weeks from the 26 October to the 23 November 2011.
- Council on 13 December 2011 resolved to approve the Planning Proposal in its amended form and requested the Minister make the Plan.
- LEP 2010 – Amendment 2 which introduced new height and nett usable floor area controls for the site was notified on the Government website on 2 March 2012.
- Council on the 13 November 2012 resolved that a project plan be developed to expedite the rezoning of the Civic Centre site back to RL91 with a FSR of 60 000sqm and a zoning of SP2 Community Use through a Planning Proposal.

Discussion

The following outlines the “gateway plan-making process”, and a summary of the subject planning proposal.

Gateway Plan-Making Process

1. **Planning proposal** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. **Gateway** – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.

ITEM 6 (continued)

3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. **Decision** – the making of the plan by the Minister (or delegate).

According to section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal.

1.1 Site Description and Context

The planning proposal applies to the site known as the Ryde Civic Precinct (identified in Figure 1 below) being 1 and 1A Devlin Street, 150 – 156 Blaxland Rd Ryde and part of Blaxland Rd.



Figure 1

The site contains two heritage items, identified in Schedule 5 of the RLEP 2010:

- Item 49, Obelisk - Devlin Street - currently located in the south west corner of the site immediately behind the former Council library building.
- Item 54, Great North Road, Bedlam Point to Eastwood.

ITEM 6 (continued)

Current improvements to the site include Council chambers and offices; Civic Hall; former Council library; car parking for Council and the general public; landscaped areas and roads.

The site forms part of the wider Ryde Town Centre. Directly opposite to the east is the Top Ryde City Shopping Centre.

The site is also in the vicinity of three local heritage items listed under RLEP 2010, being:

- Top Ryde Shopping Centre site – 115-121 Blaxland Road, Ryde
- “Hatton’s Cottage” (Cottage) - 158 Blaxland Road, Ryde and
- Masonic Temple (Hall) – 142 Blaxland Road

1.2 Current Planning Controls

Zoning

Under LEP 2010 the site is zoned B4 Mixed Use (Figure 2 below) which permits a broad variety of residential, retail, commercial and community mixed uses.



Figure 2

Height

The maximum building height relating to the main part of the site, is to 75m (24 storeys). The existing Council car parking area on the corner of Blaxland Road and Parkes Street has a maximum building height of 15.5 metres (4 storeys) (see Figure 3)

ITEM 6 (continued)



Figure 3

Floor Space Ratio

There is no maximum floor space ratio applying to any part of the Ryde Civic Precinct under Ryde LEP 2010. However, under Schedule 6 of RLEP 2010, a maximum nett useable floor area of 60,000m² is permitted in Precinct 1 Civic/Mixed use (otherwise known as Ryde Civic Precinct) (see Figure 4 below).



Figure 4

1.3 Proposed amendment to LEP 2010

Proposal

The intended outcome of the Planning Proposal is to amend the existing planning controls to ensure the continued use of the subject land for community activity and public purposes, maintain a civic and government presence in the City of Ryde and to limit any future development on the site to a height in line with the existing Civic Centre building.

ITEM 6 (continued)

A major objective of the LEP amendment is to establish a new zoning over the site, identify the land as Precinct 1 – Ryde Civic and reinstating the previous height controls so providing the community with assurance as to the future activities and the development potential that can occur on the site.

In line with the above the planning proposal seeks to:

- amend Ryde LEP 2010 Land Zoning Map to rezone the land SP2 – Community facility and Public administration building
- amend Ryde LEP 2010 Height of Buildings Map; to reinstate RL 91 (approximately 9-10 storeys) over the Civic Centre site (1 and 1A Devlin Street includes Blaxland Rd at the rear of the site).

Note: No change is proposed to the existing maximum height permitted on the Council car park land in the south west corner of the site (i.e. 150-156 Blaxland Road) this is to be maintained at 15.5m (4 storeys).

- amend Ryde LEP 2010 Ryde Town Centre Precincts Map to identify Precinct 1 as Ryde Civic.

The amendments will require changes to a subset of the Ryde LEP 2010 maps, and clauses in the LEP applicable to the maps.

Justification

The Planning Proposal states that it will enable the continued community and public purpose use of the land, maintain the existing civic and government presence on the site and establish height controls that reflect community expectations thus providing a suitable outcome for the Council and the community.

The Planning Proposal (an amending LEP) is the Council's only means of ensuring the zoning and height permitted on the land and reflects the existing and desired future use and development of the site. The land is no longer required for the residential mixed use purpose for which it is currently zoned.

Documentation covering the justification and the need for the proposal is provided in Part 3 – Justification on page 14 of the Planning Proposal which is ATTACHED.

1.4 Appraisal of the Planning Proposal

Relationship to strategic planning framework

The strategic planning context for the consideration of this Planning Proposal includes:

1. State Government Strategies

- *Metropolitan Plan for Sydney 2036* released by the State Government in December 2010 which seeks to concentrate new development around existing town centres and public transport service.
- the draft *Inner North Draft Subregional Strategy (draft Subregional Strategy)* exhibited between 18 July to 17 September 2007.

ITEM 6 (continued)

It is considered that the Planning Proposal is consistent with the objectives and strategies of the *Metropolitan Plan and draft Subregional Strategy* in that:

- it will facilitate the delivery of continued community uses and public administration offices to a growing population;
- it will ensure a civic and government presence in Ryde Town Centre
- the delivery of the required dwellings and jobs in the Ryde Town Centre by 2036 as specified in the Strategies can still be achieved as a result of existing development potential elsewhere in the Centre.
- DLEP 2011 proposes to rezone land adjoining Ryde Town Centre (along Victoria Road) to a business zone (B6 Enterprise Corridor).

2. Local Council Strategies

The City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The seven outcomes for the City of Ryde are:

- A City of Liveable Neighbourhoods
- A City of Wellbeing
- A City of Prosperity
- A City of Environmental Sensitivity
- A City of Connections
- A City of Harmony and Culture
- A City of Progressive Leadership

The Planning Proposal is in line with goals and strategies of the Community Strategic Plan in that it is responding to the community's needs, wants and sense of identity to their neighbourhood and it reflects their active engagement in shaping that neighbourhood.

Local Planning Study (LPS)

Council adopted Local Planning Study (December 2010) in response to the NSW Government's Metropolitan Strategy and draft Inner North Draft Subregional Strategy to outline a vision for development of Ryde over the next 20 years.

The relevance of the site/planning proposal to the findings of the LPS:-

- identifies that the City of Ryde can easily achieve both the dwelling and employment figures set by the Metro Strategy through existing planning controls applying to the City.
- identifies that the future character of Ryde Town centre will build on its historic roles as a community and retail hub

ITEM 6 (continued)*Heritage*

As noted in Section 1.1, the site contains two heritage items, identified in Schedule 5 of the RLEP 2010:

- Item 49, Obelisk - Devlin Street; and
- Item 54, Great North Road, Bedlam Point to Eastwood.

In addition, there are three heritage items in the vicinity of the site:

- Item 15, Top Ryde Shopping Centre site – 115-121 Blaxland Road, Ryde (Lot 1 in DP 618154);
- Item 16, Masonic Temple (Hall) – 142 Blaxland Road (Lot 3 in DP 86255); and
- Item 17, “Hatton’s Cottage” (Cottage) - 158 Blaxland Road, Ryde (Lot P in DP 443304).

It should be noted that the original Top Ryde Shopping Centre was demolished as part of the redevelopment of Top Ryde City Shopping Centre and Council has resolved to remove this item from the Heritage Schedule as part of DLEP 2011.

As the Planning Proposal maintains the existing use of the site and reinstates built form controls based on the existing development on the Civic Centre site there are no heritage impacts.

Ministerial Directions (s.117 directions)

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the EP&A Act is contained in the Table 2 of the PP and can be found on page 19). The directions apply to draft local environmental plans and relate to areas such as employment and resources, environment and heritage, housing infrastructure and urban development, hazard and risk and regional Planning.

If a draft LEP is inconsistent with a Ministerial Direction, the proponent/ council must provide appropriate reasoning/rationale to the Director General of the DoPI to support this inconsistency.

The PP does not comply with a number of the Directions however the inconsistencies are considered to be of minor significance. The Directions the PP fails to comply with are:

1.1 Business and Industrial Zones. The aim of the direction is to protect employment land in business and industrial zones and encourage employment growth in suitable locations.

Comment

The subject land, although presently zoned business, has for the last 48 years been used for community, civic and government purposes. Although the LEP will result in a reduction of the physical area of land zoned business it does not reduce the existing area presently being used for such purposes.

ITEM 6 (continued)

In accordance with the direction the total potential floor space area for employment uses (being civic and government) and related public services is not proposed to be changed. (The existing permitted nett usable floor space of 60 000sqm is not proposed to be amended).

While the outcomes of the PP are inconsistent with the provision of this direction, of ensuring sufficient employment land is available, it is considered that the objectives of the direction are still being adequately met within the City of Ryde through other planning measures in LEP 2010 which focus on encouraging development in suitable transit orientate centres and that the inconsistency with the direction is of minor significance.

3.1 Residential Zones . The aim of the direction to encourage housing choice and to provide for existing and future existing housing needs.

Comment

The subject land is currently zoned *B4 – Mixed use*, residential development is permitted in the zone with Council consent.

The land subject of the PP is however presently used for community, civic and government purposes. The intent of the PP is to amend the zoning of the land to indicate its existing function as the civic centre of the City of Ryde.

While the PP is inconsistent with this direction it is considered that the objectives of the direction of ensuring sufficient land is available to provide a variety of choice of housing types are still being adequately met within the City of Ryde through other planning measures in LEP 2010 which focus on:

- encouraging a variety and choice of housing types,
- the efficient use of existing infrastructure and
- minimizing the impact of development on the environment.

It is considered that the inconsistency with the direction is of minor significance.

Council should note that the planning proposals inconsistencies with these two directions may result in the Department not supporting the planning proposal on the grounds that the availability of land for employment and housing growth in major town centres is a key focus of the State Government.

Other matters

In submissions to Council with respect to changes proposed through LEP 2010 – Amendment 2 and draft Ryde LEP 2011 to the subject land there has been consistent concern expressed by residents regarding changes to the proposed use of the land for mixed residential as well as concern over the possible height of buildings on the land.

ITEM 6 (continued)

The Planning Proposal will facilitate the retention of the community, civic and government role the land currently has and will provide the development outcomes that are more in line with community expectations.

The amendments under this Planning Proposal will enable the Council to ensure:

- that development on the site is more appropriately tailored to community expectations;
- that the development continues to represent the civic prominence of the site within the Ryde Town Centre;
- that Council can provide administration offices and community facilities, that meet the needs of Council and the local community now and into the future; and

DCP 2010 – Part 4.4 Ryde Town Centre

Council on the 27 March 2011 resolved to adopt Draft Ryde DCP 2010 – Part 4.4 Ryde Town Centre which provided controls to guide the development of Precinct 1 Civic/Mixed use based on building heights and a nett usable floor area contained within the amended Planning Proposal supported by Council on the 13 December 2011.

The DCP came into effect on the 18 April 2012.

DCP 2010 – Part 4.4 Ryde Town Centre should be amended to be in line with the proposed changes to zoning/land use and height for Precinct 1 and to reflect the change in name of Precinct 1 to Ryde Civic.

Consultation

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. In view of the history of the site the Department has advised that a minimum of 28 days consultation will be required if the PP is approved. If the PP is approved and a gateway determination given, consultation will be managed by Council and will include the following:

- written notice given:
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - to adjoining landowners (where this involves strata's a letter will be sent to the body corporate)

ITEM 6 (continued)

- to local state government representatives
- consultations considered necessary by the Department of Planning and Infrastructure with relevant State and Commonwealth authorities
- the written notice will:
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and
 - confirm whether the Minister has chosen to delegate the making of the LEP.

Council on the 13 November 2012 resolved in part the following:

That

- (a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60, 000sqm metres and to be zoned SP2 community use through a planning proposal
- (b)
- (c) Council staff prepare an outline of the communications program which will be associated with items (a).....
- (d)
- (e) That a further report be provided back to Council to update Council on all actions detailed in parts (a) ...

A communications and consultation program has been prepared by Council's Communication and Media (C&M) Unit with respect to the exhibition of a draft LEP should Gateway approval be given by the Department and is ATTACHED.

Assessment of the Planning Proposal

Given the planning proposal relates to the rezoning of Council land it is recommended that a planning consultant is employed to undertake an assessment of the planning proposal, review the issues raised in the submissions received and make a recommendation on proceeding with the proposed rezoning and amendments to the building height.

Undertaking an independent assessment of the proposal is in keeping with current practices where a proposed development activity or a change in the development controls relates to Council land.

It is estimated that the cost to undertake this assessment is approximately \$35,000.

Critical Dates

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determinations by the Minister. There is usually a 6 to 12 month time period allowed. The timeline provided in the PP indicates that the notification of the changes on the government website should occur by mid 2013.

ITEM 6 (continued)**Financial Impact**

To exhibit the Planning Proposal it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. These funds provided for in the current budget for the financial year 2012/13 from the Urban Planning budget.

The employment of a planning consultant to undertake an independent assessment of the planning proposal is estimated at \$35,000. Funds are not available in the Urban Planning budget to cover this cost.

It is recommended that \$35,000 is transferred from the Civic Centre Refurbishment fund to the Urban Planning budget for the employment of a planning consultant to undertake an independent assessment of the proposal.

Policy Implications

The proposal is consistent with community expectations for the site and the Local Planning Study which has a vision for Ryde Town Centre where the character will be built on its historic role as a community and retail hub catering for leisure, learning, shopping and business, and is the premier centre and home of local government for the City of Ryde.

Options

Council has the option to decide to proceed with the planning proposal to the next stage (gateway determination and community consultation) or to decide not to proceed.

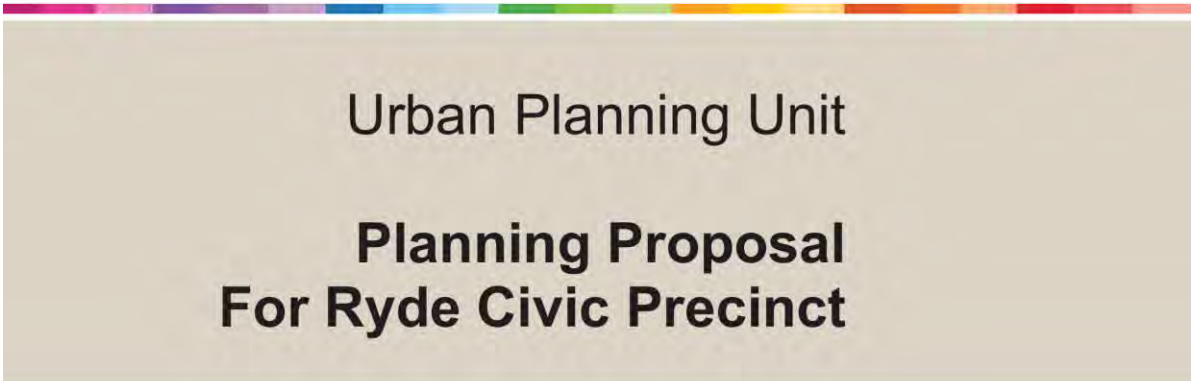
Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation.

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 City of Ryde
Lifestyle and opportunity @ your doorstep



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ATTACHMENTS		
1	Ryde Local Environmental Plan 2010 - Amendment No. 6: Site Identification Map	
2	Ryde LEP 2010 Land Zoning Map – Amendment 6 Ryde LEP 2010 Height of Buildings Map – Amendment 6 Ryde LEP 2010 Ryde Town Centres Precinct Map – Amendment 6	
3	Communication/Consultation Program	



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1.0 Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular section 55) and relevant guidelines produced by the Department of Planning and Infrastructure.

The Department of Planning and Infrastructure requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP (refer 2.0)
- Part 2 – Explanation of the Provisions to be included in the LEP (refer 3.0)
- Part 3 – Justification of objectives, outcomes and process for implementation (refer 4.0)
- Part 4 – Maps to identify intent and applicable area (refer 5.0)
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP (refer 6.0)
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP (refer 7.0)

Planning Proposal

This planning proposal aims to amend the existing planning controls to:-

- o maintain a civic and government presence in the City of Ryde
- o ensure the continued use of the land for community activity and public purposes, and
- o to limit any future development on the site to a height in line with the existing Civic Centre building .

1.1 Site Description and Context

This planning proposal applies to land known as the Ryde Civic Precinct being 1 and 1A Devlin Street and 150 – 156 Blaxland Rd Ryde identified on the map titled "Ryde Local Environmental Plan 2010 - Amendment No. 6: Site Identification Map" contained in Attachment 1.

The Ryde Civic Precinct comprises the following allotments of land: (see Figure 1 below)

1 & 1A Devlin Street

- Lot 10 in DP110978
- Lot 11 in DP 110978
- Lot 12 in DP 110978
- Lot 49 in DP 1115510



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Planning Proposal for
Ryde Civic Precinct

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- Lot 1 in DP1170801
- Lot 2 in DP1170801

Note: Lot 1 and Lot 2 in DP1170801 reflect Blaxland Rd

Note: Parkes St adjoining the above land is not part of Precinct 1

150 – 156 Blaxland Rd

- Lot T in DP 443304
- Lot S in DP 443304
- Lot R in DP 443304
- Lot Q in DP443304

Figure 1



The site which is approximately 16,500m² (1.65ha) in size is an irregular shape and generally orientated north-south. It has a 290m long frontage to Devlin Street and a 165m frontage to Parkes Street. Access into the site is via Blaxland Road.

Current improvements to the site include:

- Council chambers and offices;
- Civic Hall;
- Former Council library (the space now functions as part of the administration offices);
- Car parking for Council and the general public;
- Landscaped areas and

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- Roads.

The site contains two heritage items, identified in Schedule 5 of the RLEP 2010:

- Item 49, Obelisk - Devlin Street - currently located in the south west corner of the site immediately behind the former Council library building.
- Item 54, Great North Road, Bedlam Point to Eastwood

A site location plan is shown at **Figure 2** and an aerial photo of the site is shown at **Figure 3**.

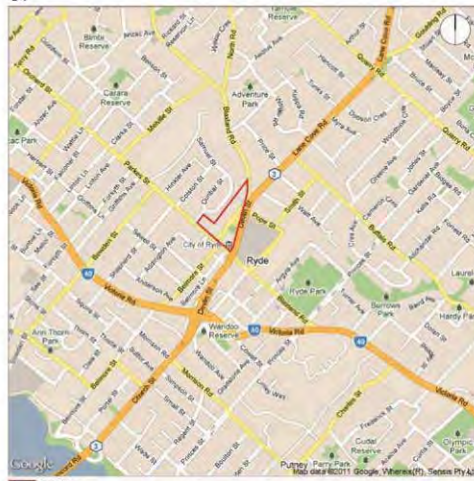


Figure 2



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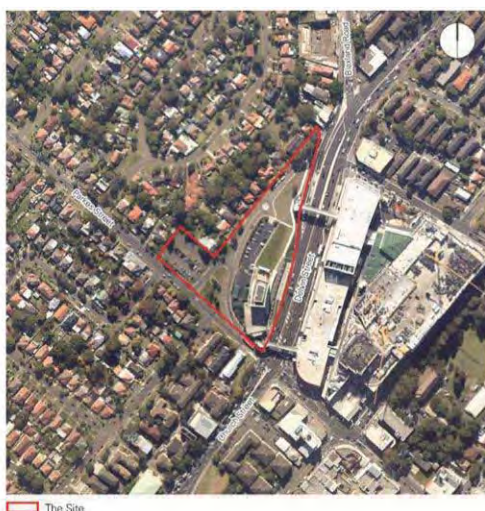


Figure 3 – Aerial photograph of the site

Photographs of the existing buildings on the site are shown at **Figure 4**.



Figure 4

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Context

The site forms part of the wider Ryde Town Centre which is generally bounded by Curzon Street, Ryde Public School and Argyle Street to the north; Victoria Road to the South; Blaxland Road and Belmore Street to the west; and Princes Street to the east.

Directly opposite the site to the east is the recently completed Top Ryde City Shopping Centre. Two pedestrian bridges at the northern and southern ends of the site connect directly into the shopping centre.

To the south of the site is a mix of retail, community and residential developments. The residential uses are a mix of residential flat buildings and single dwellings. To the west of the site is predominately low density residential development.

The site is also in the vicinity of three local heritage items listed under RLEP 2010, being:

- Top Ryde Shopping Centre site – 115-121 Blaxland Road, Ryde (Lot 1 in DP 618154);
- "Hatton's Cottage" (Cottage) - 158 Blaxland Road, Ryde (Lot P in DP 443304); and
- Masonic Temple (Hall) – 142 Blaxland Road (Lot 3 in DP 86255).

Note: DLEP 2011 proposes the removal of the heritage listing of the shopping centre due to its redevelopment in 2010.



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ATTACHMENT 1



1.2 Current Planning Controls

Environmental Planning Instruments

Ryde LEP 2010 is the principle planning instrument applying to the site.

Zoning

The site is currently zoned B4 Mixed Use under RLEP 2010 (Figure 5). The B4 zone provides for a broad range of uses including business premises, office premises, shops, residential development, community facilities, seniors housing, and health care facilities.

Under the zone the following uses are prohibited:

“Advertising structures; Agriculture; Biosolids treatment facilities; Caravan parks; Depots; Hazardous industries; Hazardous storage establishments; Heavy industries; Home occupations (sex services); Liquid fuel depots; Offensive industries; Offensive storage establishments; Sex services premises; Stock and sale yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste or resource management facilities; Water recycling facilities; Water treatment facilities”

All other uses are permissible.



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Building Height

Pursuant to clause 4.3 of RLEP 2010, the site is subject to four different height limits.

The maximum building height relating to the main part of the site, is to 75m. The existing Council car parking area on the corner of Blaxland Road and Parkes Street has a maximum building height of 15.5 metres (see **Figure 6 below**)



Figure 6

Floor Space Ratio

There is no maximum floor space ratio applying to any part of the Ryde Civic Precinct under Ryde LEP 2010. However, under Schedule 6 of RLEP 2010, a maximum net useable floor area of 60,000m² is permitted in Precinct 1 Civic/Mixed Use (otherwise known as Ryde Civic Precinct) (see **Figure 7 below**).



Figure 7



ITEM 6 (continued)

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1.3 Background

- The **Ryde Planning Scheme Ordinance (RPSO)** was gazetted on 30 June 1979 and zoned the subject land:-
 - 1 and 1A Devlin Street Ryde - Special Uses 'A' – Public Buildings
- Unzoned (relates to Blaxland Rd)
 - 150 – 156 Blaxland Rd Ryde – Reserved Special Uses 'A' – Parking.
No height or floor space ratio controls applied.
- **Ryde LEP 143 – Ryde Town Centre** amended the RPSO with respect to the Ryde Town Centre (including the subject land) on the 29 May 2006. Under the LEP the following controls applied to 1 and 1A Devlin Street and 150 – 156 Blaxland Rd Ryde;
 - Zoning* - Business (Town Centre)
 - Precinct* - Precinct 1 - Civic /Mixed Use
 - Height controls:-*
 - 150 – 156 Blaxland Rd – 4 Storeys
 - Remainder of Precinct 1 – RL91 AHD (up to 10 storeys)
 - FSR controls:-*
 - Precinct 1 – Civic/ Mixed Use maximum nett useable floor area 100 000sqm
- **Ryde Local Environmental Plan 2010** was gazetted on the 30 June 2010 . Under the LEP the zoning, height and fsr controls for the subject land were as follows:-
 - Zoning* - B4 – Mixed Use
 - Precinct* - Precinct 1 Civic/Mixed use
 - Height controls:-*
 - 150 – 156 Blaxland Rd – 15.5m
 - Remainder of Precinct 1 – RL 91
 - FSR controls:-*
 - Precinct 1 – Civic/ Mixed Use maximum nett useable floor area 100 000sqm
- **Council resolution** - Council in December 2008 resolved to prepare a draft LEP to increase the permissible height of the Ryde Civic Precinct (Precinct 1 – Civic/Mixed use) from RL 91 to RL130.
 - A planning proposal to;
 - increase height and
 - reduce nett usable floor area in the Ryde Civic Precinct to 60 000sqm
 - was exhibited with a concept plan for 6 weeks from the 10 August - 21 September 2012.

ITEM 6 (continued)

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- Council resolved on the 18 October 2011 to amend the Planning Proposal by providing for a range of maximum building heights on the land. The amended PP was exhibited for 4 weeks from the 26 October to the 23 November 2012.
- Council on 13 December 2011 resolved to approve the Planning Proposal and requested the Minister make the Plan.
- **LEP 2010 – Amendment 2** was notified on the Government website on 2 March 2012. Under the LEP the following controls presently apply to the land:-
 - Zoning* - B4 – Mixed Use
 - Precinct* - Precinct 1 Civic/Mixed use
 - Height controls:-*
 - 150 – 156 Blaxland Rd – 15.5m
 - Remainder of Precinct 1 – 75m, 21.5m, 0m
 - FSR controls:-*
 - Precinct 1 – Civic/ Mixed Use maximum nett useable floor area 60 000sqm
- **Council resolution** - Council on the 13 November 2012 resolved that a project plan be developed to expedite the rezoning of the Civic Centre site back to RL91 with a FSR of 60 000sqm with a zoning SP2 Community Use through a Planning Proposal.



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ATTACHMENT 1



2.0 Objectives and Intended Outcomes

This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to Ryde LEP 2010.

The Planning Proposal seeks to amend RLEP 2010 by changing the height, zoning and precinct controls that apply to the land.

The intended outcome of the Planning Proposal is to amend the existing planning controls to ensure the continued use of the land for community activity and public purposes, maintain a civic and government presence in the City of Ryde and to limit any future development on the site to a height in line with the existing Civic Centre building .

A major objective of the LEP amendment is to establish a new zoning over the site, identify the land as Precinct 1 – Ryde Civic Precinct and reinstate previous height controls so providing the community with assurance as to the future activities and development potential that can occur on the site.

The current zoning of the subject land is B4 – Mixed use. It is proposed to rezone the land to SP2 – Community facility and Public administration building.

The current maximum building height relating to the main part of the site is 75m. It is proposed to reinstate the original height permitted on the land by LEP 143 that being RL 91m. No change is proposed to the existing maximum height permitted on the Council car park land in the south west corner of the site (ie 150-156 Blaxland Road) as this height control has been in place since 2006 under LEP 143.

The Planning Proposal also seeks to amend the LEP 2010 Ryde Town Centre Precincts Map by identifying the subject land as Precinct 1 – Ryde Civic. The land is currently identified as Precinct 1 – Civic/Mixed use.



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3.0 Explanation of Provisions

The planning proposal seeks to:

- amend *Ryde LEP 2010 Land Zoning Map* to rezone the land SP2 – Community facility and Public administration building
- amend *Ryde LEP 2010 Height of Buildings Map*; to reinstate RL 91 over the Civic Centre site (1 & 1A Devlin Street)
- amend *Ryde LEP 2010 Ryde Town Centre Precincts Map* to identify Precinct 1 as Ryde Civic.

The amendments will require changes to a subset of the Ryde LEP 2010 maps, and clauses in the LEP applicable to the maps. The proposed changes and how they relate to the LEP are identified in the table below (Table 1).

Table 1: Proposed Changes to Ryde Civic Precinct , in Ryde LEP 2010

Ryde LEP 2010 (Map References)	Current Zone/ Development Standards	Proposed Zone
Land Zoning Map(LZN_006)	B4 – Mixed use	SP2 – Community facility and Public administration building
Height of Buildings Map (HOB_006)	75m, 21.5m 0m	RL91 AHD
Ryde Town Centre Precincts Map (RTC_006)	Precinct 1 Civic/Mixed use	Rename Precinct to Precinct 1 – Ryde Civic Precinct.
Schedule 6 Planning controls for Ryde Town Centre precincts	1. Precinct 1– Civic and mixed use	Clause renamed 1. Precinct 1 – Ryde Civic

A draft Land Zoning Map, Height of Buildings Map and Precinct Map are included at **Appendix 2**.



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4.0 Justification

Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a planning proposal. This section responds to all matters to be addressed in a planning proposal – including Director-General’s requirements for the justification of all planning proposals (other than those that solely reclassify public land).

4.1 Need for the Planning Proposal

4.1.1 Is the planning proposal a result of any strategic study or report?

In the original consideration of the future use of the Ryde Civic Precinct Council engaged HASSELL Architects to undertake an urban design study and prepare a concept plan for the site. The Council has reconsidered the outcomes of that study and subsequent amending LEP and resolved on 13 November 2012 to ensure the on going use of the land for community purposes at a scale more in keeping with community expectations.

The Planning Proposal will enable the continued community and public purpose use of the land, maintain the existing civic and government presence and establish height controls that reflect community expectations thus providing a suitable outcome for the Council and the community.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

The Planning Proposal represents the only means of ensuring the zoning and height permitted on the land reflects the Council’s existing and desired future use and development. The land is no longer required for the residential mixed use purpose for which it is currently zoned .



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Urban Planning Unit	Planning Proposal for Ryde Civic Precinct	Page 15
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4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The strategic planning context for the consideration of this Planning Proposal includes:

- *Metropolitan Plan for Sydney 2036* released by the State Government in December 2010 which seeks to concentrate new development around existing town centres and public transport service.
- the draft *Inner North Draft Subregional Strategy (draft Subregional Strategy)* exhibited between 18 July to 17 September 2007.

The Metropolitan and Subregional strategies:

- identify Ryde as a 'Town Centre' that is expected to continue to be redeveloped and reinvigorated;
- expect the Ryde Town Centre to contain a mix of residential, retail, business and community uses;
- identify that the Ryde Town Centre is expected to contain between 4,500-9,500 dwellings and 8,000 jobs by 2036.

The Planning Proposal is consistent with the objectives and strategies of the *Metropolitan Plan and draft Subregional Strategy* in that:

- it will facilitate the delivery of continued community uses and public administration offices to a growing population;
- it will provide a sense of civic and government identity to a growing population
- the delivery of the required dwellings and jobs in the Ryde Town Centre by 2036 as specified in the strategies can still be achieved as a result of existing development potential elsewhere in the Centre.
- DLEP 2011 proposes the rezoning of land adjoining the town centre to B4 and B6 to allow for further growth in residential and employment developments.

4.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde Strategic Plans:

ITEM 6 (continued)

ATTACHMENT 1



1. The City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The seven outcomes for the City of Ryde are:

- A City of Liveable Neighbourhoods
- A City of Wellbeing
- A City of Prosperity
- A City of Environmental Sensitivity
- A City of Connections
- A City of Harmony and Culture
- A City of Progressive Leadership

The Planning Proposal is in line with goals and strategies of the Community Strategic Plan in that it is responding to the community's needs, wants and sense of identity to their neighbourhood and it reflects their active engagement in shaping that neighbourhood.

2. Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years.

In this regard, Council on December 2010 resolved to adopt the Ryde Local Planning Study which comprises a series of individual studies including Centres and Corridors, Employment and Housing .

The LPS complements and supports the following strategies:

- Ryde 2021 Community Strategic Plan;
- the Metropolitan Plan for Sydney 2036; and
- Inner North Draft Subregional Strategy.

The relevance of the site to the findings of the LPS:-

- identifies that Council can achieve both the dwelling and employment figures set by the Metro Strategy for the City of Ryde through existing planning controls.

Note: With the intended changes to Macquarie Park Corridor , recent Part 3A approvals and proposed changes to zoning and development controls in Draft Ryde LEP 2011 , as identified in the Local Planning Study it is anticipated that the dwelling and employment figures for the City of Ryde will be well in excess of those required by the Metro Strategy.



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- identifies that the future character of Ryde Town centre will build on its historic roles as a community and retail hub
- identifies that Ryde is to be recognised as the home of local government for the City of Ryde.

4.2.3 Is there a net community benefit?

The Planning Proposal will facilitate the retention of the community, civic and government role the land currently has and will ensure any future development outcomes are in line with community expectations.

The amendments under this Planning Proposal will enable the Council to ensure:

- that development on the site is more appropriately tailored to community expectations;
- that any future development continues to represent the civic prominence of the site within the Ryde Town Centre;
- that Council can provide administration offices and community facilities, that meet the needs of Council and the local community now and into the future.

These outcomes of the proposal are considered to be in the public interest.



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4.2.4 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies is contained in the table below (Table 1).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

Table 1 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	Not applicable – Clause 1.9 LEP 2010
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development	✓			Applies to the whole of the State.
SEPP No 6 Number of Storeys	✓			Applies to the whole of the State
EPP No 19 Bushland in Urban Areas			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 22 Shops and Commercial Premises			✓	Applies to the whole of the State. Not relevant to proposed amendment.



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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			Applies to all urban land.
SEPP No 33 Hazardous and Offensive Development	✓			Applies to the whole of the State.
SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 55 Remediation of Land	✓			Land is currently zoned for mixed use development and the proposed LEP amendment does not seek to add any uses not already permissible.
SEPP No 60 Exempt and Complying Development			✓	Not applicable – Clause 1.9 LEP 2010
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 64 Advertising and signage	✓			Applies to the whole of the State.
SEPP No 65 Design Quality of Residential			✓	Applies to the whole of the



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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
Flat Development				State Not relevant to proposed amendment
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Applies to the Greater Metropolitan Area Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009	✓			Applies to the whole of the State.
SEPP(BASIX) 2004	✓			Applies to the whole of the State.
SEPP (Exempt and Complying Development Codes) 2008	✓			Applies to the whole of the State.
SEPP(Housing for Seniors or People with a Disability) 2004	✓			Applies to the whole of the State.
SEPP (Infrastructure) 2007	✓			Applies to the whole of the State.
SEPP (Major Development) 2005	✓			Applies to the whole of the State.
SEPP (Temporary Structures) 2007	✓			Applies to the whole of the State.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment.
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour	✓			The Planning Proposal is not inconsistent with

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Urban Planning Unit	Planning Proposal for Ryde Civic Precinct	Page 21
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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
Catchment) 2005				the relevant planning principles for the Sydney Harbour Catchment.



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Urban Planning Unit	Planning Proposal for Ryde Civic Precinct	Page 22
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4.2.5 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the Table 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Infrastructure on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to planning proposals

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones				
Objectives are:-				
<ul style="list-style-type: none"> o Encourage employment growth in suitable locations o Protect employment land in business and industrial zones and o Support the viability of identified strategic centres. 				
Comment				
The subject land although presently zoned business has for the last 50 plus years been used for community, civic and government purposes. At no time has the land been uses for commercial activity. Although the LEP will result in a reduction of the physical area of land zoned business it does not reduce the existing area presently being used for such purposes.				
In accordance with the direction the total potential floor space area for employment uses (being civic and government) and related public services is not proposed to be changed. (The existing permitted nett usable floor space of 60 000sqm is not proposed to be amended).				
While the PP outcomes are inconsistent with this				
		x		See adjacent comment



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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
direction it is considered that the objectives of the direction, of ensuring sufficient employment land is available, are still being adequately met within the City of Ryde through planning measures in LEP 2010 which focus on encouraging development in suitable transit orientate centres. It is considered that the inconsistency with the direction is of minor significance.				
1.2 Rural Zones Objective: To protect the agricultural production value of rural land.			x	
1.3 Mining, Petroleum Production and Extractive Industries Objective: To ensure that the future extraction of significant materials is not compromised by inappropriate development.			x	
1.4 Oyster Aquaculture Objective: To protect oyster aquaculture from development that may result in adverse impact on water quality.			x	
1.5 Rural Lands Objective: To protect and facilitate economic development of rural lands.			x	
2. Environment and Heritage				
2.1 Environment Protection Zones Objective: To protect and conserve environmentally sensitive areas.			x	Land subject to the PP is not an environmentally sensitive area.
2.2 Coastal Protection Objective: To implement the principles in the NSW Coastal Policy.			x	Ryde is not a coastal zone under the Coastal Protection Act 1979.
2.3 Heritage Conservation Objective: To conserve items ,areas, objects and places of environmental heritage significance and indigenous heritage significance. Comment	x			See adjacent comment

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
<p>The site contains two heritage items, identified in Schedule 5 of the RLEP 2010:</p> <ul style="list-style-type: none"> ▪ Item 49, Obelisk - Devlin Street ▪ Item 54, Great North Road, Bedlam Point to Eastwood <p>The Obelisk is a small monument that commemorates the opening of the former tram line to Ryde in 1908. The Obelisk which has been moved several times is currently located in the south west corner of the site immediately behind the former Council library building.</p> <p>Great North Road (being Blaxland Rd) is located at the rear of the site.</p> <p>The PP does not make any change to the existing heritage items.</p>				
<p>2.4 Recreation Vehicle Areas Objective: To protect sensitive land from adverse impacts from recreation vehicles.</p>			x	Not relevant to PP
<p>3. Housing, Infrastructure and Urban Development</p>				
<p>3.1 Residential Zones Objectives are:</p> <ul style="list-style-type: none"> ○ To encourage a variety and choice of housing types to provide for existing and future housing needs ○ To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and ○ To minimise the impact of residential development on the environment and resource lands. <p>Comment The subject land is currently zoned <i>B4 – Mixed use</i>, residential development is permitted in the zone with Council consent.</p>		x		See adjacent comment



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ATTACHMENT 1



Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
<p>The land subject of the PP is however presently used for community, civic and government purposes. The intent of the PP is to amend the zoning of the land to indicate its existing function as the Civic centre of the City of Ryde.</p> <p>While the PP is inconsistent with this direction, to provide a variety and choice of housing types it is considered that the objectives of the direction are still being adequately met within the City of Ryde through other planning measures in LEP 2010 which focus on:-</p> <ul style="list-style-type: none"> o encouraging a variety and choice of housing types, o the efficient use of existing infrastructure and o minimising the impact of development on the environment. <p>It is considered that the inconsistency with the direction is of minor significance.</p>				
<p>3.2 Caravan Parks and Manufactured Home Estates Objective: To provide a variety of housing types.</p>			x	
<p>3.3 Home Occupations Objective: To encourage the carrying out of low impact small businesses in dwelling houses.</p>			x	
<p>3.4 Integrating Land Use and Transport Objectives are:</p> <ul style="list-style-type: none"> o Improving access to housing , jobs and services by walking, cycling and public transport o Support of public transport services and reduce travel demand. 	x			
<p>3.5 Development Near Licensed Aerodromes Objective: To ensure safe and effective operation of aerodromes.</p>			x	
<p>3.6 Shooting Ranges Objective: To reduce land use conflict, maintain appropriate levels of public safety and amenity.</p>			x	
4. Hazard and Risk				
4.1 Acid Sulfate Soils			x	



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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
Objective: To avoid significant adverse impacts from use of land that contains acid sulfate soils.				
4.2 Mine Subsidence and Unstable Land Objective: To prevent damage to life, property and the environment on land identified as subject to mine subsidence.			x	
4.3 Flood Prone Land Objective: To ensure an LEP includes consideration of appropriate flood impacts.			x	
4.4 Planning for Bushfire Protection Objective: To encourage sound management of bush fire prone areas.			x	
5. Regional Planning				
5.1 Implementation of Regional Strategies Objective: To give legal affect to the regional strategies.			x	
5.2 Sydney Drinking Water Catchments Objective: To protect water quality in the Sydney drinking water catchment.			x	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast Objective: To ensure the best agricultural land will be available for current and future generations.			x	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast Objective: To manage commercial and retail development along the Pacific Hwy.			x	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)				
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)				
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)				
5.8 Second Sydney Airport: Badgerys Creek Objective: To avoid incompatible development in the vicinity of any future second Sydney airport.			x	

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
6. Local Plan Making				
6.1 Approval and Referral Requirements Objective: To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	x			
6.2 Reserving Land for Public Purposes Objective: To facilitate the provision of public services and facilities.	x			
6.3 Site Specific Provisions Objective: To discourage unnecessary restrictive site specific planning controls.			x	
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036. Objective: To give legal affect to the vision contained in the Metropolitan Plan for Sydney 2036. Comment The Planning Proposal is consistent with the objectives and strategies of the <i>Metropolitan Plan and draft Subregional Strategy</i> in that it will: <ul style="list-style-type: none"> ▪ facilitate the delivery of continued community uses and public administration offices to a growing population; ▪ Provide a sense of Civic and Government identity to a growing population ▪ The ability to deliver the required dwellings and jobs specified by the Metro Strategy for Ryde by 2036 will not be adversely impacted upon because of existing development potential elsewhere in the Ryde Town Centre and the City of Ryde . 	x			See adjacent comment



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ATTACHMENT 1



4.3 – Environment , social and economic impact

4.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The land is situated in a suburban context and is currently used for a mix of civic and community purposes and the wider area has historically been developed for urban purposes.

Current uses include civic offices, roads, carparking and hard and soft landscaped areas. Any future development of the site is likely to include similar uses.

Given the site is highly modified, the Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Environmental effects

The subject site is not subject to flooding, bushfire hazard, acid sulphate soil, noise impact, or soil instability and does not contain critical habitat or threatened species populations or ecological communities, or their habitats

As such the Planning Proposal will not affect any nor is it expected to have any adverse environmental effects.

Traffic

As the Planning Proposal:-

- rezones the land to ensure the existing civic and government activities on the site are maintained
- amends the height controls on the site to ensure any future built form reflects the height of the existing buildings

there are considered no traffic or transport related issues.

In 2007 an Integrated Traffic Solution (ITS) was prepared for two precincts within the Ryde Town Centre being the site and the adjacent Top Ryde Shopping Centre property. The ITS assessed the traffic and access implications associated with the redevelopment of the site up to a 100 000sqm of nett usable floor space and the traffic impacts of the Top Ryde City



ITEM 6 (continued)

ATTACHMENT 1



Shopping Centre and proposed a range of management measures and infrastructure works to manage traffic flows and minimise traffic impacts.

The changes to the road network that has occurred has resulted in traffic demands from over 100 000sqm of floor space on the subject site, well in excess of the 60 000sqm currently permitted and proposed to be maintained, being able to be accommodated.

Heritage

As noted in Section 2.0, the site contains two heritage items, identified in Schedule 5 of the RLEP 2010:

- Item 49, Obelisk - Devlin Street; and
- Item 54, Great North Road, Bedlam Point to Eastwood.

The Obelisk has been located at the rear of the Ryde Civic Hall. The Great North Road follows the alignment of Blaxland Road passing through the subject site.

In addition, there are three heritage items in the vicinity of the site:

- Item 15, Top Ryde Shopping Centre site – 115-121 Blaxland Road, Ryde (Lot 1 in DP 618154);
- Item 16, Masonic Temple (Hall) – 142 Blaxland Road (Lot 3 in DP 86255); and
- Item 17, "Hatton's Cottage" (Cottage) - 158 Blaxland Road, Ryde (Lot P in DP 443304).

It should be noted that the original Top Ryde Shopping Centre was demolished as part of the redevelopment of Top Ryde City Shopping Centre and Council has resolved to remove this item from the Heritage Schedule as part of DLEP 2011.

As the Planning Proposal maintains the existing use of the site and the reinstates built form controls based on the existing development on the Civic Centre site there are no heritage impacts.

4.3.3 Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal provides an opportunity for the civic and government role of the site to be appropriately recognised in its Ryde's LEP and allows Council to manage its assets in line with community expectations.



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ATTACHMENT 1



4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

There is extensive public utility service infrastructure available in this area which supports the existing civic centres operations and surrounding development, including:

- water;
- sewerage;
- electricity;
- gas;
- telecommunications; and
- transport.

The available infrastructure is expected to be more than adequate to support the continued use of the land for civic and government purposes.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Planning Proposal does not raise any issues that are expected to be of concern to any State or Commonwealth public authority.

Any State or Commonwealth authority who is identified in the gateway determination as needing to be consulted, will be consulted following that determination.



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5.0 Mapping

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies and current zoning and height controls are provided in Part 1.1 and 1.2 of this proposal.

Proposed Draft Ryde LEP 2010 Land Zoning Map- Amendment 6 , Height of Buildings Map - Amendment 6 and Ryde Town Centre Precincts Map - Amendment 6 indicating the proposed amendments being sought are provided in Attachment 2.



ITEM 6 (continued)

ATTACHMENT 1



6.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this Planning Proposal is expected to be undertaken in the following manner for a 28 day period :-

- written notice given
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - to adjoining landowners (where this involves strata's a letter will be sent to the body corporate)
 - to local state government representatives
 - consultations considered necessary by the Department of Planning and Infrastructure with relevant State and Commonwealth authorities
- the written notice will
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and
 - confirm whether the Minister has chosen to delegate the making of the LEP.
- The following materials will be placed on exhibition: -
 - the planning proposal
 - the gateway determination

A communication/consultation program for the planning proposal is found at **Attachment 3**.



ITEM 6 (continued)

ATTACHMENT 1



7.0 Project Timeline

- | | |
|---|------------------------------|
| 1. Planning Proposal presented to Council | 12 February 2013 |
| 2. Planning Proposal submitted to Gateway | 19 February 2013 |
| 3. Gateway determination received by Council | 15 March 2013 |
| 4. Community consultation (28days) | 1 April 2013 – 30 April 2013 |
| 5. Outcomes of Community consultation
Presented to Council | 28 May 2013 |
| 6. Planning Proposal submitted to DoPI
requesting notification on Government website | 13 June |



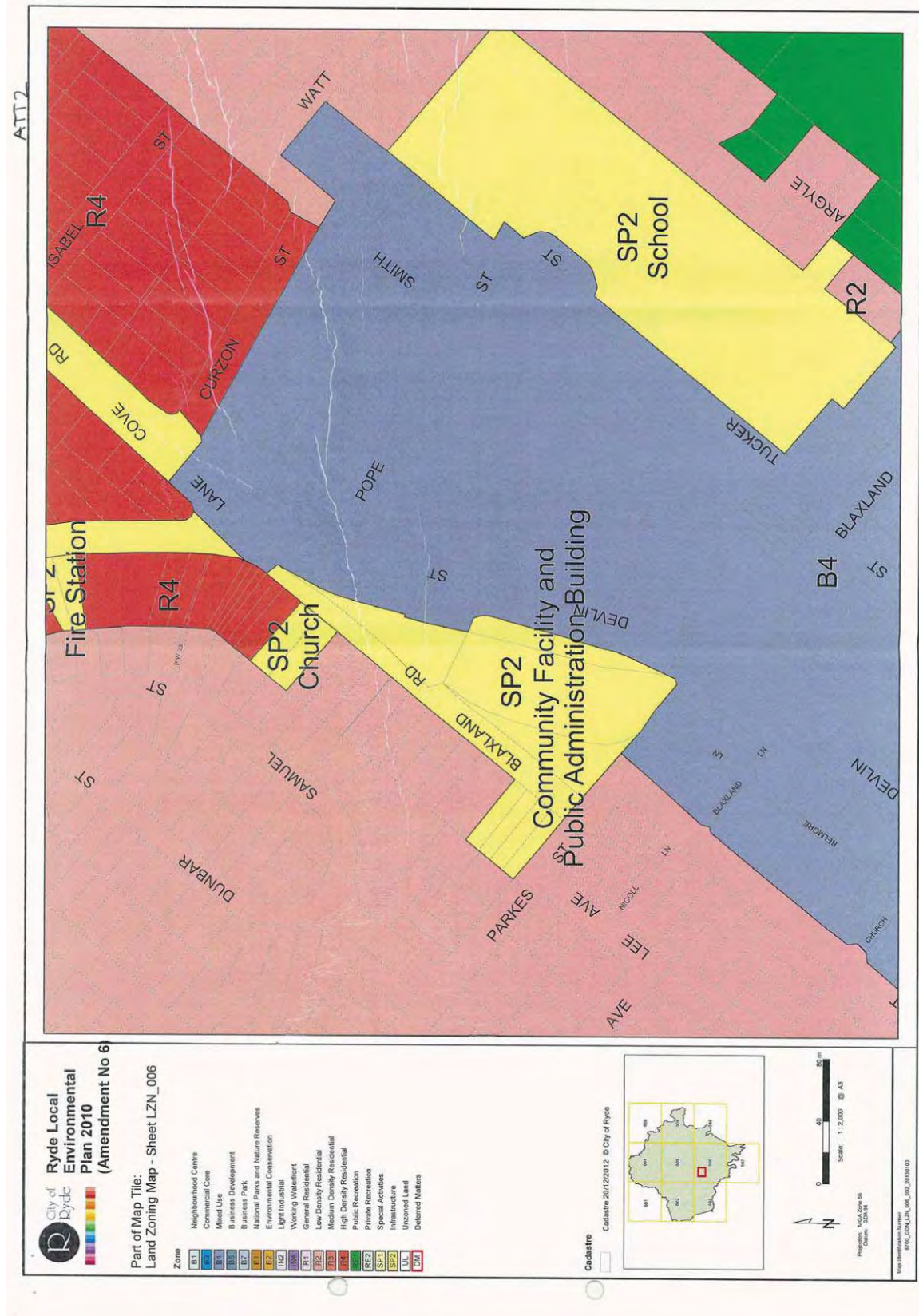
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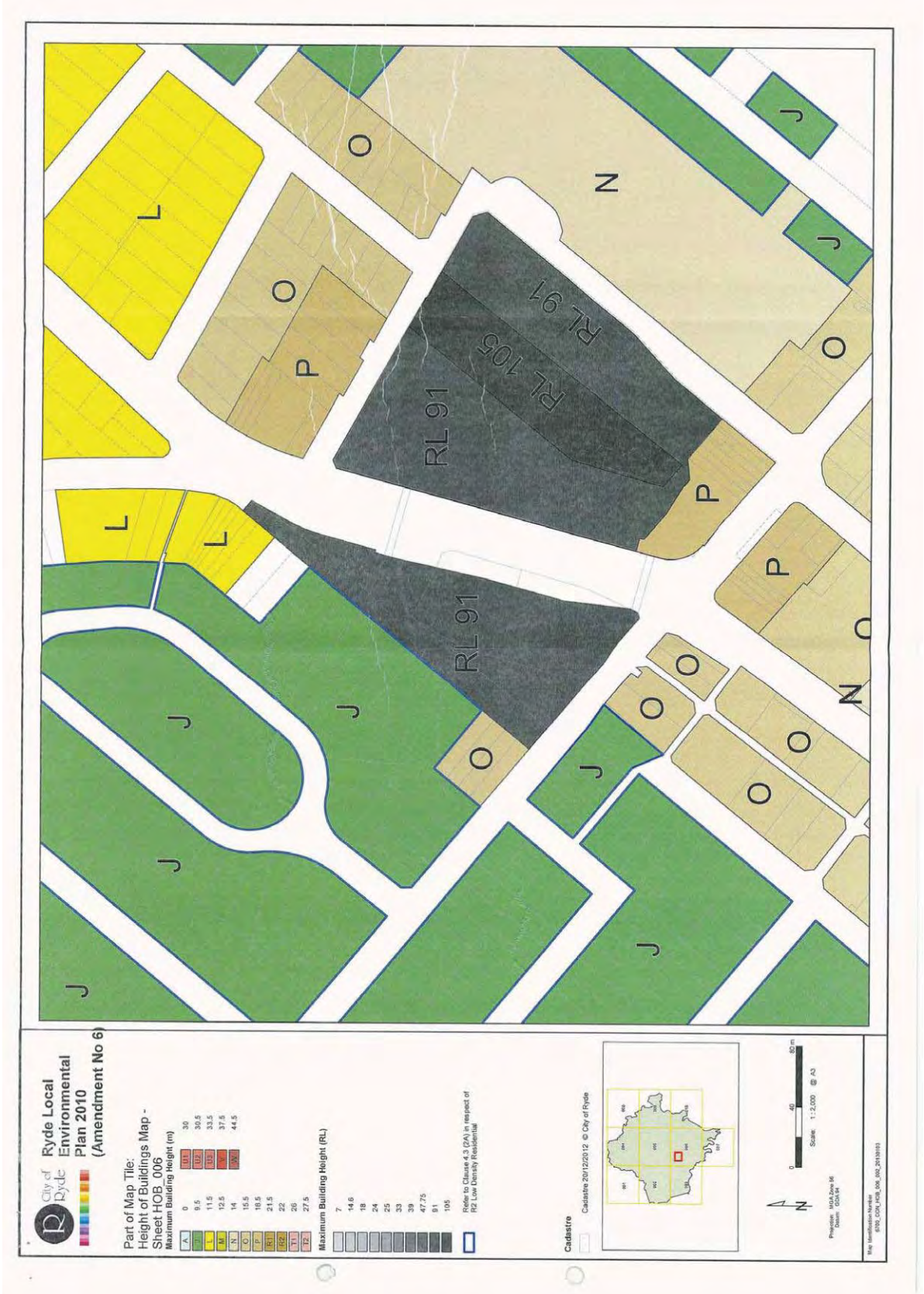
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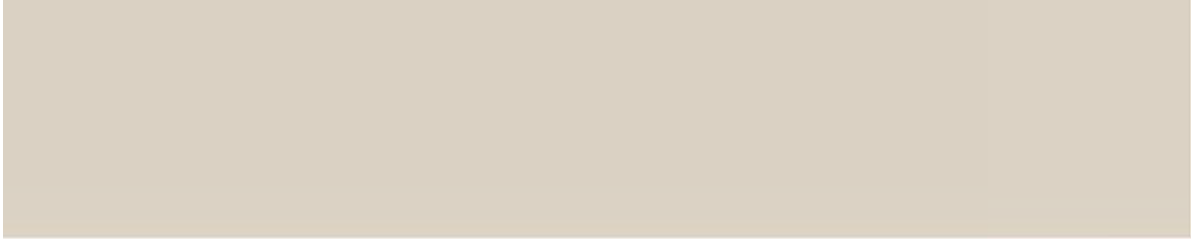
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 City of Ryde

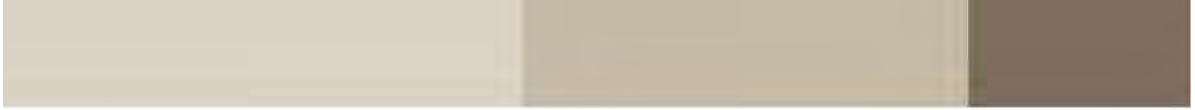
Lifestyle and opportunity @ your doorstep



Engagement Plan
Rezoning of the Ryde Civic Centre Site

ITEM 6 (continued)

ATTACHMENT 1



Aim

This engagement plan details the program of activities that will be used to engage with the Community on the changes to zoning for the Civic Centre site.

Background

At their meeting of 13 November 2012 Council resolved that:

- (a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60,000sq metres and to be zoned SP2 community use through a planning proposal.
- (b) Council staff prepare a list of priority maintenance required at the Civic Centre – using the existing building condition reports. This priority list is to be based on Workplace Health and Safety issues. This list is to be considered in the context of the 4 Year Delivery Plan.
- (c) Council staff prepare an outline of the communications program which will be associated with items (a) and (b).
- (d) Items (a) and (b) be developed using in-house expertise. Any involvement of consultants is to be subject to appropriate tendering processes for those services and only undertaken after consideration and direction from Council on the priority action areas.
- (e) That a further report be provided back to Council to update Council on all actions detailed in parts (a) to (d).

This engagement plan relates to item (a) of the resolution. A separate engagement plan will be developed for item (b).

IAP2 Spectrum of Public Participation

This engagement plan is based on the Spectrum of Public Participation developed by the International Association for Public Participation (IAP2). The spectrum identifies five levels of public participation each with their own goal and promise to the public. A copy of this spectrum is included at the end of this document.



ITEM 6 (continued)

ATTACHMENT 1

Stages of Engagement

The plan details four stages of engagement to be conducted as part of this project. These stages are:

Stage 1: Pre-commencement notification

This stage will commence immediately following the Council resolution to support the planning proposal to be presented on 12 February 2012. At this point the proposal will be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

Notification will be provided to residents in the vicinity of the Civic Centre (please see attached map) and the broader community of:

- Council's decision to rezone the Civic Centre site
- The submission of the proposal to the Minister for Planning
- Information on the rezoning process and detail (as available) of the public exhibition process

This notification will be via local print media/city view letterbox drop and on Council webpage.

The primary level of public participation for this stage will be *INFORM*

Stage 2: Public Exhibition

This stage will commence following the granting of a gateway determination by the Department of Planning and Infrastructure (DOPI). This stage will comprise a mandated public exhibition period, the timeframe of which will be determined but the DOPI.

During this stage advertisement of the public exhibition will be undertaken:

- in the local print media,
- on Council's webpage
- by mail or letterbox drop to adjoining landowners (where this involves a strata a letter will be sent to the body corporate)
- in Ryde City View
- in Council/Mayoral column
- by letter to local state government representatives

Members of the community will be invited to provide responses to the planning proposal under consideration.

The primary level of public participation for this stage will be *CONSULT*

Stage 3: Report to Council

Following the conclusion of the public exhibition period a report will be provided to Council. Notification will be provided directly by mail/email to anyone who made a submission to the public exhibition detailing when the matter will be considered by Council.

The primary level of public participation for this stage will be *INFORM*

Stage 4: Notification of Outcome

This stage will commence following the report being presented to Council on the completion of the consultation period. At this point, with Council's approval, a fourth round of communication will be undertaken that will inform the community of:

- feedback received as part of the public exhibition
- outcome of the planning proposal
- future plans for the Civic Centre site (as available)
- planned maintenance at the Civic Centre (as available)

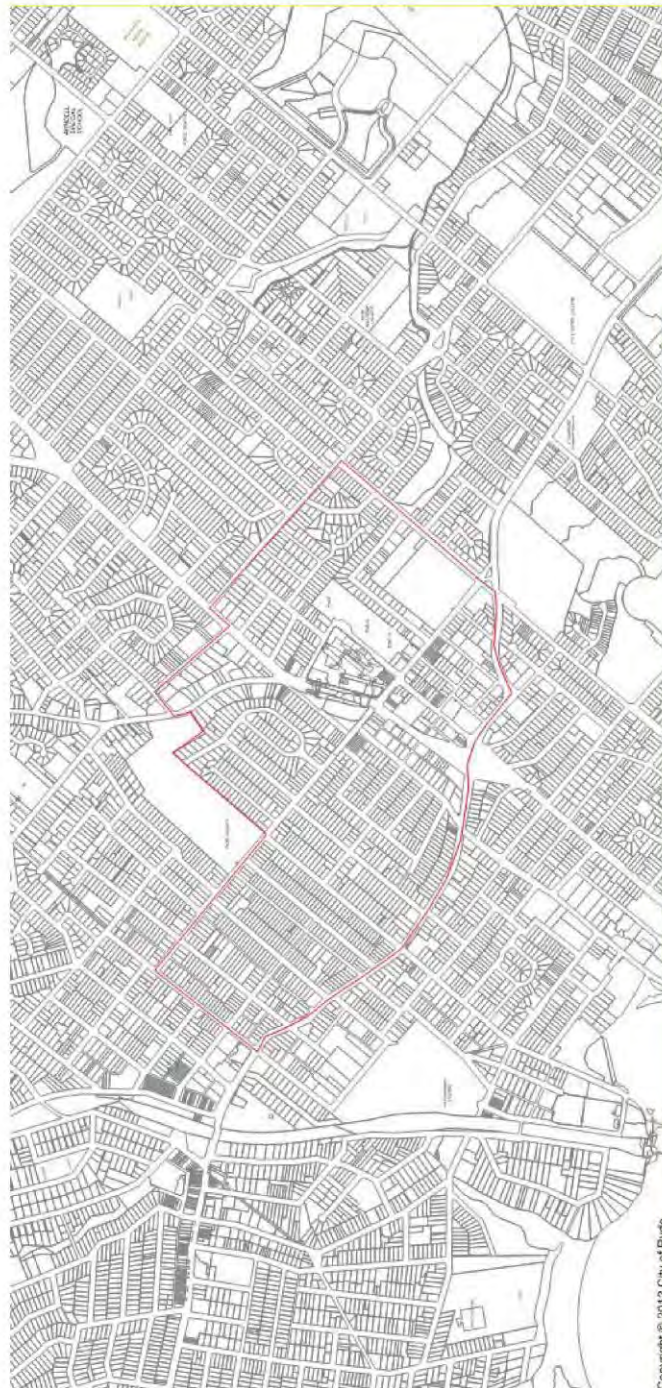
This notification will be via local media/city view Council webpage.

The primary level of public participation for this stage will be *INFORM*

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ATTACHMENT 1

**Notification Area For Consultation/Communication Program
Planning Proposal – Ryde Civic Precinct.**




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Boundary of Notification Area - - - - -

ITEM 6 (continued)


ATTACHMENT 1



International Association
for Public Participation
Australasia

IAP2 Public Participation Spectrum

Developed by the International Association for Public Participation



INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep You informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:
<ul style="list-style-type: none"> • Fact sheets • Web Sites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Deliberate polling 	<ul style="list-style-type: none"> • Citizen Advisory • Committees • Consensus building • Participatory decision-making 	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated decisions

© 2004 International Association for Public Participation

7 NIGHT WORKS PERMIT - Macquarie Shopping Centre Development

Report prepared by: Team Leader - Environmental Health**File No.:** CRS2011/1153090 - BP13/159

REPORT SUMMARY

AMP Capital Investors Limited have submitted an application to carry at night works at Macquarie Shopping Centre on Monday to Thursday nights between 7.00pm and 7.00am the following morning from Wednesday 13 February 2013 to Wednesday 13 March 2013, with background noise exceedances:

- (a) up to 15dB(A) between 7.00pm and 11.00pm, and
- (b) up to 10dB(A) between 11.00pm and 7.00am, with capacity for four nights per month to go to 15dB(A).

The scope of works proposed is as follows:

- Limited services diversions in Link Road.
- Removal of facades in Link Road to expose existing structure.
- Limited preparation works for bored piers.
- Limited construction of bored piers in Link Road.
- Limited construction of pier caps.
- Installation of some preliminary steelwork in Link Road.

Link Road is a service road that bi-sects the shopping centre and provides access to the multi-deck carpark, undercroft parking areas and service areas between Waterloo Road and Talavera Road.

The justification given for carrying out night works is that work cannot be carried out safely without closing Link Road and that doing so in the daytime will have a significant impact on the shopping centre, shoppers and the surrounding traffic network.

According to the Acoustic Report submitted with the application, the boring of the pier holes is expected to have a medium impact on nearby residents and the other activities are expected to have a low impact.

Similar impact works were carried out between 7 January 2013 and 25 January 2013 and only resulted in one complaint to Council.

The Acoustic Report further states that the medium impact works proposed are located in the northern and central part of Link Road, which is further away from nearby residences, and are capable of being more effectively screened than the medium impact works carried out previously. In addition, where works exceed the proposed noise thresholds, they will be stopped at the time if safe to do so.

ITEM 7 (continued)

Following a review of the options available it was concluded that the application should be approved, excluding the capacity for four nights per month to go to 15dB(A).

RECOMMENDATION:

That the application be approved subject to the following conditions:

1. This approval commences on Wednesday 13 February 2013 and expires on Wednesday 13 March 2013, unless sooner suspended or revoked.
2. Construction work may be carried out in Link Road on Monday to Thursday nights between 7.00pm and 7.00am the following day.
3. The scope of works are limited to the works listed below and detailed in the Acoustic Report submitted with the application for approval:
 - Limited services diversions.
 - Removal of facades.
 - Limited preparation works for bored piers.
 - Limited construction of bored piers.
 - Limited construction of pier caps.
 - Installation of preliminary steelwork.
4. All feasible and reasonable practices must be implemented to control or minimise the emission of noise.
5. The noise level (Leq, 15 minute) from the construction work must not exceed the following noise level limits when measured at the most exposed boundary of the most noise affected residential premises:
 - (a) evening period (7.00pm - 11.00pm): 62dB(A)
 - (b) night-time period (11.00pm - 7.00am): 51dB(A)
6. All potentially affected residents must be notified of the proposed works at least seven (7) days before the works begin.
7. A 24 hour telephone contact line must be provided for affected residents to report noise problems.
8. A suitably qualified acoustical consultant must be engaged to carry out attended noise measurements for each construction activity undertaken, and when complaints are received about the level of noise, to ensure that the noise level limits are being met.

ITEM 7 (continued)

9. The noise monitoring program must include the maximum noise levels (LMax or L1) from the construction work, and the extent to which these levels exceed the background noise level (L90) and the number of times this occurs during the night-time period, together with an assessment of the potential sleep disturbance impact.
10. A noise monitoring report must be submitted to Council within seven (7) days of the expiration of this approval.
11. The noise monitoring report must include the following information:
 - The type of monitoring conducted (eg. at a particular stage or following complaints) and a brief statement of the measurement method.
 - The noise limits specified in the approval.
 - A description of the nearest affected residences or, in the case of complaints, a description of the complainant location and complaint.
 - A plan or diagram showing the location of the noise generating works and monitoring locations.
 - A description of the instrumentation used.
 - The name and qualifications of the personnel carrying out the monitoring.
 - The weather conditions during monitoring.
 - The dates, times and durations of monitoring.
 - A clear description of the construction activities taking place during the monitoring.
 - The results of the monitoring at each monitoring location, including a comparison with the relevant noise limits or background noise level as applicable.
 - A clear statement outlining the projects compliance or non-compliance with the approval conditions or potential sleep disturbance impact.
 - The reasons for any non-compliance and details of any remedial action taken or strategies proposed to minimise the noise.
12. Council may suspend or revoke this approval for failure to comply with the conditions of approval or if significant numbers of complaints are received.

ATTACHMENTS

- 1 Construction Noise Report - January 2013
- 2 Acoustic Report - February 2013
- 3 Link Road Closure Traffic Review
- 4 Community Consultation Report - January 2013

ITEM 7 (continued)

Report Prepared By:

Craig Redfern
Team Leader - Environmental Health

Report Approved By:

Scott Cox
Manager Environmental Health & Building

Dominic Johnson
Group Manager - Environment & Planning

ITEM 7 (continued)**Background**

Development consent was granted under Consent No. LDA2007/1016 on 3 February 2009 to carry out alterations and additions to the Macquarie Shopping Centre, including the demolition of the building at 55-61 Talavera Road and the construction of a new shopping centre extension with associated car parking, roadworks and landscaping.

This Consent was subsequently amended by a number of Section 96 applications.

Condition 84 of the Consent relates to the hours of construction work and reads as follows:

84. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 7.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays. The works that occur between 7.00am and 8.00am on Saturdays is to be in accordance with the document prepared by Westfield Constructions "Supporting Documentation to Section 96 Application – Extended Work Hours on Saturdays".

Where the applicant is intending to operate outside of the specified hours above, the applicant is notify Council of the nature of the proposed works and the proposed hours of operation, and is to obtain permission to vary the hours from Council if the variation in hours applies to works adjacent to Waterloo Road, prior to commencing any work.

Notwithstanding the above, internal construction and fit out works that are likely not to have any amenity impact may be undertaken outside of the hours specified.

In accordance with paragraph two of the above condition the applicant, AMP Capital Investors Limited (AMP), submitted an application in mid 2011 for permission to carry out night works to address safety, access and economic concerns.

Approval was subsequently granted on 7 November 2011 to carry out construction work between 7.00pm and Midnight Monday to Wednesday, 9.00pm and Midnight Thursday and Midnight and 7.00am Tuesday to Friday, subject to a number of conditions including a requirement to submit a noise impact assessment report one month after commencing the work.

The proposed night works did not commence until November 2012 and generated some community concern. However, based on the noise impact assessment report submitted by AMP it was concluded that the noise impacts were being appropriately managed and permission was given for the night works to continue from 7 January 2013 to 7 February 2013.

ITEM 7 (continued)

Following further community concern the matter was considered by Council at the Extraordinary Meeting on 22 January 2013 and the following resolution was adopted:

- (a) *That Council withdraw approval for noise generating night work as part of the special night works permit at the Macquarie Shopping Centre to be effective as of 29 January 2013.*
- (b) *That Council amend noise reports to weekly in lieu of monthly reports.*
- (c) *That a report be submitted to Council regarding the requirements and reasons for night works at Macquarie Shopping Centre for Council's consideration of approval or refusal of a special night works permit.*

Current Proposal

On 1 February 2013 AMP wrote to Council to re-apply for approval to carry out night works at Macquarie Shopping Centre on Monday to Thursday nights between 7.00pm and 7.00am the following morning from Wednesday 13 February 2013 to Wednesday 13 March 2013, with background noise exceedances:

- (c) up to 15dB(A) between 7.00pm and 11.00pm, and
- (d) up to 10dB(A) between 11.00pm and 7.00am, with capacity for four nights per month to go to 15dB(A).

The scope of works proposed is as follows:

- Limited services diversions in Link Road.
- Removal of facades in Link Road to expose existing structure.
- Limited preparation works for bored piers.
- Limited construction of bored piers in Link Road.
- Limited construction of pier caps.
- Installation of some preliminary steelwork in Link Road.

The letter from AMP provides the following reasons to justify the application:

We reiterate our advice to Council that the night works are an integral component of delivery of this development and are requested for the following reasons:

- *The alternative is the daytime closure of Link Road with resultant deterioration in the surrounding traffic network (as per Colston Budd Hunt & Kafes report 31 January 2013).*
- *The closure during the day will have significant impact on shoppers, shopkeepers their income and associated employment.*
- *Night works are required for customer safety and to minimise impact to community amenity not programming reasons.*

ITEM 7 (continued)

We believe that we have demonstrated the following:

- *The greatest impact works were conducted prior to Christmas 2012.*
- *The January 2013 works had no discernable impact as to background levels (see Acoustic Logic report).*
- *There was one complaint to Council in respect to night works.*
- *We maintained full community liaison and have no evidence that there is a significant level of community concern other than 2 - 3 individuals who have chosen to remain anonymous and this was expressed prior to Christmas 2012.*
- *The works for the next month will be low impact and will be contained within the threshold range suggested above, which is lower than experienced during the demolition works prior to Christmas.*

The following reports were also submitted in support of the application:

- (a) Construction Noise Report - January 2013 (Acoustic Logic, January 2013),
- (b) Acoustic Report February 2013 (Westfield - Design & Construction, 31 January 2013),
- (c) Macquarie Shopping Centre Link Road Closure Traffic Review (Colston Budd Hunt & Kafes Pty Ltd, 31 January 2013), and
- (d) Community Consultation Activities in January 2013 (Elton Consulting, 1 February 2013).

Copies of these reports are **ATTACHED**.

Relevant Guidelines

The Interim Construction Noise Guideline published by the former Department of Environment & Climate Change NSW provides guidance on managing construction noise.

Section 2.3 discusses construction outside standard hours and identifies the following categories of work that might be undertaken outside the recommended standard hours:

- **delivery of oversized plant or structures** that police or other authorities determine require special arrangements to transport along public roads
- **emergency work** to avoid loss of life, damage to property or prevent environmental harm
- **maintenance and repair of public infrastructure** where disruptions to essential services and/or considerations of worker safety do not allow work within standard hours
- **public infrastructure works** that shorten the length of the project and are supported by the affected community
- works where a proponent demonstrates and justifies **a need to operate outside the recommended standard hours**.

ITEM 7 (continued)

In the last two cases, convenience is not an acceptable reason for carrying out the work.

Section 4.1.1 deals with airborne noise impacts on residences and specifies a management level (Leq, 15 minute) for work outside standard hours of background + 5dB(A) at the boundary of the most affected residence.

Where the management level is exceeded there should be a strong justification for the works, all feasible and reasonable measures should be employed to control or mitigate the noise, and the proponent should negotiate with the community if the noise is still above the management level.

In addition, Section 4.1.2 states that the potential for sleep disturbance should be considered where construction works are planned to extend over more than two consecutive nights.

Discussion

Community Response and Consultation

Only one complaint was received by Council concerning the recent night works between 7 January 2013 and 25 January 2013. One complaint was also received by AMP about daytime noise.

The Community Consultation Report submitted with the application presents a summary of the community consultation activities undertaken and the complaints received since November 2012.

The report states that January saw a diminished number of complaints compared to the initial stages of the project, with 12 in November and 7 in December.

Further information about the recent complaints is set out in the following table:

Complaints Summary – January 2013

Date	Complaint	Response
18/1/13	A resident of 16 Cottonwood Crescent made a complaint about day-time construction noise. The resident requested that the noisiest works be moved to later in the morning or afternoon. The request was for a response by e-mail only.	<ul style="list-style-type: none"> An e-mail was sent to the resident on the same day advising that the noisiest works were scheduled for during the day and any significant movement away from a 7.00am start for construction activities may cause noisier works to move towards the night-time period, a situation that everyone wants to avoid. A number of possible solutions were suggested to the resident, including the installation of acoustic treatments to their property (at the projects expense).

ITEM 7 (continued)

Date	Complaint	Response
		<ul style="list-style-type: none"> • A follow up phone call was also made to the resident on 21 January to discuss the contents of the e-mail. • The resident has not responded to either the phone call or e-mail offer.
23/1/13	A resident of 8 Cottonwood Crescent made a complaint to Council about night-time construction noise. The resident stated that the noise was too loud and that they had to take sleeping pills to sleep.	<ul style="list-style-type: none"> • Project members contacted the resident and discussed their concerns. • Following the discussion, they investigated a purported loud noise at around 2.00am on 23 January but could not find any spike in the noise monitoring data. • Nevertheless, they are intending to offer to install thicker glazing on the bedroom window and acoustic seals (at the projects expense) to mitigate any future impacts.

Because of the potential noise impacts on nearby residents, a communications and community engagement strategy was prepared prior to the project's commencement.

Key strategies employed include:

- Appointment of two Community Liaison Officers to facilitate contact with the community.
- Informing residents of upcoming works and potential impacts through door knocking, newsletters, information sessions and the centre's website.
- Establishment of a complaint hotline and complaints handling procedure.
- Negotiating with affected residents to resolve issues.

However, the refusal of some complainants to directly discuss their concerns is denying the project team the ability to negotiate and achieve a resolution.

Justification for Night Works

The justification given for carrying out night works is that work cannot be carried out safely without closing Link Road and that doing so in the daytime will have a significant impact on the shopping centre, shoppers and the surrounding traffic network.

Link Road is a service road that bi-sects the shopping centre and provides access to the multi-deck carpark, undercroft parking areas and service areas between Waterloo Road and Talavera Road.

According to the Acoustic Report submitted with the application, the works that are proposed to be undertaken at night are:

- those that pose a safety risk to construction workers and the general public due to their proximity to due to their proximity to high traffic areas within Link Road and cannot be isolated with lane closures; and

ITEM 7 (continued)

- those that are required to be carried out at height above Link Road and pose a potential safety risk to the general public.

The Traffic Report submitted with the application provides a more detailed review of the benefits of closing Link Road at night and the traffic effects of closing the road during the day.

The benefits of closing Link Road at night are as follows:

- All construction activity will be contained and separated from the main shopping centre activity;
- It will allow better control and management of construction activity along Link Road.
- It will minimise amenity and traffic effects on the operation of the surrounding road network;
- It will result in less disruption to the overall operation of the shopping centre;
- It will maintain traffic capacity at intersections and mid-block in the vicinity of the site during the day;
- It will reduce the need for extensive traffic control management and control traffic movements on the surrounding road network at busy times;
- It will minimise traffic queues at the intersections of Waterloo Road/Link Road and Talavera Road/Link Road;
- It will allow pedestrian accesses between the multi-deck carpark and the shopping centre to be maintained during the day;
- It will maintain a safe and appropriate environment for pedestrians;
- It will maintain appropriate access to the multi-deck car park during busy times;
- It will maintain appropriate access for emergency vehicles and service vehicles during the main operating hours of the shopping centre;
- It will maintain optimum emergency vehicle access to Link Road during the main operating hours of the centre.

The traffic effects of closing Link Road during the day are as follows:

- Waterloo Road and Herring Road – The level of service at the intersection would change from LOS C to D during peak periods. Average delays would increase from less than 40 seconds per vehicle to less than 55 seconds per vehicle during these periods and would result in increased traffic queues.
- Waterloo Road and Link Road – The operation of the Link Road approach to the intersection would significantly worsen with approach average delays increasing to less than 35 seconds per vehicle and traffic queues increasing from 25 to 70 metres.
- Talavera Road and Link Road – The closure of Link Road will result in increased traffic entering the carpark from Talavera Road, resulting in increased traffic delays and traffic queues for turning vehicles at the intersection.

LOS (levels of service) D means that an intersection is satisfactory but operating near capacity.

ITEM 7 (continued)

The report further states that the impact on traffic was demonstrated in late 2012 when Link Road was closed for part of the day – The closure created significant traffic issues during the main operating hours of the centre. Traffic marshals and police were required to manage and control traffic movements during this period. Traffic delays and traffic queues developed at the intersections of Waterloo Road/Link Road and Talavera Road/Link Road, which had a significant effect on the operation of the surrounding road network.

In addition to causing traffic delays and traffic queues on the roads around the shopping centre, closing link road could also cause delays for vehicles exiting the carparks. This could have an adverse impact on air quality inside the carparks and pose a danger to health.

A site inspection also revealed that a number of fire stairs discharge directly onto Link Road and that the road provides access to the main fire control room. Consequently, access to the Link Road is essential for the safe operation of the shopping centre during business hours. In addition, closing Link Road may mean having to close parts of the Shopping Centre and have significant economic and social impacts on local businesses and the community.

Based on the above, there are justifiable reasons why the proposed works should be permitted outside standard hours.

Noise Impact Assessment

Previous noise monitoring found that the background noise level (L90) was 47dB(A) during the evening period (6.00pm - 10.00pm) and 41dB(A) during the night-time period (10.00pm - 7.00am).

Based on the Noise Guideline, the recommended noise management levels (Leq, 15 minute) for work outside standard hours are 52dB(A) during the evening and 46dB(A) at night (background + 5dB(A)).

The current application is seeking approval to exceed the background noise level by up to 15dB(A). These exceedances have the potential to impact on the occupants of nearby residences, particularly during the night-time period.

Details of the construction activities proposed and the proposed noise control or mitigation measures are set out in the following table:

Proposed Works – 13 February 2013 to 12 March 2013

Construction Activity	Construction Methodology	Control Measures
Limited services diversions in Link Road. Will require partial demolition of some kerbs, gutters and road surfaces. <i>Note: works will be undertaken</i>	Sawcutting of road/concrete will require use of road saws and excavator. Sawcutting to be undertaken during the day. Excavation to proceed at night.	Acoustic fencing located in proximity of noise source. Excavator to have reversing beeper acoustically treated.

ITEM 7 (continued)

Construction Activity	Construction Methodology	Control Measures
<i>where possible during the day except in high traffic areas where operations will pose a safety risk to both the workforce and the general public</i>		
Removal of facades in Link Road to expose existing structure. Work at height over the road precludes work being undertaken during the day.	Using cranes & boom lifts for access. Use of hand power tools to remove facade. Trucks to remove demolition materials from site.	No use of Jack Hammering (power tools only). Boom lifts to have reversing beepers acoustically treated. Trucks to move forward through Link Road from Waterloo Road to Talavera Road. Materials to be loaded carefully into the trucks for disposal from site.
Limited preparation works for bored piers. Will require removal of some kerbs and gutters and excavation of gardens. <i>Note: works will be undertaken where possible during the day except in high traffic areas where operations will pose a safety risk to both the workforce and the general public.</i>	Sawcutting of road/concrete will require use of road saws and excavator. Sawcutting to be undertaken during the day. Excavation only to proceed at night.	Acoustic fencing located in proximity of noise source. Excavator to have reversing beeper acoustically treated.
Limited Construction of bored piers in Link Road. <i>Note: works will be undertaken where possible during the day except in high traffic areas where operations will pose a safety risk to both the workforce and the general public.</i>	Using various piling rigs for drilling and concrete trucks for pouring concrete. Excavators & dump trucks to remove spoil.	Acoustic screening to be located in proximity of noise source. Excavator to have reversing beeper acoustically treated. Concrete trucks directed to drive forwards as reversing beepers cannot be silenced. Works to start at the centre of Link Road away from residents.
Limited Construction of pier caps. <i>Note: works will be undertaken where possible during the day except in high traffic areas where operations will pose a safety risk to both the workforce and the general public.</i>	Using excavators to remove soil, preparation of tops of piles and carpenters assembling formwork. Concrete trucks delivering concrete	Acoustic fencing to be located in proximity of noise source. Excavator to have reversing beeper acoustically treated. Concrete trucks directed to drive forwards as reversing beepers cannot be silenced. Works to start at the centre of Link Road away from residents.
Installation of some preliminary steelwork in Link Road. Work at height over the road precludes installation whilst the public is utilising Link Road.	Use of crane and mobile access equipment to install steelwork	Steelwork to be installed with soft slings to secure steelwork. Bolts secured hand tight or with the use of electric torque wrenches.

ITEM 7 (continued)

Construction Activity	Construction Methodology	Control Measures
		Boom lifts to have reversing beepers silenced.

According to the Acoustic Report submitted with the application, the boring of the pier holes is expected to have a medium impact and the other activities are expected to have a low impact.

The report further states that the medium impact works proposed are located in the northern and central part of Link Road, which is further away from nearby residences, and are capable of being more effectively screened than the medium impact works carried out previously. In addition, where works exceed the proposed noise thresholds, they will be ceased at the time if safe to do so.

As the work is planned to extend over more than two consecutive nights the potential for sleep disturbance should also be considered.

Noise can wake people from sleep and keep them awake. Frequent awakening or being kept awake for extended periods can be very disruptive. Even if not wakened by the noise, a person's sleep patterns can be significantly disturbed and result in a feeling of fatigue the next day.

Construction activities that result in many short-duration high level noises may comply with the proposed noise level limits, but be undesirable because of sleep arousal effects.

To assess the extent to which sleep disturbance is an issue a detailed analysis of maximum noise levels is required, including the extent to which the maximum noise levels (LMax or L1) exceed the background noise level (L90) and the number of times this occurs during the night-time period.

Review of Noise Monitoring Results

Construction noise is being monitored using an unattended noise logger. The logger is programmed to store 15 minute statistical noise levels throughout the monitoring period.

The noise logger has been installed on the site at the corner of Waterloo Road and Link Road. This location is representative of the site boundary nearest to the most affected residential premises and has an unimpeded line of site to the construction works.

The Construction Noise Report submitted with the application presents the results of noise monitoring carried out between Thursday 20 December 2012 and Monday 28 January 2013 and concludes that there was no significant difference in recorded noise levels in periods when construction work was taking place and periods when there was no construction work.

ITEM 7 (continued)

A review of the data provided indicates that evening noise levels (Leq, 15 minute) during the construction works averaged between 59 - 65dB(A) at the monitoring location. During the night the levels generally fell to around 50 - 55 dB(A), with some peaks up to around 62dB(A). However, it is unclear whether these are due to construction noise as similar peaks also occur when there is no construction (eg. Friday and Saturday nights).

The noise levels should be slightly lower at the residential boundary due to distance attenuation and are generally within the range proposed in the current application. However, the results cannot necessarily be used as a predictor of future noise levels as the scope of works in the current proposal is different from last month.

To more clearly quantify the level of noise from the construction work and ensure that the noise level limits are being met, the applicant should be required to employ a suitably qualified acoustical consultant to carry out attended noise measurements of each construction activity undertaken and report the results to Council.

Attended measurements should also be carried out where complaints are received about noise levels.

Where sleep disturbance is an issue, the monitoring program should also include the monitoring and assessment of maximum noise levels (LMax or L1).

