



6 MARCH 2013

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 12 MARCH 2013.

Ordinary Meeting of Council Meeting No. 4/13

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

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

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

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1 CONFIRMATION OF MINUTES - Council Meeting held on 26 February 2013

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/57

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 3/13, held on 26 February 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 26 February 2013

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 3/13**

Meeting Date: Tuesday 26 February 2013

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

Time: 7.30pm

Councillors Present: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering and Yedelian OAM.

Apologies: The Mayor, Councillor Petch and Councillor Salvestro-Martin

Leave of Absence: Councillor Simon.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications, Manager Infrastructure Integration, Section Manager Traffic, Coordinator Commissioning, Councillor Support Coordinator and Media and Manager – Customer Service and Governance.

Chair: In the absence of the Mayor, Councillor Petch, the Deputy Mayor, Councillor Li assumed the Chair.

PRAYER

Pastor Dr Keith Ng of the Evangel Bible Church, Putney was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillors Li and Perram disclosed a pecuniary interest in Notice of Motion 7 – Appointment of Independent Legal Counsel to the Represent to Ratepayers of the City of Ryde for the reason that they are involved in the proceedings arising from action of the former Mayor. The did not participate in consideration of, or voting on, this Item.

TABLING OF PETITIONS

No Petitions were tabled.

ITEM 1 (continued)
PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

ATTACHMENT 1

The following persons addressed the Council:-

Martin Lyne	NOM 5 – Commercial Recreational Ventures within the Porters Creek Site
Ben Russell	NOM 5 – Commercial Recreational Ventures within the Porters Creek Site
Alan Patrick	NOM 7 – Appointment of Independent Legal Counsel to Represent the Ratepayers of the City of Ryde
David Hughes	NOM 5 – Commercial Recreational Ventures within the Porters Creek Site

SUSPENSION OF STANDING ORDERS – PUBLIC PARTICIPATION

RESOLUTION: (Moved by Councillors Maggio and Pendleton)

That 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, the time being 7.43pm

Record of Voting

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons were registered to address the Council but were not present

- Ara Boghozians (representing Anahit Boghozians and Ara Kasparian)
- Razmik Shahmirzayan

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

SUSPENSION OF STANDING ORDERS – ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the following items on which there was public participation now be considered by Council, the time being 7.45pm

Notice of Motion 5 – Commercial Recreational Ventures Within the Porters Creek Site.

Notice of Motion 7 - Appointment of Independent Legal Counsel to Represent the Ratepayers of the City of Ryde

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Perram

5 COMMERCIAL RECREATIONAL VENTURES WITHIN THE PORTERS CREEK SITE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the Acting General Manager conducts a feasibility study on any future opportunities for commercial recreational ventures within the Porters Creek site. Should these opportunities exist, Council to proceed to an EOI process for this part of the site and the future of this EOI process is reported back to Council for consideration.

Record of Voting

For the Motion: Unanimous

7 APPOINTMENT OF INDEPENDENT LEGAL COUNSEL TO REPRESENT TO RATEPAYERS OF THE CITY OF RYDE - Councillor Bill Pickering

Note: Councillors Li and Perram disclosed a pecuniary interest in this matter for the reason that they are involved in the proceedings arising from action of the former Mayor. They did not participate in the debate or voting on this Item.

Councillors Li and Perram left the meeting, the time being 7.55pm

ELECTION OF CHAIRPERSON

In the absence of Councillor Li, the Acting General Manager called for nominations for the position of Chairperson. Councillor Pickering was nominated as Chairperson.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Councillor Pickering assume the Chair for consideration of this Item.

Record of Voting:

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

Against the Motion: Councillors Laxale and Pendleton

ITEM 1 (continued)

ATTACHMENT 1

MOTION: (Moved by Councillors Laxale and Pendleton)

That this matter be considered in Confidential Session.

Record of Voting:

For the Motion: Councillors Laxale, Pendleton and Yedelian OAM

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

The Motion was LOST.

RESOLUTION: (Moved by Councillors Pickering and Maggio)

- (a) That Ryde City Council immediately appoint independent legal counsel from Council's appointed panel (excluding those who have previously acted in this matter on behalf of Council: HWL Ebsworth and Marsdens Lawyers) to represent the ratepayers of Ryde in relation to the awarding of costs and damages in the Supreme Court Injunction against councillors and former councillors named in a recent Mayoral minute.
- (b) That this independent counsel be briefed exclusively by the Council of the City of Ryde in a confidential session of Council to ensure appropriate representation and transparency of process as an advocate for Ryde's ratepayers.

Record of Voting

For the Motion: Unanimous

Councillors Li and Perram returned to the meeting, the time being 8.41pm

Councillor Li resumed the Chair.

1 CONFIRMATION OF MINUTES - Council Meeting held on 12 February 2013

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That the Minutes of the Council Meeting 2/13, held on 12 February 2013 be confirmed.

Record of Voting

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/13 held on 19 February 2013

RESOLUTION: (Moved by Councillors Pendleton and Maggio)

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

Record of Voting

For the Motion: Unanimous

2 12 FARNELL STREET, WEST RYDE. LOT 13 DP 28953. Local Development Application for a multi dwelling housing (attached) development containing 3 villa homes (2 x 3 and 1 x 2 bedroom), two storey at front and single storey at rear. LDA2012/0049.

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

That a mediation take place by the Group Manager - Environment and Planning, the applicant and the objector from 10 Farnell Street West Ryde, to amend the height of the proposed development to improve the retention of the objectors view. That if the parties are in agreement the matter can be determined by the Group Manager Environment and Planning. Alternatively, a further report be presented to Planning and Environment Committee within three (3) months.

Record of Voting

For the Motion: Unanimous

3 RYDE CIVIC CENTRE - PRIORITY MAINTENANCE

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That the report be received and noted.
- (b) That the Acting General Manager report back to Council providing a costed maintenance schedule for the building for the upcoming five years.

Record of Voting

For the Motion: Unanimous

4 DEVLIN STREET PEDESTRIAN BRIDGES

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

ITEM 1 (continued)

ATTACHMENT 1

- (a) That the progress report be noted pending a comprehensive report to the Council Meeting on 26 March 2013 with particular effort placed on completing the summary report on performance, legal options and improvements to Council's process included in Item 2 (e) of the original motion.
- (b) That the Acting General Manager be requested to arrange a meeting with the Regional Manager Sydney RMS and with interested Councillors, to discuss pedestrian conditions on Devlin Street. The schedule of the meeting is to consider the work commitments of the interested Councillors.
- (c) That Council, as Lessor, confirm the required service levels for the pedestrian bridges and, after they have been confirmed by Council, then confirm the requirements with the Lessee.
- (d) That the Council records and reports to the Lessor all instances of lift stoppage. That the Lessor will provide monthly reports of all lift failures in a summary format to be agreed with Council, with these summary reports circulated to Councillors in the CIB until further notice.
- (e) That the residents be informed that Council is now welcoming all complaints about the performance of the bridge lifts, either by letter to residents or an item in the City View (or both)
- (f) That the role and reporting responsibilities of the Council representative to the Strata Committee be confirmed, particularly with raising issues related to the performance of the pedestrian bridge lifts.

Record of Voting

For the Motion: Unanimous

**5 WEST RYDE URBAN VILLAGE DEVELOPMENT - Progress Report
February 2013**

RESOLUTION: (Moved by Councillors Chung and Laxale)

- (a) That Council receives and notes the updated information contained within this report.
- (b) The Acting General Manager and Mayor be requested to make representations to Coles Group Property Development Pty Ltd (Coles) seeking resolution of the matters in this report and inform the general public in relation to the facts regarding the issue in this matter and confirming the rejection of any financial claim by Coles as detailed in this report.

ITEM 1 (continued)

ATTACHMENT 1

- (c) That Council requests the Acting General Manager to continue to make representations to Coles senior management to implement the communications strategy dated September 2010 and to ensure that the agreed 'shop front' is in place prior to the commencement of road works. That the communication strategy be presented to Council by Coles at a future Council Meeting.
- (d) That the Acting General Manager request a project timeframe from Coles detailing the main milestones and sequencing for the project and that this be reported to Council and that Coles be put on notice that failure to deliver this timeframe in the coming two weeks will result in Council taking further contractual action to commence the remaining public domain works.
- (e) That the Council expresses its serious concerns to the Coles and West Farmers Board at the reluctance of Coles to fully engage and participate with Council to develop a timeline to deliver the West Ryde Urban Village. That Council express its concern and emphasise the impact their construction is having on local businesses in West Ryde.

Record of Voting

For the Motion: Unanimous

6 INVESTMENT REPORT - January 2013

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That Council endorse the report of the Chief Financial Officer dated 14 February 2013 on Investment Report – January 2013.
- (b) That Council note the review of its Investment Policy and Guidelines and endorse the Investment Policy and Guidelines as **ATTACHED**.

Record of Voting

For the Motion: Unanimous

7 DECEMBER 2012 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2012-2016 AND 2012/2013 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That the report of the Chief Financial Officer, dated 15 February 2013 on DECEMBER 2012 QUARTERLY REVIEW REPORT – 2012/2016 DELIVERY PLAN AND 2012/2013 OPERATIONAL PLAN be received and endorsed.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.07 million in Council's Working Capital, to a projected balance as at 30 June 2013 of \$3.43 million, be endorsed and included in the 2012/2013 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net decrease in Transfers from Reserves of \$4.58 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 15 February 2013 be endorsed.
- (e) That Council note the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

Record of Voting

For the Motion: Unanimous

8 COUNCIL'S CORPORATE NAME

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (a) That Council adopt the corporate name of "Council of the City of Ryde" in accordance with Section 221 (2) of the Local Government Act, 1993, as amended.
- (b) That Council's ABN registration be updated to reflect this entity name and reflect a trading name of "City of Ryde".