Options

The following options are available:

Option 1 – Approval for up to four nights per week, with night-time exceedance of up to 15dB(A) four nights per month***Pros:***

- *Minimal disruption to shopping centre operations.*
- *Allows project to be completed on schedule.*

Cons:

- *Potential sleep disturbance for nearby residents.*
- *Detailed monitoring of maximum noise levels (LMax or L1) required.*

Option 2 – Approval for up to four nights per week, with night-time exceedance capped at 10dB(A)***Pros:***

- *Minimal disruption to shopping centre operations.*
- *Allows project to be completed on schedule.*

ITEM 7 (continued)

Cons:

- *Reduced potential for sleep disturbance.*
- *Detailed monitoring of maximum noise levels (LMax or L1) required.*

Option 3 – Approval for up to four evenings per week (ie. 11.00pm finish)

Pros:

- *Minimal disruption to shopping centre operations.*
- *Minimal potential for sleep disturbance.*

Cons:

- *Construction tasks may not be able to be completed in the time available.*
- *Project completion will take longer.*

Option 4 – Approval for up to two nights per week, with night-time exceedance of up to 15dB(A) four nights per month

Pros:

- *Minimal disruption to shopping centre operations.*

Cons:

- *Project completion will take longer.*
- *Potential sleep disturbance for nearby residents*

Option 5 – Approval for up to two nights per week, with night-time exceedance capped at 10dB(A)

Pros:

- *Minimal disruption to shopping centre operations.*
- *Reduced potential for sleep disturbance.*

Cons:

- *Project completion will take longer.*

Option 6 – Approval for up to two evenings per week (ie. 11.00pm finish)

Pros:

- *Minimal disruption to shopping centre operations.*
- *Minimal potential for sleep disturbance.*

Cons:

- *Construction tasks may not be able to be completed in the time available.*
- *Project completion will take longer.*

ITEM 7 (continued)***Option 7 – Refusal******Pros:***

- *No night-time impact on nearby residents.*

Cons:

- *Link Road will need to be closed during business hours.*
- *Significant impact on shopping centre operations, local businesses and the community.*
- *Applicant may challenge decision in Land and Environment Court.*

Following a review of the pros and cons, Option 2 is considered to be the preferred option.

Financial Implications

Adoption of the recommendation will have no financial impact.

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ATTACHMENT 1

MANAGING DIRECTORS
MATTHEW PALAVIDIS
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DIRECTORS
MATTHEW SHIELDS
BEN WHITE



Macquarie, Westfield

Construction Noise Report - January 2013

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DOCUMENT CONTROL REGISTER

Project Number	20121096.2
Project Name	Macquarie, Westfield
Document Title	Construction Noise Report - January 2013
Document Reference	20121096.2/2901A/R2/JR
Issue Type	Email
Attention To	Westfield Design & Construction Pty Limited Mr Scott Cameron

Revision	Date	Document Reference	Prepared By	Checked By	Approved By
0	29/01/2013	20121096.2/2901A/R0/JR	JR		BW
1	29/01/2013	20121096.2/2901A/R1/JR	JR		BW
2	29/01/2013	20121096.2/2901A/R2/JR	JR		BW

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ATTACHMENT 1

EXECUTIVE SUMMARY

This report presents the recorded construction noise levels at the Macquarie Centre construction site located on Waterloo Rd, Macquarie Park.

The data presented in this report was recorded during the period:

- 20th December 2012 - 29th January 2013.

The report concludes that the recorded noise levels measured at the boundary of the work site are below the maximum predicted noise levels presented in the construction noise management plan by Renzo Tonin & Associates (Ref: TF062 – 02F02-REV0). The recorded noise levels in time periods where night construction works were taking place shows little or no significant increase in sound level when no work was taking place.

The recorded noise data is shown in appendix section A.

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ATTACHMENT 1

1 INTRODUCTION

Acoustic Logic Consultancy has been engaged by Westfield Design & Construction Pty Ltd to carry out continuous construction site noise monitoring during the construction stage of the extension to the Macquarie Centre located at the Corner of Herring and Waterloo Rd's, North Ryde.

The continuous monitoring for this reporting period commenced on the 20th December 2012 and concluded on 29th January 2013.

The noise levels presented in this report represent the noise level recorded at the location of the onsite noise monitor. The recorded levels are compared to the criteria presented in the construction noise management plan by Renzo Tonin & Associates (Ref: TF062 – 02F02-REV0).

2 SITE DESCRIPTION

The construction site is located within the grounds of the Macquarie Centre Shopping precinct as shown in Figure 1. The nearest sensitive receivers identified in the original noise impact assessment are also shown.



1. Nearest residence specified by Renzo Tonin and Associates Pty Ltd in report (Ref: TF062 – 02F02(REV0)

Figure 1 – Site Description and Monitoring Locations

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The project consists of demolition/construction works to remove an overpass bridge above the entrance to the Macquarie Centre car-park located on Link Rd, and to construct more retail shopping space above the existing car-park entrance.

The over-pass / car-park are located at a higher level than the receivers across Waterloo Rd. The distance to the receiver from the location of the long term noise monitor is 50 meters.

It is noted that there is no significant natural noise barriers between the construction site and the nearest affected receivers located across Waterloo Rd.

3 CONSTRUCTION NOISE CRITERIA

A construction noise management plan by Renzo Tonin & Associates (Ref: TF062 – 02F02 (REV 0)) was submitted as part of the approval application for the construction works at the Macquarie Centre. The Renzo Tonin report specifies the predicted noise levels at sensitive receiver locations.

Table 1 - Renzo Tonin Predicted Levels at Receiver

Construction Activity	Time	Maximum Predicted Level at Receiver (dB(A) _{L_{eq}(15min)})
Link Rd Demolition / Construction Works	Evening (7pm - 10pm)	61 – 69*
	Night (10pm – 7am)	61 – 69*

*Data from Renzo Tonin & Associates report (Ref: TF062 – 02F02 (REV 0))

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4 NOISE MONITORING

4.1 MEASUREMENT EQUIPMENT

Construction noise was monitored using an unattended Acoustic Research Laboratories Pty Ltd noise logger. The logger was programmed to store 15-minute statistical noise levels throughout the monitoring period. The equipment was calibrated at the beginning and the end of the measurement using a Rion NC-74 calibrator; no significant drift was detected. All measurements were taken on A-weighted fast response mode.

4.2 MEASUREMENT LOCATIONS

The noise monitor was installed on site at the entrance to the Macquarie Centre car-park on Waterloo Rd (Corner of Link Rd) as shown in Figure 1. The monitor is located in a position with an unimpeded line of sight to the construction works taking place. This location is representative of noise levels at the boundary of the construction site nearest to the sensitive receivers.

4.3 MEASUREMENT PERIOD

Unmanned continuous noise monitoring commenced on the 26th November 2012. The data presented in this report is from the period of 20th December 2012 to 29th January 2013.

NOTE: No construction work was conducted between 3PM Thursday 20/12/2012 through to 7AM Monday 07/01/2013.

4.4 MEASURED NOISE LEVELS

The monitored noise levels were recorded at the site and are attached to this report in appendix section A. Levels highlighted in red are periods where construction work was not taking place on site.

All evening/night time levels recorded while construction works were being conducted fell within the predicted levels stated in table 1. Little or no difference in sound level is noticeable during night work periods when compared to non-night work periods.

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5 DISCUSSION

Based on the results of unattended noise logging at the Macquarie Centre project there is no discernable difference in noise levels during periods when night works were undertaken and when no works were being conducted. Based on the recorded noise levels over the period presented in this report there was no impact on the surrounding residential receivers as a result of activities undertaken on the site during night time hours.

6 CONCLUSION

Long term Construction noise monitoring has been conducted from Thursday December 20th 2012 through to Tuesday 29th January 2013. Noise from the site impacting the nearest sensitive receivers was found to fully comply with the maximum levels stated in table 1. There was no significant difference in recorded sound levels in periods when construction works were taking place and in periods where there were no construction works, as in the Christmas Holiday shut-down period.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,



Acoustic Logic Consultancy Pty Ltd
Jeff Robinson

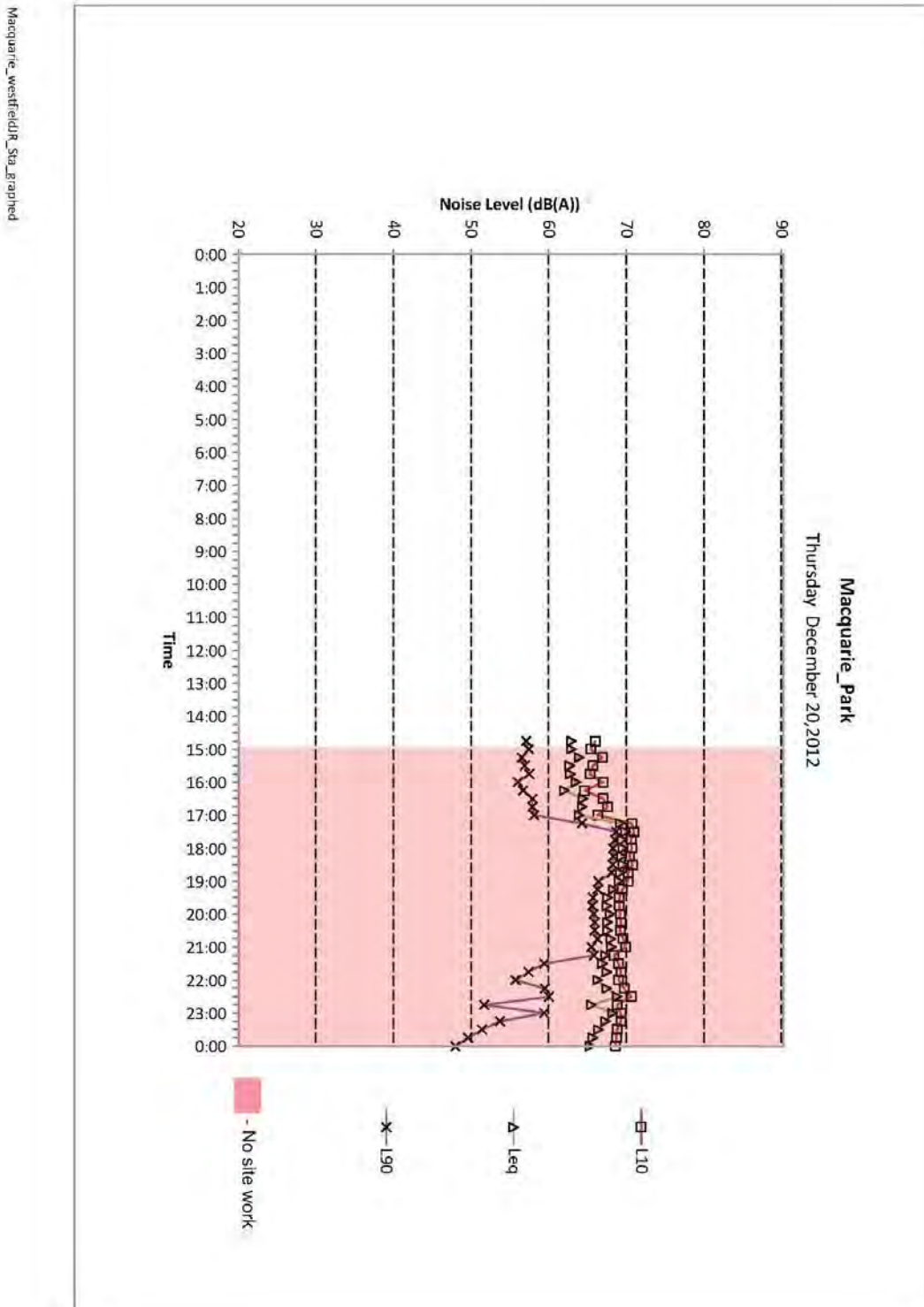
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APPENDIX A – NOISE MONITOR DATA

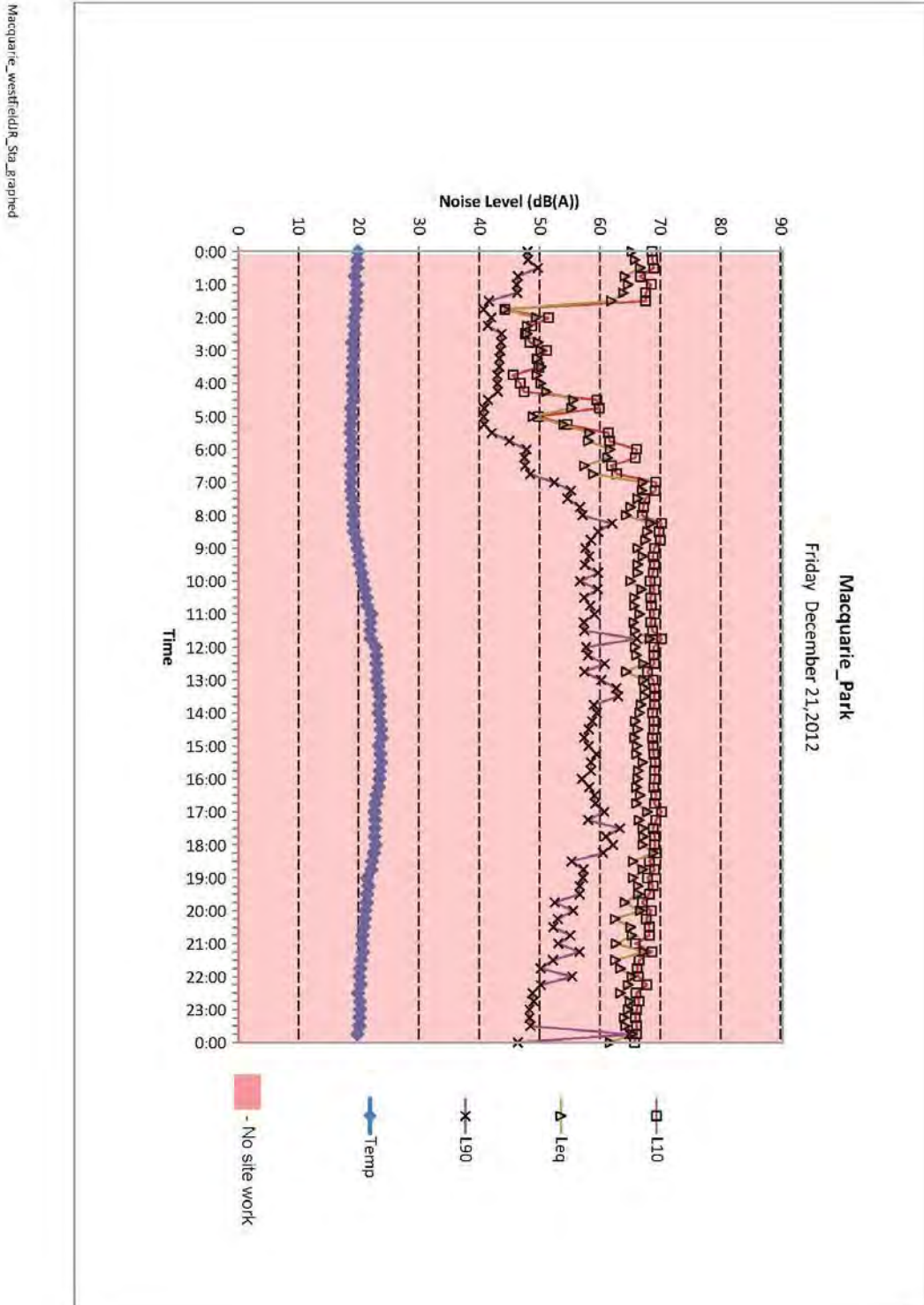
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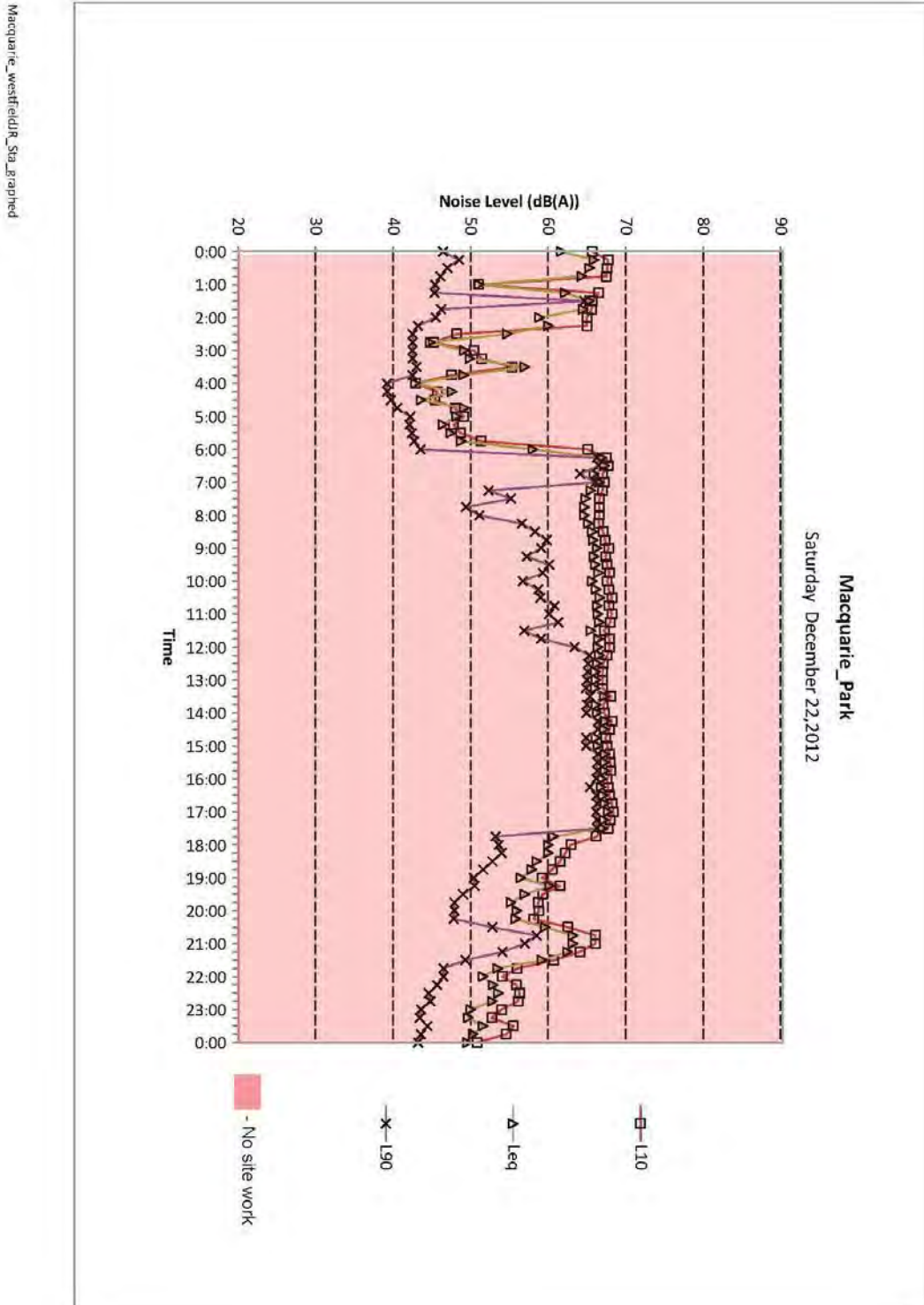
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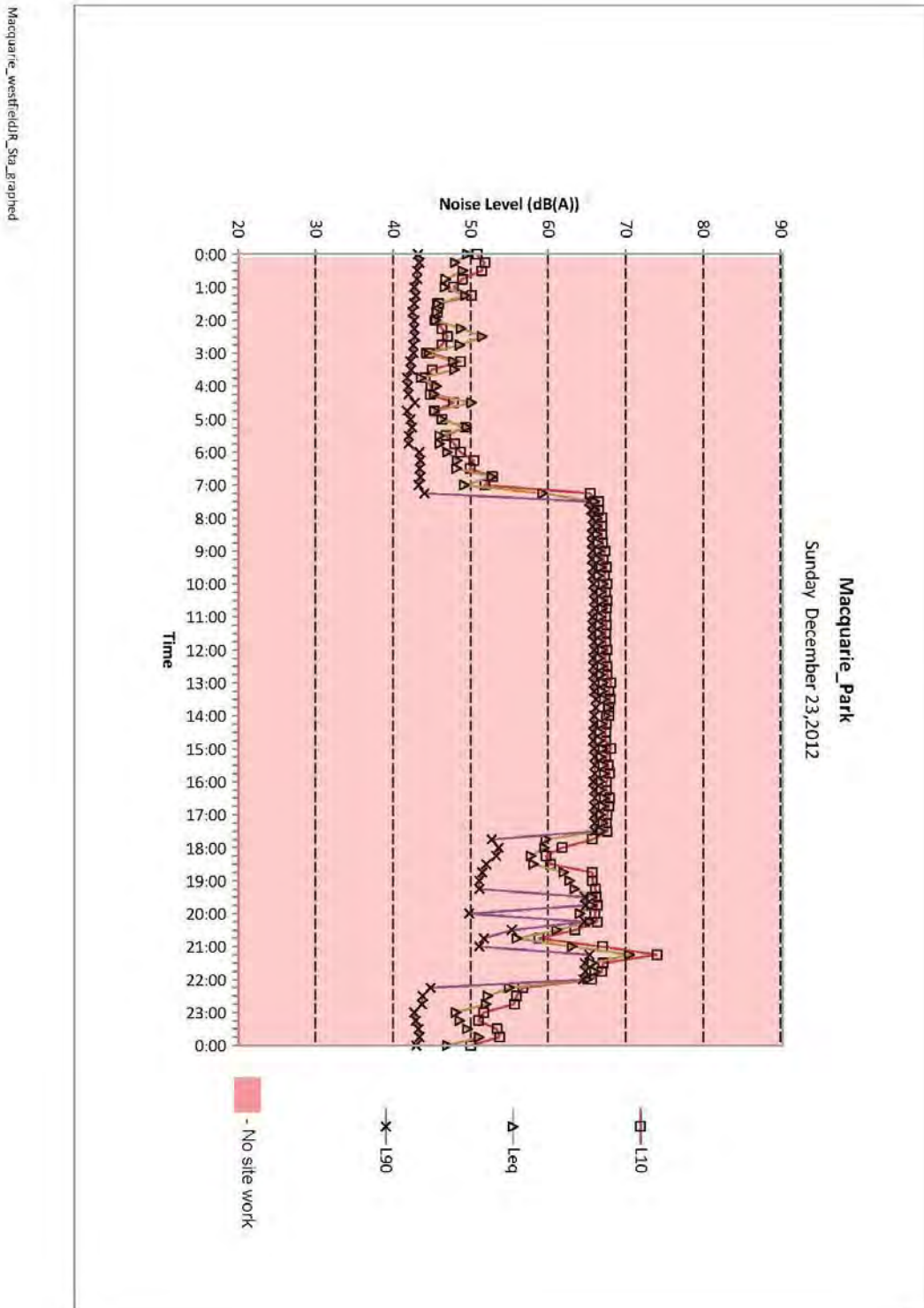
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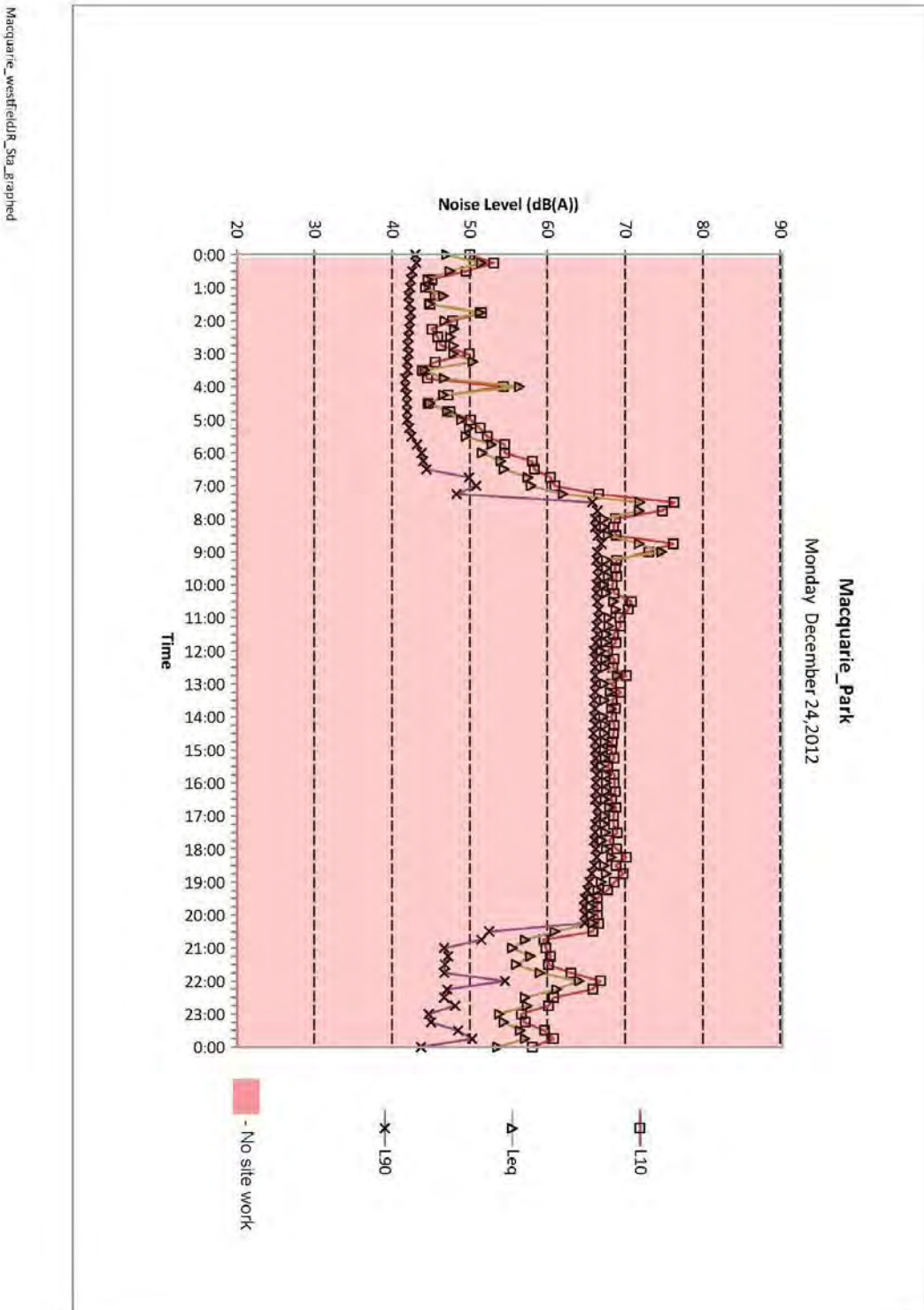
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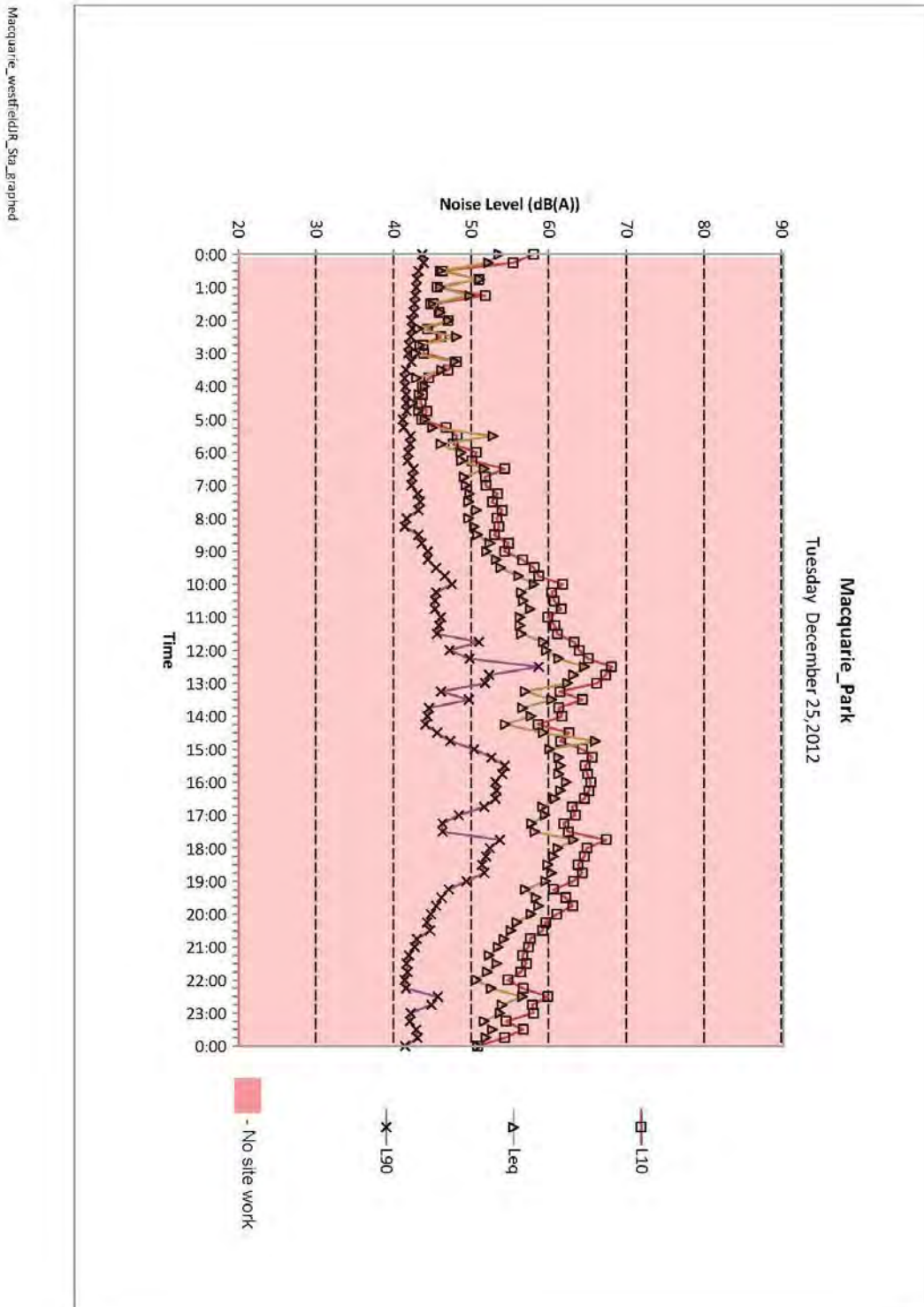
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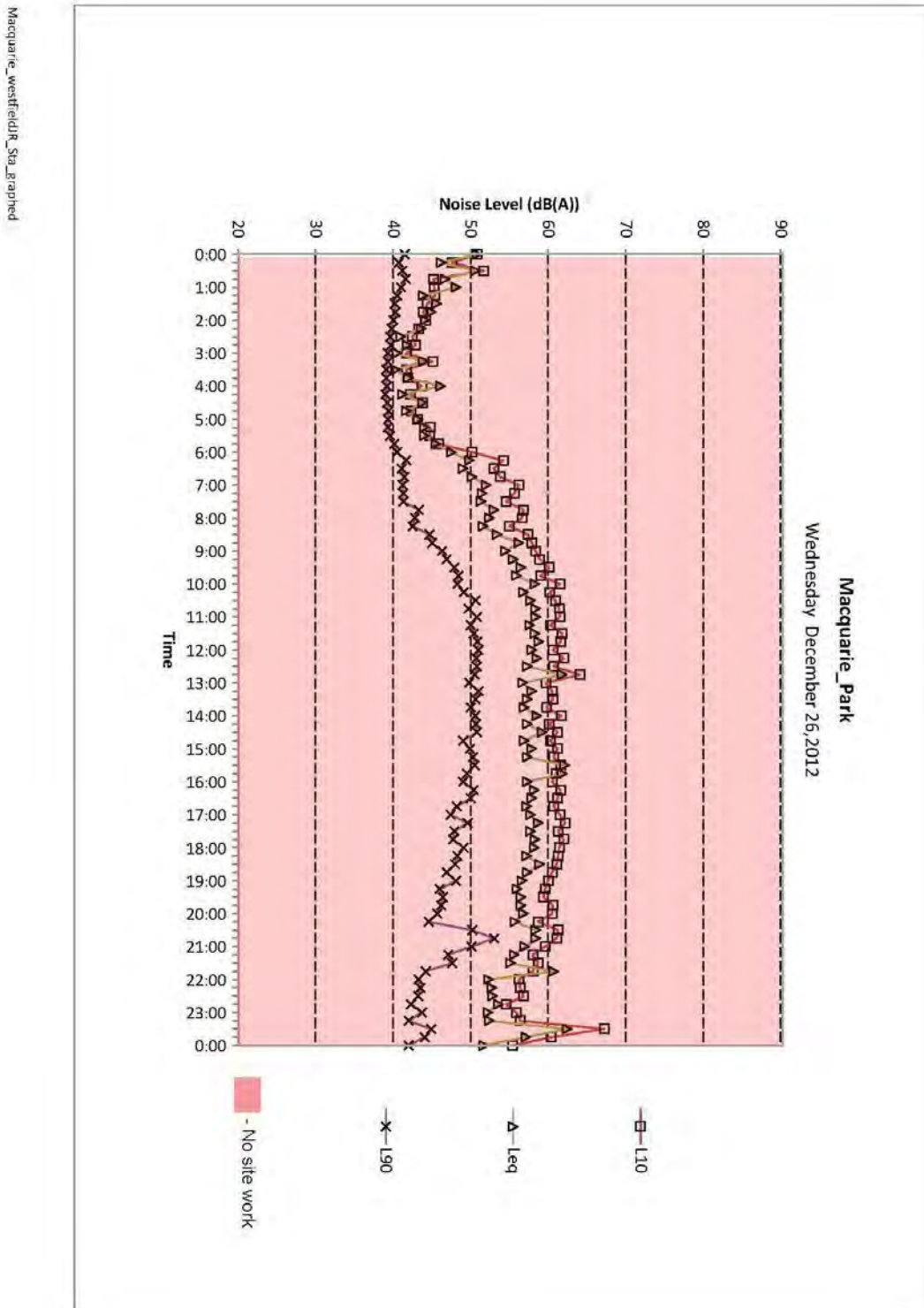
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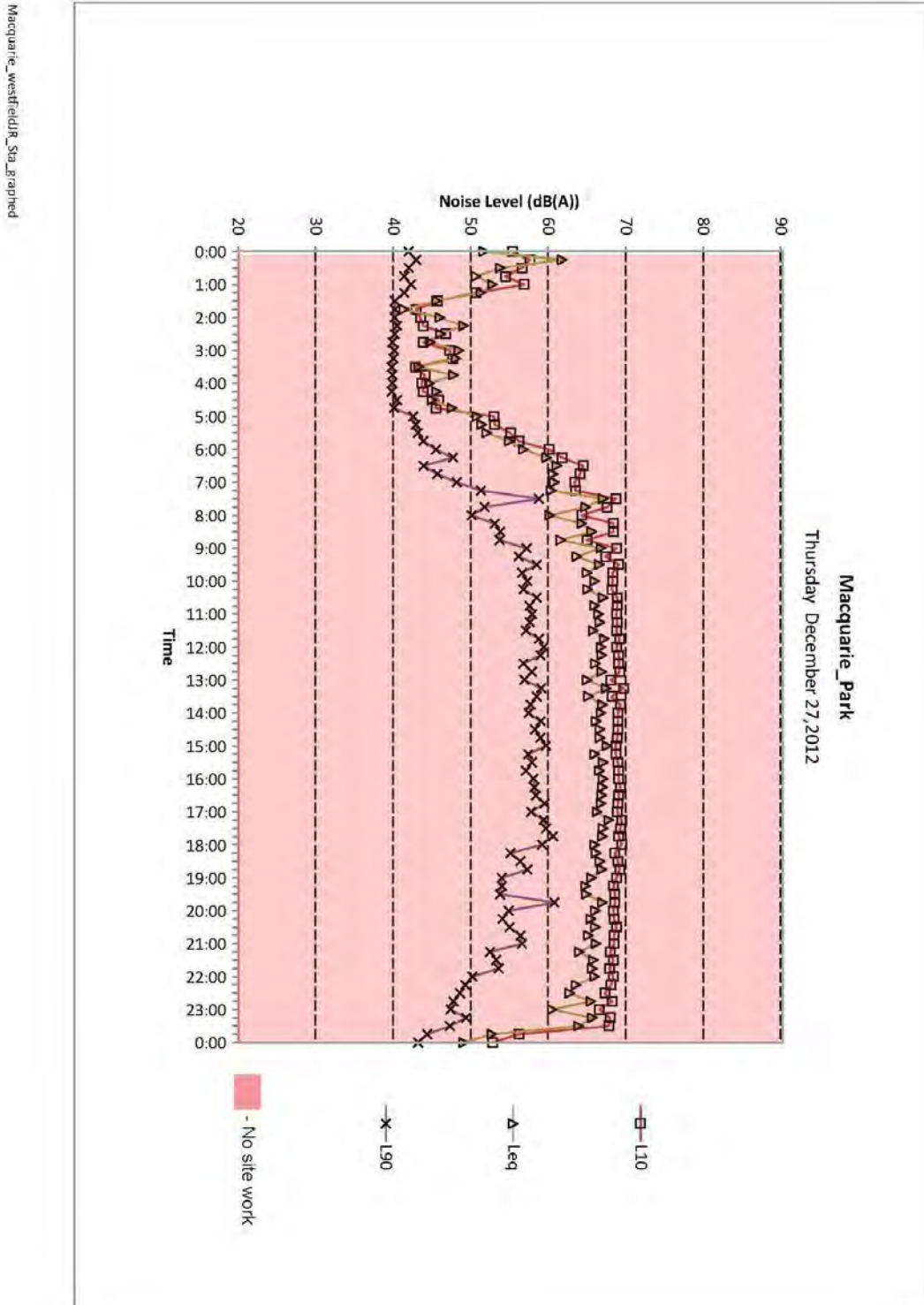
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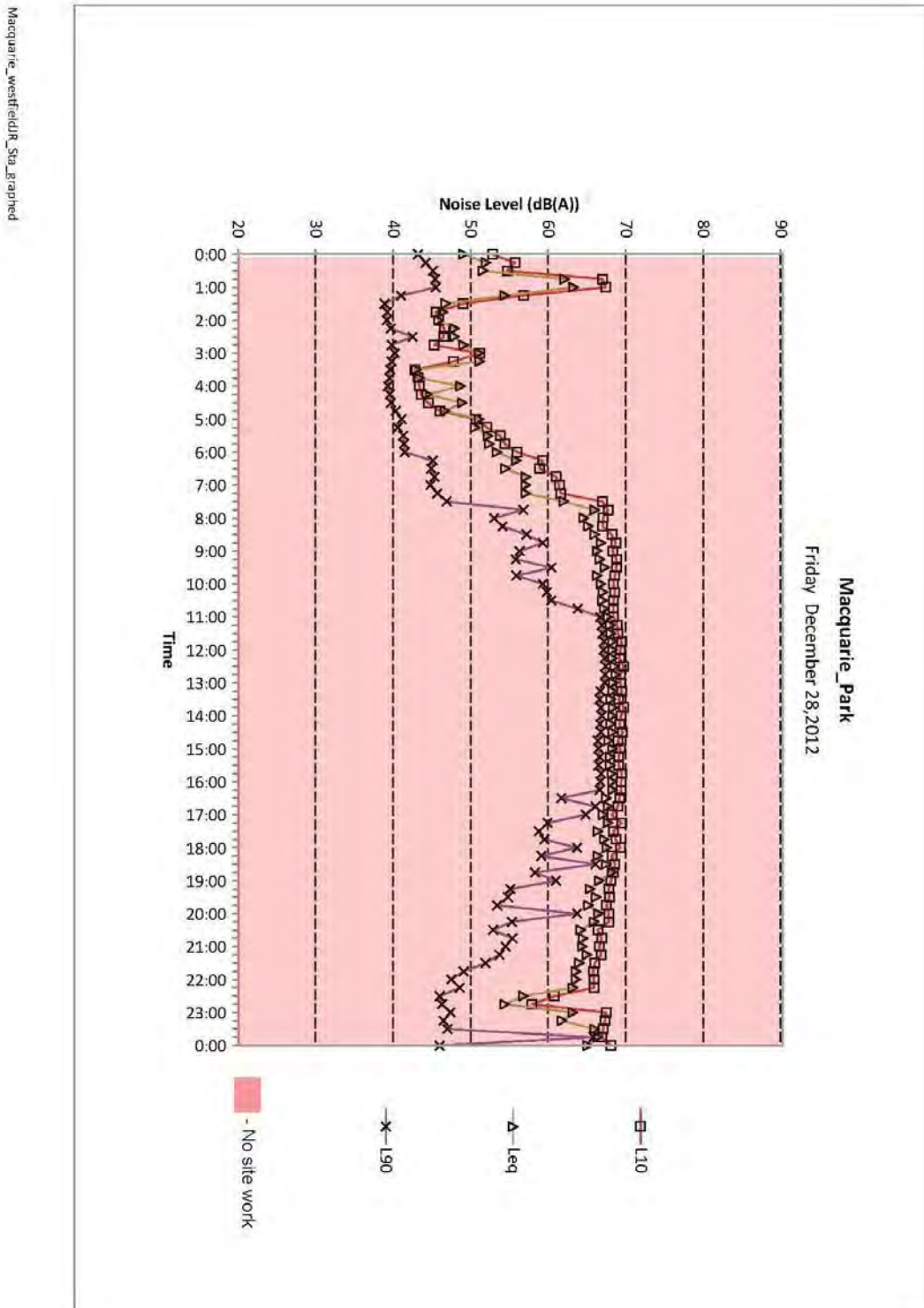
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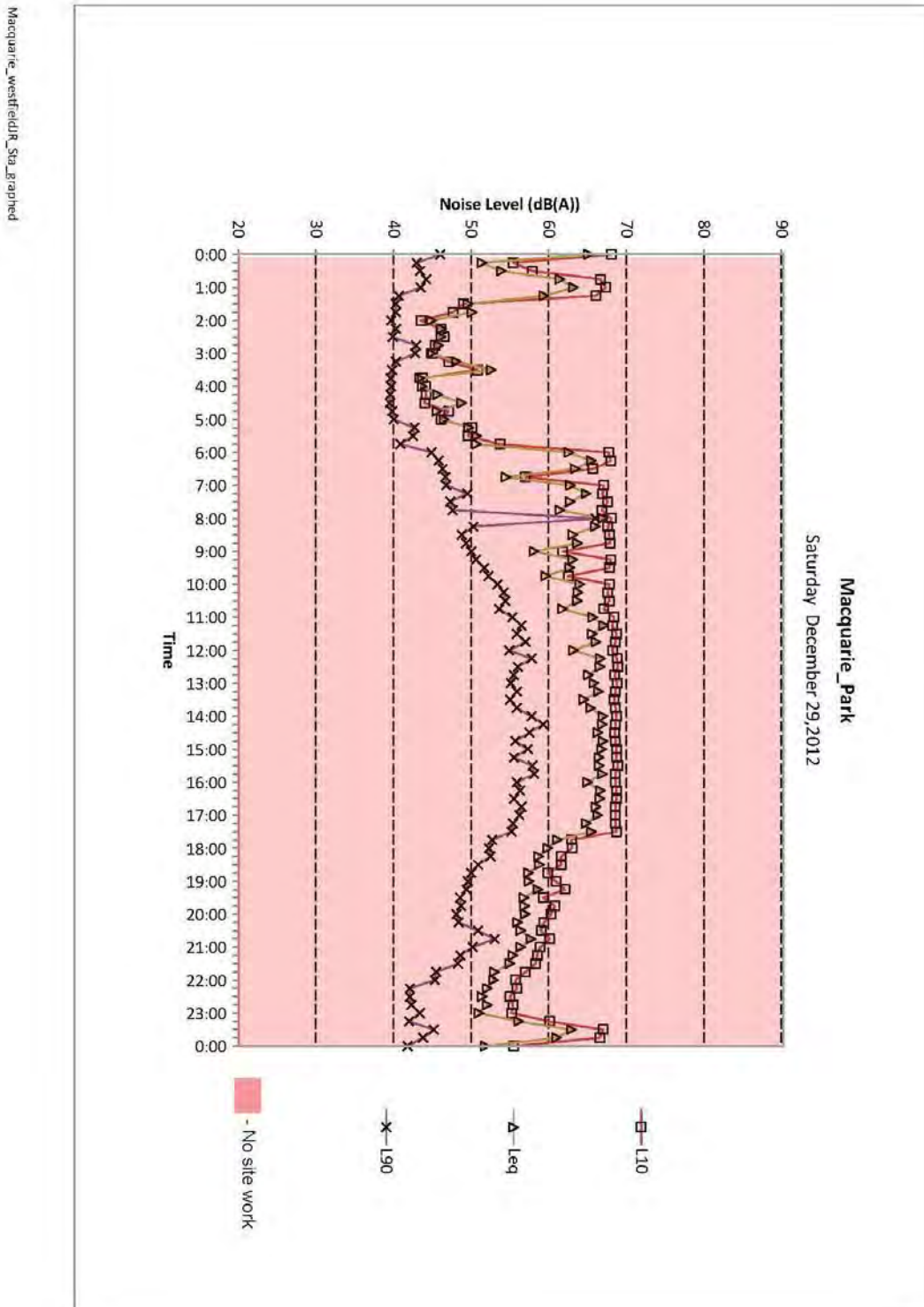
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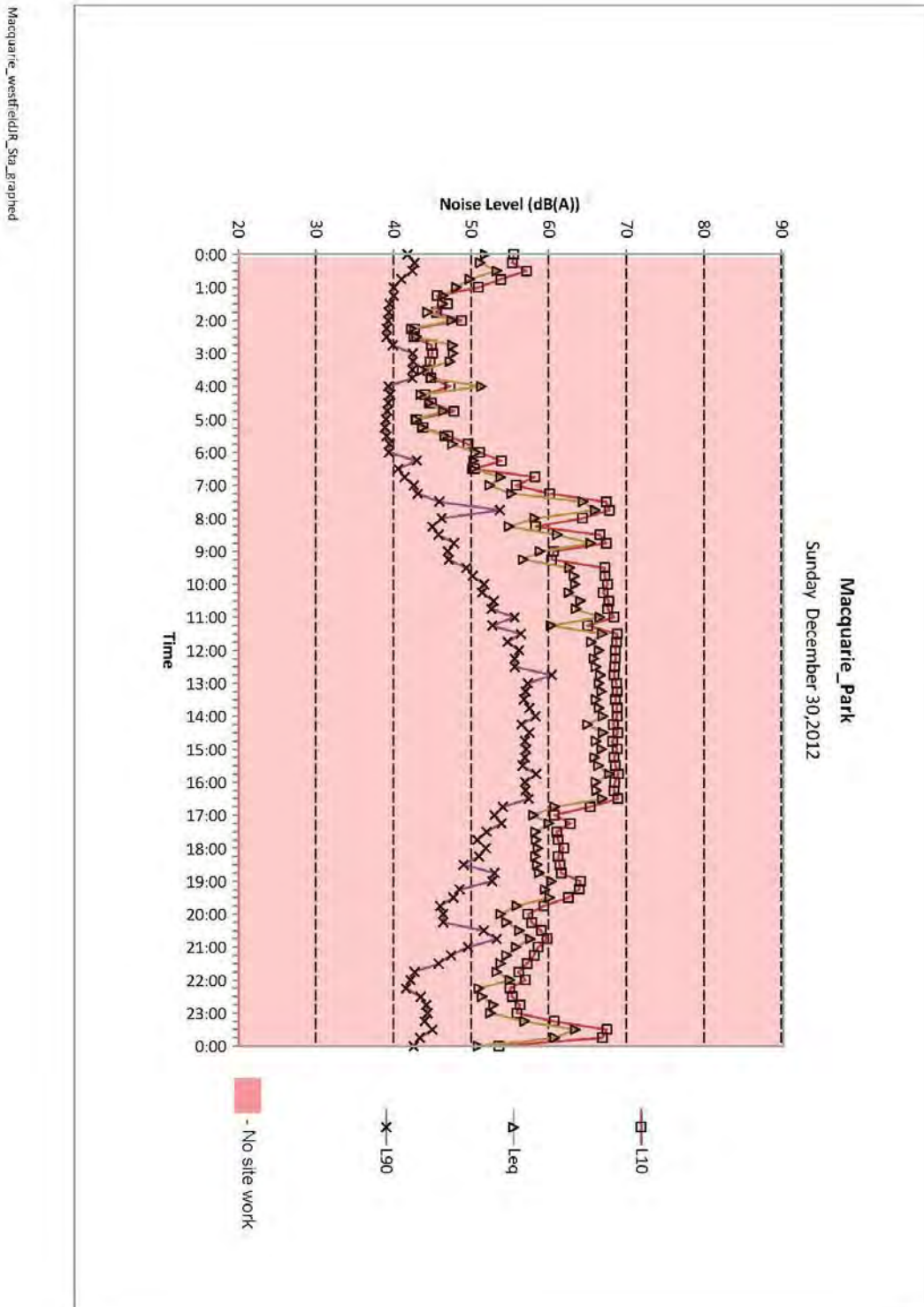
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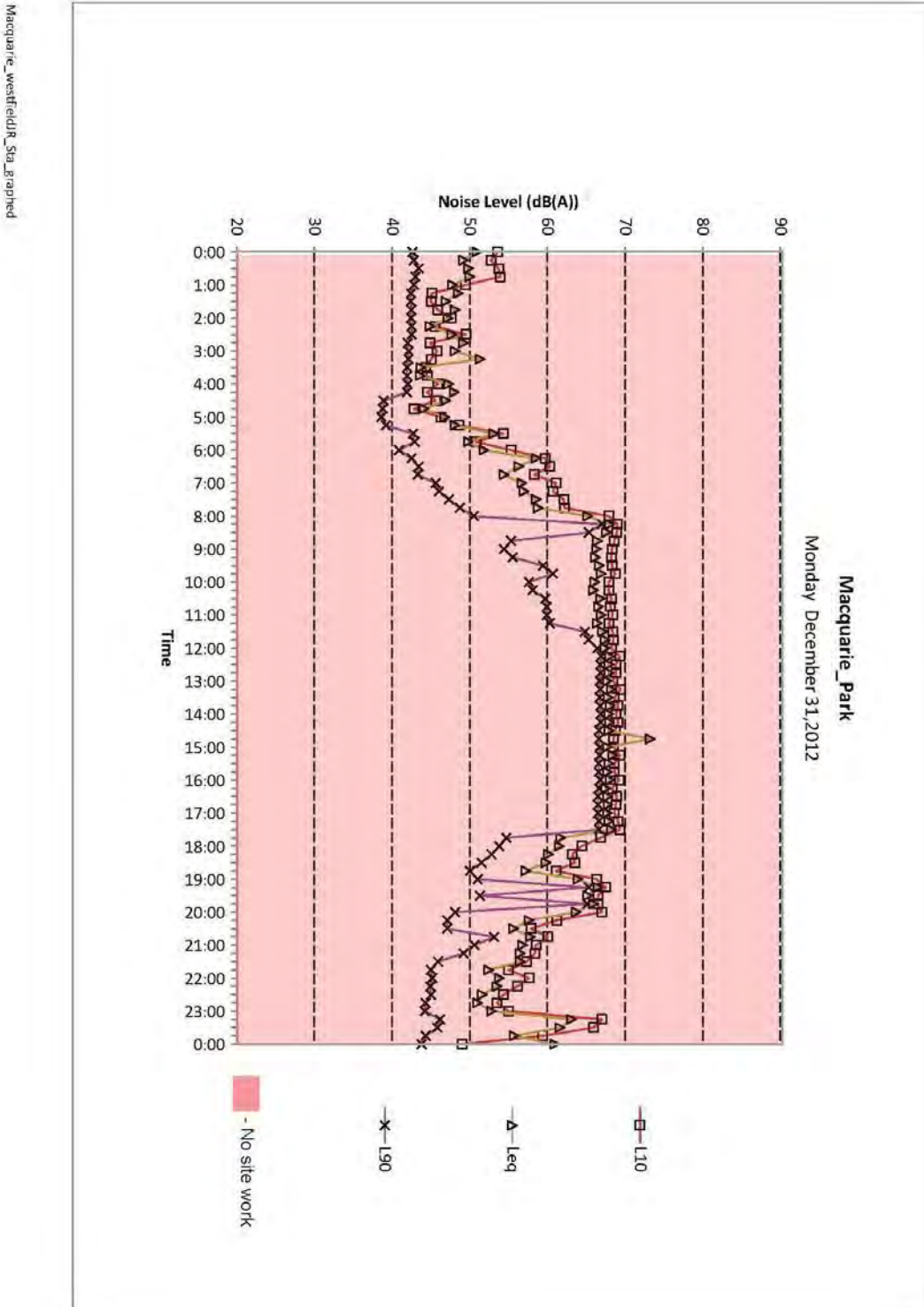
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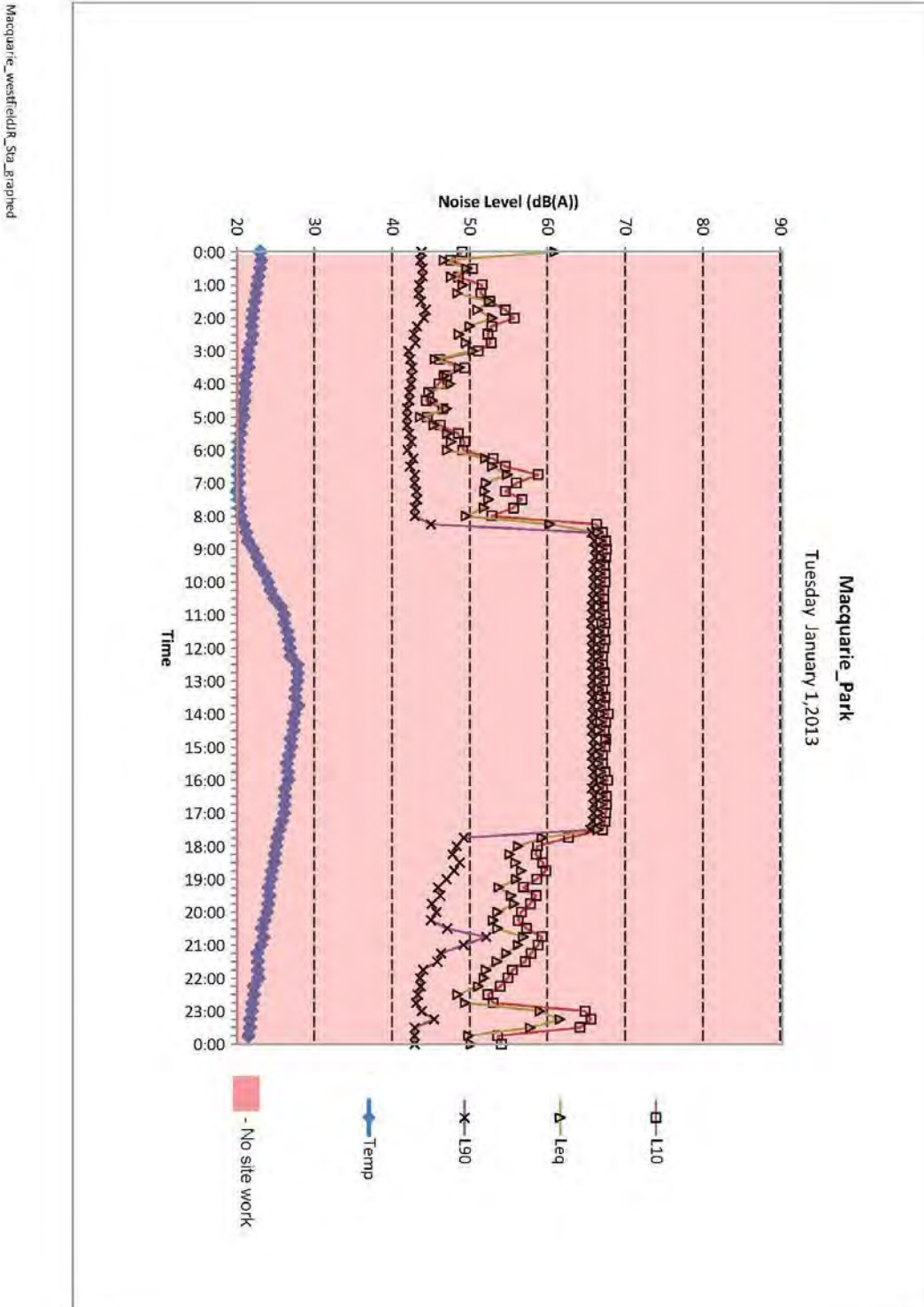
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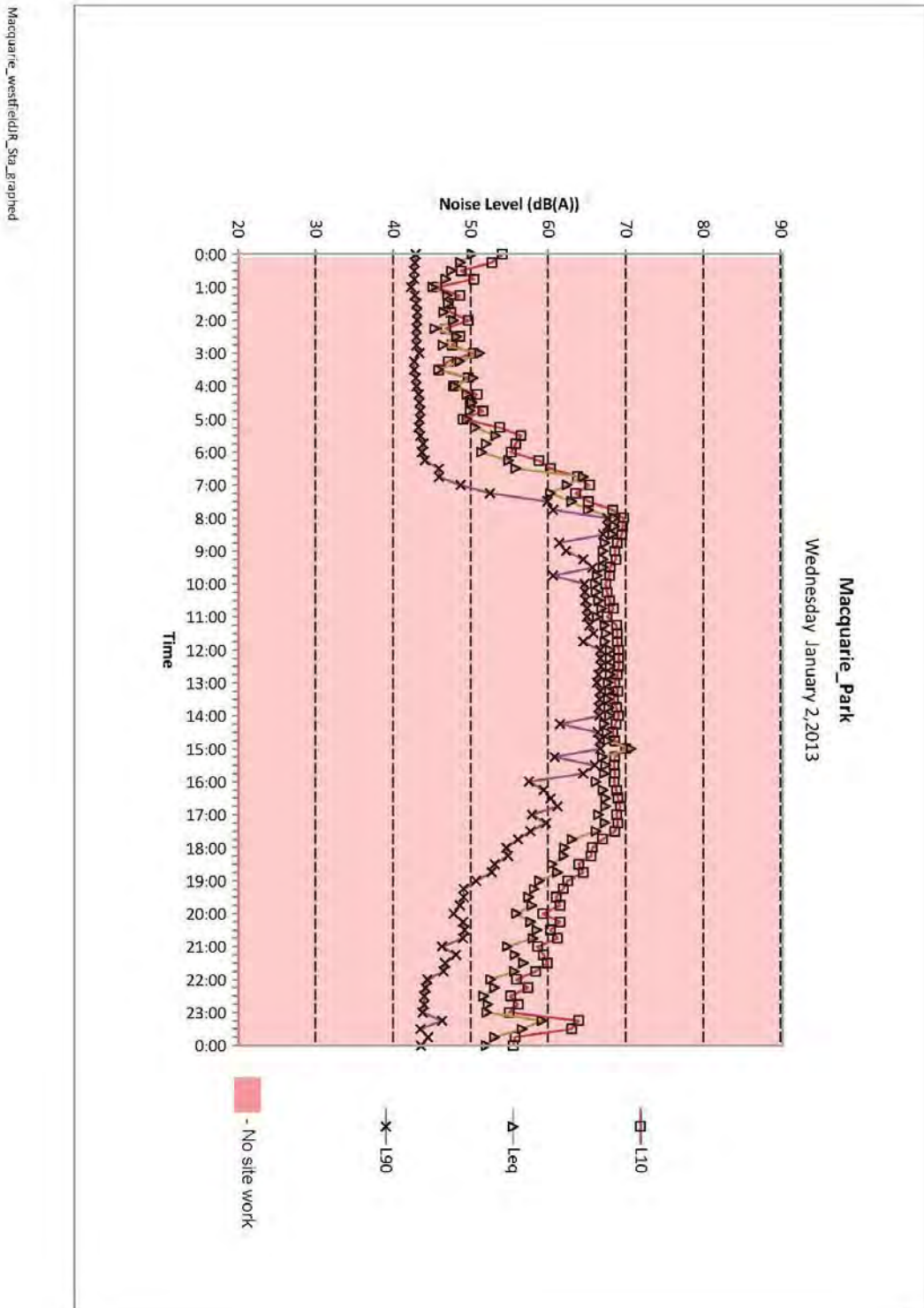
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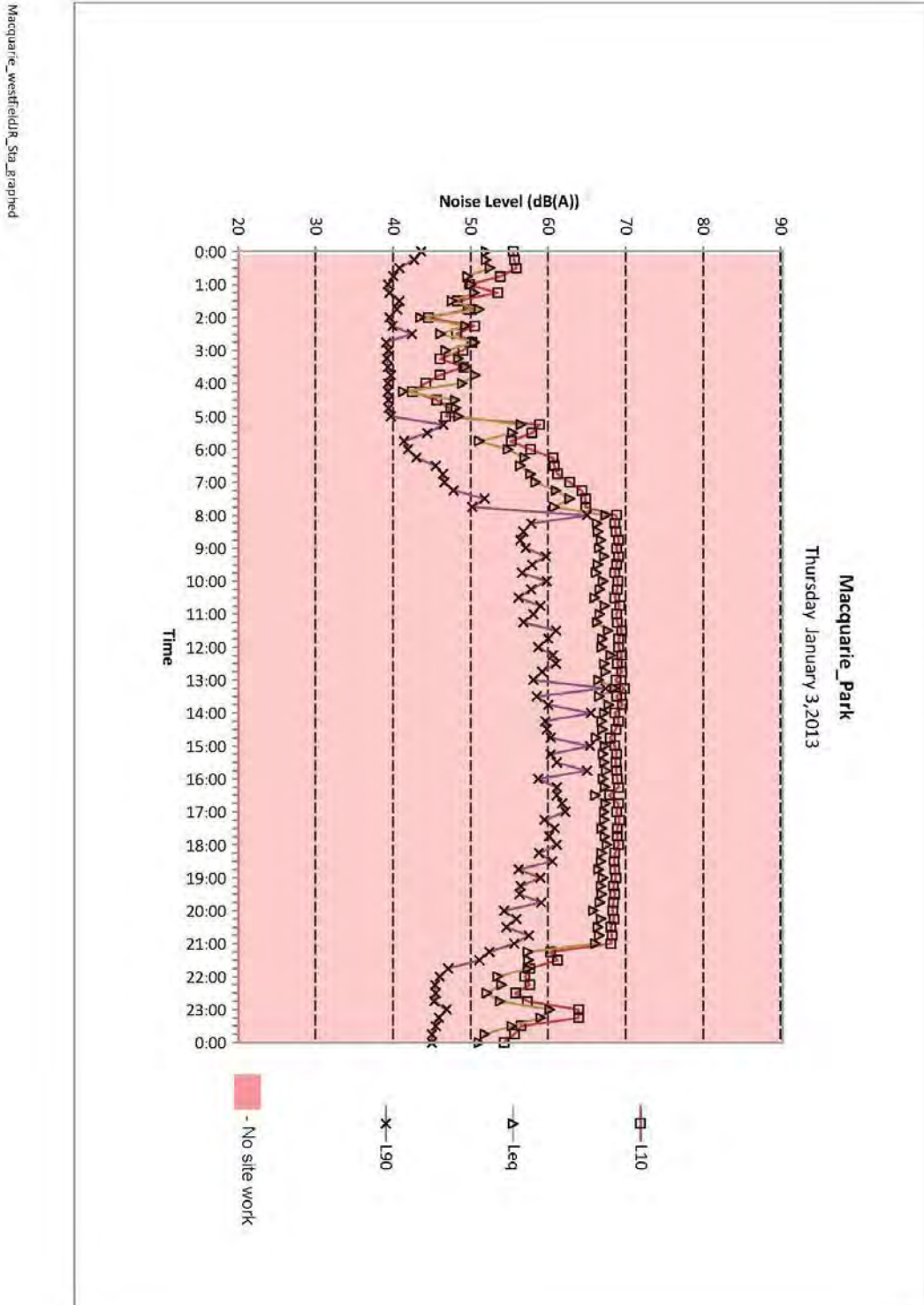
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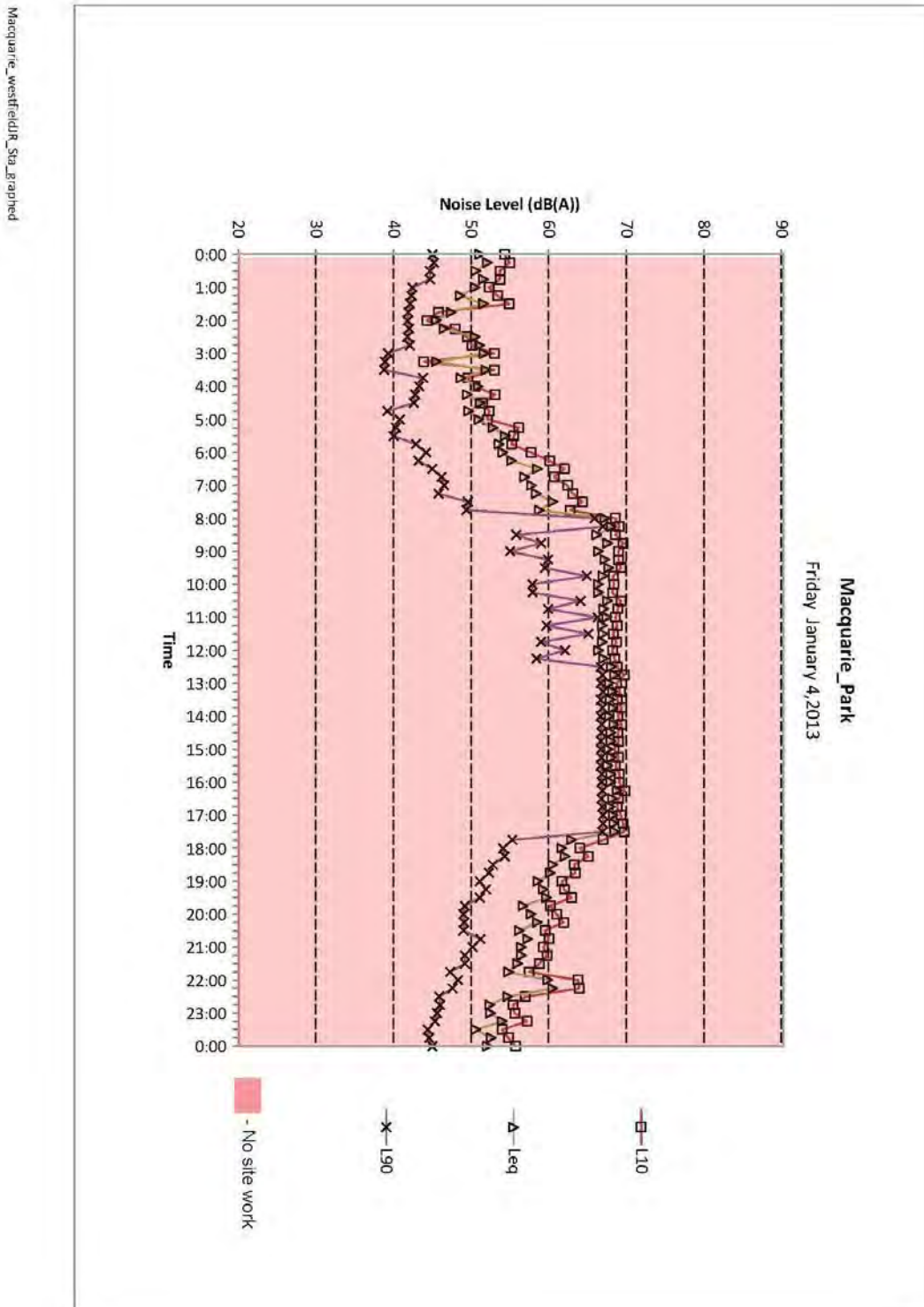
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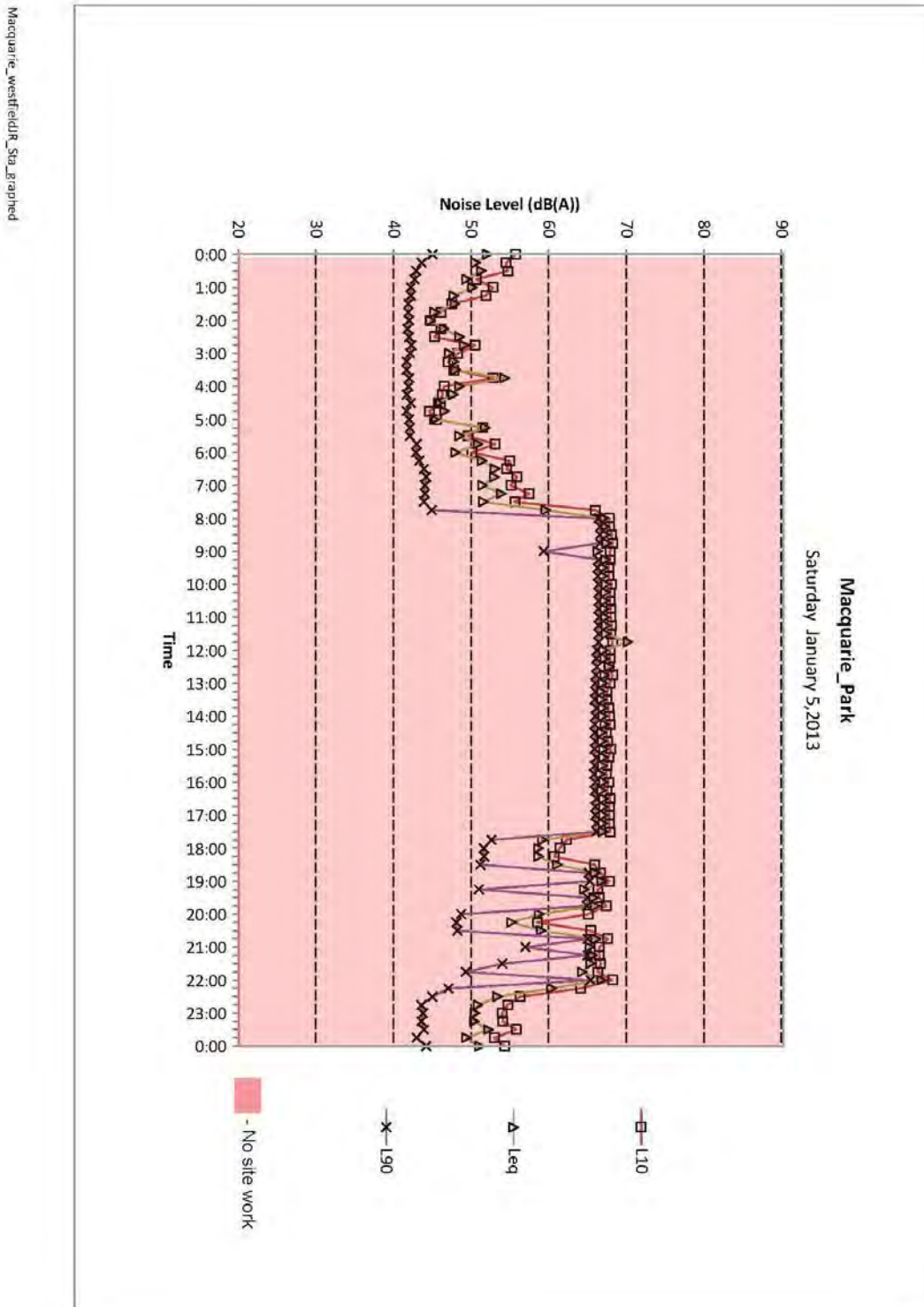
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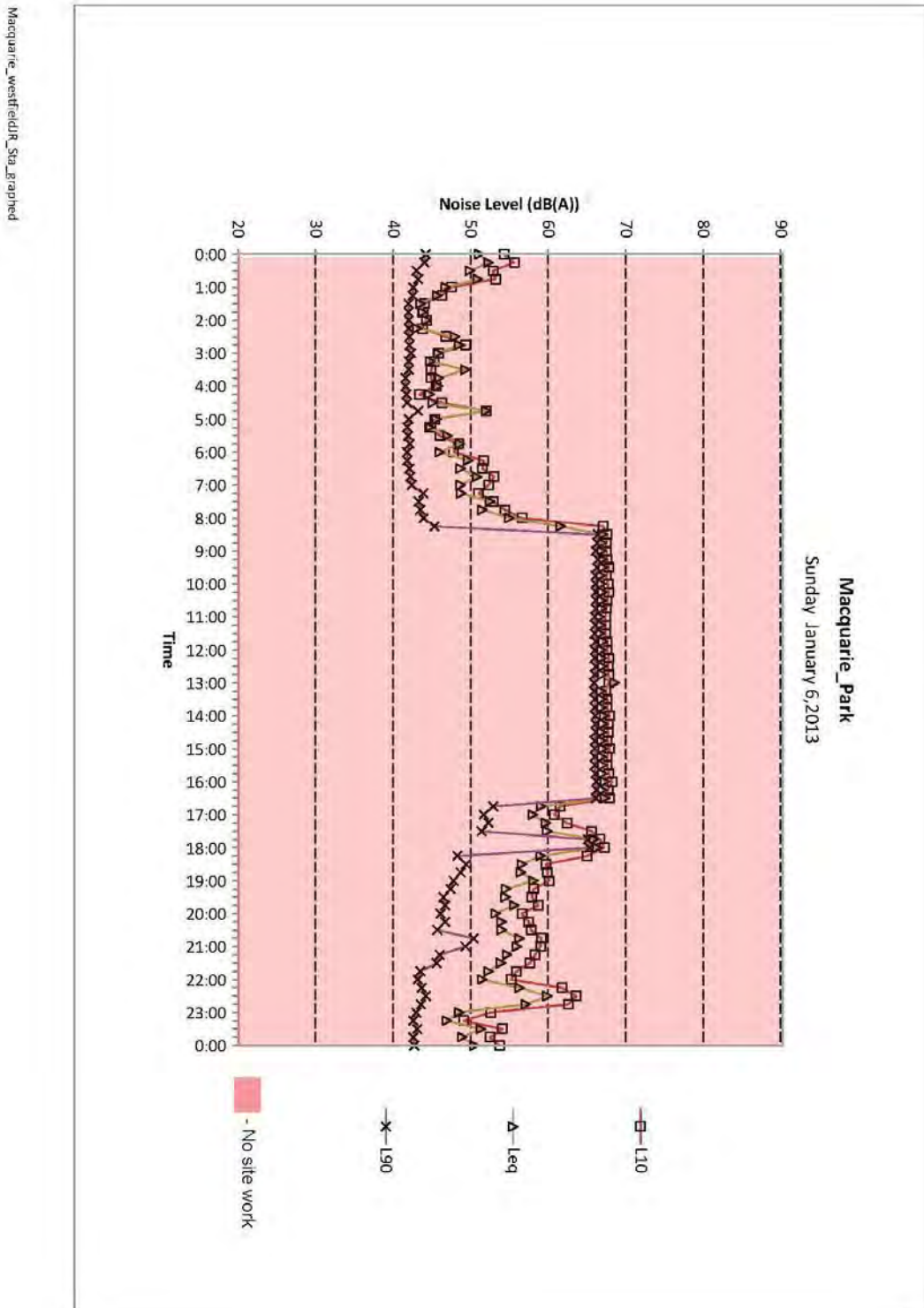
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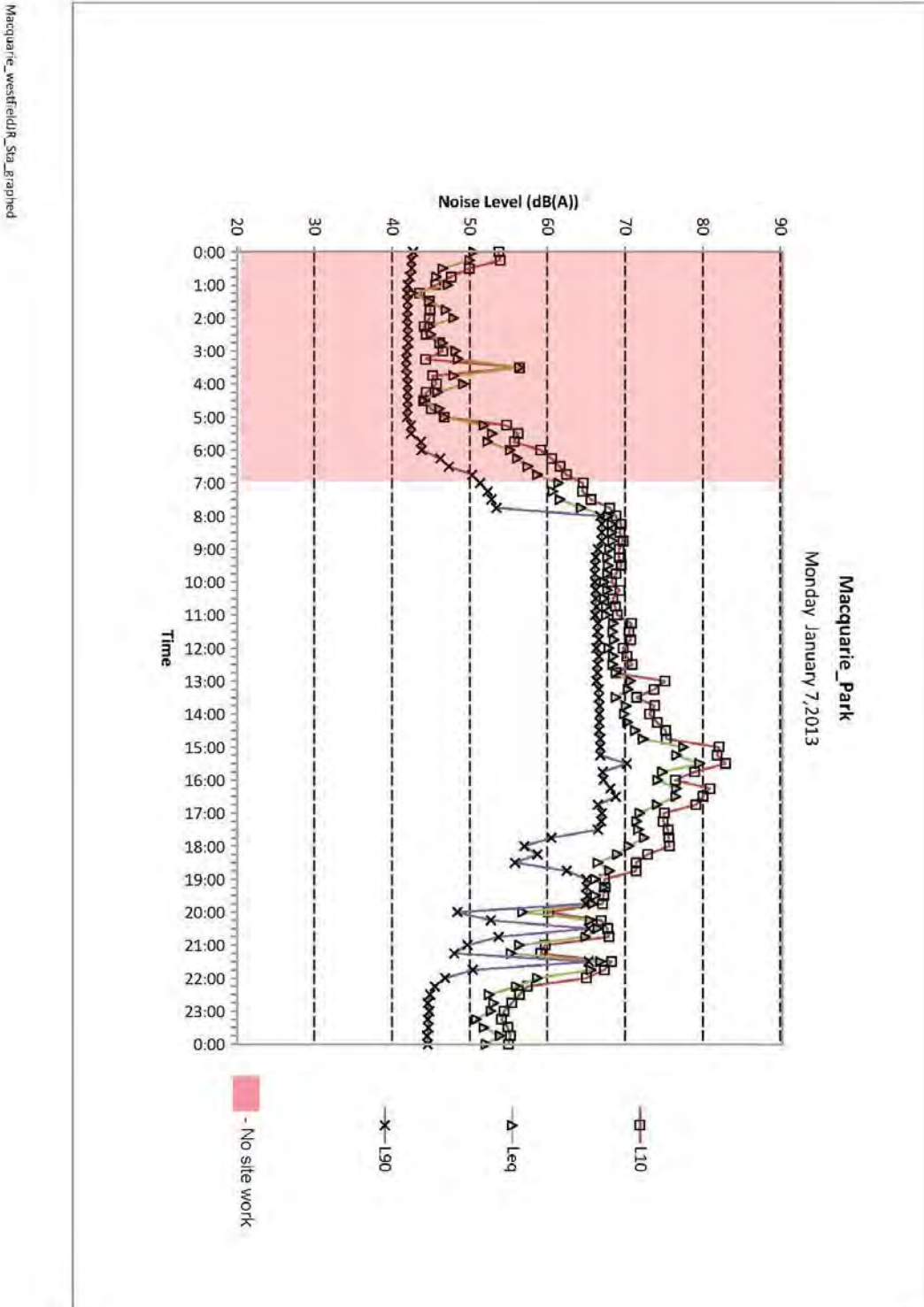
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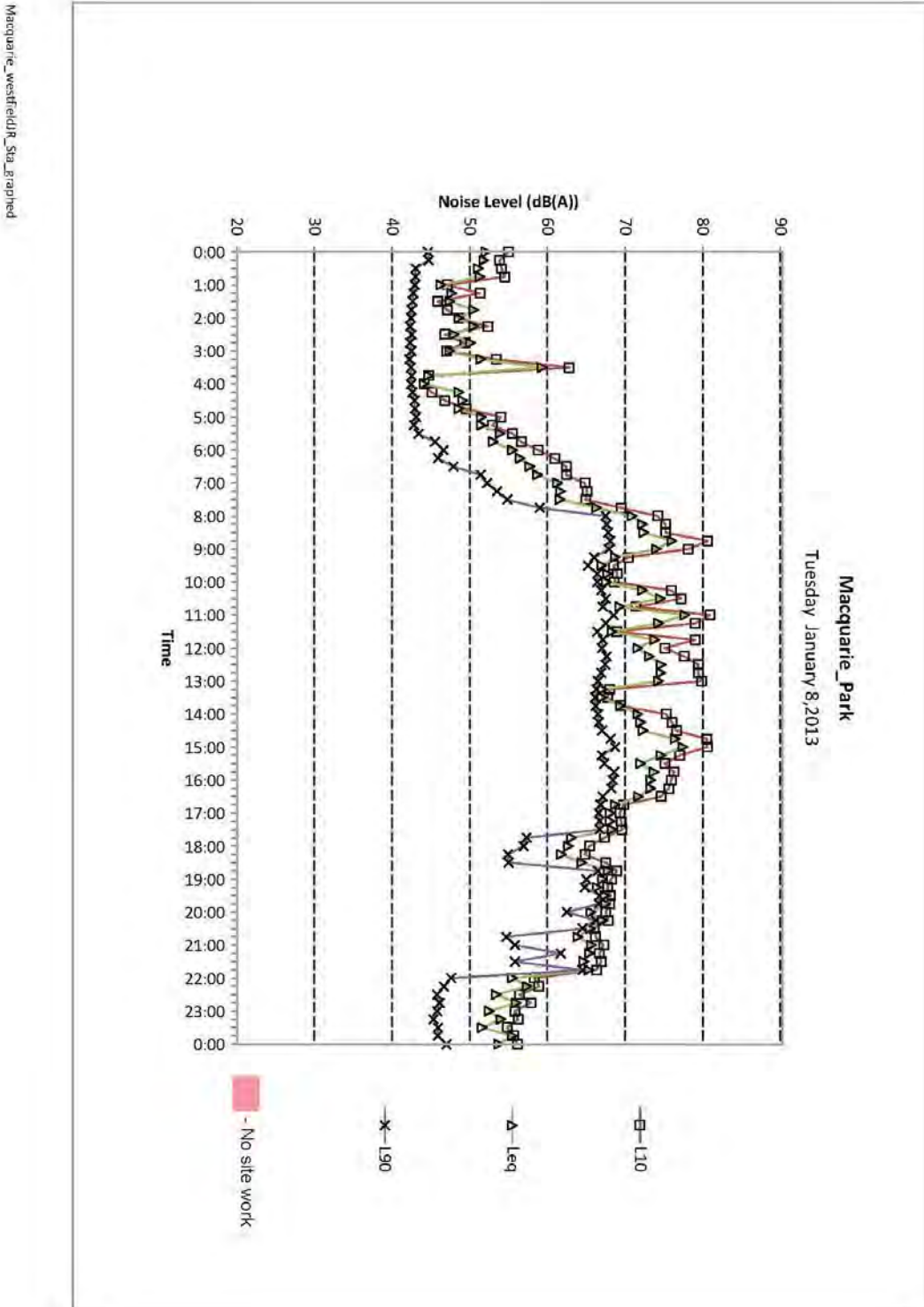
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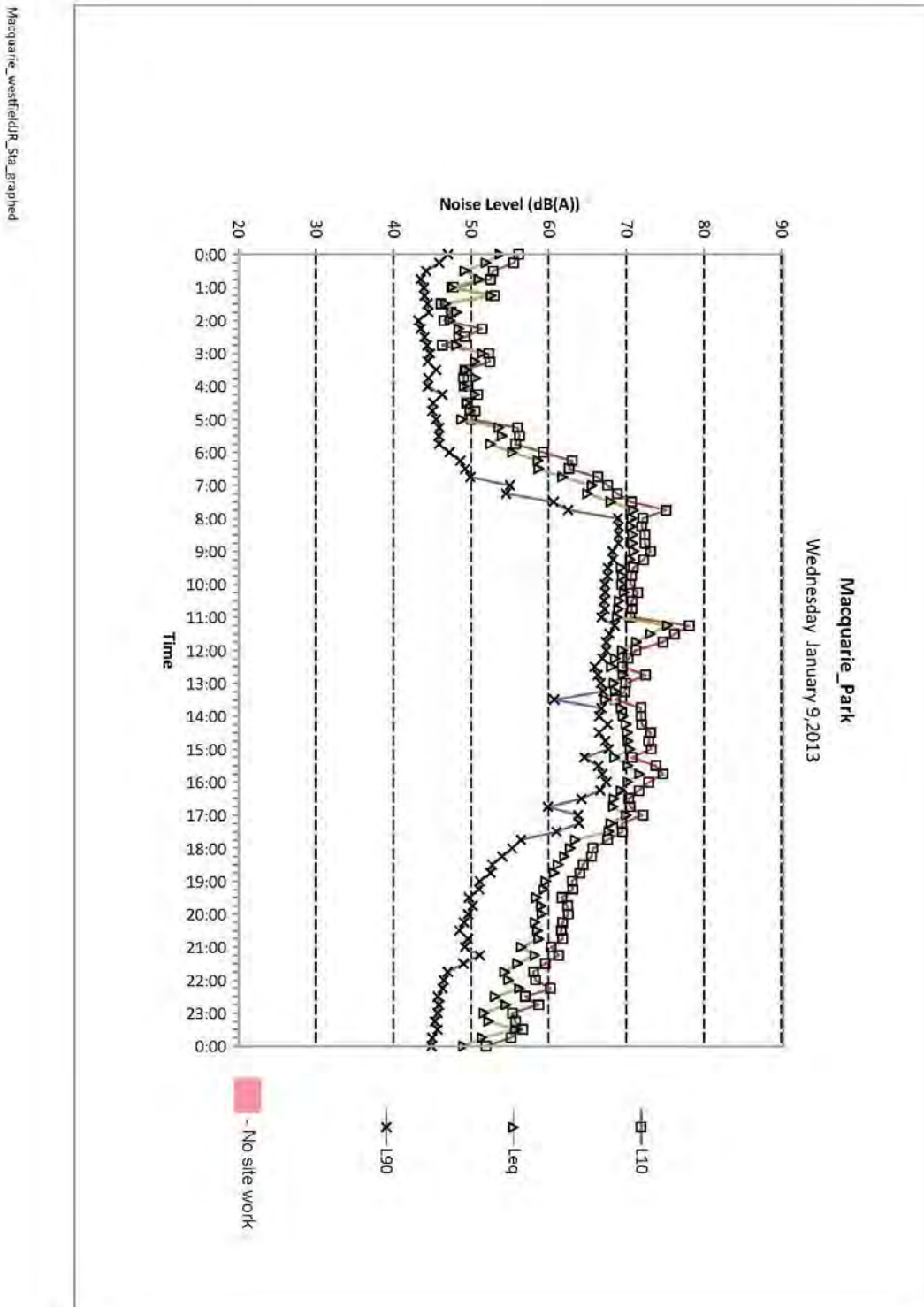
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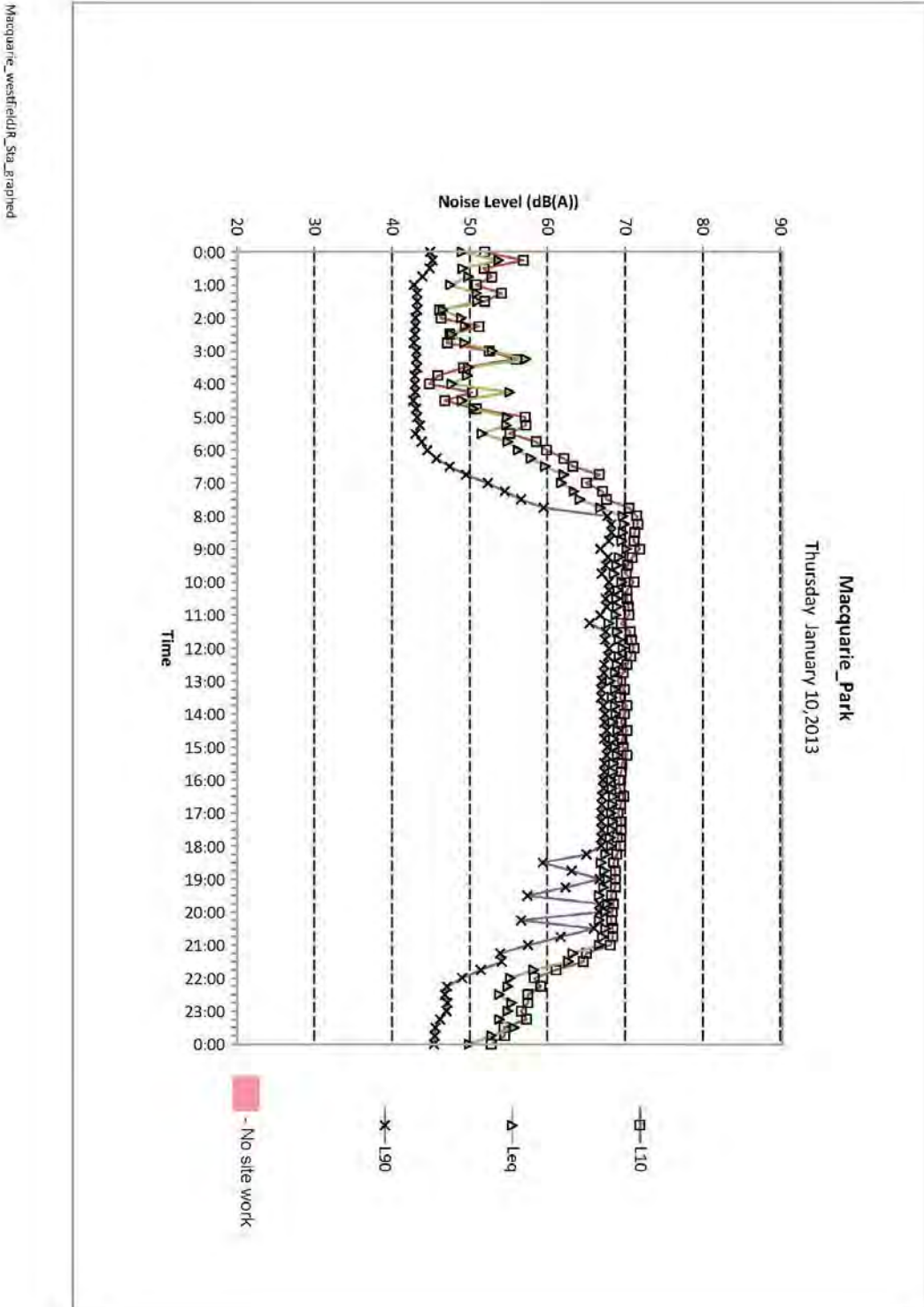
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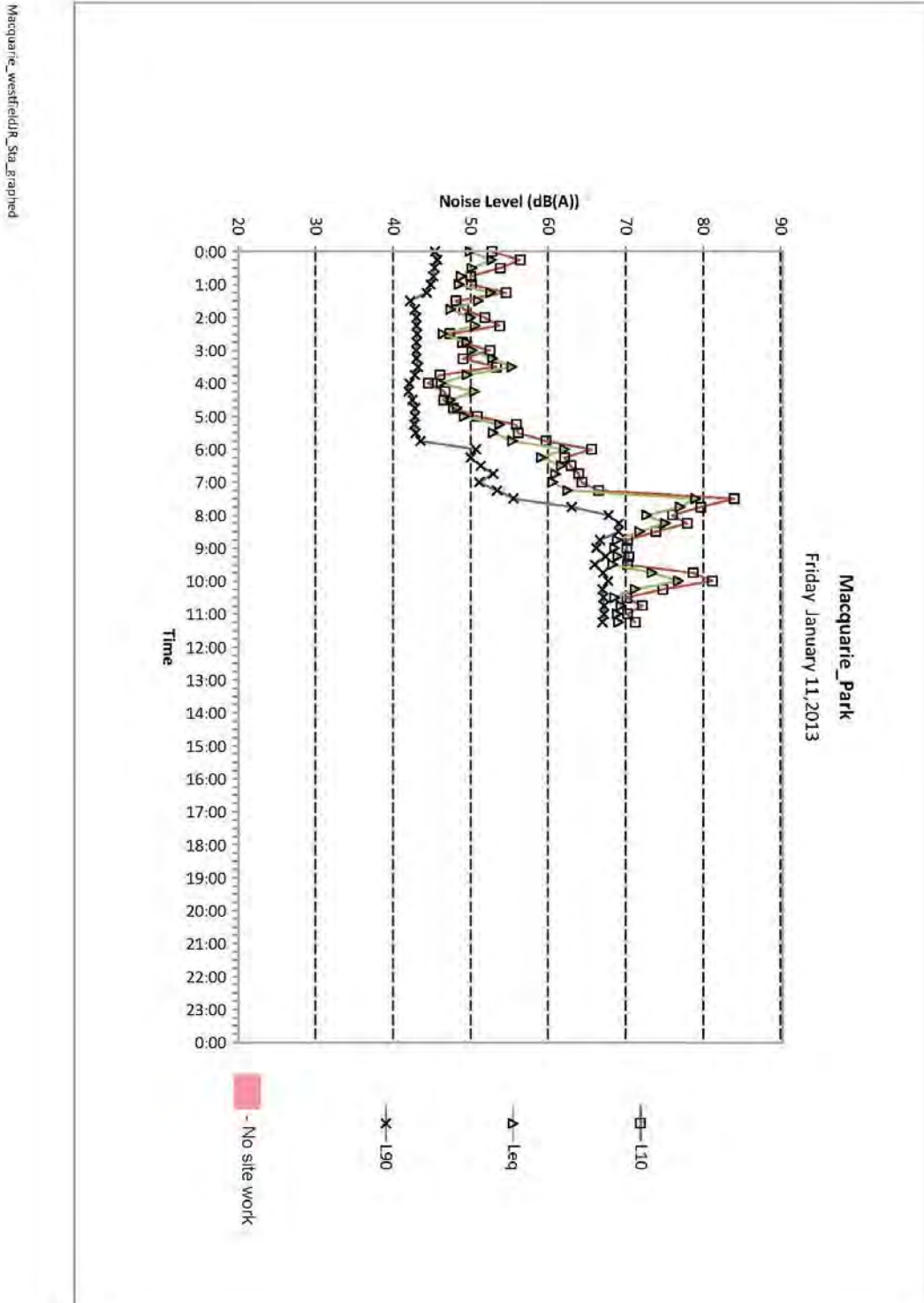
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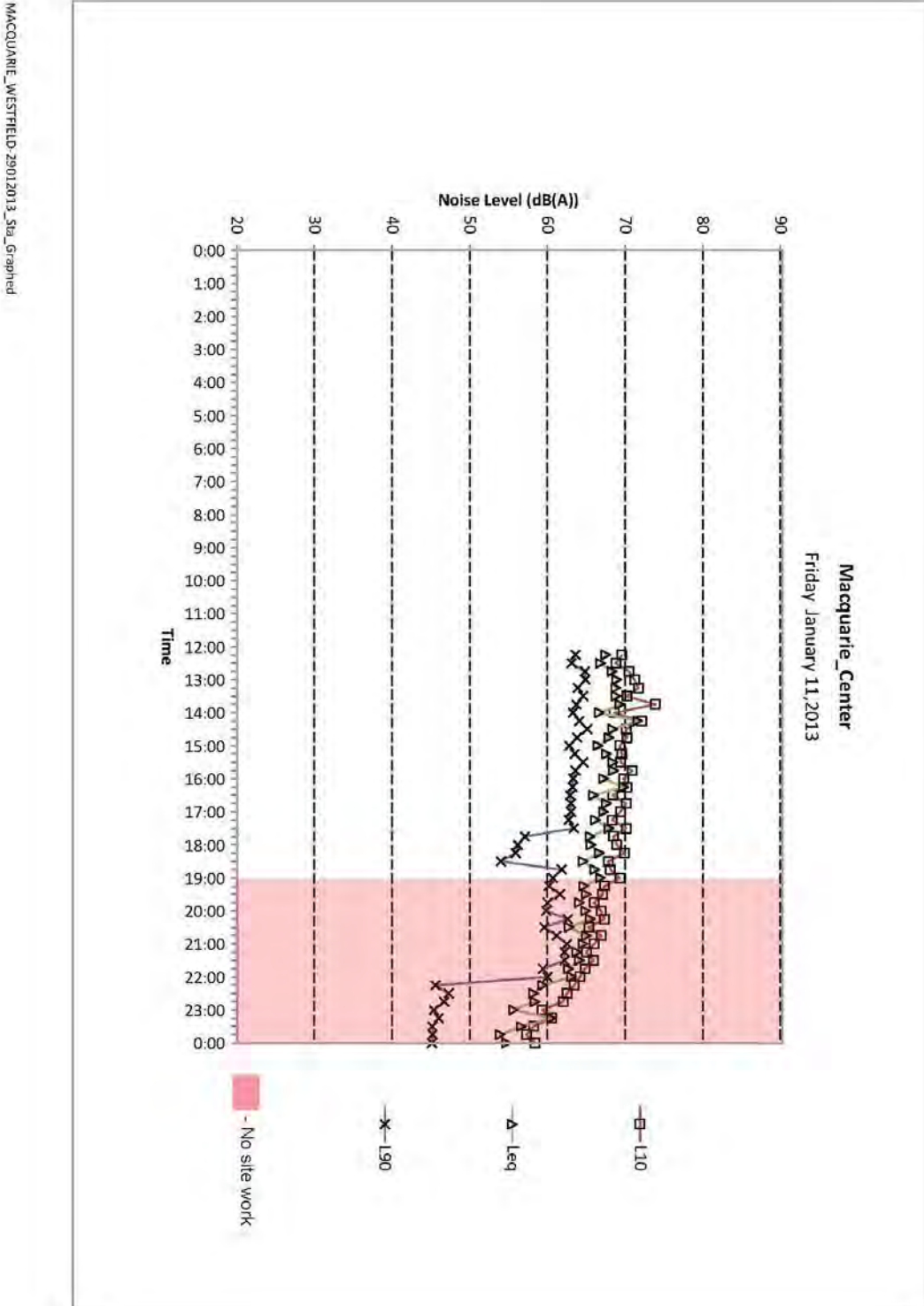
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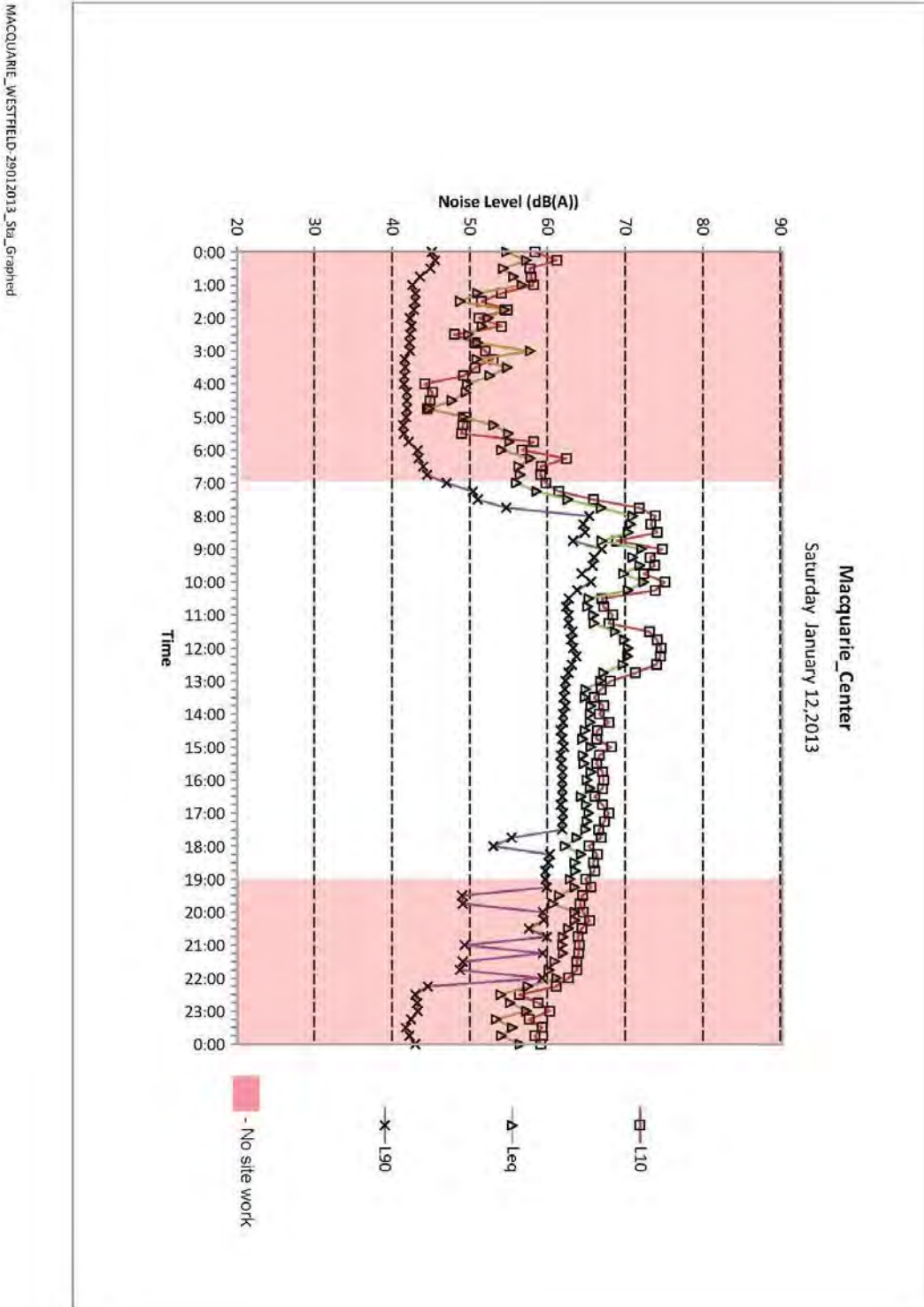
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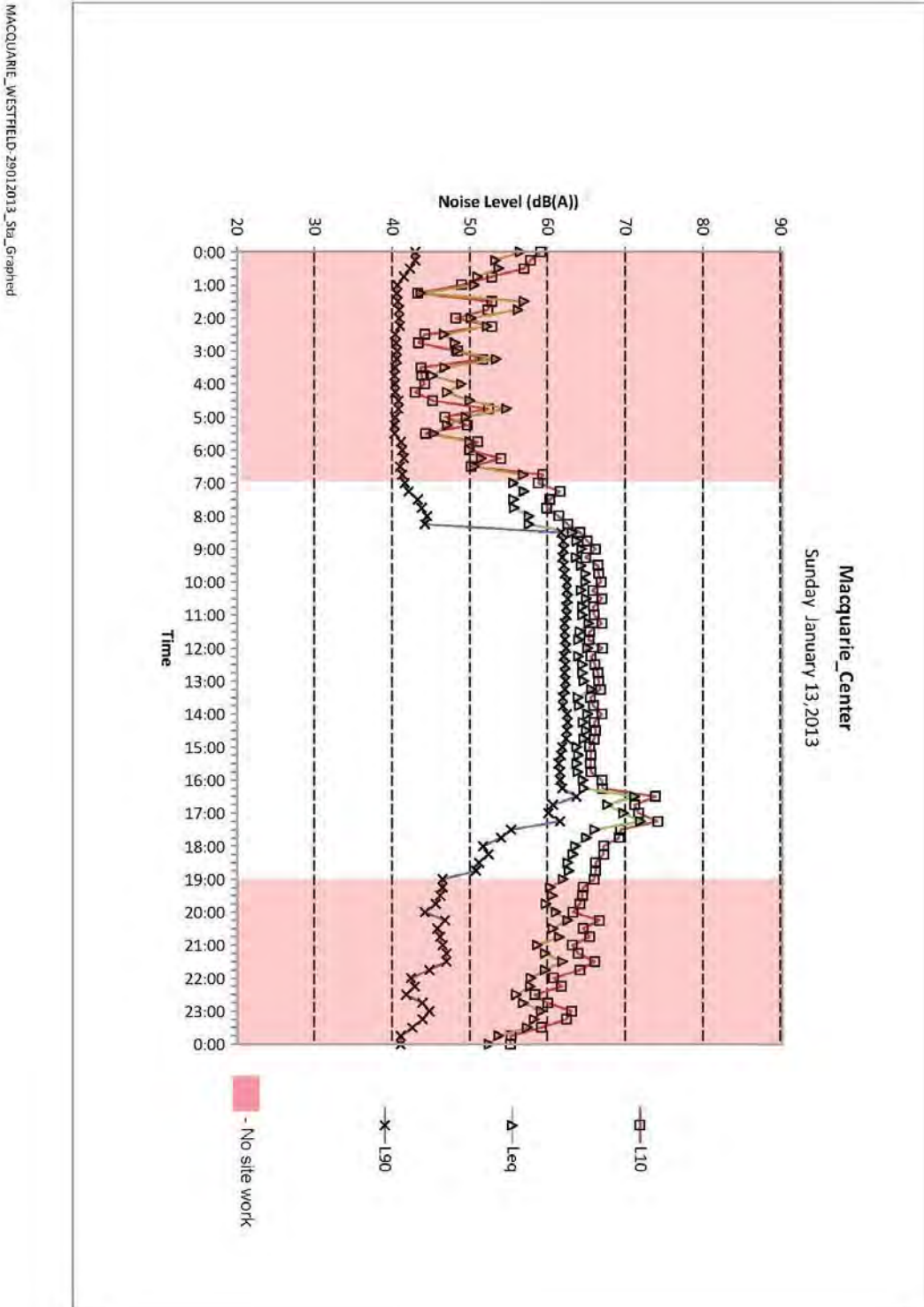
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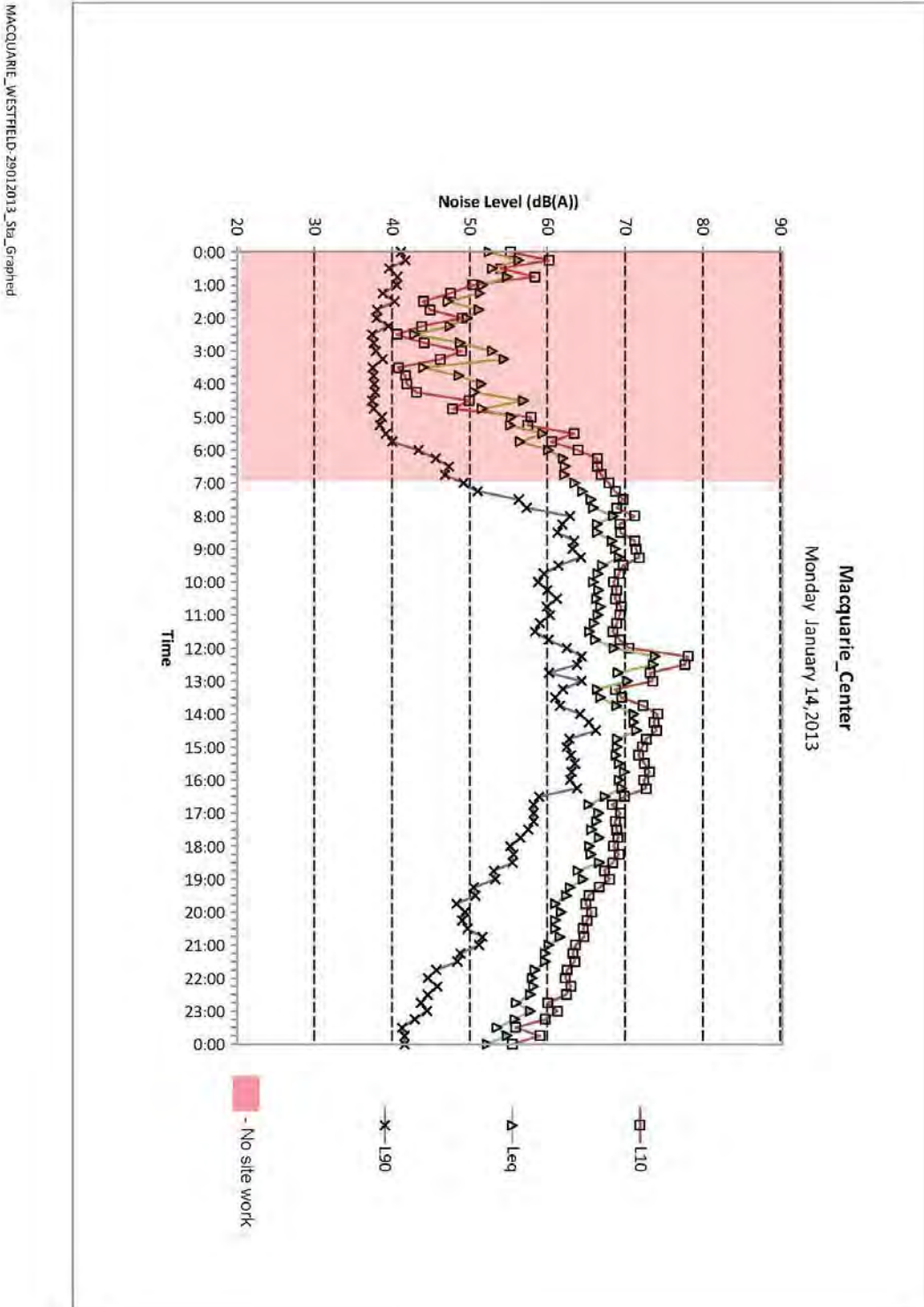
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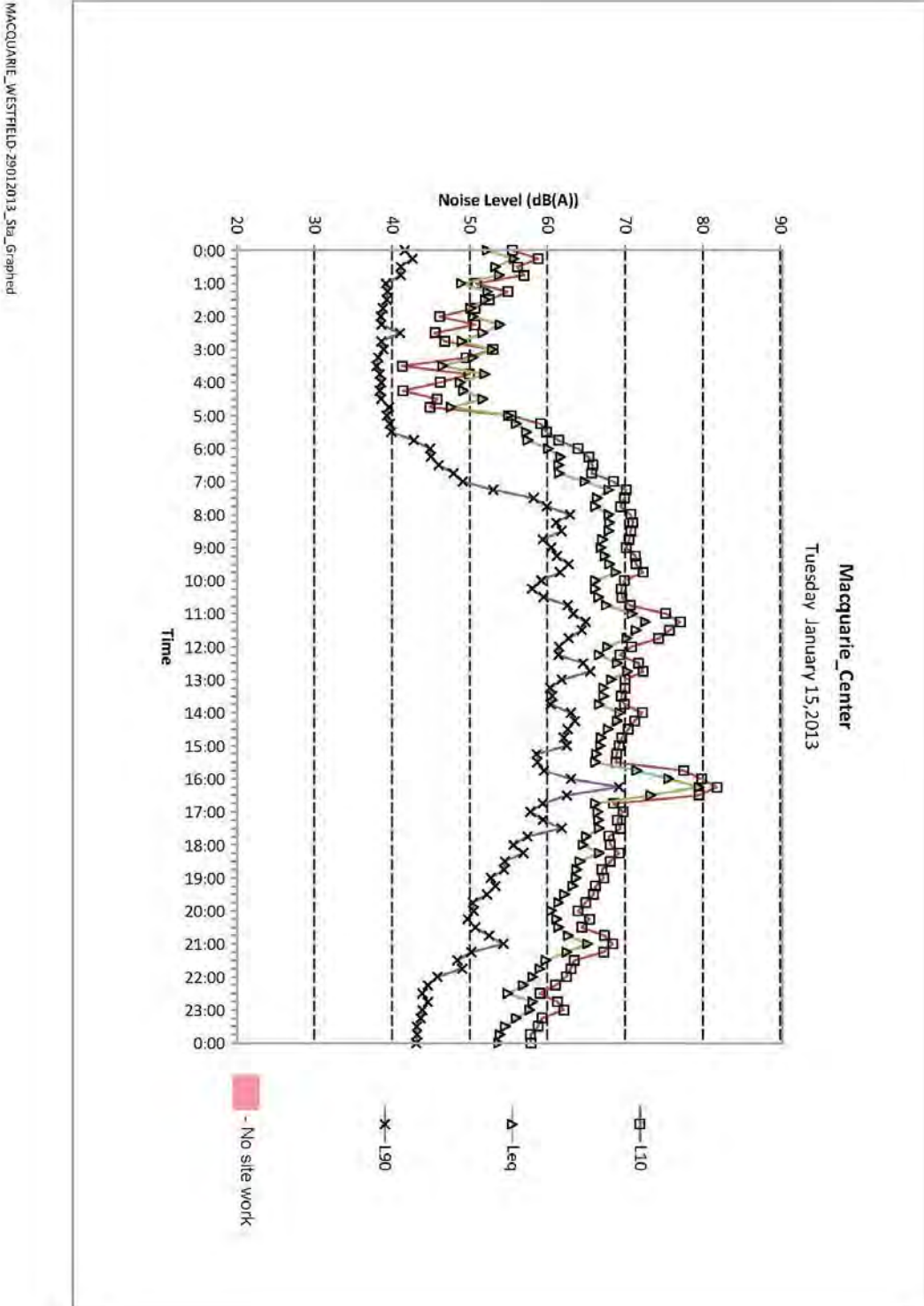
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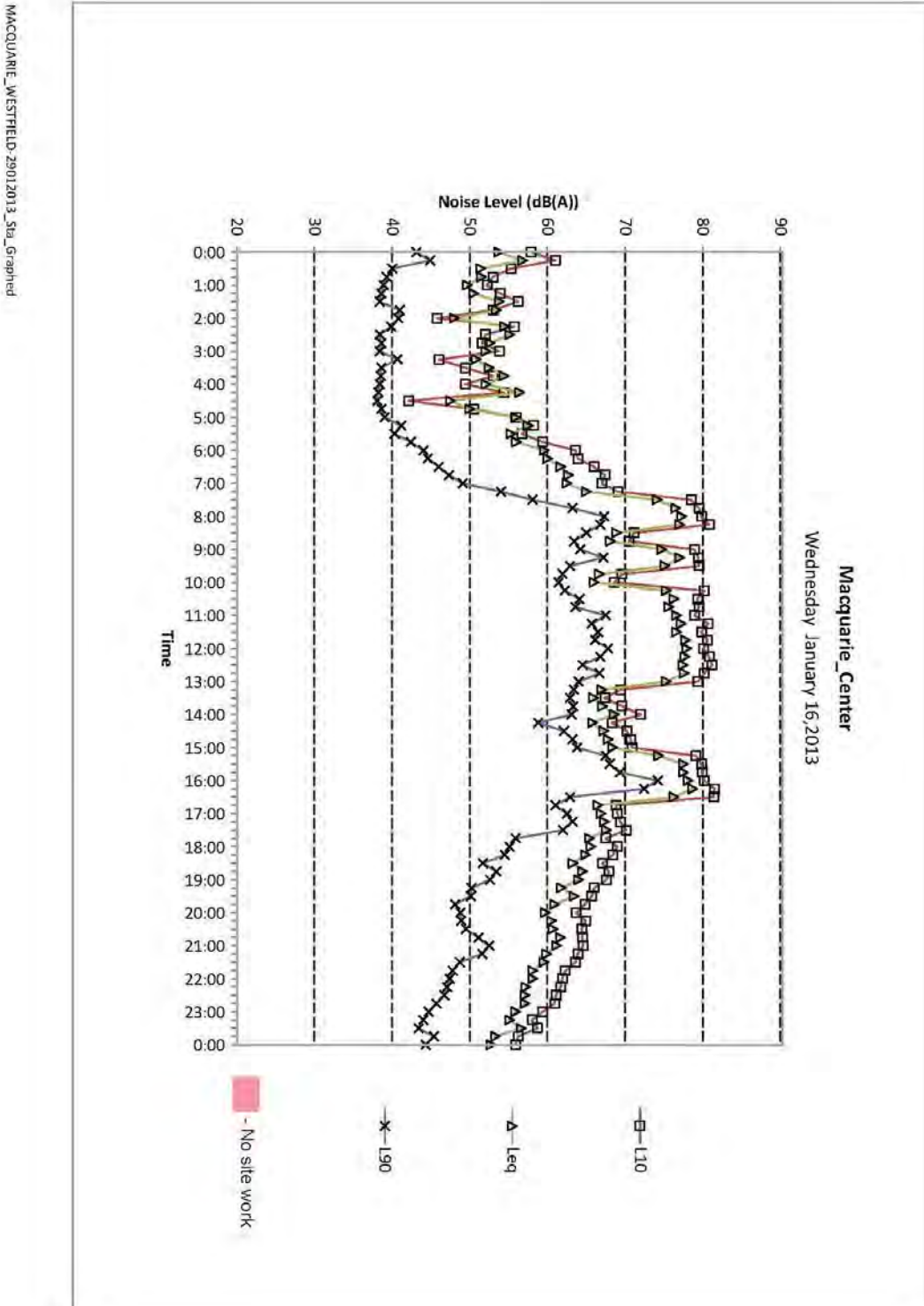
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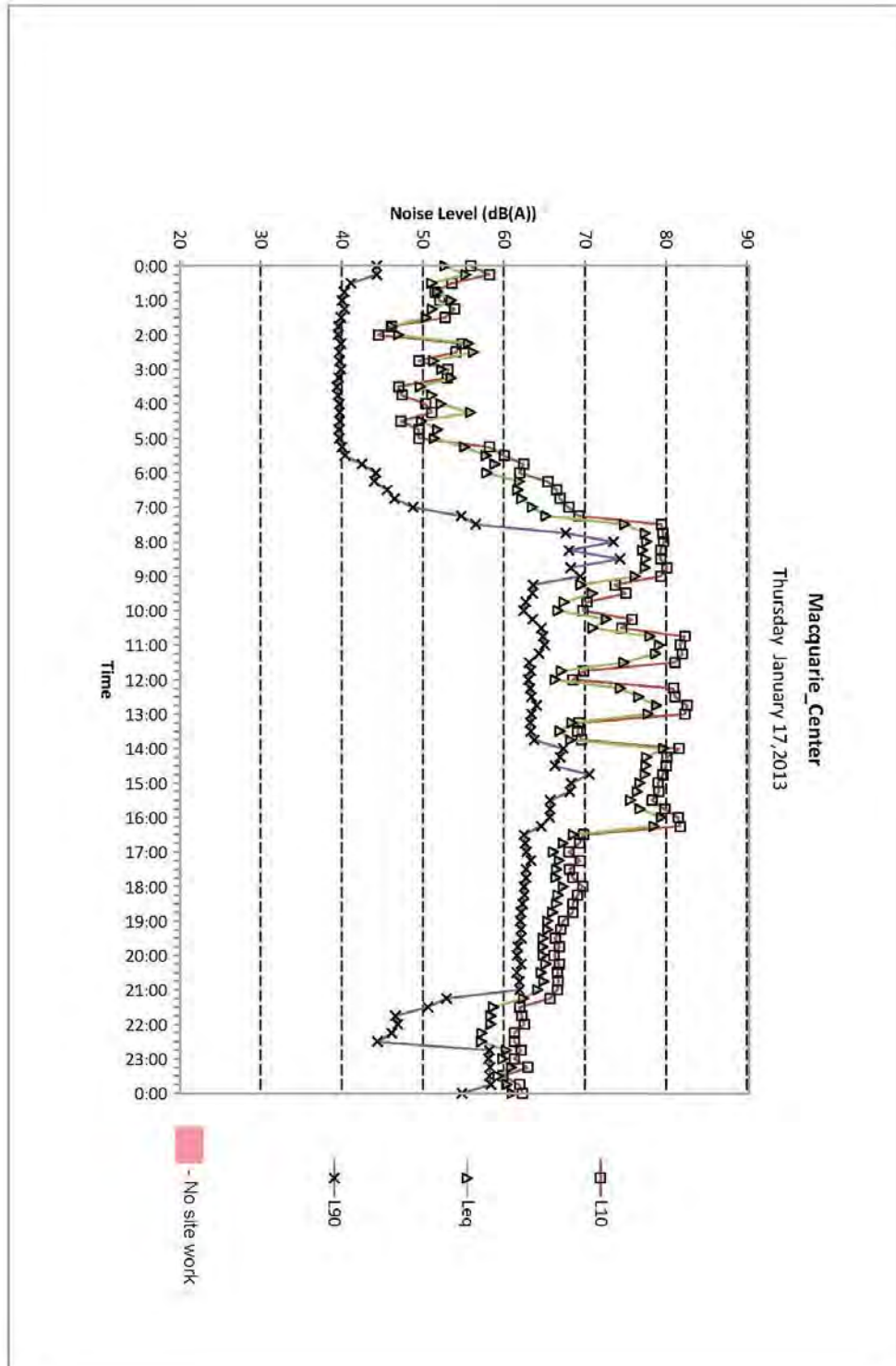
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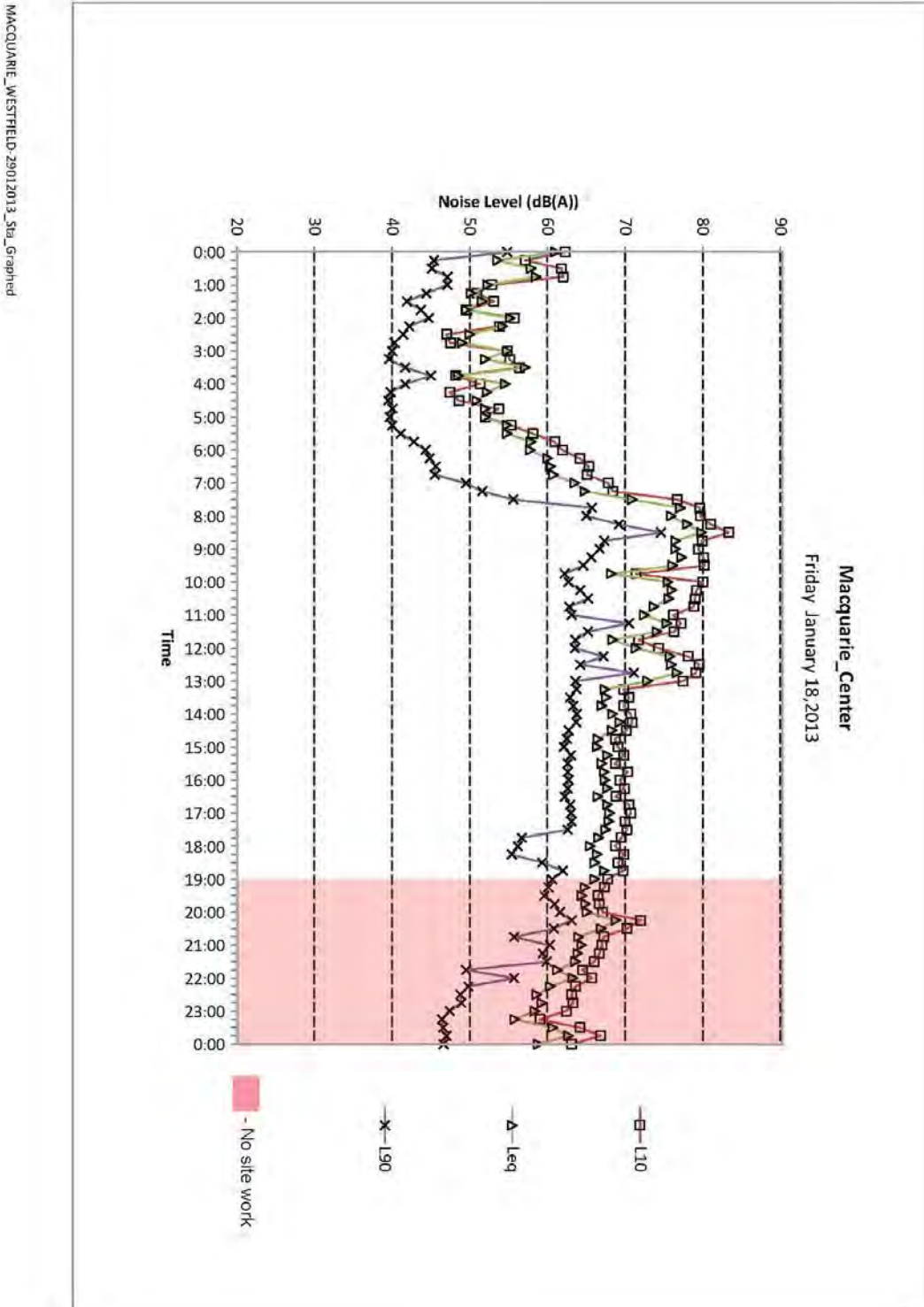
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MACQUARIE_WESTFIELD_29012013_Sta_Graphed