Record of Voting

For the Motion: Unanimous

9 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

Record of Voting

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

LATE COUNCIL REPORTS

1 PROCESS FOR NOMINATING MEMBERS OF COMMUNITY FOR COMMUNITY SERVICE AWARDS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council endorses the Volunteer Recognition Awards and the Citizen of the Year Awards as the process through which community service is recognised in the City of Ryde.

Record of Voting

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 TENNIS WORLD SITE DEVELOPMENT NORTH RYDE

RESOLUTION: (Moved by Councillors Pickering and Perram)

That the correspondence be received and noted.

Record of Voting

For the Motion: Unanimous

2 ALLENGROVE MAJOR PROJECT APPEAL - Environmental Defenders Office (EDO) NSW

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That the correspondence be received and noted.

Record of Voting

For the Motion: Unanimous

NOTICES OF MOTION

1 REVIEW OF COUNCIL'S EXISTING PREFERRED SUPPLIER LIST - Councillor Jeff Salvestro-Martin

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

That in the absence of Councillor Salvestro-Martin the following Notice of

ITEM 1 (continued)

ATTACHMENT 1

Motion be deferred to the Council Meeting to be held on 12 March 2013:

That the General Manager prepare a report that provides Council with sufficient detail necessary to conduct a review of Council's existing Preferred Supplier List.

Record of Voting

For the Motion: Unanimous

2 SPORTING FACILITIES - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council receive a report that lists all works Council officers have planned or are proposed for future works within the City on sporting facilities and related amenities blocks.

The report also to outline ways the officers seem to prioritise works to be done on these planned works and/or proposed works including if known the funding or proposed funding for such works. The report to be returned before the end of the calendar year, and if this cannot be achieved, Councillors to be advised in the CIB of a future reporting date.

Record of Voting

For the Motion: Unanimous

3 ILLEGAL DUMPING - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council note with concern the continue illegal dumping and its effects on the social and economic status of the City of Ryde request the Acting General Manager to formally write to the NSW Minister for the Environment to review its waste levy. That the Acting General Manager write to NSROC and the LGA to continue to strongly lobby the State Government against any further increases in the solid waste levy.

That the Acting General Manager prepare a report outlining:

- the extent of illegally dumped rubbish in the City of Ryde;
- the current approach to managing and responding to the issue;
- strategies for better managing and responding to illegally dumped rubbish in the City of Ryde.

The report be presented to the Works Community Committee – May meeting if possible.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting

For the Motion: Unanimous

4 FITNESS EQUIPMENT WITHIN THE CITY OF RYDE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Perram)

That the Acting General Manager reviews the provision of fitness equipment within the City of Ryde and in particular at Kissing Point Foreshore Park Putney and report back to Council on the community needs for this type of equipment in our parks. The review to include any partnerships with private sector organisations or sponsorship opportunities.

That Council promote this initiative through our media channels seeking feedback from the community on this proposal and suitable locations.

That, as part of the development of the 2013/14 budget, funds are allocated to Exercise Equipment as part of the playground program as well as the provision of ongoing equipment maintenance.

Record of Voting

For the Motion: Unanimous

5 COMMERCIAL RECREATIONAL VENTURES WITHIN THE PORTERS CREEK SITE - Councillor Roy Maggio

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

6 ACTIVE TRANSPORT ROUTE BETWEEN EASTWOOD STATION AND MACQUARIE PARK - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Council approach the RMS (as land owner) and Transport for NSW (as advocate) seeking their in-principle approval and support to develop an active transport route between Eastwood Station and Macquarie Park, primarily utilising the County Road reserve. The active transport route would comprise a shared user path within the reserve with associated access improvements on connecting public roads.

Record of Voting

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

7 APPOINTMENT OF INDEPENDENT LEGAL COUNSEL TO REPRESENT TO RATEPAYERS OF THE CITY OF RYDE - Councillor Bill Pickering

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

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

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

Record of Voting:

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

Against the Motion: Councillor Maggio

1. Who are the two legal representatives informing Council to move for arbitration on the Golden Goal facility?

Answer 1:

Council Solicitors in this matter are Marsdens Law Group. The proposal to move to arbitration by selecting an agreed arbitrator and presenting him/her with agreed facts and contentions is the most cost effective way forward.

Both Council and Golden Goal would be bound by the arbitrator's decision without the right to appeal.

2. Is the advice available for Councillors to view?

Answer 2:

The advice has been provided to Councillors by Council's Acting General Manager on a confidential basis.

3. Have Council ever received the 3 main documents in which I tabled on the 19/2/13? Please supply dates.

- Amalgamation Deed
- Tax Invoice of who owns the assets
- Deed of charge

ITEM 1 (continued)

ATTACHMENT 1

Answer 3:

The Deed of Amalgamation and Deed of Charge were provided at various unspecified dates.

The tax invoice was provided by Councillor Maggio at the meeting of Council on Tuesday 19 February 2013.

Council acknowledges the existence of the documents but does not admit to their validity on enforceability against Council.

4. Why do Council continue to reference Ryde City Bowling Club?

Answer 4:

Ryde City Bowling Club is the only entity with which Council has a legal relationship. Council's lease to Ryde City Bowling Club was assigned to Camperdown Bowling Club subject to certain preconditions that have not been met.

5. Have Council taken any measures to maintain the vandalism at the Golden Goal facility?

Answer 5:

Council has taken the following measures to address/prevent vandalism at the Golden Goal facility:

- Immediately following Council's re-entry of the property as Landlord, security guards were engaged to monitor the Club premises and the Golden Goal fields.
- The back to base alarm was reactivated.
- Vandal/theft attractors such as alcohol and poker machines were removed from the premises and placed in safe storage.

6. Could Council provide the valuation of the Golden Goal lease payment from the independent assessor?

Answer 6:

The Valuation is a commercial in confidence document. Given there are pending commercial negotiations and legal action, it is not recommended, as its release may compromise Council's outcomes. Further the valuation explicitly does not authorise release to third parties.

7. Is the valuation assessment available for Councillors to view?

ITEM 1 (continued)

ATTACHMENT 1

Answer 7:

Having regard to question 6 response, General Counsel suggests that the report remain confidential to involved staff.

CLOSED SESSION

ITEM 2 - RYDE CITY BOWLING CLUB UPDATE - ASSETS AND LICENCE

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 Etmekdjian and Yedelian OAM)

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

Record of Voting

For the Motion: Unanimous

Note: The Council closed the meeting at 10.21pm. The public and media left the chamber.

2 RYDE CITY BOWLING CLUB UPDATE - ASSETS AND LICENCE

MOTION: (Moved by Councillors Maggio and Pickering)

- (a) That Council receive and note this report.
- (b) That the Acting General Manager continue to negotiate the terms with Golden Goal in accordance with the terms as outlined discussed by Council in Closed Session.

Record of Voting

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That Council resolve itself into open Council.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting

For the Motion: Unanimous

Note: Open Council resumed at 10.53 pm.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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: Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering and Yedelian OAM

Against the Motion: Councillor Maggio

NATIONAL ANTHEM

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

The meeting closed at 10.55pm.

CONFIRMED THIS 12TH DAY OF MARCH 2013

Chairperson

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

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/67

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Items 1, 2 and 3 were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 4 and 5 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

4 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence, and gates. LDA2012/0272.

Note: Eugene Sarich and Christian Farrell (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: A series of documents from Eugene Sarich and Christian Farrell (on behalf of the applicant) dated 5 March 2013 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That LDA2012/272 at 77 Wharf Road, Gladesville being Lot 2 DP 536882 be deferred for a mediation meeting to be undertaken by the Group Manager Environment and Planning with the applicant and the objectors to address issues relating to bulk, scale, habitable areas and streetscape presentation. That a further report be referred to Planning and Environment Committee within three months.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

ITEM 2 (continued)**5 UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD EASTWOOD****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.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in relation to this item for the reason that he is aware of the applicant through his Charity Contribution in the community and through the partnership with Council/Cox's Road Masterplan.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Chung)

That this matter be deferred to the Council Meeting of 12 March 2013 to consider the four options as presented in the report.

Record of Voting:

For the Motion: Unanimous

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

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 5 March 2013

ITEM 2 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 3/13

Meeting Date: Tuesday 5 March 2013

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

Time: 5.20 pm

Councillors Present: Councillors Pendleton, 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, Team Leader – Assessment, Team Leader – Fast Track Team, Team Leader – Building Compliance, Service Unit Manager – Governance, Business Support Coordinator – Environment and Planning, and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 5 – Unauthorised Development 29 Vimiera Road Eastwood for the reason that he is aware of the applicant through his Charity Contribution in the community and through the partnership with Council/Cox's Road Masterplan.