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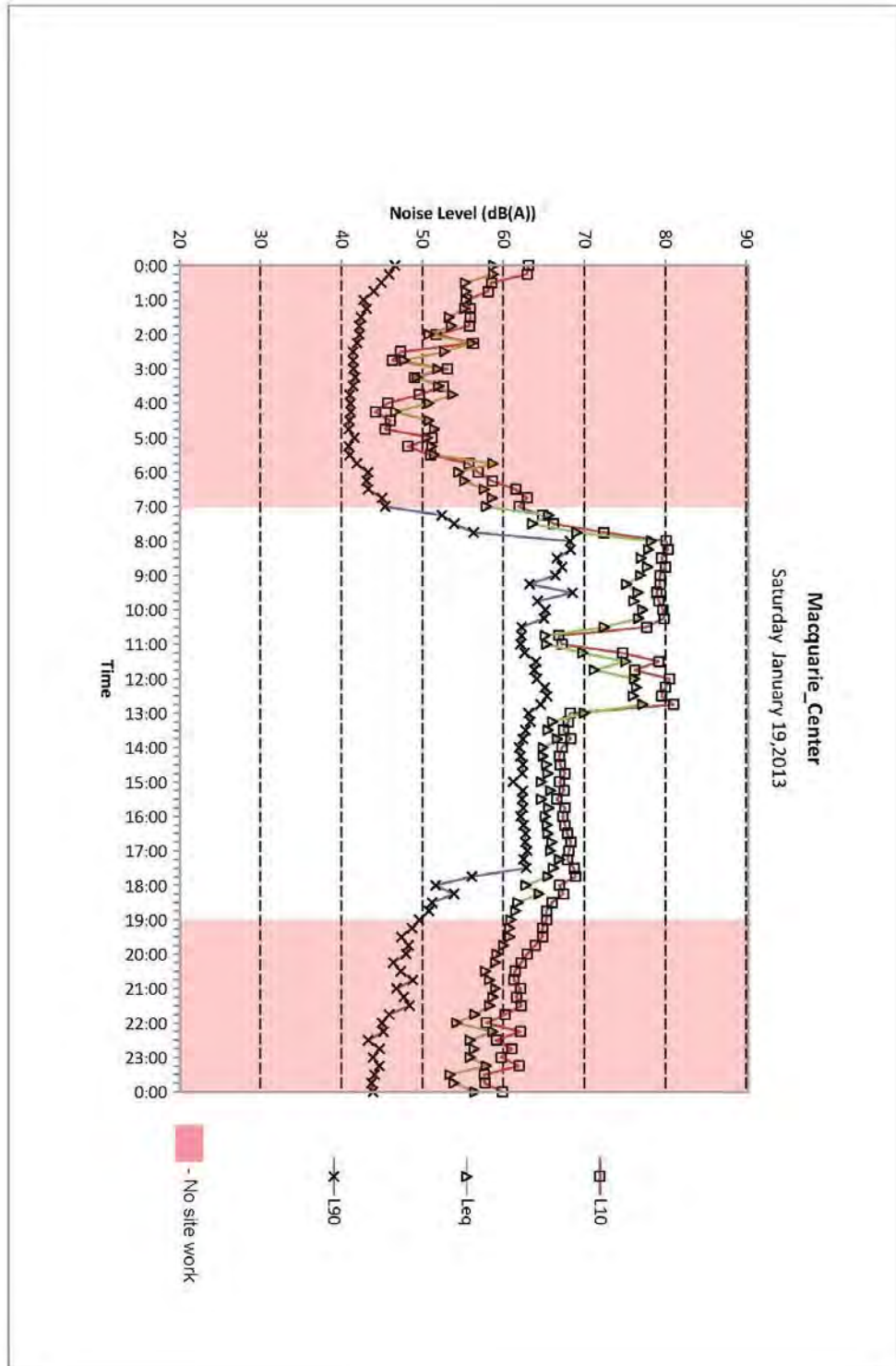
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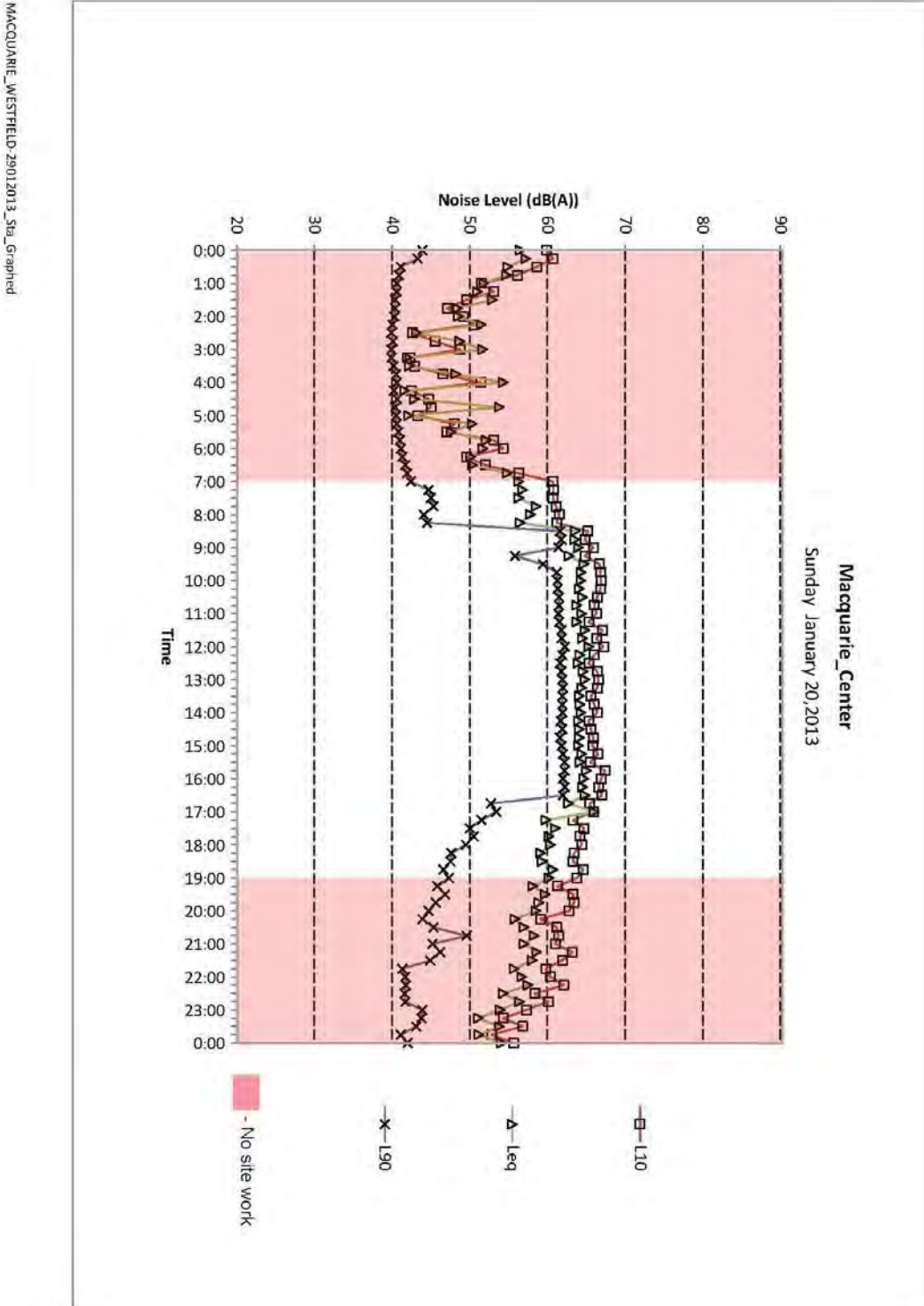
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MACQUARIE_WESTFIELD_29012013_Sta_Graphed



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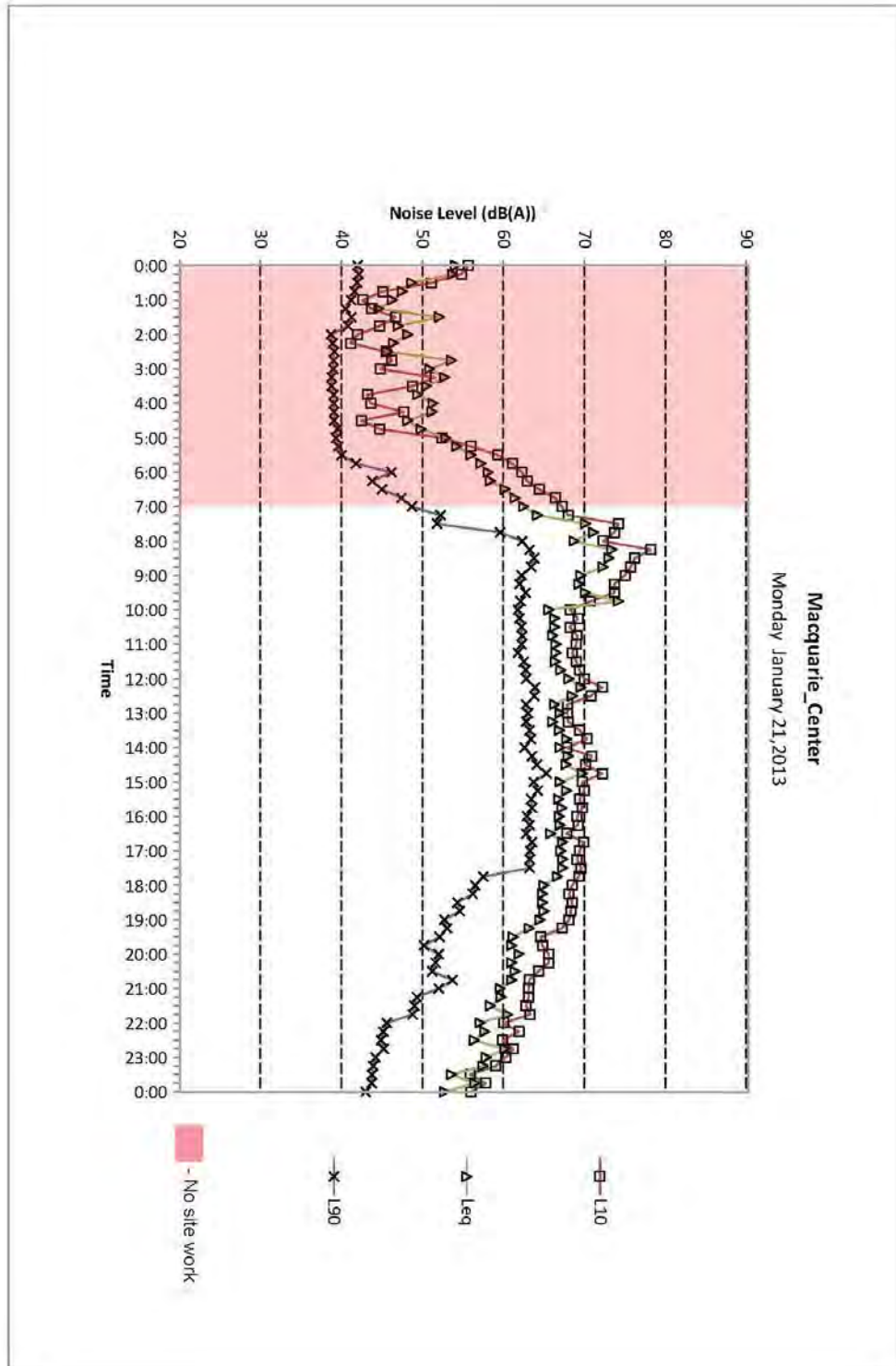
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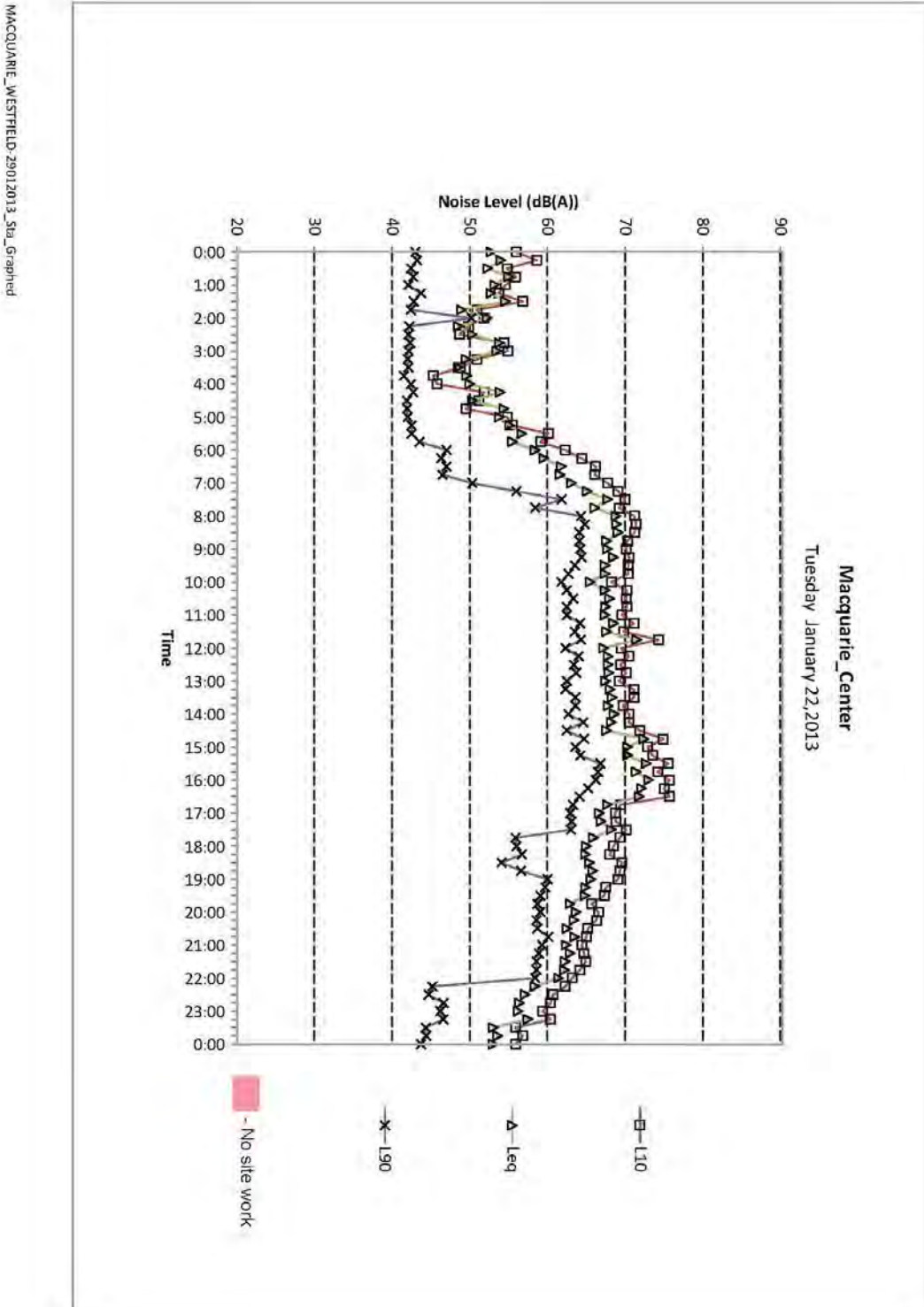
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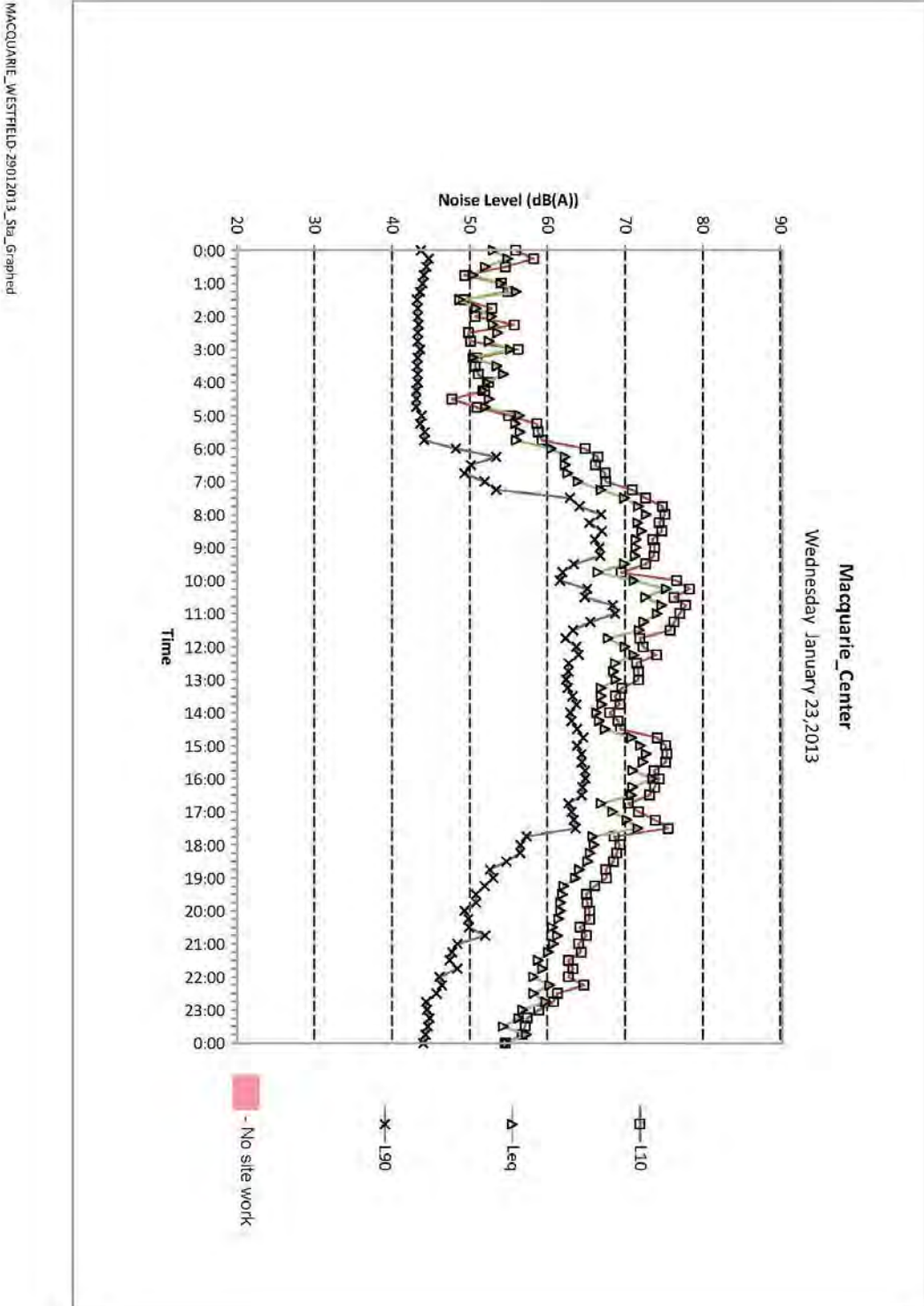
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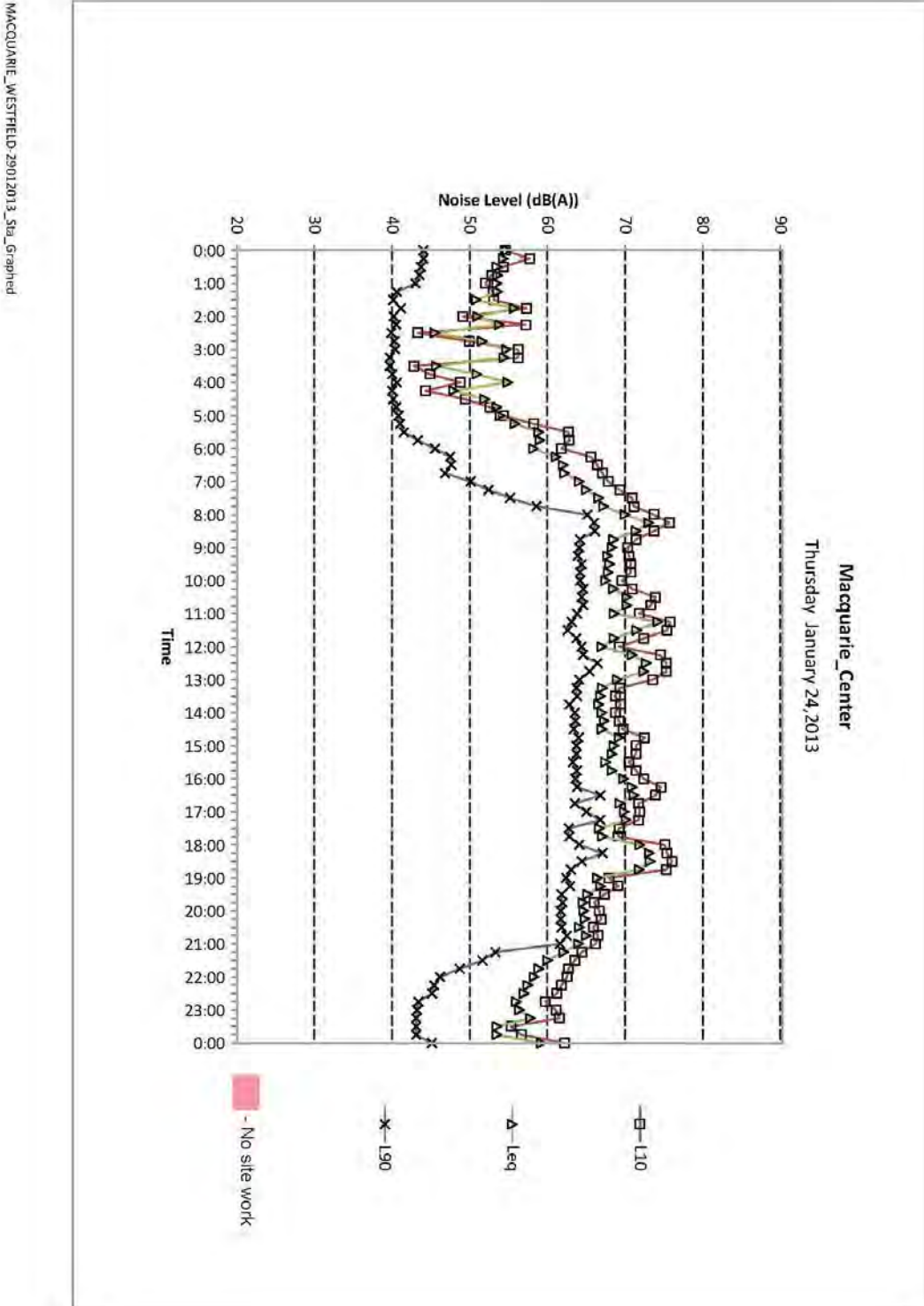
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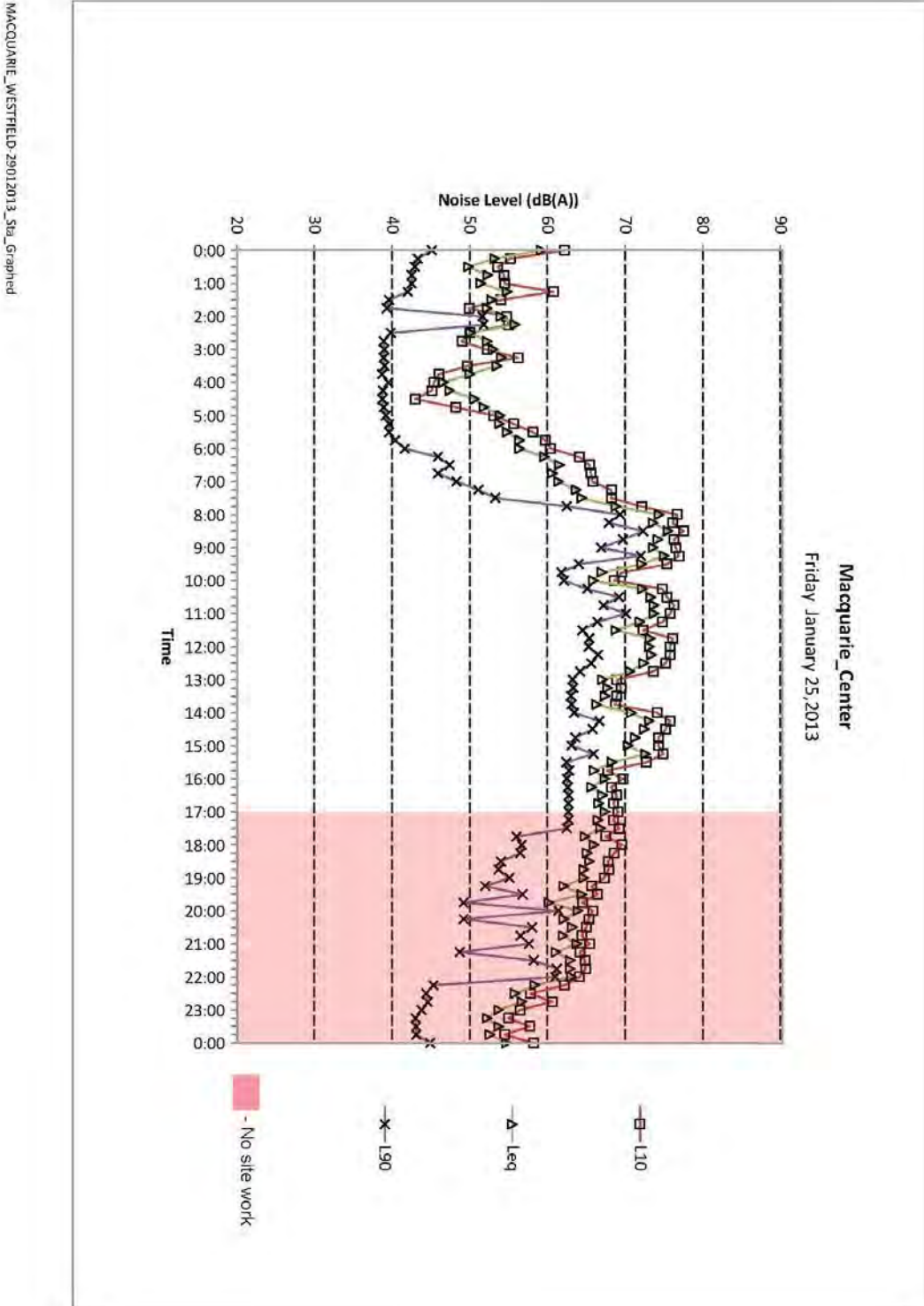
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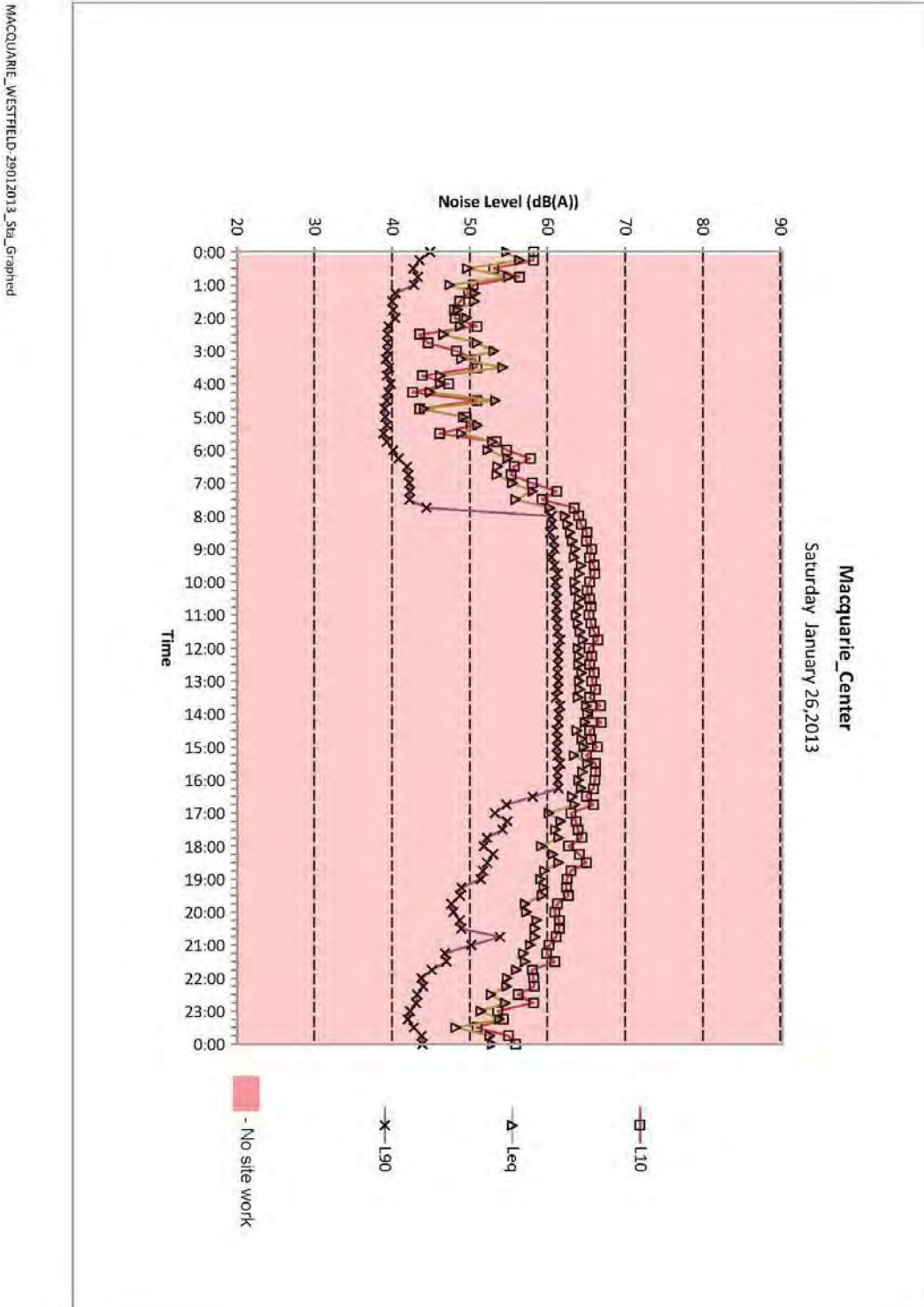
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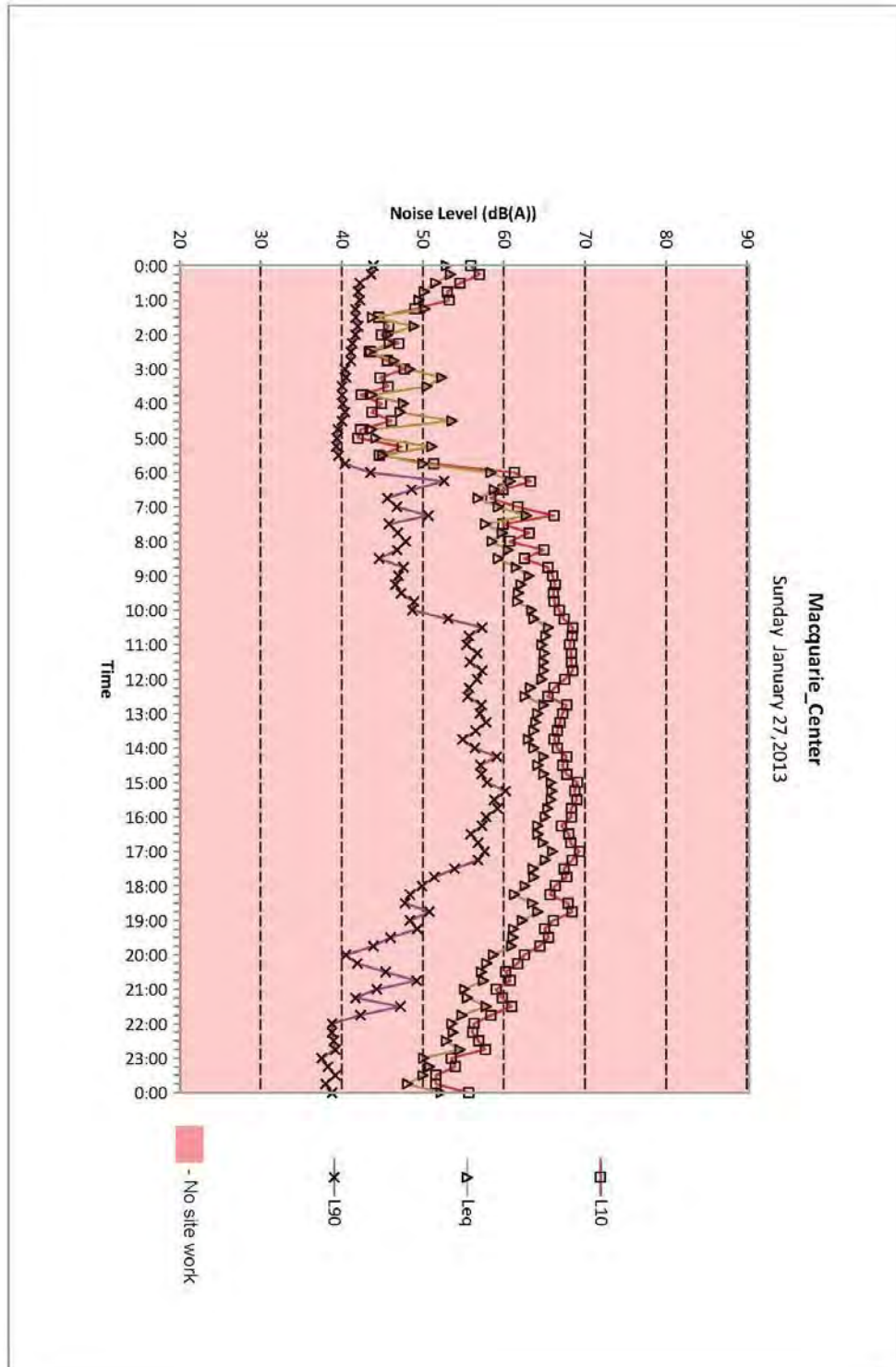
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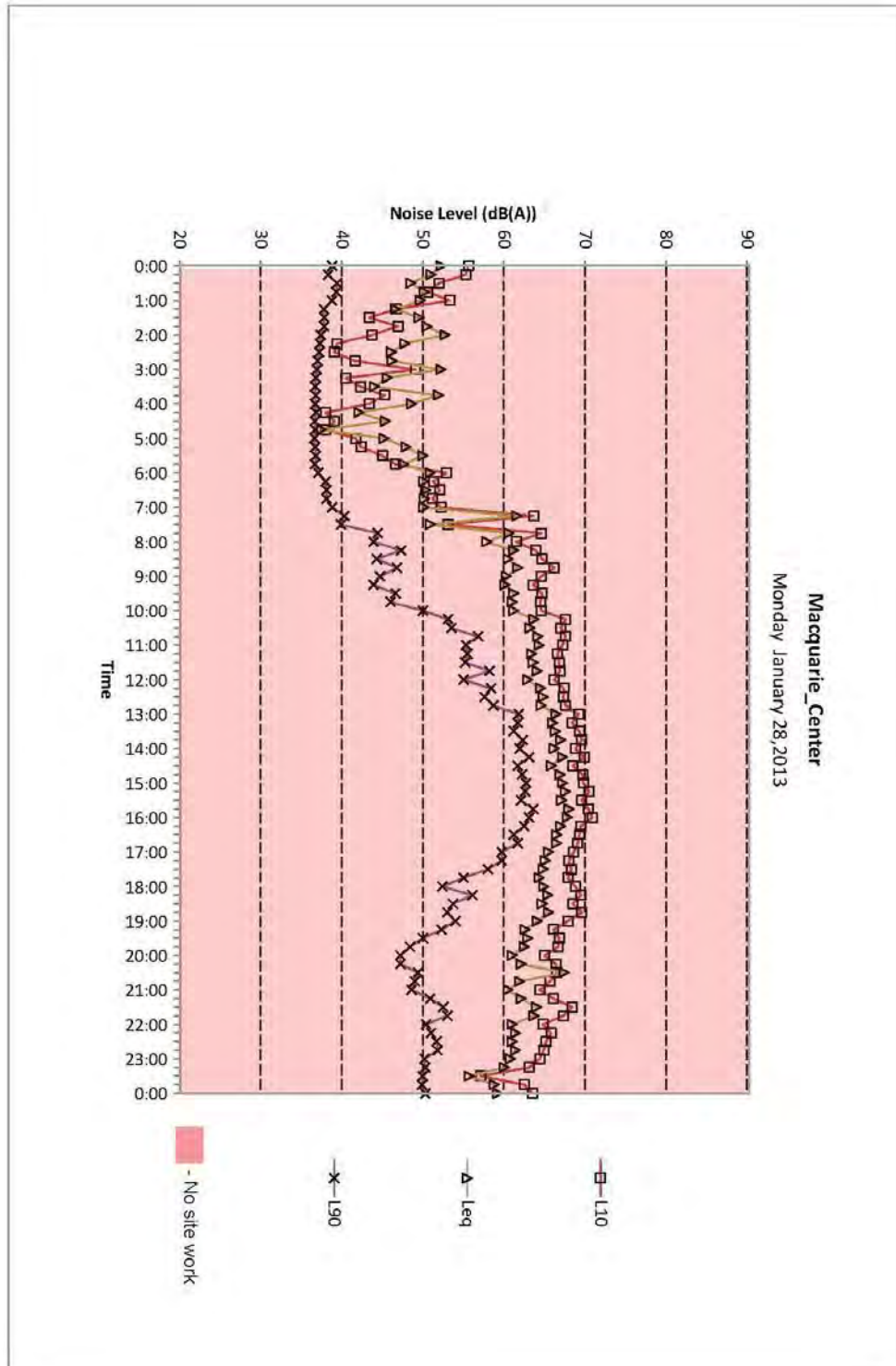
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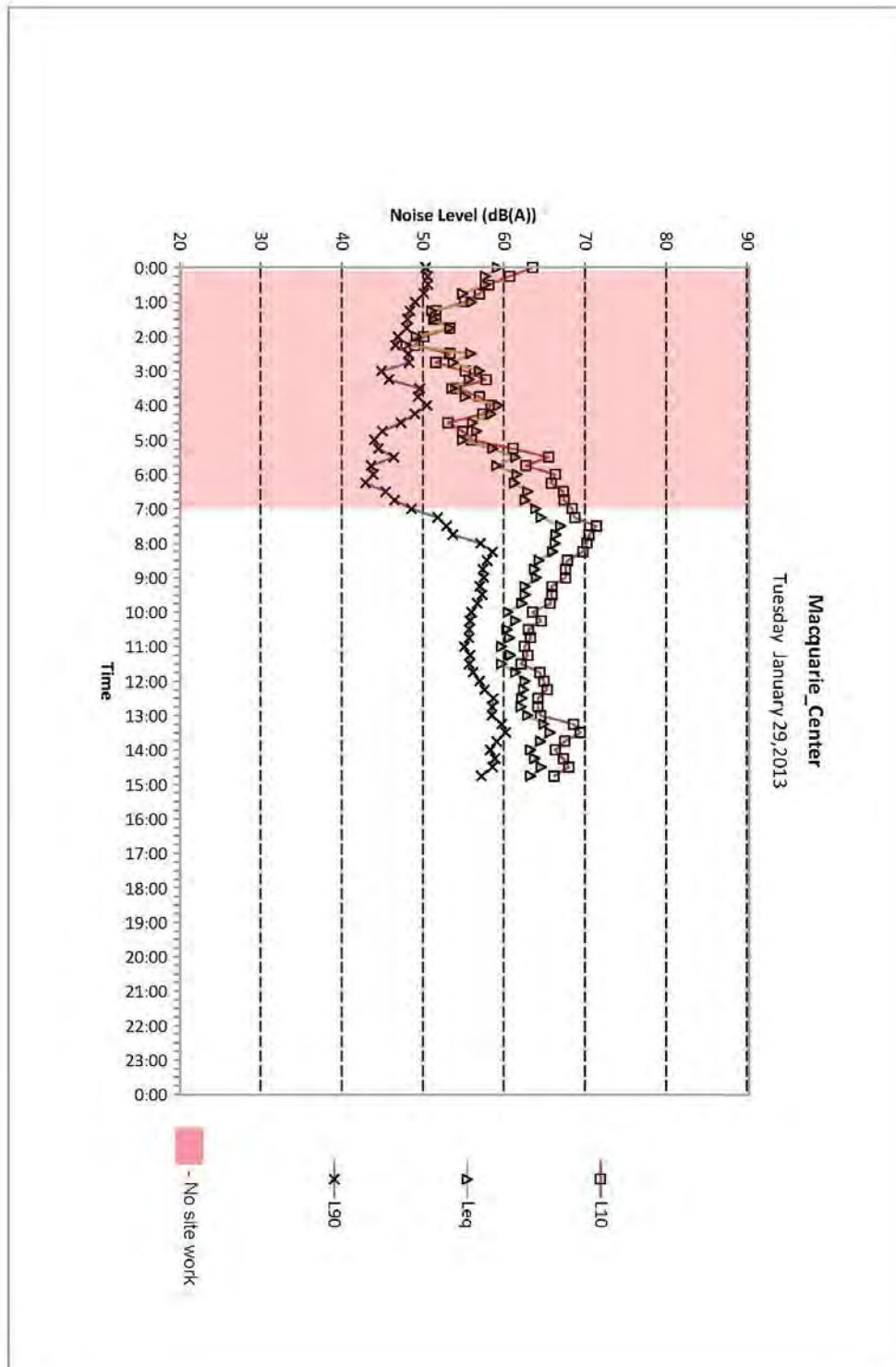
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ITEM 7 (continued)

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ITEM 7 (continued)

ATTACHMENT 2



Acoustic Report February 2013



Prepared By:
Westfield - Design & Construction

ITEM 7 (continued)

ATTACHMENT 2

**AMP MACQUARIE REDEVELOPMENT PROJECT
ACOUSTIC MONITORING REPORT**

Date: 31 January 2013

1.0 Summary

This report has been prepared to address the requirements of the Night works approval issued by Ryde City Council (RCC) dated 7 November 2011; the subsequent letter from Ryde City Council (RCC) dated 14 December 2012 and further night works approval letter of 21st December 2012.

It provides the following information:

- Review of works taken and associated acoustic results (see attached letter from Acoustic Logic) for the period 20 December 2012 – 29 January 2013.
- Review of works to be undertaken for the period from 13th February 2013 – 12 March 2013 as per the AMP application for the extension of night works approval.

We confirm the following;

- The appointment of Acoustic Logic (Acoustic Engineering Consultant) to implement the measures prescribed in the latter letter of approval.
- Onsite continuous monitoring has been maintained.
- Onsite attended acoustic monitoring by Acoustic Logic.
- Demolition works undertaken in December 2012 have been completed and do not characterise the nature of works moving forward.
- No onsite construction activities were taken from 3.00pm Friday 21st December 2012 to 7.00am Monday 7th January 2013.
- No night time works external to the main centre build have been undertaken after 25th January 2013 due to long weekend shutdown and the revocation notice on 29th January 2013.

It is envisaged that future works proposed for the period of 13 February to 12 March 2013 will cause less acoustic impact than that experienced in December; as has been demonstrated in the onsite acoustic monitoring results during the month of January. This is due to:

- Continuation of similar low impact activities are proposed as undertaken from 7th January 2013, which have not altered the background acoustic environment.
- The medium impact activities works proposed are capable of being more effectively screened; the positioning will be approved by Acoustic Logic.
- The medium impact activities are located in the northern / centre of Link Road and are further away from Waterloo Road than previous demolition work.
- Acoustic alerts (from monitor) will be implemented so that in the event that works exceed the proposed thresholds as requested in the AMP application, they will be ceased at that time (once safe to do so).
- Weekly monitoring results will be provided to Council (if required) for review.

ITEM 7 (continued)

ATTACHMENT 2

2.0 REPORTING PERIOD – 20 DECEMBER 2012 TO 29 JANUARY 2013.

2.1 Works undertaken in the reporting period:

We have included the table of proposed works as provided in our submission of December 2012 as the reference for the works approved to be undertaken in the period of 7 to 29 January 2013.

The activities undertaken in the reporting period were in and over Link Road. These related to inground civil works and demolition/stripout works to the façade.

Whilst we had proposed to demolish the third of the bridges at night in January 2013 we were able to safely isolate the works from the public; and as such we were able to complete the majority of this demolition during the day. This is noted in the table.

The remaining works undertaken in the reporting period include the activities identified in the table on page 3 and 4 of this report and the attached photographs.