1 CONFIRMATION OF MINUTES - Meeting held on 19 February 2013

RESOLUTION: (Moved by Councillors Maggio and Chung)

That the Minutes of the Planning and Environment Committee 2/13, held on Tuesday 19 February 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 2 (continued)

ATTACHMENT 1

2 21 WILDING STREET, MARSFIELD. Lot 25 DP 235821. Local Development Application for a new two storey dwelling. LDA2012/0379.

Note: Denise (Yuan Yuan) Wang (objector) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Local Development Application No. LDA2012/0379 at 21 Wilding Street, Marsfield be approved subject to the conditions in **Attachment 2**.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

3 21 GLADSTONE AVENUE, RYDE - LOT 54 DP 30343. Section 96 Application for modifications to approved two storey dwelling for changes to the roof terrace access. MOD2012/0150.

Note: Sergio Mantellato (objectors) addressed the Committee in relation to this Item.

Note: A series of documents from Sergio Mantellato dated 5 March 2013 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That the Section 96 Application Number MOD2012/0150 at 21 Gladstone Avenue being Lot 54 DP 30343 be approved and Consent Number LDA2004/16 be modified in the following manner:

- **Condition 1** amended by adding the following Plans to the list of Approved Plans for this development:

Document Description	Date	Plan No/Reference
Roof Terrace Plan	25/11/10	10.29/DA03
Elevations (of Roof Terrace)	25/11/10	10.29/DA04

NOTE: These plans referenced above relate only to the additional approved works relating to the roof terrace. For full and further details of the approved plans for this development overall, refer to the original consent (LDA2004/16 dated 2 June 2004, as amended).

- **ALL** other conditions remain unaltered and must be complied with.

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

ITEM 2 (continued)

ATTACHMENT 1

- (c) That the matters raised in relation to possible non-compliance with the consent be investigated by the Manager Environment Health and Building in liaison with the Private Certifier and should any matters arise as a result of the investigations that they be dealt with under delegation of the Group Manager Environment and Planning.

Record of Voting:

For the Motion: Unanimous

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

4 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence, and gates. LDA2012/0272.

Note: Eugene Sarich and Christian Farrell (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: A series of documents from Eugene Sarich and Christian Farrell (on behalf of the applicant) dated 5 March 2013 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That LDA2012/272 at 77 Wharf Road, Gladesville being Lot 2 DP 536882 be deferred for a mediation meeting to be undertaken by the Group Manager Environment and Planning with the applicant and the objectors to address issues relating to bulk, scale, habitable areas and streetscape presentation. That a further report be referred to Planning and Environment Committee within three months.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

ITEM 2 (continued)

ATTACHMENT 1

CLOSED SESSION

ITEM 5 - UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD EASTWOOD

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.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

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

Record of Voting:

For the Motion: Unanimous

Note: The Committee closed the meeting at 6.18pm. The public and media left the chamber.

5 UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD EASTWOOD

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in relation to this item for the reason that he is aware of the applicant through his Charity Contribution in the community and through the partnership with Council/Cox's Road Masterplan.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Chung)

That this matter be deferred to the Council Meeting of 12 March 2013 to consider the four options as presented in the report.

Record of Voting:

For the Motion: Unanimous

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

ITEM 2 (continued)

ATTACHMENT 1

OPEN SESSION

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the Committee resolve itself into open session.

Record of Voting:

For the Motion: Unanimous

Note: Open session resumed at 6.39 pm.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

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

Record of Voting:

For the Motion: Unanimous

The meeting closed at 6.39 pm.

CONFIRMED THIS 19TH DAY OF MARCH 2013.

Chairperson

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 2/13
held on 5 March 2013**

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/77

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 2/13 held on 5 March 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

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

**2 PUBLIC EXHIBITION OF MACQUARIE PARK PEDESTRIAN
ACCESSIBILITY AND MOBILITY PLAN**

Sam Capelli, Manager Environment addressed the committee.

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (a) That Council endorse in principle the exhibition of the draft Macquarie Park Pedestrian Accessibility and Mobility Plan for a period of 28 days subject to consideration of discussions at a workshop on 5th March 2013.
- (b) That a further report on the Macquarie Park Pedestrian Accessibility and Mobility Plan be presented for Council's consideration and determination after the public exhibition period has finished and all submissions have been considered.
- (c) That subject to (b), Council endorse the Draft Macquarie Park Pedestrian Accessibility and Mobility Plan as a guide to future prioritisation of capital works relating to accessibility and mobility in Macquarie Park precinct.

Record of Voting:

For the Motion: Clrs Laxale and Pickering

Against the Motion: Clr LI

Note: This matter will be dealt with at the Council Meeting to be held on **12 MARCH 2013** as dissenting votes were recorded

ITEM 3 (continued)**3 SKATEBOARDING CLINICS IN THE CITY OF RYDE**

Councillor Maggio addressed the committee

RECOMMENDATION: (Moved by Councillors Pickering and Li)

That the matter be referred to full Council to allow Councillor Maggio to address Council on various components of the report and recommendation.

Record of Voting:

For the Motion: Unanimous

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

5 WATERLOO PARK FLOODLIGHTING

RECOMMENDATION: (Moved by Councillors Laxale and Li)

That a workshop be scheduled at the first opportunity to allow this matter to be discussed by all Councillors.

Record of Voting:

For the Motion: Unanimous

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

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 5 March 2013

ITEM 3 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 2/13**

Meeting Date: Tuesday 5 March 2013

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

Time: 4.30pm

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

Apologies: Councillor Etmekdjian

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

Leave of Absence: Councillor Perram.

Staff Present: Acting Group Manager – Community Life, Acting Group Manager - Public Works, Service Unit Manager – Environment, Acting Service Unit Manager – Open Space, Section Manager – Traffic and Governance, Project Manager – Public Works, Open Space Planner, Section Manager – Open Space Planning and Assets, Senior Sustainability Coordinator, Service Unit Manager – Operations and EA to the Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 5 February 2013

RESOLUTION: (Moved by Councillors Li and Pickering)

That the Minutes of the Works and Community Committee 1/13, held on Tuesday 5 February 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

**2 PUBLIC EXHIBITION OF MACQUARIE PARK PEDESTRIAN
ACCESSIBILITY AND MOBILITY PLAN**

Sam Capelli, Manager Environment addressed the committee.

ITEM 3 (continued)

ATTACHMENT 1

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (a) That Council endorse in principle the exhibition of the draft Macquarie Park Pedestrian Accessibility and Mobility Plan for a period of 28 days subject to consideration of discussions at a workshop on 5th March 2013.
- (b) That a further report on the Macquarie Park Pedestrian Accessibility and Mobility Plan be presented for Council's consideration and determination after the public exhibition period has finished and all submissions have been considered.
- (c) That subject to (b), Council endorse the Draft Macquarie Park Pedestrian Accessibility and Mobility Plan as a guide to future prioritisation of capital works relating to accessibility and mobility in Macquarie Park precinct.

Record of Voting:

For the Motion: Cirs Laxale and Pickering

Against the Motion: Clr LI

Note: This matter will be dealt with at the Council Meeting to be held on **12 MARCH 2013** as dissenting votes were recorded

3 SKATEBOARDING CLINICS IN THE CITY OF RYDE

Councillor Maggio addressed the committee

RECOMMENDATION: (Moved by Councillors Pickering and Li)

That the matter be referred to full Council to allow Councillor Maggio to address Council on various components of the report and recommendation.

Record of Voting:

For the Motion: Unanimous

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

4 BRUSH FARM PARK & LAMBERT PARK - Masterplan and Archaeological Management Plan

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (a) That Council place on exhibition the draft Masterplan for Brush Farm Park and Lambert Park for a period of 4 weeks.

ITEM 3 (continued)

ATTACHMENT 1

- (b) That following the public exhibition process, a further report be submitted to Council on the feedback received during the process and any proposed changes to the draft Masterplan.

Record of Voting:

For the Motion: Unanimous

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

5 WATERLOO PARK FLOODLIGHTING

RECOMMENDATION: (Moved by Councillors Laxale and Li)

That a workshop be scheduled at the first opportunity to allow this matter to be discussed by all Councillors.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 4.55pm.

CONFIRMED THIS 19TH DAY OF MARCH 2013.

Chairperson

4 DRAFT RYDE LEP 2011- OPEN COMMUNITY WORKSHOP

Report prepared by: Strategic Planner

File No.: LEP2008/22/007 - BP13/224

REPORT SUMMARY

Over the last two years draft Ryde LEP 2011 has undergone community consultation that has included:

- Informal exhibition or “Community Comment” between the 19 January 2011 and 29 May 2012
- Formal exhibition between the 30 May and 13 July 2012.

The community were also provided with :

- Opportunities to address Council at the meetings of the 24 July and 11 December 2012 at which 39 speakers made representations.
- An Open Community Workshop held on 5 and 7 February 2013 at which 28 speakers made representations.

A total of 3294 submissions have been received.

Draft LEP (DLEP) 2011, including an outline of the issues raised in submissions and recommended amendments to the draft Plan, has been presented to Council on two previous occasions:

- The 24 July 2012 where it was resolved to defer the matter until verbal submissions made at that meeting were addressed in a further report to Council to be presented after the 2012 Local Government elections and
- The 11 December 2012 where it was resolved to defer the matter for an open community workshop.

Council on the 5 and 7 February 2013 held an open community workshop at which time Council gave clarity to staff on the matters raised by the community with respect to the DLEP including:

- That all current dual occupancy developments be allowed Torrens titles subdivision
- That consideration be given to not progressing the rezoning of 11 – 15 Farm Street and Our Lady Queen of Peace Gladesville.