2.2 Noise mitigation or control measures implemented.

Refer to attached table for construction methodology and noise mitigation measures implemented.

All equipment is being assessed by the acoustic engineer prior to being used onsite; with insitu testing also being undertaken to confirm the acoustic performance. Acoustic screening was employed where deemed an appropriate and effective control measure.

We have addressed the audible reversing beepers for equipment located permanently onsite. We only difference is with delivery vehicles that are not permanently based onsite (ie concrete delivery trucks etc). As these are dispatched from an offsite facility we are not able to identify the vehicle before it arrives onsite. We are managing the impact by maintaining the forward movement of the vehicle and limiting the need for reversing.

It is our view that the impact of works were successfully mitigated and controlled during the period of January 2013.

ITEM 7 (continued)

ATTACHMENT 2

Works Completed In Period: 7 January 2013 to 29 January 2013				
Construction Activity	Construction Methodology	Measures proposed to control or mitigate that impact.	Impact	
1. Removal of overhead concrete pedestrian bridge (7 to 11 January 2013 only) Works completed during the day	Crane to secure precast elements. Concrete coring of blanks and saw cutting of precast concrete beams to lift down onto the ground. Cut up on the ground and removed from site.	Sawcutting used rather than jack-hammering. Concrete elements removed in large elements from site for crushing/recycling offsite. Trucks to access the site moving forward and leave via Talavera Road to mitigate impact of reversing indicators.	Medium impact activities	
2. Excavation of the crib walls beside Link Rd using excavators (mainly during the day – a small amount at night where impacting on through traffic).	Use of excavator only – no jackhammering.	Work undertaken through the day where possible without impacting on traffic within the zone of influence on the intersection of Link and Waterloo Road. Trucks to access the site moving forward and leave via Talavera Road to mitigate impact of reversing indicators.	Low impact activities	
3. Construction of earthquake bracing inside the north part of the shopping centre including some concrete sawing, some jack-hammering, some excavation, some drilling in concrete and steel installation. Works deferred. Date TBA	Work completed internally within the existing building.	Work completed internally within the existing building. Building to remain acoustically sealed.	No impact expected	
4. Removal of facades in Link Road to expose existing structure	Using cranes & boom lifts for access. Use power tools to remove facade. Trucks to remove demolition materials from site.	No use of Jack Hammering (power tools only) Boom lifts to have reversing beepers acoustically treated. Trucks to move forward through Link Road from Waterloo to Talavera Road. Materials to be loaded carefully into the trucks for disposal from site.	Low impact activities	

ITEM 7 (continued)

ATTACHMENT 2

Works Completed in Period: 7 January 2013 to 29 January 2013				
	Construction Activity	Construction Methodology	Measures proposed to control or mitigate that impact.	Impact
5.	Services diversions in Link Rd. Will require partial demolition of some kerbs, gutters and road surfaces	Use of excavator and trucks for spoil removal	Acoustic fencing located in proximity of noise source. Excavator to have reversing beeper acoustically treated.	Low impact activities

ITEM 7 (continued)

ATTACHMENT 2



Photograph No.1: Pedestrian Bridge (pre demolition)



Photograph No. 2: Pedestrian Bridge Demolition Complete

ITEM 7 (continued)

ATTACHMENT 2

2.3 Noise Monitoring Undertaken (Noise levels/background levels & project goals)

Continuous ("Unattended") Noise Monitoring was established onsite on 26 November 2012 in accordance with the Renzo Tonin Report by Acoustic Logic.

In addition; "Attended" Noise monitoring was also undertaken by Acoustic Logic to monitor specific noise events and to provide advice on appropriate mitigation measures.

In Summary:

- Noise monitoring was conducted with "unattended" continuous monitoring setup onsite to record construction related activities. The location of the noise monitor adheres to the requirement to enable impact on the most sensitive adjoining owners to be monitored.
- Acoustic advice was sought and provided to monitor and advise on the works being undertaken.
- Noise levels recorded for the works are within the ranges anticipated by the Renzo Tonin submission. We also note the acoustic advice that there was very little variance between the noise results recorded on the evenings of work and non-work. Refer to the attached acoustic daily logs highlighting periods of work and non-work.
- We employed all appropriate measures to mitigate the impact of these works.

2.4 Analysis of Noise Impact

As outlined in the Acoustic Logic January 2013 Construction Noise Report we conclude that the recorded noise levels for the month were below the maximum predicted noise levels presented in the construction noise management plan by Renzo Tonin & Associates (Ref: TF062 – 02F02-REV0). This report also notes that *"The recorded noise levels in time periods where night construction works were taking place shows little or no significant increase in sound level when no work was taking place."*

As expected; the noise levels recorded were significantly lower those recorded in the December 2012 period which was characterised by the demolition and removal of the two concrete bridge structures with a combined weight in excess of 450 tonnes.

2.5 Recommendations to control or mitigate future noise impacts.

Whilst the noise levels recorded onsite within the reporting period are within the levels anticipated in the Renzo Tonin report; we will still be working with our Acoustic Engineer to further investigate additional engineered acoustic solutions to minimise the impact on residents during the course of next month.

We anticipate that these works combined with the acoustic mitigation measures are of a nature that will not cause undue impact to the residents.

ITEM 7 (continued)

ATTACHMENT 2

3.0 WORKS PROPOSED FOR THE NEXT REPORTING PERIOD – 13 FEBRUARY TO 12 MARCH 2013

3.1 Details of the construction activities to be carried out during the period

Refer to attached table and programme for an identification of the proposed works and control measures to be implemented.

3.2 The potential impact on nearby residents

Works are proposed to be undertaken on the four approved nights for work.

The noise mitigation measures are designed to limit the potential impact on nearby residents. Ongoing review of works through both attended and unattended monitoring will enable the project team to monitor the impact and adjust work practices if the Acoustic Engineer can identify appropriate alternate methodologies.

3.3 The measures proposed to control or mitigate that impact

Westfield has programmed a significant proportion of the piling and inground works to be undertaken during the day. The works which are proposed to be undertaken at night are those which would pose a safety risk to both construction workers and the general public due to their proximity to high trafficked areas within Link Road that cannot be isolated with lane closures.

We also note works that are required to be completed at significant height above the Link Road are also proposed to be undertaken at night due to the potential safety risk to the general public whilst using Link Road.

Refer to attached table and programme for an identification of the proposed works and control measures to be implemented.

Works will be monitored with control measures to cease works if levels exceed the nominated thresholds.

ITEM 7 (continued)

ATTACHMENT 2

Proposed Works Period: 13 February to 12 March 2013

Construction Activity	Construction Methodology	Measures proposed to control or mitigate that impact.	Impact
1. Limited Services diversions in Link Rd. Will require partial demolition of some kerbs, gutters and road surfaces. (Note: works will be undertaken where possible during the day except in high traffic areas where operators will pose a safety risk to both the workforce and the general public)	Sawcutting of Road/Concrete will require use of road saws and excavator. Sawcutting to be undertaken during the day. Excavation to proceed at night.	Acoustic fencing located in proximity of noise source. Excavator to have reversing beeper acoustically treated.	Low impact activities
2. Removal of facades in Link Road to expose existing structure. Work at height over the road precludes work being undertaken during the day.	Using cranes & boom lifts for access. Use hand power tools to remove facade. Trucks to remove demolition materials from site.	No use of Jack Hammering (power tools only) Boom lifts to have reversing beepers acoustically treated. Trucks to move forward through Link Road from Waterloo to Talavera Road. Materials to be loaded carefully into the trucks for disposal from site.	Low impact activities
3. Limited preparation works for bored piers. Will require removal of some kerbs and gutters and excavation of gardens. (Note: works will be undertaken where possible during the day except in high traffic areas where operators will pose a safety risk to both the workforce and the general public)	Sawcutting of Road/Concrete will require use of road saws and excavator. Sawcutting to be undertaken during the day. Excavation only to proceed at night.	Acoustic fencing located in proximity of noise source. Excavator to have reversing beeper acoustically treated.	Low impact activities
4. Limited Construction of bored piers in Link Rd. (Note: works will be undertaken where possible during the day except in high traffic areas where operators will pose a safety risk to both the workforce and the general public)	Using various piling rigs for drilling and concrete trucks for pouring concrete. Excavators & dump trucks to remove spoil.	Acoustic screening to be located in proximity of noise source. Excavator to have reversing beeper acoustically treated. Concrete trucks directed to drive forwards as reversing beepers cannot be silenced. Works to start at the centre of Link Road away from residents.	Medium / Low impact activities

ITEM 7 (continued)

ATTACHMENT 2

Proposed Works Period: 13 February to 12 March 2013

Construction Activity	Construction Methodology	Measures proposed to control or mitigate that impact.	Impact
5. Limited Construction of pier caps. (Note: works will be undertaken where possible during the day except in high traffic areas where operations will pose a safety risk to both the workforces and the general public)	Using excavators to remove soil, preparation of tops of piles and carpenters assembling formwork. Concrete trucks delivering concrete	Acoustic fencing to be located in proximity of noise source. Excavator to have reversing beeper acoustically treated. Concrete trucks directed to drive forwards as reversing beepers cannot be silenced. Works to start at the centre of Link Road away from residents.	Low Impact activities
6. Installation of some preliminary steelwork in Link Rd. Work at height over the road precludes installation whilst the public is utilising Link Road.	Use of crane and mobile access equipment to install steelwork	Steelwork to be installed with soft slings to secure steelwork. Bolts secured hand tight or with the use of electric torque wrenches. Boom lifts to have reversing beepers silenced.	Low Impact activities

ITEM 7 (continued)

ATTACHMENT 2

MACQUARIE CENTRE - PROPOSED PROGRAMME FOR NIGHT WORKS FROM 12 FEBRUARY 2013 TO 12 MARCH 2013

	FEBRUARY														MARCH											
	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T				
Construction of Board Piers																										
Construction of Pier Caps (FRP)																										
Soft strip demolition of Link Rd facades																										
Minor steelwork installation																										

ITEM 7 (continued)

ATTACHMENT 2

Appendix 1. – RCC Letter Dated 14 December 2012



Mr John Gude
Development Manager
AMP Capital
Level 16, 50 Bridge Street
SYDNEY NSW 2000

And by e-mail to: John.gude@ampcapital.com

14 December 2012

Our Ref: LDA2007/1016

Dear Mr Gude

**After-Hours Construction Work
Macquarie Shopping Centre Re-Development**

Following the commencement of night works on 26 November 2012, Council has received a number of noise complaints. One resident has been quite vocal and has raised the issue with a number of Councillors.

A requirement of the conditional extension of construction hours to allow night works was the submission of a monthly noise impact report.

I understand that the first few months of work were going to generate the greatest noise impact and were also likely to generate the most number of complaints. It is therefore critical that the first monthly report comprehensively addresses the following matters:

- full details of the work carried out
- full details of the noise mitigation or control measures implemented
- full details of the noise monitoring carried out, including the measured noise levels for each specific construction activity
- analysis of the noise impact, including comparison of the measured noise levels with the background noise levels and project goals
- full details of the community engagement activities undertaken
- full details of any complaints received and the action taken to resolve them
- any recommendations to control or mitigate future noise impacts.

It is also vital that the request for the following month specifically details the construction activities to be carried out during that period, the potential impact on nearby residents, and the measures proposed to control or mitigate that impact.

Civic Centre 1 Devlin Street, Ryde NSW
Ryde Planning and Business Centre
1 Pope Street, Ryde (Below Ryde Library)

Post Locked Bag 2069, North Ryde NSW 1670
Email cityofryde@ryde.nsw.gov.au
www.ryde.nsw.gov.au

Customer Service (02) 9952 8222
TTY (02) 9952 8470 Fax (02) 9952 8070
Translating and Interpreting Service 131 450

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ATTACHMENT 2

City of Ryde
Mr John Gude - AMP Capital
14 December 2012
Page 2 of 2

It is understood that the works are scheduled to cease on 21 December 2012 and re-commence on 7 January 2013.

Please be advised that the works are not to re-commence until Council staff have reviewed the monthly report, the complaints received and the proposal for the next month.

For further enquiries please telephone Mr Craig Redfern on 9952 8273.

Yours sincerely



Dominic Johnson
Group Manager - Environment and Planning

cc. Mr Stephen Beer
Property Development Manager
AMP Capital
Level 16, 50 Bridge Street
SYDNEY NSW 2000

ITEM 7 (continued)

ATTACHMENT 2

Appendix 2. – Acoustic Reports

ITEM 7 (continued)

ATTACHMENT 3

AMP CAPITAL INVESTORS

MACQUARIE SHOPPING CENTRE,
LINK ROAD CLOSURE TRAFFIC
REVIEW

JANUARY 2013

COLSTON BUDD HUNT & KAFES PTY LTD
ACN 002 334 296
Level 18 Tower A
Zenith Centre
821 Pacific Highway
CHATSWOOD NSW 2067

Telephone: (02) 9411 2411
Facsimile: (02) 9411 2422
Email: cbhk@cbhk.com.au

REF: 8945

ITEM 7 (continued)

ATTACHMENT 3

Colston Budd Hunt & Kafes Pty Ltd

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Colston Budd Hunt & Kafes Pty Ltd

CHAPTER I

I. INTRODUCTION

I.1 Colston Budd Hunt & Kafes Pty Ltd has been commissioned by AMP Capital Investors to review Council's request to assess the traffic implications of the closure of Link Road at Macquarie Shopping Centre during the day. In association with the construction of the approved expansion of the shopping centre, Link Road is required to be closed to carry out essential construction activity. In order to undertake the construction activity in a safe and appropriate manner, and to minimise amenity and traffic effects on the operation of the surrounding road network and the shopping centre, it is proposed to close Link Road during the night time period (7pm-7am Monday to Wednesday and 9pm-7am Thursday each week) outside the main operating hours of the shopping centre.

I.2 Council has approved night works at the shopping centre and the closure of Link Road from the 7 January to 7 February 2013. However, prior to submission of the next monthly report, Council has requested the following:-

"Submit a traffic study/model prepared by a traffic engineer that quantitatively and qualitatively addresses the impacts of closing Link Road during the day. You may also want to submit any other information you feel necessary."

I.3 The traffic review of the proposed closure of Link Road is set down through the following chapter.

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2. REVIEW OF TRAFFIC EFFECTS

- 2.1 Macquarie Shopping Centre is located within the Macquarie Park Corridor on the south-eastern side of Herring Road, between Talavera Road and Waterloo Road, as shown on Figure 1. Access to the shopping centre is provided to and from Herring Road, Waterloo Road, Talavera Road and Link Road. Link Road provides a service road on the south-eastern side of the centre providing access to the multi deck car park, other undercroft parking areas and service areas located between Waterloo Road and Talavera Road.
- 2.2 In February 2009, Ryde City Council approved alterations and additions to the shopping centre including the demolition of buildings on No. 55-61 Talavera Road and construction of shopping centre extensions with associated car parking, road works and landscaping.
- 2.3 Construction activity has progressed in accordance with the pedestrian and traffic management plan⁽¹⁾ for construction of the stage 1 works. These works include commencement of construction within the multi deck car park, including the structural up-grade of the car park, demolition of existing pedestrian and vehicular bridges across Link Road, demolition of pedestrian ramps and modifications to car parking arrangements during construction.
- 2.4 The shopping centre is trading through the redevelopment, with the staging of the construction activity aimed at minimising the construction impact effects. This is achieved through addressing key issues such as local government and development requirements, existing centre operation, identification and

⁽¹⁾ "Pedestrian and Traffic Management plan for Construction of Stage 1 Works at Macquarie Shopping Centre, Macquarie Park", May 2011, Colston Budd Hunt & Kafes Pty Ltd.

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management of local community and stakeholder needs and detailed pre-planning of the construction process.

2.5 In association with the construction activity the upper central portion of the southbound traffic lane of Link Road (Talavera Road to Waterloo Road) has been closed to through traffic since late 2012 and Council has approved night works at the shopping centre from the 7 January to 7 February 2013. However, prior to the submission of the next monthly report, Council has requested the preparation of a traffic study that quantitatively and qualitatively addresses the impacts of closing Link Road during the day.

2.6 The traffic review of the proposed closure of Link Road is presented through the following sections:-

- ❑ proposed closure of Link Road;
- ❑ benefits of closing Link Road at night;
- ❑ overall principles for construction traffic management;
- ❑ traffic flows;
- ❑ intersection operations;
- ❑ traffic effects of closing Link Road during the day; and
- ❑ summary.

Proposed Closure of Link Road

2.7 Link Road is required to be closed in order to undertake the construction work in a safe and appropriate manner. The construction work will involve the demolition of existing pedestrian and vehicular bridges across Link Road, excavation of bored piers and the construction of the Stage 1 shopping centre extension across Link Road. During these periods, construction activity will be staged with alternative

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access and traffic diversions implemented in order to maintain access to the multi deck car park and access for emergency vehicles and service vehicles.

2.8 The construction work along Link Road will be undertaken in three sections, as shown on Figure 2.

- southern end - demolition of L2A vehicular bridge across Link Road (completed) and installation of overhead gantry;
- central area - demolition of pedestrian ramp and southern L1A bridge across Link Road and installation of overhead gantry;

- installation of Class B hoarding to southern L2A pedestrian bridge and demolition of existing awning (bridge stays opened);
- northern area - demolition of northern pedestrian bridge across Link Road and installation of overhead gantry.

2.9 The demolition of the vehicular and pedestrian bridges across Link Road, have been completed. Work will now need to commence on the excavation of the bored piers and the construction of the Stage 1 shopping centre extension across Link Road.

2.10 In order to undertake the construction activity in a safe and appropriate manner, and to minimise amenity and traffic effects on the operation of the surrounding road network and the operation of the shopping centre, it is proposed to close Link Road during the night time period outside the main operating hours of the shopping centre.

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- 2.11 Service vehicle access to existing loading docks, for the continued retail operation, will be maintained from Waterloo Road, Talavera Road, Herring Road and the southern section of Link Road. No activity associated with the Link Road construction works will affect access from Herring Road, Talavera Road (west of Link Road) and Waterloo Road (west of Link Road).

Benefits of Closing Link Road at Night

- 2.12 The benefits of closing Link Road at night and undertaking the construction work between the shopping centre and the multi deck car park outside the main operating hours of the shopping centre are as follows:-
- all construction activity will be contained and separated from the main shopping centre activity;
 - will allow better control and management of construction activity along Link Road;
 - will minimise amenity and traffic effects on the operation of the surrounding road network;
 - will result in less disruption to the overall operation of the shopping centre;
 - will maintain traffic capacity at intersections and midblock in the vicinity of the site during the day;
 - will reduce the need for extensive traffic control management and control traffic movements on the surrounding road network at busy times;

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- ❑ will minimise traffic queues at the intersections of Waterloo Road/Link Road and Talavera Road/Link Road;
 - ❑ will allow pedestrian accesses between the multi deck car park and the shopping centre to be maintain during the day;
 - ❑ will maintain a safe and appropriate environment for pedestrians;
 - ❑ will maintain appropriate access to the multi deck car park at busy times;
 - ❑ will maintain appropriate access for emergency vehicles and service vehicles during the main operating hours of the centre;
 - ❑ will maintain optimum emergency vehicle access to Link Road during the main operating hours of the centre.

Overall Principles for Construction Traffic Management

2.13 The overall principles for construction traffic management associated with the closure of Link Road are:-

- ❑ provision of a convenient and appropriate environment for pedestrians;
- ❑ minimise effects on pedestrian movements and amenity;
- ❑ maintain appropriate pedestrian access to the shopping centre to/from the multi deck car park;
- ❑ manage and control construction traffic movements on the adjacent road network and vehicle movement to and from the construction site;

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- ❑ maintain traffic capacity at intersections and mid block in the vicinity of the site;
 - ❑ minimise loss of on-site parking;
 - ❑ maintain access for delivery vehicles associated with the continued operation of the shopping centre;
 - ❑ maintain appropriate vehicular access to car parking areas for customers and staff;
 - ❑ restrict construction vehicle activity to designated truck routes through the area;
 - ❑ manage and control the staged construction activity along Link Road;
 - ❑ construction access driveways and "Works Zone" to be managed and controlled by site personnel;
 - ❑ pedestrian movements adjacent to construction activity and across construction access driveways to be managed and controlled by site personnel;
 - ❑ construction activity to be carried out in accordance with Council's approved hours of work.

Traffic Flows

- 2.14 In order to gauge traffic conditions, counts were undertaken during the Thursday afternoon and Saturday midday peak periods at the following intersections:-

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- Waterloo Road/Herring Road;
- Waterloo Road/Link Road;
- Talavera Road/Herring Road;
- Talavera Road/Link Road; and
- car park access driveways along Link Road.

2.15 The results of the surveys are shown in Figures 3 and 4, and summarised in Table 2.1.

Table 2.1: Existing Two-Way (Sum of Both Directions) Peak Hour Traffic Flows

Road	Location	Thursday Afternoon	Saturday Midday
Waterloo Road	East of Link Road	2160	1045
	West of Link Road	1865	940
	East of Herring Road	1890	995
Herring Road	South of Waterloo Road	2370	1595
	North of Waterloo Road	1515	1330
Talavera Road	East of Link Road	1965	1135
	West of Link Road	1815	1005
	West of Herring Road	1230	680
Link Road	North of Waterloo Road	835	725
	South of Talavera Road	950	710

2.16 It can be seen from Table 2.1 that Waterloo Road and Talavera Road, east of Herring Road, carried traffic flows of some 1,800 to 2,150 vehicles per hour two-way during the Thursday afternoon peak period and some 900 to 1,150 vehicles per hour two-way during the Saturday midday peak period. Traffic flows were highest during the Thursday afternoon period.

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- 2.17 Herring Road carried traffic flows of some 1,500 to 2,400 vehicles per hour two-way during the Thursday afternoon peak period and some 1,300 to 1,600 vehicles per hour two-way during the Saturday midday peak period.
- 2.18 Peak period traffic flows on Link Road were some 700 to 950 vehicles per hour two-way.

Intersection Operations

- 2.19 The capacity of the road network is generally determined by the capacity of its intersections to cater for peak period traffic flows. The surveyed intersections have been analysed using the SIDRA program. SIDRA is designed to analyse traffic signal controlled intersections, roundabouts and priority intersections.
- 2.20 The SIDRA program produces a number of measures of intersection operation. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle.
- 2.21 Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):-
- For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:-

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity
29 to 42	=	"C"	Satisfactory with spare capacity
43 to 56	=	"D"	Satisfactory but operating near capacity

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57 to 70	=	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
>70	=	"F"	Unsatisfactory and requires additional capacity

- For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:-

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity
29 to 42	=	"C"	Satisfactory but accident study required
43 to 56	=	"D"	Near capacity and accident study required
57 to 70	=	"E"	At capacity and requires other control mode.
>70	=	"F"	Unsatisfactory and requires other control mode

2.22 It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.

2.23 The SIDRA analysis found that the signalised intersection of Waterloo Road and Herring Road is operating with average delays of less than 40 seconds per vehicle during the Thursday afternoon and Saturday midday peak periods. This represents a level of service C, which is a satisfactory level of intersection operation.

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2.24 The signalised intersection of Talavera Road and Herring Road is operating with average delays of less than 35 seconds per vehicle during the Thursday afternoon and Saturday midday peak periods. This represents level of service C, which is a satisfactory level of intersection operation.

2.25 The signalised intersections of Waterloo Road/Link Road and Talavera Road/Link Road are operating with average delays of less than 25 seconds per vehicle during the Thursday afternoon and Saturday midday peak periods. This represents level of service B, which is a good level of intersection operation.

Traffic Effects of Closing Link Road During the Day

2.26 In order to assess the traffic effects of the closure of Link Road during the day, existing Thursday afternoon and Saturday midday peak hour traffic flows have been redistributed unto the surrounding road network with the closure of Link Road. The results of the traffic redistribution are shown on Figures 5 and 6, and summarised in Table 2.2.

Road	Location	Thursday Afternoon		Saturday Midday	
		Existing	With Closure	Existing	With Closure
Waterloo Road	East of Link Road	2160	2210	1045	1125
	West of Link Road	1865	2140	940	1060
	East of Herring Road	1890	2165	995	1115
Herring Road	South of Waterloo Road	2370	2455	1595	1660
	North of Waterloo Road	1515	1775	1330	1625
Talavera Road	East of Link Road	1965	1895	1135	1070
	West of Link Road	1815	1610	1005	820
	West of Herring Road	1230	1230	680	680
Link Road	North of Waterloo Road	835	710	725	705
	South of Talavera Road	950	675	710	580

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- 2.27 It can be seen from Table 2.2 that as a result of the closure of Link Road traffic flows in Waterloo Road west of Link Road would increase by some 120 to 270 vehicles per hour two-way during the Thursday afternoon and Saturday midday peak periods. Traffic flow increases in Herring Road north of Waterloo Road would increase by some 260 to 300 vehicles per hour two-way during the same peak periods.
- 2.28 Whilst the closure of Link Road will result in an overall reduction in traffic flow in Link Road, the volume of traffic exiting the multi deck car park and the undercroft car park onto Waterloo Road will increase from some 300 vehicle per hour to some 550 vehicles per hour during the Thursday afternoon and Saturday midday peak periods.
- 2.29 Traffic flows on Talavera Road would reduce by some 70 to 200 vehicles per hour two-way during peak periods as a result of the closure.
- 2.30 The intersections previously analysed have been reanalysed using SIDRA with the redistributed traffic flows. The SIDRA analysis found that average delays through the signalised intersection of Waterloo Road and Herring Road would increase from less than 40 seconds to less than 55 seconds per vehicle during peak periods. This represents a change in the level of service of the intersection from LOS C to D, indicating that the intersection will be operating near to capacity during peak periods.
- 2.31 The signalised intersection of Waterloo Road and Link Road will continue to operate with average delays of less than 25 seconds per vehicle during the Thursday afternoon and Saturday midday peak periods, representing an overall intersection level of service B. However, the SIDRA analysis found that the operation of the Link Road approach to the intersection would significantly worsen with approach average delays increasing to less than 35 seconds per

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vehicle and the 95% back of queue increasing from some 25 metres to 70 metres during peak periods. This analysis found traffic queues in Link Road would extend back into the multi deck car park further increasing delays to exiting traffic.

- 2.32 The signalised intersection of Talavera Road/Link Road will continue to operate at the same levels of service during peak periods. However, the closure of Link Road will result in the redistribution of traffic accessing the centre, with considerable increase in traffic entering the multi deck car park from Talavera Road. This will have the effect of increasing traffic delays and traffic queues for turning vehicles at the intersection during peak periods.
- 2.33 It should be noted that, in late 2012 Link Road was closed during the day for a short time. The closure created significant traffic issues during the main operating hours of the centre. Traffic marshals and police were required to manage and control traffic movements during this period. Traffic delays and traffic queues developed at the intersections of Waterloo Road/Link Road and Talavera Road/Link Road, which had a significant effect on the operation of the surrounding road network.
- 2.34 As a result of this analysis and in order to minimise traffic effects on the operation of the surrounding road network and the operation of the shopping centre, it is recommended that Link Road be closed during the night time period outside the main operating hours of the shopping centre.

Summary

- 2.35 In summary the traffic review of the closure of Link Road during the day found that it would have a significant effect on amenity and on the operation of the surrounding road network, as follows:-

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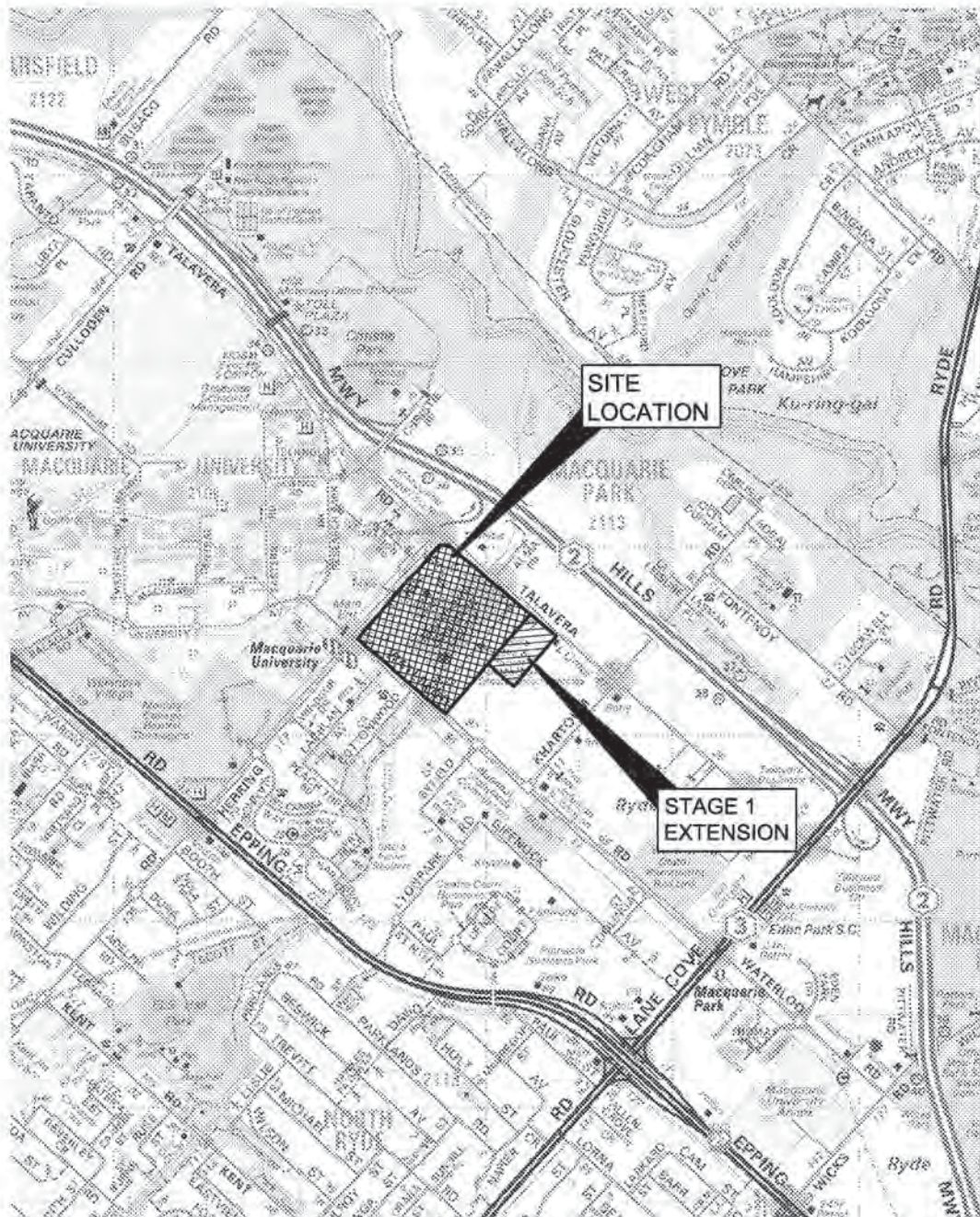
CHAPTER 2

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- Waterloo Road and Herring Road – the level of service at the intersection would change from LOS C to D during peak periods. Average delays would increase from less than 40 seconds per vehicle to less than 55 seconds per vehicle during these periods and would result in increased traffic queues;
 - Waterloo Road and Link Road – the operation of the Link Road approach to the intersection would significantly worsen with approach average delays increasing to less than 35 seconds per vehicle and traffic queues increasing from 25 metres to 70 metres;
 - Talavera Road and Link Road – the closure of Link Road will result in an increase in traffic entering the car park from Talavera Road, resulting in increased traffic delays and traffic queues for turning vehicles at the intersection.
- 2.36 As a result of this assessment and in order to minimise traffic effects on the operation of the surrounding road network, it is recommended that Link Road remain opened during the day and closed for construction during the night time period, outside the main operating hours of the shopping centre.
- 2.37 Undertaking the construction activity during the night time period will provide a safer and more convenient environment for pedestrians, maintain convenient access for pedestrians and vehicles to access the shopping centre during the day and provide appropriate access for emergency vehicles and service vehicles during the main operating hours of the centre.

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8945 - Macquarie Centre



Location Plan

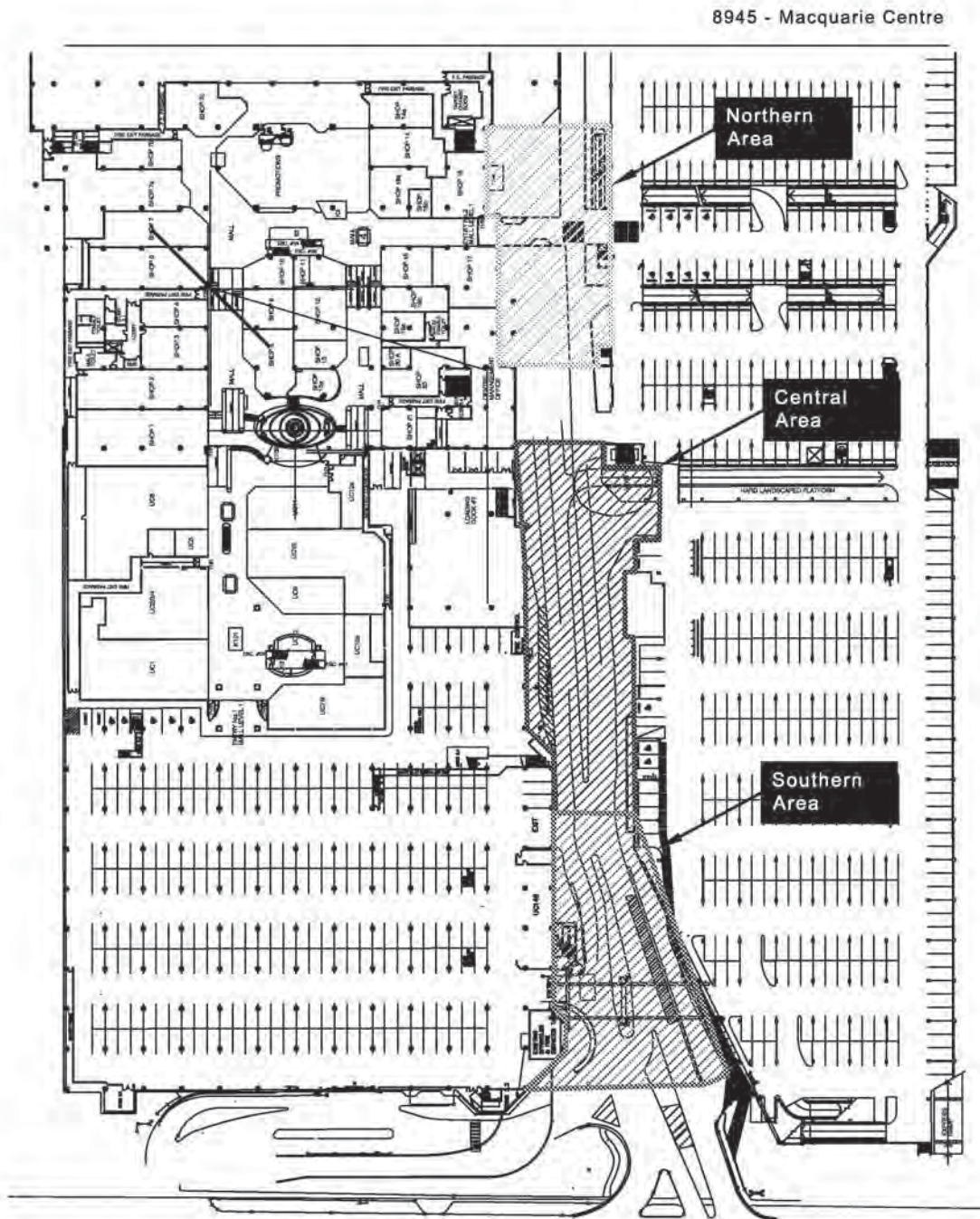
Colston Budd Hunt & Kafes Pty Ltd

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Figure 1

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Link Road Construction Zones

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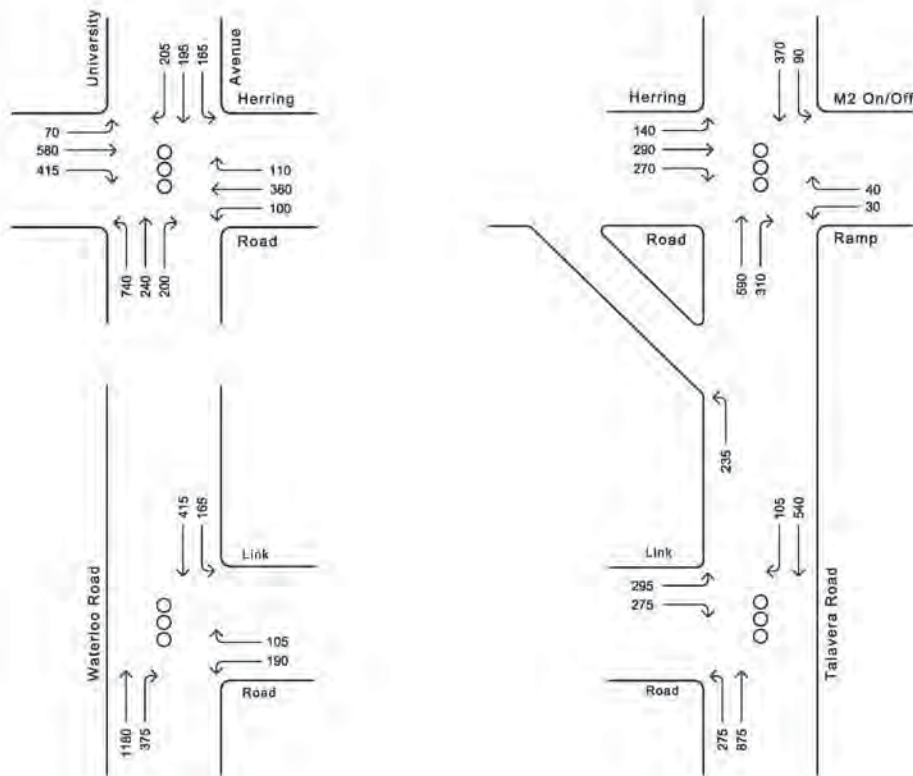
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Figure 2

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8945 - Macquarie Centre



LEGEND
 - - - - Existing Peak Hour Traffic Flows
 - - - - Traffic Signals

**Existing Thursday afternoon
peak hour traffic flows
Link Road Opened
Figure 3**

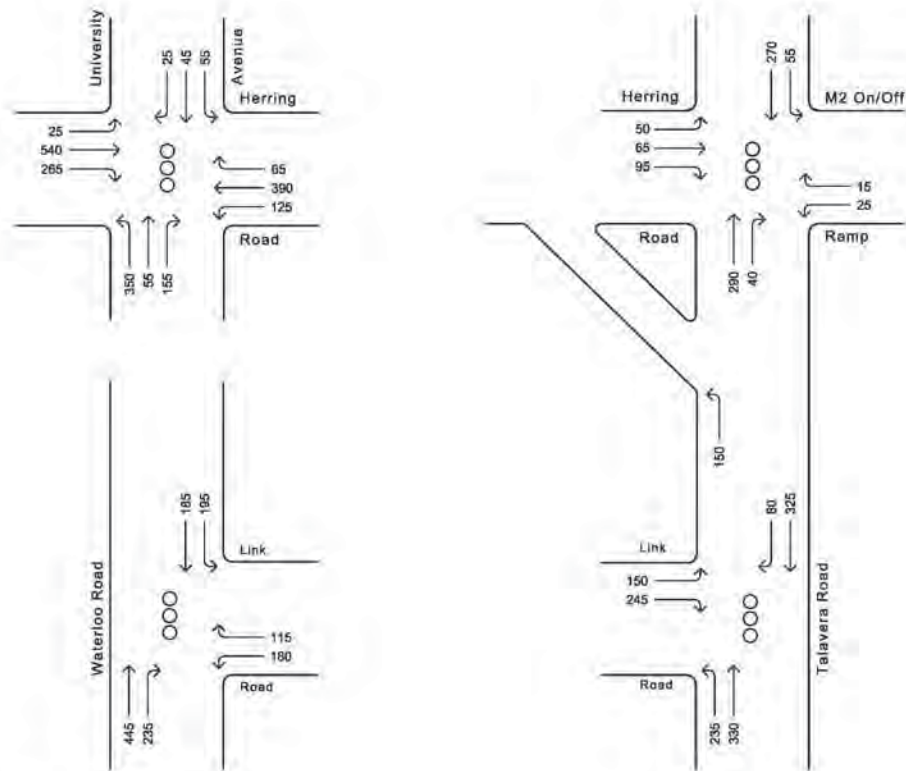
Colston Budd Hunt & Kafes Pty Ltd

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ITEM 7 (continued)

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8945 - Macquarie Centre



**Existing Saturday midday
peak hour traffic flows
Link Road Opened
Figure 4**

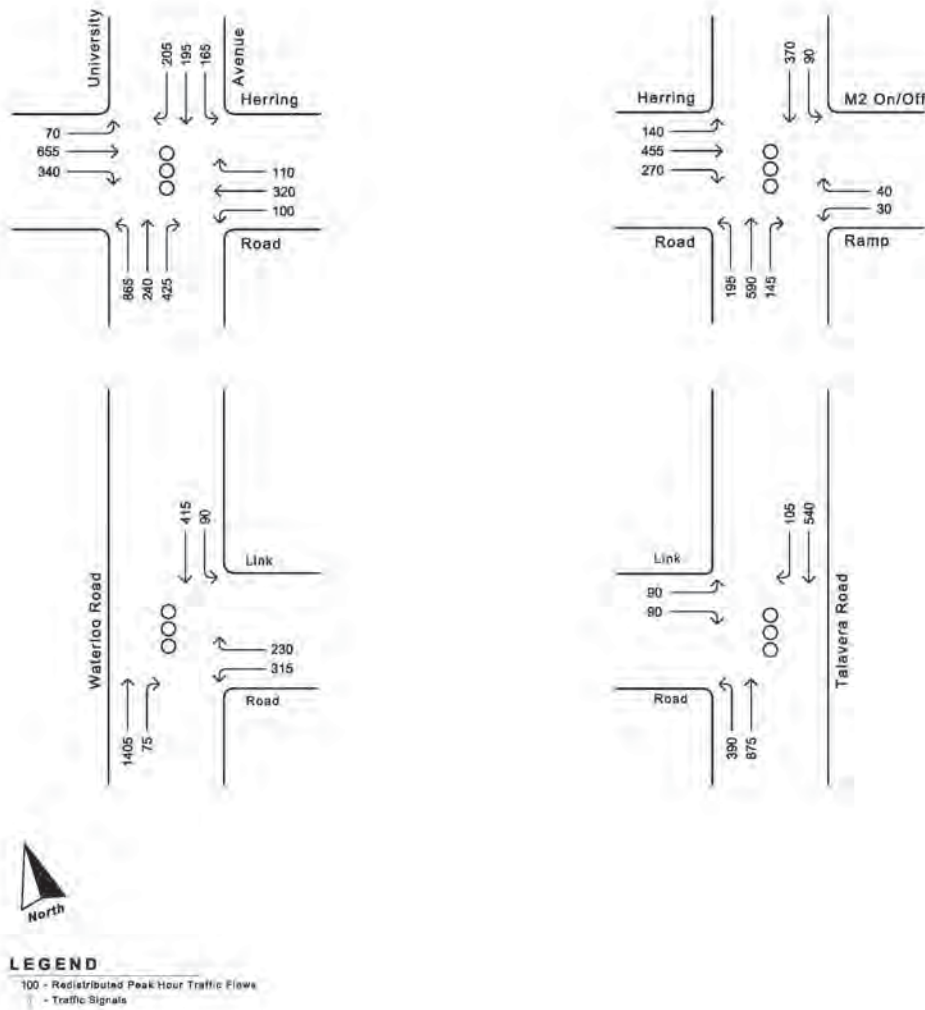
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ITEM 7 (continued)

ATTACHMENT 3

8945 - Macquarie Centre



**Redistributed Thursday afternoon
peak hour traffic flows
Link Road Closed
Figure 5**

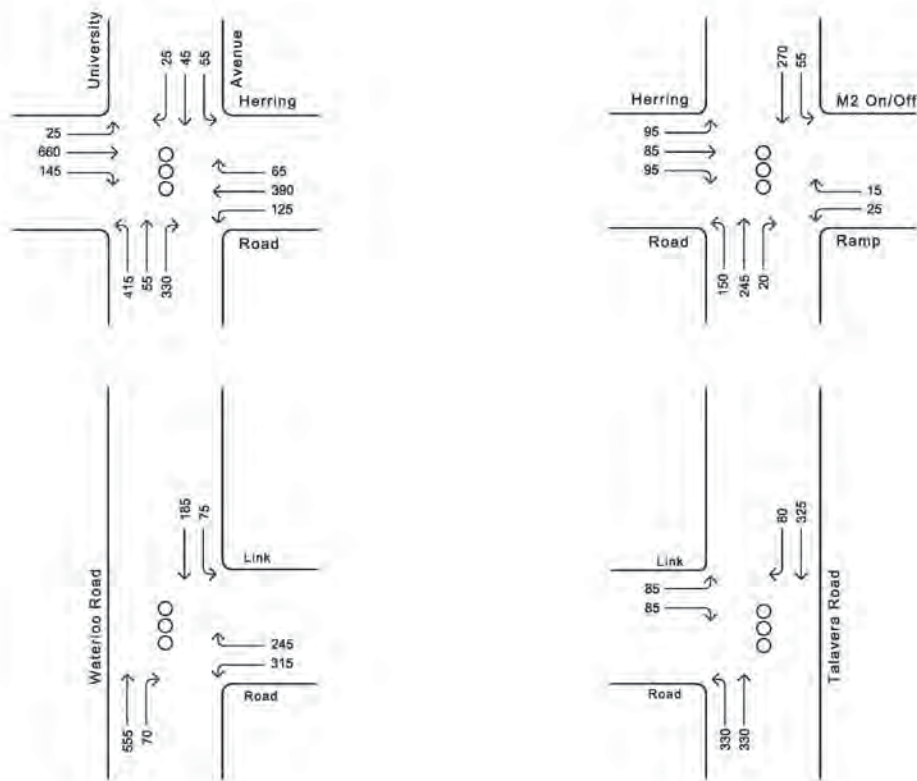
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8945 - Macquarie Centre



LEGEND

100 - Redistributed Peak Hour Traffic Flows
- Traffic Signal

**Redistributed Saturday midday
peak hour traffic flows
Link Road Closed
Figure 6**

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ATTACHMENT 4



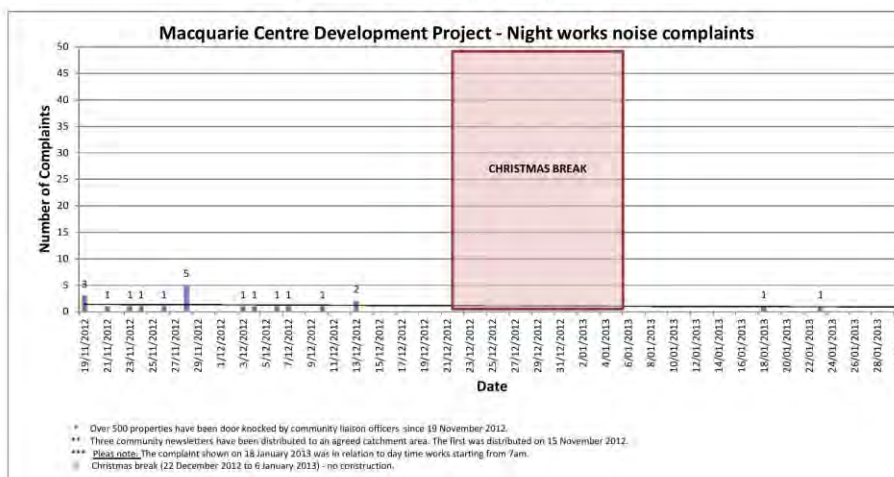
1 February 2013

Community consultation activities in January 2013

January saw a vastly diminished level of complaints compared to the initial stages of the project. Moreover, lessening of complaints was evidenced during the latter part of December and was also reflected through direct contact with residents during this period. In January 2013, the project received one complaint about day-time works and the Council received one complaint. The number and date of complaints is graphically represented below for ease of presentation. A complete complaints log is also shown on page 2.

The Community Liaison Officers continue to engage with the surrounding residents and have undertaken a number of activities including:

- The third community newsletter was distributed to residents adjacent to the Macquarie Centre Development Project on the 4th January 2013, and to individuals on our database who requested to be kept informed. The newsletter ensured residents were aware of construction activities planned after the Christmas break, as well as providing an update on road closures, pedestrian access to the centre and the Community Liaison Officer's (CLO) contact details. The project website is also updated as required.
- With reference to the last point, after receiving feedback from Ward Councillors about the project information number, the project decided to publicise the personal telephone numbers of the CLOs. This also reflected the lower than anticipated number of calls from the community.
- Following feedback from Council Officers, updated scripts were provided to Council to handle incoming calls about the project, including the direct contact details of the CLOs. Moreover, all complaints received by the CLOs are now immediately escalated to the project.
- The CLO's continue to stay in contact and work with the project's key stakeholders. Follow up contact is made on a regular basis to ensure key stakeholders are kept informed and feedback is received.
- The above engagement includes regular door-knocking of the unit block at 16 Cottonwood Crescent, the property deemed to be most impacted by the works. The CLO's have spoken with virtually all the residents during these contacts and responses by residents have been cordial and thankful for the contact. The CLOs have noticed a diminishing lack of concern about the noise being generated by night-time works over the course of these door-knocks.
- The most recent door-knock of 16 Cottonwood Crescent occurred on 24 January and the CLO's received no complaints from the residents they spoke with. Moreover, discussions with the Body Corporate Manager suggested that there was no organised opposition to the project amongst residents nor was any one resident representing the views of the unit block.
- A very small number of complainants (one from council and one who contacted the project) have refused to meet with the project. Inability to directly discuss the concerns of these complainants denies any capacity of the project team to work through a resolution on both a short and potential long term basis to ameliorate their situation. This is despite a demonstrated capability and willingness on the part of the project to provide assistance.



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ATTACHMENT 4

Complaints Log – January 2013

Complaints summary table Noise					
Number of complainants - 2					
Date	Address	Event type	Complaint	Response	Response time
18/1/13	16 Cottonwood Crescent MACQUARIE PARK NSW 2113	Email to CIO	The resident made a complaint about day time construction noise . The resident requested that the noisiest works be moved to later in the morning or early afternoon. The request was for a response by email only.	<p>A responding email was sent to the resident advising that:</p> <ul style="list-style-type: none"> The noisiest works were scheduled for during the day and any significant movement away from a 7am start for construction activities may cause noisier works to move towards the night-time period, a situation that everyone wants to avoid. A number of possible solutions were suggested to the resident, including; the installation of acoustic treatments to their property (at the expense of the project) and other possible compensatory measures. A follow up phone call was also made to the resident on 21 January 2013 to discuss the contents of the email. The resident has not responded to either phone call or email offer. <p>Please note: the project has offered to meet with the resident on multiple occasions to discuss their concerns and develop practical solutions. The resident has not accepted any of these offers to meet.</p> <p>The project is unable to respond, as the resident did not want to be identified.</p>	Same day
23/1/13	Cottonwood Crescent MACQUARIE PARK NSW 2113	Contacted Council	The resident made a complaint direct to Council about night time construction noise . The resident stated that night time construction noise was too loud and required them to take sleeping pills to get to sleep.		N/A

8 RYDE CITY BOWLING CLUB UPDATE

Report prepared by: Service Unit Manager - Open Space
File No.: GRP/09/4/8 - BP13/168

REPORT SUMMARY

This report provides an update on the implementation of Councils resolutions regarding a temporary licence agreement with the Golden Goal Pty Ltd and an Expression of Interest (EOI) for the future management of the facility known as Ryde City Bowling Club.

Since Councils resolution of late December a draft temporary license was issued to Golden Goal on January 4. This license agreement was drafted in such a way as to allow immediate access to the site following the signing of the agreement by both parties. This has not occurred to date, however negotiations between the parties have resolved all administrative matters in relation to this license agreement, subject to Councils endorsement of the recommended changes in this report.

The current draft license agreement was prepared to allow immediate access to the site and thus excluded the license fee, until such time as the valuation process was completed. Whilst this is not standard practice the overriding driver of the preparation of the draft agreement was to provide access in as short a time as possible. Feedback from the Directors of Golden Goal has been that they would prefer to sign once the license fee is known to allow them to have greater commercial certainty. At a meeting on February 4 the Directors of Golden Goal requested Council to allow them the opportunity to speak with the valuer prior to the final valuation being determined. Whilst this has delayed the final valuation it was considered appropriate to accede to the request.

RECOMMENDATION:

- (a) That Council request the General Manager to continue negotiations with the Golden Goal Pty Ltd and make the following amendments to the draft license agreement:
 - i. That Council agree to only seek to recoup 50% of the costs of entry of the premises from Golden Goal.
 - ii. That Council endorse the amount of the Bond/Security be a standard three months' rent as requested by Golden Goal.
- (b) That Council proceed with an EOI/Tender process for the site, once the issues outlined in the body of this report are resolved.
- (c) That Council note that the further report considering the future of the Ryde Park including the Ryde City Bowling Club and Argyle Centre sites as to the future development, use and management will proceed following progress of the (b) above.

ITEM 8 (continued)**ATTACHMENTS**

- 1 Letter from Marsdens re: City of Ryde Council Proposed Temporary Licence to Golden Goal Pty Ltd. 18 January 2013 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 Ryde Bowling Club. Letter from Marsdens re Charge/Security dispute with Mr T Palapanis – 21 January 2013 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 3 In confidence – Ownership of fixtures and improvements on the land. Camperdown Bowling & Recreation Club – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL
- 4 Ryde Park Map

Report Prepared By:

Tatjana Domazet
Service Unit Manager - Open Space

Report Approved By:

Danielle Dickson
Group Manager - Community Life

ITEM 8 (continued)**Background**

At its meeting of 11 December 2012, Council considered in its confidential session, a report relating to the short term management arrangements for the facility known as Ryde City Bowling Club and originally resolved the following:

- (a) *That the Council request the General Manager to continue discussions with the Crown, seeking their advice on entering a temporary license agreement under Clause 102 of the Crowns Land Act and Clause 31 of the Crowns Land Regulation for a period of six months, as allowed for in the legislation, with the receivers and managers of the Camperdown Bowling Club (Golden Goal consenting) to occupy the current 'soccer' courts (excluding the club premises).*
- (b) *That Council endorse that proceeding with such a license is subject to agreement of commercial terms between the parties, as verified by an independent valuer, and the reimbursement to Council of its costs of entry of the premises, as well as an acknowledgement by the Receivers and Managers of Camperdown Bowling Club and Golden Goal that Council has not converted, or attempted to convert the interests of either the club or Golden Goal.*
- (c) *That subject to achievement of agreement of both of the above resolutions Council authorise the General Manager and the Mayor to execute all documents as necessary to give effect to this license agreement.*
- (d) *That pending agreement the current arrangements continue.*
- (e) *That the General Manager report back to Council with an update at the first Council meeting in 2013 on the implementation of this resolution and provide advice to Council on the potential utilisation of the site to maximum community benefit.*
- (f) *That Council request the General Manager to prepare an expression of interest/tender (EOI) document and seek submissions from the community with regard to the future use of the Futsal Courts for Council's consideration and that this EOI be issued and completed during the term of the six month temporary licence.*

The above Council resolution (items a and b) were subsequently amended by the Mayor and Acting General Manager on 4 January 2013 (in line with the Christmas and New Year Delegations to the Mayor and General Manager). These amendments were necessary because Council received advice from the Receivers and Managers for Camperdown Bowling Club, Worrells that they will not be entering into licence agreement with Council and that Council should deal directly with Golden Goal. This information was not available at the time of Council's consideration of the matter on 11 December 2012.

ITEM 8 (continued)

The resolution, amended under delegation, reads as follows:

- (a) *That the Council request the General Manager to continue discussions with the Crown, seeking their advice on entering a temporary license agreement under Clause 102 of the Crowns Land Act and Clause 31 of the Crowns Land Regulation for a period of six months, as allowed for in the legislation, with the Golden Goal Pty Ltd directly to occupy the current 'soccer' courts (excluding the club premises). As a temporary measure, an access to the lower part of the building be allowed for the purpose of turning on the field lights until such time the floodlighting switch is relocated to the outside of the building.*
- (b) *That Council endorse that proceeding with such a license is subject to agreement of commercial terms between the parties, the licence fee as determined by an independent valuer, and the reimbursement to Council of its costs of entry of the premises, as well as an acknowledgement by the Golden Goal Pty Ltd that all plant, equipment, fixtures and fitting, currently contained within the land is the property of Council.*
- (c) No change
- (d) No change
- (e) No change.

Report

The temporary licence was issued to the Golden Goal's legal team on Friday, 4 January 2013. The terms and conditions of the licence are in line with Council resolution as outlined above, and in summary include the following main points:

- The term of the licence is for 6 months only;
- The licence is for "futsal courts" only although temporary access will be granted to the lower part of the building to allow for access to the floodlighting switch until such time the switch is relocated to the outside of the building;
- Golden Goal are to be allowed access from the date they sign the agreement;
- The licence fee is to be determined by an independent valuer;
- The Golden Goal is to provide a bank guarantee/security deposit in the event the Licensee fails to pay the licence fee;
- The agreement nominates 3 directors of the Golden Goal as Guarantors;

Following receipt of the draft license agreement, the directors Golden Goal have met with the Mayor and Council staff to discuss their concerns and feedback on the proposed terms of the temporary licence. A copy of the Golden Goal concerns is outlined in their email to the Mayor dated 11 January 2013 (Attachment 1) and summarised below:

ITEM 8 (continued)

- Golden Goal is unwilling to sign the licence not knowing the licence fee;
- Golden Goal is disputing the ownership of fixtures and improvements to the land; and
- Golden Goal is unwilling to pay for the reimbursement cost to Council for re-entering the premises.

This report provides recommendations to Council that seek to address this feedback from Golden Goal and represent the outcomes of negotiations between the parties. More detail on each issue is included below.

Licence fee

The current draft license agreement was prepared to allow immediate access to the site and thus excluded the license fee, until such time as the valuation process was completed. Whilst this is not standard practice the overriding driver of the preparation of the draft agreement was to provide access in as short a time as possible. This is consistent with the Council resolution that required the parties to come to commercial terms verified by an independent valuer.

The assessment of the current market rental value of the facility will be based on the following:

- a) Valuation report shall be in line with API standards and include relevant analyses and adjusted market evidence to support the assessment.
- b) Assume that the facility and all improvements thereon are owned by Council.
- c) Assume that all ongoing operating, outgoings and maintenance costs shall be the responsibility of a proposed lessee/licensee.
- d) Assume that no good will attach to the facility.
- e) Assume that a public car park adjoins the facility.
- f) Assume that the use of the facility is permissible and approved under relevant planning instrument.

Council will note that there has been a delay in determining the independent market rental value by an independent valuer. This delay has been a result of two factors:

- Lack of action by Council original external solicitor:
The task of obtaining the valuation to inform negotiations was given to Council's external solicitor, however as councillors are aware this firm was suspended in early January due to lack of action on the draft licence agreement. Whilst the same team was instructed to proceed with valuation on 7th of January 2013, this did not occur and Council received advice on the 29th of January 2013 that the valuer had not been procured. The quotation process for Council to engage an independent valuer commenced immediately and the anticipated completion date for the independent valuer to come up with the market rental value is by mid February 2013. It should be noted that completion of the valuation has not delayed access to the site by Golden Goal.

ITEM 8 (continued)

- Consultation with Golden Goal Directors
At a meeting on 4 February, the Directors of Golden Goal requested Council to allow them the opportunity to speak with the valuer prior to the final valuation being determined. Whilst this has delayed the final valuation it was considered appropriate to accede to the request.

Ownership of fixtures and improvements on the land

This issue is discussed in the Confidential Attachment 3.

Reimbursement to Council of its cost for re-entering the premises

The initial Council resolution sought to enter into agreement with the Receivers and Managers of Camperdown Bowling and Recreation Club, Worrells and as a result, Council sought to recoup its costs of re-entering the premises. The costs associated with taking possession of the site included the following:

- legal costs associated with the action
- re-keying of the whole site
- appointment of security to make site safe
- building works to rectify illegal internal works
- staffing cost to ensure sporting competition continued

Council staff deemed these costs to be partially attributable to the Camperdown Bowling and Recreation Club going into liquidation as well as continuation of the existing sports competition during November and December last year. As a result, it is recommended that Council consider requiring only a portion of the costs being a fifty (50) percent share. This is to be reimbursed by Golden Goal, as agreed at the meeting with the directors of Golden Goal on 4 February 2013.

Planning considerations

The Ryde City Bowling Club's site is situated on

- Crown Land, of which Council has been appointed the Reserve Trust Manager (R77264) pursuant to the Crown Lands Act 1989 (NSW)
- Council owned land, which is classified as community land pursuant to the Local Government Act 1993 (NSW)

This is detailed in the Ryde Park Map (Attachment 4) attached to this report.

Council, as a Reserve Trust, under section 102 (1) has the power to grant a temporary licence over the Crown Land, as long as it is for purposes as described in the Regulations ("*sporting and organised recreation activities...*"). Therefore for the Crown Land portion Council can proceed with the longer term expression of interest process that is envisaged by serial (f) in the resolution.

ITEM 8 (continued)

For the part of the land that is Classified Community Land under the Local Government Act 1993, Council needs to undertake the procedure as outlined in Part 2 of Chapter 6 of the Local Government Act before it can grant any licence of the relevant land and enter into a licence agreement.

Council is required to address these issues as a part of its EOI/Tendering processes, but it can occur as a parallel process as it needs to be informed by the submissions that are lodged by interested parties.

EOI/Tender process

At its meeting of 11 December 2012, in addition to its considerations on the matter of the soccer courts, Council also considered a Mayoral minute regarding the future management of the Bowling Club facility and resolved the following:

- (a) That Council receive and note the correspondence from the RydeX Club.*
- (b) That Council request the General Manager to prepare an expression of interest/tender EOI document and seek submissions from the community with regard to the future use of the Ryde Bowling Club site for Council's consideration and that this EOI be issued as soon as legally practicable given the current receivership.*
- (c) That Councillors input be sought, at a future workshop session, on the proposed assessment criteria to be used in evaluating the submissions prior to the close of the EOI/tender period.*
- (d) That Council invite the directors of the RydeX Club and other parties who make a submission to the above process, to a future Council workshop to address Council with regard to their proposal for the Ryde Bowling Club.*

Council staff have commenced preparation of the EOI document for the future use of Ryde City Bowling Club site and the draft document is ready for advertisement, subject to the Councillors feedback on the assessment criteria and Council's determination regarding ownership of fixtures and improvements.

EOI assessment criteria

As resolved by Council, Councillors input will be sought on the proposed assessment criteria to be used in evaluating submissions. Council's tender practise requires the finalisation of the assessment criteria prior to advertisement of the EOI/tender.

A Councillor workshop to discuss the Ryde Bowling Club and the Denistone East Bowling Club has been scheduled for Tuesday, 19 February from 8.30 pm – 9.30 pm. It is proposed that the EOI assessment criteria be discussed at that workshop and the likely timetable required to proceed with the tender process.

The draft EOI assessment criteria has been attached to this report for Council's consideration and comments prior to the workshop (Attachment 2).

ITEM 8 (continued)**Potential utilisation of the site to maximise community benefit**

The population in the City of Ryde and Top Ryde in particular will increase substantially over the next two (2) decades and the most valuable and only open space available to the community is and will be Ryde Park.

Whilst the short term outcome for the site is for Council to proceed with an EOI/Tender process, the longer term potential utilisation of the site requires further consideration.

At its meeting of 9 October 2012, Council considered a Notice of Motion by Cllr Perram on Argyle Theatre site and resolved the following:

“That no further action be taken in pursuit of the proposal to establish residential units on the site of the Argyle Theatre.”

The longer term goals for the Ryde Bowling Club site should be considered, but not be limited to, the opportunities for a better/improved integration of the site with Ryde Park as well as long term vision for the redevelopment of the Argyle Centre land and even potential long term to expand Council's holdings in this precinct.

The investigation and consideration of the future options for this site should be a subject of a further report to Council which considers the future of the park including the Ryde Bowling Club site and recommendations as to the future development, use and management of this critical open space and redevelopment/utilisation of the operational Argyle Centre land.

ITEM 8 (continued)

ATTACHMENT 4



9 INVESTMENT REPORT - November and December 2012

Report prepared by: Chief Financial Officer**File No.:** GRP/09/6/1/7 - BP13/7

REPORT SUMMARY

This report details Council's performance of its investment portfolio for the months of November and December 2012 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, an update on Council's legal action and a commentary on significant events in global financial markets.

Council's financial year to date return is 5.18%, 1.67% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$2.1M, which is \$399K above budget projections. This result should improve Council's Working Capital result at 30 June 2013, however, due to the projected interest rate cuts in 2013, no adjustment is being recommended in the December Quarterly Budget Review.

RECOMMENDATION:

That Council endorse the report of the Chief Financial Officer dated 7 January 2013 on Investment Report – November and December 2012.

ATTACHMENTS

There are no attachments for this report.

Report Prepared and Approved By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 9 (continued)

Discussion

Council’s Responsible Accounting Officer, is required to report monthly on Council’s Investment Portfolio and certify that the Investments are held in accordance with Council’s Investment Policy and Section 625 of the Local Government Act.

Council’s investments complied with the Minister for Local Government’s Investment Order dated 12 January 2011 and Council’s Investment Policy when acquired, however the following investments are now outside the Minister’s Order:

Investment	Rating	Maturity	Face Value	Book Value
• Grange IMP - Merimbula CDO	N/R	20/06/2013	\$0.20m	\$0.00m
- Global Bank Note CDO	N/R	20/09/2014	\$0.50m	\$0.00m
• Oasis CDO *	CC	04/09/2014	\$1.00m	\$0.00m

(* Council at its meeting of 25 May 2010 wrote down/ impaired the Oasis CDO to a nominal value, this being funded from the Financial Security Reserve.)

Under the Minister’s Order, Council is required to divest itself of these investments as soon as practicable. These investments were purchased with the intention of holding them to maturity, with the exception of the investments in the Grange IMP, which was a managed fund.

As indicated in the October investment report to Council, Council was seeking to sell the Oasis CDO. The indicative price in November/December 2012 was 17 cents in the dollar.

Council was able to negotiate the sale of the Oasis CDO on 23 January 2013 at 35.7 cents in the dollar on the remaining principal of \$625k, which has yielded \$223,337. It should be noted that this CDO had already lost \$375k on a previous credit default and therefore that amount was not recoverable through sale. This result exceeded offers prior to the default, of 22 cents in the dollar.

Investment Performance Commentary

Council’s performance against the benchmark for returns of its investment portfolio for the months of November and December 2012 and the past 12 months are as follows:

	Nov 2012	Dec 2012	12 Mth	FYTD
Council Return	4.88	4.87	5.31	5.18
Benchmark	3.14	3.44	3.97	3.51
Variance	1.74	1.43	1.34	1.67

ITEM 9 (continued)

Council’s investment portfolio as at the end of December was as follows:

Cash/Term Deposits	\$63.9M	63.4%
Floating Rate Notes	\$19.9M	19.7%
Fixed Rate Bonds	\$2.0M	2.0%
Total Cash Investments	\$85.8M	
Property	\$15.1M	15.0%
Total Investment Portfolio	\$100.9M	

Council continues to utilise the Federal Government’s current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI’s) on short to medium term investments (generally 30 days to six months maturity) where more competitive rates are available.

Council’s holdings of the capital protected “Focus” notes matured in December as scheduled.

With cuts by the RBA to the official cash rate over the last 12 months, the benchmark has moved down from 4.96% to 3.51%, in comparison for the financial year to the same time last year. Council’s return, over the same period, has moved down from 5.88% to 5.18%.

Whilst Council has moved some of its investment portfolio out to longer terms, locking in some of the returns; should the core of Council’s investments, i.e. Council’s own internal reserves be utilised, this will have a direct impact on the amount of investment income that will be realised and will require a reduction in the future projected investment income.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$2.08M as at December 2012 as detailed below:

Financial Security Reserve	(\$’000)
Balance 1 July 2012	2,064
Interest on Written Down CDO’s ⁽¹⁾	16
Proceeds from Sales & Maturities ⁽²⁾ of Written Down CDO’s	0
Balance of Financial Security Reserve	2,080

(1) Council continues to receive interest on the written down CDO investments.

(2) There have been no sales to date in 2012/2013.

Council has resolved to transfer all proceeds and interest earned on written down investments to this reserve.

ITEM 9 (continued)**Economic Commentary**

As Greece teetered on the edge of default, Eurozone ministers met to discuss possibly writing down some of their holdings of Greek debt, in order to attempt to reduce some of the burden carried by them. Germany in particular has been long opposed to taking any loss on its holdings of Greek debt, but it is being reported that both the ECB and Germany now consider some form of loss to be unavoidable.

In the US, sale of new homes dropped in October, and the prior months were revised sharply lower. Both sides of Congress initially stalled in talks to avoid the “fiscal cliff”, but a last minute deal was arrived at which saw most Americans avoid increases in income tax, which has pushed back for 2 months the proposed \$100B in spending cuts. Amidst the ongoing drama over the fiscal cliff, the US hit its debt ceiling on 31 December 2012, and the US Treasury is now using “emergency measures” to help pay its bills over the next couple of months.

Locally, the RBA dropped the official cash rate to 3.0% at their December meeting, with commentary indicating this could be the last rate cut of this cycle unless matters deteriorate. Across the nation, home prices fell for the second consecutive year, with home prices easing 0.4% across the 8 major cities, and the amount of private sector debt issued at its lowest in 19 months in November. Australian manufacturing also fell in December, for the 10th straight month, with weak global demand and a strong Australian dollar weighing on the sector.

Legal Issues

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. Council at its meeting on 17 July 2012 also endorsed being a third party to an action against the Commonwealth Bank (CBA).

The following update is provided in respect of Council’s legal action in these matters due to recent developments.

Lehman / Grange IMP

On Friday 21 September 2012, Justice Rares handed down the judgment in this matter, which was in favour of the Councils involved in this legal action, and was reported in the September Investment Report. Council is still waiting for final orders to be handed down, which are expected in the near future.

Whilst this court action has been proceeding, the related investments of the Lehman / Grange IMP (Merimbula and Global Bank Note) have also progressed, with the counter party responsible for the collateral proceeding with actions to settle any recourse against them. A meeting was held in Sydney on 19 December 2012, where it was voted to accept the offer. The vote achieved approval of the settlement and Council is now awaiting formal notification.

This action should result in Council receiving the majority of funds held in these investments.

ITEM 9 (continued)

LGFS – Rembrandt

On 5 November Federal Court Justice Jayne Jagot ruled that Councils were entitled to succeed in their claim for damages against LGFS, ABN AMRO and Standard & Poors (S&P). This result has vindicated Council's Investment in this product with Justice Jayne Jagot finding against LGFS, ABN AMRO and S&P had collectively been responsible for misleading and deceptive conduct and negligent misrepresentation of this investment to Councils. S&P have stated they will be lodging an appeal and further updates on this matter, will be provided to Council when available.

CBA – Oasis and Palladin

Council has endorsed Council being a third party to an action against CBA in relation to the Oasis CDO investments for \$1 million that Council has written down to zero. It is still early in this legal action being taken and no further updates have been received since last reported to Council.

Whilst Council had written off this investment, the investment had 1 further default until it completely defaults. As detailed in previous investment reports, Council was considering the sale of this investment.

As indicated above, Council has been able to negotiate the sale of the Oasis CDO at 35.7 cents in the dollar on the remaining principal of \$625k, being \$223,337. Should Council be successful in this action, then this will be taken into account as part of any settlement.

As part of this action, Council is also a party to action against CBA for its investment in the Palladin CDO, of which Council held \$2M. This investment defaulted in October 2008.

Council's Property Investment Portfolio

The following properties were held as part of Council's Property Investment portfolio:

- 2 Dickson Avenue, West Ryde
- 1a Station St, West Ryde
- 8 Chatham Road, West Ryde
- 202 Rowe St, Eastwood (commercial)
- 226 Victoria Rd, Gladesville (commercial)
- West Ryde Car Park Site
- Herring Road Air Space Rights

The properties within this portfolio are under review as part of the updating of the Asset Management Plans to ensure that Council clearly identifies those properties that are held as an investment, which may also include commercial properties and other operational assets that may be earmarked for future development. Once this review is complete, it will be reported to Council for consideration.

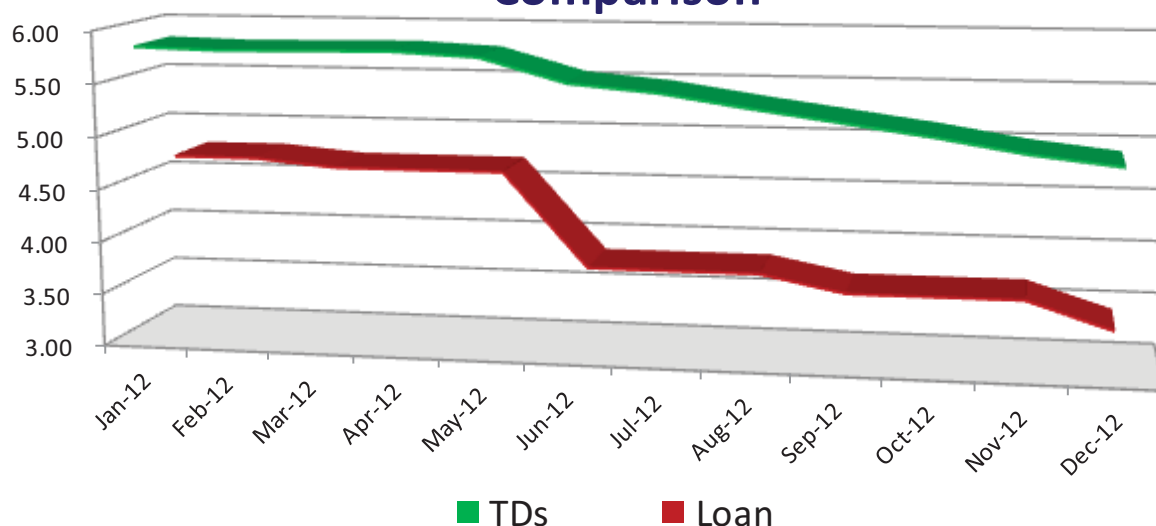
ITEM 9 (continued)

Loan Liability

Council’s loan liability as at 31 December 2012 was \$3.7 million which represents the balance of one loan taken out in 2004 for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. This loan was for 15 years and was negotiated at a very attractive rate for Council at 90 Day BBSW + 20 basis points and is reset every quarter.

There is no advantage to Council in changing these arrangements or repaying this loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying on the loan. The following graph shows the gap between the average interest rate earned on Council’s term deposits (top line) compared to the interest rate applying to this loan (bottom line).

Term Deposits/Loan Interest Rate Comparison



Debt Service Ratio

It should be noted that whilst Council’s debt service ratio is low, all of Council’s funds are committed to operational costs and projects of a capital and non-capital nature. This means that Council does not have the capacity to take on any additional debt without a new dedicated revenue stream to fund the loan repayments or by cutting services.

Debt Service Ratio		
Category 3 Councils	2009/10	2.87%
City of Ryde	2011/12	0.75%

ITEM 9 (continued)

Types of Investments

The following are the types of investments held by Council:

- **At Call** refers to funds held at a financial institution, and can be recalled by Council either same day or on an overnight basis.
- A **Floating Rate Note (FRN)** is a debt security issued by a company with a variable interest rate. This can either be issued as Certificates of Deposit (CD) or as Medium Term Notes (MTN). The interest rate can be either fixed or floating, where the adjustments to the interest rate are usually made quarterly and are tied to a certain money market index such as the Bank Bill Swap Rate.
- A **Fixed Rate Bond** is a debt security issued by a company with a fixed interest rate over the term of the bond.
- A **Floating Rate Collateralised Debt Obligation (CDO)** is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Credit ratings are assigned to these investments as detailed in the portfolio.

Credit Rating Information

Credit ratings are generally a statement as to an institution’s credit quality. Ratings ranging from AAA to BBB- (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

- AAA: the best quality companies, reliable and stable
- AA: quality companies, a bit higher risk than AAA
- A: economic situation can affect finance
- BBB: medium class companies, which are satisfactory at the moment
- BB: more prone to changes in the economy
- B: financial situation varies noticeably
- CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments
- CC: highly vulnerable, very speculative bonds
- C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations
- D: has defaulted on obligations and it is believed that it will generally default on most or all obligations

Note: Ratings from ‘AA’ to ‘CCC’ may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

A "p" after the rating is a commonly used shorthand method of indicating that the investment principal is given a rating, but the interest is not. This is most commonly used for capital protected products, where the income stream is derived from a number of factors and/or variables which are unable to be reliably estimated, such as share prices.

ITEM 9 (continued)
INVESTMENT SUMMARY AS AT 30 NOVEMBER 2012

Issuer	Investment Name	Investment Rating	Invested at 30-Nov-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Helix Capital	1. OASIS	CC	0	5.39	5.90	5.25	0.00	0	0.00%
Westpac	2. Focus	AA-	500	0.00	0.00	0.00	0.57	502	100.36%
Grange	3. Grange IMP	Unrated	0	0.00	0.00	0.00	0.00	0	0.00%
Westpac	4. Westpac At Call	AA-	7,813	3.28	3.84	3.45	8.89	7,813	100.00%
Westpac	5. Westpac Term Deposit 2	AA-	1,000	4.93	4.93	4.93	1.14	1,000	100.00%
Bank of Queensland	6. Bank of Queensland TD	BBB+	750	5.37	5.92	5.50	0.85	750	100.00%
ANZ	7. ANZ Term Deposit	AA-	1,000	5.01	5.21	5.01	1.14	1,000	100.00%
Westpac	8. St George Term Deposit	A+	1,000	4.40	5.45	5.38	1.14	1,000	100.00%
NAB	9. NAB Term Deposit	AA-	1,000	4.60	5.59	5.31	1.14	1,000	100.00%
Westpac	10. Westpac Term Deposit	AA-	1,000	5.15	5.15	5.15	1.14	1,000	100.00%
Westpac	11. Westpac Term Deposit	AA-	500	4.95	4.95	4.95	0.57	500	100.00%
NAB	12. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	1.14	1,000	100.00%
Westpac	13. Westpac Term Deposit	AA-	500	4.88	4.88	4.88	0.57	500	100.00%
NAB	14. NAB Term Deposit	AA-	1,000	4.70	5.46	5.20	1.14	1,000	100.00%
Police & Nurses Ltd	15. Police & Nurses Ltd	Unrated	500	5.06	5.40	5.03	0.57	500	100.00%
CBA	16. Bankwest Term Deposit	AA-	1,000	4.53	5.51	5.15	1.14	1,000	100.00%
NAB	17. NAB Term Deposit	AA-	1,000	4.72	5.54	5.21	1.14	1,000	100.00%
Defence Bank	18. Defence Bank TD	Unrated	500	4.73	5.95	5.83	0.57	500	100.00%
Railways CU	19. Railways CU	Unrated	500	4.52	5.53	5.17	0.57	500	100.00%
New England Credit Union	20. Community Mutual Group TD	Unrated	500	4.33	5.20	4.79	0.57	500	100.00%
Qld Police CU	21. Qld Police CU TD	Unrated	500	4.53	5.36	4.84	0.57	500	100.00%
Community CPS	22. Community CPS TD	Unrated	500	4.63	5.54	4.86	0.57	500	100.00%
Bendigo and Adelaide Bank	23. Bendigo Bank TD	A-	1,000	4.96	5.44	4.96	1.14	1,000	100.00%
Hunter United Credit Union	24. Hunter United Credit Union TD	Unrated	500	4.67	5.06	4.93	0.57	500	100.00%
CUA	25. Credit Union Australia TD	BBB+	1,000	5.82	5.86	5.82	1.14	1,000	100.00%
Coastline CU	26. Coastline Credit Union TD	Unrated	500	4.70	5.31	5.08	0.57	500	100.00%
Peoples Choice CU	27. Peoples Choice CU	BBB+	500	4.44	5.43	4.79	0.57	500	100.00%
Australian Defence Credit Union	28. Australian Defence CU TD	Unrated	500	4.81	5.38	5.05	0.57	500	100.00%
Rural Bank	29. Rural Bank	A-	1,000	6.48	6.48	6.48	1.14	1,000	100.00%
Banana Coast CU	30. Banana Coast CU TD	Unrated	500	5.21	5.58	5.21	0.57	500	100.00%

ITEM 9 (continued)
INVESTMENT SUMMARY AS AT 30 NOVEMBER 2012

Issuer	Investment Name	Investment Rating	Invested at 30-Nov-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Qantas Staff CU	31. Qantas Staff CU TD	BBB	500	4.94	4.90	4.90	0.57	500	100.00%
Southern Cross CU	32. Southern Cross CU TD	Unrated	500	5.22	5.64	5.22	0.57	500	100.00%
B&E Ltd	33. B & E Building Soc TD	Unrated	500	4.45	5.34	4.83	0.57	500	100.00%
Victoria Teachers CU	34. Victoria Teachers CU	Unrated	500	5.06	5.54	5.06	0.57	500	100.00%
CBA	35. CBA TD	AA-	2,000	5.76	5.76	5.76	2.28	2,000	100.00%
Me Bank	36. ME Bank TD	BBB	1,000	5.07	5.61	5.28	1.14	1,000	100.00%
Macquarie Bank	37. Macquarie Bank Term Deposit	A	500	4.86	5.50	4.86	0.57	500	100.00%
CBA	38. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	1.14	1,000	100.00%
IMB	39. IMB TD	BBB	1,000	4.58	5.42	4.92	1.14	1,000	100.00%
Summerland CU	40. Summerland CU TD	Unrated	250	5.05	5.57	5.16	0.28	250	100.00%
Wide Bay CU	41. Wide Bay CU TD	BBB	500	5.03	5.57	5.09	0.57	500	100.00%
Northern Beaches CU	42. Northern Beaches CU TD	Unrated	500	4.76	5.43	4.94	0.57	500	100.00%
Queenslanders CU	43. Queenslanders CU TD	Unrated	500	5.16	5.48	5.16	0.57	500	100.00%
Warwick CU	44. Warwick CU TD	Unrated	500	5.19	5.55	5.19	0.57	500	100.00%
Maitland Mutual	45. Maitland Mutual Bldg Soc TD	Unrated	500	4.55	5.57	5.20	0.57	500	100.00%
AMP	46. AMP eASYSaver	A	942	4.38	4.80	4.31	1.07	942	100.00%
South West CU	47. South West CU TD	Unrated	500	4.47	5.62	4.47	0.57	500	100.00%
CBA	48. CBA Term Deposit	AA-	1,000	4.45	5.27	5.13	1.14	1,000	100.00%
Gateway CU	49. Gateway CU TD	Unrated	500	4.97	5.42	4.97	0.57	500	100.00%
Rabobank	50. Rabobank TD	AA-	500	5.01	5.68	5.42	0.57	500	100.00%
Newcastle Perm Bldg Soc	51. Newcastle Perm Bldg Soc	BBB+	1,000	5.04	5.47	5.06	1.14	1,000	100.00%
QT Mutual Bank	52. QT Mutual Bank	Unrated	500	4.52	5.65	5.31	0.57	500	100.00%
ING	53. ING TD	A	1,000	6.62	6.62	6.62	1.14	1,000	100.00%
Greater Bldg Soc	54. Greater Bldg Soc TD	BBB	1,000	5.12	5.52	5.16	1.14	1,000	100.00%
Bank of Queensland	55. BoQ TCD	BBB+	2,000	4.89	5.58	5.15	2.28	2,011	100.55%
Suncorp-Metway	56. Suncorp Metway FRN	A+	1,000	4.65	5.18	4.64	1.14	1,003	100.27%
Intech CU	57. Intech CU TD	Unrated	500	5.03	5.63	5.09	0.57	500	100.00%
Beirut Hellenic Bank (Aust)	58. Beirut Hellenic Bank TD	Unrated	250	5.04	5.71	5.09	0.28	250	100.00%
AMP	59. AMP TD	A	1,000	7.14	7.14	7.14	1.14	1,000	100.00%
Rabobank	60. Rabobank TD	AA-	500	5.05	5.76	5.39	0.57	500	100.00%
Bendigo and Adelaide Bank	61. Bendigo and Adelaide Bank FRN	A-	1,000	5.04	5.60	5.07	1.14	1,005	100.45%
Community First CU	62. Community First CU TD	Unrated	500	4.42	5.42	4.79	0.57	500	100.00%
CBA	63. CBA TD	AA-	1,000	4.39	5.23	4.39	1.14	1,000	100.00%
CBA	64. CBA TD	AA-	1,000	5.00	4.91	4.98	1.14	1,000	100.00%
Rabobank	65. Rabodirect At-call	AA	961	4.08	4.63	4.21	1.09	961	100.00%
Me Bank	66. ME Bank At Call Account	BBB	972	4.08	4.68	4.23	1.11	972	100.00%
NAB	67. NAB FRN	AA-	1,001	4.60	5.27	4.69	1.14	1,013	101.31%
NAB	68. NAB FRN	AA-	998	4.72	5.39	4.81	1.14	1,013	101.31%
CBA	69. CBA FRN	AA-	999	4.43	5.28	4.85	1.14	1,013	101.30%
Westpac	70. Westpac FRN	AA-	997	4.60	5.36	4.91	1.13	1,012	101.15%
CBA	71. CBA FRN	AA-	998	4.49	5.34	4.90	1.14	1,014	101.37%
NAB	72. NAB FRN	AA-	992	4.91	5.58	4.99	1.13	1,013	101.31%
Westpac	73. Westpac FRN	AA-	998	4.53	5.29	4.84	1.14	1,012	101.22%
NAB	74. NAB FRN	AA-	993	4.88	5.56	4.97	1.13	1,013	101.31%
CBA	75. CBA FRN	AA-	993	4.65	5.51	5.08	1.13	1,013	101.33%
ANZ	76. ANZ FRN	AA-	991	4.80	5.57	5.12	1.13	1,012	101.22%
Rabobank	77. Rabobank FRN	AA	989	4.74	5.69	5.21	1.13	1,001	100.10%
Police CU (SA)	78. Police CU - SA	Unrated	500	5.70	5.68	5.70	0.57	500	100.00%
Investec	79. Investec TD	BBB-	250	5.24	5.73	5.24	0.28	250	100.00%
NAB	80. NAB Fixed MTN	AA-	993	6.30	6.31	6.32	1.13	1,071	107.07%
Bankstown City CU	81. Bankstown City CU TD	Unrated	250	4.50	5.42	5.06	0.28	250	100.00%
Westpac	82. Westpac Fixed MTN	AA-	996	6.21	6.22	6.23	1.13	1,071	107.09%
ING	83. ING Direct	A	1,000	4.67	5.84	5.60	1.14	1,000	100.00%
Macquarie Bank	84. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.57	500	100.00%
CBA	85. CBA Retail Bond	AA-	955	4.93	5.41	5.24	1.09	971	100.06%

ITEM 9 (continued)
INVESTMENT SUMMARY AS AT 30 NOVEMBER 2012

Issuer	Investment Name	Investment Rating	Invested at 30-Nov-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
B&E Ltd	86. B & E Building Society TD	Unrated	500	4.47	5.49	5.32	0.57	500	100.00%
Bank of Cyprus (Aust)	87. Bank of Cyprus TD	Unrated	250	6.05	6.05	6.05	0.28	250	100.00%
Rural Bank	88. Rural Bank TD	A-	1,000	4.81	5.23	5.22	1.14	1,000	100.00%
Me Bank	89. ME Bank TD	BBB	1,000	5.09	5.20	5.18	1.14	1,000	100.00%
CBA	90. CBA Retail Bonds	AA-	489	5.13	5.56	5.46	0.56	500	100.06%
CBA	91. CBA Retail Bonds	AA-	489	5.17	5.55	5.49	0.56	500	100.06%
Bank of Queensland	92. Bank of Queensland TD	BBB+	1,000	4.81	5.19	5.19	1.14	1,000	100.00%
Bank of Queensland	93. Bank of Queensland TD	BBB+	1,000	4.70	4.98	4.98	1.14	1,000	100.00%
Investec	94. Investec TD	BBB-	250	6.15	6.15	6.15	0.28	250	100.00%
IMB	95. IMB TD	BBB	500	4.50	4.96	4.96	0.57	500	100.00%
CBA	96. CBA Retail Bond	AA-	490	5.08	5.27	5.27	0.56	500	100.06%
Westpac	97. St George TD	AA-	1,000	5.04	5.04	5.04	1.14	1,000	100.00%
CBA	98. CBA Retail Bond	AA-	490	5.07	5.23	5.23	0.56	500	100.06%
Rural Bank	99. Rural Bank TD	A-	1,000	5.06	5.06	5.06	1.14	1,000	100.00%
ING	100. ING Floating Rate TD	A	1,000	5.98	5.98	5.98	1.14	1,000	100.00%
IMB	101. IMB TD	BBB	1,000	4.88	4.88	4.88	1.14	1,000	100.00%
Westpac	102. St George TD	AA+	1,000	4.91	4.91	4.91	1.14	1,000	100.00%
Bank of Queensland	103. Bank of Queensland TD	BBB+	1,000	5.13	5.13	5.13	1.14	1,000	100.00%
NAB	104. NAB TD	AA-	1,000	4.80	4.80	4.80	1.14	1,000	100.00%
Westpac	105. St George TD	AA-	600	4.92	4.92	4.92	0.68	600	100.00%
Me Bank	106. ME Bank TD	BBB	1,000	4.88	4.88	4.88	1.14	1,000	100.00%
			87,889	4.89	5.39	5.11	100	88,301	

*Monthly returns when annualised can appear to exaggerate performance

**Market valuations are indicative prices only, and do not necessarily reflect the price at which a transaction could be entered into.

Return including Matured/Traded Investments

Weighted Average Return	4.88	5.39	5.23
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	3.14	4.09	3.53
Variance From Benchmark (%)	1.74	1.30	1.70

Investment Income

	\$000's
This Period	339
Financial Year To Date	1,770
Budget Profile	<u>1,442</u>
Variance from Budget - \$	<u>328</u>

ITEM 9 (continued)
INVESTMENT SUMMARY AS AT 31 DECEMBER 2012

Issuer	Investment Name	Investment Rating	Invested at 31-Dec-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Helix Capital	1. OASIS	CC	0	4.99	5.73	5.21	0.00	0	0.00%
Grange	2. Grange IMP	Unrated	0	0.00	0.00	0.00	0.00	0	0.00%
Westpac	3. Westpac At Call	AA-	12	3.43	3.75	3.45	0.01	12	100.00%
Westpac	4. Westpac Term Deposit 2	AA-	1,000	4.93	4.93	4.93	1.17	1,000	100.00%
Bank of Queensland	5. Bank of Queensland TD	BBB+	750	5.37	5.82	5.48	0.87	750	100.00%
ANZ	6. ANZ Term Deposit	AA-	1,000	5.01	5.16	5.01	1.17	1,000	100.00%
Westpac	7. St George Term Deposit	A+	1,000	4.40	5.31	5.22	1.17	1,000	100.00%
NAB	8. NAB Term Deposit	AA-	1,000	4.60	5.50	5.19	1.17	1,000	100.00%
Westpac	9. Westpac Term Deposit	AA-	1,000	5.15	5.15	5.15	1.17	1,000	100.00%
Westpac	10. Westpac Term Deposit	AA-	500	4.95	4.95	4.95	0.58	500	100.00%
NAB	11. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	1.17	1,000	100.00%
Westpac	12. Westpac Term Deposit	AA-	500	4.88	4.88	4.88	0.58	500	100.00%
NAB	13. NAB Term Deposit	AA-	1,000	4.70	5.40	5.11	1.17	1,000	100.00%
Police & Nurses Ltd	14. Police & Nurses Ltd	Unrated	500	5.06	5.38	5.04	0.58	500	100.00%
CBA	15. Bankwest TD	AA-	1,000	4.28	5.56	5.06	1.17	1,000	100.00%
CBA	16. Bankwest Term Deposit	AA-	1,000	4.53	5.39	5.05	1.17	1,000	100.00%
NAB	17. NAB Term Deposit	AA-	1,000	4.72	5.49	5.13	1.17	1,000	100.00%
Defence Bank	18. Defence Bank TD	Unrated	500	4.73	5.82	5.58	0.58	500	100.00%
Railways CU	19. Railways CU	Unrated	500	4.52	5.46	5.06	0.58	500	100.00%
New England Credit Union	20. Community Mutual Group TD	Unrated	500	4.33	5.04	4.66	0.58	500	100.00%
Qld Police CU	21. Qld Police CU TD	Unrated	500	4.53	5.25	4.79	0.58	500	100.00%
Community CPS	22. Community CPS TD	Unrated	500	4.63	5.39	4.81	0.58	500	100.00%
Bendigo and Adelaide Bank	23. Bendigo Bank TD	A-	1,000	4.96	5.37	4.96	1.17	1,000	100.00%
Hunter United Credit Union	24. Hunter United Credit Union TD	Unrated	500	4.67	5.01	4.89	0.58	500	100.00%
CUA	25. Credit Union Australia TD	BBB+	1,000	3.87	5.66	5.50	1.17	1,000	100.00%
Coastline CU	26. Coastline Credit Union TD	Unrated	500	4.70	5.24	5.02	0.58	500	100.00%
Peoples Choice CU	27. Peoples Choice CU	BBB+	500	4.44	5.26	4.73	0.58	500	100.00%
Australian Defence Credit Union	28. Australian Defence CU TD	Unrated	500	4.81	5.33	5.01	0.58	500	100.00%
Rural Bank	29. Rural Bank	A-	1,000	6.48	6.48	6.48	1.17	1,000	100.00%
Banana Coast CU	30. Banana Coast CU TD	Unrated	500	5.21	5.50	5.21	0.58	500	100.00%
B&E Ltd	31. B & E Building Soc TD	Unrated	500	4.45	5.19	4.77	0.58	500	100.00%
Victoria Teachers CU	32. Victoria Teachers CU	Unrated	500	4.36	5.38	4.94	0.58	500	100.00%
CBA	33. CBA TD	AA-	2,000	5.76	5.76	5.76	2.33	2,000	100.00%
Me Bank	34. ME Bank TD	BBB	1,000	5.07	5.53	5.25	1.17	1,000	100.00%
Macquarie Bank	35. Macquarie Bank Term Deposit	A	500	4.86	5.41	4.86	0.58	500	100.00%
CBA	36. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	1.17	1,000	100.00%
IMB	37. IMB TD	BBB	1,000	4.58	5.27	4.87	1.17	1,000	100.00%
Summerland CU	38. Summerland CU TD	Unrated	250	5.05	5.54	5.13	0.29	250	100.00%
Wide Bay CU	39. Wide Bay CU TD	BBB	500	5.03	5.52	5.08	0.58	500	100.00%
Northern Beaches CU	40. Northern Beaches CU TD	Unrated	500	4.76	5.15	4.90	0.58	500	100.00%
Queenslanders CU	41. Queenslanders CU TD	Unrated	500	5.16	5.38	5.16	0.58	500	100.00%
Heritage Bank	42. Heritage Bank	BBB	1,000	4.59	4.59	4.59	1.17	1,000	100.00%
Warwick CU	43. Warwick CU TD	Unrated	500	5.19	5.51	5.19	0.58	500	100.00%
Maitland Mutual	44. Maitland Mutual Bldg Soc TD	Unrated	500	4.55	5.41	5.09	0.58	500	100.00%
AMP	45. AMP eASYSaver	A	2,898	3.96	4.66	4.21	3.38	2,898	100.00%

ITEM 9 (continued)
INVESTMENT SUMMARY AS AT 31 DECEMBER 2012

Issuer	Investment Name	Investment Rating	Invested at 31-Dec-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
South West CU	46. South West CU TD	Unrated	500	4.47	5.06	4.47	0.58	500	100.00%
CBA	47. CBA Term Deposit	AA-	1,000	4.45	5.18	5.02	1.17	1,000	100.00%
Gateway CU	48. Gateway CU TD	Unrated	500	4.48	5.29	4.89	0.58	500	100.00%
Rabobank	49. Rabobank TD	AA-	500	5.01	5.61	5.36	0.58	500	100.00%
Newcastle Perm Bldg Soc	50. Newcastle Perm Bldg Soc	BBB+	1,000	4.47	5.34	4.96	1.17	1,000	100.00%
QT Mutual Bank	51. QT Mutual Bank	Unrated	500	4.52	5.53	5.18	0.58	500	100.00%
ING	52. ING TD	A	1,000	6.62	6.62	6.62	1.17	1,000	100.00%
Greater Bldg Soc	53. Greater Bldg Soc TD	BBB	1,000	5.12	5.43	5.15	1.17	1,000	100.00%
The Rock Bldg Soc	54. The Rock Bldg Soc TD	BBB-	500	4.35	5.51	4.63	0.58	500	100.00%
Bank of Queensland	55. BoQ TCD	BBB+	2,000	4.74	5.45	5.08	2.33	2,010	100.50%
Suncorp-Metway	56. Suncorp Metway FRN	A+	1,000	4.46	5.07	4.61	1.17	1,002	100.23%
Intech CU	57. Intech CU TD	Unrated	500	5.03	5.56	5.08	0.58	500	100.00%
Beirut Hellenic Bank (Aust)	58. Beirut Hellenic Bank TD	Unrated	250	5.04	5.55	5.08	0.29	250	100.00%
AMP	59. AMP TD	A	1,000	7.14	7.14	7.14	1.17	1,000	100.00%
Rabobank	60. Rabobank TD	AA-	500	5.05	5.68	5.33	0.58	500	100.00%
Bendigo and Adelaide Bank	61. Bendigo and Adelaide Bank FRN	A-	1,000	4.77	5.49	5.02	1.17	1,003	100.27%
Community First CU	62. Community First CU TD	Unrated	500	4.42	5.32	4.70	0.58	500	100.00%
Heritage Bank	63. Heritage Bank	BBB-	1,000	4.50	5.42	5.11	1.17	1,000	100.00%
CBA	64. CBA TD	AA-	1,000	5.00	4.93	4.99	1.17	1,000	100.00%
Rabobank	65. Rabodirect At-call	AA	964	3.82	4.50	4.12	1.12	964	100.00%
Me Bank	66. ME Bank At Call Account	BBB	975	3.86	4.56	4.17	1.14	975	100.00%
NAB	67. NAB FRN	AA-	1,001	4.51	5.15	4.66	1.17	1,013	101.29%
NAB	68. NAB FRN	AA-	998	4.62	5.27	4.78	1.16	1,013	101.29%
CBA	69. CBA FRN	AA-	999	4.42	5.15	4.78	1.16	1,014	101.37%
Westpac	70. Westpac FRN	AA-	997	4.55	5.23	4.85	1.16	1,013	101.25%
CBA	71. CBA FRN	AA-	998	4.46	5.21	4.83	1.16	1,014	101.37%
NAB	72. NAB FRN	AA-	993	4.82	5.46	4.97	1.16	1,013	101.29%
Westpac	73. Westpac FRN	AA-	998	4.49	5.16	4.78	1.16	1,013	101.29%
NAB	74. NAB FRN	AA-	993	4.79	5.44	4.94	1.16	1,013	101.29%
CBA	75. CBA FRN	AA-	993	4.64	5.38	5.00	1.16	1,014	101.37%
ANZ	76. ANZ FRN	AA-	991	4.76	5.44	5.06	1.15	1,013	101.25%
Rabobank	77. Rabobank FRN	AA	989	4.73	5.55	5.13	1.15	1,004	100.39%
Police CU (SA)	78. Police CU - SA	Unrated	500	5.70	5.69	5.70	0.58	500	100.00%
Investec	79. Investec TD	BBB-	250	5.24	5.69	5.24	0.29	250	100.00%
NAB	80. NAB Fixed MTN	AA-	994	6.30	6.31	6.32	1.16	1,071	107.06%
Bankstown City CU	81. Bankstown City CU TD	Unrated	250	4.50	5.33	4.97	0.29	250	100.00%
Westpac	82. Westpac Fixed MTN	AA-	996	6.20	6.21	6.22	1.16	1,071	107.08%
ING	83. ING Direct	A	1,000	4.67	5.71	5.45	1.17	1,000	100.00%
Macquarie Bank	84. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.58	500	100.00%
CBA	85. CBA Retail Bond	AA-	955	4.93	5.36	5.19	1.11	966	99.57%
B&E Ltd	86. B & E Building Society TD	Unrated	500	4.47	5.37	5.18	0.58	500	100.00%
Bank of Cyprus (Aust)	87. Bank of Cyprus TD	Unrated	250	6.05	6.05	6.05	0.29	250	100.00%
Rural Bank	88. Rural Bank TD	A-	1,000	4.81	5.14	5.12	1.17	1,000	100.00%
Me Bank	89. ME Bank TD	BBB	1,000	5.09	5.18	5.16	1.17	1,000	100.00%
CBA	90. CBA Retail Bonds	AA-	490	5.14	5.50	5.41	0.57	498	99.50%
CBA	91. CBA Retail Bonds	AA-	489	5.17	5.49	5.43	0.57	498	99.50%
Bank of Queensland	92. Bank of Queensland TD	BBB+	1,000	4.81	5.13	5.12	1.17	1,000	100.00%
Bank of Queensland	93. Bank of Queensland TD	BBB+	1,000	4.70	4.93	4.93	1.17	1,000	100.00%
Investec	94. Investec TD	BBB-	250	6.15	6.15	6.15	0.29	250	100.00%
IMB	95. IMB TD	BBB	500	4.50	4.86	4.86	0.58	500	100.00%
CBA	96. CBA Retail Bond	AA-	490	5.09	5.23	5.23	0.57	498	99.50%
Westpac	97. St George TD	AA-	1,000	5.04	5.04	5.04	1.17	1,000	100.00%
CBA	98. CBA Retail Bond	AA-	490	5.07	5.19	5.19	0.57	498	99.50%
Rural Bank	99. Rural Bank TD	A-	1,000	5.06	5.06	5.06	1.17	1,000	100.00%
ING	100. ING Floating Rate TD	A	1,000	5.59	5.88	5.88	1.17	1,000	100.00%

ITEM 9 (continued)

INVESTMENT SUMMARY AS AT 31 DECEMBER 2012

Issuer	Investment Name	Investment Rating	Invested at 31-Dec-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
IMB	101. IMB TD	BBB	1,000	4.88	4.88	4.88	1.17	1,000	100.00%
Westpac	102. St George TD	AA+	1,000	4.91	4.91	4.91	1.17	1,000	100.00%
Bank of Queensland	103. Bank of Queensland TD	BBB+	1,000	5.13	5.13	5.13	1.17	1,000	100.00%
NAB	104. NAB TD	AA-	1,000	4.80	4.80	4.80	1.17	1,000	100.00%
Westpac	105. St George TD	AA-	600	4.92	4.92	4.92	0.70	600	100.00%
Me Bank	106. ME Bank TD	BBB	1,000	4.88	4.88	4.88	1.17	1,000	100.00%
Bank of Queensland	107. Bank of Queensland FRN	BBB+	2,000	4.79	4.79	4.79	2.33	2,000	100.02%
Beirut Hellenic Bank (Aust)	108. Beirut Hellenic Bank TD	Unrated	250	5.06	5.06	5.06	0.29	250	100.00%
Community CPS	109. Community CPS TD	Unrated	500	4.75	4.75	4.75	0.58	500	100.00%
			85,803	4.88	5.33	5.09	100	86,196	

*Monthly returns when annualised can appear to exaggerate performance

**Market valuations are indicative prices only, and do not necessarily reflect the price at which a transaction could be entered into.

Return including Matured/Traded Investments

Weighted Average Return	4.87	5.31	5.18
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	3.44	3.97	3.51
Variance From Benchmark (%)	1.43	1.34	1.67

Investment Income

	\$000's
This Period	357
Financial Year To Date	2,129
Budget Profile	1,730
Variance from Budget - \$	399

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation, with the exception of the following investments:

- Grange IMP - Merimbula CDO NR
- Global Bank Note CDO NR
- Oasis CDO CC



John Todd Date: 07/01/2013

ITEM 9 (continued)

Council's Investment Powers

Council's investment powers are regulated by Section 625 of the Local Government Act, which states:

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

Council's investment policy requires that all investments are to be made in accordance with:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of the Minister) dated 12 January 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- Local Government (Financial Management) Regulation 1993
- Investment Guidelines issued by the Department of Local Government

Overview of Investments

An overview of all investments held by the City of Ryde as at 31 December is provided below:

1. **OASIS (Originally AA now CC):** This is a CDO that pays 140 bps above 90 day BBSW. This investment was purchased on 4 September 2006. The investment is for eight years and matures on 4 September 2014. This is a CDO that is actively managed by Société Générale. The CDO was downgraded to BBB- on 29 September 2008 with advice being received in early April 2009 that this investment has been further downgraded to CCC-. Defaults within the portfolio have resulted in a capital loss of approximately 35%. No fees are payable by Council on this investment. Council impaired this investment to a nominal value at its meeting of 25 May 2010 with such being funded from the Financial Security Reserve.
2. **Grange (Lehman Brothers) IMP:** This is a portfolio of FRNs, CDOs and Bank issued securities managed by Grange Securities on Council's behalf. Lehman Brothers have cancelled the management agreement, and this portfolio is currently static. The IMP comprises the following investments:

ITEM 9 (continued)

<i>Investment</i>	<i>Maturing</i>
Merimbula CDO	20/06/2013
AAA (Berryl) Global Bank Note CDO	20/09/2014

3. **Westpac at Call Account (AA-):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
4. **Westpac Term Deposit (AA-):** This investment is a 212 day term deposit, paying 5.25% (5.37% annualised), and matures on 1 February 2013.
5. **Bank of Queensland TD (BBB):** This investment is a 183 day term deposit, paying 4.88% (4.93% annualised), and matures on 5 April 2013.
6. **ANZ Term Deposit (AA-):** This investment is a 180 day term deposit, paying 4.95% (5.01% annualised), and matures 20 February 2013.
7. **St George Term Deposit (AA-):** This investment is a 183 day term deposit, paying 4.35% p.a. (4.40% annualised), and matures 7 May 2013.
8. **NAB Term Deposit (AA-):** This investment is a 180 day term deposit, paying 4.55% p.a. (4.60% annualised), and matures 6 May 2013.
9. **Westpac Term Deposit (AA-):** This investment is a one year term deposit, paying 5.15% % (5.15% annualised, and matures 30 May 2013.
10. **Westpac Term Deposit (AA-):** This investment is a three year term deposit, paying 4.95% pa, and matures 21 September 2015.
11. **NAB Term Deposit (AA-):** This investment is a three year term deposit, paying 6.60% p.a., and matures 4 April 2014.
12. **Westpac Term Deposit (AA-):** This investment is a 273 day term deposit, paying 4.85% (4.88 annualised), and matures 28 June 2013.
13. **NAB Term Deposit (AA-):** This investment is a 181 day term deposit, paying 4.65% p.a. (4.70% annualised), and matures 16 May 2013.
14. **Police & Nurses Credit Union (Unrated):** This investment is a 184 day term deposit, paying 5.00% (5.06% annualised) and matures on 27 February 2013.
15. **Bankwest Term Deposit (AA-):** This investment is a 30 day term deposit, paying 4.20% p.a. (4.28% annualised), and matures 16 January 2013.
16. **Bankwest Term Deposit (AA-):** This investment is a 75 day term deposit, paying 4.45% p.a. (4.53% annualised), and matures 5 February 2013.
17. **NAB Term Deposit (AA-):** This investment is a 365 day term deposit, paying 4.72% p.a. (4.72% annualised), and matures 26 November 2013.

ITEM 9 (continued)

18. **Defence Bank Term Deposit (Unrated):** This investment is a 91 day term deposit paying 4.65% (4.73% annualised) and matures on 25 February 2013.
19. **Railways CU Term Deposit (Unrated):** This investment is a 92 day term deposit paying 4.45% (4.52% annualised) and matures on 5 February 2013.
20. **Community Mutual CU Term Deposit (Unrated):** This investment is a 62 day term deposit paying 4.25% (4.33% annualised) and matures on 21 January 2013.
21. **Queensland Police CU (Unrated):** This investment is a 150 day term deposit paying 4.47% (4.53% annualised) and matures on 8 March 2013.
22. **Community CPS Term Deposit (Unrated):** This investment is a 91 day term deposit paying 4.55% (4.63% annualised) and matures on 25 February 2013.
23. **Bendigo Bank Term Deposit (A-):** This investment is a 181 day term deposit paying 4.90% (4.96% annualised) and matures on 7 March 2013.
24. **Hunter United Credit Union (Unrated):** This investment is a 120 day term deposit paying 4.60% (4.67% annualised) and matures on 12 February 2013.
25. **Credit Union Australia Term Deposit (BBB+):** This investment is a 31 day term deposit paying 3.80% (3.87% annualised) and matures on 21 January 2013.
26. **Coastline CU Term Deposit (Unrated):** This investment is a one year term deposit, paying 5.25% (5.34% annualised), and matures on 11 October 2013.
27. **Peoples Choice CU Term Deposit (Unrated):** This investment is a 182 day term deposit, paying 4.39% (4.44% annualised), and matures on 6 May 2013.
28. **Australian Defence Credit Union Term Deposit (Unrated):** This investment is a 180 day term deposit paying 4.75% (4.81% annualised) and matures on 4 March 2013.
29. **Rural Bank Term Deposit (A-):** This investment is a five year term deposit, paying 6.48% p.a., and matures on 21 March 2017.
30. **Bananacoast CU Term Deposit (Unrated):** This investment is a 188 day term deposit paying 4.40% (4.45% annualised) and matures on 5 April 2013.
31. **B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 179 day term deposit paying 4.40% (4.45% annualised) and matures on 5 April 2013.
32. **Victoria Teachers CU Term Deposit (Unrated):** This investment is a 120 day term deposit paying 4.30% (4.36% annualised) and matures on 11 April 2013.

ITEM 9 (continued)

33. **CBA Term Deposit (AA-):** This investment is a three year term deposit paying 5.76% p.a. and matures on 8 December 2014.
34. **ME Bank Term Deposit (BBB):** This investment is a 180 day term deposit paying 5.01% (5.07% annualised) and matures on 4 March 2013.
35. **Macquarie Bank Term Deposit (A):** This investment is a 181 day term deposit paying 4.80% (4.86% annualised) and matures on 28 March 2013.
36. **Bankwest TD (AA-):** This investment is a four year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
37. **IMB Term Deposit (BBB):** This investment is a 92 day term deposit paying 4.50% (4.58% annualised) and matures on 30 January 2013.
38. **Summerland CU Term Deposit (Unrated):** This investment is a three year term deposit paying 5.05% pa and matures on 21 September 2015.
39. **Wide Bay CU Term Deposit (BBB):** This investment is a 127 day term deposit paying 4.95% (5.03% annualised) and matures on 2 January 2013.
40. **Northern Beaches CU Term Deposit (Unrated):** This investment is a 180 day term deposit paying 4.70% (4.76% annualised) and matures on 23 April 2013.
41. **Queenslanders Credit Union Term Deposit (Unrated):** This investment is a 184 day term deposit paying 5.10% (5.16% annualised) and matures on 25 January 2013.
42. **Heritage Building Society Term Deposit (BBB):** This investment is a 30 day term deposit paying 4.50% (4.59% annualised) and matures on 17 January 2013.
43. **Warwick CU Term Deposit (Unrated):** This investment is a 182 day term deposit paying 5.12% (5.19% annualised), and matures 7 January 2013.
44. **Maitland Mutual Building Society (Unrated):** This investment is a 181 day term deposit paying 4.50% (4.55% annualised) and matures on 29 April 2013.
45. **AMP eASYSaver at call account (A):** This investment is an at-call account earning 3.85%. No fees are payable by Council on this investment.
46. **South West CU Term Deposit (Unrated):** This investment is a 120 day term deposit paying 4.40% (4.47% annualised) and matures on 14 March 2013.
47. **CBA Term Deposit (AA-):** This investment is a 181 day term deposit paying 4.40% (4.45% annualised) and matures on 29 April 2013.
48. **Gateway Credit Union Term Deposit (Unrated):** This investment is a 91 day term deposit paying 4.41% (4.48% annualised) and matures on 18 March 2013.

ITEM 9 (continued)

49. **Rabodirect Term Deposit (AA):** This investment is a 181 day term deposit, paying 4.95% (5.01% annualised), and matures on 11 March 2013.
50. **Newcastle Permanent Building Society (BBB+):** This investment is a 90 day term deposit, paying 4.40% (4.47% annualised), and matures on 11 March 2013.
51. **QT Mutual Bank (Unrated):** This investment is a 91 day term deposit paying 4.45% (4.52% annualised) and matures on 14 January 2013.
52. **ING Term Deposit (A):** This investment is a two year term deposit paying 6.84% (6.62% annualised) and matures on 18 February 2013.
53. **Greater Building Society Term Deposit (BBB):** This investment is a 157 day term deposit, paying 5.05% (5.12% annualised), and matures on 1 February 2013.
54. **The Rock Building Society Term Deposit (BBB-):** This investment is a 182 day term deposit, paying 4.30% (4.35% annualised), and matures on 5 June 2013.
55. **Bank of Queensland FRN (BBB):** This is a certificate of deposit issued at a margin of 140 points above 90 day BBSW, maturing 11 November 2013.
56. **Suncorp Metway FRN (A+):** This is a floating rate note purchased at a margin of 106 points above 90 day BBSW, maturing 18 June 2013.
57. **Intech CU Term Deposit (Unrated):** This investment is a 122 day term deposit, paying 4.95% (5.03% annualised), and matures on 3 January 2013.
58. **Beirut Hellenic Bank Term Deposit (Unrated):** This investment is a 97 day term deposit paying 4.95% (5.04% annualised) and matures 7 January 2013.
59. **AMP Term Deposit (A):** This investment is a four year term deposit paying 7.14% which matures on 16 February 2015.
60. **Rabobank Term Deposit (AA):** This investment is a one year term deposit paying 5.05% pa and matures on 3 September 2013.
61. **Bendigo & Adelaide Bank FRN (A-):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
62. **Community First CU TD (Unrated):** This investment is a 90 day term deposit paying 4.35% (4.42% annualised) and matures on 31 January 2013.
63. **Heritage Bank Term Deposit (BBB-):** This investment is a 365 day term deposit paying 4.50% (4.50% annualised), and matures on 12 December 2013.

ITEM 9 (continued)

64. **CBA Term Deposit (AA-):** This investment is a 212 day term deposit paying 4.95% (5.00% annualised), and matures on 27 March 2013.
65. **Rabodirect At-Call (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
66. **Members Equity Bank At-Call Account (BBB):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
67. **National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 115 above BBSW. This investment matures 21 June 2016.
68. **National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 21 June 2016.
69. **CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 August 2016.
70. **Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 123 above BBSW. This investment matures 9 May 2016.
71. **CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 August 2016.
72. **National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 21 June 2016.
73. **Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 117 above BBSW. This investment matures 9 November 2015.
74. **National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 21 June 2016.
75. **CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 August 2016.
76. **ANZ FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 9 May 2016.

ITEM 9 (continued)

77. **Rabobank FRN (AA):** This investment is a senior, unsecured floating rate note purchased at a yield of 151 above BBSW. This investment matures 27 July 2016.
78. **Police CU (SA) Term Deposit (Unrated):** This investment is a two year TD paying 5.70% (5.70% annualised) and matures 18 April 2014.
79. **Investec Term Deposit (BBB-):** This investment is a one year TD paying 5.24% (5.24% annualised) and matures 10 July 2013.
80. **NAB Fixed MTN (AA-):** This is a fixed rate bond paying 6.18% (6.30% annualised) and matures 15 February 2017.
81. **Bankstown City CU Term Deposit (Unrated):** This investment is a 182 day term deposit paying 4.45% (4.50% annualised) and matures 20 May 2013.
82. **Westpac Fixed MTN (AA-):** This is a fixed rate bond paying 6.00% (6.14% annualised) and matures 20 February 2017.
83. **ING Direct Term Deposit (A):** This is a 182 day term deposit paying 4.62% (4.67% annualised) and matures 22 April 2013.
84. **Macquarie Bank Term Deposit (A):** This is a five year term deposit paying 6.50% (6.50% annualised) and matures 3 April 2017.
85. **CBA Retail Bond (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 24 December 2015.
86. **B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 91 day term deposit paying 4.40% (4.47% annualised) and matures on 21 January 2013.
87. **Bank of Cyprus Term Deposit (Unrated):** This investment is a five year term deposit paying 6.05% p.a. and matures on 15 May 2017.
88. **Rural Bank Term Deposit (A-):** This investment is a 120 day term deposit paying 4.73% p.a. (4.81% annualised) and matures on 27 March 2013.
89. **ME Bank Term Deposit (BBB):** This investment is a 180 day term deposit paying 5.01% p.a. (5.07% annualised) and matures on 4 March 2012.
90. **CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 182 above BBSW. This investment matures 24 December 2015.
91. **CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 184 above BBSW. This investment matures 24 December 2015.

ITEM 9 (continued)

92. **Bank of Queensland Term Deposit (BBB+):** This investment is a 182 day term deposit paying 4.75% (4.81% annualised) and matures 20 May 2013.
93. **Bank of Queensland Term Deposit (BBB+):** This investment is a 181 day term deposit paying 4.65% (4.70% annualised) and matures 29 April 2013.
94. **Investec Bank Term Deposit (BBB-):** This investment is a five year term deposit paying 6.95% on maturity (6.15% annualised) and matures 15 August 2017.
95. **IMB Term Deposit (BBB):** This investment is a 180 day term deposit paying 4.45% (4.50% annualised), and matures 14 May 2013.
96. **CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 175 above BBSW. This investment matures 24 December 2015.
97. **St George Term Deposit (AA-):** This investment is a 180 day term deposit paying 4.98% (5.04% annualised) and matures on 25 February 2013.
98. **CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 174 above BBSW. This investment matures 24 December 2015.
99. **Rural Bank Term Deposit (A-):** This investment is a 182 day term deposit, paying 5.00% (5.06% annualised), and matures on 5 March 2013.
100. **ING Floating Rate Term Deposit (A):** This is a five year floating rate term deposit paying 2.30% above 90 day BBSW, and matures 4 September 2017.
101. **IMB Term Deposit (BBB):** This is a 122 day term deposit paying 4.80% (4.88% annualised) and matures 21 January 2013.
102. **St George Term Deposit (AA-):** This is a 180 day term deposit paying 4.85% (4.91% annualised) and matures 20 March 2013.
103. **Bank of Queensland Term Deposit (BBB+):** This is a 150 day term deposit paying 5.05% (5.13% annualised) and matures 18 February 2013.
104. **NAB Term Deposit (AA-):** This is a 2.25 year term deposit paying 4.80% pa and matures 18 December 2014.
105. **St George Term Deposit (AA-):** This is a 180 day term deposit paying 4.86% (4.92% annualised) and matures 27 March 2013.
106. **Members Equity Bank Term Deposit (BBB):** This is a 119 day term deposit paying 4.80% (4.88% annualised) and matures 20 February 2013.

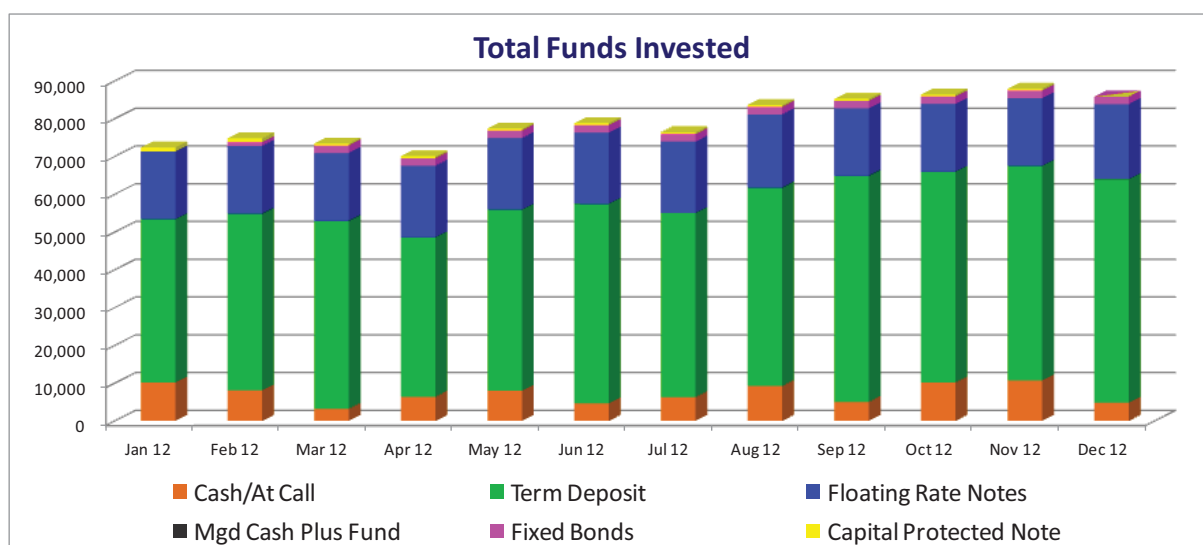
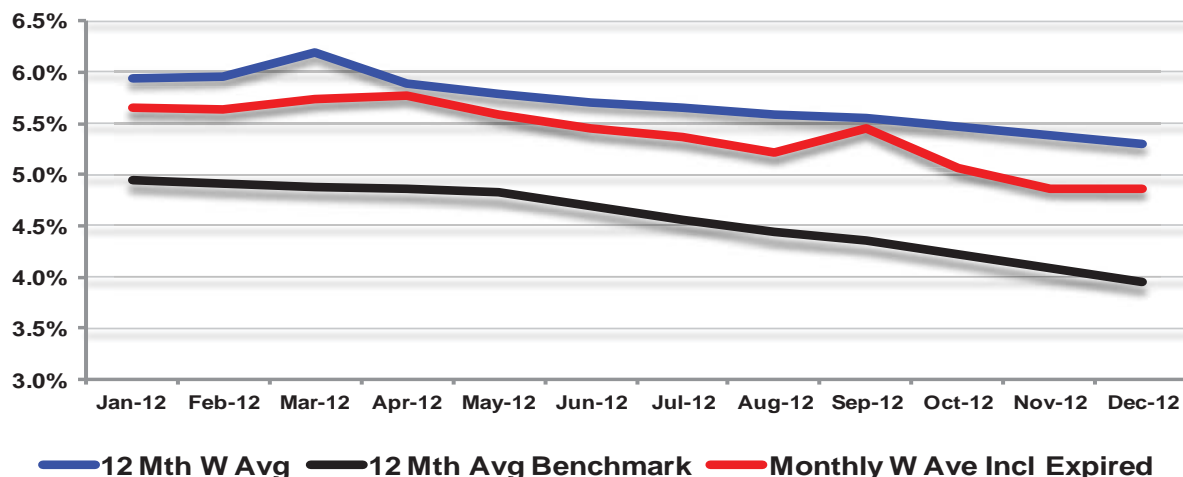
ITEM 9 (continued)

107. Bank of Queensland FRN (BBB+): This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 7 December 2015.

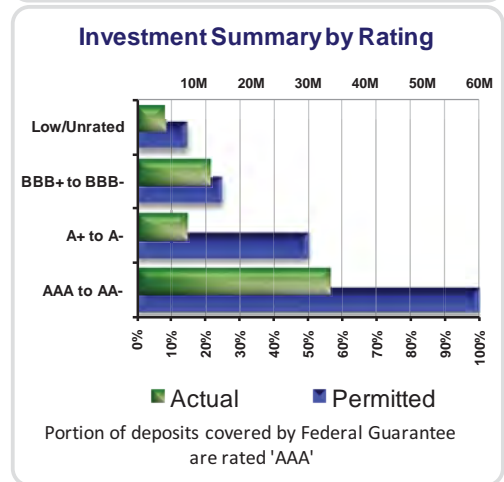
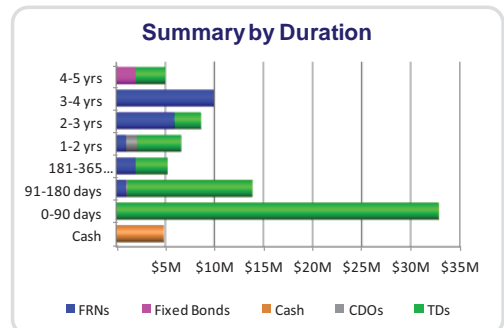
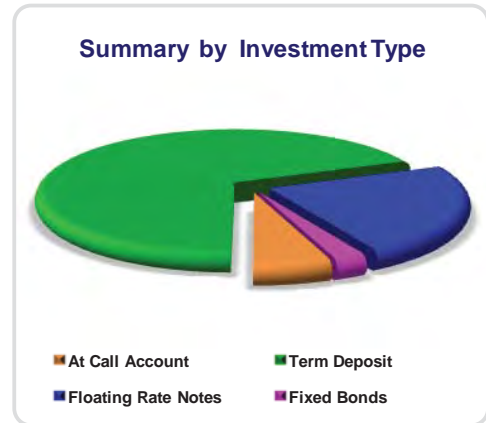
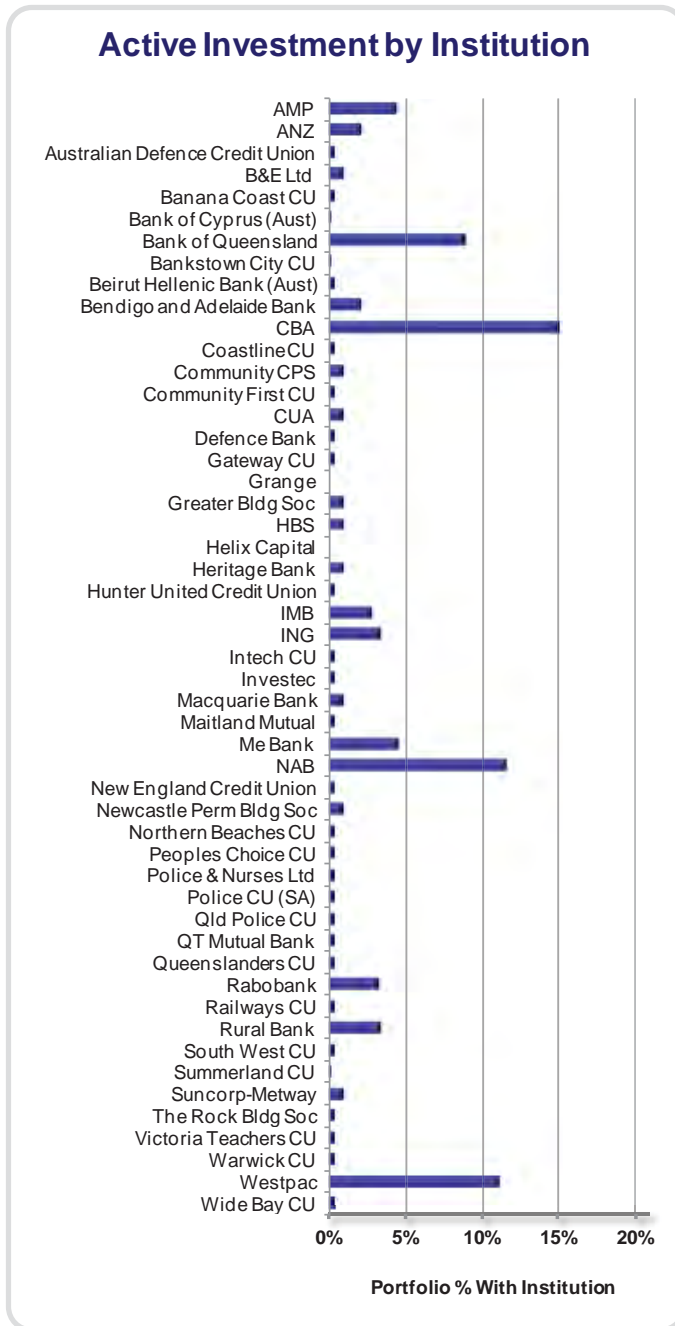
108. Beirut Hellenic Bank Term Deposit (Unrated): This investment is a 30 day term deposit paying 4.95% (5.06% annualised) and matures on 17 January 2013.

109. Community CPS Term Deposit (Unrated): This investment is a 30 day term deposit paying 4.65% (4.75% annualised) and matures on 17 January 2013.

Performance - All Investments



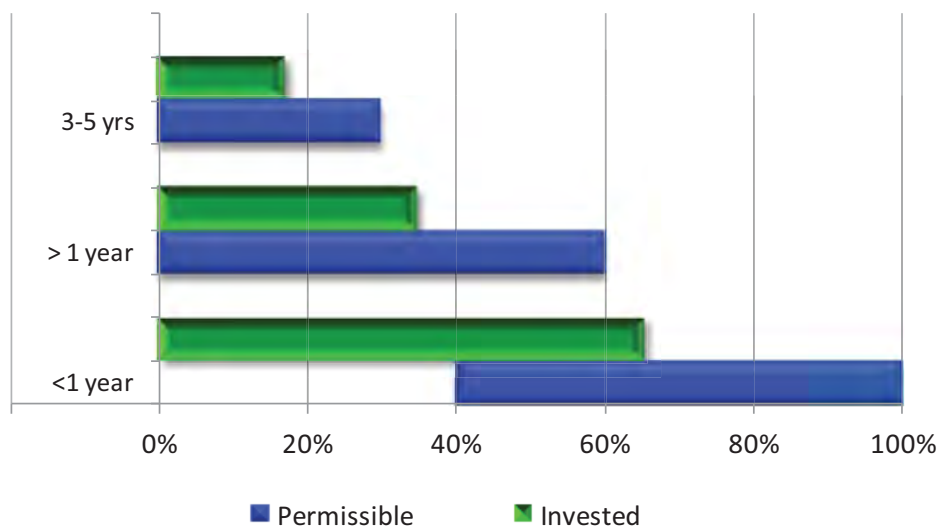
ITEM 9 (continued)



	>365 days	<365 days
Cash/TDs	\$10.3M	\$53.7M
FRNs	\$16.9M	\$3.0M
Fixed Bonds	\$2.0M	\$0.0M
Mgd Funds	\$0.0M	\$0.0M
Other	\$0.0M	\$0.0M
CDO's	\$0.0M	\$0.0M
Total	\$29.1M	\$56.7M

ITEM 9 (continued)

Policy Limits on Maturities



Context

The recommendation is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Council's.

Financial Implications

Income from interest on investments and proceeds from sales of investments totals \$2.13M, being \$399K above budget projections as per the Delivery and Operational Plan, which should improve Council's Working Capital result as at 30 June 2013.

Adjustments to the budgeted amount of Investment Interest Income are not proposed for the December Quarterly Review, due to declining investment rates.

The Financial Security Reserve has a current balance of \$2.08M.

10 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 - BP13/5

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 placed on public exhibition between 19 December 2012 and 23 January 2013, and no submissions were received.

This report recommends that Council accept the **ATTACHED** policy, which includes the minor change regarding access to Library meeting rooms made prior to public exhibition. It is also recommended that Council trial an electronic submission process to claim reimbursements for Councillor expenses.

RECOMMENDATION:

- (a) That Council accept the **ATTACHED** Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors
- (b) That, in accordance with Section 253 of the *Local Government Act 1993*, the adopted policy be sent to the Division of Local Government.
- (c) 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.

ATTACHMENTS

- 1 Councillors Expenses & Facilities Policy

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 10 (continued)**Discussion**

Under Sections 252 and 253 of the *Local Government Act 1993*, each year Council is required to adopt a policy concerning the payment of expenses and the provision of facilities for the Mayor, the Deputy Mayor and the other Councillors in order to effectively discharge the functions of civic office.

Prior to adoption, the current policy is required to be reviewed and amended if necessary, then placed on public exhibition for at least 28 days. All submissions received are to be considered and further amendments made as appropriate.

While Section 252 of the *Local Government Act 1993* requires that adoption occurs “*within 5 months of the end of the year*”, that is, by the end of November 2012, this was delayed due to the Notice of Rescission that was submitted following the Council meeting of 23 October 2012. At the following Council meeting of 13 November 2012, 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.*

Public Exhibition and Call for Submissions

The draft Payment of Expenses and Provision of Facilities for the Mayor and other Councillors Policy was revised in accordance with Resolution 1(d) above, and placed on public exhibition as follows:

- City of Ryde website: advertised from Wednesday 19 December 2012
- Northern District Times: advertised on Wednesday 19 December 2012.

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. It was decided that due to the exhibition period being during the Christmas period, the submission period would be increased to 35 days, and close on Wednesday 23 January 2013.

ITEM 10 (continued)

No submissions were received.

Section 253 of the *Local Government Act 1993*, requires that Council submit the following items to the Division of Local Government, within 28 days of the adoption of the Policy:

- the adopted Policy;
- a copy of the advertisement of public exhibition and submission process; and
- any submissions received and Council's response to each submission.

As no submissions were received, it is recommended that the adopted Policy, this Council report which describes the exhibition and submission process, and the Council resolution be sent to the Division of Local Government.

Review of Reimbursement Process

On 23 October 2012, Council resolved as follows:

3. *That Council staff bring a further report to Council detailing options on how Councillors reimbursement of expenses can be streamlined,*

Governance staff have investigated opportunities to enhance the process, by:

- investigating the processes followed in other Councils, including all Category 3 and NSROC Councils;
- reviewing the relevant legislation and regulations; and
- considering the possibility of technological improvements.

The policies of the six NSROC policies were reviewed in depth, and followed up with a phone call to appropriate Council officers. In addition, the policies of the twelve remaining Category 3 Councils were reviewed.

Currently most Councils follow a similar manual, paper-based process to the City of Ryde. No Council provided an electronic submission system.

Communications and Technology equipment and expenses are managed in a number of ways across these eighteen Councils including;

- (a) Council supplies *all* technology and communication equipment, and makes payment for *all* the associated operating and usage charges. This arrangement requires no reimbursement process. Council may or may not determine limits, and may or may not require declarations regarding personal usage. Council makes the determination as to what phone, laptop and tablet a Councillor will receive.

ITEM 10 (continued)

- (b) Council supplies and maintains all hardware and software – eg phone, PC, laptop, printer with Microsoft word etc – while Councillors manage their own telecommunication contracts (phone and internet). In this case, the majority of Councils provide for a reimbursement to a specific monthly limit, which is reimbursed following submission of a claim form supported by receipts.
- (c) A variation/combination of the arrangements set out in (a) and (b) above.
- (d) Councillors are required to develop their own communication plan for approval, within prescribed Council guidelines including limits and minimum standards.

Other processes used by some of the Council's contacted include:

- (a) Council sets a standard percentage of the mobile phone account that will not be paid or reimbursed as it is considered to be personal use.
- (b) Council sets an annual allowance, and over the course of the year, if the charges exceed the allowance, then a deduction will be made from the Councillors monthly fees. (It is noted that this process may not be in accordance with the Regulation)

At the City of Ryde we use a combination of arrangements. For example, a laptop is provided but Councillors are able to claim a reimbursement for the internet costs, while a mobile phone is not provided, Councillors can claim a reimbursement for the calls and the phone where it is provided as part of the contract. With the iPads provided to Councillors, the iPad and all connectivity are paid for by Council.

Staff confirmed that the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, and the Division of Local Government's *Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW (2009)*, do not provide for Councillors to receive an allowance for communication or other expenses.

Clause 403 of the Regulation provides that:

A policy under Section 252 of the Act (Councillor Fees, Expenses and Facilities) must not include any provision enabling a council: (a) to pay any councillor an allowance in the nature of a general expense allowance

ITEM 10 (continued)

More details are set out in the Division's Expenses and Facilities Guidelines, where clause 1.6.5 General expense allowances says

In accordance with clause 403 of the Regulation, councillor expenses and facilities policies must not include provision for a general expense allowance. A general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

Of additional relevance is clause 1.6.8 Reconciliation and reimbursement, which states

Council expenses and facilities policies must include processes for the reconciliation and reimbursement of expenses, including a time limit for councillors to seek reimbursement for their expenses.

A reimbursement provided to Councillors is a payment made for money already spent. In order to appropriately reconcile any reimbursement it is necessary that evidence of the expenditure be provided to demonstrate that a payment has been made.

Additionally, reimbursement and reconciliation is required to demonstrate that the payment that Council makes matches the outlay by the Councillor.

It is not possible under the provisions of the Local Government Act and Regulations to provide a lump sum payment for expenses, such as communication expenses.

Electronic submission of Claims for Reimbursement of Councillor Expenses

The third part of this investigation was into technological improvements.

City of Ryde is now taking the early steps towards developing and trialling an online form and submission process. This means that a claim for reimbursement would be made by completing the form electronically, attaching the supporting documentation, and submitting it to staff online.

As well as improving the efficiency of the process, this system would give the benefit of providing each Councillor with an ongoing electronic record of each of their submissions.

An alternative method of submission would be available, as the form could be completed online, then printed and the supporting documents attached to the form and submitted manually.

ITEM 10 (continued)

It is proposed 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. Hard copy forms would continue to be accepted.

Critical Dates

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

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

The costs associated with the development of the online submission process, will be met from within the current budget allocation.

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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 Act 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.

- (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.

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- (d) Reasonable expenses: Councillors shall only be reimbursed for expenses reasonably incurred in their performance of their role as a Councillor.
- (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

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

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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. These sections are set out in Clause 6.

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 33.

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 16(5), 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.

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), 7(4) and 7(5), 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)*
- (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.

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- (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; or
 - (c) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative 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 body makes a finding substantially favourable to the Councillor.
 - (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.

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- (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.

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.
 - (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 private purposes by the Mayor. The cost of petrol used for private purposes shall be the responsibility of the Mayor.
- (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 for 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

- 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,

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**Policy on the Payment of Expenses
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- (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) Department of Local Government Circular No. 06-57, 5 September 2006, *"Guidelines for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors."*
- (2) Department of Local Government Circular No. 05-08, 9 March 2005, *"Legal Assistance for Councillors and Council Employees"*
- (3) ICAC Publication *"No excuse for misuse"*, November 2002
- (4) 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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11 MODEL CODE OF CONDUCT 2013

Report prepared by: Governance Support Coordinator
File No.: CLR/07/8/9/8 - BP13/47

REPORT SUMMARY

This report addresses the introduction of the “Model Code of Conduct for Councils in NSW” and “Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW”, which are to commence 1 March 2013.

The previous Model Code of Conduct was published by the Division of Local Government in 2008, and this revised version was published on 19 December 2012.

The revised version includes changes to:

- (1) the obligations of Council Officials, and
- (2) Council procedures to ensure Code of Conduct complaints are investigated fairly and consistently.

It is also recommended that Council include additions in the City of Ryde Code of Conduct documents, as provided by the *Local Government Act 1993*.

This report provides: a summary of the changes to the Model Code; proposed City of Ryde additions; and the proposed process to implement the Code of Conduct.

It is recommended that Council adopt the **ATTACHED** draft City of Ryde Code of Conduct Policy, Standards of Conduct, and Complaints Procedure.

RECOMMENDATION:

- (a) That Council adopt the **ATTACHED** Code of Conduct documents to commence 1 March 2013:
 - City of Ryde Code of Conduct Policy;
 - City of Ryde Standards of Conduct; and
 - City of Ryde Complaints Procedure
- (b) That Council resolve that Conduct Reviewers continue to be drawn from the existing NSROC Conduct Review Investigation Panel, as adopted by Council on 2 December 2008.
- (c) That Council participate in the new NSROC Conduct Review Committee, once it is established.
- (d) That a 1 hour training session for Councillors be conducted on 7 May 2013, 8.30-9.30pm on the new Code of Conduct, noting that all staff will also be participating in similar formal training.

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ATTACHMENTS

- 1 DLG Circular 12-45 New Model Code of Conduct
- 2 Code of Conduct 2013 - Policy
- 3 Code of Conduct 2013 - Standards of Conduct
- 4 Code of Conduct 2013 - Complaints Procedures

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

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Background

The original Model Code of Conduct commenced on 1 January 2005. A revised version of the Model Code subsequently came into force on 27 June 2008, and was adopted by Council on 8 July 2008. On 28 September 2010, Council made some additions to the City of Ryde Code of Conduct, including incorporating the Charter of Respect. Further City of Ryde additions were adopted on 27 November 2010.

On 1 June 2011, the Division of Local Government (the Division) announced a substantial review of the Model Code, which has now resulted in this revision of the Model Code of Conduct, to commence on 1 March 2013.

Section 440 of the *Local Government Act 1993* requires that

- (3) A council must adopt a code of conduct (the adopted code) that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.*

The Code applies to all “Council Officials”, which is defined in the 2013 Model Code as “councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council”.

Differences between 2008 and 2013 Model Codes of Conduct

In Appendix A of “The New Model Code of Conduct Framework” **ATTACHED** (Circular 12-45), the Division lists the key changes between the two Codes as follows:

- In the interests of clarity and simplicity, standards of conduct and procedures for dealing with breaches will be separately prescribed
- There have been minor changes to the prescribed standards in relation to binding caucus votes, the disclosure of political donations, loss of quorum, the management of significant non-pecuniary conflicts of interests in relation to principal planning instruments, gifts, relationships between Councillors and staff, and use of Council resources for re-election purposes
- New standards have been included to address misuse of the code and other conduct intended to undermine its implementation
- New provisions have been included to improve all Councils’ access to suitably skilled conduct reviewers
- Under the new procedures, complaints will be managed from start to finish by an independent conduct reviewer at arms length from the Council if they are not informally resolved at the outset.
- There will be an increased focus on informal resolution of less serious matters
- Code of conduct matters will be dealt with confidentially. However, where a conduct reviewer determines that a councillor has breached the code and a sanction is imposed by the Council, this will be made public via the minutes of the meeting

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- There will be limited rights of review to the Division where a person is subject to an adverse outcome
- The Division will have more options for dealing with matters directly under the misconduct provisions. This will enable it to directly police the administration of the code and address issues such as misuse or failure to cooperate
- Penalties for misconduct will be expanded and increased to improve deterrence
- Both the Division and the Pecuniary Interest and Disciplinary Tribunal will be able to impose stronger penalties for repeated misconduct. This will enable the more effective management of ongoing disruptive behaviour by individual councillors to enable councils to get on with the core business of serving their communities.

Transitional Arrangements

The Division has advised that the following transitional arrangements will apply (Circular 12-45):

- Complaints made or yet to be finalised before 1 March 2013 are to be dealt with under the current City of Ryde Code of Conduct and Procedures
- Complaints received after 1 March 2013 but where the alleged conduct occurred prior to this date are to be assessed against the standards under the current City of Ryde Code of Conduct but dealt with under the new Procedures
- Complaints relating to alleged conduct that occurred after 1 March 2013 are to be assessed against the new Code and Procedures.

Model Code of Conduct

ATTACHED is the draft Code of Conduct for Council's consideration. It is noted that Council must adopt a Code of Conduct that incorporates the provision of the Model Code.

The adopted Code may include provisions that supplement the Model Code.

Apart from the additions set out below, the draft Code as **ATTACHED** is a reproduction of the Model Code provided by the Division and is therefore in accordance with the requirements of the Local Government Act.

City of Ryde Addition (Policy)

The Policy document has been added at the start of the draft Code as it was part of the 2008 Model Code of Conduct from the Division of Local Government, and it provides both foundation knowledge and context to the Standards of Conduct. It is felt that this addition will assist staff in understanding the framework for the Code of Conduct.

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This Policy section includes the following elements:

Key Principles and Values – this contains a list of underlying values and responsibilities, upon which the Standards of Conduct are based.

Questions to Guide Council Officials – this contains questions to prompt consideration and inform decision making on ethics and conflicts of interest, including reference to Council's organisational values

Seeking Advice – this advises Council Officials that they have a right to question instructions if they have concerns that it may be unethical or unlawful, and suggestions on who they may discuss the situation with.

City of Ryde Additions (as previously adopted by Council)

A number of additions are included in the City of Ryde draft Code of Conduct. This is consistent with Section 440 (3) of the *Local Government Act 1993* which allows provisions that supplement the Model Code. They are shown in the attached documents in ***bold italics***.

The recommended additions reflect resolutions of Council made previously regarding the Code of Conduct.

The following additions to the previous Code were adopted by Council on 28 September 2010, and are also included in the new City of Ryde Code of Conduct (Standards of Conduct) in the following clauses:

Clause 3.13	City of Ryde Ethical Lobbying Policy
Clause 3.19	City of Ryde Media Policy
Clause 3.20	City of Ryde Sponsorship Policy
Clauses 4.33 & 4.44	Political support and community participation
Clauses 4.45 & 4.46	Council officials and future employment
Clauses 4.47 & 4.48	Former Council Officials
Part 5	City of Ryde Gifts & Benefits Policy
Clause 6.8	City of Ryde Charter of Respect
Clause 7.11	Government Information (Public Access) Act and Regulation

Further additions were adopted by Council on 27 September 2011, and these have also been included in the new City of Ryde Code of Conduct (Standards of Conduct) as follows:

Clause 3.6:	City of Ryde Anti Discrimination, Bullying and Harassment Policy
Clause 3.14:	City of Ryde Alcohol & Other Drugs Policy
Clauses 3.16 & 3.17:	City of Ryde OHS Policy Statement
Clause 3.18:	City of Ryde Statement for Gender Equity

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Part 6: Clause 7.12	Councillor or Administrator Expectations and Actions City of Ryde Use of Assets and Facilities Policy, and City of Ryde Mobile Telephone Use Policy for Staff
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Again, apart from these additions, the Code as **ATTACHED** is a reproduction of the Model Code provided by the Division.

Conduct Review Panel

The Model Code of Conduct (2013) Procedures require that

- 3.1 *The council must by resolution establish a panel of conduct reviewers*
- 3.2 *The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers*
- 3.3 *The panel of conduct reviewers is to be established following an expression of interest process.*

City of Ryde is currently party to the NSROC Regional Code of Conduct Review Committee, as resolved by Council on 2 December 2008. As Council has access to this Review Panel, Council has until 30 September 2013 to establish the panel of conduct reviewers under the new Model Code of Conduct (Circular 12-45).

NSROC is currently advertising for Expressions of Interest for the new Conduct Review Committee, which will close on 15 February 2013.

It is recommended that Council, participate in the NSROC Conduct review committee once it is established.

In the meantime complaints will be referred to the members of the current NSROC Regional Code of Conduct Review Committee, as required.

Complaints Coordinator and Alternate Complaints Coordinator

The Model Code of Conduct (2013) Procedures require that

- 3.12 *The General Manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.*
- 3.13 *The General Manager may appoint other members of staff to act as alternates to the Complaints Coordinator.*
- 3.15 *The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.*

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At City of Ryde, the General Manager has appointed the Service Unit Manager – Risk and Audit as the Complaints Coordinator, and the Group Manager Corporate Services and General Counsel as the Alternates.

The Group Manager Corporate Services is currently Council's Public Interest Disclosures Coordinator. The Group Manager, Corporate Services and the Service Unit Manager – Risk and Audit have completed Public Interest Disclosures Officer training, with training in the process of being organised for the General Counsel. All staff are suitable members of staff as required under the Model Code Panel of Conduct Procedures.

Training and Communication strategy

A 1 hour training session is proposed for Councillors to be held on 7 May 2013, 8.30-9.30pm.

Training sessions will also be arranged for all staff, with a more detailed session for staff with supervisory responsibilities.

In addition, information regarding the changes will be published in "Ryde-On" – the staff newsletter, and in a pamphlet that supports both the training and the induction of new staff on their commencement at Council.

Financial Implications

The financial impact of implementing these recommendations will be met from within current budget allocations.

Critical Dates

The Model Code of Conduct and Procedures commence on 1 March 2013, as a result Council is required to adopt a City of Ryde Code prior to this date.

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Circular to Councils

Circular No. 12-45
Date 19 December 2012
Doc ID. A296794

Contact Council Governance
02 4428 4100

THE NEW MODEL CODE OF CONDUCT FRAMEWORK

Purpose

To advise councils of the new Model Code of Conduct framework and implementation arrangements.

Issue

- The new Model Code of Conduct for Local Councils in NSW, Procedures for the Administration of the Model Code and Summary of the Model Code are now available on the Division of Local Government (the Division) website at www.dlg.nsw.gov.au.
- The code and procedures are supported by new provisions in the *Local Government Act 1993* to more effectively deal with serious or repeated breaches of the Code through expanded and strengthened penalties. Key changes to the code are summarised at Appendix A.
- The key features of the new code framework include:
 - Greater flexibility to resolve non-serious complaints, minimising costs to councils
 - Improved complaints management, with complaints about councillors and the general manager managed from start to finish by qualified and independent conduct reviewers
 - Greater fairness and rigour in the investigation process through clearer procedures
 - Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing councils to get on with the business of serving their communities.
- The proposed commencement date for the new model code framework is 1 March 2013.
- The following transitional arrangements will apply:
 - Complaints made or yet to be finalised before 1 March 2013 are to be dealt with under the current Model Code of Conduct and Procedures.
 - Complaints received after 1 March 2013 but where the alleged conduct occurred prior to this date are to be assessed against the standards

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prescribed under the current Model Code but dealt with under the new Procedures.

- Complaints relating to alleged conduct that occurred after 1 March 2013 are to be assessed against the new Code and Procedures.
- The Division will provide further information in early 2013 to assist councils implement the new code and procedures.

Actions

Councils should make the following administrative arrangements in preparation for commencement of the Code:

- Adopt the new Model Code and Procedures by 1 March 2013
- Appoint members of staff other than the General Manager to act as a complaints coordinator and alternate complaints coordinator before 1 March 2013
- Ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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APPENDIX A

NEW MODEL CODE OF CONDUCT AND PROCEDURES - KEY CHANGES

- In the interests of clarity and simplicity, standards of conduct and procedures for dealing with breaches will be separately prescribed.
- Minor changes have been made to the standards prescribed under the code in relation to binding caucus votes, the disclosure of political donations, loss of quorum, the management of significant non-pecuniary conflicts of interests in relation to principal planning instruments, gifts, relationships between councillors and staff and use of council resources for re-election purposes.
- New standards have been included to address misuse of the code and other conduct intended to undermine its implementation.
- New provisions have been included to improve all councils' access to suitably skilled conduct reviewers.
- Under the new procedures, complaints will be managed from start to finish by an independent conduct reviewer at arms length from the council if they are not informally resolved at outset.
- There will be an increased focus on informal resolution of less serious matters.
- Code of conduct matters will be dealt with confidentially. However, where a conduct reviewer determines that a councillor has breached the code and a sanction is imposed by the council, this will be made public via the minutes of the meeting.
- There will be limited rights of review to the Division where a person is subject to an adverse outcome.
- The Division will have more options for dealing with matters directly under the misconduct provisions. This will enable it to directly police the administration of the code and address issues such as misuse or failure to cooperate.
- Penalties for misconduct will be expanded and increased to improve deterrence.
- Both the Division and the Pecuniary Interest and Disciplinary Tribunal will be able impose stronger penalties for repeated misconduct. This will enable the more effective management of ongoing disruptive behaviour by individual councillors to enable councils to get on with the core business of serving their communities.

These changes have been made as a result of extensive consultation with councils and other key stakeholders, and based on feedback, have broad support.

ITEM 11 (continued)

ATTACHMENT 2

City of Ryde Code of Conduct 2013
POLICY

Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

For the purposes of section 440 of the Act, the City of Ryde Code of Conduct is in three Parts:

- **Part 1: Policy** - defines and describes the purpose of the Code, and the principles and values that are used to interpret the Standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- **Part 2: Standards of Conduct** - set out the conduct obligations required of all council officials. The City of Ryde Charter of Respect is included and exists to strengthen the working relationship between Councillors and Council's Senior Management Team. This Part contains the enforceable Standards of Conduct.
- **Part 3: Complaints Procedure** - contains the methods to make a complaint, and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

City of Ryde's Code of Conduct – 2013, is the Model Code of Conduct and Procedures, as issued by the Division of Local Government in December 2012, with some additions.

The City of Ryde Code of Conduct commences 1 March 2013.

Purpose

The City of Ryde Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Code is prescribed by regulation. It is the personal responsibility of Council Officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind.

Council Officials are defined in the Code as including "Councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council".

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the Local Government Act 1993. The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

Code of Conduct 2013 – City of Ryde - Policy		
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ATTACHMENT 2

**City of Ryde Code of Conduct 2013
POLICY**

Key Principles and Values

The Code of Conduct is based on a number of key principles and values. They underpin, and thus can inform and guide Council Officers' understanding of the Standards of Conduct.

They may be used as an aid to interpret and apply the Standards of Conduct, but do not themselves constitute separate enforceable standards of conduct.

<p>Integrity You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.</p>	<p>Accountability You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. <i>This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.</i></p>
<p>Selflessness You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. <i>This means making decisions because they benefit the public, not because they benefit the decision maker.</i></p>	<p>Leadership You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. <i>This means promoting public duty to others in the council and outside, by your own ethical behaviour.</i></p>
<p>Impartiality You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. <i>This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.</i></p>	<p>Honesty You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. <i>This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.</i></p>
<p>Openness You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. <i>This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.</i></p>	<p>Respect You must treat others with respect at all times. <i>This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.</i></p>

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ATTACHMENT 2

**City of Ryde Code of Conduct 2013
POLICY**

Questions to Guide Council Officials

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with City of Ryde policy, objectives and Code of Conduct
- Does the decision or conduct reflect City of Ryde Values of *Safety, Teamwork, Ethics and Professionalism*
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Seeking advice

You have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Division of Local Government, the NSW Ombudsman's Office, and the Independent Commission Against Corruption.

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City of Ryde Code of Conduct 2013
POLICY

Review Process and Endorsement

This Policy should be reviewed annually.

Council must, within 12 months after each ordinary election, review its adopted Code of Conduct, and make such adjustments as it considers appropriate.

Attachments

<i>Title</i>	<i>Trim Reference</i>
Code of Conduct 2013 – Standards of Conduct	D13/7214
Code of Conduct 2013 – Complaints Procedure	D13/7212

Code of Conduct 2013 – City of Ryde - Policy		
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ATTACHMENT 3

**Code of Conduct 2013
STANDARDS OF CONDUCT**

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PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

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PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, **bully**, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Any person who causes, instructs, induces, aids or knowingly permits another person to engage in bullying, harassment or discrimination in the workplace shall be deemed to have committed the act and shall also be treated accordingly. (Reference: City of Ryde Anti Discrimination, Bullying and Harassment Policy).

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Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

Lobbying

- 3.13 ***If you are being lobbied about the making of a decision you should:***
 - (a) observe the provisions of the relevant Council policies;***
 - (b) be alert to the motives and interests of those who seek to lobby;***
 - (c) be aware of which person, organisation or company a lobbyist is representing;***
 - (d) avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment;***
 - (e) be alert that Lobbyists may attempt to encourage decision makers to consider matters which are irrelevant to the merits of the decision under consideration;***
 - (f) keep records of all meetings with Lobbyists and if possible have another person attend the meetings or take notes;***
 - (g) only hold meetings with Lobbyists in appropriate locations, such as the Council offices. (Reference: City of Ryde Ethical Lobbying Policy)***

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Drugs and Alcohol

3.14 *The City of Ryde recognises that the use of alcohol and other drugs in the workplace may impact on the effectiveness of Council Officials in the performance of their duties to the health, safety and welfare of themselves and others.*

3.15 *The City of Ryde will not tolerate unsafe and unacceptable behaviour resulting from alcohol or other drug misuse. Council officials should declare any consumption of alcohol, drugs or medications which may impair their ability to safely perform their duties. (Reference: City of Ryde Alcohol and Other Drugs Policy)*

Health, Wellbeing and Safety

3.16 *The City of Ryde is committed to providing a workplace that is safe and without risk to health or the welfare of all employees, contractors and members of the public in our workplaces, and the effective rehabilitation of injured employees.*

3.17 *Council officials should take accountability and responsibility for the health, safety and welfare of other Council officials. (Reference: City of Ryde OHS Policy Statement)*

Gender Equity

3.18 *On 21 September 2010, City of Ryde adopted the following Statement for Gender Equity:*

“We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.

We will undertake ongoing reviews of policies and practices to remove barriers to women’s participation and to engender safe, supportive working and decisions-making environments that encourage and value a wide range of views”.

Public Comment

3.19 *The Mayor or General Manager will generally be the spokesperson on Council business or matters before the Council. Only staff with specific delegations are authorised to make public comment about Council business or matters before Council. Any comment is to be made in accordance with Council’s associated Policies. (Reference: Council’s Media Policy).*

Sponsorship

3.20 *Any sponsorship arrangements made must not limit Council’s ability to carry out its functions fully and impartially.*

All sponsorship arrangements must be made in accordance with Council’s Sponsorship Policy.

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PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(section 442)*
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. *(section 443)*
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
 - c) designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

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What are non-pecuniary interests?

- 4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply
- 4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

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- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.
- Reportable political donations
- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

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- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

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Personal dealings with council

4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

Political support and community participation

4.33 *Staff must ensure that any participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.*

4.44 *If employees become aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Group Manager or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.*

Council officials and future employment

4.45 *Councillors and employees should not use their position to obtain opportunities for future employment.*

4.46 *You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.*

Former Council Officials

4.47 *You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.*

4.48 *Former Council officials must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit. At the end of your involvement with Council you must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of your involvement with Council.*

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PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation. (**Reference: City of Ryde Gifts and Benefits Policy**)

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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How are offers of gifts and benefits to be dealt with?

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value
 - e) accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.6 For the purposes of clause 5.5(e), a "cash-like gift" includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical. ***This must be done in accordance with City of Ryde's Gifts and Benefits Policy.***

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

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PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (section 352)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (Schedule 6A of the Act)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Councillors or administrators:

- a) ***can expect all staff to be courteous to councillors at all times.***
- b) ***may mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable***
- c) ***can contact the General Manager regarding Council matters, Group Managers regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for any issue or request.***

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

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- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

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City of Ryde Charter of Respect

6.8 This Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

As a Councillor of the City of Ryde, I will:-

Read reports and maintain confidentiality (as required) when making decisions

Evaluate and constructively challenge our performance

Strategically set the City's future direction and set clear priorities

Professionally deal with staff and create a non threatening culture by;

- 1. Debating the issue without denigrating staff (play the ball not the person)**
- 2. Respecting that staff are bound by Council's policies and procedures**
- 3. Telling us what is required not how to do it**

Expect responses within realistic timeframes and utilise the helpdesk for my requests

Commit to representing the aspirations and needs of our Community whilst acting with dignity

Trust the staff to give their best apolitical advice but feel free to change it.

As a member of the Executive Team of the City of Ryde I will be:-

Receptive and responsive to Community concerns and Council's decisions

Ethical and apolitical in carrying out my duties

Supportive of Councillor requests and requirements

Professional in managing and optimising Council's resources and knowledge

Equal in my interactions with and treatment of all Councillors

Communicating in a frank, honest, clear and consistent way with

Councillors and represent their views clearly to staff

Timely in all of our communications, responses and actions (within our recourse limitations)

NOTE

Receptive – includes using a range of market research and consultative methodologies, analysing the results and being guided by them

Ethical – includes honest and without prejudice or political bias, fair/impartial/independent

Professional – includes being efficient, effective, accurate, keeping our expertise up to date, being financially and commercially sound and focussed on reporting against and improving our performance across our key performance indicators.

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PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
 - a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

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Use and security of confidential information

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10 In addition to your general obligations relating to the use of council information, you must:
- a) protect confidential information
 - b) only release confidential information if you have authority to do so
 - c) only use confidential information for the purpose it is intended to be used
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

- 7.11 When dealing with personal information you must comply with:
- a) *the Privacy and Personal Information Protection Act 1998*
 - b) *the Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) council's privacy management plan
 - e) the Privacy Code of Practice for Local Government
 - f) ***Government Information (Public Access) Act and Regulation***

Use of council resources

- 7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate. (**Reference: Council's Use of Assets and Facilities Policy and the Mobile Telephone Use Policy for staff**).
- 7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

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- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

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PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

Compliance with requirements under this code

8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.

8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.

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- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.
- Disclosure of information about the consideration of a matter under this code
- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.
- Complaints alleging a breach of this part
- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

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PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
"council committee member"	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

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The term "you" used in the Model Code of Conduct refers to council officials.

The phrase "this code" used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

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**Code of Conduct 2013
COMPLAINTS PROCEDURE**

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**Code of Conduct 2013
COMPLAINTS PROCEDURE**

PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.

PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

"the Act"	the <i>Local Government Act 1993</i>
"administrator"	an administrator of a council appointed under the Act other than an administrator appointed under section 66
"code of conduct"	a code of conduct adopted under section 440 of the Act
"code of conduct complaint"	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct
"complainant"	a person who makes a code of conduct complaint
"complainant councillor"	a councillor who makes a code of conduct complaint

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"complaints coordinator"	a person appointed by the general manager under these procedures as a complaints coordinator
"conduct reviewer"	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
"council committee"	a committee established by resolution of council
"council committee member"	a person other than a councillor or member of staff of a council who is a member of a council committee
"councillor"	a person elected or appointed to civic office and includes a Mayor
"council official"	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
"delegate of council"	a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated
"the Division"	the Division of Local Government, Department of Premier and Cabinet
"investigator"	a conduct reviewer or conduct review committee
"the Regulation"	the <i>Local Government (General) Regulation 2005</i>
"subject person"	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures

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PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

The City of Ryde has entered into such an arrangement with other Councils through the Northern Sydney Region of Councils (NSROC).

- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

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- f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
- g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

At City of Ryde the General Manager has appointed the Service Unit Manager – Risk and Audit, as Council's Complaints Coordinator, and the Group Manager Corporate Services and General Counsel as the Alternates.

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- 3.16 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct,
 - b) liaise with and provide administrative support to a conduct reviewer or conduct review committee,
 - c) liaise with the Division of Local Government, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a "code of conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a "code of conduct complaint" are to be dealt with under council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

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- 4.8 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.12 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.
- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.

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- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.
- 5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision.
- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure,
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation, or
 - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

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How are code of conduct complaints about conduct reviewers to be dealt with?

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

How are code of conduct complaints about administrators to be dealt with?

- 5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.15 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:
 - a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
 - c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.
- 5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.
- 5.18 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.
- 5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

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5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.21 The Mayor must refer the following code of conduct complaints about the general manager to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.

5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.

5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.

5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.

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- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

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Code of conduct complaints made as public interest disclosures

- 5.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.37 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.39 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.41 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.

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- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

PART 6 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or

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- c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
 - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
 - d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
 - e) to investigate the matter, or
 - f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

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- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a "code of conduct complaint" for the purposes of these procedures, and
 - b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.

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6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Mayor for resolution

6.22 Where the conduct reviewer determines to refer a matter back to the general manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.

6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.

6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.

6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

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Complaints assessment criteria

- 6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- a) whether the complaint is a "code of conduct complaint",
 - b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
 - c) whether the complaint discloses prima facie evidence of a breach of the code,
 - d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
 - e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
 - f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
 - g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
 - h) whether the conduct complained of forms part of a pattern of conduct,
 - i) whether there were mitigating circumstances giving rise to the conduct complained of,
 - j) the seriousness of the alleged conduct,
 - k) the significance of the conduct or the impact of the conduct for the council,
 - l) how much time has passed since the alleged conduct occurred, or
 - m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- a) the qualifications and experience of members of the panel of conduct reviewers, and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

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- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretarial support,
 - c) attend meetings of the conduct review committee in an advisory capacity, and
 - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

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PART 8 INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
- disclose the substance of the allegations against the subject person, and
 - advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - advise of the process to be followed in investigating the matter, and
 - invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.

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- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.

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- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.
- 8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

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Draft investigation reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.
- 8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 8.34 The investigator's final report must:
 - a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or

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- ii. does not constitute a breach of the code of conduct, and
c) provide reasons for the determination.
- 8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,
 - b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
 - c) that the subject person be counselled for their conduct,
 - d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
 - e) that findings of inappropriate conduct be made public,
 - f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - h) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,
 - b) that a person or persons undertake any training or other education.
- 8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:
- a) the seriousness of the breach,
 - b) whether the breach can be easily remedied or rectified,
 - c) whether the subject person has remedied or rectified their conduct,
 - d) whether the subject person has expressed contrition,
 - e) whether there were any mitigating circumstances,
 - f) the age, physical or mental health or special infirmity of the subject person,
 - g) whether the breach is technical or trivial only,
 - h) any previous breaches,
 - i) whether the breach forms part of a pattern of conduct,
 - j) the degree of reckless intention or negligence of the subject person,
 - k) the extent to which the breach has affected other parties or the council as a whole,
 - l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
 - m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,

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- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.
- 8.38 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the subject person,
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
 - c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
 - d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
 - e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
 - f) a description of any attempts made to resolve the matter by use of alternative means,
 - g) the steps taken to investigate the matter,
 - h) the facts of the matter,
 - i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
 - j) the investigator's determination and the reasons for that determination,
 - k) any recommendations.
- 8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.
- 8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

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- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.
- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

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- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public,
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - e) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.

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8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

PART 9 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).

9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

9.4 Where the Division makes a practice ruling, all parties are to comply with it.

9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Requests for review

9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.

9.7 A review under clause 9.6 may be sought on the following grounds:

- a) that the investigator has failed to comply with a requirement under these procedures, or
- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
- c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.

9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

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- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
 - b) the general manager or Mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or Mayor must consider the Division's recommendation in doing so.
- 9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i. review its decision to impose the sanction, and

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- ii. consider the Division's recommendation in doing so, and
- iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 10 PROCEDURAL IRREGULARITIES

- 10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.
- 10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 11 PRACTICE DIRECTIONS

- 11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.
- 11.2 The Division will issue practice directions in writing, by circular to all councils.
- 11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

PART 12 REPORTING ON COMPLAINTS STATISTICS

- 12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
 - b) the number of code of conduct complaints referred to a conduct reviewer,
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
 - d) the number of code of conduct complaints investigated by a conduct reviewer,

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- e) the number of code of conduct complaints investigated by a conduct review committee,
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
- g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
- h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.