Other outcomes from the Workshop included:

- That a more detailed Master plan be initiated by Council for a specific area within Meadowbank Urban Village
- That a community workshop be held to address issues raised in particular the rezoning of additional land to E2.
- That consideration be given to inviting a planning proposal from those persons seeking changes to specific properties/areas.
- That linear separation provisions be removed from the draft DCP 2011.

ITEM 4 (continued)

ATTACHMENT 1 providing a record of the Open Community Workshop, speakers and directions from Council is **CIRCULATED UNDER SEPARATE COVER**.

Another required amendment to DLEP 2011 has resulted from a resolution of Council on the 12 February 2013 to endorse a Planning Proposal (PP) to amend LEP 2010 with respect to the Ryde Civic Precinct. The PP rezones the land SP2 – Community facility and Public administration building and reduces the maximum height permitted on the land to RL91 AHD. DLEP 2011 needs to be amended to reflect the changes proposed in that Planning Proposal.

Legal advice arising from a recent Court case where the validity of an LEP was successfully challenged, is that Council (and the Minister) should proceed with caution when making amendments to a draft LEP after it has been placed on public exhibition.

As a result of the above it is considered that the only amendments to DLEP 2011, prior to it being submitted to DoPI with a request that the Minister make the Plan, should be:

- Reinstating the zoning and land use controls under LEP 2010 for 11 – 15 Farm Street and 14 – 20 Oxford St Gladesville.
- Deferring the Ryde Civic Precinct from DLEP 2011 (as it is being addressed through the Planning Proposal process).
- Minor amendments if necessary to incorporate any changes required by DoPI or identified drafting or description errors.

Details of the amendments are outlined in ATTACHMENT 2 *Table 1 – Amendments to DLEP 2011* and is **CIRCULATED UNDER SEPARATE COVER**.

All other proposed amendments to DLEP 2011 identified in previous reports (24 July and 11 December 2012) to Council and at the community workshop should be part of a Planning Proposal.

Details of amendments to DLEP 2011 that would be subject of a planning proposal are outlined in ATTACHMENT 3 *Table 2 – Planning Proposal changes to DLEP 2011* and is **CIRCULATED UNDER SEPARATE COVER**.

The recommendations of this report are based on the outcomes of the community workshop. The report recommends that Council amends the draft Plan in accordance with Table 1 and that the plan be forwarded to the Department of Planning and Infrastructure (DoPI) with a Section 68 report requesting that the Minister make the Plan. It further recommends that a Planning Proposal to amend draft LEP 2011 in accordance with Table 2 be commenced. A number of other recommendations are proposed around the various directions given by Council at the Open Community Workshop.

ITEM 4 (continued)**RECOMMENDATION:**

- (a) That Council amend Draft Ryde LEP 2011 in accordance with the changes identified in *Table 1 – Amendments to LEP 2011* attached to this report.
- (b) That Council forward to the Department of Planning and Infrastructure draft LEP 2011 as amended with a Section 68 report requesting that the Minister make the Plan.
- (c) That a Planning Proposal be prepared to amend Draft LEP 2011 in accordance with *Table 2 Planning Proposal Amendments to DLEP 2011* attached to this report and be supported by a consultation programme prepared by Council's Media and Communications Group.
- (d) That a Master plan be undertaken for the area in Meadowbank Urban Village bounded by Railway Rd, Constitution Rd, Bowden Street and the Water Point development in the south.
- (e) That \$150 000 be allocated in the draft Delivery Plan to undertake the Master Plan for Meadowbank Urban Village and that it be part of the work programme for Environment and Planning for 2013/2014.
- (f) That prior to finalisation of the Bushland Plan of Management an Open Community Workshop be held.
- (g) That Council resolve to remove linear separation for dual occupancy (attached) and multi dwelling housing from Draft Development Control Plan 2011.
- (h) That Planning Proposals be accepted for consideration by Council for the properties:
 - 12A, 14 Epping Rd/86 Blenheim Rd North Ryde
 - 2–14 Tennyson Rd Gladesville
 - 2 College St/10 Monash Rd Gladesville
 - Bulky goods premises as an additional land use in the IN2 zone Gladesville
- (i) That Council continue expressing its preferred planning outcomes regarding development of land within the North Ryde Station Precinct and surrounding areas, in particular the retention of the Tennis World site and land adjoining Bundarra Reserve as recreational/bushland with State Government agencies to ensure the best and most appropriate outcomes for the area.
- (j) That a Section 96 application in relation to 6 Clare St Gladesville be brought to the Planning and Environment Committee and that Council commits to maintaining Cottonwood Crescent and Peachtree Rd as roads.
- (k) That 100 Rowe Street Eastwood be rezoned to B4 Mixed Use and deleted from Ryde LEP 2011 Land Reservation Acquisition Map.

ITEM 4 (continued)

- (l) That the Torrens titling of current dual occupancy developments be permitted under DLEP 2011.

ATTACHMENTS

- 1 Attachment 1 Record of Public Meeting & Summary of Proposed Actions
- 2 Attachment 2 - Amendments to DLEP 2011
- 3 Attachment 3 - Planning Proposal Amendments to DLEP 2011
- 4 Attachment 4 - Development of DLEP 2011 and Summary of Speakers comments - 24 July and 11 December 2012.

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 4 (continued)

History

Development of Draft LEP 2011

Council was advised by the Department of Planning (DoPI) in April 2005 that it would be required to have a principal LEP in place within three years of the gazettal of the Standard LEP template (31 March 2006) and that such a principal LEP would be required to conform to that template.

Council has been working towards this outcome for the last seven years. During this time LEP 2010 has been gazetted, the City of Ryde Local Planning Study completed, DLEP 2011 developed and all legislative requirements and consultation completed with respect to the draft Plan.

ATTACHMENT 4 of this report provides detail on the development of DLEP 2011, summary of submissions received and issues raised and an outline of the list of speakers of the 24 July and 11 December 2012, the area they addressed and Council response and is **CIRCULATED UNDER SEPARATE COVER**.

Discussion

Council on 5 and 7 February 2013 held an Open Community Forum on draft Ryde LEP 2011. A total of 28 speakers addressed Council at that Workshop. The below table provides a summary of areas addressed by the speakers and Councils direction to staff on the matters raised.

Issue	No. of speakers	Council direction
Housing	4	
Torrens titling of dual occupancy developments	2	That all current dual occupancy be allowed Torrens title.
Removal of linear separation from the DCP	1	That linear separation be deleted from the DCP.
Reduction in minimum lot size requirements for dual occupancy developments	1	Not supported.
Gladesville	14	
Gladesville – inappropriate development, traffic and height issues. Particular concern with the proposed rezoning of Farm St and request for closure of Eltham St.	5	That consideration be given to not progressing the rezoning in 11 – 15 Farm St and Our Lady Queen of Peace (14 – 20 Oxford St).
Request for rezoning land/amending controls for 2 College St/10 Monash Rd	3	That consideration be given to inviting a planning proposal for 2 College St.

ITEM 4 (continued)

Issue	No. of speakers	Council direction
Request for rezoning land/amending controls for 44 – 48 Eltham Street	3	That consideration be given to inviting a planning proposal for 44 – 48 Eltham St.
Request for rezoning land/amending controls for 2 – 14 Tennyson Rd	1	That consideration be given to inviting a planning proposal for 2 – 14 Tennyson Rd.
Request for bulky goods premises to be a permitted use in IN2 zone	2 (note: one speaker also addressed Council on 2 College St)	That consideration be given to inviting a planning proposal for bulky goods being an additional land use in the IN2 zone.
North Ryde	3	
Traffic, noise along Epping Rd	1	No direction – investigation proposed into noise issues with adjacent car wash.
Request for rezoning land/amending controls for 12A, 14 Epping Rd/86 Blenheim Rd	2	That consideration be given to inviting a planning proposal for 12A, 14 Epping Rd and 86 Blenheim Rd.
Meadowbank	3	
Request for rezoning land/amending controls for 21 – 24 Railway Rd and 11 – 13 Angas St Meadowbank	3	That a further more detailed Masterplan be initiated by council for the area in Meadowbank bounded by Railway Rd, Constitution Rd, Bowden St and the Water Point development in the south.
Environment	3	
Issues around zoning of bushland/mangrove areas/development around the North Ryde Station Precinct/ Tennis World	3	<p>That a further community workshop be held to address the issues raised in particular the rezoning of additional land to E2 with as much clarity provided as possible.</p> <p>That Council support the retention of the Tennis World site and land adjoining Bundarra Reserve as recreational/bushland.(Note: this direction would be undertaken through a political process rather than an amendment to the planning controls.)</p>
Zoning of Roads	2	
Request to change the RE1 zoning of roads adjoining 6 Clare St and 9 Peach Tree Rd.		That a Section 96 application in relation to 6 Clare St Gladesville be brought to the Planning and Environment Committee.

ITEM 4 (continued)

Issue	No. of speakers	Council direction
		That Council commit to maintaining Cottonwood Crescent and Peachtree Rd as roads.