12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

PART 13 CONFIDENTIALITY

13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

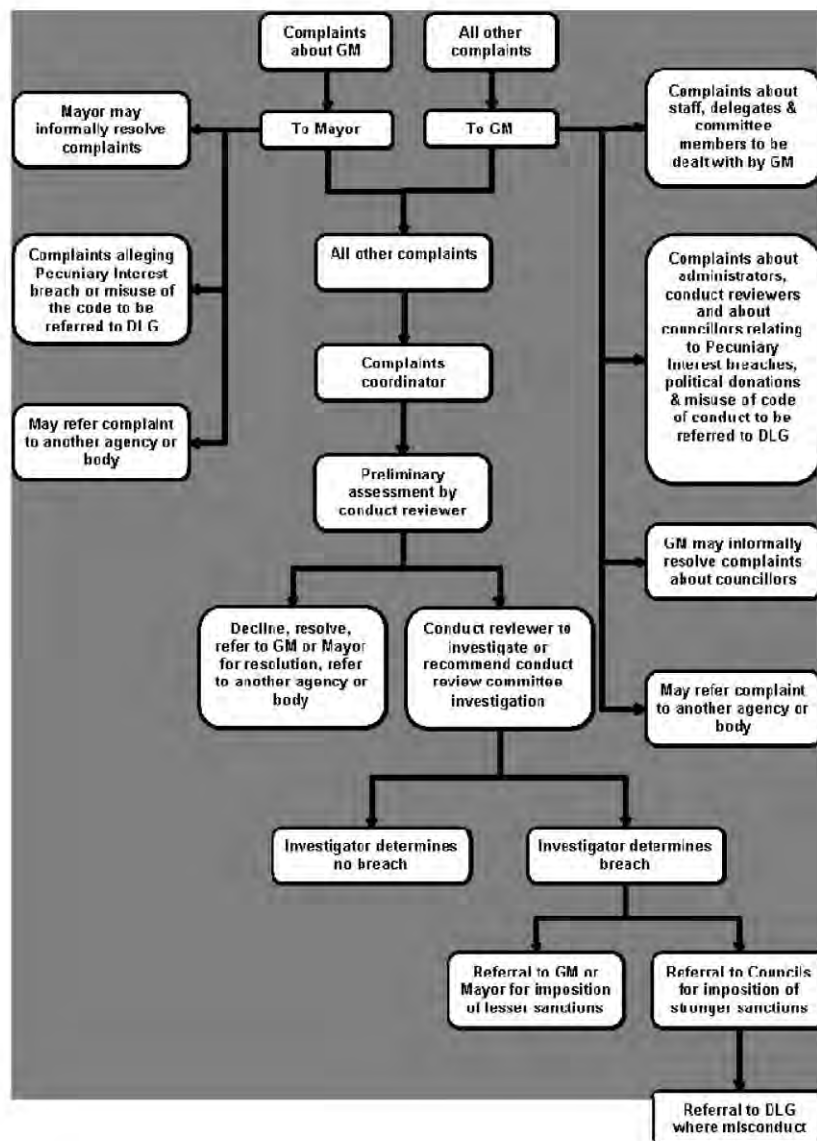
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**Code of Conduct 2013
COMPLAINTS PROCEDURE**

Model Code Procedure Flowchart



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12 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - Contribution of Funds

Report prepared by: Manager - Governance
File No.: CLR/07/8/56 - BP13/49

REPORT SUMMARY

The Local Government and Shires Association has written to Council regarding Council contributing funds to the Constitutional Recognition of Local Government campaign (**ATTACHED**). They have advised that Council's contribution would be \$28,458.22 plus GST paid over three years.

Council considered this matter previously at its meeting on 14 February 2012, where it was resolved that Council decline to contribute the amount requested.

There has been recent public discussion of the possible timing of this referendum. Given the representations made by the Local Government and Shires Association and the recent public consideration of a potential referendum on the Constitutional Recognition of Local Government, it was considered appropriate for Council to confirm its position on this matter. At the time of preparing this report there had been no official announcement of when the referendum may be conducted.

This report seeks Council's confirmation of its previous resolution, however provides Council with the option to reconsider its position.

RECOMMENDATION:

That the City of Ryde again write to the Local Government Association of NSW and Shires Association of NSW declining to contribute the amount requested for the Constitutional Recognition of Local Government campaign.

ATTACHMENTS

- 1 Constitutional Recognition of Local Government - contribution of funds
- 2 Letter to the Local Government Association of NSW dated 15 March 2012 regarding the Constitutional Recognition of Local Government - contribution of funds
- 3 Letter to the Shires Association of NSW dated 15 March 2012 regarding the Constitutional Recognition of Local Government - contribution of funds

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 12 (continued)

Background

At its meeting held 14 February 2012, Council considered correspondence received from the Local Government Association of NSW and Shires Association of NSW requesting that Council set aside funds of \$28,458.22 for the Constitutional Recognition of Local Government campaign, and resolved the following:

That the City of Ryde write to the Local Government Association of NSW and Shires Association of NSW declining to contribute the amount requested.

Letters were sent to the Local Government Association of NSW and Shires Association of NSW on 15 March 2012. **(ATTACHED)**

No response was received.

Discussion

The Local Government Association of NSW and Shires Association of NSW has again written to Council advising that an invoice will be forwarded for Council's first contribution to the campaign. This invoice will be for \$9,486.07 being payable before 30 June 2013.

They have advised that the total of City of Ryde's special levy is \$28,458.22 plus GST to be paid over three financial years.

It is noted that should the referendum or the national advertising campaign not go ahead for any reason, the Local Government Association of NSW and Shires Association of NSW will refund any instalments paid.

Councillors may be aware that there has been some recent press regarding the conduct of the possible referendum and its potential timing. Staff have contacted the Local Government Association of NSW and Shires Association of NSW who have advised that any unused funds would be reimbursed to Council and that the determination regarding the timing and conduct of a referendum has not yet been made.

Financial Implications

In accordance with Council's resolution, funding for this campaign has not been provided in the budget.

Should Council resolve to contribute to the Constitutional Recognition of Local Government campaign it will result in a financial impact of \$28,458.22 plus GST and this requires additional funding of \$9,486.07 per year for three years.

ITEM 12 (continued)**Options**

Council may resolve to maintain its previous position or now contribute to the Constitutional Recognition of Local Government campaign. If Council were to resolve to do so the following Motion is recommended:

- (a) That Council write to the Local Government Association of NSW and Shires Association of NSW advising that it will contribute the amount requested for the Constitutional Recognition of Local Government campaign.
- (b) That Council allocate the amount of \$9,486.07 per annum for the purpose of the Constitutional Recognition of Local Government campaign and that the amount be included into the next Quarterly Review and included in the Budgets for 2013/14 and 2014/15.

ITEM 12 (continued)

ATTACHMENT 1

Local Government
Association of NSW



Shires Association
of NSW

18 December 2012

Cr Ivan Petch
Mayor
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Our Reference – R09/0007

Dear Cr Petch

Constitutional Recognition of Local Government – contribution of funds

We write to update you on the progress for achieving Constitutional Recognition of Local Government. We also would like to inform you that an invoice for the first of your council's financial contributions to the LGSA to fund a national advertising campaign has been sent today your General Manager for payment, along with a copy of this letter.

On 9 January 2012 we wrote to all Mayors and General Managers in NSW to inform them that the Australian Local Government Association (ALGA) has requested that all State and Territory Associations and their member councils contribute financially to a large scale national advertising campaign to gain public support for a 'yes vote' when the time for a referendum comes.

We asked your council to set aside \$9486.07 in your 2012/2013 budget (and in the two subsequent financial years) to contribute to this campaign, and we are now requesting payment for this amount. The total of your council's special levy over the three years will be \$28458.22 plus GST.

As our letter on 9 January 2012 advised, the \$2.7 million required by ALGA for the national advertising campaign will be sought from NSW members by way of a special levy. Each councils' share of the levy will be payable in three equal instalments over a three year period. The levy has been calculated using the standard formula used when calculating other similar levies, such as legal assistance calls.

Councils should note that should the referendum or the national advertising campaign not go ahead for any reason, instalments paid to the LGSA will be refunded.

Recently the Australian Parliament voted to set up a Joint Select Committee Inquiry into Constitutional Recognition of Local Government. This Committee will assess the recommendations of the Expert Panel on Constitutional Recognition of Local Government, and the viability of holding a referendum in the coming years, paying particular attention to the timing. The Committee is currently calling for submissions from all councils and your council is encouraged to make a submission.

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ITEM 12 (continued)

ATTACHMENT 1

ALGA has developed background information for your council to use, and a draft submission to the committee. We encourage you to make your own submission on behalf of your council, and suggest you review ALGA's submission and use it as a basis for your own submission, and to submit. The ALGA website is <http://www.councilreferendum.com.au>.

The LGSA are in favour of a referendum which recommends financial recognition of Local Government in the Australian Constitution. We are however only in favour of progressing a referendum at a time when it maximizes the chance of success. We await the outcome of the Joint Select Committee to advise on possible timing and the potential process for such a referendum.

In order for the referendum to be successful it requires a 'double majority', which is a majority of 'yes votes' from a majority of voters, and a majority of states. As ours is the most populated state, success in NSW is critical to the success of a national campaign.

In addition to the national advertising campaign, ALGA has recommended that each State and Territory Association commence their own local 'profile raising' activities to promote locally the good work Local Government does in their state. The LGSA have budgeted a further \$1,000,000 over the next two financial years on NSW specific 'profile raising' and promotional activities, in addition to the national advertising campaign. These funds will be drawn from the LGSA's current investments.

The LGSA will be in contact with you with an update on the next steps required, following feedback from ALGA and the Joint Select Committee. We will publish any updates on this important issue in the *Local Government Weekly* throughout 2013.

In addition to your council's valued financial contribution, there will be supplementary work for all councils to do for this campaign at a local level, and further information will be provided to you when available.

In the interim, for more details please call the LGSA's Director - Communications, Megan Graham on 02 9242 4015.

Yours sincerely



Cr Keith Rhoades AFSM
President
Local Government Association of NSW



Cr Ray Donald
President
Shires Association of NSW

ITEM 12 (continued)

ATTACHMENT 2

City of Ryde

Cr Keith Rhoades AFSM
President
Local Government Association of NSW
GPO Box 7003
SYDNEY NSW 2001

ABN 81 621 292 610
Civic Centre
1 Devlin Street Ryde
Locked Bag 2069
North Ryde NSW 1670
cityofryde@ryde.nsw.gov.au
www.ryde.nsw.gov.au
TTY (02) 9952 8470
Facsimile (02) 9952 8070
Telephone (02) 9952 8222

15 March 2012

Dear Cr Rhoades AFSM,

I refer to your letter dated 9 January 2012 regarding the Constitutional Recognition of Local Government and the advice in respect of Council's special levy of \$28,458.22 plus GST to be paid by instalments over three financial years.

It is advised that, Council at its meeting on 14 February 2012, considered your correspondence and resolved as follows:-

- a) *That the correspondence be received.*
- b) *That the City of Ryde write to the Local Government Association of NSW and Shires Association of NSW, declining to contribute the amount requested.*

Council in passing this resolution could not see any justification in supporting a national advertising campaign of \$2.7million and an allocation of \$1.3million from NSW Councils.

If you require to discuss the matter further, please contact me on 9952 8011.

Yours sincerely



Roy Newsome
Group Manager - Corporate Services

ITEM 12 (continued)

ATTACHMENT 3

City of Ryde

Cr Ray Donald
President
Shires Association of NSW
GPO Box 7003
SYDNEY NSW 2001

15 March 2012

ABN 81 621 292 610
Civic Centre
1 Devlin Street Ryde
Locked Bag 2069
North Ryde NSW 1670
cityofryde@ryde.nsw.gov.au
www.ryde.nsw.gov.au
TTY (02) 9952 8470
Facsimile (02) 9952 8070
Telephone (02) 9952 8222

Dear Cr Donald,

I refer to your letter dated 9 January 2012 regarding the Constitutional Recognition of Local Government and the advice in respect of Council's special levy of \$28,458.22 plus GST to be paid by instalments over three financial years.

It is advised that, Council at its meeting on 14 February 2012, considered your correspondence and resolved as follows:-

- a) *That the correspondence be received.*
- b) *That the City of Ryde write to the Local Government Association of NSW and Shires Association of NSW, declining to contribute the amount requested.*

Council in passing this resolution could not see any justification in supporting a national advertising campaign of \$2.7million and an allocation of \$1.3million from NSW Councils.

If you require to discuss the matter further, please contact me on 9952 8011.

Yours sincerely



Roy Newsome
Group Manager - Corporate Services

13 DISCLOSURE OF PECUNIARY INTERESTS RETURNS FROM RECENTLY ELECTED COUNCILLORS

Report prepared by: Governance Support Coordinator
File No.: CLR/07/8/8/5/3 - BP13/132

REPORT SUMMARY

This report provides the status of Disclosure of Pecuniary Interest Returns for Councillors who were recently declared as elected, as a result of September 2012 Local Government elections.

The *Local Government Act 1993, Section 449* requires these Councillors to complete and lodge a Disclosure of Pecuniary Interest Return within 3 months after becoming a councillor.

Four Councillors were required to complete these Returns, and all were lodged by the deadline of 8 December 2012.

It is recommended that Council receive and note this Report and that a copy of the report be provided to the Division of Local Government.

RECOMMENDATION:

- (a) That Disclosure of Pecuniary Interest Returns for newly elected Councillors, as required under *Section 450A* of the Local Government Act, are tabled.
- (b) That a copy of this report be provided to the Division of Local Government.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 13 (continued)**Discussion**

The *Local Government Act 1993, Section 449* requires that

'a councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.'

As a result of the NSW Local Government Elections on 8 September 2012, four new Councillors were declared elected.

Council is advised that the following Councillors lodged their Disclosure of Pecuniary Interest Returns by the deadline of 8 December 2012:

- Councillor Chung
- Councillor Pendleton
- Councillor Simon
- Councillor Laxale

All Returns from recently declared Councillors were provided by the deadline.

In accordance with the requirements of the Local Government Act, the lodgement of these returns is being reported to the next available Council Meeting.

In accordance with *Section 450A* of the *Local Government Act 1993*, these Returns are included in Council's Register of Disclosure of Pecuniary Interest Returns.

Financial Implications

Adoption of these recommendations will have no financial impact.

Critical Dates

Completed Disclosure of Pecuniary Interests Returns for recently declared Councillors were required to be lodged with the General Manager by 8 December 2012.

14 COMMITTEE ON ELECTORAL MATTERS INQUIRY INTO THE 2012 LOCAL GOVERNMENT ELECTION

Report prepared by: Manager - Governance
File No.: CLR/07/8/35 - BP13/143

REPORT SUMMARY

Council has received the **ATTACHED** correspondence from the Joint Standing Committee on Electoral Matters inviting the City of Ryde to make a submission addressing the specific terms of reference. Submissions were due by Friday, 8 February 2013.

This call for submissions was circulated to Councillors through the Councillor Information Bulletin on 24 January 2013. In this Bulletin, staff proposed a brief submission that would include the following points:

- Concerns regarding the prohibitive cost of running elections through the NSW Electoral Commission;
- Concerns regarding the NSW Electoral Commissions full cost recovery model;
- Concerns regarding the delay in receiving details of costs owed and invoices from the NSW Electoral Commission noting that Council received the invoice from the NSW Electoral Commission for the conduct of the 2012 Local Government Election on 31 January 2013; and
- Disappointment in the timing of this request for submissions, noting that the call for submissions fell over the Christmas/New Year break (having been sent on 20 December 2012 and closing on 8 February 2013)

Following this notification through the Councillor Information Bulletin, the Mayor requested that the General Manager make no submission and that this matter be reported to Council at its meeting on 12 February 2013.

No submission has been made and this matter is now presented to Council for its consideration.

RECOMMENDATION:

That due to the closing date being 8 February 2013, that no further action be taken in regard to this matter.

ATTACHMENTS

- 1 Committee on electoral matters enquiry into the 2012 Local Government Election

Report Prepared By:
Shane Sullivan
Manager - Governance

Report Approved By:
Roy Newsome
Group Manager - Corporate Services

ITEM 14 (continued)

Background

At its meeting held 13 November 2012, Council resolved that the General Manager seek feedback from Councillors for improvements to the Local Government Election process. It was also resolved that this feedback then be collated and presented to Council for consideration of those elements to be included in a formal submission to the State Electoral Commission.

Councillors were subsequently invited to provide feedback through the Councillor Information Bulletin on 22 November 2012. No feedback was received in relation to this matter.

This was reported to Council on 11 December 2012 and Council resolved to receive and note the report.

Joint Standing Committee on Electoral Matters

Council has received the **ATTACHED** correspondence from the Joint Standing Committee on Electoral Matters inviting the City of Ryde to make a submission addressing the specific terms of reference.

Submissions were due by Friday, 8 February 2013.

Council staff have reviewed the Terms of Reference and proposed a brief submission including the following:

- Concerns regarding the prohibitive cost of running elections through the NSW Electoral Commission;
- Concerns regarding the NSW Electoral Commissions full cost recovery model;
- Concerns regarding the delay in receiving details of costs owed and invoices from the NSW Electoral Commission noting that Council received the invoice from the NSW Electoral Commission for the conduct of the 2012 Local Government Election on 31 January 2013; and
- Disappointment in the timing of this request for submissions, noting that the call for submissions fell over the Christmas/New Year break (having been sent on 20 December 2012 and closing on 8 February 2013)

It is noted that Councillors were also able to make a submission on behalf of themselves as individuals and details of the process for this were provided in the attached letter which was circulated on 24 January 2013 through the Councillor Information Bulletin.

ITEM 14 (continued)**Financial Implications**

Adoption of the recommendation will have no financial impact.

It is noted that on 31 January 2013, the Electoral Commission forwarded the invoice for the 2012 Local Government Elections being an amount of \$443,975 plus GST. This is less than the estimate of \$453,017 plus GST.

Critical Dates

It is noted that submissions were requested by Friday, 8 February 2013 and as a result it was not possible to present this call for submissions to Council prior to the deadline.

Options

Council may resolve:

That no further action be taken in relation to this matter

That staff prepare a late submission in accordance with the issues set out in this report and that a copy of the final submission be provided to Councillors through the Councillor Information Bulletin.

That staff prepare a late submission on behalf of Council setting out issues and concerns to be specified.

ITEM 14 (continued)

ATTACHMENT 1



PARLIAMENT OF NEW SOUTH WALES
COMMITTEE ON ELECTORAL MATTERS

20 December 2012

Clr Ivan Petch
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 2112

Our Ref: LAC12/569

Dear Clr Petch

Committee on Electoral Matters Inquiry into the 2012 Local Government Elections

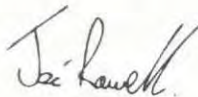
The Joint Standing Committee on Electoral Matters has been referred an Inquiry into the 2012 Local Government Elections. The Committee will examine matters relating to the cost of the elections, the experience of councils that conducted their own elections, and any issues arising from non-residential voting. The Committee will also consider possible legislative changes to improve the efficiency of the election processes, and remove any barriers to candidate participation. Complete terms of reference have been enclosed with this letter.

The Committee invites Ryde City Council to make a submission addressing the specific terms of reference in order to assist our Inquiry. Your input will make a valuable contribution to the Committee's work.

Submissions can be emailed to electoralmatters.committee@parliament.nsw.gov.au, or mailed to: The Chair, Committee on Electoral Matters, Parliament of New South Wales, Macquarie Street, Sydney NSW 2000.

Submissions are requested by **Friday, 8 February 2013**, with a possible calling of further evidence at public hearings later in 2013. Further information can be obtained by visiting the Committee's website at www.parliament.nsw.gov.au/electoralmatters or by contacting Mr Jason Arditi, Inquiry Manager, on (02) 9230 2096.

Yours sincerely,



Jai Rowell MP
Chair

Encl.

ITEM 14 (continued)

ATTACHMENT 1



Legislative Assembly PREPARING SUBMISSIONS TO COMMITTEE INQUIRIES

THE FOLLOWING ADVICE IS PROVIDED TO ASSIST YOU
TO PREPARE A SUBMISSION TO A PARLIAMENTARY
COMMITTEE INQUIRY:

1. There is no set form for submissions. They may take the form of a letter, paper or report, and they may contain facts, opinions, arguments and recommendations. Supporting documents and other exhibits may be appended to submissions. If in doubt, please consult the inquiry staff.
2. The terms of reference of an inquiry are usually a good basis for structuring submissions. Submissions may cover all or only some of the points raised in the terms of reference.
3. Submissions should be printed on A4 paper so they can be reproduced easily for distribution to committee members. Hand written submissions are acceptable but should be legible.
4. Electronic copies of submissions are not essential but would be appreciated, and can be submitted via a link from the committee's web page.
5. Submissions should be signed by the author either on his or her own behalf or on behalf of an organisation. Those signing submissions on behalf of an organisation should indicate at what level the submission has been authorised (e.g. sub-committee, executive committee, president, chair, state branch, or regional group).
6. The committee will generally publish submissions unless an author requests that all or part of their submission be kept confidential. Such a request should be made in the document itself and those parts of the submission which the author wishes to remain confidential should be clearly indicated.



ITEM 14 (continued)

ATTACHMENT 1

7. Submissions to parliamentary committee inquiries attract the protection of parliamentary privilege under the *Defamation Act 1974* and *Parliamentary Papers (Supplementary Provisions) Act 1975*. Legislation and case law in general treat the proceedings of parliamentary committees as parliamentary proceedings to which privilege applies. No action of any kind may be taken against a person for making a submission, and the submission may not be used in courts or tribunals to question the truth, motives or credibility of any person.

8. Once a submission has been received by a committee it must not be published or otherwise disclosed in that form without the committee's authorisation. Unauthorised publications are not protected by parliamentary privilege and may be a contempt of Parliament. Constraints regarding publication do not apply to previously published material which is appended to a submission.

9. A committee may not accept a submission that is not relevant to the committee's inquiry. The committee will inform you if it decides not to accept your submission. Before publishing a submission the committee will also vet the contents to ensure it does not reflect adversely on third parties, or is subject to legal proceedings.

10. Authors of submissions are sometimes asked to give oral evidence before a committee at a public or *in camera* (private) hearing. Questioning witnesses allows the committee to examine particular issues in greater detail and gives the author an opportunity to provide more information and to amplify points made in the submission. More information about appearing at public hearings is available from the pamphlet *Information for committee witnesses*. The pamphlet is available on the Parliament's website:

www.parliament.nsw.gov.au/committees

The pamphlet will be sent to you if you are called to give evidence.

For more information on any aspect of preparing submissions to parliamentary committee inquiries please contact:

Director, Committees
Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000
Ph: (02) 9230 2031 or (02) 9230 3439
Fax: (02) 9230 3052

or visit the Parliament's website:

www.parliament.nsw.gov.au/committees

Follow the link to the relevant committee and contact the Inquiry Manager.

December 2011

ITEM 14 (continued)

ATTACHMENT 1



PARLIAMENT OF NEW SOUTH WALES
COMMITTEE ON ELECTORAL MATTERS

TERMS OF REFERENCE

The Joint Standing Committee on Electoral Matters is to inquire into and report on the September 2012 Local Government elections with particular reference to:

- (a) the costs of the elections;
- (b) the experience of councils that conducted their own elections;
- (c) possible legislative changes to improve the efficiency of and participation in Local Government elections;
- (d) non-residential voting in Local Government elections;
- (e) the impact of requirements under the *Election Funding, Expenditure and Disclosures Act 1981* on participation by candidates in Local Government elections and possible legislative changes to remove any barriers to participation; and
- (f) any other related matter.

The Committee is to report on the outcome of its inquiry by 30 June 2013.

15 URBAN ACTIVATION PRECINCT- HERRING ROAD

Report prepared by: Place Manager**File No.:** ENV/08/3/8/14/6 - BP12/1537

REPORT SUMMARY

On 30 November 2012 the Minister for Planning and Infrastructure Brad Hazzard MP advised Council that City of Ryde's nomination for the Herring Road area to be considered as an Urban Activation Precinct (UAP) had been successful. The 'Urban Activation Precinct Program' has been established to facilitate the delivery of State Government employment and housing targets while supporting Councils deliver local infrastructure requirements.

As part of this process, the Minister has invited two technical staff and two councillors from City of Ryde (CoR) to be part of the Herring Road Urban Activation Precinct Steering Committee.

The Steering Committee will oversee the master plan and delivery of infrastructure for the redevelopment of the activated Precinct. The Steering Committee will provide CoR with direct input into the future planning of the Herring Road Precinct.

Details of the governance arrangements, including the Steering Committee Terms of Reference are still to be finalised.

RECOMMENDATION:

- (a) That Council nominate two Councillors to be represented on the Herring Road Steering Committee.
- (b) That Council endorse the nomination of staff: General Manager City of Ryde and Group Manager Environment and Planning; with the Acting Group Manager of Public Works as the alternate, to be represented on the Herring Road Steering Committee.

ATTACHMENTS

- 1 Herring Road Precinct Map
- 2 NSW Government accepted Council's nominations for the Herring Road Precinct

ITEM 15 (continued)

Report Prepared By:

John Brown
Place Manager

Report Approved By:

Margaret Fasan
Team Leader - Design and Development

Dominic Johnson
Group Manager - Environment & Planning

ITEM 15 (continued)

Background

The NSW Government Urban Activation Precinct (UAP) Program was announced in June 2012. The program aims to assist the NSW Government deliver its housing and employment targets, while supporting Councils address increased demand for local infrastructure.

UAPs are areas that the Minister for Planning and Infrastructure considers have a wider social, economic or environmental significance or have redevelopment potential of a scale that is important to implementing the State's planning objectives.

The UAP Program provides the following opportunities for the City of Ryde:

- Coordinating planning and urban design outcomes at a high level;
- Supporting Transit Oriented Developments which deliver housing targets while reducing car dependency;
- Fostering interagency partnerships through a whole of government approach;
- Gaining access to a \$50 million funding program for infrastructure and public domain improvements.

Herring Road Precinct

Herring Road Precinct is part of the Macquarie Park Corridor which has been identified as a Specialised Centre in the NSW Government Metropolitan Strategic Plan and is considered the northern anchor of the Global Economic Corridor. The City of Ryde recognises the precinct's significance and is working closely with the State and key property owners (University and AMP Shopping Centre) on specific projects within the precinct.

The Herring Road Precinct is defined as the B4 Mixed Use Zone and includes the Macquarie Shopping Centre, the existing transport interchange, the Ivanhoe Place Estate and the Macquarie University frontage to Herring Road. (**Attachment 1**).

The Precinct is uniquely placed to support the NSW Government's emphasis on Transit Oriented Development. The Precinct with its emerging residential development will provide the opportunity for workers to live close to their work and to reduce commuter congestion.

The UAP program presents the City of Ryde with the opportunity of working collaboratively with State Government within a precinct that Council has identified as being in need of workable planning controls, good urban design outcomes and new infrastructure; namely, the Herring Road Precinct.

CoR's nomination of Herring Road as an Urban Activation Precinct was endorsed by Council at its 14 August 2012 meeting.

ITEM 15 (continued)

On 7 November 2012, The Minister for Planning and Infrastructure Brad Hazzard MP advised CoR that North Ryde (which was nominated by State Government agencies) had been declared a UAP. This matter was reported to Council at its meeting of 11 December 2012.

On 30 November 2012 Minister Hazzard advised CoR that Herring Road had also been identified as a UAP. The Minister extended an invitation to CoR staff and Council representatives to be part of the Herring Road Steering Committee being established. (**Attachment 2**).

Purpose of the Steering Committee

The Steering Committee will oversee the master plan and delivery of infrastructure for the redevelopment of the activated Precinct. The Steering Committee will also provide CoR direct input into the future planning of the Herring Road Precinct.

The Steering Committee will consist of staff from the Department (senior executive level) and Council nominated councillors and technical staff.

The Steering Committee will provide strategic advice and complement the existing consultation which is occurring through the Agency Working Group (which includes state government agencies and Council) and the Community Reference Group.

The Terms of Reference (TOR) for the Committee are yet to be defined. It is anticipated that following input from Committee members, the TOR will be finalised.

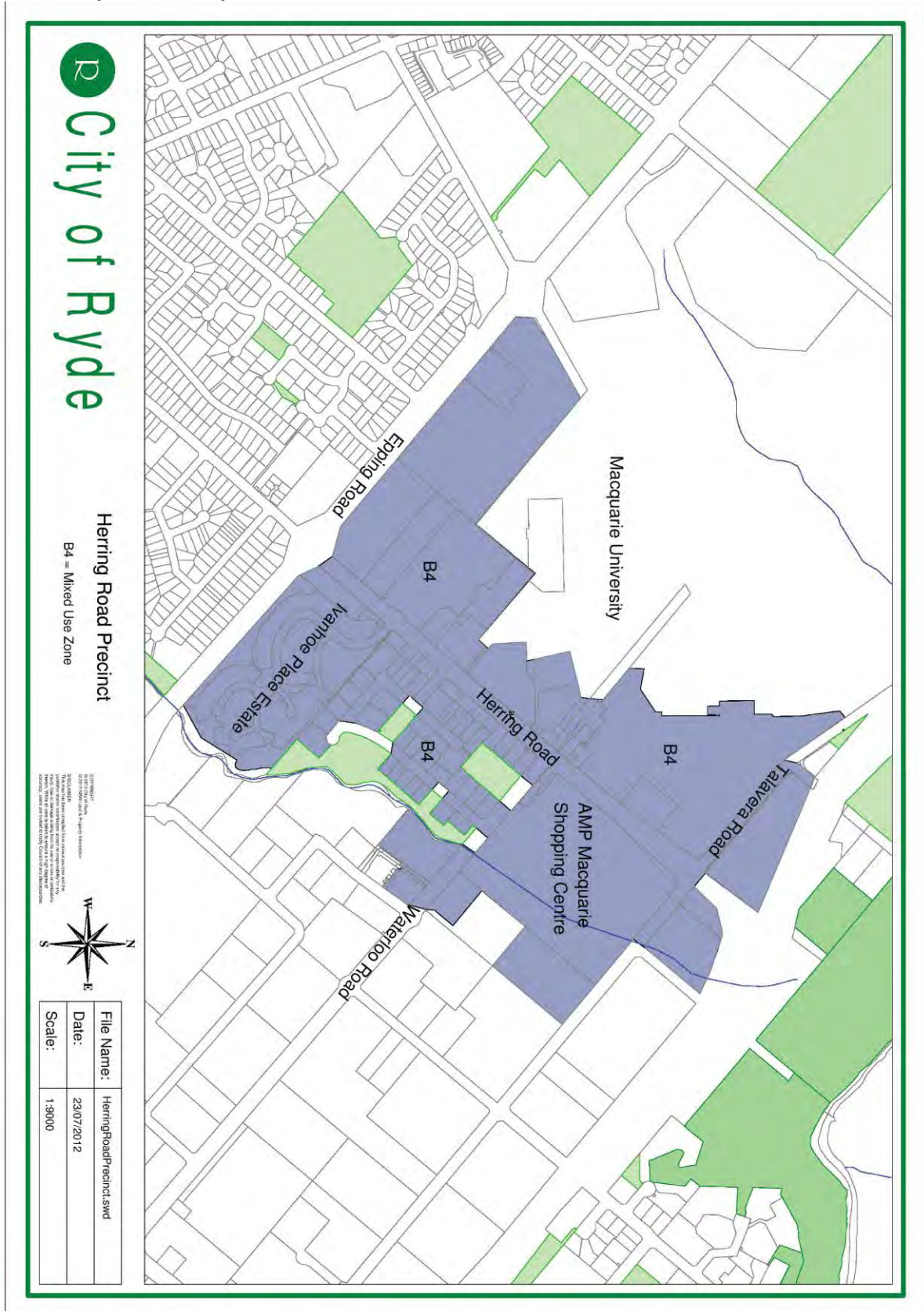
Financial Implications

Adoption of the recommendations will have no direct financial impact.

However, with \$50m allocated to the Urban Activation Precinct Program, CoR may positively benefit from infrastructure funding allocated through the Program to support local infrastructure demands.

ITEM 15 (continued)

ATTACHMENT 1



ITEM 15 (continued)

ATTACHMENT 2



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr John Neish
General Manager
City of Ryde Council
Locked Bag 2069
NORTH RYDE NSW 1670

12/18775

Dear Mr Neish,

I am pleased to advise the NSW Government has accepted your Council's nomination and declared the Herring Road Precinct as one of Sydney's first Urban Activation Precincts (map attached). This is an excellent opportunity to provide for growth in appropriate locations whilst ensuring the provision of necessary infrastructure (as required) and high quality urban environments to support the growth.

A key component of the joint working arrangements between the Department of Planning and Infrastructure and Council will be the establishment of a Herring Road Steering Committee. The role of the committee will be to receive updates on the Precinct investigations and provide advice to the project team. More importantly, it will facilitate the active involvement of elected representatives in the UAP processes.

I invite you to nominate two councillors and two members of staff to be members of the Steering Committee, which will be chaired by a representative of the Department.

As part of the joint working arrangements the Department will also be liaising with your staff regarding the establishment of an Agency Working Group and a Community Reference Group, which will also be chaired by a representative of the Department.

The Agency Working Group will be convened in December 2012. One of its first tasks will be to confirm the scope and information requirements for the Precinct investigations.

I have enclosed a copy of the UAP guideline and fact sheets for your information.

It would be appreciated if you can advise Mr Michael File, Director, Strategic Assessment at the Department of Planning and Infrastructure of your Steering Committee nominations within 2 weeks from the date of this letter. If you have any further enquiries, Mr File can be contacted on 9228 6407

Yours sincerely



HON BRAD HAZZARD MP
Minister

30 NOV 2012

ITEM 15 (continued)

ATTACHMENT 2



NSW Urban Activation Precincts Guideline



OCTOBER 2012

ITEM 15 (continued)

ATTACHMENT 2

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Department of Planning and Infrastructure

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees disclaim any and all liability to any person in respect of anything done or omitted to be done in reliance upon the whole or part of this document.

ITEM 15 (continued)

ATTACHMENT 2

Contents

1. Introduction
2. Urban Activation Precincts
2.1 Overview
2.2 Criteria for Urban Activation Precincts
2.3 Precinct Nomination and Selection
2.4 Urban Activation Precincts – private sector nomination process
3. Procedures for Urban Activation Precincts
3.1 Overview
3.2 Preliminary Consultation with council
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4. Community Engagement
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4.2 Public Exhibition and Consultation
5. Outline of Process
5.1 Precinct Planning Process
5.2 Determination by Minister
5.3 Outcomes and Delivery

ITEM 15 (continued)

ATTACHMENT 2

1. Introduction

NSW State Government policy is to substantially increase the supply of housing and employment, and improve housing choice and affordability. To achieve this objective, it is important that the supply of housing is located in appropriate locations with good access to infrastructure, particularly transport. This applies equally to both greenfield and infill locations.

The NSW 2021 State Plan states that restoring economic growth is its number one priority. A key task that will support this aim is ensuring that an adequate supply of land for housing and employment is delivered. In order to deliver on the other aims of increasing jobs and population in rural areas, it is important that land supply is located not just in urban areas but in key regional locations. Of course, simply providing zoned land will not be enough to deliver on these aims. In order for it to translate into construction and economic activity as well as housing and employment the land has to be located in areas with good access to infrastructure and high amenity.

In order to deliver on the State government's important role in implementing planning policy across NSW, it is proposed to implement a program of Urban Activation Precincts. This will involve participation in the preparation of strategic land use plans, which will be important for the successful delivery of the Metropolitan, regional and subregional plans, the Transport Master Plan, the supply of housing, and employment lands, and maximising the State's investment in infrastructure through the integration of transport and land use planning.

A set of criteria have been established so as to orderly and transparently identify these important precincts. However, given their wider importance, it is anticipated that while the State will lead the strategic planning, this will be in close cooperation with local government

and other key stakeholders. In all instances, local government will play a key role in the development, implementation and delivery of these important precincts.

A State significant sites program (SSS) was implemented in 2005 as the main vehicle to deliver changes to land use for state and regionally significant sites including intensification of urban development and associated employment activity. The State government oversaw the rezoning process under that program and listed rezoned sites under a special purpose State Planning Policy. Sites commenced under this program are under review to ascertain their consistency with current policy objectives.

The Urban Activation Precincts program is intended to reflect a broader strategic approach consistent with current government policy. The policy and associated processes are based on the following principles:

- A strategic precinct-based approach (rather than a single site or development)
- Close involvement with local government at an early stage and throughout the process as an integral partner
- Precincts located in close proximity to existing and planned transport and service infrastructure
- Precincts, zones and development controls that are based on financial viability and affordability, and reflect market demand and investor feasibility.

The updated Sydney Metropolitan plan, regional and subregional plans and the Transport Master Plan will provide strategic guidance and a framework for the identification of precincts.

ITEM 15 (continued)

ATTACHMENT 2

2. Urban Activation Precincts

2.1 Overview

Urban Activation Precincts are important areas that the Minister for Planning and Infrastructure considers have a wider social, economic or environmental significance for the community or have redevelopment significance of a scale that is important to implementing the State's planning objectives.

Precincts are envisaged as being larger areas, usually made up of multiple land-holdings. They will be capable of delivering significant additional growth and require coordination from State and local government to realise their potential.

For example, Urban Activation Precincts could facilitate additional housing or jobs on major State government sites, in major urban renewal precincts or facilitate investment in key economic and

employment generating precincts across the State, particularly those close to transport infrastructure.

It is important that strategic land use planning for housing and jobs is integrated with existing and planned infrastructure. These areas provide potential for a range of housing and jobs options that have greater access to public transport.



ITEM 15 (continued)

ATTACHMENT 2

2.2 Criteria for Urban Activation Precincts

Criteria have been established to ensure that Urban Activation Precincts represent the best opportunity to deliver on the State's planning aims.

Proposals will be assessed against the following criteria to determine their significance to State and/or regional planning objectives:

- *Is the precinct consistent with a State, regional or local strategy, particularly relating to housing, employment or urban renewal?*
- *Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?*
- *Is the precinct important to more than one local government area and/or has support from the local council?*
- *Is the precinct environmentally, socially and economically sustainable and viable?*
- *Is the development of the precinct financially viable and consistent with market demand?*

The criteria are an overall measure of the significance of a nominated precinct. There is no specific number of criteria that need to be met and compliance with all criteria, whilst desirable, is not mandatory.

2.3 Precinct Nomination and Selection

Nominations for potential precincts may come from a number of sources, such as Department of Planning and Infrastructure research and empirical data, and nominations from councils, State agencies and the private sector.

Precinct nominations are required to provide a concise statement addressing each of the UAP program criteria outlined in Section 2.2 of this guideline. A nomination must outline the proposed precinct location and describe its key attributes including future land use and growth outcomes that are being sought. Nominations should also provide copies of any relevant studies that have already been prepared.

The UAP program is a government-led initiative that encourages precinct nominations to be made by councils and State government agencies. However, in some cases it may be appropriate for the private sector to make precinct nominations. The Department of Planning and Infrastructure has developed a process for the receipt and evaluation of private sector precinct nominations and the evaluation process for council and government nominated precincts.

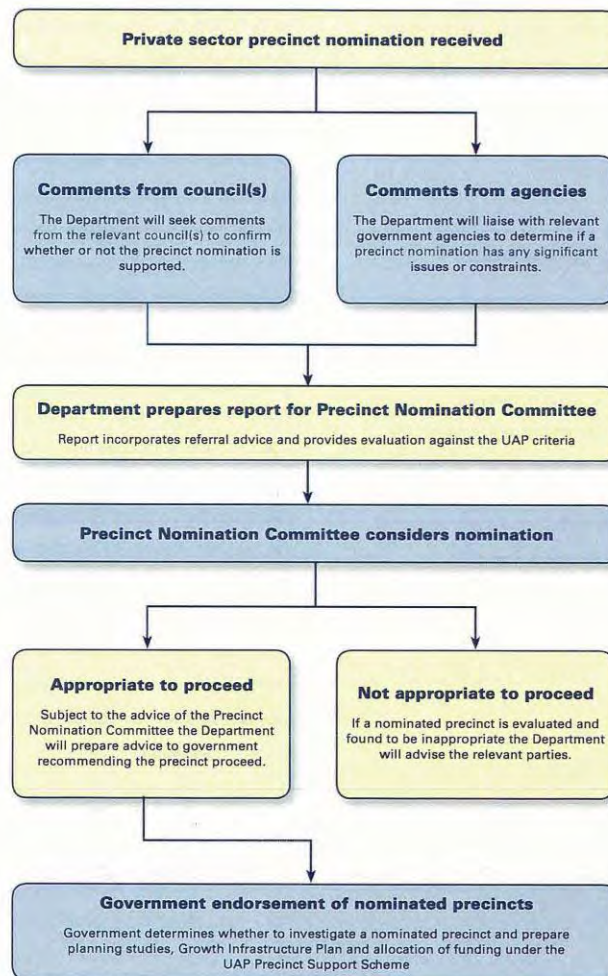
The process that will be followed when private sector nominations are made is illustrated on the following page. A fundamental element of the process is that comments from the relevant local council(s) and agencies will be sought as soon as the nomination is received and are an integral consideration in making any recommendation to government. The Department will prepare a report incorporating comments received and an evaluation against the UAP criteria for consideration by an interagency committee.

The interagency Precinct Nomination Committee will be chaired by the Director General of the Department of Planning and Infrastructure. Representatives from key agencies including Transport for NSW, Department of Finance and Services, Treasury, and Urbangrowth NSW will review all nominations for potential precincts and provide advice to the government as to whether a nomination is significant and appropriate to proceed.

ITEM 15 (continued)

ATTACHMENT 2

2.4 Urban Activation Precincts – private sector nomination process



ITEM 15 (continued)

ATTACHMENT 2

3. Procedures for Urban Activation Precincts

3.1 Overview

The Urban Activation Precincts process places much greater emphasis on community engagement and collaborating with key stakeholders. This is particularly important in the case of local government, being fundamental to the continuing growth and implementation of these precincts.

3.2 Preliminary Consultation

Before a recommendation is made to investigate a precinct, the Department will consult with local council and State agencies (except where a council or agency actually makes the nomination). The Precinct Nomination Committee will consider the views of councils and agencies as part of its review of nominations. The committee will provide advice to the NSW Government on whether a nomination is significant and appropriate to proceed.

3.3 Working Groups with Local Councils and State Agencies

Working groups will be established to investigate and discuss Urban Activation Precincts once they have been endorsed by government. Representatives from relevant local councils, Department and State agencies (in particular Transport for NSW), where relevant, will be invited to participate. It is expected working groups will meet regularly during the precinct planning process and will provide a forum for issues associated with each precinct to be identified, discussed and resolved.

Working groups will also be responsible for input into the outcomes brief and planning study requirements for the Urban Activation Precinct. The outcomes brief will establish overall objectives for the precinct in terms of housing, employment, land use mix, economic, accessibility and infrastructure connections, urban design and the public domain. The study requirements will identify the relevant planning studies to be completed and further requirements for stakeholder engagement and public consultation.



ITEM 15 (continued)

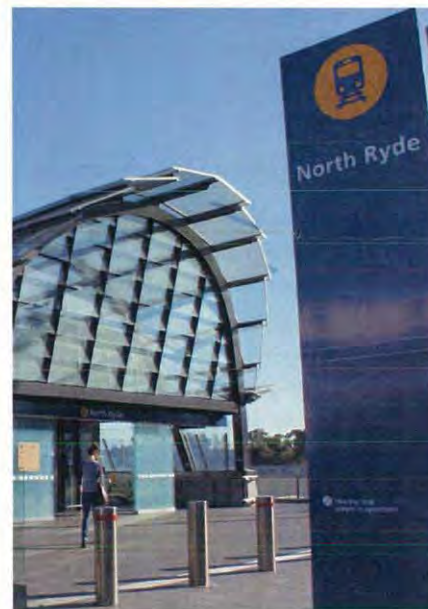
ATTACHMENT 2

3.4 Planning Studies and Investigation

Detailed planning studies and investigations will generally be required for Urban Activation Precincts. In some instances, it will be appropriate to rely on information contained in existing studies. This will be determined at the study requirements stage.

Depending on the precinct, the planning studies and investigations may need to address:

- The strategic context of the precinct and relationship to government State, regional or metropolitan planning strategy
- Constraints and opportunities of the precinct, including environmental, social and economic factors as well as existing characteristics of the area or neighborhood
- Opportunities for increasing housing and employment
- Financial viability and investor feasibility
- Access to appropriate transport and service infrastructure
- Infrastructure growth requirements and any proposed contribution arrangements
- Appropriate land uses and proposed zonings, and development standards
- Implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning
- Growth Infrastructure Plan that identifies the capacity within the network and required State infrastructure to support planned growth
- Funding for local government to provide local infrastructure required for the precinct to address pressures arising from population growth
- Code-based assessment framework to enable more streamlined assessment of development within the precinct and remove unnecessary delays in the delivery of housing approvals.



ITEM 15 (continued)

ATTACHMENT 2

4. Community Engagement

4.1 Overview

Community engagement is important when investigating potential changes to a precinct. In addition to the formal public exhibition process, Community Reference Groups may also be established where the Department considers it appropriate. They will be established once a precinct has been endorsed by government. These groups should include a broad membership from the local community. The Department will liaise with the relevant council(s) to identify the most appropriate representatives.

The purpose of these groups will be for representative members of all sections of the community to access information and provide better informed feedback throughout the investigation process. Other community engagement techniques may also be used throughout the precinct planning process, tailored to the individual precinct.

4.2 Public Exhibition and Consultation

The Director-General will exhibit the study for a minimum of 30 days with an invitation to the public to make written submissions. The Director-General will send a copy of the study to the working group, relevant councils and agencies for comment. During the exhibition period, stakeholder information sessions will also be held.

If the proposed planning changes are likely to affect critical habitat of threatened species, populations or ecological communities, the Director-General must formally consult the Director-General of the Department of Premier and Cabinet and/or the Director General of the

Department of Primary Industries under the provisions of Section 34A of the Environmental Planning and Assessment Act.

When submissions are received, the Director-General will consider the matters raised and, where relevant, modify the proposal to minimise impacts on the environment or to make it more consistent with State or regional planning objectives. Submissions will also be published on the Department's website.



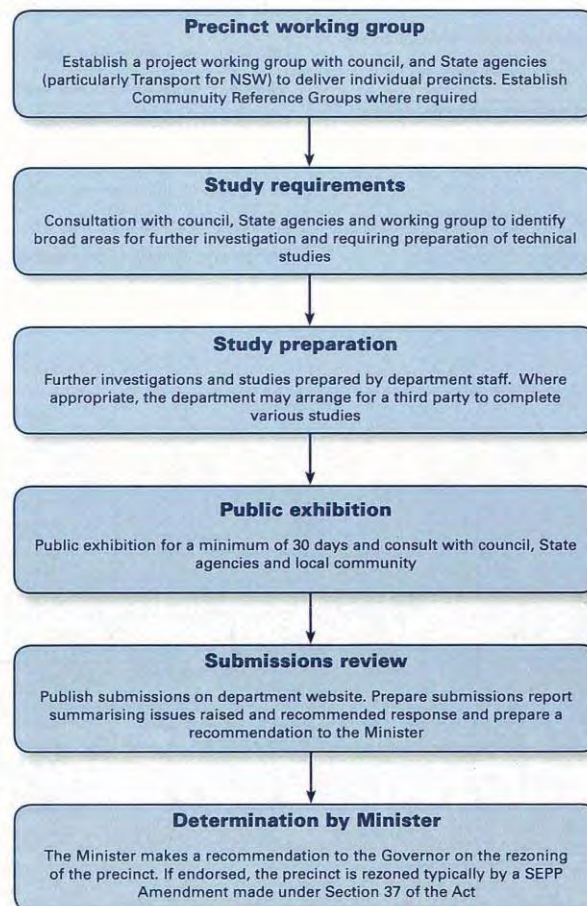
ITEM 15 (continued)

ATTACHMENT 2

5. Outline of Process

5.1 Precinct Planning Process

The process outlined below will commence following government endorsement of a nominated precinct. The target timeframe from endorsement through to determination by the Minister is six months.



ITEM 15 (continued)

ATTACHMENT 2

Once the study has been exhibited and all issues raised in submission and by relevant stakeholders have been considered, the Director-General will consider the study and the implications of the proposed changes in land use and provide recommendations to the Minister relating to:

- The state or regional planning significance of the precinct
- The suitability of the site for any proposed land use including the results of the environmental assessment
- The implications of any change in land use
- Potential for streamlining of subsequent development within the precinct through the use of exempt and complying development controls.

The Minister may also seek advice from the Planning Assessment Commission at this crucial stage of the process, which may include public hearings or independent assessment of any aspect of the proposal.

5.2 Determination by Minister

Following the Director-General's assessment, if the Minister decides to proceed with preparing a new statutory framework for the Urban Activation Precinct, a State Environmental Planning Policy will be made to implement the planning framework, zonings and development standards for the precinct including exempt and complying development controls into the relevant LEP(s).



12 NSW URBAN ACTIVATION PRECINCTS GUIDELINE

ITEM 15 (continued)

ATTACHMENT 2

5.3 Outcomes and Delivery

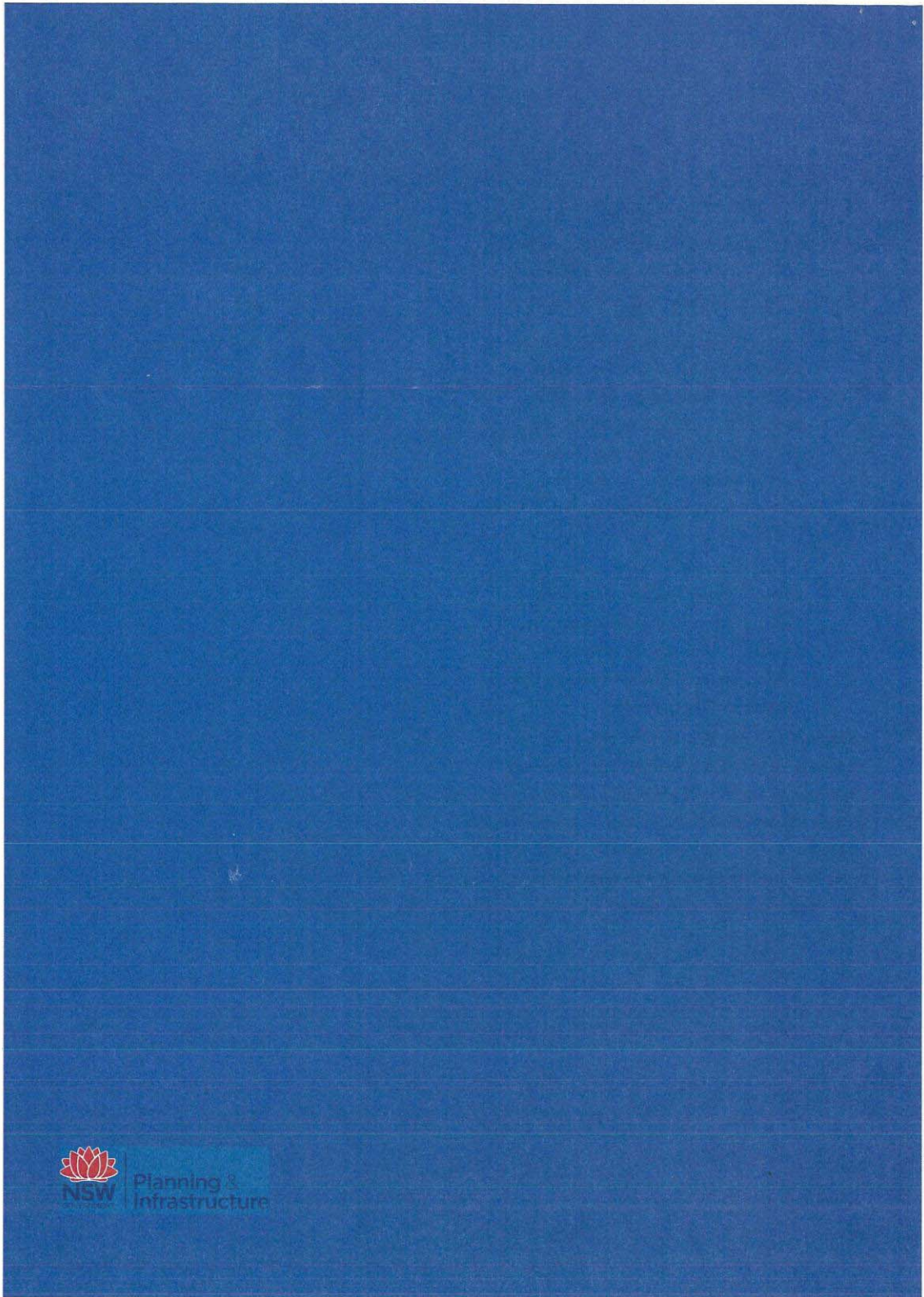
If the State government decides to proceed with rezoning an Urban Activation Precinct, the following policies will assist the delivery of the precinct:

- Growth Infrastructure Plans (GIP) – identifies capacity within the infrastructure network and outlines the infrastructure required to support the planned growth. The GIP would input into the State government's budget allocation process to ensure coordinated delivery of State infrastructure for the precinct.
- Precinct Support Scheme (PSS) – funding assistance for local government to deliver the local infrastructure needed for the precinct. The funding allocation for each endorsed precinct will become available once a rezoning has been gazetted.

The program will also aim to provide greater certainty for both the community and landowners regarding the future urban form of a precinct. This will be achieved through development of streamlined code-based assessment processes in appropriate locations. More information is available in the fact sheets on the Department's website.

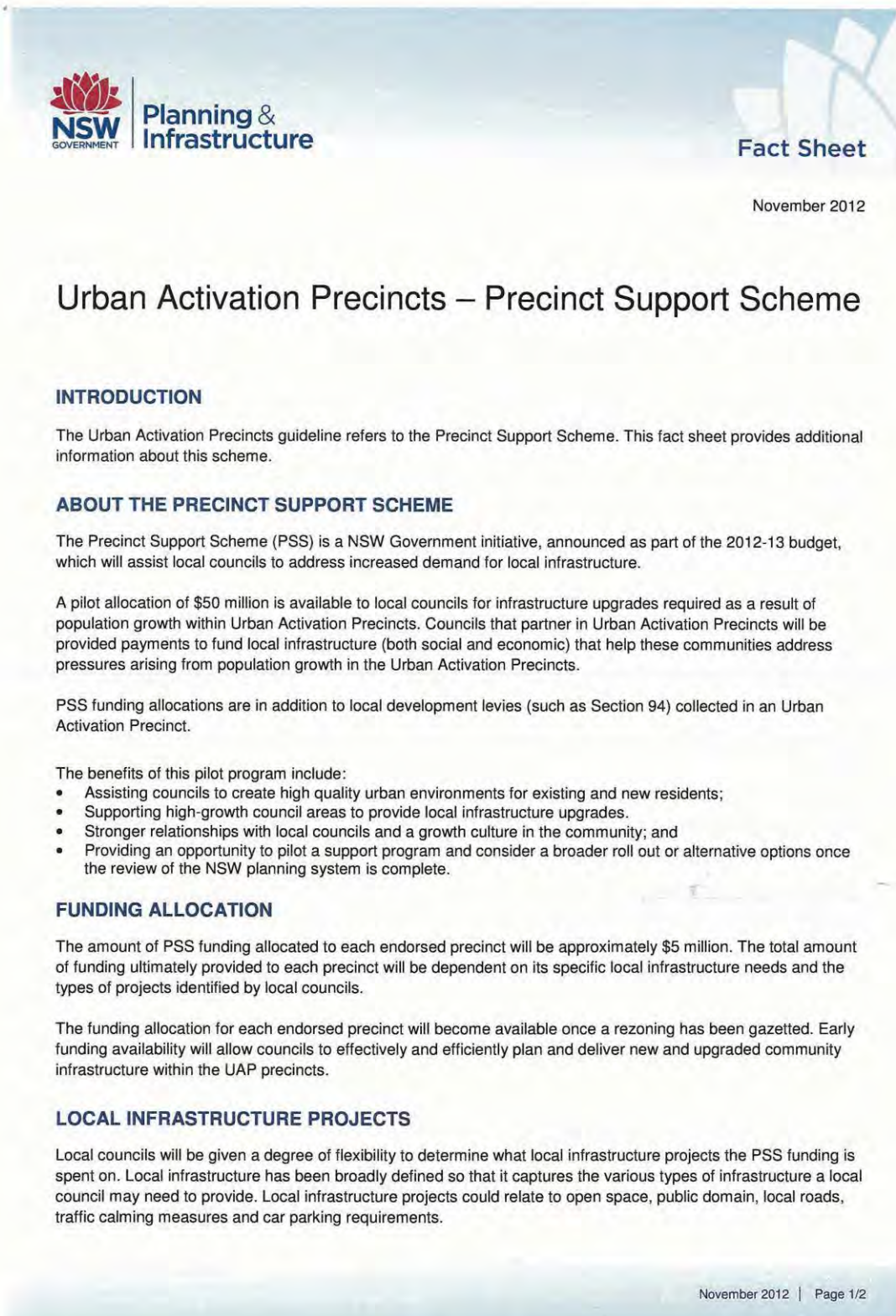
ITEM 15 (continued)

ATTACHMENT 2



ITEM 15 (continued)

ATTACHMENT 2



The image shows the cover of a fact sheet titled "Urban Activation Precincts – Precinct Support Scheme". At the top left is the NSW Government logo with the text "NSW GOVERNMENT" and "Planning & Infrastructure". At the top right is the title "Fact Sheet" and the date "November 2012". The main title "Urban Activation Precincts – Precinct Support Scheme" is centered. Below the title are sections for "INTRODUCTION", "ABOUT THE PRECINCT SUPPORT SCHEME", "FUNDING ALLOCATION", and "LOCAL INFRASTRUCTURE PROJECTS". The text describes the scheme's purpose, funding details, and the types of projects it supports.

NSW GOVERNMENT | **Planning & Infrastructure**

Fact Sheet

November 2012

Urban Activation Precincts – Precinct Support Scheme

INTRODUCTION

The Urban Activation Precincts guideline refers to the Precinct Support Scheme. This fact sheet provides additional information about this scheme.

ABOUT THE PRECINCT SUPPORT SCHEME

The Precinct Support Scheme (PSS) is a NSW Government initiative, announced as part of the 2012-13 budget, which will assist local councils to address increased demand for local infrastructure.

A pilot allocation of \$50 million is available to local councils for infrastructure upgrades required as a result of population growth within Urban Activation Precincts. Councils that partner in Urban Activation Precincts will be provided payments to fund local infrastructure (both social and economic) that help these communities address pressures arising from population growth in the Urban Activation Precincts.

PSS funding allocations are in addition to local development levies (such as Section 94) collected in an Urban Activation Precinct.

The benefits of this pilot program include:

- Assisting councils to create high quality urban environments for existing and new residents;
- Supporting high-growth council areas to provide local infrastructure upgrades.
- Stronger relationships with local councils and a growth culture in the community; and
- Providing an opportunity to pilot a support program and consider a broader roll out or alternative options once the review of the NSW planning system is complete.

FUNDING ALLOCATION

The amount of PSS funding allocated to each endorsed precinct will be approximately \$5 million. The total amount of funding ultimately provided to each precinct will be dependent on its specific local infrastructure needs and the types of projects identified by local councils.

The funding allocation for each endorsed precinct will become available once a rezoning has been gazetted. Early funding availability will allow councils to effectively and efficiently plan and deliver new and upgraded community infrastructure within the UAP precincts.

LOCAL INFRASTRUCTURE PROJECTS

Local councils will be given a degree of flexibility to determine what local infrastructure projects the PSS funding is spent on. Local infrastructure has been broadly defined so that it captures the various types of infrastructure a local council may need to provide. Local infrastructure projects could relate to open space, public domain, local roads, traffic calming measures and car parking requirements.

November 2012 | Page 1/2

ITEM 15 (continued)

ATTACHMENT 2

Fact Sheet

Local infrastructure projects will be expected to demonstrate:

- funding will be allocated towards the capital costs of the project
- the project will provide direct benefits to the precinct
- the project need is related to growth identified for the precinct
- it can be demonstrated that appropriate consultation has occurred within the community
- the project can be delivered within an expedient and identifiable time frame
- the project is not a pre-existing project already funded by other grants or contributions.

In certain circumstances PSS funds may be permitted to be allocated for the partial funding of a project located outside a precinct. This can only occur where a clear nexus between the project and the precinct growth has been demonstrated. Such opportunities should be discussed with the Department of Planning and Infrastructure prior to a funding request being made.

It is also acknowledged that in some circumstances a council may provide additional funding over and above the PSS funding in order to deliver a project.

During the precinct planning process the department will work with local councils to assist in the identification and scoping of projects that are suitable for PSS funding.

ACCESSING THE SCHEME

In order to access a precinct's PSS funding allocation, the local council will be expected to submit proposals to the department for consideration.

Proposals can be submitted prior to gazettal of a precinct where they have been identified through the precinct planning process.

Funding allocations must be accessed within five years of the rezoning. After this date any remaining allocation will be returned to the overall PSS fund and allocated to a future precinct.

ONGOING REVIEW

The funding allocation processes for this pilot program will be subject to ongoing consultation with councils and review by the Government as part of the assessment and delivery of the initial precincts.

FURTHER INFORMATION

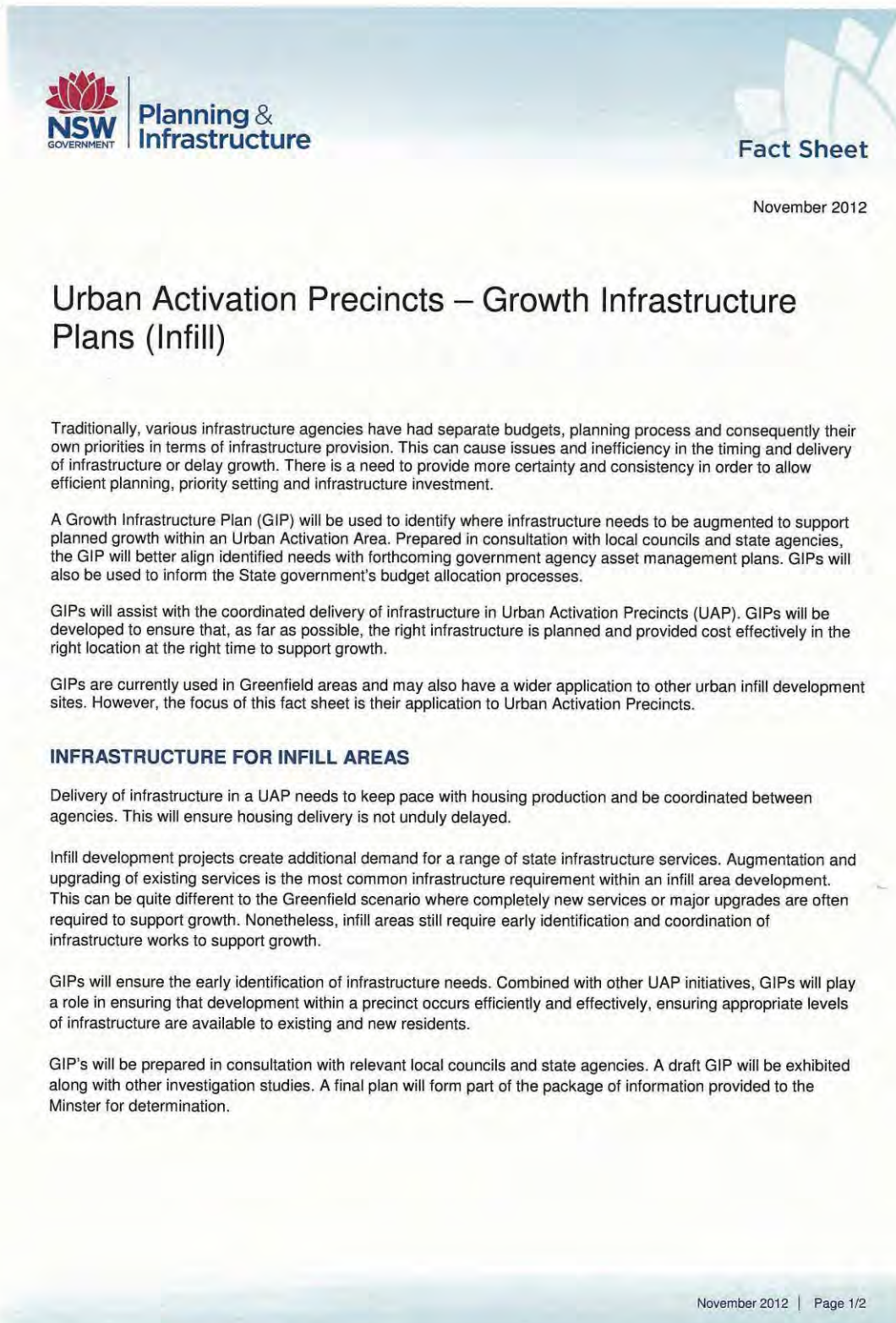
Department of Planning & Infrastructure website:
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ITEM 15 (continued)

ATTACHMENT 2



The image shows the cover of a fact sheet titled "Urban Activation Precincts – Growth Infrastructure Plans (Infill)". The cover features the NSW Government logo and the text "Planning & Infrastructure" on the left, and "Fact Sheet" on the right. The date "November 2012" is printed at the bottom right. The main title is "Urban Activation Precincts – Growth Infrastructure Plans (Infill)". The text on the cover describes the purpose of Growth Infrastructure Plans (GIPs) and their application in Urban Activation Precincts (UAPs). It also includes a section titled "INFRASTRUCTURE FOR INFILL AREAS" and a footer with the date "November 2012" and page number "Page 1/2".

NSW GOVERNMENT | **Planning & Infrastructure**

Fact Sheet

November 2012

Urban Activation Precincts – Growth Infrastructure Plans (Infill)

Traditionally, various infrastructure agencies have had separate budgets, planning process and consequently their own priorities in terms of infrastructure provision. This can cause issues and inefficiency in the timing and delivery of infrastructure or delay growth. There is a need to provide more certainty and consistency in order to allow efficient planning, priority setting and infrastructure investment.

A Growth Infrastructure Plan (GIP) will be used to identify where infrastructure needs to be augmented to support planned growth within an Urban Activation Area. Prepared in consultation with local councils and state agencies, the GIP will better align identified needs with forthcoming government agency asset management plans. GIPs will also be used to inform the State government's budget allocation processes.

GIPs will assist with the coordinated delivery of infrastructure in Urban Activation Precincts (UAP). GIPs will be developed to ensure that, as far as possible, the right infrastructure is planned and provided cost effectively in the right location at the right time to support growth.

GIPs are currently used in Greenfield areas and may also have a wider application to other urban infill development sites. However, the focus of this fact sheet is their application to Urban Activation Precincts.

INFRASTRUCTURE FOR INFILL AREAS

Delivery of infrastructure in a UAP needs to keep pace with housing production and be coordinated between agencies. This will ensure housing delivery is not unduly delayed.

Infill development projects create additional demand for a range of state infrastructure services. Augmentation and upgrading of existing services is the most common infrastructure requirement within an infill area development. This can be quite different to the Greenfield scenario where completely new services or major upgrades are often required to support growth. Nonetheless, infill areas still require early identification and coordination of infrastructure works to support growth.

GIPs will ensure the early identification of infrastructure needs. Combined with other UAP initiatives, GIPs will play a role in ensuring that development within a precinct occurs efficiently and effectively, ensuring appropriate levels of infrastructure are available to existing and new residents.

GIPs will be prepared in consultation with relevant local councils and state agencies. A draft GIP will be exhibited along with other investigation studies. A final plan will form part of the package of information provided to the Minister for determination.

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ITEM 15 (continued)

ATTACHMENT 2

Fact Sheet

BENEFITS

- Increased certainty regarding future development yields will allow agencies to use their infrastructure budgets more effectively.
- Infrastructure priorities within agencies and between agencies will be more easily identified.
- Information contained in GIPs will be used to inform State government decisions on infrastructure provision.
- GIPs will provide more certainty regarding planned infrastructure provision for industry and local councils.
- GIPs will inform the Housing Acceleration Fund program.

GIP INFORMATION

There are a number of key elements that will form part of each GIP including:

- Basic precinct information.
- Anticipated growth within a precinct.
- Projected timeframe for growth.
- Short, medium and long term infrastructure delivery requirements to support growth.
- Monitoring of growth and delivery requirements.

FURTHER INFORMATION

Department of Planning & Infrastructure website:
www.planning.nsw.gov.au

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**16 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE AND MACQUARIE
PARK FORUM - APPOINTMENT OF REPRESENTATIVES**

Report prepared by: Place Manager
File No.: ENV/08/3/8/14 - BP13/19

REPORT SUMMARY

Council resolved at its meeting of 27 November 2012 (held on 4 December 2012) that the Economic Development Advisory Committee and the Macquarie Forum would continue to function as two separate entities. It also resolved to extend the Expression of Interest period regarding the Macquarie Forum from 20 December 2012 to 31 January 2013.

A summary of the Expressions of Interest received for both the Economic Development Advisory Committee and the Macquarie Park Forum is provided.

This report recommends that Council review the Expressions of Interest and appoint the nominations.

RECOMMENDATION:

That Council receive and accept all nominations for the Economic Development Advisory Committee and Macquarie Park Forum.

ATTACHMENTS

- 1 Advisory Committees - January 2013 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

John Brown
Place Manager

Report Approved By:

Margaret Fasan
Team Leader - Design and Development

Dominic Johnson
Group Manager - Environment & Planning

ITEM 16 (continued)**Discussion****Background**

The Advisory Committee nominations closed on 7 November 2012. 22 Expressions of Interest (EOIs) were received for the Economic Development Committee (which incorporated the Macquarie Park Forum).

After further consideration, Council at its meeting of 27 November 2012 (held on 4 December 2012) resolved that the Economic Development Committee would continue to function as two separate entities - the Economic Development Advisory Committee (EDAC) and the Macquarie Park Forum:

That with regard to the Economic Development Advisory Committee, the following action be taken:

- (i) That a further report be presented to Council next Tuesday, 11 December 2012 presenting nominations for both the Economic Development Advisory Committee and the Macquarie Park Forum.*
- (ii) That all nominees be contacted regarding the splitting of the Economic Development Advisory Committee and the Macquarie Park Forum into two separate Committees and request that they nominate which Committee they would like to join.*

To progress this resolution, staff contacted all those who had nominated for the Economic Development Committee asking them to specify whether their Expression of Interest should be considered for the Economic Development Advisory Committee, or the Macquarie Park Forum.

Council also resolved to provide a further opportunity for interested parties to nominate for the Macquarie Park Forum. The EOI nomination process for the Forum reopened on 20 December 2012 and continued till 31 January 2013.

Expressions of Interest

Following the closing of Expressions of Interests, this resulted in thirteen (13) nominations being received for the Economic Development Advisory Committee and sixteen (16) for the Macquarie Park Forum.

Details regarding the Expressions of Interest, The Terms of Reference for the Committees, their composition and selection criteria applied are included in the **attached** 'Advisory Committees - January 2013'. (**Attachment 1**).

ITEM 16 (continued)
Nomination for Macquarie Park Forum

Name	Representing
Morell Boyce/ TBC	Ryde Business Forum
Tony Abboud/TBC	Ryde Macquarie Chamber of Commerce
Andrew Wheatley	Johnson & Johnson
Vanessa Hindmarsh	Sonic Healthcare
Andrew Parker	Optus
Michael Carabetta	Macquarie University
Denys Bizinger	Jones Lang LaSalle
Caroline Choy	AMP Capital
Vic Tagg	Eastwood Chamber of Commerce
Nathan Moulds	The Salvation Army Ryde City
Mark Broomfield	Macquarie University
John Goubran	John Goubran and Associates
Gordon Hunt	Transport for NSW
Peter Stewart	Macquarie Graduate School of Management
Graham McMaster	Rosewood Research
Ritchie Howitt	Macquarie University

ITEM 16 (continued)
Nomination for Economic Development Advisory Committee (EDAC)

Name	Representing
Morell Boyce	Ryde Business Forum
Stefan Sojka	Ryde Macquarie Chamber of Commerce/ Ryde Rotary
Lydia Scuglia	Ryde Business Forum
Tony Abboud	Ryde Macquarie Chamber of Commerce
Brad Chan	Eastwood Chamber of Commerce
June Heinrich	Macquarie Community College
Topher Holland	The Salvation Army Ryde City
Doug Hardy	Meadowbank/West Ryde Progress Association
Philip Peake	Residents for Ryde community group. - Meadowbank West Ryde Progress Association
Megan Nixon	Macquarie University
Jerry Ppikian	Ryde Multicultural Centre
Peter Groenestyn	Sole Trader
Simone Checchia	Locally based Solicitor

It is recommended that Council accept all nominations for both Committees.

Councillor Chairs and Delegates

The Councillor Information Bulletin on 10 January 2013 advised of Councillor Chair and Delegates for these two Committees:

Committee	Councillor Chair	Councillor Delegate
Economic Development Committee Convenor: Nathan Pratt, Economic Development Manager	Councillor Salvestro-Martin	Councillor Etmekdjian (Deputy Chair) Councillor Chung

ITEM 16 (continued)

Committee	Councillor Chair	Councillor Delegate
Macquarie Park Forum Convenor: John Brown, Place Manager	Councillor Pickering	Councillor Chung

Financial Implications

The recommendations in this report will be met from the current budget allocation for Advisory Committees.

**17 APPOINTMENT OF DELEGATES TO THE CITIZEN ENGAGEMENT
ADVISORY COMMITTEE**

Report prepared by: Section Manager - Community Engagement and Social Media
File No.: GRP/09/7/6 - BP13/8

REPORT SUMMARY

This report has been prepared as a result of a Council Resolution determined at the Council Meeting on 13 November 2012 to adopt the methodology for selecting the Citizen Engagement Advisory Committee as outlined in the Council Report.

Advertisement of the committee has been carried out in accordance with the methodology adopted by Council at its meeting of 13 November 2012. Fourteen expressions of interest were received from members of the community as of the conclusion of the three week advertising period.

An initial assessment of expressions of interest was conducted by an assessment panel on 20 December 2012. The Report of the Assessment Panel is provided **UNDER SEPARATE COVER – CONFIDENTIAL**. The Terms of Reference for the Advisory Committee (**ATTACHMENT 1**), a copy of each of the Expressions of Interest (**ATTACHMENT 2**) and the Briefing Document provided for potential nominees (**ATTACHMENT 3**) are provided as attachments to this report for Council's consideration.

RECOMMENDATION:

- (a) That Council endorse the recommendations of delegates to the Citizen Engagement Advisory Committee provided by the assessment panel.
- (b) That the Citizen Engagement Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.
- (c) That Council notify all those who submitted Expressions of Interest of Council's determination.

ATTACHMENTS

- 1 Citizen Engagement Advisory Committee - Terms of Reference
- 2 Citizen Engagement Advisory Committee - Expressions of Interest (FINAL)
- 3 Citizen Engagement Advisory Committee - Briefing Paper
- 4 Citizen Engagement Advisory Committee - Assessment Panel Report -
CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

ITEM 17 (continued)

Report Prepared By:

Stephen Candiloro
Section Manager - Community Engagement and Social Media

Report Approved By:

John Neish
General Manager

ITEM 17 (continued)

Discussion

At its meeting of 16 October 2012, Council resolved that the General Manager together with Councillor Pendleton develop the Terms of Reference for the formation of a new Citizen Engagement Advisory Committee for adoption by Council.

At its meeting of 13 November 2012, Council resolved to adopt the Draft Terms of Reference for the Citizen Engagement Advisory Committee and to adopt the methodology for selecting the Citizen Engagement Advisory Committee as outlined in the Council report.

In accordance with the methodology adopted by Council, a call for nominations for the Committee was advertised in the Mayoral Column, the Northern District Times, City View, the City of Ryde website and My Place from 21 November 2012 through to the closing date of 19 December 2012. In addition, a copy of the Committee's Terms of Reference and a Briefing Paper explaining the roles and responsibilities of the committee were made available on the City of Ryde Website and My Place.

All advertising directed potential applicants to the City of Ryde website or to the contact person for further information. Applicants were asked to apply via an online form and asked to respond to two questions; *Why are you interested in becoming a member of the Committee?* And, *Please outline your relevant experience, including addressing the selection criteria for this Committee.*

During this time Council received 14 nominations from members of the community to be part of the advisory committee. On 20 December 2012 an assessment of expressions of interest was conducted by an assessment panel comprised of; Councillor Denise Pendleton, Nivek K Thompson (Board Member - International Association for Public Participation NSW), John Neish (General Manager), Roy Newsome (Group Manager Corporate Services), Angela Jones-Blayney (Manager Communications and Media), Shane Sullivan (Manager Governance) and Steve Candiloro (Section Manager Community Engagement).

This panel reviewed each of the submissions against the selection criteria as detailed in the briefing document. These selection criteria were:

- 5 - 10 community members with a demonstrated interest in issues of community engagement and public participation
- A representative sample of members across 3 wards
- Reflective of the demographic profile of the City of Ryde
- Comprise of a mixture of community members who have either expertise in policy; governance; consultation & engagement methodologies

Recommendations of the assessment panel are included in the Assessment Panel Report **(CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL)**.

ITEM 17 (continued)

The process attracted a strong field of applicants with genuine interest in shaping the future direction of their community; the selection panel was impressed by the calibre of applicants which made the selection process a difficult one. The panel unanimously agreed that the applicants selected were the most suitable against the selection criteria. The assessment panel recognised that the review process will be highly consultative and will ensure opportunities for the other applicants, other advisory group members and the wider community to participate and help shape Council's future approach.

Financial Implications

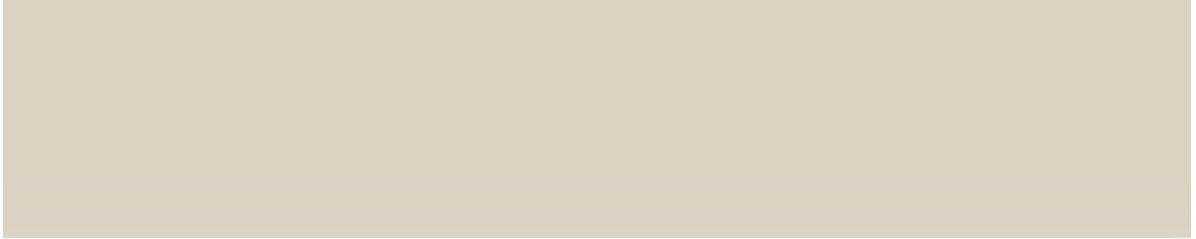
Adoption of the recommendations will have no financial impact.

Critical Dates

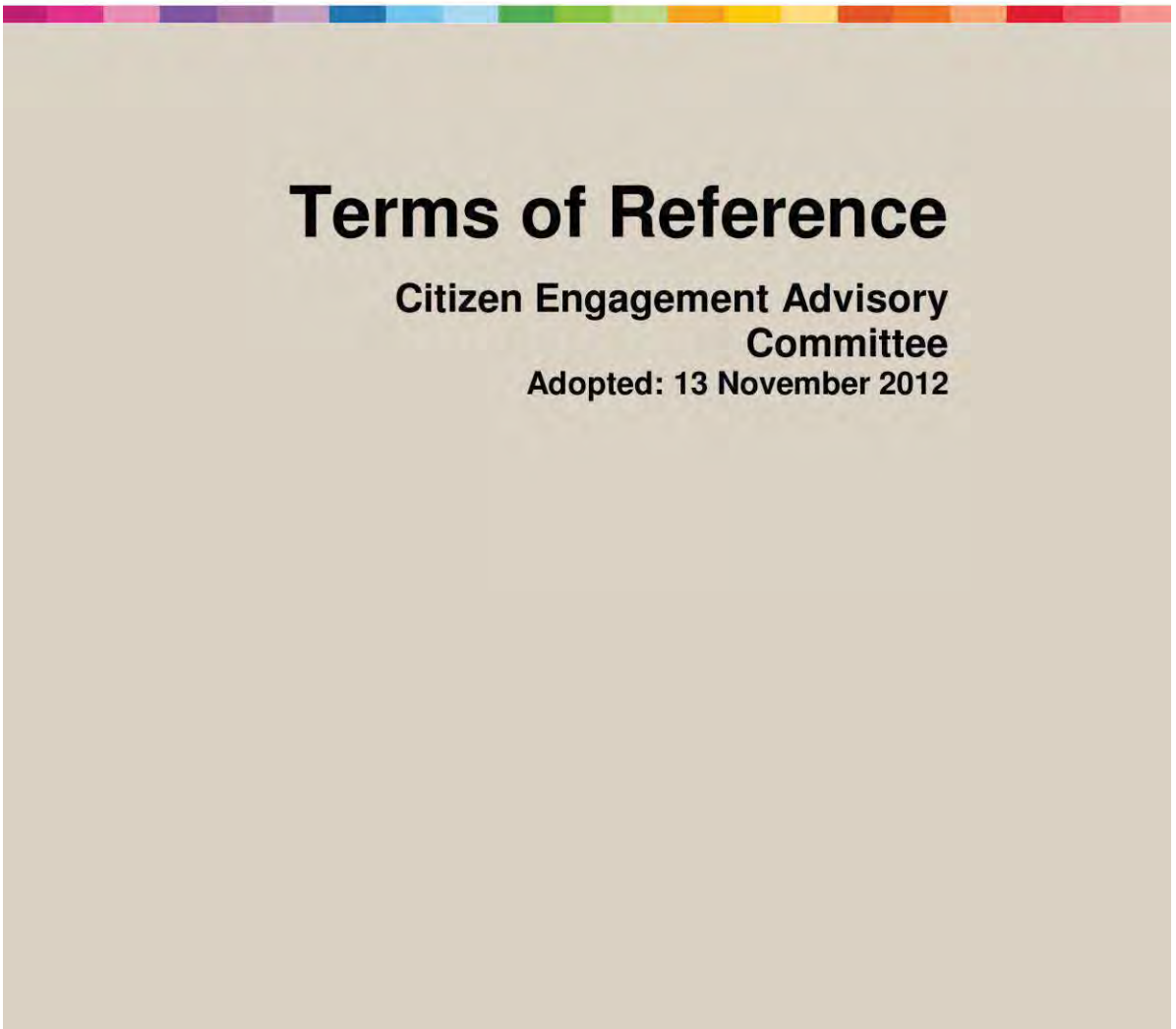
The Citizen Engagement Advisory Committee has been established for a fixed term from February to September 2013. Pending Council's determination of the membership of the Advisory Committee, the Committee would aim to conduct its first meeting in February.

ITEM 17 (continued)

ATTACHMENT 1



 City of Ryde
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ITEM 17 (continued)

ATTACHMENT 1



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Document Version Control

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Version	Issue Date	Author	Reason for Change
1.0	13 /11/2012	Angela Jones-Blayney	Adoption by Council



ITEM 17 (continued)

ATTACHMENT 1



Contents

1. Roles	4
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6. Code of Conduct and Other Council Policies.....	9

Background

Local Government as an entity are seen by the community as the local place manager and recognised by the community as being the front line of all government services.

We deliver a large range of services which can broadly be categorised as services which are:

- Directly consumed by customers i.e. customers pay for using our services e.g. swimming pools
- Those that deliver community benefit / well being i.e. we create flood mitigation plans etc
- Regulatory functions i.e. food inspections, parking enforcement etc
- Internally focussed service delivery i.e. human resources support etc

At the City of Ryde we provide 52 direct services to our community and provide 40 services which focus on community benefit. The City of Ryde Community Strategic Plan City of Progressive Leadership outcome goal three clearly defines the synergy and purpose of a Citizen Engagement Advisory Committee:

“Our residents trust their Council, feel well informed, heard, valued and involved in the future of their city.”

This is further defined in the following consultation categories:

- Setting strategic priorities.
- Outcomes framework and priorities for expenditure (budget setting).
- Council policies.
- Council's project design and implementation.
- Notifications as required by legislation e.g. planning proposals.

For reasons of complexity and consistency a new Communications and Media business unit has been formed at the City of Ryde to address this imperative requirement. A draft Community Engagement framework is currently being established to support the delivery of a variety of community engagement strategies underpinned with research and best practice methodologies.



ITEM 17 (continued)

ATTACHMENT 1

At an Extraordinary Council Meeting on 16 October 2012 Council resolved the following:

That the General Manager together with Councillor Pendleton develop the Terms of Reference for the formation of a new Citizen Engagement Committee for adoption by Council which will develop recommendations for a framework for community involvement to encourage broader representation across the City of Ryde and across all outcomes in Council's Delivery Plan. That the Terms of Reference address the structural framework to include Climate Change and Sustainability, Bushcare and any other gaps.

1. Roles

The purpose of this committee is to provide advice, feedback and recommendations on appropriate community engagement framework/s to shape the City of Ryde Draft Community Engagement Plan and to facilitate increased participation and engagement with the entire Ryde municipality's citizens, and across all outcomes in Ryde Council's Operational Plan.

The framework/s will:

- Provide options for greater engagement by all residents in civic affairs across the City of Ryde.
- Improve the information flow between Council, ratepayers and residents.
- Increase the level of quality advice to Council staff and Councillors.
- Shift the advisory committee focus from highly segmented, special interests to an integrated source of advice and feedback which considers the complexity of Council's service delivery functions.
- Improve community perception so that they feel well informed, heard, valued and involved in the future of their city.
- Develop recommendations for a framework for community involvement to encourage broader representation across the City of Ryde and across all outcomes in Council's Delivery Plan.
- Address the Advisory Committee structural framework to include Climate Change and Sustainability, Bushcare and any other gaps.