A record of the Open Community Workshop and summary of proposed actions is outlined in Attachment 1 **CIRCULATED UNDER SEPARATE COVER.**

Legal Advice and Amendments to DLEP 2011

A recent case in the Land and Environment Court provides guidance on the limits of a planning authority's power to amend a draft local environmental plan after public notification and before the making of the plan by the Minister. In that decision the court held that individually changes might not be significant however it was necessary to consider the cumulative impact of the proposed amendments. The Court held that when the amendments of the particular case (of which there were 4 noted) were considered in their totality the instrument differed in import respects for the exhibited draft instrument.

Based on the above it is considered that the only amendments to DLEP 2011 that should be undertaken prior to submitting the draft plan to DoPI with a request that the Minister make the Plan are the following:

- Reinstating the zoning and land use controls under LEP 2010 for 11 – 15 Farm Street and 14 – 20 Oxford St Gladesville.
- Deferring the Ryde Civic Precinct from DLEP 2011 as a result of the Planning Proposal presently applying to the site to amend the zoning, height and centres maps under LEP 2010.
- Minor amendments if necessary to incorporate any changes required by DoPI or identified drafting or description errors.

It should be noted that following the Open Community Workshop Council staff received a number of representations from the owners of 11- 15 Farm Street requesting that the rezoning of the land as proposed in DLEP 2011 proceed.

It is considered that all other matters and amendments to DLEP 2011 should be undertaken in a planning proposal to occur as a separate action and would include:

- the Torrens titling of existing dual occupancy developments
- Amendments previously highlight to Council in previous reports and provided in ATTACHMENT 3.

Other Matters
Ryde Civic Precinct

A Planning Proposal to amend LEP 2010 (known as DLEP 2010 Amendment 6) with respect to the Ryde Civic Precinct by:

- rezoning the land SP2 – Community facility and Public administration building

ITEM 4 (continued)

- reducing the maximum height permitted on the land to RL91 AHD and
- renaming the Precinct to Ryde Civic Precinct

was presented to Council on the 12 February 2013. Council at that time resolved to forward the planning proposal to DoPI to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 to enable the planning proposal to be placed on public exhibition.

In light of that planning proposal it is considered that the area known as the Ryde Civic Precinct should be deferred from DLEP 2011 (which currently gives the site a B4 Mixed use zoning and a maximum height of 75m) and that the zoning and height controls proposed by DLEP 2010 (Amendment 6) be incorporated into the Planning Proposal for DLEP 2011. This will mean that regardless of which draft Plan is gazetted/notified first the SP2 zoning and maximum height of RL91 AHD will be in place.

100 – 104 Rowe Street Eastwood

A submission was received during the exhibition of DLEP 2011 from the owners of the subject property requesting that the RE1 Public Recreation zoning of the land under DLEP 2011 be changed to reflect its B4 Mixed Use zoning under LEP 2010 on the following grounds:

- the zoning is prejudicial as nearby properties have similar flood issues
- recent developments have reduced flood risk to Rowe Street
- Rezoning of land will not address flood risk in area

In a further review of the site by the Public Work Group the following has now been advised:

In Flood works identified as part of the Eastwood & Terry's Creek Floodplain Risk Management Study & Plan, 100-104 Rowe Street is identified as a property predominantly affected within the high risk area.

The property was listed as a voluntary acquisition, which means Council would buy when the owners decide to sell, which could be anytime in the future. After consultation with owners, and considering their submission, we reconsidered the necessity of the acquisition, and removed the property from the list.

This was based on:

- *the high cost to Council to purchase the whole site.*
- *the same result could be obtained through conditions of consent for any new development, whereby the applicant would have to dedicate a stormwater easement to Council. Council could then upgrade the pipes and provide the overland flow path.*

Based on the above it is considered that the subject property should be rezoned in accordance with its existing zoning of B4 Mixed Use under LEP 2010 and be removed from Ryde LEP 2011 Land Reservation Acquisition Map. This amendment has been incorporated in Table 2 – Planning Proposal changes to DLEP 2011

ITEM 4 (continued)

Critical Dates

The following deadlines are required to be met:

Under State Governments timetabling for the development of a comprehensive LEP for all Council areas within NSW the Ryde LEP 2011 - a comprehensive plan for the City of Ryde was to be completed by March 2011. The March deadline has not being met due to:

- the delay in the gazettal of LEP 2010 (Stage 1 of the 3 Stage process towards a comprehensive LEP for the City of Ryde) by the Minister for DoPI.
- the delay in receiving the S65 Certificate for draft LEP 2011 and
- the changes to the Standard Instrument by DoPI that occurred in February 2011.

Financial Implications

DLEP 2011

Should Council resolve to adopt Draft LEP 2011 upon the gazettal of the Plan Council policy is to place an advertisement in the local paper. The cost of such an ad would be \$1,000 and this is within the current budget Urban Planning budget for 2011/2012.

Masterplan for specific area within Meadowbank

The employment of a planning consultant to undertake a Master plan for the Meadowbank area is estimated to cost \$150 000. Funds are not available in the Urban Planning budget to cover this cost. It is suggested that the allocation of funds to undertake this work is considered as part of the work programme for 2013/2014.

Policy Implications

The recommendation is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

Options

1. Proceed with the making of DLEP 2011.

Reasons why Council should proceed with the making of the DLEP

- Redevelopment and revitalisation opportunities of Centres and Small Centres realised.
- Residential development and choice expanded through the strata subdivision of dual occupancy achieved.
- Environmental benefits though flood, stormwater and sustainability controls being applied through an LEP

ITEM 4 (continued)

- The carrying through of resolutions made by Council over recent years resulting in rationalisation of zoning and land use and reserving land for open space purposes.
- The draft LEP reviews the land use table and floor space and height controls in LEP 2010 resulting in a planning instrument in line with the strategic direction set by Council rather than a transfer of controls from a planning instrument gazetted in 1979.
- City of Ryde will be in compliance with the State Governments directions that all Councils in NSW have a comprehensive LEP in place.
- The draft LEP has been extensively exhibited with the Community being able to make comment on the principles of the DLEP from 19 January 2011 to 13 July 2012. The issues raised in submissions resulting from the consultation process have been addressed.
- The development of the draft LEP over the last 5 years has occurred in line with extensive studies in the areas of transport, environment and open space, housing, centres and corridors, small centres, employment and a series of Master Plans for areas such as Glen St Eastwood, West Ryde and Blenheim Rd shops. All master plans involved extensive consultation as did changes proposed under the Centres and Corridors Study. The community's comments and expectations were included in all reports determined by Council.
- Draft LEP 2011 represents the completion of the 3 stage process towards the development of a comprehensive LEP for the City of Ryde that will see the principal planning instrument for the City in line with State government policies, studies and requirements. Draft LEP 2011 is a plan that looks forward to the future development of the City for the next 10 years.

2. Do not to proceed with DLEP 2011

This option would result in the proposed changes to centres, small centres, residential choice and sustainability not being available to the community and Council not being in line with State Government requirements

It should be noted that the process has already been underway for more than 5 years and it is considered that further significant delay in finalising the LEP has the potential to precipitate State Government involvement in Council's plan making functions.

5 SOCIAL MEDIA PRESENCE

Report prepared by: Section Manager - Community Engagement and Social Media
File No.: GRP/09/7/6 - BP13/324

REPORT SUMMARY

This report has been prepared as a result of a Council Resolution determined at the Council Meeting on 19 February 2013 in which Council requested:

That the Acting General Manager prepare a report outlining the cost benefit together with the overall benefits to the community of such a position and how it links in with the existing communication framework of Council.

This resolution was passed in response to a Notice of Motion proposed by Councillor Laxale requesting that Council support the establishment of a Social Media presence for City of Ryde.

This report details how a new staff position of Coordinator Digital Communications would 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 and major public workshops.

RECOMMENDATION:

- (a) That Council request the Acting General Manager to commence recruitment for a Coordinator Digital Communications immediately.
- (b) That Council allocate the amount of up to \$18,000 from working capital for the purpose of funding the Coordinator Digital Communications position from mid April to June 2013 and that the amount also be consolidated into the next Quarterly Review.
- (c) That Council approve the ongoing funding of this position on the basis that these additional funds are offset by salary savings, and these proposed savings are identified in the report to Council recommending adoption of the 2013/14 budget.

ITEM 5 (continued)**ATTACHMENTS**

- 1 City of Ryde - Social Media Policy
- 2 City of Ryde - Representing City of Ryde through Social Media Procedure

Report Prepared By:

Stephen Candiloro
Section Manager - Community Engagement and Social Media

Report Approved By:

Angela Jones-Blayney
Manager - Communications and Media

ITEM 5 (continued)

Discussion

Councillors and staff have recognised the need for City of Ryde to begin using digital communications channels to compliment and build on existing traditional channels. In addition there have been numerous calls from community members for City of Ryde to establish a social media presence. The value of such new channels would include; reaching new parts of the Ryde community, opportunity to provide up to date news and announcements and to provide opportunities for two way communications between Council and community members.

In preparation for organisational adoption of these methods of communications staff have undertaken a number of initiatives to test organisational capacity and community reception.

In July 2012 the Executive Team authorised the conduct of two social media pilot projects. The pilot projects involved the creation and maintenance of facebook pages for the Granny Smith Festival (www.facebook.com/grannysmithfestival) and the River to River Corridor project (www.facebook.com/rivertorivercorridors). These pilot projects were designed to assess the benefit of using social media to publicise City of Ryde projects and events. In both cases facebook provided a platform that was simple to use, interactive and easily updatable meaning that community members could rely on the page as an up to date source of information (as opposed to a static website which can easily appear dated). The pages were created in the name of the event/project which meant that the 'voice' of the page was seen to represent the organisation rather than an individual or unit. In addition, community members and participants were able to easily add their own comments or content, ask questions or share information with their own social networks.

In December 2012 the Executive Team approved the adoption of a Social Media Policy (**ATTACHMENT 1**) and Social Media Procedures (**ATTACHMENT 2**) (these policies and procedures had been in place as interim documents during the pilot project trials). These documents outline staff responsibilities in regards to social media (in their work and personal lives) and processes for how a staff member can become authorised to represent City of Ryde on a social media platform.

Following the creation and adoption of the Social Media policy (**ATTACHMENT 1**) and the successful operation of the two pilot projects the Executive Team considered and approved the creation of a full time ongoing position of Coordinator Digital Communications. The role is expected to lead Council's adoption of social media tools and digital communication channels to improve engagement and ongoing dialogue between Council and the Community. Funding for this position has been allocated in the 2013/14 base budget (pending Council approval). It is recommended to Council that this permanent position be funded through salary savings elsewhere in the organisation. As Council is aware a current review of the proposed budget for 2013/14 is underway and this is being developed to allow Council to consider some options for further improving Council's financial position.

ITEM 5 (continued)

The new role, if approved by Council, will sit in the Community Engagement Section within Council's Communication and Media Unit. This positioning will mean that the role will be closely linked with the external communications, media, design and branding, web, community engagement and community research functions that also sit within this Unit. This will allow the role to ensure that social media initiatives are closely linked with organisational communication strategies and effectively cross promote the City of Ryde website and other organisational resources and platforms.

The key functions of this new role will include:

- Development and management of the City of Ryde social media presence (Including twitter, facebook, linked in and youtube)
- Providing training and ongoing support to all unit/project based social media initiatives (e.g. RALC, Libraries and Waste Education)
- Provide real time reporting of full meetings of Council, General Purpose Committees and public workshops, as required.
- Management and integration of all organisational social media channels (including ensuring consistency in online engagement activities)
- Providing support to the City of Ryde local business website (www.cityofrydebusiness.com.au) and the Macquarie Park website (to be developed)

Real time reporting

Council resolved on 19 February that the Coordinator Digital Communications *'[p]rovide real time reporting of full meetings of Council, General Purpose Committees and public workshops'*. It is the recommendation of staff that the role be used to provide real time reporting for full meetings of Council and major public workshops only. This recommendation is made based on the expected appetite of the community for real time reporting of Council Committees and minor public workshops. It is also made taking into account the best use of the Coordinator Digital Communications time and the likely strain that this level of reporting will place on the resource available for Council's digital communications. This decision may be reviewed once the position is established to determine if there is broad desire from the community for greater levels of reporting.

Benefits to the Community and Council

The establishment of this role is expected to bring significant benefit to the community of Ryde. Apart from providing a link to several segments of the community who may not be currently engaged with Council's activities, these ventures are expected to improve City of Ryde's reputation for transparency and openness by encouraging open two-way conversations between Council and the Community. In addition, community members who participate in social media communications also benefit from the opportunity to interact with other likeminded community members and share thoughts, ideas and concerns about their City.

ITEM 5 (continued)

For Council, the role will also deliver benefits relating to improved interaction with community members. Social media platforms will enable Council staff to rapidly deploy and update information which might be timely (e.g. sports ground closures) or changes in circumstances (e.g. cancellation of events due to weather). In addition delivery of information through social media or other digital channels allows for broader distribution of information as interested users share that information through their own networks.

A significant benefit to Council will be the ability to participate in negative conversations that occur on social media platforms. Currently staff use tracking and monitoring tools to observe conversations about City of Ryde but do not participate. This new role will be able to join in conversations to correct misinformation and/or present Council's view.

Also of importance is a growing expectation that Government organisations will maintain a digital presence that will allow customers to interact in a way that is convenient and approachable for them. A survey of Australian Councils conducted in 2012 by the Australian Centre of Excellence for Local Government reported that 69% of participating Councils were using social media in some way. Six of the eight Councils neighbouring City of Ryde (Parramatta, Hornsby, Ku-ring-gai, Willoughby, Canada Bay and Auburn) use social media with all of these using at least two platforms (most commonly facebook and twitter).

Summary of benefits to Council and Community

Community	Council
Reach segments of the community not currently engaged with Council activities	Improve Council's reputation for openness and transparency
Allows for two way conversations between Council and Community members	Enables council to update and deliver information quickly
Provides a desirable communication channel	Allows Council to monitor conversations and respond accordingly
Community members experience a higher level of trust in Council	Improved interaction with community members
Fosters greater understanding, collaboration and sharing of knowledge	Opportunity to develop better understanding of customers and citizens
Opportunity to build communities of interest around specific issues, programs or events	Cost-effective and efficient communication for council
Allows citizens to contact council directly and publicly to raise issues of concern	Allows council's target audiences to easily forward on messages to friends and others who may be interested

ITEM 5 (continued)

Community	Council
Enables council to broadcast valuable information to the community, such as weather warnings, road disruptions and sports ground closures	

Risks

Even with an ongoing resource present to manage Council's presence in social media and digital communications there are still risks present in this form of engagement. Primarily these risks will be managed by close and effective management of digital communications. The City of Ryde Social Media Policy (**ATTACHMENT 1**) and Social Media Procedures (**ATTACHMENT 2**) together with strong existing organisational processes will be used to ensure that staff are suitably authorised and trained before they are allowed to represent the organisation, and that they clearly understand the limitations of their authority. This position will be responsible for the management and integration of all digital communications and ensuring that comments made are in line with organisational priorities and decisions.

A summary of major risks and their mitigation strategies are included in the table below:

Risk	Mitigation
Use of social media channels as a customer service channel for customer requests in order to receive special treatment	All customer service requests received via any social media platform will be channelled through Council's Customer Request Management (CRM) system and managed within established timeframes. No special priority will be given to requests received through these channels.
Public criticism of Council action or decision	This type of public comment is already occurring, participation in online conversations will present Council with the opportunity to clarify or correct information. Even so, staff representing City of Ryde will work within a response structure aimed at providing clear and factual responses and avoiding debate or argument. Depending on the platform and how comments are posted there may be the ability to delete or remove comments posted by others. Comments will only be removed when they breach an established condition (e.g. comments that are offensive, derogatory or harmful). In extreme circumstances comments may be reported to police or other regulatory bodies.
Inappropriate comment by staff member	Any staff member wishing to represent City of Ryde will first be assessed for suitability based on criteria of experience, need and understanding of their target audience. If a staff member is given authority to represent they will be required to undergo additional training and planning processes to

ITEM 5 (continued)

Risk	Mitigation
	identify and understand the limits of their authority to comment. Any staff member knowingly breaching the limits of their authority will have their authority revoked.
Accidental release of confidential information	Any incidence of a staff member accidentally breaching the limits of their authority will be investigated to determine if the staff member should retain their authority to represent.
Public relations/ Marketing blunder	These types of blunders generally occur when social media activities/campaigns are conducted in isolation from broader organisational communications strategies. This position, in coordination with the Coordinator Community Engagement will oversee all social media activities to ensure integration with the City of Ryde communications strategies and ensure there are no conflicts between concurrent campaigns
Unrealistic expectations of operating and response times	The new role will greatly expand Council's capacity to operate in digital communications. However, the role will still primarily function from 9am to 5pm, Monday to Friday. All digital spaces controlled by City of Ryde will contain a disclaimer explaining standard operating hours and expected response times.
Confusion between Councillor and Council voice	It is expected that staff will represent City of Ryde on a number of social media and digital platforms. In all cases staff will represent the organisation as a whole and be guided by organisational policies and directions. Councillors may wish to maintain a social media presence of their own and it is expected that there will be some interaction between Councillor and organisational profiles.

Options

That Council choose to not endorse the adoption of Social Media. Should Council resolve that the benefits to the Community and Council do not justify the resources required then staff will follow Council's direction and not establish a Council presence on any social media platform. Some monitoring of conversations about City of Ryde will still occur but no action will be taken to participate in these conversations. In addition, minimal support will be provided to the City of Ryde local business website and the Macquarie Park website.

Financial Implications

Should Council resolve to endorse the creation of this position it will result in a financial impact of between \$91,916 and \$105,703 per annum ongoing. Funding for this position has been allocated in the 2013/14 base budget (pending Council approval). It is recommended to Council that this permanent position be funded through salary savings elsewhere in the organisation and that these proposed savings are identified in the report to Council recommending adoption of the 2013/14

ITEM 5 (continued)

budget. In addition, some funding for this position would be allocated from other sources (e.g. Macquarie Park levy or Waste levy) as appropriate and this funding would be reviewed on an ongoing basis.

Funding of approximately \$18,000 would be required for the position if it were recruited immediately (earliest possible commencement of the successful candidate mid April 2013). However, we recognise that to attract a suitable candidate to this role may take several months to ensure the right fit for the position considering the broad range of tasks being undertaken. Immediate commencement of recruitment action for this role would more likely result in successful placement of a candidate by the commencement of the 2013/2014 financial year.

ITEM 5 (continued)

ATTACHMENT 1

Social Media Policy

Scope

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

We recognise that social media represents an opportunity to participate in meaningful two way dialogue with our residents, ratepayers and customers.