The City of Ryde has adopted a Community Strategic Plan and Delivery Plan that will shape all activities and projects over the next four years. Council's Advisory Committees are an important mechanism for consultation, advice and feedback to Council and its staff on the implementation and review of the Community Strategic Plan.

Committee Details:

This committee would be required to develop the framework over a fixed period e.g. Feb – Sept 2013.

Committee membership of 5-10 members with a demonstrated interest in these issues.

ITEM 17 (continued)

ATTACHMENT 1

Chaired by Councillor Pendleton.

The committee will involve all other Councillors and in conjunction with staff at a variety of responsibility levels at key points in the planning process.

2. Responsibilities

The Committee is responsible for:

- Considering advisory committee models and frameworks adopted in other municipalities in Sydney and international best practice
- Providing advice, feedback and recommendations on the existing Community Engagement Framework, including supporting research and other documentation that underpins the framework.
- Providing advice, feedback and recommendations on establishing minimum standards for public participation which include mechanisms for review, and reporting processes to the framework.
- Providing advice and support for enhancements to the information needs and the channels utilised to encourage more positive and productive relationships between Council and its residents and ratepayers
- Making recommendations to Council on an alternative Advisory Committee structure.
- Developing the framework/s using a consultative process which involves residents, staff and Councillors
- Providing advice on the development, implementation, review and reporting processes to embed the framework with Council's core outcomes.
- Considering community engagement frameworks that encourage broader representation across the City of Ryde and across all outcomes in Council's Delivery Plan.

3. Membership, Chairperson and Voting

The Committee will be formed for a fixed period from February 2013, preparing a report for consideration by the Council in September 2013.

Membership of the Citizen Engagement Committee comprises:

- The Chairperson - Councillor Pendleton
- No less than one (1) Councillor for the term of the committee
(Resolution of Council, 7 October 2008)
- All Councillors can attend and contribute to the meeting
- Note: the Mayor is not automatically represented on certain Committees (to be determined by Council) *(Resolution of Council, 7 October 2008)*

ITEM 17 (continued)

ATTACHMENT 1

Local residents shall be appointed by resolution of Council following advertisement for nominations in at least one local newspaper, on Council's website and in the Mayoral Column. Nominations are to be in writing and are to be circulated in full to the Councillors for evaluation. The Committee will not be involved in the evaluation or selection process of any local resident representatives.

Community members of the committee are to have a demonstrated interest or experience in community engagement processes.

The following City of Ryde staff ordinarily attend the Committee meetings but are not members of the Committee:

- Member of the Executive Team (as appointed by the General Manager)
- Service Unit Manager – Communications & Media
- Service Unit Manager – Governance
- Section Manager – Community Engagement & Social Media
- Coordinator – Community Engagement

Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

Term of Membership to Committee

Members appointed to the Committee shall be appointed February – September 2013 (unless extended by resolution of Council).

Membership of the Committee can be withdrawn by resolution of Council only. Council staff will be appointed and removed by the General Manager. The Committee will formally involve all other Councillors and Council staff at a variety of responsibility levels at key points in the planning process.

Casual Vacancy


(Resolution of Council, 7 October 2008)

A casual vacancy caused by the resignation or death of a Member will be filled by undertaking the following process:

- (i) Where a casual vacancy occurs, the Committee Facilitator will report this matter to the next Advisory Committee meeting and record it appropriately in the Minutes, and highlight it in the report to the next available Council Meeting.
- (ii) The Committee Facilitator will provide a report to the next available Council Meeting regarding the proposed replacement that will give consideration to the following options;
 - (a) If the Member was nominated as the representative of an organisation it will be recommended that the organisation be invited to nominate a replacement representative (if no alternate member has previously been nominated).

ITEM 17 (continued)

ATTACHMENT 1

- 
- (b) If the Member was nominated as an individual, the Committee Facilitator will review the original expressions of interest received and will confirm if any of those individuals who were previously nominated, are still prepared to be considered as a member of the respective committee for the Committee.
 - (c) Where, due to either no other previous nominations, or those nominations not being current, an expression of interest will be called for in replacing member/s, for appointment by Council.
 - (d) Where a vacancy occurs within 9 months of the end of the term of the current Council, the vacancy will not be filled.
- (iii) Once endorsed by Council, a Member filling a casual vacancy will hold office for the remainder of the term of the Member he/she has replaced.

The Chairperson of the Committee is:

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set by the agenda.

All remarks by members of the Committee and others present shall be made through the Chairperson. In the absence of the Chairperson, another Councillor Member of the Committee or the Committee Facilitator shall chair the meeting.

A staff member appointed as Chairperson of the Committee, does not become a formal member of the Committee by virtue of this position. All staff are representatives of Council only and not members of the Committee. It is not necessary that the Chairperson be a member of the Committee.

Council's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings that are not otherwise outlined in these Terms of Reference.

The Chairperson is to be a staff member or Councillor. Where the Mayor is appointed to be a delegate, it is not necessary that the Mayor be the Chairperson of this Committee.

(Resolution of Council, 7 October 2008)

Committee Facilitator

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for coordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee, in conjunction with the Chair.

ITEM 17 (continued)

ATTACHMENT 1

Voting

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

Proxy

No voting by proxy is permitted. Only members in attendance at the meeting shall be entitled to participate in the decision making process of the Committee. If a member is unable to attend the meeting but wishes to be in attendance for discussion of a particular matter, he/she can notify the Chairperson prior to the meeting to request deferral of the item to a subsequent meeting or to request that the Chairperson formally indicate the member's view to the Committee during the discussion on the matter. The Committee shall decide if a matter is to be deferred to a subsequent meeting based on the representations made to the Chairperson by the absent member.

Quorum

As the Committee is advisory only, no quorum is required, however, the Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.

4. Meetings

Meeting Schedule and Procedures

The Chairperson has the authority to call meetings.

The Agenda & meeting papers shall be circulated to members at least 3 days prior to meeting.

Each meeting shall be properly recorded by the taking of minutes.

Public Participation

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers, however, they cannot speak at a meeting unless prior arrangements are made through the Committee Facilitator. Presentations shall be limited to a maximum of 5 minutes.

5. Communications and Reporting

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

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 Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes.

ITEM 17 (continued)

ATTACHMENT 1

The Minutes of all Advisory Committees will be reported in the Councillor Information Bulletin within two (2) weeks of the Committee meeting. However, if a resolution of Council is required, e.g. allocation of funds, resources or an amendment to any Council Policy, then the Minutes shall be reported to the next available Council or Committee of the Whole meeting.

All agendas shall be published on Council's website within 5 days of completion.

All Advisory Committee minutes shall be published on Council's website within 5 days of completion or adoption by Council.

A report will be prepared for Council's consideration.

Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

6. Code of Conduct and Other Council Policies

Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

ITEM 17 (continued)

D2012/0092050

ATTACHMENT 2

Page 1 of 1

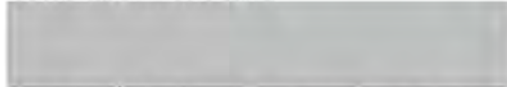
Message: D2012/0092050

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 22/11/2012 at 6:44 PM
Received: 22/11/2012 at 6:44 PM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: The Committee provides an essential mechanism in providing constructive advice to the City of Ryde. I believe my contribution on this Committee will add to the good governance of Ryde in providing greater engagement with the community to satisfy the many and varied interests of the community.

experience: I have been the instigator and spokesperson for the residential group called MARS (Marsfield Against Residential Suffocation). In this role I have delivered the outcome of the Boarding Houses Bill 2012 legislated on the 29 October 2012 through representation, public engagement, advocacy and negotiation with all levels of government over a number of years. I have represented and negotiated with the publicly elected representatives including Mayors Butterworth, Etmekdjian and Petch, State Member Victor Dominello, Federal Members McKew and Alexander to bring this legislation to reality in NSW. I am a graduate of University of Sydney with a Bachelor of Economics, past CPA and MD of one of Australia's 100 oldest privately owned companies and a resident of Ryde for 30 years. I have held various executive positions on industry and community organisations.

requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0096287

ATTACHMENT 2

Page 1 of 1

Message: D2012/0096287

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 5/12/2012 at 11:58 AM
Received: 5/12/2012 at 11:58 AM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I have a vested interest in The City of Ryde, it is where over a decade ago my husband & I made the largest financial commitment of our young lives. It is where we have decided to bring up 3 little girls, all attending local school & pre schools. Its our home, where we live, play & adventure. I ran for council elections in our last local elections, unfortunately I did not get elected, but I watch & read all the current issues. Being selected to become a member of this committee would give me the benefits I had sought in becoming a councillor. Just an ordinary voice of a mother, resident in our community. Thank you for taking the time Bianca

experience: Past life (BK) Hospitality Management, Public Relations. Current Home maker, KRFS Events Co-ordinator

requiredAgree: on

submit: Submit

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ITEM 17 (continued)

ATTACHMENT 2

Page 1

14th December 2012

Ms Angela Jones-Blayney
Council Manager - communication
and media
c/o Ryde City Council
1 Dublin Street
Ryde N.S.W 2112



Re: nominations for Ryde Citizens Engagement Advisory Committee.

Dear Angela

I submit my nominations for the Ryde citizens engagement advisory committee and list as followed some achievements that I may be of some assistance to that position.

Previously I have been involved for a number of years with my Industry Association to promote and provide better representation of our services to city and country members as well as provide education in our profession to them.

I have been involved in reasonable community matters concerning relationships between the community of Ryde and Ryde Council for a number of years.

I have previous understanding of town planning and the need for people to live in an area that they love, better access for the disable, parks and open space for the present and future generations.

I am not a member or affiliated with any group or political party therefore my focus is for Ryde area, where I have lived for almost 40 years, worked, had children and now enjoying the area.

ITEM 17 (continued)

ATTACHMENT 2

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I also presume that a condition would be that Council would make available on request all relevant material and information for the committee/members to fulfill its/their function and obligations

Thank you for taking the time regarding this nomination looking forward to your response

Thanking you.



ITEM 17 (continued)

D2012/0098873

ATTACHMENT 2

Page 1 of 1

Message: D2012/0098873

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 12/12/2012 at 4:56 PM
Received: 12/12/2012 at 4:56 PM
Subject: Form data received

Dear ,

Form data has been submitted for Form Citizen Engagement Advisory Committee

Field Label Field Data



interest: This Committee provides an excellent vehicle for allowing ordinary residents to meaningfully participate in the civic affairs of Ryde and I would welcome the opportunity to be able to assist in the development of a stronger relationship between Council and the community. While recognising Council's responsibility in the making of decisions, I feel I can make a worthwhile contribution to the information flow from residents to Council that will hopefully leading to a better informed decision making process. I have been a resident of Ryde for the past 42 years. During that time I have seen Ryde grow and develop into a wonderful place to live, to raise a family and to engender a great community spirit. Being a member of this Committee would allow me to give back to the community some of what it has given to me and to assist in the continuing development of Ryde.

experience: Residency Resident since 1970. Experience • Although retired, currently working part-time managing a \$5 million Commonwealth funded project for a Medical College • Extensive previous experience in project management of a number of national education projects • Undertook a major review of products and services of TAFE NSW and developed a comprehensive management plan for implementation • As a Program manager for TAFE NSW, conducted extensive consultations with internal and external customers including teachers and students, employer groups, unions, employers and employees • Developed a Training Strategy for the NSW Wine Industry • Developed a Training Strategy for the NSW Forestry Industry • Wrote the NSW Regulations for Ozone Protection Personal Attributes • Excellent oral and written communication skills • Demonstrated ability to work in a team • Highly developed listening skills • Ability to relate to all walks of life • In-depth knowledge of the Ryde area • Willingness to work for the betterment of all the citizens of Ryde • Active member of local parish church

requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0093883

ATTACHMENT 2

Page 1 of 1

Message: D2012/0093883

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 28/11/2012 at 11:32 AM
Received: 28/11/2012 at 11:32 AM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I have a long-standing interest in citizens participation in the decision making process, to build the trust and co-operation needed for optimal outcomes for the community.

experience: I am currently resident in Gladesville and have lived here for a total of 50 years. I went to Putney and Meadowbank schools and my sons to OLQP and Marist Eastwood. I have extensive community connections through various involvements. I have been involved in engaging the community in the Ryde Council decision making and consultation process over the last three Councils, serving as a resident representative on the Gladesville Master Plan process. This involved setting up Gladesville Residents for Appropriate Development, which involved implementing different strategies for connecting with residents, Council and developers. Also I explored alternative models of resident engagement with the then CEO of Ryde Council, and with Ted Mack in North Sydney, accompanied by Ivan Petch. Currently I am initiating a representative Gladesville working group to meet with Councillors and with Council over the longer term. I have also been involved engaging both Labor and Liberal State Governments in connection with policy issues around Aboriginal reconciliation. I am tertiary trained, with the ability to engage conceptual frameworks and their implications. I have the ability to present in public and in committee. I also am flexible time-wise as I work from home. Also I have a passion in this area and believe as part of a team we can deliver a consultation framework in Ryde that will serve the community well.

requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0101066

ATTACHMENT 2

Page 1 of 1

Message: D2012/0101066

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 19/12/2012 at 3:32 PM
Received: 19/12/2012 at 3:33 PM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I would like to improve engagement and consultation processes in our area and assist Council in identifying and mobilising skills and assets within the community. I have been a resident in Ryde area for over 20 years and I am an active member of our community.

experience: I have been a resident of North Ryde for over 20 years. I have worked in the Commonwealth and State public service as well as private sector for over 20 years. My work included policy and strategy, delivery of projects and community and stakeholder consultation. My qualifications are B.E. (civil)MIA, MBA, MEM UTS Sydney. I have a lot of knowledge and experience in variety of industries including Urban Development, Traffic and Road safety, dealing with utility providers. I am caring, compassionate, yet energetic and productive.
requiredAgree: on
submit: Submit

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ITEM 17 (continued)

D2012/0100432

ATTACHMENT 2

Page 1 of 1


Message: D2012/0100432

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 18/12/2012 at 10:23 AM
Received: 18/12/2012 at 10:23 AM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I have been a resident of Ryde for the last 24 years. I am an active member of the Ryde and North Ryde community and I would like to insure our future in Ryde is based on sound planning and environmental principles. Our community needs to be informed and empowered and included in decision making process.
experience: BE (civil) MIE Australia MBA, MEM UTS Sydney. Over 20 years of work in the private sector, Federal and State Government. Active member of Ryde and North Ryde Community groups. Familiar with Community engagement methods such as ABC
requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0099409

ATTACHMENT 2

Page 1 of 1

Message: D2012/0099409

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 14/12/2012 at 11:16 AM
Received: 14/12/2012 at 11:16 AM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I have lived in Ryde since 1988 and have been an active participant in many council issues, particularly Heritage. During this period I have experienced some difficulties with engaging effectively with Council. I am currently Chair of the Members of the Historic Houses Trust and believe that from my past experiences I could contribute very positively to this committee.
experience: Please see above comments.
requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0099029

ATTACHMENT 2

Page 1 of 1

Message: D2012/0099029

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 13/12/2012 at 11:41 AM
Received: 13/12/2012 at 11:41 AM
Subject: Form data received

Dearr ,

Form data has been submitted for Form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I have a keen interest in community engagement and belong to various local community groups. I am on the Board of Management of a couple of these organisations and we are always discussing ways to broaden and engage members of the community, particularly people whose first language is not English. The volunteer base for community organisations is aging and it is quite difficult to devise ways in which younger people may be persuaded to provide time and expertise.

experience: I have fifteen years experience in policy advising in Government (mainly Federal) and a wealth of document preparation knowledge -from briefing papers to cabinet submissions. I have also been in private practice as a lawyer. I am adept at writing all sorts of documents from letters to major documents for public consultation. I am very familiar with bureaucratic processes and procedures. I have also worked in roles advising the public, whether as a professional lawyer or in other client advisory roles. I am able to speak to people from diverse ethnic groups (I once worked for the Indian Government in Australia). In relation to the Ryde community, I have just stepped down after 12 years on the Board of Side by Side Advocacy (including Chairing the Board). I successfully applied for a grant from Council in 2011 to devise and translate promotional material in Chinese and Korean. I am also on the Committee of the Meadowbank West Ryde Progress Association. In addition I have been part of programs put on by Community Aid and Relationships Australia, and have attended various workshops by Council.

requiredAgree: on
submit: Submit

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ITEM 17 (continued)

D2012/0101069

ATTACHMENT 2

Page 1 of 1

Message: D2012/0101069

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 19/12/2012 at 3:36 PM
Received: 19/12/2012 at 3:36 PM
Subject: Form data received

Dearr ,

Form data has been submitted for Form Citizen Engagement Advisory Committee

Field Label Field Data



interest: Events over the past year at Council have suggested to me that decisions will become much easier to reach, less controversial and much more conclusive if there is further applied development in the nurturing, gathering and analysis of public opinion in the City of Ryde. It would be of personal interest to help explore the consultation and engagement methodologies of other Council areas in Sydney, to determine their success and failings, and how these may be applied to both the City of Ryde, and the community radio group to which I also belong, 2RRR.

experience: Have been a resident and former student in the City of Ryde since 1975 (36 years). Three recent years as a Board member and Chairman (two years) of radio station 2RRR has given me experience in areas of policy development and design involving multiple stake-holders, the ideals and practicalities of governance as applied to community groups and involvement in community consultation and engagement through listener feedback and radio orientated marketing. The radio experience has also given me an appreciation of the need for impartiality when investigating and reporting, empathy for the views and cultures of others, particularly when working in disparate groups and the advantages, if not necessity for lateral thinking when developing solutions for diverse groups.
requiredAgree: on
submit: Submit

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ITEM 17 (continued)

ATTACHMENT 2

Page 1 of 1

E-mail Message

From: TrimAdmin@ryde.nsw.gov.au [SMTP:TrimAdmin@ryde.nsw.gov.au]
To: [City of Ryde \[EX:/O=COREX/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B10238AD-EA5F1DA7-CA256F68-7740E2\]](mailto:City of Ryde [EX:/O=COREX/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B10238AD-EA5F1DA7-CA256F68-7740E2])
Cc:
Sent: 16/12/2012 at 11:15 PM
Received: 16/12/2012 at 11:15 PM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I would like to assist in Council meeting its Community consultation processes and outcomes drawing on many years of public service at senior level, involvement in sporting committees and refereeing rugby as well as ensuring safety and well being of our residents and businesses are considered in all decision making. I am willing to assist
experience: In recent years I have worked as a Policy Development Coordinator, Corporate Governance Manager, Ethics Manager, Facilities Manager. I am presently Neighbourhood Watch Coordinator of EW11,4,& 40 areas at Eastwood LAC(4500 residences). I am Vice Chairman of the Corruption Prevention Network a network of government, private and NGOs. Qualifications include a Masters Degree in Public Management (UTS). Certificates in OH&S, Training & Development, and Industrial Relations. I presently liaise with Police, Railcorp, Council and residents on neighbourhood matters.
requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0096443

ATTACHMENT 2

Page 1 of 1

Message: D2012/0096443

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 5/12/2012 at 10:45 PM
Received: 5/12/2012 at 10:45 PM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I believe community engagement is one of the primary responsibilities of council, however consultation methods are not keeping up with the changing communications tools. The current community engagement tools and methods are not reaching many sections of the community. I believe a lot of the community are disenfranchised from local government processes. Local government processes need to be better communicated to residents. The processes need to be more integrated with community aspirations. It is my opinion that this committee offers an opportunity for residents to re-shape the methods and processes for engagement with citizens. I am interested in being part of this process and being a member of this committee.

experience: I have been a director in a company for over 10 years gaining experience in governance and communications. Being a company director frequently requires the application of numerous consultation and engagement methodologies with various stakeholders. I believe my experience in corporate governance and also stakeholder engagement provides me with suitable experience to be a member of this important committee.

requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0095330

ATTACHMENT 2

Page 1 of 1

Message: D2012/0095330

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 1/12/2012 at 11:10 AM
Received: 1/12/2012 at 11:10 AM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: As Director of the partnership between Macquarie University and City of Ryde I have an active interest in understanding and enhancing community engagement across the LGA.

experience: I work at Macquarie University within the Ryde local Government Area. As a research social scientist I have worked in areas of social impact assessment, community development, not-for-profit organisation capacity building and conflict resolution as an educator, researcher and administrator. My role in facilitating the MRFP has given Council staff and Councillors an opportunity to judge my attributes against the roles expected to be played in this Committee and I am happy to be available either as a member or a resource person to support the important work to be done by this committee.

requiredAgree: on
submit: Submit

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ITEM 17 (continued)

D2012/0100781

ATTACHMENT 2

Page 1 of 1

Message: D2012/0100781

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 18/12/2012 at 7:27 PM
Received: 18/12/2012 at 7:27 PM
Subject: Form data received

Dear ,

Form data has been submitted for form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I am a passionate about the community of Ryde, having run for council elections in 2012. I believe that grass routes communities form the fabric of a successful society, and see this committee as a fantastic opportunity to contribute towards positive change in Ryde, through a more vigorous, transparent and engaging consultative process.

experience: In my career I have worked as a corporate trainer, senior manager, board member, community organiser, marketer and business owner, as well as rolling out donor funded community-based tourism projects in a number of countries. As such I have gained a broad range of skills in policy development; board level governance and reporting; and extensive hands on experience in various community environments with a focus on communication, education and consultation. I am also a heavily active member of a wide range of Ryde community groups including Ryde Community Alliance, Ryde Hunters Hill Flora & Fauna Preservation Society, Ryde Community Alliance, Ryde-Gladesville Climate Action Group and Concord Ryde Sailing Club.

requiredAgree: on
submit: Submit

Form data can be accessed from the WCM admin site

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ITEM 17 (continued)

D2012/0097327

ATTACHMENT 2

Page 1 of 1

Message: D2012/0097327

From: TrimAdmin@ryde.nsw.gov.au
To: [City of Ryde](#)
Cc:
Sent: 7/12/2012 at 10:03 PM
Received: 7/12/2012 at 10:03 PM
Subject: Form data received

Dear ,

Form data has been submitted for Form Citizen Engagement Advisory Committee

Field Label Field Data



interest: I have been involved in council meetings for over 12 months and I would like to see big improvements in the way that Council and staff communicate with the community. Community need to feel that Council is transparent and trustworthy in its dealings with its citizens. Residents' opinions need to be genuinely valued by Council.

experience: I have lived in Ryde for 36 years. I teach a local primary school, where I am communicating and dealing with parents on a daily basis. I have led meetings, devised programmes, run committees and worked with staff as part of a team. I have been organist at North Ryde Community Uniting Church for many years. Here I work with the minister in arranging music for the liturgy and negotiate with people when arranging weddings and funerals.

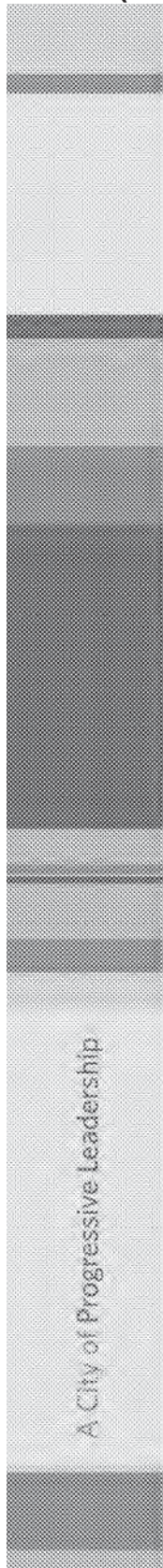
requiredAgree: on
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ITEM 17 (continued)

ATTACHMENT 3



Citizen Engagement Advisory Committee BRIEFING PAPER

Introduction

The City of Ryde is committed to working with community members to strengthen the relationship between Council and Community. As part of this commitment Council is implementing a Citizen Engagement Advisory Committee.

The Committee was borne from Council's understanding that in order to effectively deliver many of our services we rely upon engaging with community members in order to understand the actual wants, needs and desires of the local community. It is extremely important that there is a strong relationship with the community where Council are known and felt to be transparent, trustworthy and competent.

If Council is successful in creating this type of relationship with the community then community members will feel well informed, heard, valued and involved in the future of their city.

The new Community Engagement Advisory Committee is key to ensuring that Council's vision of a strong working relationship with the community is achieved.

Involvement in this committee will appeal to community members who believe in, and support the strengthening of the relationship between Council and Community which will ultimately result in genuine and effective public participation within the City of Ryde.

ITEM 17 (continued)

ATTACHMENT 3

The Citizen Engagement Advisory Committee and its role in Council

How will the advisory committee contribute to Council's aims?

The purpose of the committee is to provide advice, feedback and recommendations on appropriate community engagement framework/s to shape the City of Ryde draft Community Engagement Plan and to facilitate increased participation and engagement with the entire Ryde municipality's citizens and across all outcomes in Ryde Council's Operational Plan.

What will be the committee's role?

The committee's role will be to examine best practice thinking and contribute to our emerging Community Engagement framework. The Citizen Engagement Advisory Committee will also draw upon research in the marketplace such as the International Association for Public Participation (IAP2) and the New Democracy Foundation initiatives including a case study model approach to broaden thinking of the committee members.

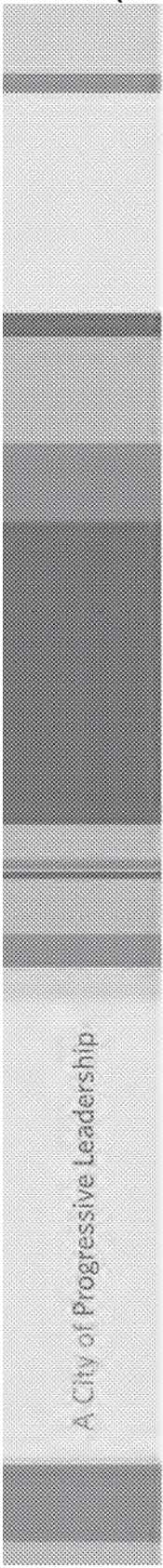
What will the committee be responsible for?

The committee will be responsible for:

1. Considering Advisory Committee models and frameworks adopted in other municipalities in Sydney and international best practice
2. Providing advice, feedback and recommendations on the existing Community Engagement Framework, including supporting research and other documentation that underpins the framework.
3. Providing advice, feedback and recommendations on establishing minimum standards for public review and reporting processes to the framework
4. Providing advice and support for enhancements to the information needs and the channels utilised to encourage more positive and productive relationships between Council and its residents and ratepayers.
5. Making recommendations to Council on alternative Advisory Committee structure
6. Developing framework/s using a consultative process which involves residents, staff and Councillors
7. Providing advice on the development, implementation, review and reporting processes to embed the framework with Council's core outcomes
8. Considering community engagement frameworks that encourage broader representation across the City of Ryde and across all outcomes in Council's delivery plan

ITEM 17 (continued)

ATTACHMENT 3



What are the desired outcomes of the Committee?

It is intended that the Committee will operate between February 2013 - September 2013 and at that the end of this period the successful committee will have contributed to Council in the following ways:

1. Assisted with providing options for greater engagement for all residents in civic affairs across the City of Ryde
2. Assisted with the improvement in the information flow between Council, ratepayers & residents.
3. Assisted with improvements in the quality of advice to Council staff and Councillors
4. Assisted with an improvement in community perception so that they feel well informed, heard, valued and involved in the future of their city.
5. Developed recommendations for a framework for community involvement to encourage broader representation across the City of Ryde and across all outcomes in Council's Delivery Plan.
6. Provided recommendations to Council as to how to shift the focus of the advisory Committees to create an integrated source of advice and feedback which considers the complexity of Council's service delivery functions.

What will be the composition of the committee?

- 5 - 10 community members with a demonstrated interest in issues of community engagement and public participation
- Consist of a representative sample of members across 3 wards
- Be reflective of the demographic profile of the City of Ryde
- Comprise of a mixture of community members who have either expertise in policy; governance; consultation & engagement methodologies

ITEM 17 (continued)

ATTACHMENT 3

Community Engagement at the City of Ryde

Council's decision to create a community engagement team in 2012 was a consequence of realizing that in order for Council to be effective as a service provider to the community it's important that the community are engaged in the process.

A strong relationship with our community members are able to assist our services be accepted, understood and utilized.

The recent development of the Community Engagement Section (which sits within the newly formed Communications and Media Unit) has been tasked with building a closer relationship between council and the local community (including residents, ratepayers, customers, workers, businesses and community groups) and building a level of confidence within the community in the decision making and service delivery abilities of the Council.

As part of the desired strategic outcomes of the Community Engagement Section a number of processes and policies have been drafted and a framework has been developed. The Citizen's Engagement Advisory Committee will work closely with the Community Engagement Section in reviewing this draft documentation and providing feedback to ensure City of Ryde is implementing best practice.

How the success of the Advisory Committee will positively impact Council

Often, when people think about Local Councils, the first thought is 'Roads, Rates and Rubbish', however the services of Council run much broader and much deeper into our community than most people realise. Council is involved in providing support / services to the community through the following programs:

- Open Space, Sport and Recreation
- Catchments, Waterways and Foreshore Management
- Community Centres, Libraries and Neighbourhoods
- Environmental related programs
- Pathways and Cycleways
- Land use Planning
- Strategic City Planning
- Economic Development
- Community and Culture development
- Regulatory services including health inspections, environmental controls and parking.
- Roads and Safety
- Waste and Recycling

ITEM 17 (continued)

ATTACHMENT 3

City of Ryde is the local Council for the Ryde Local Government Area (LGA) with a population of approximately 104,000 people. Our LGA demographics show that there is a broad spread across all age groups with highest percentages being at opposite ends of the spectrum being the 25-34 age bracket (20%) and the 65+ age bracket (18%). What we also know is that we have significant cultural diversity in the City of Ryde with 38% of our residents being from Non-English speaking backgrounds.

In any given year Council can be undertaking in excess of 130 projects across all Council's program areas, and in all of these service areas we have to consider the needs of our broad age and cultural demographic.

It will be incumbent upon the Citizens Engagement Advisory Committee to take into account the broad range and depth of services of Council as well as the significant cultural diversity when providing recommendations greater engagement for all residents in civic affairs across the City of Ryde.

ENDS

A City of Progressive Leadership

18 SUBMISSION TO PLANNING ASSESSMENT COMMISSION - Shepherds Bay Urban Renewal Project

Report prepared by: Client Manager
File No.: MIN2010/2 - BP13/130

REPORT SUMMARY

This report is in response to a Council resolution at the meeting held 22 January 2013 to prepare a submission to the Planning Assessment Commission regarding the Part 3A Concept Plan and Project Application in Meadowbank. The Planning Assessment Commission meeting was held on 5 February 2013.

The submission has been attached and is based upon Council's previous submissions to the Department of Planning and Infrastructure regarding the Concept Plan and Project Application and the Director-General's Assessment Report and associated Terms of Approval.

RECOMMENDATION:

- (a) That Council endorse the submission as attached, and
- (b) That a copy of the final submission be forwarded to the Planning Assessment Commission.

ATTACHMENTS

- 1 Submission for PAC - Part 3A Concept Plan and Project Application - Meadowbank
- 2 Terms of Approval Comments - Concept Plan
- 3 Terms of Approval Comments - Project Application
- 4 Shepherds Bay Meadowbank Development Concept Plan - Planning Assessment Commission (PAC) Chair - Abigail Goldberg

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 18 (continued)**History**

The proposed Part 3A Concept Plan and Project Application was declared a Part 3A Project on 3 March 2010. The proponents submitted an Environmental Assessment to DoPI and it was publicly exhibited between 26 January 2011 and 28 February 2011. Council provided a submission that raised substantial concerns regarding:

- Height,
- Building Separation and Setbacks,
- Density and dwelling number,
- Access Network,
- Traffic,
- Open Space,
- Land Use,
- Voluntary Planning Agreement,
- Flooding,
- Strategic Planning for the Meadowbank Area,
- ESD Guidelines,
- Provision of Services and Utilities,
- Extent of Consultation, and
- Project Application.

In response to submissions received the proponents provided an Preferred Project Report to DoPI which was referred to Council on 6 February 2012. Council reviewed the Preferred Project Report and raised concerns regarding:

- Height,
- Building Setbacks,
- Building Separation,
- Isolated Sites,
- Proposed Density,
- Access network,
- Traffic,
- Open space,
- Land uses,
- Strategic Planning for the Wider Meadowbank Area,
- Voluntary planning agreement,
- Contributions,
- Schedule of Commitments,
- Flooding,
- Master plan and staging of development,
- ESD Guidelines and Report,
- Utilities,
- Waste, and
- Project Application Stage 1

ITEM 18 (continued)

Following the review of the Preferred Project Report by DoPI, the proponents submitted a Revised Preferred Project Report to DoPI which was referred to Council on 13 August 2012. Council prepared a submission in response which raised concerns regarding:

- Certainty in Development Outcomes
- Building Height
- Building Setbacks
- Building Separation
- Isolated Sites
- Community Consultation
- Number of dwellings
- Access network
- Traffic
- Open space
- Land uses
- Voluntary planning agreement
- Contributions
- Community Facilities
- Public Art
- Flooding
- Stormwater
- Building Design Excellence
- Property Ownership
- ESD Guidelines and Report
- Utilities
- Waste
- Project Application – Stage 1

Discussion

At its meeting held 22 January 2013, a Council resolve to prepare a submission to the Planning Assessment Commission regarding Shepherds Bay Urban Renewal Part 3A Concept Plan and Project Application.

Attachments 1-3 constitute a submission in response to the above resolution. This submission has in been prepared based on the issues raised previously by Council in submissions and a review of the Director-General's Assessment Report and associated Terms of Approval.

The submission raises several concerns regarding the proposed approval of the Concept Plan and Project Application. Generally the base position of this submission is that the Concept Plan and Project Application should not be approved in its current form. Notwithstanding this, should the PAC seek to approve the proposal, **Attachments 2-3** constitute recommended amendments to the conditions.

ITEM 18 (continued)

At the PAC meeting Tuesday 5 February 2013, a draft copy of this submission and the associated recommendations regarding the Terms of Approval were provided on a draft basis. The PAC were also informed that this submission is awaiting endorsement from Council at its meeting 12 February 2013.

At the same meeting held 22 January 2013, Council also resolved that

2. *At the meeting, the staff member will tender a letter and also read it out to the audience from Council indicating:*
 - (a) *That Councillors are disappointed that the scheduling of the meeting has resulted in their inability to attend to support residents at the meeting because it conflicts with the Standing Committee meetings which have been scheduled well in advance and publicly advertised.*
 - (b) *That Council objects to the revised proposal which is still inconsistent with the Draft LEP 2011 zonings and not in the public interest, and intends to send the Planning Assessment Commission (PAC) a submission.*

This letter has been attached (**Attachment 4**) and includes reference to the draft submission and recommended amendments to the Terms of Approval. This letter was provided to the PAC at its meeting.

Financial Implications

There no Financial Implications for Council other than the usual matters related to building and development such as payment of bonds and Section 94 Contributions.

Options

The options open to Council are to either:

- a) Endorse the submission in its current form and submit it to the PAC for consideration
- b) Make amendments to the submission and submit it to the PAC for consideration

ITEM 18 (continued)

ATTACHMENT 1

Executive Summary

Council has significant and substantial concerns regarding the proposal which has been detailed in previous submission submitted to the Department of Planning and Infrastructure (DoPI). Council does not support the proposal and strongly urges the refusal of the application.

Council's concerns with the proposed development are numerous however they can be broken into two primary sections. The first is the inappropriateness of the proposed development given the existing and proposed planning controls for the area and surrounding development. The proposed built form will result in what is considered to be an unacceptable impact upon adjoining areas and a poor urban environment within the proposed development that will adversely affect the lives of future residents and those traveling through the precinct.

The second is the poor level of documentation submitted with the application and lack of certainty this provides for the future assessment of individual development applications (DAs). This lack of certainty and failure to provide a basic level of documentation against which future DAs can be assessed will severely impact upon Council or the Joint Regional Planning Panel's ability to effectively determine the applications and ensure effective land governance of the Shepherds Bay Area. It should be noted that land governance includes the maintenance of all associated infrastructure provided within the subject site and includes the delivery or upgrading of any necessary infrastructure resulting from the proposal.

In this respect, specific reference is drawn to the traffic measures proposed, stormwater infrastructure, provision of pedestrian, cycling and vehicular access paths, and the potential rebuilding of Constitution Road. It must be recognised that the Part 3A Concept Plan and Project Application present a unique opportunity to develop a substantially developed master plan for almost a third of the Shepherds Bay Area that provides certainty for future development and a best-practice urban environment. Rarely does one developer acquire controlling rights of such a significant area to guide its future development. This opportunity must not be squandered through poor design, insufficient information or the need to hastily resolve outstanding Part 3A Applications.

Below is a general summary of the issues associated with the proposed development. For the Commissions convenience the headings below and grouping of concerns relate to the headings utilised in the Director-General's Environmental Assessment Report.

Notwithstanding the above and Council's significant concerns regarding the proposed development, should the Planning Assessment Commission (PAC) see to recommend the proposal for approval, attached are suggested amendments to the proposed conditions of consent.

Council believes that many of the proposed conditions are subjective and do not provide clarity for outcomes particularly in relation to the major infrastructure required to support this level of development in this location. The City of Ryde and its citizens should not bear any future financial burden from a development which significantly exceeds local planning controls.

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ATTACHMENT 1

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Density

With regards to the proposed density, Council recognizes the unique position of the Meadowbank area given its proximity to Meadowbank Station, Meadowbank Ferry Wharf and numerous bus routes along both Church St and Victoria Rd. These facilities do support an increased level of density from the existing built form. It is for these very reasons that Council has sought to provide additional development yield through the Draft Local Environmental Plan 2011. Council strongly believes that any increase of density should give due consideration to the resultant amenity impacts of the proposed development and the ability for the demands of new and existing residents to be adequately catered for.

It is not considered that the proposal has demonstrated that reasonable level of amenity will be provided by the proposal for new and existing residents of Meadowbank. In particular it is not considered that due consideration has been given to the built form to result from the proposal and its creation of a poor urban environment. The heights, setbacks and massing of the development is considered unacceptable by Council. Also of concern is the ability of the needs of new and existing residents to be adequately catered for with regards to provision of open space and community facilities.

It must be recognised by the PAC that the proposed sites do not sit in isolation and exist as part of a wider area that is undergoing substantial redevelopment. Of the entire Shepherds Bay Area that is likely to experience significant renewal or already has, the Part 3A Concept Plan and Project Application only constitutes approximately 28% of the total area. The remainder of the Shepherds Bay Area that has not been developed or had DAs lodged constitutes approximately 26% of the total area. This means that the total area affected by the Part 3A application is equivalent to the remaining undeveloped areas. Given the level of densities proposed and the inadequate amount of community facilities or open space areas provided, this potential for significant exponential growth throughout the area as a result of precedent established by this application is alarming. This causes significant concerns with regards to Open Space, Community Facilities and Pedestrian Access, Traffic and a range of other matters.

Furthermore, it is alarming to Council that despite the proposed amendments to the Project Application or Concept Plan, no reduction in the overall unit yield has been required. This is considered unacceptable to Council as it will simply result in reduced unit size in order to ensure the maximum density figures are achieved. Specific reference is made to Condition A6 of the Concept Plan Terms of Approval.

Built Form

Building Heights

With regards to building heights it is noted that DoPI has argued that similar heights surrounding the sites provide due justification for the proposed development. The two cases noted are Rhodes (opposite side of Parramatta River) and Top Ryde Shopping Centre. In Council's opinion, both cases are not necessarily within immediate proximity of the proposed development or within the same geographic region due to Parramatta River. Furthermore, it is strongly believed that development should not rely solely upon precedent

ITEM 18 (continued)

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of surrounding development but should be considered on its own individual merit with regards to amenity afforded to new residents and surrounding properties.

In addition to the above, Council's Draft Development Control Plan 2011 Part 4.2 Shepherds Bay, Meadowbank provides for maximum storey height which is not considered in within the Director-Generals Report. Consideration is only given to the maximum building height levels in meters expressed as part of the Draft Ryde Local Environmental Plan 2011. The storey heights provided within the DCP 2011 range between 4-6 storeys.

It should be noted that there has been a recent PAC decision for a former Part 3A Concept Plan proposal at 74-78 Belmore St, Ryde (often referred to as the Achieve Australia Site), which is in close proximity to the subject sites. The heights approved by the PAC are well below those proposed under this application and are more in keeping with the proposed heights contained within Draft Ryde Local Environmental Plan 2011 and the associated Development Control Plan.

Also, despite the comments made within the Director-General's Assessment Report, Council has concerns regarding all building heights proposed under the Concept Plan and Project Application, including the site located along Church St.

In addition to the above, the outstanding issue of Constitution Road and the issues associated with flooding and potential lowering raises further questions regarding the interface of the buildings along constitution road and the adjoining low density residential area to the north.

Building Setbacks

With regards to building setbacks, Council has raised in its previous submissions that it does not consider the proposed setbacks to be acceptable due to the increased heights afforded by the proposed development as oppose to Council's proposed controls. Council still firmly believes this is the case. DoPI have identified that they believe that the proposed setbacks when combined with street tree planting will allow for adequate screening of the built form. It must be recognised that no details or cross sections of the existing roadways have been provided demonstrating that once sufficient room has been afforded to new pedestrian walkways and cycle routes to cater for the increased densities that sufficient space will remain within the public domain for significant street planting.

In this respect, it must be recognized that whilst a condition has been imposed requiring all setbacks to be free of basement structures, any future residential development will likely (and rightly so) provide individual courtyards and access to ground floor tenancies both residential and commercial. Notwithstanding the, should the PAC seek to approve the proposal a condition of consent should be imposed to require all setback areas to be free of any pergolas, eaves, shade structures or similar.

With regards to the proposed terms of approval, it is noted that Condition 9 of the Concept Plan Terms of Approval explicitly proposes a minimum setback of 1m to a Public Walkway along the north western boundary of Stage 6. This minimal setback will result in a poor presentation to the walkway and raises serious questions as to how any future building will

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present to this walkway. Minimum specifications of this presentation should be treated must either be addressed specifically or under a much broader principle. This must give due consideration to CPTED Principles. It is noted that the Director-General's Assessment Report states that this is for the purposes of screen planting along this boundary. This will not allow for any activation of this pedestrian walkway in the form of individual entries to units or similar. This will result in the development effectively 'turning its back' on this small portion of public domain.

Also of significant concern are the minimal setbacks proposed to the foreshore area. Minimal setbacks have been provided to adequately provide sufficient setbacks or landscaping. In particular, it is noted that comparison to the foreshore buildings immediately to the east of the subject within the Director-General's Assessment Report in support of the proposed setbacks. This comparison is considered inappropriate as the setback between the front property boundaries and the water between the concept plan area and the properties to the east vary significantly. This is by virtue of the foreshore parks along the water edge and the fluctuations of the shoreline. IN Council's opinion, the setbacks to all foreshore properties must be increased.

During the meeting with PAC members to provide a briefing regarding the proposal and issues raised in Council's previous submissions, the location of the Rothesay Avenue was queried. In this respect, from the submitted documentation it does not appear as though the proposed works will encroach into the foreshore area. However this is somewhat unclear due to the level of detail provided by the proponent with respect to the treatment and future public domain works potentially resulting from the proposal. It is strongly recommended that further information be provided by the applicant to clarify this matter.

Building Design

With regards to Building Design, it is noted that Condition 2 of the Terms of Approval will require future DAs to be of a high standard of architectural design. This condition is considered to be somewhat ambiguous and difficult to measure.

In Council's opinion the condition should be amended to include approval by Council's Urban Design Review Panel or a SEPP 65 Panel.

Residential Amenity

Building Separation

Council has raised concerns with the proposed levels of building separation in its previous submissions and these issues are not considered to be adequately addressed. It should be noted that Building Separation is not simply provide to ensure privacy is provided. As per the Residential Flat Design Code (RFDC), the objectives of adequate building separation is to:

- To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.
- To provide visual and acoustic privacy for existing and new residents.
- To control overshadowing of adjacent properties and private or shared open space.

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- To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.
- To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.

The RFDC provides recommended building separation distances based upon building heights. Whilst consideration of this has been given under the Director-General's Assessment Report it has supported reduced building separation dependant on future design of buildings providing apartment configurations that ensure compliance with the minimum building separations proposed under the RFDC. However, there is no reference to building separation provisions under Condition 26 of the Terms of Approval for the Concept Plan. In Council's opinion this condition should be amended to ensure that total compliance with the RFDC and SEPP 65 is achieved and demonstrated with each individual DA. This will also allow consideration of potential new buildings on the sites adjoining the Concept Plan areas should they be approved or built before each individual stage is lodged with Council.

Council also notes that the RFDC is currently under review by DoPI. In this respect, given the potentially lengthy lifecycle of the Concept Plan, it is strongly recommended that this condition be amended to allow for consideration of a new revised RFDC.

Solar Access

Generally, Council supports the comments of the Director-General's Assessment Report with regards to amenity of individual units and access to sunlight. However, previous issues raised in Council's submission regarding details of solar access to publicly accessible open space and communal open space do not appear to have been addressed or resolved.

The proposal does not detail to an acceptable level what the overall solar access for each individual portion of communal and private open space will be. The information provided simply provides a percentage for the overall quantum of communal and public space that will receive sunlight. This approach of providing an average for the concept plan area as a whole rather than focusing on individual portions of open space does not allow the adequate assessment of the relationship between each individual portion of public and communal open space to the surrounding building envelopes with specific reference to their heights, configurations and setbacks.

However, notwithstanding the above, it is noted that the percentage of sunlight access to the open space areas on an hourly basis are minimal. This is a direct product of the proposed levels of density, setbacks, building massing and heights. Were the applicant to provide more reasonable setbacks, building separation and heights, it can be assumed that improved solar access would be achieved not only to the open space areas, but also to the individual dwellings.

Building Depth

Council notes that the Director-General's Assessment Report states that the internal layout of the individual units will be such that the exceedance of the maximum building envelope

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will not be an issue. Council is of the opinion that this should be assessed as part of each individual development application through the application of the RFDC.

Accordingly, it is recommended that compliance with maximum building depth under the RFDC be included Condition 26 of the Terms of Approval for the Concept Plan.

Contributions and VPA

With regards to the Voluntary Planning Agreement (VPA) it is noted that whilst no VPA is proposed, the Statement of Commitment still proposes the inclusion of a VPA with Council. This appears to be at odds with the comments made within the Director-General's Assessment Report.

With regards to the applicable contributions, it should be noted that Council's *Section 94 Contribution Plan 2007* is premised on an assumed level of density in accordance with Council's controls from which necessary facilities and infrastructure is derived. This then provides a rationale for the monetary figures attributable per each new individual dwelling or new office / retail area dependant on their related demand. Should the assumed density levels change, the facilities required in number, type and size, change. This then affects the costs attributable to each individual dwelling. Accordingly the use of the *Section 94 Contribution Plan 2007* to derive appropriate development contributions are highly questionable, especially given the severe shortage of facilities proposed. Particular reference is made to open space and community facilities.

Traffic, Transport and Access

Local Road Network and Infrastructure Upgrades

Council engaged Bitzios Consulting to review the proposed Road Network and Infrastructure Upgrades. Of particular concern, it is noted that there are some differences in the extents of works and proposed timings shown in the "Statement of Commitments" and the conditions for each for each approval. This has made it difficult to interpret exact requirements and Council have relied in the first place to the conditions as having priority over the "Statements of Commitments" (SoC).

It is interpreted from the DG's conditions that all of the roadworks items conditioned to be constructed are solely the responsibility of the Shepherds Bay Development (i.e. no part-contributions). The recommended road upgrades in detailed in Council's previous submissions and the Traffic Needs Assessment (with the exception of items 17 and 18) were all proposed to occur for Stage 1 of the Development. In this respect, the Director-General's Report has different timings in the conditions compared to what is in the associated Statement of Commitments. The works items, the proposed upgrade timing and the issues with these recommendations are detailed below.

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Item No.	Description	Suggested timing	Proposed timing	Issues
1	Railway Rd/Constitution Rd pedestrian signals	Stage 1	Stage 3 (in SoC) Determined through RMS warrants analysis (in condition 31)	The SoC should be updated to be consistent with the conditions.
4	Bowden St/Constitution Rd signals	Stage 1	Stage 6 (in SoC) Determined through RMS warrants analysis (in condition 31)	The SoC should be updated to be consistent with the conditions.
6	Rothesay Ave link, and roundabouts at each end replaced with roundabout only at Rothesay/Belmore	Stage 1	Stage 2 (in SoC)	Generally consistent and acceptable
10	Yerong St/Belmore St Left In – Left Out	Stage 1	Stage 4 (in SoC)	Generally consistent and acceptable.
12	Hamilton Cr and Nancarrow Ave link and LATM	Stage 1	Stage 2 (in SoC) and conditions of approval	Acceptable
13	Traffic signals at Bowden Street/Underdale Lane replaced with <i>construction of a zebra crossing or pedestrian refuge (depending on warrants) at Bowden Street north of Underdale Lane</i>	Stage 1	Stage 4 (in SoC)	Stage 4 appears reasonable and we concur with the replacement of the signals with a pedestrian crossing.
14	Underdale Lane LATM	Stage 1	Stage 4 (in SoC)	Must be before occupation of Stage 2 as a condition of approval (as per Item 12) because item 12 will enable (limited) through traffic and create the 'rat run'. It is logical to implement the Nancarrow Ave and Underdale Lane LATM works at the same time. Consistency correction should be made in SoC.
16	Hamilton Cr/ Belmore St Left In – Left Out	Stage 1	Stage 2 (in SoC) and in approval conditions	Acceptable.

Council has provided an amended condition suggested to replace Condition 29 and B30 of the Terms of Approval for both the Concept Plan and Project Application in accordance to the above.

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State Road Network

While the proponent's modelling techniques (using Netanal and SCATES) have resulted in more favourable Level of Service and delay estimations at key intersections on Victoria Road and Church Street than the network modelling (and indeed visual observations) suggest, Council agrees that the additional traffic generated by the development is a very small proportion of arterial road traffic volumes, and therefore the direct effects of development traffic would be negligible.

Internal Street Design, Pedestrian Links and Cycleway

Council has concerns regarding the ability of the proposed pedestrian and cyclist links to be delivered within the proposed / existing road widths. This must be detailed prior to any future approval. Adequate details must be provided as part of the concept plan to demonstrate that all pedestrian and cyclist links can be delivered to a suitable and acceptable standard.

Whilst it is noted that DoPI has attempted to address this via Condition 13 of the Terms of Approval of the Concept Plan, this condition is poorly worded and is unlikely to resolve this issue. In particular, it is noted that the ARUP report recommends that:

- pedestrian footpaths should be provided on both sides of all publicly accessible roads adjacent to the Concept Plan site;
- the footpaths should be a minimum of 3 metres wide to accommodate the significant numbers of pedestrians from the development; and
- Rothesay Avenue and Nancarrow Avenue could be designated as mixed traffic streets through the use of pavement markings indicating the presence of cyclists.

Given that the Concept Plan is based on increased density and provides detailed location of future building envelopes, it is not considered appropriate to simply leave this matter up to Council to resolve as part of the DA process for each individual building. This matter **MUST** be adequately resolved prior to any approval being granted. It must be resolved on a precinct wide basis for all forms of movement including vehicular, pedestrian and cyclist. It must include consideration of the geometric design. Interestingly, despite the level of detail provided within the Terms of Approval no reference is made to the minimum footpath width of 3m proposed by ARUP.

In particular, of concern is the ability of Constitution Road to provide the proposed cycleways and pedestrian access paths given the outstanding issues with determining how the stormwater / flooding will be resolved regarding the potential future lowering / rebuilding or implementation of a culvert. Additionally, it should be noted that these facilities will connect to the Upper Riparian Linear Park. This is significantly hampered by the current height of Constitution Road and the level change between it and surrounding properties.

However notwithstanding the above, should the PAC recommend approval of the proposal, Council's recommended conditions list provides an amended condition that requires all this information to be detailed to Council's satisfaction for the entire Concept Plan prior to the construction of Stage 1. This amended condition also requires an independent Road Safety Audit be prepared with each item at the direction of Council.

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With regards to pedestrian path ways, it is noted that the Director-General's Assessment Report raises concerns regarding sufficient provision of paths of travel accessible by all people heading north and south. To this effect, Condition 19 in the Terms of Approval for the Concept Plan states that future applications are to include landscape plans that demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore, with one of the routes including the Lower Riparian linear park. It is Council's opinion that any such route should be provided in the both the western and eastern sections of the Concept Plan site. Accordingly, these accessible paths of travel should include the Lower Riparian linear park and either the Central Spine or the public pathway associated with Stage 1. In requiring the provision of these accessible paths of travel, consideration must be given to future treatment of Constitution Road.

Furthermore, in order to create a sense of uniformity through the development and the surrounding public domain areas in Council's control and ownership, all publicly accessible open space areas must be in keeping with Council's Public Domain Technical Manual and only varied for individual areas with the approval of Council. It should be noted that the Public Domain Technical Manual applies primarily to streets rather than public open space areas and as such will need to be varied. However it is important that this only be permitted at Council's discretion to ensure that a high quality finish is provided for all publicly accessible open space areas.

It is also disappointing that despite the matter being repeatedly raised by Council the extension of the cycle network beyond the bounds of the subject site have not been considered or required of the proponent.

Parking Rates and Alternate Forms of Travel

The Director-General's Assessment Report recommends maximum parking rates as the minimum rates in the Draft Development Control Plan 2011. While the intent to encourage alternative transport modes is acknowledged there may be an increased risk of overflow parking from the development into local streets.

In recognition of this issue, it is recommended that a Parking Management Strategy be developed, as part of the Sustainable Travel Plan required. Furthermore, the travel plan should clearly articulate the mechanisms, governance arrangements etc. required to achieve the active and public transport mode splits and to minimise the potential for overflow parking demand. Council should be consulted by the DoPI prior to the determination of any such Sustainable Travel Plan or Parking Management Strategy.

In addition to the above, it is noted that no reference has been made to loading or unloading facilities as part of the Terms of Approval. In this respect, Council has suggested an amended Condition 28 including the requirement for loading and unloading facilities for service vehicles suitably sized and designed for the uses undertaken on site.

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Stormwater and Flooding

Stormwater and Flood Mitigation Infrastructure

With regards to Stormwater and Flood Mitigation Infrastructure, it must be recognized by the PAC that the report prepared by Evans and Peck considers the Stormwater and Flooding issues in isolation with specific reference to the '*most cost effective way of managing stormwater*'. It does not give any due consideration to the other matters such as ensuring adequate pedestrian, vehicular and cycle access or ensuring appropriate land management takes place.

Focusing on stormwater and flood mitigation infrastructure, Council accepts that there are multiple relatively lower cost solutions for Constitution Road rather than its lowering. In this respect, should the question of Constitution Road be one of just stormwater and flood management Council accepts that the resolution of this issue would be one shared between both Council and the proponent. However, the proponents have identified that pedestrian and cycle paths are to be provided along Constitution Road and that these will connect with the Upper Riparian Linear Park. It is fundamentally questionable how these facilities will be provided without the lowering of Constitution Road.

Accordingly, the question of Constitution Road and the apportionment of cost transcends the issues of simple stormwater and flood mitigation. In this respect, given that the pedestrian and cycle pathways are necessary for the development to proceed, Council emphatically rebuffs the proposed application of a 50/50 cost sharing approach.

It must be noted that the plans for the lowering of Constitution Road, prepared by Council and provided by the proponent as part of the Preferred Project Report are indicative and draft only and do not constitute Council's final position regarding Constitution Road. Any querying of how Constitution Road is to be resolved requires detailed modeling of the extent of overland flow and the success / impact of each of the proposed methods of resolution. This must be provided before any decision can be made.

With regards to the design of trunk drainage pipe, this pipe must be designed and approved by Council prior to any development of stages of 7, 8, 9, and 10. Accordingly an amended condition 39 has been recommended.

The above issues regarding Constitution Road and the unknown factors of how it will be treated and resolved, which has substantial ramifications on costs and Council's ability to bear these costs, are so uncertain that this proposal cannot be supported in any shape or form notwithstanding the comments made elsewhere within this submission. Council strongly urges PAC to consider the above and to either refuse or defer the proposal for further additional information.

Flooding assessment

It must be noted by the PAC that any future flood studies or assessments can only be adequately undertaken once the matter of Constitution Road is adequately resolved. Accordingly, no flood models or assessment for properties downstream from the Ann Thorn Catchment can be adequately considered until this issue is resolved.

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With regards to Flooding, Council's Committee of the Whole adopted the Eastwood & Terrys Creek Flood Plain Risk Management Study & Plan on the 3rd November 2009. This study and plan establish the underlying principles and objectives that apply to all development assessment for all sites affected by overland flowpaths within Ryde Council area. Accordingly, all future flood assessments must address the underlying principles & objectives of the Eastwood & Terrys Creek Flood Plain Risk Management Study & Plan. Council has suggested amended Conditions that address the above.

Stormwater Drainage

With regards to Stormwater Drainage, it is noted that no mention of Water Sensitive Urban Design (WSUD) is made within any of the conditions of consent. This must be incorporated in to the development given its size and scope. This proposal involves redevelopment of a very large area of land that potentially has a major impact on water quality and quantity usage and supply. It is extremely important that WSUD should be incorporated.

An amended Condition 41 of the Terms of Approval of the Concept Plan has been provided.

Open Space and Community Facility

Open Space

Whilst Council acknowledges the Department's comments on the inadequate provision of open space, it is necessary to point out that the standard used to calculate the provision of future open space (1.88 ha per 1,000 population) is not a recognised industry standard nor accepted City of Ryde standard for the provision of open space. The recognised industry standard for the provision of open space is 2.83 ha per 1,000 population (Best Practice in Open Space Planning), thus the provision of open space for the site should be in excess of 10.5 ha.

Whilst it is noted that the proposed development will deliver approximately 18,422m², this includes spaces such as wide footpaths, access corridors, building setbacks or poorly designed spaces with water features. This constitutes the majority of the proposed open space areas. These areas cannot be used as open spaces suitable for recreation and accordingly should not be considered as such. This is made abundantly clear in Figure 52 Open Space Areas and Deep Soil Zones of the revised Preferred Project Report submitted August 2012.

The Department's comments also refer to the parkland areas surrounding the development (Meadowbank and Anderson Parks) and recommend improvements to these parkland areas through Section 94 contributions. This assumes that there is a capacity for Meadowbank Park to be further developed. **Meadowbank Park is at its capacity**, so the assumption that the future inhabitant of the development will have the Park as its active sports area is misinformed. Without the implementation of the draft Meadowbank Park Masterplan that increases the active open space areas, there will be no opportunity for new residents to participate in active recreation in this area. Furthermore, the assumption that the amounts attributable to the Section 94 Contributions Plan 2007 are applicable or appropriate to any necessary upgrading of Meadowbank Park is highly questionable. It

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cannot be evidenced or adequately demonstrated that the funds accrued under the Section 94 Contribution Plan will be sufficient or able to be effectively applied to Meadowbank Park for its upgrading.

Whilst we note the Department's comment that the design of these open spaces will be subject to future development assessments, it must be noted that the current design:

- Does nothing to enhance the open space environment
- Lacks well designed spaces that could be activated by the community
- Lacks spaces that offer flexibility of use

No guidance for the future design of the open space areas has been provided. Council's Public Domain Technical Manual is orientated to standard footpaths and generic open space areas and will provide minimum guidance to the scope design and style of public areas proposed as part of the development. As such, it is strongly recommended that an amended Condition 18 be included that provides guidance for the quality of individual open space areas. However as iterated repeatedly within this submission, Council is of the opinion that the application cannot be supported.

Comparatively, it should be noted that early stage planning for the North Ryde Station Precinct has identified that for a total new population between 2200-2500, a total of 16,000m² – 17,000m² is proposed. The open space areas proposed within the North Ryde Station Precinct are large continuous spaces that are located and designed to allow for active recreational use.

Community Facilities

The Assessment Report recommends floor space be set aside and specifically designed for a community facility. It also recommends that the amount, configuration and design be provided in consultation with Council and relevant community organisations. It does not allocate a minimum number of sqm, ensure the fit out costs are included in any facility or designate where the facility will be. It also fails to provide any level of confidence that such a facility is warranted, or desirable by Council. There are significant concerns with the ability of Council to support such a proposal with out details of appropriateness of such a facility or a funding regime acceptable to Council as to how such a facility will be catered for. Also, given the limited timeframe between when the Director-General's Assessment Report being released and the holding of the PAC meeting, no such facility has been considered or endorsed by Council at a formal meeting.

Further specificity must be provided regarding the proposed community facility prior to Council being able to support any such inclusion as part of the proposal. Also of concern is the lack of provision of any childcare centres within the concept plan. There is currently only one childcare facility in Meadowbank which is almost at capacity. The closest non-for-profit childcare centre in West Ryde has a significant waiting list. Given the size of the development and the number of two and three bedroom apartments proposed, the demand for childcare will increase significantly.

The childcare can be either part of the community facility above or allocated within the commercial and retail floor space however a minimum of 650sqm of floor space must be specially set aside for a 56 place childcare centre (as per accreditation guidelines). Given

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the likely demand pattern to be generated by the development it would be preferred that any childcare be built in Stage 4 to meet the demand from Stages 1 – 3.

With regards to the proposed Community Facility, Council strongly believes that no approval should be given to the proposed development until an endorsement of the proposed facility is provided by Council. However, should the PAC seek to approve the proposal, the following provides minimum specifications that must be applied.

Floor space

- A specific amount of floor space designated for a community facility, at least 3500-5000sqm to be used for a community facility and a childcare centre.
- Any such proposal must include that the developer be obligated to fit-out any community facility to agreed specifications.
- Council must be permitted to utilise part of any floor space designated as a community facility for commercial means to fund ongoing operating, maintenance and renewal costs. Alternatively, Council is provided with adequate funds to operate and maintain the facility over the course of its lifetime.

Community Facility

- Any such facility must have multipurpose meeting rooms, exhibition space, performance space, an enterprise café, studio spaces and shared kitchen (see attached design).
- Current planning indicates that at least 2500sqm would be required.
- Currently Council is of the opinion that any such facility would likely be established as a Arts and Cultural Hub. However this would require further research and would also need the endorsement of Council

Further specifications can be provided upon request, however the notion of simply condition a Community Facility as part of the proposal without detailed consultation with Council is fundamentally flawed and not supported.

Public Art

As part of the proposed development and associated conditions, Council is extremely concerned that there appears to be a lack of guidance for future public artworks. This is of substantial concern as art by its vary nature is open to interpretation and that there is nothing that would prevent the inclusion of substandard art as part of the proposal given the wording of the proposed conditions of consent. This is further highlighted by the values proposed as part of the cost guide provided as part of the application. This cost guide only allocates approximately \$10,000 – \$20,000 for each of the art works and only identified a cost for 4 pieces of Public Art, not the 11 identified in the Public Art Strategy.

Council has published a Public Art Guide for Developers that provides further details for providing public art as part of large scale development. The Guide indicates that:

- 1% of the total construction costs should be allocated to public art. This could be applied on a stage by stage basis.
- A public art professional is engaged to create a Public Art Plan.
- Provides guiding principles and criteria for public art.

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Council is of the opinion that a Public Art Plan should be provided for each of the stages that include Public Art. It is noted that the Concept Plan Approval includes Condition 24 that addresses this in part for Stage 3, however a specific condition for individual Public Art Plans for each stage should be included.

Other Issues

Isolated Sites

With regards to the isolated sites, it is strongly believed that due consideration of the RFDC be granted as raised under the Building Separation section of this submission. This matter is of particular importance given the potential establishment of precedent by the proposed Concept Plan. This must also be considered in association with any front setbacks for the lots fronting the water given the remnant site located along the foreshore that is not included as part of the Concept Plan.

ESD

Council has raised significant issues with application of the proposed ESD targets as identified in previous submission. Given standard construction methods and the unlikelihood of large scale retro fitting of strata owned residential apartment buildings, unless the Stretch Targets form part of the Base Targets it is unlikely that they will ever be achieved. This is of particular concern for certain criteria where no Base Target has been provided. It is strongly recommended that the

Stretch targets be incorporated into the Base Targets or new achievable Base Targets be provided. Many of the base targets and stretch targets are unachievable and should be reconsidered/replaced with more appropriate targets. The following are key areas of concern:

1. Community
7. Indoor Environment Quality (IEQ) - This section provides a maximum internal noise level for habitable rooms excluding bedrooms of 40dB LAeq. This is unlikely to be achievable
2. Water
3. Heat Rejection Water – The Stretch Targets provided include the term ‘ideally’. The ESD Guidelines should avoid the use of ambiguous terms and provide clear goals and targets.
3. Energy
3. Renewable Energy and Peak Electricity Demand Reduction – The Stretch Target of non-electric primary energy source to be used for heating systems is unlikely to be achieved. This must be clarified as to whether the energy sources are to be sustainable and how this could potentially be achieved.
4. Thermal Comfort– The Stretch Target of ceiling fans for 95% of apartments. This is unlikely to occur due to current standards for floor to ceiling heights and current interior design trends.

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9. Daylight – The Stretch Targets provided for this part are unlikely to be achievable by future development within this area due to the proposed heights and orientation of anticipated built forms.

10. Unoccupied Areas – The Stretch Targets for unoccupied areas are unlikely to be implemented due to extent of retrofitting required for these targets.

Waste Management

Council's Waste Co-ordinator has reviewed the proposed development and raises particular concerns regarding the Stage 1 Project Application. Given that the development has a total of 319 apartments with 5 garbage holding areas. The number of bins which would be required for a complex of this size would be 12 x 1100L waste bins serviced 3 times per week on Monday, Wednesday & Friday. An allowance at least for 90 x 240L recycling bins serviced weekly is also required. The 5 garbage holding areas on the plans are not adequate to store this number of bins.

It is unclear as to whether the residents will be required to take their waste and recycling down to the basement garbage holding areas or whether there will be a waste & recycling bin storage area on each floor. With a complex of this size, there is a general rule that a waste chute would be provided in a sealed room, which is large enough to contain a recycling receptacle.

The access to the carpark is from Belmore St, so therefore the bins would be required to be taken out through the carpark entry and presented on Belmore Street for collection. Belmore Street is quite steep in this area so there will be a problem with the availability of a flat area for the placement of the 12 x 1100L bins for collection. The recycling bins are also required to be presented on the kerbside, free from obstruction of parked cars.

The Council Waste Unit found the plans for the removal of waste from this complex to be inadequate due to the following:

- The bin storage area in the basement is not user friendly for the residents
- The bin storage areas will not be large enough to hold the required bin allocation
- The presentation of the bins on Belmore St is an issue due to access and safety reasons.

All of the above issues would also be required to be met in the future developments, with bin presentation and access being of major concern.

Heritage

Council's Heritage Planner has reviewed the proposed Terms of Approval and has raised issues with the proposed conditions. Replacement conditions have been provided below.

1. That a **detailed photographic archival recording** in accordance with the NSW Heritage Branch guidelines, is undertaken of No. 37 Nancarrow Avenue, prior to demolition and the release of the Construction Certificate,
2. That **interpretation signage** is designed by a qualified historian and graphic designer and must be provided to the Council for approval prior to any works

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occurring in the public space. The signage should include details of the history and the importance of the factory as stipulated within the Heritage Report prepared by Rappoport Heritage Consultants issued 18 November 2010. This must include illustrations and interesting facts on the automatic totalisator.

3. A detailed **Archaeological Assessment** is undertaken prior to release of the Construction Certificate. This Archaeological Assessment must take into account historic buildings (now demolished) that were in the vicinity of the subject site and their associated activities. This report must detail how to manage interpretation of the site if any relics or ruins are located during excavation or demolition. Historically this area was significant to the development of Ryde and Meadowbank, refer to:<http://www.ryde.nsw.gov.au/Documents/History/Demolished+Houses.pdf>:
 - a. The ruins of Glendower house / outbuildings and associated farming activities;
 - b. The ruins of Helenie house / outbuildings and the associated farming activities.
4. An independent heritage consultant must be engaged for the preparation of a detailed **Heritage Impact Assessment** and must be involved in the planning and design of the Church Street (adjacent to the State Heritage Item- Meadowbank Bridge) & Nancarrow Road redevelopment. The consultant must ensure heritage considerations for the layout and vistas/views are retained and incorporated into the final design.

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ID.	Condition/statement	Suggested re-wording
Part A		
A1	Concept approval is granted to the development as described below: Use of the site for a mixed use development including residential, retail and commercial uses incorporating: <ul style="list-style-type: none"> • building envelopes for 12 buildings incorporating basement level parking; • infrastructure works to support the development including: • upgrades to the local road network; • stormwater infrastructure works; • publically accessible open space and through site links; and • pedestrian and cycle pathways. 	Council does not support proposed development thus, no potential amended wording for this condition.
A2	The development shall be undertaken generally in accordance with: <ul style="list-style-type: none"> • the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports; • the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012; and • the following drawings: 	Council does not support proposed development thus, no potential amended wording for this condition.
A3	In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.	Council does not support proposed development thus, no potential amended wording for this condition.
A4	Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the	Council does not support proposed development thus, no potential amended wording for this condition.

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ID.	Condition/statement	Suggested re-wording
	Modifications in Part B of this Approval.	However, clarification must be given as to what are permissible encroachments within the setback. Council is of the opinion that no encroachments should be permitted.
A5	The maximum GFA for the development shall not exceed 203,500m ² comprising a maximum of: <ul style="list-style-type: none"> • 193,500m² residential GFA; and • 10,000m² commercial, retail or community GFA. 	Council does not support proposed development thus, no potential amended wording for this condition. However reduction in heights and increased building separation does not appear to have affected total yield achieved on site. This is of concern.
A6	The maximum number of residential dwellings shall not exceed 2005 units.	Council does not support proposed development thus, no potential amended wording for this condition. However reduction in heights and increased building separation does not appear to have affected total yield achieved on site. This is of concern.
A7	A minimum of 18,422m ² of publicly accessible open space shall be provided across the development to be maintained in private ownership by the future body corporate	Council does not support proposed development thus, no potential amended wording for this condition. See comments on Open space for more information.
A7	Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.	Council does not support proposed development thus, no potential amended wording for this condition.
Part B		
B1	The plans described above in Part A – Terms of Approval shall be modified to provide maximum building heights as follows:.....	Council does not support proposed development thus, no potential amended wording for this condition. See comments on Height for more information. However notwithstanding the above, it is suggested that this condition include a definition of what is <i>building height</i> .
B2	Prior to issue of an Occupation Certificate for Stage 1 or prior to the submission of a Development Application for future stages (whichever occurs first), a Sustainable Travel Plan for the Concept Plan site will	Prior to issue of an Occupation Certificate for Stage 1 or prior to the submission of a Development Application for future stages (whichever occurs first), a Sustainable Travel Plan for the Concept Plan site will be

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ID.	Condition/statement	Suggested re-wording
	<p>be submitted to and approved by the Department of Planning & Infrastructure. Options for provision of a Car Sharing Scheme for the site are to be explored and incorporated into the Sustainable Travel plan.</p>	<p>submitted to and approved by the Department of Planning & Infrastructure, in consultation with Council.</p> <p>A Parking Management Strategy addressing how overflow parking from the development into surrounding streets will be managed should be a key element of the Sustainable Travel Plan. The Plan should also include consideration of a Car Sharing Scheme for the site to be incorporated into the Sustainable Travel plan. Any car share spaces proposed should be predominantly located on private land and clearly identified. The plan should also state the mechanisms to achieve the active and public transport usage levels that would minimise the risk of overflow parking on street given the low car parking rates proposed.</p>
Schedule 3		
1.	<p>A design competition shall be held prior to the submission of future Development Application/s for Stage 5 (the signature building fronting Church Street) in accordance with the Director General's Design Excellence Guidelines.</p>	No change
2.	<p>Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high quality materials and finishes.</p>	<p>Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high quality materials and finishes. This is to be to the satisfaction of Council's Urban Design Review Panel, SEPP 65 or equivalent.</p>
3.	<p>Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:</p> <p>(a) buildings along Constitution Road are a maximum of 5 storeys; and</p> <p>(b) the southern building element of Stage 7 is a maximum of 5 storeys.</p>	See Council comments regarding height
4.	<p>Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground level (finished) and are located below the</p>	No change

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ID.	Condition/statement	Suggested re-wording
	building footprint and do not encroach into street setback areas.	
5.	Future Development Applications shall demonstrate incorporation of a palette of materials and finishes that are predominantly light in colour.	No change
6.	Future Development Applications shall demonstrate an appropriate interface with surrounding streets and public domain areas at pedestrian level, and an appropriate design treatment to provide an adequate level of privacy to ground level apartments.	No change
7.	Future Development Application/s for Stage 6 shall provide the following minimum setbacks to the south-western boundary (common boundary with 12 Rothesay Avenue): (a) 6 metres up to 4 storeys; and (b) 9 metres above 4 storeys.	See Council comments regarding setbacks
8.	Future Development Application/s for Stage 5 shall provide the following setbacks to Parsonage and Wells Streets: (a) Podium – 4 metres (b) Tower – 5 metres	See Council comments regarding setbacks
9.	Future Development Application/s for Stage 6 shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.	See Council comments regarding setbacks
10.	Future Development Application/s for Stage 9 shall provide a minimum 4 metre building setback to the single storey building fronting Bowden Street. Eaves, pergolas, outdoor seating areas or other unenclosed structures are permitted to encroach into the setback providing that the design does not result in unacceptable impacts to the streetscape or view lines.	See Council comments regarding setbacks

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ID.	Condition/statement	Suggested re-wording
11.	Future Development Applications shall provide for utility infrastructure, including substations, within the building footprint, wherever possible. If this is not possible, infrastructure shall be located outside of the public domain and appropriately screened.	No comment
12.	Future Development Applications shall include detailed landscape plans for public and private open space areas, street setbacks areas and for the landscape treatment of all adjoining public domain areas and road reserves.	Future Development Applications shall include detailed landscape plans for public and private open space areas, street setbacks areas and for the landscape treatment of all adjoining public domain areas and road reserves to Council's satisfaction and in accordance with Council's requirements.
13.	Future Development Applications shall provide the detailed design for the upgrade of all road reserves adjacent to the development to the centre line of the carriageway , including landscaping, street trees, accessible pedestrian pathways, street lighting, cycle ways on Constitution Road and Nancarrow Avenue , and any other necessary infrastructure. Where the detailed design necessitates an increase in the width of the road reserve, building setbacks are also to be increased to retain the approved setback to the road reserve alignment. The road reserve works are to be completed by the proponent prior to occupation of each stage.	<p>Future Development Applications shall provide the detailed design for the upgrade of all road reserves adjacent to the development and conditioned to be upgraded by the development including pathways, street lighting, cycle ways and any other necessary infrastructure. Where the detailed design necessitates an increase in the width of the road reserve, building setbacks are also to be increased to retain the approved setback to the road reserve alignment. The road reserve works are to be completed by the proponent prior to occupation of each stage.</p> <p>This is to be demonstrated prior to the construction of Stage 1 in the form of a detailed Public Domain Plan including levels and all above works for the entire Concept Plan area. This is to ensure that the proposed infrastructure and all forms of paths of travel do not have any significant or unacceptable misalignments and must include consideration of geometirc design for the Concept Plan and periphery streets as a whole.</p> <p>This must also include a Master plan of street lighting showing placement of cabling, lighting and pole spacing. It is to also demonstrate the relationships of all pedestrian, cycle and vehicular routes in relation to the Building Footprints approved under this Term of Approval.</p>

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ID.	Condition/statement	Suggested re-wording
14.	Future Development Applications shall provide bicycle parking at the minimum rate of 1 space per 10 car parking spaces.	<i>No change</i>
15.	Future Development Applications shall demonstrate appropriate 'end of trip facilities' for cyclists within all non-residential developments.	Future Development Applications shall demonstrate appropriate 'end of trip facilities' for cyclists within all non-residential developments in accordance with Council's requirements.
16.	Future Development Applications shall demonstrate the contribution toward the cumulative publicly accessible open space provision of 18,422m ² across the Concept Plan.	See comments regarding open space
17.	Future Development Applications shall demonstrate the contribution toward the cumulative open space provision across the Concept Plan.	See comments regarding open space
18.	Future Development Applications shall include detailed landscape plans for the embellishment of publicly accessible open space areas. These areas shall include high quality landscaping and paved areas and a variety of recreation facilities which may include BBQs, seating, water features, grassed areas, paths, shade trees, bicycle racks and exercise equipment/games.	See comments regarding open space Future Development Applications shall include detailed landscape plans for the embellishment of publicly accessible open space areas, to Council's satisfaction and requirements. These areas shall include high quality landscaping and paved areas and a variety of recreation facilities which may include BBQs, seating, water features, grassed areas, paths, shade trees, bicycle racks and exercise equipment/games.
19.	Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore with one of the routes including the Lower Riparian linear park. Landscape plans will also include detailed design of at least 1 north-south cycle path linking Constitution Road through the site to the existing foreshore cycleway.	Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore with one of the routes including the Lower Riparian linear park. This additional path of travel is to be either the Central Spine or the public pathway associated with Stage 1. This is to be clearly identified and supported by Council prior to the issuing of a Construction Certificate for Stage 1. Landscape plans will also include detailed design of at least 1 north-south cycle path linking Constitution Road through the site to

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ID.	Condition/statement	Suggested re-wording
		the existing foreshore cycleway.
20.	Future Development Application/s for Stage 6 shall include the detailed design of the foreshore plaza, including a combination of hard and soft landscape elements and also include the potential use of the site for community uses or the like.	Future Development Application/s for Stage 6 shall include the detailed design of the foreshore plaza, including a combination of hard and soft landscape elements and also include the potential use of the site for community uses or the like, to Council's Satisfaction.
21.	Future Development Applications shall clearly set an appropriate legal mechanism for creating rights of public access to all publicly accessible areas of open space and through site links, with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development.	Future Development Applications shall clearly set an appropriate legal mechanism for creating rights of public access to all publicly accessible areas of open space and through site links, with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development. Any such legal mechanism is to be to Council's satisfaction. All publicly accessible open space areas to be fully delivered to Council's satisfaction prior to the issue of any occupation certificate for any stage.
22.	Future Development Application/s for the Stage 5 development shall set aside floor space specifically designed for a community facility. The amount, configuration and design of community floor space should be provided in consultation with the Council and relevant community organisations. The designated community floor space must not be used for any other commercial, retail or residential use.	See comments regarding Community Facility.
23.	Future Development Applications shall provide the detailed design of public art in locations throughout open space areas generally in accordance with the Public Art Strategy submitted with the PPR.	Future Development Applications shall provide the detailed design of public art in locations throughout open space areas generally in accordance with the Public Art Strategy submitted with the PPR. A Public Art Plan for each Development Application in accordance with Council's Public Art Guide

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ID.	Condition/statement	Suggested re-wording
		for Developers must be provided to Council's satisfaction.
24.	<p>Future Development Application/s for Stage 3 shall include a Arts and Cultural Plan developed by a professional public artist including consideration of:</p> <p>(a) materials to be used, with particular attention to durability;</p> <p>(b) location and dimension of artwork;</p> <p>(c) public art themes to respond to site history and or social, cultural or natural elements;</p> <p>(d) integration into the site and surrounds; and</p> <p>(e) budget and funding.</p>	<p>Future Development Application/s for Stage 3 shall include a Arts and Cultural Plan developed to Council's satisfaction by a professional public artist including consideration of:</p> <p>(a) materials to be used, with particular attention to durability;</p> <p>(b) location and dimension of artwork;</p> <p>(c) public art themes to respond to site history and or social, cultural or natural elements;</p> <p>(d) integration into the site and surrounds;</p> <p>(e) budget and funding; and</p> <p>(f) Council's Public Art Guide for Developers</p>
25.	<p>Future Development Applications shall demonstrate the contribution toward the cumulative maximum GFA and dwelling yield across the Concept Plan.</p>	
26.	<p>Future Development Applications shall demonstrate compliance with the provisions of the <i>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</i> (SEPP 65) and the accompanying <i>Residential Flat Design Code 2002</i> (RFDC), except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that:</p> <p>(a) a minimum of 60% of apartments within each stage are capable of being naturally cross ventilated; and</p> <p>(b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies mid winter; or</p> <p>(c) where less than 70% of apartments achieve 2 hours of solar access in mid winter, these apartments (beyond the</p>	<p>Future Development Applications shall demonstrate compliance with the provisions of the <i>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</i> (SEPP 65) and the accompanying <i>Residential Flat Design Code 2002</i> (RFDC), except where updated.</p>

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ID.	Condition/statement	Suggested re-wording
	<p>first 30%) shall be designed to provide improved amenity by:</p> <ul style="list-style-type: none"> • including extensive glazing (minimum 70% of the external façade) to living rooms; • permitting cross-ventilation; and • exceeding RFDC guideline by at least 10% in at least one of the following areas: <ul style="list-style-type: none"> • increased floor to ceiling height; or • increased minimum apartment areas. 	
27.	<p>Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development must comply with the stretch target.</p>	See comments regarding ESD
28.	<p>Future Development Applications shall provide on-site car parking at the following maximum rates:</p> <ul style="list-style-type: none"> (a) 0.6 space per 1 bedroom apartment; (b) 0.9 space per 2 bedroom apartment; (c) 1.4 spaces per 3 bedroom apartment; (d) 1 visitor space per 5 apartments; (e) 1 space per 40m² for commercial/retail uses. 	<p><i>Inclusion of:</i></p> <p>(f) Provision of adequate loading and unloading facility for service vehicles, suitably sized and designed for the use of the development, as determined by Council.</p> <p>Parking for any community facilities proposed are to be in accordance with the requirements of Councils Part 9.3 Car Parking of Development Control Plan</p>
29.	<p>Future Development Application/s for the second stage of development pursuant this Concept Plan (with the exception of Stage 5) shall include the following infrastructure works:</p> <ul style="list-style-type: none"> (a) Nancarrow Avenue extension; (b) Nancarrow Avenue Area Traffic 	<p>The following infrastructure works are required to be constructed by the proponent:</p> <ul style="list-style-type: none"> (a) Nancarrow Avenue extension (before occupation of Stage 2); (b) Nancarrow Avenue Area Traffic Management (LATM) measures and road

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ID.	Condition/statement	Suggested re-wording
	<p>Management (LATM) measures and road reserve upgrades including associated pedestrian footpaths and cycleways;</p> <p>(c) implementation of left-in / left-out arrangement at Belmore Street / Hamilton Crescent intersection;</p> <p>(d) Underdale Lane Local Area Traffic Management (LATM) measures;</p> <p>(e) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and</p> <p>(f) installation of roundabout at Belmore Street / Rothesay Avenue</p> <p>Detailed design to the Council's satisfaction is to be submitted with the application unless already approved as required by Project Approval MP09_0219 for Stage 1. All works are to be completed by the proponent prior to occupation of the stage.</p>	<p>reserve upgrades including associated pedestrian footpaths and cycleways (before occupation of Stage 2);</p> <p>(c) implementation of left-in / left-out arrangement at Belmore Street / Hamilton Crescent intersection (before occupation of Stage 2);</p> <p>(d) Underdale Lane Local Area Traffic Management (LATM) measures (before occupation of Stage 2);</p> <p>(e) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue (before occupation of Stage 4); and</p> <p>(f) installation of roundabout at Belmore Street / Rothesay Avenue (before occupation of Stage 2)</p> <p>Detailed design prepared by a Suitably Qualified Engineer to the Council's satisfaction is to be submitted with the application unless already approved as required by Project Approval MP09_0219 for Stage 1. All works are to be completed by the proponent prior to occupation of the stage and accompanied by an independent Road Safety Audit at the direction of Council.</p> <p>Engineering plans assessment & work inspection fees are payable in accordance with Council's Management Plan prior to approval.</p>
30.	<p>Future Development Application/s for the fourth stage of development shall provide the detailed design for the implementation of left-in / left-out arrangement at Belmore Street / Yerong Street intersection. The works are to be completed prior to occupation of any of this stage.</p>	<p><i>No change</i></p>
31.	<p>Future Development Application/s for each stage of development following the first two stages shall include a traffic study which includes figures on the current number of vehicles and pedestrians at the Railway Road pedestrian crossing at Meadowbank Station and at the Constitution Road /</p>	<p><i>No change</i></p>

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ATTACHMENT 2

ID.	Condition/statement	Suggested re-wording
	<p>Bowden Street intersection. The traffic study is to be carried out to the RMS's and Council's satisfaction and shall model the impact of the anticipated increase in vehicle and pedestrian traffic for that stage. Where the study reveals that RMS warrants would be met for the provision of signalisation at either of these locations, concept design of the upgrade of the intersection to Council's and RMS's satisfaction is to be included with the Development Application and the works are to be completed by the proponent prior to occupation of any of that stage.</p>	
32.	<p>Future application/s for Stage 5 shall demonstrate that the RMS requirements have been met in relation to access to RMS infrastructure on the adjoining land, including retention of existing access, parking and turning area for maintenance vehicles.</p>	No change
33.	<p>Future Development Applications for each stage shall include a site specific sustainable travel plan incorporating a workplace travel plan and/or travel access guide. The travel plan will be in accordance with the Concept Plan Sustainable Travel Plan required by Modification B2.</p>	<p>Future Development Applications for each stage shall include a site specific sustainable travel plan incorporating a workplace travel plan and/or travel access guide. The travel plan will be in accordance with the Concept Plan Sustainable Travel Plan required by Modification B2.</p> <p>The plan should include an updated parking management strategy based on a current assessment of parking impacts of the development, including parking surveys to Council's satisfaction.</p>
34.	<p>Future Development Application/s for Stage 8 involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:</p> <p>(a) a detailed heritage assessment of the site which includes a professionally written history of the site;</p> <p>(b) a full photographic record; and</p> <p>(c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.</p>	<p>Future Development Application/s for Stage 8 involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:</p> <ol style="list-style-type: none"> 1. A detailed photographic archival recording in accordance with the NSW Heritage Branch guidelines, is undertaken of No. 37 Nancarrow Avenue, prior to demolition and the release of the Construction Certificate, 2. That interpretation signage is designed by a qualified historian and

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ATTACHMENT 2

ID.	Condition/statement	Suggested re-wording
		<p>graphic designer and must be provided to the Council for approval prior to any works occurring in the public space. The signage should include details of the history and the importance of the factory as stipulated within the Heritage Report prepared by Rappoport Heritage Consultants issued 18 November 2010. This must include illustrations and interesting facts on the automatic totalisator.</p> <p><i>Additional Conditions:</i></p> <p>A detailed Archaeological Assessment is undertaken prior to release of the Construction Certificate. This Archaeological Assessment must take into account historic buildings (now demolished) that were in the vicinity of the subject site and their associated activities. This report must detail how to manage interpretation of the site if any relics or ruins are located during excavation or demolition.</p> <p>Historically this area was significant to the development of Ryde and Meadowbank, refer to: http://www.ryde.nsw.gov.au/Documents/History/Demolished+Houses.pdf:</p> <ol style="list-style-type: none"> a. The ruins of Glendower house / outbuildings and associated farming activities; b. The ruins of Helenie house / outbuildings and the associated farming activities.
35.	<p>Future Development Application/s for Stage 5 shall include a Statement of Heritage Impact providing an assessment of the impact of the development on the adjoining heritage listed Church Street Bridge. Applications are to demonstrate that the design of the building takes into account relevant recommendations of the heritage assessment.</p>	<p>An independent heritage consultant must be engaged for the preparation of a detailed Heritage Impact Assessment and must be involved in the planning and design of the Church Street (adjacent to the State Heritage Item- Meadowbank Bridge) & Nancarrow Road redevelopment. The consultant must ensure heritage considerations for the layout and vistas/views are retained and incorporated into the final design.</p>
36.	<p>Future Development Applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and</p>	<p>See comments regarding contributions and VPA.</p>

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ID.	Condition/statement	Suggested re-wording
	<p>services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.</p>	
37.	<p>Future Development Application/s for Stage 5 shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from Church Street, to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.</p>	No change
38.	<p>Future Development Applications shall provide a minimum of 10% of apartments as adaptable housing in accordance with Australian Standard 4229-1995.</p>	No change
39.	<p>Future Development Applications for Stage 7, 8, 9 or 10 (whichever occurs first) shall provide the detailed design of the following infrastructure works:</p> <p>(a) the piped drainage system and overland flow path from Ann Thorn Park to Parramatta River; and</p> <p>(b) works to eliminate the risk of embankment failure of Constitution Road The works will be required to be completed by the proponent prior to construction commencing for any residential buildings within these stages.</p>	<p>Future Development Applications for Stage 7, 8, 9 or 10 (whichever occurs first) shall provide the detailed design prepared by a suitably qualified person and submitted to Council for approval in accordance with DCP 2010 part 8.2 and Councils publication Environmental Standards Development Criteria – 1999 Section 4 – Public Civil Works, where applicable for the following infrastructure works:</p> <p>(a) the piped drainage system and overland flow path from Ann Thorn Park to Parramatta River; and</p> <p>(b) works to eliminate the risk of embankment failure of Constitution Road</p> <p>The works will be required to be completed by the proponent prior to construction commencing for any residential buildings within these stages.</p> <p>Engineering plans assessment & work inspection fees are payable in accordance With Council's Management Plan prior to approval.</p>

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ID.	Condition/statement	Suggested re-wording
40.	Future Development Applications for each stage of the development shall include flood assessments to determine the minimum floor levels, any required mitigation measures and evacuation strategy required.	Future Development Applications for each stage of the development shall include flood assessments to determine the minimum floor levels, any required mitigation measures and evacuation strategy required. The flood assessment shall be prepared in accordance with the principles strategy outlined In the East Wood & Terrys Creek Flood Plain Risk Management Study & Plan.
41.	Future Development Applications for each stage of the development shall include a Stormwater Concept Plan in accordance with Council's requirements.	<p>A Masterplan for the proposed drainage layout must be prepared that details collection of all stages and the proposed methods of drainage. This is to be prepared to Council's satisfaction and submitted prior to the issuing of any construction certificate for Stage 1.</p> <p>Stormwater Concept Plan prepared by a chartered Civil Engineer in accordance with Council's requirements and DCP 2010 Part 8.2. Additionally, WSUD in accordance with Council's requirement shall be incorporated into the Design.</p>
42.	<p>Future Development Applications shall address Sydney Water's requirements in relation to:</p> <p>(a) required amplification works to existing drinking water mains;</p> <p>(b) required amplification works to the wastewater system;</p> <p>(c) approval for discharge of trade wastewater (where necessary); and</p> <p>(d) application for Section 73 certificates as necessary.</p>	No change
43.	Future Development Applications shall include a detailed contamination assessment (involving sampling and testing of soil) including an assessment of the presence of acid sulphate soils and salinity.	No change
44.	A groundwater assessment (involving sampling and testing of groundwater) shall	No change

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ATTACHMENT 2

ID.	Condition/statement	Suggested re-wording
	be undertaken across the entire Concept Plan prior to the first Development Application being lodged for Stage 2 or any other stage of the development.	
45.	Future Development Applications where necessary shall include a targeted groundwater assessment for the specific stage (based on the recommendations of the groundwater assessment undertaken for the entire Concept Plan).	No change
Statement of Commitments		
Inconsistencies with above conditions and the Director-General's Assessment Report as identified in Council's submission must be resolved.		