This policy applies to all staff of City of Ryde who utilise social media during and outside of work hours for personal or professional purposes.

Purpose

This policy outlines appropriate uses of social media by staff for both professional and personal purposes.

Guidelines / Procedures

Definitions

Social Media

Where the term *Social Media* is used in this policy it will refer to digital and online spaces where content can be added, posted or uploaded by people. These may include but are not limited to:

- Blogs
- Bulletin Boards
- Forums and discussion boards
- Instant Messaging applications
- Microblogging platforms
- Online encyclopedias
- Platforms which allow public comment
- Podcasts
- Social Networking sites
- Text and picture messaging

Access to Social Media at Work

City of Ryde will provide access to specified Social Media sites for staff on the City of Ryde network. These sites are:

- Facebook
- Twitter
- LinkedIn

ITEM 5 (continued)

ATTACHMENT 1

Staff should endeavour to use such tools in a manner that:

- enhances their professional knowledge or standing
- improves their understanding of the community or customers that they provide services for
- improves their practical ability to use social media as professional tools.

Staff may also, during work hours, use Social Media tools for personal purposes. In such cases staff should do so on the basis that such access:

- does not interfere with their work
- does not excessively burden the City of Ryde Information Management System
- is not in conflict with any relevant law or City of Ryde policy
- does not incur additional cost to City of Ryde

Staff should always bear in mind that access to these tools, whether for personal or professional purposes, needs to be 'reasonable' in relation to their role. Staff who have any questions about what is reasonable should speak to their manager. As a general rule where it is not required as part of the position, the use of Social Media should be limited to use within designated meal breaks and outside of work time.

At all times when using Social Media, for personal or professional purposes, it is important to follow these guidelines:

- be mindful of Council policies and practices
- do not disclose any information that is not publicly available
- ensure that all information posted about, or in relation to, your work is accurate
- be respectful, courteous and always aim to add value to any discussion
- do not make comments that are rude, offensive or derogatory to any colleague, customer or any other person that you have come into contact with during the course of your duties
- be aware of the risk of malicious and viral software and be cautious in managing such risk to secure your personal information
- where you are identified as an employee of City of Ryde always take reasonable steps to state that comments made represent your own opinions and not the opinions of the City of Ryde.

Implications of using Social Media tools outside of work

Staff should be aware that although this policy does not seek to limit or control their use of Social Media outside of their work they should still exercise care in their personal use of such tools. In some circumstances your conduct outside of work may still be bound by relevant law or City of Ryde policy.

ITEM 5 (continued)

ATTACHMENT 1

Staff should be mindful of the following issues when using Social Media outside of work:

- Privacy
- Confidentiality
- Discrimination, Bullying and Harassment
- Misrepresentation of City of Ryde
- Improper interactions with Councilors
- Seeking or obtaining advantage or preferential treatment because of your position or role

Remember that comments or views expressed via Social Media should be considered as permanent as they cannot be recalled or removed. As a general rule, if you wouldn't want your Manager or your customers to see it, then don't post it.

Staff are reminded that as employees of the City of Ryde they remain bound by the City of Ryde's policies, in particular the Code of Conduct, Code of Behaviour and Anti-Discrimination Bullying and Harassment Policy. Failure of any staff member to comply with the City of Ryde's policies during the use of social media may result in disciplinary action being taken in accordance with the Local Government State Award as varied from time to time, up to and including termination of employment.

Representing City of Ryde through Social Media

In some cases it may be appropriate for staff to use Social Media to relay information and engage with customers and the community.

When using Social Media, staff should bear in mind that along with opportunity comes significant risk. Many factors need to be considered before using social Media to represent City of Ryde and this should not be undertaken without specific approval from Section Manager Community Engagement and Social Media and the relevant Group Manager. For more information on this approval process please see *Procedure - Representing City of Ryde through Social Media*.

Before any staff member requests the authority to represent City of Ryde on Social Media they should give due consideration to the following issues:

- How the use of Social Media will fit into a broader communications strategy relating to their project or ongoing work
- The boundaries of their area of expertise
- Their intent in using social media
- How they will resource the content creation, monitoring and responses to public comments
- What value their use of Social Media will add to the City of Ryde and the community.
- Their intended audience

ITEM 5 (continued)

ATTACHMENT 1

Once these issues have been considered they should consult the *Procedure - Representing City of Ryde through Social Media* to apply for authorisation to represent City of Ryde on Social Media. No staff member, volunteer, contractor or other representative of the City of Ryde should represent City of Ryde through Social Media without specific approval from the Section Manager Community Engagement and Social Media.

Compliance

Failure by a member of staff to comply with the City of Ryde's Social Media policy may give rise to disciplinary action as outlined in the Local Government (State) Award, up to and including termination of employment.

References – Legislation and Policy

City of Ryde - Code of Conduct
City of Ryde – Code of Behaviour
City of Ryde - Email Services Policy
City of Ryde - Internet Code of Practice
City of Ryde - Media Policy
City of Ryde – Anti-Discrimination, Bullying and Harassment Policy
Local Government (State) Award
Local Government Act

Review Process and Endorsement

This Policy should be reviewed annually and endorsed by Executive Team.

Attachments

<i>Title</i>	<i>Trim Reference</i>
Procedure - Representing City of Ryde through Social Media	To be developed

ITEM 5 (continued)

ATTACHMENT 2

Procedure - Representing City of Ryde through Social Media

Related Policy

This procedure relates to the part of the Social Media Policy pertaining to representing City of Ryde through Social Media.

Aim

This procedure details how staff can obtain authority to represent City of Ryde and the manner they should conduct themselves whilst doing so.

The utilisation of Social Media on behalf of City of Ryde should only be made as part of a broader communications/community engagement plan. If you have not developed a communication or community engagement plan please contact the Communications and Media Unit.

Definitions

Authorised Representative	Staff member that has been granted authority to represent City of Ryde on Social Media. Authorised Representatives should remember that their authority to represent applies only within the boundaries of their approval.
Communication Plan	A plan outlining how Council will convey information to the public and other interested parties
Community Engagement Plan	A plan outlining how Council will engage with and seek participation from members of the public
Platform	A term to describe the range of types of social media websites and applications
Social Media	Digital and online spaces where content can be added, posted or uploaded by people. These may include but are not limited to; Blogs, Bulletin Boards, Forums and discussion boards, Instant Messaging applications, Microblogging platforms, Online encyclopaedias, Platforms which allow public comment, Podcasts, Social Networking sites, Text and picture messaging
Social Media Policy	Council's Policy on the use of Social Media

ITEM 5 (continued)

ATTACHMENT 2

Responsibilities

All Staff are responsible for:

- Complying with the requirements of the Social Media Policy

Authorised Representatives are responsible for:

- Effectively representing City of Ryde within the boundaries of their initial approval
- Not commenting on matters that they do not have approval to comment on
- Accurately responding to comments and questions posted on their platform
- Removing and responding to inappropriate or offensive material posted on their platform
- Ensuring that sufficient resources are available to monitor and moderate their platform during the hours that it is operational.
- Ensuring that timely responses are provided to comments and questions posted on the platform

Service Unit Managers are responsible for:

- Approving staff requests for authority to represent City of Ryde on Social Media
- Articulating to their staff that are, or are seeking to become, *Authorised Representatives* the subject matter that they are authorised to comment on
- Ensuring that their Unit's use of Social Media contributes to the effective delivery of their projects or accountabilities

Section Manager Community Engagement and Social Media is responsible for:

- Providing advice and training to staff that are, or are seeking to become, *Authorised Representatives*
- Maintaining a register of *Authorised Representatives*

Service Unit Manager Communications and Media is responsible for:

- Oversight of all communication activities across Council
- Approving requests for authority to represent City of Ryde on Social Media

Group Managers are responsible for:

- Approving requests for authority to represent City of Ryde on Social Media

Obtaining authority to represent City of Ryde

The following section outlines how to request authority to represent City of Ryde through Social Media. As outlined above, the decision to utilise Social Media on behalf of City of Ryde should only be made as part of a broader communications/community engagement plan. If you have not developed a communication or community engagement plan please contact the Communications and Media Unit.

ITEM 5 (continued)

ATTACHMENT 2

If you have developed a communication or community engagement plan then you should have identified who your target audience is and what information you'd like to convey. The next step is to decide which Social Media platform/s you intend to use and request access to Social Media on the City of Ryde network. To do this, complete Attachment No. 1 - *Form - Request to access Social Media*. This form will need to be approved by both you SUM and your Group Manager. At this stage your SUM and Group Manager should be aware that you intend to request authority to represent City of Ryde on Social Media.

Once you receive access to your selected platform/s you should begin listening and observing conversation and interactions between existing users. Some important things to look out for:

- What is the general tone of the conversations? (i.e. Positive - friendly, supportive, communal or Negative – competitive, argumentative)
- Who are the active and influential users?
- What is the general perception of Council?
- What is the general perception of your project/work?
- Are media outlets active on the platform?

This listening phase should run for a minimum of 1 month. Be sure to factor this period into your planning.