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
Part A		
A1	<p>Development approval is granted only to carrying out the development described in detail below:</p> <ul style="list-style-type: none"> • Construction of two attached residential flat buildings between 3 and 13 storeys in height; • basement car parking over three levels; • landscaped communal open space between the two buildings; • a new landscaped publicly accessible foreshore link from Hamilton Crescent to Rothesay Avenue; • stormwater and infrastructure/utility works. 	<p>Council does not support proposed development thus, no potential amended wording for this condition.</p>
A2	<p>The development shall be undertaken generally in accordance with:</p> <ul style="list-style-type: none"> • the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports; • the Draft Statement of Commitments prepared by Robertson + Marks Architects; and • the following drawings: 	<p>Council does not support proposed development thus, no potential amended wording for this condition.</p>
A3	<p>In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the proponent's Statement of Commitments, the conditions of this approval prevail.</p>	<p>Council does not support proposed development thus, no potential amended wording for this condition.</p>

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
A4	The proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia.	Council does not support proposed development thus, no potential amended wording for this condition.
A5	All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).	Council does not support proposed development thus, no potential amended wording for this condition.
A6	This approval shall lapse 5 years after the determination date shown in this Instrument of Approval, unless the development has been physically commenced.	Council does not support proposed development thus, no potential amended wording for this condition.
Part B		
B1	Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Project approval and comply with the requirements of the Building Code of Australia.	Council does not support proposed development thus, no potential amended wording for this condition.
B2	<p>Prior to the issue of the first Construction Certificate, plans and specifications demonstrating compliance with the following shall be submitted and approved by the Director General.</p> <p>(a) Built form modifications as follows:</p> <p>(i) deletion of 1 storey (Level 6) from the north-eastern block (all apartments accessed by Lobby 4) on Belmore Street;</p> <p>(ii) deletion of 2 storeys (Level 4 and 5) from the mid-block (all apartments accessed by Lobby 5) on Belmore Street;</p> <p>(iii) deletion of 2 storeys (Levels 3 and 4) from the south-eastern block (all apartments accessed by Lobby 6) on Belmore Street;</p>	Council does not support proposed development thus, no potential amended wording for this condition.

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	<p>(iv) provision of a minimum setback of 10 metres to Levels 2, 3 and 4 behind the façade of the 5 levels below to Rothesay Avenue;</p> <p>(v) deletion of below ground level apartments GF-14 and GF-15 fronting Hamilton Crescent;</p> <p>(vi) provision of a minimum 18 metres separation between the north and north-eastern blocks (accessed by Lobbies 3 and 4) on Levels 3, 4 and 5;</p> <p>(vii) provision of light wells/sky lights to all apartments on the uppermost levels of the building which do not achieve 2 hours solar access to living rooms;</p> <p>(viii) increased setback of the basement, upper basement and lower ground floor levels to be consistent with the ground floor setback from the Hamilton Crescent boundary and provide a deep planting zone within the setback;</p> <p>(b) parking for the development at the following rates:</p> <p>(i) 0.6 space per 1 bedroom apartment;</p> <p>(ii) 0.9 space per 2 bedroom apartment;</p> <p>(iii) 1.4 spaces per 3 bedroom apartment;</p> <p>(iv) 1 visitor space per 5 apartments;</p> <p>(v) 1 secure bicycle locker per 10 car parking spaces (in addition to outdoor bicycle racks); and</p> <p>(c) provision of increased sill heights (minimum of 1.5 metres above the FFL of the apartment) to north-east facing living areas and bedrooms of Apartment 4-06 and south-west facing</p>	

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ID.	Condition/statement	Suggested re-wording
	<p>bedrooms of Apartment 3-18.</p> <p>Written evidence of the Director General's approval of amended plans satisfying the above shall be provided to the Certifying Authority.</p>	
B3	<p>A detailed landscape and public domain plan shall be prepared by an appropriately qualified landscape architect and approved by Council prior to issue of the relevant Construction Certificate. The detailed plan shall incorporate the following:</p> <p>(a) dense landscape screening to all facades of basement parking areas which protrude above ground level;</p> <p>(b) suitable landscape screening of the substation, which may include:</p> <ul style="list-style-type: none"> • planting within the substation site in consultation with Ausgrid; • planting within the road reserve in consultation with Council; and/or • planting on the subject site; <p>(c) suitable plantings within the Hamilton Crescent setback utilising the deep soil zone below;</p> <p>(d) level area/s for bin collection from the street;</p> <p>(e) all street trees, landscaping, paving, street furniture, street lighting and bollards within the public domain shall be in accordance with Council's Public Domain Manual;</p> <p>(f) where soft landscaping is proposed within the public domain, the proponent must ensure that species health is guaranteed for a minimum of two (2) years to ensure the character and appearance of the streetscape is established and maintained. Any</p>	<p>Council does not support proposed development thus, no potential amended wording for this condition.</p>

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ID.	Condition/statement	Suggested re-wording
	<p>species that die within two (2) years of planting must be replaced by the proponent with a specimen of a similar size and maturity;</p> <p>(g) where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code; and</p> <p>(h) outdoor furniture and fixtures within the communal open space areas to allow passive recreational use of this space.</p>	
B4	<p>The proponent is to obtain new BASIX and ABSA Certificates for the development as amended by Condition B1 and B3. The requirements and commitments provided in the BASIX Certificate are to be incorporated into the Construction Certificate plans for the development.</p>	<p>Council does not support proposed development thus, no potential amended wording for this condition.</p>
B5	<p>An amended schedule of colours/materials shall be selected to provide improved light reflection, while minimising glare, through the development.</p>	<p>Council does not support proposed development thus, no potential amended wording for this condition.</p>
B6	<p>A site validation report shall be submitted to Council for consideration. The site validation report must comply with the <i>Guidelines for Consultants Reporting on Contaminated Sites</i> (EPA, 1997) and demonstrate that the site is suitable for residential use.</p> <p>If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the <i>Contaminated Land Management Act 1997</i> must be submitted to Council verifying the information contained in the site validation report.</p>	<p>No comment</p>

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for residential use, without the need for further remediation.	
B7	Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of <i>State Environmental Planning Policy No. 55 - Remediation of Land</i> .	No comment
B8	The proponent is to engage a suitably qualified environmental consultant to undertake an assessment, including on site sampling and testing, to determine the presence of any groundwater contamination, salinity and/or acid sulphate soils prior to issue of a Construction Certificate. The assessment should identify any measures to remediate any groundwater contamination and construction measures in response to any salinity or acid sulphate soils.	No comment
B9	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 a Construction Certificate.	See comments regarding Contributions and VPA
B10	<p>The proponent shall engage a suitably qualified flooding engineer to prepare and submit flood modelling in a format accepted by Council for its approval to verify the adopted flood levels for the development. Construction certificate plans/drawings must demonstrate that all residential floors and entrances to basement parking are located a minimum 300 mm freeboard above the 100 year flood level to the satisfaction of Council.</p> <p>Should any amendment to the levels shown on the approved plans be required as a result of the above</p>	<p>The proponent shall engage a suitably qualified flooding engineer to prepare and submit flood modelling in a format accepted by Council in accordance with the principles strategy outlined in the Eastwood & Terrys Creek Flood Plain Risk Management Study & Plan for its approval to verify the adopted flood levels for the development.</p> <p>Construction certificate plans/drawings shall be submitted to Council for approval in accordance with the principles strategy outlined in the Eastwood & Terrys Creek Flood Plain Risk Management Study & Plan. Unless specified otherwise by such document all proposed finished habitable floor levels</p>

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ID.	Condition/statement	Suggested re-wording
	<p>requirements this must be accommodated within the approved building heights.</p>	<p>and entrances to basement carparks shall be appropriately designed to ensure there will be a minimum flood protection freeboard of 300mm above the 1 in 100 year flood level.</p> <p>Should any amendment to the levels shown on the approved plans be required as a result of the above requirements this must be accommodated within the approved building heights.</p> <p>Engineering plans assessment & work inspection fees are payable in accordance With Council's Management Plan prior to approval being granted by Council.</p>
B11	<p>The proponent shall engage a suitably qualified flooding engineer to provide an assessment on the flooding implications for the development and the necessity to prepare and implement a flood evacuation plan. If such a plan is required, it must be prepared and approved by Council prior to the issue of a Construction Certificate.</p>	<p>The proponent shall engage a suitably qualified flooding engineer to provide an assessment on the flooding implications for the development and the necessity to prepare and implement a flood evacuation plan. The assessment must be conducted in with the principles strategy outlined In the East Wood & Terrys Creek Flood Plain Risk Management Study & Plan. If such a plan is required, it must be prepared and approved by Council prior to the issue of a Construction Certificate.</p>
B12	<p>Stormwater drainage from the development shall be designed to connect into Council's existing system in accordance with Council's requirements. In this regard, an amended Stormwater Drainage Plan shall be submitted to Council for approval prior to issue of a Construction Certificate.</p>	<p>Stormwater drainage from the development shall be designed to connect into Council's existing underground stormwater system in accordance with Council's requirement. The design shall be prepared by a suitably qualified person DCP 2010 Part 8.2 and Councils publication Environmental Standards Development Criteria – 1999 Section 4 – Public Civil Works.</p> <p>An amended Stormwater Drainage Plan shall be submitted to Council for approval prior to issue of a Construction Certificate. Engineering plans assessment & work inspection fees are payable in accordance With Council's Management Plan prior to approval being granted by Council</p>
B13	<p>A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar</p>	<p>A Council engineer must inspect stormwater connection to the existing Council stormwater pipeline, including the construction of any new pipelines prior to backfilling.</p>

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ID.	Condition/statement	Suggested re-wording
	<p>connection has been made to the pipe and an inspection must be made before the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee shall be paid to Council prior to the issue of the relevant Construction Certificate.</p>	<p>Council shall be notified when the collar connection has been made to the pipe and an inspection must be made before the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee shall be paid to Council prior to the issue of the relevant Construction Certificate.</p>
B14	<p>The Council must be provided with security for the purposes of section 80A(6) of the <i>Environmental Planning and Assessment Act 1979</i> in a sum determined by reference to Council's Management plan (category: other buildings with delivery of bricks or concrete or machine excavation).</p>	<p>The Council must be provided with security for the purposes of section 80A(6) of the <i>Environmental Planning and Assessment Act 1979</i> in a sum determined by reference to Council's Management plan (category: other buildings with delivery of bricks or concrete or machine excavation).</p>
B15	<p>The following fees must be paid to Council in accordance with Council's Management Plan:</p> <p>(a) Infrastructure Restoration and Administration Fee</p> <p>(b) Enforcement Levy</p>	<p>No comment</p>
B17	<p>The proponent is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the Construction Certificate.</p>	<p>No comment</p>
B18	<p>A Construction Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 80% of used and unused construction materials shall be submitted to and approved by the Certifying Authority prior to issue of the Construction Certificate.</p> <p>All materials excavated from the site (fill or natural) shall be classified in accordance with the Protection of the Environment Operations Act 1997 and the NSW Department of Environment, Climate Change & Water (2008) Waste Classification Guidelines prior</p>	<p>No comment</p>

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	to the material being disposed to an approved landfill or to a recipient site.	
B19	An Operational Waste Management Plan shall be prepared in accordance with Ryde Development Control 2010 Part 7.2 Waste Management and Minimisation. The plan must also provide for the separation of recyclables from general waste.	See comments regarding Waste
B20	<p>Garbage and recycling bins must be stored on site within the basement in accordance with Council's <i>Standard Requirements for the Construction of Garbage and Recycling Cart Storage Areas</i>.</p> <p>All garbage rooms must be constructed in accordance with the following requirements:</p> <p>(a) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system.</p> <p>(b) The floor waste must be provided with a fixed screening in accordance with the requirements of Sydney Water Corporation.</p> <p>(c) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint.</p> <p>(d) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with light coloured washable paint.</p> <p>(e) The doors must be of adequate dimensions to</p>	See comments regarding Waste

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ID.	Condition/statement	Suggested re-wording
	<p>allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material.</p> <p>(f) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high.</p> <p>(g) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.</p> <p>(h) The room must be provided with adequate artificial lighting.</p> <p>(i) A hose cock must be provided in or adjacent to the room to facilitate cleaning.</p> <p>Details confirming the size and construction details are to be submitted with the Construction Certificate.</p>	
B21	Sufficient waste and recycling bins are to be provided for the development in consultation with Council. The number and frequency of bin collection is to be approved by Council prior to issue of the relevant Construction Certificate.	See comments regarding Waste
B22	The basement car park must be provided with an adequate system of permanent ventilation or an approved system of mechanical ventilation. Details of the proposed method of	No comment

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ID.	Condition/statement	Suggested re-wording
	<p>ventilating the basement car park must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. The car park exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary.</p>	
B23	<p>Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation. Details of all proposed mechanical ventilation systems must be submitted to the Certifying Authority for approval with the application for the relevant Construction Certificate. Such details must include:</p> <p>(a) Certified plans of the proposed work, with an alterations coloured to distinguish between new and existing work;</p> <p>(b) A site survey showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;</p> <p>(c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and</p> <p>(d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the <i>Building Code of Australia</i>.</p>	No comment

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
B24	<p>The recommendations of the Access Review undertaken by Morris-Goding Accessibility Consulting (Reference Final v7) dated 6 August 2012 are to be incorporated into the relevant Construction Certificate drawings including:</p> <ul style="list-style-type: none"> (a) an accessible path of travel to lobby 2 from Rothesay Avenue; (b) provision of a clear width of 850mm to garbage holding room doors; (c) maximum ramp gradient of 1:14 for all access to garbage areas; and (d) provision of a hardstand letterbox area adjacent to lift lobby areas with 1550mm circulation area. <p>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 Australian Standard AS1428 and Development Control Plan 2010 – Access for People with Disabilities. The report is to be provided to the Certifying Authority and Council.</p>	No comment
B25	<p>Adaptable residential units for disabled persons are to be provided to no less than 10% of the total number of units. Each adaptable unit is be nominated on the relevant Construction Certificate drawings and:</p> <ul style="list-style-type: none"> (a) be designed in accordance with AS4299 – 1995 Adaptable Housing; (b) be provided with an accessible car space with a minimum height clearance of 2.5 metres and is located with easy access to lift access to the respective apartment; and 	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	(c) comply with the recommendations of the Access Review undertaken by Morris-Goding Accessibility Consulting (Reference Final v7) dated 6 August 2012.	
B26	Prior to a Construction Certificate being issued with respect to this development, the Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this approval relates, having regard to the design quality principles set out in Part 2 of <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</i> . This condition is imposed in accordance with Clause 143 of the <i>Environmental Planning and Assessment Regulation 2000</i> .	No comment
B27	Prior to the relevant Construction Certificate being issued, the Certifying Authority is to be provided with written documentation of wind tunnel testing undertaken which confirms that a minimum of 60% of apartments achieve natural cross ventilation, or equivalent natural ventilation conditions, in accordance with the Residential Flat Design Code.	No comment
B28	All new service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the relevant Construction Certificate.	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
B29	<p>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 approval. 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.</p>	<p>No comment</p>
B30	<p>Prior to issue of a Construction Certificate, the proponent shall submit detailed plans and specifications to Council for approval of:</p> <p>(a) Nancarrow Avenue extension;</p> <p>(b) Nancarrow Avenue Area Traffic Management (LATM) measures and all road reserve upgrades including pedestrian footpaths and cycleways; and</p> <p>(c) implementation of left-in / left-out arrangement at Belmore Street / Hamilton Crescent intersection.</p> <p>Note: The detailed design of the above works is required as part of this development. The works are required to be completed by the proponent prior to occupation of the second stage of the development pursuant to the Concept Plan (excluding Stage 5).</p>	<p>Prior to issue of a Construction Certificate, the proponent shall submit detailed plans and specifications to Council for approval of:</p> <p>(a) Nancarrow Avenue extension;</p> <p>(b) Nancarrow Avenue Local Area Traffic Management (LATM) measures and all road reserve upgrades including pedestrian footpaths and cycleways;</p> <p>(c) Underdale Lane Area Traffic Management (LATM); and</p> <p>(c) implementation of left-in / left-out arrangement at Belmore Street / Hamilton Crescent intersection.</p> <p>Note: The detailed design of the above works is required as part of this development. The works are required to be completed by the proponent prior to occupation of the second stage of the development pursuant to the Concept Plan (excluding Stage 5).</p> <p>The detailed design shall be prepared by a suitably qualified person and submitted to Council for approval in accordance with DCP 2010 part 8.2 and Councils publication Environmental Standards Development Criteria – 1999 Section 4 – Public Civil Works, where applicable.</p>

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
		Engineering plans assessment & work inspection fees are payable in accordance With Council's Management Plan prior to approval being granted.
B31	All existing and new utility services and adjustments to those services including overhead power supply and communication cables located in the adjacent Public Road reserve verge are to be placed and/or relocated underground for the full length of the road reserve frontages of the development site at the full cost to the developer.	No comment
B32	All internal driveways, vehicle turning areas, garage opening widths, parking space dimensions and headroom clearances etc shall comply with AS 2890.1- 2004 and AS 2890.2-2002 where applicable to ensure all vehicles using the site can enter and leave in a forward direction.	No comment
B33	<p>A dilapidation report on existing public infrastructure in the vicinity of the proposed development is to be prepared and submitted to the Certifying Authority. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.</p> <ul style="list-style-type: none"> (a) Road pavement (b) Kerb and gutter (c) Constructed footpath. (d) Drainage pits. (e) Traffic signs (f) Any other relevant infrastructure <p>The report is also to be submitted to Ryde Council, attention development engineer, prior to the issue of the Construction Certificate. The report shall be used by council as Roads</p>	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	<p>Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate.</p> <p>A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Council.</p>	
B34	<p>The proposed development will result in substantial excavation that has the potential to affect the foundations of adjoining properties. The proponent shall:-</p> <p>(a) seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties</p> <p>(b) detail what measures are to be taken to protect those properties from undermining during construction</p> <p>c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.</p> <p>The above matters shall be completed prior to the issue of the Construction Certificate. All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The proponent must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.</p>	No comment
B35	<p>Where road anchors are determined necessary to support the proposed excavation, detailed structural plans indicating the required number of road anchors proposed shall be submitted to Council along with payment of anchors fee as per Council's</p>	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	Management plan.	
B36	<p>To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction certificate where the works affect the public road reserve.</p> <p>The TMP shall be prepared in accordance with Australian the RMS' Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, hours of operation, access arrangements, handling and deliveries including construction traffic parking. Additionally, all traffic controllers on site must be RTA accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.</p> <p>The TMP must also include the requirement that all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.</p>	No comment
B37	<p>A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "<i>Managing Urban Stormwater, Soils and Construction</i>" prepared by the Department of Housing. This is to be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.</p>	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	<p>The following details are to be included in drawings accompanying the SWMP:</p> <ul style="list-style-type: none"> (a) Existing and final contours; (b) The location of all earthworks, including roads, areas of cut and fill, and regrading; (c) Location of all impervious areas; (d) Location and design criteria of erosion and sediment control structures including sediment collection basins; (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) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground; (l) Procedures for maintenance of erosion and sediment controls; (m) Details for any staging of works; and 	

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	(n) Details and procedures for dust control.	
B38	The Construction Certificate Plan are to include ESD measures in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development must comply with the stretch target.	See comments regarding ESD
Part C		
C1	A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building (with the exception of demolition work). This definition includes the installation of fire safety measures.	No comment
C2	In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the project approval shall appoint a Certifying Authority and give at least 2 days notice to Council, in writing, of the persons intention to commence the erection of the building.	No comment
C3	<p>A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:</p> <ul style="list-style-type: none"> (a) that unauthorised entry to the work site is prohibited; (b) the excavator's and / or the demolisher's and / or the builder's name; (c) contact phone number for any questions/complaints including an after hours emergency number; (d) licence number; (e) approved hours of site work; and (f) name, address and contact phone number of the Certifying Authority (if other than Council) <p>ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS</p>	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	BEEN COMPLETED.	
C4	The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council.NB: Should changes be made for the carrying out of the work Council must be immediately informed.	No comment
C5	The proponent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.	No comment
C6	Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition/construction.	No comment
C7	Suitable screens and/or barricades shall be erected during demolition and building work and where required by the certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.	No comment
C8	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.	No comment

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
C9	Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area AT ALL TIMES.	No comment
C10	Toilet and hand washing facilities must be provided for workers in accordance with the Code of Practice: Amenities for Construction Work (WorkCover, 1996). Where practicable, the toilets must be standard flushing toilets connected to the sewerage system.	No comment
C11	During excavation and construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.	No comment
C12	During excavation and construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.	No comment
C13	The proponent 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.	No comment
C14	A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1 Construction Activities.	A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2010: - Part 8.1 Construction Activities.

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
C15	Before work commences the location of any underground services (e.g. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.	No comment
Part D		
D1	All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays (inclusive) and 8.00am to 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.	No comment
D2	The person having the benefit of this approval is required to notify the Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the <i>Environmental Planning and Assessment Regulation 2000</i> .	No comment
D3	<p>In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following: -</p> <ul style="list-style-type: none"> a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries; b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels; c) prior to placement of concrete at each floor level showing the principal level of the formwork and the intended relationship of the completed works to the 	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	<p>boundary;</p> <p>d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and</p> <p>e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.</p> <p>Progress certifications in response to points (a) through to (e) shall be provided to the Certifying Authority and Council at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.</p>	
D4	All demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping.	No comment
D5	All vehicles transport demolition materials from the site must have their loads covered.	No comment
D6	All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.	No comment
D7	Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (i.e. by sweeping or vacuuming).	No comment
D8	No building or demolition material is to be placed on any public road, footpath, park or any Council owned land.	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
D9	Where the site adjoins a public thoroughfare, the common boundary must be fenced with a hoarding. All hoardings must be constructed of solid materials and be at least 1.8 metres high. Hoarding should also comply with the requirements of Part 4.4, provision 3.10 – Hoardings of the Ryde DCP 2010.	No comment
D10	Only unpolluted water is to be discharged to Council's stormwater drainage system.	No comment
D11	The L10 noise level measured for a period of not less than 15 minutes while work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.	No comment
D12	All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site. No fill is to be placed above the natural ground level, unless approved by this approval.	No comment
D13	All wastes nominated for recycling or re-use in the approved waste management plan must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.	See comments regarding Waste
D14	All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility in for those wastes. Copies of the disposal dockets must be kept by the proponent for at least 3 years and be submitted to Council on request.	<i>No comment</i>
D15	All asbestos wastes, including uses asbestos-cement sheeting (i.e. fibro) must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive asbestos waste.	<p><i>No modification but an additional condition that covers similar matter should be included.</i></p> <p>Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos</p>

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ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
		work published by WorkCover New South Wales.
D16	Concrete wastes must be collected, stored and treated in accordance with the <i>Concrete Wastes</i> guide published by the Environment Protection Authority.	<i>No comment</i>
D17	All potentially contaminated soil excavation soil excavated from the site must be stockpiled in a secure area and be assessed and classified in accordance with the <i>Environmental Guidelines: Assessment Classification and Management of Liquid and Non-Liquid Wastes</i> (EPA, 1999) before being transported from the site.	<i>No comment</i>
D18	Council and the Certifying Authority must be notified as soon as practicable if any information is discovered during works that has the potential to alter previous conclusions about site contamination.	<i>No comment</i>
D19	If any additional information is discovered above site contamination, the proponent must comply with any reasonable requirements of Council.	<i>No comment</i>
D20	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 AS 1742.3-1996 "Traffic Control Devices for Work on Roads".	<i>No comment</i>
D21	All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication <i>Environmental Standards Development Criteria 1999</i> and <i>City of Ryde Development Control Plan 2010 Section 8</i> except as amended by other conditions.	All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication <i>Environmental Standards Development Criteria 1999</i> and <i>City of Ryde Development Control Plan 2010 Section 8</i> except as amended by other conditions and/or as directed by Council based on the appropriate standards at the time.

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
D22	All mains, services, poles, etc., which require alteration shall be altered at the proponent's expense.	<i>No comment</i>
D23	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.	<i>No comment</i>
D24	The proponent 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.	<i>No comment</i>
D25	All external glazing is to have a maximum reflectivity of 20%.	All external glazing is to have a maximum reflectivity of 20%. Demonstrated compliance is to be submitted to the Certifying Authority prior to issue of any occupation certificate.
D26	The required sight lines to pedestrians and other vehicles in or around the car park or entrances are not to be compromised by landscaping, signage, fencing or display materials.	<i>No comment</i>
D27	The four Hills Fig trees to be retained in the Rothesay Avenue frontage shall be protected within a Tree Protection Zone for the entire duration of	<i>No comment</i>

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	construction works in accordance with the Tree Protection Specifications outlined in Appendix E and F of the <i>Arboricultural Impact Assessment</i> prepared Redgum Horticultural Consultants (Ref No. 5145) dated 24 September 2010.	
D28	No activities, storage or disposal of materials shall take place within the tree protection zone.	No comment
Part E		
E1	An Occupation Certificate must be obtained from the Certifying Authority and a copy furnished to Council in accordance with Clause 151 of the <i>Environmental Planning and Assessment Regulation 2000</i> prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.	No comment
E2	All parking (including accessible, motorcycle, bicycle and car share spaces), landscaping, lighting, public domain works, foot paving, signposting, security measures, drainage and road works shall be provided in accordance with the conditions of approval prior to issue of the relevant Occupation Certificate.	No comment
E3	A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Certifying Authority and Council for all items listed in the Fire Safety Schedule forming part of this approval for prior to any approval for occupancy/partial occupancy being granted.	No comment
E4	Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Certifying Authority is to be provided with a	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	<p>Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the <i>Environmental Planning and Assessment Regulations 2000</i>.</p>	
E5	<p>A Mechanical Services Completion and Performance Certificate from a suitable qualified practising mechanical engineer certifying that all new mechanical ventilation systems have been installed in accordance with the approved plans and specifications and comply with the <i>Building Code of Australia</i>, the <i>Public Health Act 1991</i> and any relevant conditions of approval must be submitted to the Certifying Authority before the issue of an Occupation Certificate.</p>	No comment
E6	<p>A Landscape Maintenance Plan is required is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:</p> <p>(a) Regular maintenance and trimming of shrubs and plantings</p> <p>(b) Shrubs and plantings be appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas.</p> <p>(c) All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or</p>	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	units.	
E7	<p>All lighting is to comply with the following requirements:</p> <p>(a) Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards. Basement lighting is to comply with Australian Standard AS1680.2 and 28890.1:2004. Lighting is also to be provided on the underside of the building entry awning.</p> <p>(b) A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.</p> <p>(c) reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park walls and ceilings are to be painted a light colour.</p> <p>(d) Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors, the public outdoor court and communal gardens.</p> <p>(e) Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.</p>	No comment
E8	<p>The following safety and warning signs are to be installed prior to the issue of an Occupation Certificate:</p> <p>(a) <i>'Warning: These premises are under constant surveillance'</i> and <i>'Warning: Trespassers will be prosecuted'</i> signs are to be displayed the building entrances.</p> <p>(b) Signage outlining any applicable restrictions in private communal spaces.</p>	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	<p>(c) Way finding signage in basement car parking levels to locations including residential parking, residential visitor's parking, commercial parking, lifts and exits.</p> <p>(d) <i>'These doors are to be used for emergency purposes only'</i> on fire exit doors.</p>	
E9	A Site Maintenance Plan is required to ensure regular maintenance and monitoring of security devices (including security communications devices, card readers) and lighting, lighting and signage.	No comment
E10	Fire exit doors are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development. Fire exit doors directly accessible from the public domain are to be fitted with metal covering plates to prevent forced entry and manipulation of locks.	No comment
E11	Balcony doors to units are to be fitted with single cylinder locksets and all units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.	No comment
E12	A video intercom system providing remote door operation is to be installed at the residential building entrances. The video intercom system is to include night time lighting and should allow electronic access control, which allows residents to allow access from units. Residents should be able to communicate and identify persons prior to admitting them into the development.	No comment
E13	Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	residents on, to the car parking levels and to the Ground Floor.	
E14	Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.	No comment
E15	Electronic access controls are to be installed at the entry to the communal open space from Rothesay Street.	No comment
E16	Prior to the issue of the Occupation Certificate, the Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Certifying Authority verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.	No comment
E17	Within 2 days of issuing a final Occupation Certificate, the Certifying Authority is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP&A Regulation 2000. The Certifying Authority 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 Certifying Authority file.	No comment
E18	To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council's standards the Certifying	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	<p>Authority shall ensure the following will be met.</p> <ul style="list-style-type: none"> • Compliance Certificate should be obtained from an accredited certifier Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's <i>Environmental Standards Development Criteria - 1999</i>. • Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management • Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage 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. • Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's <i>Environmental Standards Development Criteria - 1999</i>. <input type="checkbox"/> Compliance Certificate shall be obtained from Council confirming that the connection of 	

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ID.	Condition/statement	Suggested re-wording
	<p>the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).</p> <ul style="list-style-type: none"> Compliance Certificate shall be obtained from Council confirming that all external works within the public road reserve including all restoration works have been completed to Council's satisfaction <p>Please be advised that all Compliance Certificates issued by Council are subject to the payment of an inspection fee in accordance with Council's schedule of fees if Council is not the appointed Certifying Authority.</p>	
E19	The stormwater drainage on the site is to be constructed in accordance with the plans/details approved by Council in accordance with Condition B12.	The stormwater drainage on site is to be constructed in accordance with the approved Construction Certificate version of plans. Details approved by Council in accordance with Condition B12.
E20	Prior to the issue of an Occupation Certificate, the proponent shall reconstruct kerb, gutter and half the road pavement including any necessary associated works adjoining to the full frontage of the development site at Belmore Street, Rothesay Street and Hamilton Crescent shall be reconstructed in accordance with Council's approved drawings, conditions and specifications.	No comment
E21	Prior to issue of an Occupation Certificate, the proponent shall provide all landscaping, street trees, pedestrian pathways accessible for all persons, street lighting, and any necessary street furniture or other infrastructure as included on the approved public domain plans.	No comment
E22	Prior to issue of an Occupation Certificate, all existing and new utility services are to be placed and/or relocated underground for the full	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
	length of the road reserve frontages of the development site.	
E23	<p>All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.</p> <p>On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that no damage has resulted to adjoining premises, and is to be provided to Council and the Certifying Authority.</p> <p>Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.</p>	No comment
E24	Prior to any occupation certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the publicly accessible foreshore link to the west of the building is to be registered over the land in favour of Council. The terms of the easement are to be approved by Council.	No comment
Part F		
F1	A six-monthly Fire Safety Statement (Form 15A under the Environmental Planning and Assessment Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 6 months after the date on which Council receives the initial Fire Safety Certificate.	No comment
F2	The use of the premises must not cause the emission of 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997</i> .	No comment

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
F3	<p>Unless otherwise required by any other condition of this approval, the operation of any plant or equipment installed on the premises must not cause:</p> <p>(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).</p> <p>(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.</p> <p>(c) The transmission of vibration to any place of different occupancy.</p>	No comment
F4	<p>All residential bins will be required to be brought out to the street for servicing by either a cleaner or caretaker. The bins are to be provided in the street so that they do not impede pedestrian access or vehicular access in the street.</p>	See comments regarding Waste
F5	<p>All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.</p>	See comments regarding Waste
F6	<p>The occupier of the premises must keep all garbage containers as clean as practicable (having regard to their use).</p>	See comments regarding Waste

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
F7	All waste storage areas must be maintained in a clean and tidy condition at all times.	See comments regarding Waste
F8	All vehicles shall enter and leave the site in a forward direction.	No comment
F9	All vehicles should be wholly contained on site before being required to stop.	No comment
F10	The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australia Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.	No comment
F11	All loading and unloading in relation to the premises is to take place wholly within the property.	No comment
Additional conditions recommended by Council		
		Imported fill – type. All imported fill must be Virgin Excavated Natural Material as defined in the <i>Protection of the Environment Operations Act 1997</i> .
		Imported fill – validation. All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
		Delivery dockets to be provided. Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
		Delivery dockets – receipt and checking on site. A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
		<p>Delivery dockets – forward to PCA on demand. The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.</p>
		<p>CCTV Cameras: CCTV cameras will be required to be installed in the following locations:</p> <ul style="list-style-type: none"> - The residents carpark; - The ground floor lobby and lifts - The car park entry/exit points. <p>Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified, reputable company and regularly function tested. If surveillance equipment is installed, it should meet the requirements of the Privacy legislation.</p>
		<p>Surveillance: Any surveillance equipment installed on the site is to utilise digital or video technology to record images from the cameras. Such surveillance system should be manufactured and installed by a qualified/reputable installer</p>
		<p>Anti-Graffiti: All sections of the basement level that is visible above ground level are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed immediately.</p>
		<p>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</p>

ITEM 18 (continued)

ATTACHMENT 3

ID.	Condition/statement	Suggested re-wording
		<p>appropriately stamped.</p> <p>Please refer to the website www.sydneywater.com.au for:</p> <p>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.</p>
		<p>Shell Corporation. The submission of documentary evidence (permit/approval) of compliance with the requirements of the Shell Corporation with respect to all works being carried out in proximity of the Shell Crude Pipeline – including use of heavy machinery, excavations, and backfilling.</p>
<p>Advisory Notes</p>		
<p>No Comment</p>		
<p>Schedule 3 Statement of Commitments</p>		
<p>Sustainable Travel Plan</p>	<p>A sustainable travel plan is required for this stage consistent with the overall plan created for the concept plan approval</p>	<p>Specific reference be made to a parking management strategy as part of the sustainable travel plan as well as stating the mechanisms to achieve the active and public transport usage levels that would minimise the risk of overflow parking on street.</p>

ITEM 18 (continued)

ATTACHMENT 4



Abigail Goldberg
Chair, Planning Assessment Commission
Level 13, 301 George Street
SYDNEY NSW 2000

D13/9646

4 February 2013

Dear Ms Goldberg

**Planning Assessment Commission Meeting, Concept Plan and Stage 1
Project Application for mixed use development at Shepherd's Bay,
Meadowbank (MP09_0216 and MP09_0219)**

I refer to the above identified Concept Plan and Project Application. This application was discussed at a Council Meeting held 22 January 2013. At this meeting Council raised several concerns regarding the proposal and the timing of the meeting. I have attached a copy of the resolution for your information as **Attachment 1**.

Council wishes to express its disappointment with the scheduling of the meeting that has resulted in Councillors being unable to attend to support residents at the meeting it conflicts with the Standing Committee meetings which have been scheduled well in advance and publicly advertised.

Council objects to the revised proposal which is still inconsistent with the Draft Ryde Local Environmental Plan 2011 zonings and not in the public interest. Council wishes to send the Planning Assessment Commission (PAC) a submission outlying its concerns and objections to the proposal.

A draft of this submission has been provided as **Attachment 2**. It must be noted that this submission is to be considered by Council at its meeting on 12 February 2013 and as such is a draft only. Council reserves the right to make updates or further amendments to this submission.

I trust the above will be considered by the PAC prior to any determination of the Concept Plan and Project Application.

Yours sincerely



Dominic Johnson
Group Manager
Environment and Planning

ITEM 18 (continued)

ATTACHMENT 4

Record of Voting:

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

Against the Motion: Councillor Pickering

MACQUARIE SHOPPING CENTRE

Councillor Salvestro-Martin advised that he wished to raise a Matter of Urgency regarding Macquarie Shopping Centre.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

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

That Council consider the Matter of Urgency regarding Macquarie Shopping Centre.

Record of Voting

For the Motion: Unanimous

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

- (a) That Council withdraw approval for noise generating night work as part of the special night works permit at the Macquarie Shopping Centre to be effective as of 29 January 2013.
- (b) That Council amend noise reports to weekly in lieu of monthly reports.
- (c) That a report be provided to Council regarding the requirements and reasons for night works at Macquarie Shopping Centre for Council's consideration of approval or refusal of a special night works permit.

Record of Voting

For the Motion: Unanimous

RECOMMITTAL – MATTER OF URGENCY – PLANNING ASSESSMENT COMMISSION (PAC)

RESOLUTION: (Moved by Councillors Pickering and Pendleton)

That the Matter of Urgency regarding the Planning Assessment Commission (PAC) be recommitted.

Minutes of the Extraordinary Council Meeting No. 1/13, dated 22 January 2013.

ITEM 18 (continued)

ATTACHMENT 4

Record of Voting

For the Motion: Unanimous

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

That Council staff shall:

1. Arrange for a senior staff member to advise by the due date (31 January) that they are registering to address the Planning Assessment Commission (PAC) and to present Councillors' concerns at the meeting.
2. At the meeting, the staff member will tender a letter and also read it out to the audience from Council indicating:
 - (a) That Councillors are disappointed that the scheduling of the meeting has resulted in their inability to attend to support residents at the meeting because it conflicts with the Standing Committee meetings which have been scheduled well in advance and publicly advertised.
 - (b) That Council objects to the revised proposal which is still inconsistent with the Draft LEP 2011 zonings and not in the public interest, and intends to send the Planning Assessment Commission (PAC) a submission.
3. Councillors to receive a report in the next CIB about the meeting attendance, issues raised, outcomes and any next steps.
4. Council staff to prepare a submission for the Planning Assessment Commission (PAC) for the Council Meeting scheduled for 12 February 2013.

Record of Voting

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 REQUEST FOR LEAVE OF ABSENCE - Councillor Artin Etmekdjian

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Councillor Etmekdjian's Leave of Absence for the period from Monday, 28 January 2013 until Friday, 8 February 2013 inclusive be approved.

Minutes of the Extraordinary Council Meeting No. 1/13, dated 22 January 2013.

19 PERFORMANCE DEVELOPMENT SYSTEM (PDS)

Report prepared by: Manager - Strategy and Organisational Development
File No.: GRP/09/7/2/2 - BP12/1532

REPORT SUMMARY

This report was requested by Council as part of its consideration of the 2012 September Quarterly Review. It details the status and progress of the Performance Development System (PDS) project. It explains why the project was initiated - due to the lack of confidence in the previous performance review process and the inefficiencies inherent in it.

This report also highlights that there are no existing systems in the market which meet Council's full requirements and explains that the City of Ryde PDS is being developed in partnership with the private sector to drive the required performance culture in the organisation and has the potential to be on sold and generate revenue for Council.

RECOMMENDATION:

That Council receive and note the report.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Beki Boulet
Manager - Strategy and Organisational Development

Report Approved By:

John Neish
General Manager

ITEM 19 (continued)

History

Each year all employees are subject to a formal performance review in accordance with the NSW Local Government State Award 2010. The existing performance review process used at the City of Ryde was first developed in 2001 and has not been reviewed since.

Both the 2010 and 2012 Staff Culture Survey indicated that the levels of satisfaction with the existing system was low. Only 38% of staff stated that they agreed that the way their performance was evaluated provided clear guidelines for improvement and 45% of staff agreed that the performance evaluation process is fair.

Report

In 2010 (following the 2010 staff culture survey), the 2001 performance review process was reviewed and it was found that our existing process created a lot of work, had a heavy focus on paper based forms, did not integrate with our data sets, and was perceived to be unfair. Feedback revealed that:

- a. Some Managers were taking up to two days to seek the information required to measure staff performance for the year and to prepare for the performance review. This varied according to the level of the role being evaluated.
- b. Some managers and supervisors were conducting reviews without the full facts before them
- c. In some cases clear expectations (between staff and managers) were not established at the beginning of the year against which agreed performance reviews could be conducted
- d. The performance measures used were not aligned with our Quarterly Review reports to Council
- e. The performance management process was not systemised, relied on paper files and records and took large amounts of administration time to administer
- f. Data sources within the organisation eg budget figures were not automatically linked to a central performance management system
- g. There was no system in place to track staff achievements (or lack thereof) throughout the year (other than through paper based notation)
- h. The performance review process is seen as an annual chore rather than a tool for development and improvement
- i. The process did not address the areas of performance against agreed Key Performance Indicators (KPIs), performance against behaviours and performance against application of skills

As a result of the review, we identified the capabilities that are required from a Performance Development System in order to meet both our statutory and corporate requirements and to create a consistent approach across the organisation which was efficient, fair and equitable.

ITEM 19 (continued)

The specifications for the new system highlighted the need to:

- Establish performance expectations at the beginning of each review period
- Auto generate performance data from data bases held across the organisation
- Align our corporate reporting to our individual performance reporting (one source of data)
- Demonstrate and recognise a grading process to enable a range from outstanding performance to poor performance, utilising a consistent methodology
- Track performance against customised specific service performance indicators and corporate performance indicators
- Assess performance against the demonstration of our values
- Assess performance against the application of technical skills
- Fully automate a process to eliminate or minimise paperwork and archive each year so that trends can be tracked
- Provide an equitable process where both the appraiser and the 'appraisee' can share their views, with the objective of reaching agreement
- Minimise the level of subjectivity in the way that individuals are appraised
- Have a functional interface with our existing HR system (i.e. must be fully compatible with our HR system)
- Provide the capacity to analyse results both corporately, by Group, Service Unit, Section etc
- The capacity to automatically record results into our Records system (full compatibility with TRIM)

Once our requirements were ascertained, we researched the market place for tools and technology that would meet our needs. There were two software products in the market which were evaluated, Cambron and Interplan. These products came at an initial cost of \$120,000 plus.

Both of these systems required a corporate reporting module to be set up first in order to provide the individual performance reporting required. Unfortunately, neither of these systems could interface with our HR system, nor offer the flexibility that we required to set up customised KPIs for staff across the organisation. These systems had limited capacity to automate the process, had the capacity to input and customise KPIs, but they could not automatically generate reports from data bases held across the organisation.

There was nothing that we could find in the market place that met our full requirements. This is not just an issue for the City of Ryde but is a common failing across most organisations.

It was decided that the best option was to develop a custom designed system that could perform a dual function of meeting our statutory integrated planning and reporting requirements (Corporate Performance Reporting) as well as aligning to our performance appraisal process (Performance Management System).

ITEM 19 (continued)

On 14 December 2010 a report was submitted to Council and it was resolved that:-

- (a) *That Council endorse the calling of public tenders, with the option for a joint tender with Pittwater Council, for the development and delivery of a Corporate Reporting and Performance Management System.*
- (b) *That Council approve an allocation of \$100,000, funded from Council's Asset Replacement Reserve, for this project as detailed in this report.*
- (c) *That Council delegate the authority to the General Manager to make a submission under Section 358 of the Local Government Act 1993 to the Minister for Local Government, seeking approval to enter into a Joint Venture Agreement/Partnership with the other parties as detailed in the report.*
- (d) *That the General Manager provides a further report to Council, in respect of the Tender evaluation and an update on the position and progress made in obtaining the Minister for Local Government's approval of a Partnership or Joint Venture Agreement.*

At the Council meeting of 15 March 2011 Council resolved:-

- (a) *That InfoMaster Pty Ltd be accepted as Council's preferred supplier in the development of a Corporate Performance Reporting System and that the GM be authorised to finalise necessary contractual arrangements.*
- (b) *That on receipt of the Minister's approval Council delegate to the General Manager the development of a commercial agreement with InfoMaster Pty Ltd which protects Council's intellectual property and secures the commercial offering as outlined in InfoMaster's tender.*

The Minister subsequently allowed the process to proceed and Council now has a software development partner to develop our intellectual property with us and to share the cost of the software development. This project has continued since then and already other Councils have committed to purchasing elements of the product even though it is not fully developed as yet.

Current State and Progress of the Project

Stage One of the new system is completed and now generates corporate reporting which includes the automated on line gathering of data and figures from numerous different system sources and generated quarterly performance reports for Council as well as the end of year results for the annual report. Further refinement of the system is being undertaken. It has already been demonstrated to save considerable time across the organisation in completing the quarterly review process.

ITEM 19 (continued)

Stage Two of the new system uses these reports to contribute to the individual performance reviews of Group Managers and Service Unit Managers against their business plans. It provides a performance appraisal process which fully integrates with all our in house systems, including HR and Records Management.

This second stage was completed in September 2012 and is currently undergoing a post implementation review. All Group Managers and Service Unit Managers were appraised using the new Performance Development system. The process will soon be fine tuned to measure four areas:

1. Corporate performance Indicators (KPIs) and Service Unit performance indicators (including meeting project milestones)
2. Behaviour Skills - Values / Leadership behaviours
3. Competency against required Technical Skills
4. Business Plan or Work Plan activities - Over and Above plan / Achievements / Activities

The process was well received by the managers who felt that it was a large improvement on our previous performance development process.

Stage three rolls out the project to all levels of staff and measures their performance against individual work plans. This stage is planned for completion in December 2013.

There is significant development still to be completed during 2013 in order for the non management staff to be properly appraised utilising the new system. This also includes training in the process and ongoing consultation with staff and unions.

In summary, the new Performance Development System is being developed to automate the appraisal for all staff. The full system rollout is expected in December 2013. There will also be some post implementation review changes to be implemented following the trial.

Financial Implications

As can be seen the project is on track to deliver Council a bespoke performance reporting as well as a performance development methodology and appraisal system which is innovative, and meets our needs in a cost effective way. Developed in partnership with a private sector partner, the PDS system is gaining interest in the market place. The first stage has already been marketed to a number of councils:

- Pittwater
- Marrickville
- Kogarah

ITEM 19 (continued)

- Bourke
- Brewarrina
- Bogan
- Cobar
- Coonamble
- Forbes
- Muswellbrook
- Bellingen

There are currently a number of councils intending to purchase the second stage:

- Kogarah
- Pittwater,
- Muswellbrook and
- Bellingen

An income of \$10,336 generated from sales has been paid to council to date. It is anticipated that the payback period for the project will be approximately four (4) years.

The current approved budget for 2012/13 for the Performance Development Review Process was reported in the September quarterly review as \$72,000 with an actual expenditure of \$12,442. The project was reported as being on track.

Completion of stage one has seen a significant reduction in the time taken to source the information required to complete a quarterly review. Whilst the efficiencies generated across the organisation are not measurable they are significant.

With the completion of stage 2 this year, it was demonstrated that the performance review process was well received by our Group and Service Unit Managers. The performance review process was undertaken in a much shorter timeframe gaining further unmeasured efficiencies for the organisation. In addition, the reduction in the administration of the process caused by the automation of the project, further added to the efficiencies gained.

PRECIS OF CORRESPONDENCE

1 REQUEST FOR RESIDENTIAL PARKING SCHEME IVANHOE PLACE

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/09/6/5 - BP13/6

CORRESPONDENCE:

Submitting correspondence regarding a Residential Parking Scheme at Ivanhoe Place Estate from Victor Dominello MP dated 30 November 2012 and Mike Allen – Chief Executive – Family & Community Services Housing NSW, dated 22 January 2013. Both items of correspondence relate to Council's resolution of 28 August 2012 being:

3. *That Council makes representations to the Minister for Housing and the Local State Member for Ryde to resolve this issue.*

Mr Dominello advises that he has written to the Minister for Community Services, the Hon Pru Goward MP asking for the Minister to liaise directly with City of Ryde in relation to the concerns raised in correspondence date 2 November 2012 (Attached).

Mr Allen provides an overview of the current parking provided by Housing NSW onsite at Ivanhoe Place (Attached).

A Community Reference Group meeting is scheduled for 14 February 2013. City of Ryde will attend and provide background regarding Ryde's Resident Parking Scheme Policy. Feedback will also be provided on the current Parking Enforcement Agreement between Housing NSW and City of Ryde.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from the Hon. Victor Dominello MP dated 30 November 2012 regarding Resident Parking Scheme for Ivanhoe Place
- 2 Letter to the Hon. Pru Goward MP, Minister for Family and Community Services dated 2 November 2012 regarding Resident Parking Scheme for Ivanhoe Estate
- 3 Letter from Mike Allen, Chief Executive on behalf of the Hon. Pru Goward MP, Minister for family and Community Services dated 22 January 2013 regarding Resident Parking Scheme for Ivanhoe Estate

Precis of Correspondence 1 (continued)

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



Victor Dominello MP
State Member for Ryde



Friday 30 November 2012

Mr J Neish
General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Neish,

Thank you for taking the time to contact me in relation to residents requests for a Resident Parking Scheme for Ivanhoe Place.

I have written to the Minister for Community Services asking that she responds to your concerns. Attached is a copy of this correspondence for your records.

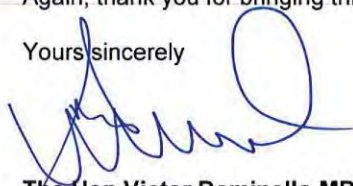
I have asked the Minister to liaise directly with you in relation to your concerns.

As you may appreciate, ministerial offices often have large volumes of correspondence to process, so it may take some time to obtain a written response. If you do not hear back from the Minister within eight weeks please do not hesitate to contact my office again, preferably by email or letter, and we will follow up on our initial correspondence.

In the meantime, please do not hesitate to call on me if I can help with this or any other matter.

Again, thank you for bringing this matter to my attention.

Yours sincerely



The Hon Victor Dominello MP
Member for Ryde

ATTACHMENT

Precis of Correspondence 1 (continued)

ATTACHMENT 1



Victor Dominello MP
State Member for Ryde



Friday 30 November 2012

The Hon Pru Goward MP
Minister for Family and Community Services
Minister for Women
Level 34 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

By Email: office@goward.minister.nsw.gov.au

Dear Minister *Pru*

Re: Request for Ivanhoe Place Estate Resident Parking Scheme

I write on behalf of the General Manager of Ryde City Council Mr J Neish, Locked Bag 2069 NORTH RYDE NSW 1670 in relation to residents requests for a residential parking scheme at Ivanhoe Place.

I attach a copy of Mr Neish's correspondence which sets out his situation in further detail.

I ask that your Department please respond to their concerns. I would appreciate it if you would please liaise directly with Mr Neish in relation to this matter and provide copies of any correspondence to my office for our records.

Thank you for your assistance with this matter. I look forward to your response.

Yours sincerely

The Hon Victor Dominello MP
Member for Ryde

cc. Mr J Neish General Manager Ryde City Council, Locked Bag 2069, NORTH RYDE NSW 1670

ATTACHMENT

Precis of Correspondence 1 (continued)

ATTACHMENT 2



The Hon. Pru Goward MP
Minister for Family and Community Services
Minister for Women
Level 34 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

2 November 2012

D12/85213

Dear Ms Goward

Request for Ivanhoe Place Estate Resident Parking Scheme


At its meeting of 28 August 2012, Council resolved to write to you as the Minister for Family and Community Services and to the Local Member for Ryde in relation to a request from the Ivanhoe Estate Tenant Group (IETG) that a resident parking scheme be introduced in their estate.

In 2009, 2 hour (2P) parking was introduced in the estate and has significantly reduced the incidents of all day parking by Macquarie Park workers. Currently, the residents of the estate are required to comply with the 2P restriction. The IETG believes that a resident parking scheme would reduce the risk of tenants being fined when they park on the street.

Council requests that NSW Housing gives consideration to this request. Ryde Council stands ready to provide practical assistance to Housing NSW to expedite this matter.

Should you have any questions, please don't hesitate to contact me on 9952 8052.

Yours sincerely



John Neish
General Manager – City of Ryde

Precis of Correspondence 1 (continued)

ATTACHMENT 3



HOM12/1988

Mr John Neish
General Manager
City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Neish



I refer to your correspondence to the Hon. Pru Goward MP, Minister for Family and Community Services concerning a request for a resident parking scheme at the Ivanhoe Estate, Macquarie Park. The Minister has asked me to reply and I apologise for the delay in responding.

The Hon. Victor Dominello MP, Member for Ryde has provided representations regarding the same issue and has asked that a response be provided to you directly.

I am aware that some residents of the area have approached Council to initiate a resident parking scheme.

In this regard, Housing NSW has reviewed the current parking arrangements within and around the estate. Properties on the estate comprise of townhouses, units within a two storey walk-up building located above underground car parking and also within another two storey walk-up building which are allocated to older clients.

In this regard, each townhouse has a garage and a driveway which can accommodate at least one car and in some instances two or three cars. The units which are located above the underground car parking are allocated one car space per household and the units for older clients have access to a residents only car park adjacent to these units.

In November 2012, staff reviewed the existing street parking signage and noted that on street parking was predominately two hour parking between the hours of 8am and 6pm for Mondays to Fridays.

In December 2012, Housing NSW staff met with the President and Vice President of the Ivanhoe Estate Tenants Group to discuss car parking. Discussions were also held with Mr John Brown from your organisation who was requested to provide further information in relation to residents' concerns pertaining to parking.

At the Community Reference Group meeting held on 13 December 2012, a representative of the Ivanhoe Estate Tenants Group was nominated in relation to car parking on the estate.

Precis of Correspondence 1 (continued)

ATTACHMENT 3

As you may be aware, on 18 January 2013, the Tenants Group representative met with staff of Housing NSW and staff of the NSW Land and Housing Corporation which has responsibility for the asset management of Housing NSW properties. I understand Mr Brown was scheduled to attend the meeting on behalf of Council.

The issue of car parking and the outcomes of this meeting are to be included for discussion at the next Community Reference Group meeting to be held on 14 February 2013. This meeting is open to all interested people including the Tenants Group and Council.

Thank you for writing and should you or Mr Brown have any further enquiries in relation to this matter, or wish to discuss the upcoming Community Reference Group meeting, please do not hesitate to contact the Team Leader at the Ryde Office on telephone 9809 8444.

Yours sincerely



Mike Allen
Chief Executive

22.1.13

cc. The Hon. Victor Dominello MP
Member for Ryde

2 CORRESPONDENCE FROM MANAGING DIRECTOR OF TAFE NSW

Report prepared by: Administration Officer**File No.:** GRP/09/4/2/2 - BP12/1536

CORRESPONDENCE:

Submitting correspondence from Pam Christie, Managing Director of TAFE NSW dated 27 November 2012, regarding the withdrawal of funding from Meadowbank Fine Arts College at Meadowbank TAFE.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from Pam Christie, Managing Director of TAFE NSW dated 27 November 2012 regarding the changes in government funding, TAFE NSW will continue to offer a range of Fine Arts skill sets and qualifications

Report Prepared By:

Linda A Smith
Administration Officer

Report Approved By:

Danielle Dickson
Group Manager - Community Life

Precis of Correspondence 2 (continued)

ATTACHMENT 1



DEPUTY DIRECTOR-GENERAL
TAFE AND COMMUNITY EDUCATION

Ms Danielle Dickson
Group Manager, Community Life
City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1670



RML 12/5641
RML12/5722

Dear Ms Dickson

I write in response to your letters of 31 October 2012, to the Minister for Education, the Hon Adrian Piccoli MP, and the Minister for Citizenship and Communities, the Hon Victor Dominello MP, regarding Fine Arts delivery at TAFE. The Minister for Education has asked me to respond on his behalf.

TAFE NSW plays a critical role in supporting the State's economic and social priorities. Changes to TAFE NSW are designed to ensure TAFE is operating efficiently, remains competitive and training is focused in areas of jobs growth.

Courses in Fine Arts including sculpture, visual arts and ceramics, while valued by the community, are areas of low employment growth when compared with skills shortage areas such as health, community services, property and business services.

Despite the changes in government funding, TAFE NSW will continue to offer a range of Fine Arts skill sets and qualifications. The council can be assured that Northern Sydney Institute currently has no intention of closing the art facility at its Meadowbank Campus.

Northern Sydney Institute values its relationship with local community and appreciates the ongoing support of Ryde Council. The Institute will continue to support community based Fine Arts events such as art competitions, the City of Ryde's arts festival and exhibiting works of local artists in Meadowbank Campus's See Street Gallery.

Should you require any further information on this matter, please do not hesitate to contact Mr Derek Pola, Associate Director ICT, Media, Arts and Electrotechnology, on telephone number 9942 0001 or by email at Derek.Pola@det.nsw.edu.au.

Yours sincerely

Pam Christie
MANAGING DIRECTOR OF TAFE NSW
DEPUTY DIRECTOR-GENERAL, TAFE & COMMUNITY EDUCATION

27 November 2012

3 CORRESPONDENCE FROM THE STATE MEMBER FOR RYDE THE HON VICTOR DOMINELLO MP REGARDING GOLDEN GOAL FOOTBALL COMMUNITY

Report prepared by: Administration Officer
File No.: GRP/09/4/6 - BP12/1548

CORRESPONDENCE:

Submitting correspondence from the Hon. Victor Dominello MP, State Member for Ryde dated 14 December 2012, regarding council's concerns about the future of the Golden Goal football community.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from the Hon Victor Dominello MP, Member for Ryde dated 14 December 2012, making representation to the Minister for Planning and Infrastructure regarding Ryde Bowling Club site

Report Prepared By:

Linda A Smith
Administration Officer

Report Approved By:

Danielle Dickson
Group Manager - Community Life

Precis of Correspondence 3 (continued)

ATTACHMENT 1



Victor Dominello MP
State Member for Ryde



Friday, 14 December 2012

Clr I Petch
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Clr Petch,



Thank you for taking the time to contact me in relation to councils concerns regarding the Golden Goal football community.

I have written to the Minister for Planning and Infrastructure asking that he responds to your concerns. Attached is a copy of this correspondence for your records.

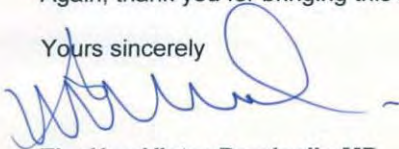
I have asked the Minister to liaise directly with you in relation to your concerns.

As you may appreciate, ministerial offices often have large volumes of correspondence to process, so it may take some time to obtain a written response. If you do not hear back from the Minister within eight weeks please do not hesitate to contact my office again, preferably by email or letter, and we will follow up on our initial correspondence.

In the meantime, please do not hesitate to call on me if I can help with this or any other matter.

Again, thank you for bringing this matter to my attention.

Yours sincerely



The Hon Victor Dominello MP
Member for Ryde

Precis of Correspondence 3 (continued)

ATTACHMENT 1



Victor Dominello MP

State Member for Ryde



Friday, 14 December 2012

The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW
Level 33 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

By fax: (02) 9228 5721

Dear Minister

Re: Golden Goal Football Community

I write on behalf of the Mayor of Ryde City Council, Clr Ivan Petch of Locked Bag 2069, NORTH RYDE NSW 1670 in relation to councils concerns regarding the future of the Golden Goal football community.

I attach a copy of Clr Petch's correspondence which sets out his situation in further detail.

I ask that your Department please respond to their concerns. I would appreciate it if you would please liaise directly with Clr Petch in relation to this matter and provide copies of any correspondence to my office for our records.

Thank you for your assistance with this matter. I look forward to your response.

Yours sincerely

The Hon Victor Dominello MP
Member for Ryde

cc. Clr Ivan Petch, Locked Bag 2069, NORTH RYDE NSW 1670

ATTACHMENT

4 AIRPORT CURFEW

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/12/5/5/5 - BP13/25

CORRESPONDENCE:

Submitting email correspondence from Alan and Libby Lawson, 1 Fox Road, East Ryde, dated 11 January 2013 to the Mayor, Councillor Petch relating to the Airport Curfew. The Mayor has requested that this matter be placed on Council's agenda for its consideration.

RECOMMENDATION

That the correspondence be received and noted.

ATTACHMENTS

1 Email from Alan and Libby Lawson dated 11 January 2013 - Airport Curfew

Report Prepared By:

Lorraine Abboud-Safi
Executive Assistant to Group Manager

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

Precis of Correspondence 4 (continued)**ATTACHMENT 1**

From: Alan or Libby Lawson[SMTP:alanlawson@optusnet.com.au]

To: Ivan Petch

Received-Date: 20130111

Received-Time: 3:04:00 AM

Sent-Date: 20130111

Sent-Time: 3:03:56 AM

Subject: Airport curfew

Dear Ivan,

I was appalled to read in our two local papers that the State Government intends increasing the airport curfew hours.

Aircraft noise over Ryde is tolerable during the day, barely tolerable and sometimes annoying in the evening, but at least we go to bed knowing we have seven hours of peace before it starts up again.

I have already written to our two State members and our Federal member re this issue and hope that Council will also raise this issue as well .

Libby Lawson
1 Fox Road
East Ryde 2113

NOTICES OF MOTION**1 SUPPLY AND DEMAND OF CRICKET PRACTICE FACILITIES ACROSS
THE LGA - Councillor Roy Maggio****File Number: CLM/13/1/4/6 - BP13/4**

MOTION:

That Council prepares a report regarding the supply and demand of cricket practice facilities across the LGA. As part of preparing this report discussions should be facilitated by Council with the governing Cricket Associations, Local Cricket Clubs and Cricket NSW regarding contribution towards the program (60/40) and the cost/access sharing arrangements for the future management and maintenance options for these facilities.

Implementation of this proposal will ensure that the management of teams and their training requirements can be met in a more suitable manner.

The report is to be tabled with Council prior to the adoption of the 13/14 Delivery Plan.

**2 ACKNOWLEDGEMENT OF VOLUNTARY CONTRIBUTION OF JOCK
CUNNINGHAM - Councillor Roy Maggio****File Number: CLM/13/1/4/6 - BP13/2**

MOTION:

That Council acknowledge the voluntary contribution of Jock Cunningham who has demonstrated over an extended period of time outstanding commitment for the betterment of the community in Ryde.

That the City of Ryde presents Mr Cunningham with a City of Ryde Community Service Award, as he has demonstrated exemplary commitment to their neighbourhood through service to the community.

That the recipient and their family be invited to a formal presentation to take place at a Council meeting.

Notices of Motion (continued)**3 ACKNOWLEDGEMENT OF VOLUNTARY CONTRIBUTION OF KAREN WAUD - Councillor Roy Maggio****File Number: CLM/13/1/4/6 - BP13/3**

MOTION:

That Council acknowledge the voluntary contribution of Karen Waud who has demonstrated over an extended period of time outstanding commitment for the betterment of the community in Ryde.

That the City of Ryde presents Ms Waud with a City of Ryde Community Service Award, as she has demonstrated exemplary commitment to their neighbourhood through service to the community.

That the recipient and their family be invited to a formal presentation to take place at a Council meeting.

4 NOISE ISSUES - MACQUARIE SHOPPING CENTRE NIGHT WORKS - Councillor Jeff Salvestro-Martin**File Number: CLM/13/1/4/6 - BP13/53**

MOTION:

That Council withdraw approval for night work at the Macquarie Shopping Centre. Further, that Council amend noise reports to weekly in lieu of monthly reports.

5 EXECUTIVE TEAM MEETINGS - Councillor Jeff Salvestro-Martin**File Number: CLM/13/1/4/6 - BP13/54**

MOTION:

That the Mayor or his nominated representative attend Council weekly Executive Team Meetings. That the meetings be minuted and copies be provided to all Councillors.

Notices of Motion (continued)**6 LEGAL COSTS FOR THE SUPREME COURT INJUNCTION - Councillor
Bill Pickering****File Number: CLM/13/1/4/6 - BP13/174**

MOTION:

- (a) That the Mayor provide to Council the exact date for the Supreme Court's determination of costs in relation to the injunction (at one stage attended by ICAC representatives) taken out against Councillors Ivan Petch, Justin Li, Jeff Salvestro-Martin, and Terry Perram, and former Councillors Vic Tagg and Michael Butterworth (as named in a Mayoral minute).
- (b) That in accordance with a previous council resolution, that Council be advised as to the legal representation at this determination on behalf of the City of Ryde and therefore our ratepayers, to ensure the defendants in this case (Petch, Li, Salvestro-Martin, Perram, Tagg and Butterworth) pay their costs and damages as determined by the court.
- (c) That the Mayor provide an explanation to Councillors not involved in this matter and to ratepayers and community as to how our city is to be fairly represented so that maximum costs will be awarded against the defendants (given that the Mayor, himself, is a defendant). Transparency is paramount on this matter given that senior staff with the Ryde Council (and therefore uninvolved Councillors) have been denied access to legal discussions and correspondence with the Mayor's legal representative who is being paid for by Ryde ratepayers.
- (d) That Council is provided with all correspondence relating to this matter including the amount of the costs awarded, and copies of invoices from all parties to whom payments must be made including the defendants' legal representation and associated parties.

Notices of Motion (continued)**7 CITY OF RYDE AND THE INDEPENDENT COMMISSION AGAINST
CORRUPTION (ICAC) - Councillor Bill Pickering****File Number:** CLM/13/1/4/6 - BP13/175

MOTION:

- (a) That the City of Ryde requests that ICAC investigate all dealings and relationships between Beville Group/Bevillesta, Crown Holdings, Pope Property Holdings, Obeid Group of Companies, Mr Rocco Triulco, and the Council including the past General Manager/s, senior staff and the Mayor or Mayors and Councillors at the time of the negotiations and construction of the Top Ryde Shopping Complex and the \$18Million tunnel mentioned at a recent ICAC hearing.
- (b) That investigations include:
 - 1. An examination into declared and undeclared property holdings and acquisitions including those held in family trusts or linked companies by the past General Manager/s and senior staff, the Mayor or Mayors and councillors at the time, and possible links to the said parties at Serial A.
 - 2. An examination into any and all other transactions or benefits derived by the abovementioned including cash or items such as whitegoods.
- (c) That Council handover to ICAC the results of the City of Ryde investigation and inquiry when completed, into any dealings with the Obeids or associated companies as per a previous resolution.

8 CANCELLATION OF WORKSHOP - Councillor Bill Pickering**File Number:** CLM/13/1/4/6 - BP13/176

MOTION:

- (a) That the Mayor provide to Council a complete written explanation for his decision to cancel a workshop on Saturday, February 2, in complete contravention of a resolution of council that this workshop be conducted on this date, and in so doing, overriding an earlier binding resolution of council that workshops proceed where four or more Councillors can be present.
- (b) That the Mayor apologise unreservedly to the General Manager and senior staff for falsely accusing them of fabrication and dishonesty.

Notices of Motion (continued)

- (c) That all correspondence into this matter and the conduct of all parties is provided to the Department of Local Government as part of that Department's ongoing investigations into the business of the City of Ryde Council.

9 GRAFFITI VANDALISM AND THE CITY OF RYDE - Councillor Bill Pickering**File Number:** CLM/13/1/4/6 - BP13/177

MOTION:

- (a) That the General Manager investigates programs by other local authorities and organisations into reducing the number of graffiti attacks on businesses and homes in the City of Ryde.
- (b) That a report on this matter, include, but not be limited to:
1. The establishment of key area 'watch' programs involving local residents, police and staff to identify at-risk locations and perpetrators.
 2. Methods of communication to assist awareness of measures to reduce graffiti vandalism in key areas.
 3. Promotion of anti-graffiti messages and penalties against culprits.
 4. Detailing the rising cost of graffiti removal in the City of Ryde.

10 LIVVI'S PLACE - Councillor Roy Maggio**File Number:** CLM/13/1/4/6 - BP13/178

MOTION:

That the City of Ryde Council formally thanks the Councils staff involved in the development of Livvi's Place all inclusive playground. Those involved included the General Manager John Neish, Director Community Life Danielle Dickson and her team including Fiona Morrison who pulled the project together, the Operations Centre team including Jeff Kerr the Project Manager, the design team including Ian Andrews and Elizabeth Read.

Notices of Motion (continued)

That Council commends the teamwork demonstrated by the staff involved on the excellent work which has produced Livvi's Place in collaboration with the community and the private sector and reaffirms its commitment to the full and immediate implementation of the City's Playground objectives.

11 COMMUNITY MEETING - 15 DECEMBER 2012 - Councillor Denise Pendleton**File Number:** CLM/13/1/4/6 - BP13/179

MOTION:

That Council congratulate the organisers of the Community Meeting on Saturday 15 December at Coxes Road Community Centre which was attended by over 100 local residents, the Mayor, several other Councillors, State MPs and the Member for Bennelong; and that Ryde Council support this initiative by reimbursing the organisers, the Friends of North Ryde/Ryde Community Alliance, the cost of the hall hire fee of \$292.50 from the community group grants program.

12 FOOTPATHS ON RAYMOND STREET - Councillor Jerome Laxale**File Number:** CLM/13/1/4/6 - BP13/186

MOTION:

- (a) That Council re-prioritise existing capital works program so that footpaths on both sides of Raymond Street are completed in the 2013/2014 financial year.
- (b) That the 4 year delivery plan be amended to reflect this undertaking.

13 SOCIAL MEDIA - Councillor Jerome Laxale**File Number:** CLM/13/1/4/6 - BP13/188

MOTION:

- (a) That Council supports the creation of official City of Ryde accounts on Social Media (Twitter, Facebook, LinkedIn etc).
- (b) That the General Manager allocate required resources to the base budget so that such accounts can be created and managed in this financial year.

Notices of Motion (continued)

- (c) That once created all social media accounts be promoted on all City of Ryde publications.
- (d) That newly created social media accounts should be used to:
 - 1. Create an online environment where our community are encouraged to engage with Council and Councillors;
 - 2. Promote the City of Ryde through the distribution of information helpful to residents and businesses;
 - 3. Provide real time reporting of full meetings of Council, General Purpose Committees and public workshops.

QUESTIONS BY COUNCILLORS AS PER POLICY**1 QUESTIONS WITH NOTICE - Councillor Roy Maggio****File Number: CLM/12/1/4/10 - BP12/1533**

Question 1: How were the school visits for the City of Ryde excellence awards distributed among Councillors and who carried out the appointments?

Answer 1

The school visits for the City of Ryde Excellence Awards were distributed among Councillors through self nomination in response to two Councillor Information Bulletin Items on 22 November 2012 and 29 November 2012.

The notification of 22 November 2012 noted that the Mayor had already been invited to and accepted some invitations and that some Councillors had been specifically asked by various schools to attend their event. These events were noted on an attached schedule which listed all schools where Councillor attendance was sought.

Where a vacancy existed with regard to Councillor representation, Councillors were asked to advise the Councillor Helpdesk of the presentation events they would like to attend.

Where more than one Councillor expressed an interest in attending a school, the Mayor nominated the representative.

Below is a list of Councillors who carried out the appointments for each school

St Charles Primary	ClrSimon
Epping Boys High	ClrLi
Eastwood Public	ClrPerram
Our Lady Queen of Peace	Clr Simon
Karonga Special School	The Mayor
Feng Hua Chinese School	ClrLi
ACCA Chinese Language	ClrLi
Ryde Secondary College	The Mayor
North Ryde Public	The Mayor
Meadowbank Public	ClrPendleton
Kent Road Public	Clr Pendleton
Putney Public	Clr Chung
Melrose Park	The Mayor
West Ryde Public	Clr Etmekdjian
Boronia Park Public	Clr Chung
Denistone East Public	Clr Etmekdjian
Ryde Public	The Mayor
Eastwood Tamil Centre	Clr Etmekdjian
Eastwood Heights Public	Clr Li
Marsden High	Clr Etmekdjian

Questions by Councillors as per Policy (continued)

Question 2: **How was this communicated to Councillors and what means?**

Answer 2

Communication was through the Councillor Information Bulletin on 22 November 2012 and again on 29 November 2012. Additional confirmation emails were sent to Councillors as required.

Question 3: **Can a Council rescind a part of a resolution if the part is discrete from other parts of the resolution?**

Answer 3

Yes.

Question 4: **Could Council detail what transpired at the meeting with Minister Andrew Stoner and/or his staff on the afternoon of 10 December 2012 regarding preservation of arrangements in place at Ryde Bowling Club in relation to Golden Goal and its operations at the site and did those discussions note that:**

- (a) the sizeable investment it has made – more than \$800,000 – at the site to erect specialist equipment
- (b) written advice from the Club's receiver to the effect that the receiver has no hold over the aforementioned equipment
- (c) the existence of a valid commercial arrangement between Golden Goal and Ryde Bowling Club
- (d) the involvement by approximately 1,000 – mainly younger and largely local – participants in tournaments, activities, training academies etc that are operated by Golden Goal at the site

Answer 4

Council staff (Mrs Dickson, Acting General Manager, Ms Domazet, Manager –Open Space and Mr Lore, Section Manager – Properties) met with Mr Fenn, A/Senior Manager, Crown Lands and Mrs Lobo, Senior Properties Management Officer, Crown Lands to seek approval to proceed with the temporary licence for the site as resolved by Council and to seek Crown's advice in relation on the following matters:

- the status of any fixtures or improvements on the site that may have been installed by a commercial operation, working through a Service Agreement with Camperdown Bowling Club
- the compliance of the Deed of Charge placed over the property of Camperdown Bowling by Terry Palapanis
- the status of the assignment of the lease from Ryde Bowling Club to Camperdown Bowling Club and if this has been endorsed by the Minister.

Questions by Councillors as per Policy (continued)

The Crown Lands were provided with the background information regarding the events preceding Council's decision regarding the arrangements for the management of the facility known as Ryde City Bowling Club.

The letter summarising the meeting and requesting Crown Lands' position on a number of issues is attached (Confidential Attachment 1).

- (a) Yes, this issue of investment was mentioned during staff's discussions regarding fixture and improvements on Crown Lands. The issue of fixtures and improvements has been referred to in the correspondence between Council and Crown Lands, as tabled at the confidential meeting of Council on 11 December 2012, and attached.
- (b) The issue of receivership was not discussed in any detail as the meeting was focused on the immediate issue of getting approval to proceed with the temporary licence between Council and the Receivers and Managers as well as seeking clarification on the matters outlined in the above response to this question. Additional information has also been provided to Councillors in the confidential CIB issued by the General Manager on 25 January 2013.
- (c) The Crown Lands, in their attached letter to Council dated 11 December and as tabled at the confidential meeting of Council on 11 December 2012, addresses this question.
- (d) The Golden Goal operations at the site were discussed with the Crown Lands and as a result, the Crown Lands gave their approval for Council to proceed with the temporary licence agreement. The Golden Goal has been issued with a licence agreement on Friday, 4 January 2013.

Question 5: Is there some way we can monitor returfing areas around town to ensure the grass is maintained now there are no water restrictions?

Answer 5

In relation to the monitoring of returfed areas in the City of Ryde's parks, the following parks have been returfed so far this year under two separate programs:

General Returfing – Maintenance		Full Rehabilitation (includes turf) – Capital	
Park Name	Area sqm	Park Name	Area sqm
Bremner Park	300	Mansfield Park	21,000
Morrison Bay Park	100	Eastwood Croquet	1,800
Ryde1 Park	600	Ryde Park, Wicket	600
Christie Park	900		
North Ryde	300		
Magdala Park	100		
Westminster Park	1,800		
Meadowbank Park	1,000		

Questions by Councillors as per Policy (continued)

General Returfing – Maintenance		Full Rehabilitation (includes turf) – Capital	
Eastwood Park	2,300		
Total	7,400		4,500

Following the completion of returfing, an extensive watering program is implemented to ensure successful coverage is achieved. The frequency is dependent on a number of factors including prevailing weather conditions, presence or not of irrigation and how the establishment of the turf is progressing.

Question 6: Can those elected members who are participating in the iPad have the option of not being included in the courier run?

Answer 6

Yes, this is current practice upon request of the Councillor.

Question 7: Where applicable, could administration consider when it is appropriate for any documents be delivered via courier and use electronic means as preference wherever possible?

Answer 7

Yes, this is current practice.

Question 8: What steps are being taken by the General Manager to ensure the New Code of Conduct requirements, which include the establishment of the panel to review any complaints?

Answer 8

This matter is addressed in the report included in the Council Agenda for 12 February 2013.

Question 9: How many people, if any, have been fined for illegal dumping of rubbish in Ryde in the last 12 months?

Answer 9

Over the past 12 months 40 illegal waste and littering offences were detected and one Court matter in November 2011 where six tonnes of waste was dumped in Wicks Road. The outcome was a \$2,000 penalty to the defendant.

Question 10: How much time is spent, inquiring into, and following up on the investigative process, regarding dumped piles of rubbish?

Questions by Councillors as per Policy (continued)Answer 10

The time taken to investigate a complaint would vary, for example:

1. If an officer is called out to investigate a waste complaint and there is no information in the waste to verify an owner – 30 minutes.
2. If there is information in the waste and an investigation is required – it can take up to 8+ hours depending on how long it takes for a response to orders/notices served.
3. Over the past 12 months staff have investigated 998 complaints – 3,000 hours of investigations.

Question 11: **How long from the time of discovery of these dumped piles to the actual pickup?**

Answer 11

Under most circumstances when staff have finished the investigation the average time it would take to remove the waste is about 48 hours. Worst case is four days. This depends on when the request was received. For example, the request might be received on a Friday and may not be removed until Monday or Tuesday or may be received on the last day leading up to a public holiday which could take longer.

In answer to the question, under normal circumstances if there is no investigation required it would take approximately four days to remove from the time it was first investigated. It may take longer if there is evidence in the waste and a follow up investigation is carried out.

Question 12: **Does Council have an arrangement with the charities in our area to assist, free of charge the removal of dumped rubbish within our area?**

Answer 12

There are no arrangements with Charity Organisations to remove waste in Ryde. Residents may call St Vincent de Paul if they have furniture which they want to donate. Council has an agreement with The Smith Family to remove all waste dumped around their clothing bins.