During this time you should be thinking about how you will resource your Social Media activities. Consider the following:

Resourcing

- How many hours per week have you allocated to support your use of social media
- Will your use of Social Media be ongoing
- What experience do you/your team have in Social Media

Content

- How will you source content to post on your platform
- How often will you post content on your platform
- What internal approval will you require before you post content
- What value will your presence add to existing conversations

Monitoring and moderation

- How many hours per week have you allocated to support your use of social media
- Who will be primarily responsible for generating content and responding to comments
- Who will be primarily responsible for removing and responding to inappropriate or offensive material
- When will staff be available to monitor the platform and respond to comments/questions
- How quickly do you anticipate you will be able to respond to comments/questions
- What will be your criteria for inappropriate or offensive material

ITEM 5 (continued)

ATTACHMENT 2

Once you've completed your listening period you can request authority to represent City of Ryde on Social Media by completing Attachment No. 2. - *Form - Request to represent City of Ryde on Social Media*. This form aims to identify your level of preparedness to undertake Social Media activities. When completing this form it is important to refer to your communication or community engagement plan. In completing this form you should also be consulting your SUM and Group Manager as they will need to decide on the limits of the subject matter that you are authorised to comment on.

Once the form is completed (and you have the support of your SUM and General Manager) it should be submitted to the Service Unit Manager Communications and Media. At this stage your application will be assessed to ensure that you are properly prepared and that your activity aligns with the Council communications strategy. Once you have approval from the Service Unit Manager Communications and Media you should obtain final approval from your Group Manager.

Representing City of Ryde

Once you have been granted authority to represent City of Ryde on Social Media staff from the Communications and Media Unit will assist you to establish an organisational identity and get started on your chosen platform.

How to conduct yourself

When representing City of Ryde remember that you are responsible for upholding a positive image of Council. Your conduct on Social Media is highly visible and in many cases there will be a permanent, publicly accessible record of everything that you have said and done. Always remember that whilst representing Council you are bound by the Code of Conduct, Council's Media Policy and the requirements of the Government Information (Public Access) Act, and that your conduct on and off line must be appropriate.

Tone and Content

Selecting appropriate tone and content for your communication is an important part of engagement in Social Media. In the world of Social Media your voice will be just one amongst many, so aim to make both your tone and content engaging for other users. In many cases what is appropriate will depend on the individual circumstances but you should always try to follow these rules:

Tone

- Aim to be warm, friendly and engaging
- Do not use an authoritarian tone
- Never get into an argument or a debate

Content

- Post interesting and engaging content
- Avoid posting large blocks of text or information, break it down into small and clear components
- Social Media is a two way conversation, always be prepared to respond to comments and questions and keep the conversation going
- Always remember the limits of your authority to comment

ITEM 5 (continued)

ATTACHMENT 2

Responding to negative and inappropriate or offensive comments

Maintaining a good level of engagement with your audience and other users is the best way to prevent negative or offensive comments from being made or posted on your platform. However, even a well managed Social Media presence will attract a share of detractors. Attachment 3. - *Workflow - Social Media Management* outlines how to manage and respond to a variety of comment types.

Always remember when responding to negative and inappropriate or offensive comments to remain professional and appropriate. Stay calm, state the facts and avoid getting into an argument or debate. In many cases you may not win over the person making the comments but you may convince those who are watching the interaction.

6 ELECTRIC VEHICLES STUDY FOR CITY OF RYDE 2012

Report prepared by: Senior Sustainability Coordinator, Transport and Environment
File No.: PM2011/156/005 - BP13/272

REPORT SUMMARY

This report presents the Electric Vehicle Study (**ATTACHED – Under Separate Cover**), prepared by AECOM for the City of Ryde. This study investigates the need for policy, infrastructure and other issues involved with transitioning to Electric Vehicle (EV) technology and develops a suggested way forward to help the City of Ryde manage this transition.

It is expected that within 10-15 years, Plug In Hybrid Electric Vehicles (PHEV's) and Battery Electric Vehicles (BEV's) will have a significant presence in the Australian market and the study has found that Ryde residents, given the City's current and likely future socio-economic demographic, are more likely to be early adopters of this technology. PHEV and BEV are expected to be around 20% of sales by 2020 rising to over 45% of sales by 2030.

This report will recommend that Council adopt a guarded approach aimed at providing a neutral policy environment with some policies aimed at favouring new technology with environmental benefits to future proof current and future housing stock and to effectively manage the inevitable transition to EV's. This approach is considered the most appropriate and will attract low to moderate implementation costs that will need to be incorporated into the current 2021 Ryde Community Strategic Plan.

RECOMMENDATION:

- (a) That Council endorses and notes the report.
- (b) That the recommended measures listed in table 3 of the 'Electric Vehicles within the City of Ryde' study dated 11 December 2012 be considered as part of future delivery plans when the electrical vehicle market is sufficiently mature and where no significant cost will be borne by Council.

ATTACHMENTS

- 1 Electric Vehicles within the City of Ryde Final Report – Under Separate Cover

ITEM 6 (continued)

Report Prepared By:

Jenai Davies
Senior Sustainability Coordinator, Transport and Environment

Report Approved By:

Sam Cappelli
Manager The Environment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 6 (continued)**Discussion**

The benefits of electric vehicles include reduced greenhouse gas emissions, localised air pollution and noise impacts.

A shift to EV's over the coming decades is considered inevitable. Within 10 to 15 years PHEV's and BEV's are expected to have a significant presence in the Australian market. PHEV and BEV sales are expected to be around 20% of sales by 2020 rising to around 45% of sales by 2030.

Current and new housing stock will need to accommodate this transition and it is appropriate for Council to consider future proofing development in Ryde to more readily facilitate this expected transition.

The risks of undertaking a range of suggested actions are that electric vehicle uptake is slower than expected. However, by doing nothing and keeping the status quo in terms of planning procedures, the cost of retrofitting infrastructure to support electric vehicles may be more expensive than planning for this now.

The Study has considered a range of general potential actions for Council to adopt, from "Do nothing" to "Create a neutral policy environment" to "Favour new technologies with environmental benefits" to "Favour new technologies at any cost".

The approach considered most suitable for Ryde is a range of actions that "create a neutral policy environment" and "favour new technologies with environmental benefits". The reasons for not adopting the position of "Favour new technologies at any cost" are that implementation costs are high. The reasons for not adopting the "Do nothing" position are a slow uptake of Electric Vehicles and loss of environmental benefits, the City may not be prepared for the mass uptake of electric vehicles and residents may feel the City is not doing enough to support electric vehicles.

The measures recommended in this report are built around 4 key aspects and reflect a guarded approach to managing the transition to EV's. These aspects include:

1. Building community confidence in the technology
2. Ensuring public access to charging infrastructure
3. Clarifying Council position
4. Monitoring the market

The actions that have been recommended are detailed in the following table, which are extracts from Table 3 and in related sections of the Study.

ITEM 6 (continued)

Action	Details
Public relations campaign around EVs	<ul style="list-style-type: none"> - Integrate practical information about the features of EVs into market stalls, newsletters, social media and free media. - Conduct in conjunction with other community outreach activities - Focus on information on EV technology, particularly alleviating range concerns. - Use vehicles in Council EV fleet trial for engagement, and as a source of data to share with the public.
Trial a small number of EVs in the council fleet	<ul style="list-style-type: none"> - Carefully monitor extensive information around usage and charging, maintenance costs, insurance costs, charging infrastructure, driver impressions (via survey before and after utilisation). - Use information collected and vehicles as inputs to the public engagement program. - Apply branding on vehicles to maximise demonstration and awareness benefits. - Charge with 100% GreenPower to ensure integration with overall GHG reduction targets and demonstrate costs and benefits to City residents and businesses. Ensure that this is publicised. - Utilise information collected on the trial to facilitate informed decision making on leaseback/package vehicles and future fleet vehicle purchases. - Share data collected and related resources for public engagement with other jurisdictions
Collaboration with other jurisdictions	Collaborate with other Councils <ul style="list-style-type: none"> - Share data on trial programs - Promote adoption of appropriate standards and regulations at a federal and state level - Combine resources to monitor the market
Car share	Negotiate with car share providers to include a minimum proportion of car share spaces for EVs (with associated charging infrastructure) <ul style="list-style-type: none"> - Negotiate on a case-by-case basis for number of EVs that is appropriate at the time, based upon the cost of vehicles and charging infrastructure - EVs should be located in a prominent location to maximise value.
Provision of charge infrastructure maps	Provide information to consumers on locations of charging infrastructure in Ryde. To maximise benefit should be done in collaboration with other jurisdictions.

ITEM 6 (continued)

Action	Details
Removing policy barriers for private charging infrastructure providers	Clarify planning processes for EV-related infrastructure <ul style="list-style-type: none"> - Request amendment to Standard Instrument to include a standard definition for 'on-street' and 'off-street' recharge facilities. Conduct in partnership with other Councils if possible. - Amend LEP (once Standard Instrument has been updated) - Amend DCP to include guidelines regarding the impacts of on-street charging infrastructure development and the acceptable forms such development may take - RMS approvals and standardised systems and signage – collaborate with industry groups to obtain RMS approvals for standard Pay Parking Systems (the technology), Pay Parking Schemes and associated standardised signage.
Information for private car park owners	Encouraging installation of EV infrastructure in privately owned car parks via provision of information and clarity of planning requirements.
Introduce requirements for consideration of EV charge infrastructure in new developments	Specify a minimum requirement for EV charge infrastructure in new developments (particularly high density residential). Council can select how ambitious this should be, ranging from a requirement that developers “consider” the inclusion of EV charge infrastructure, to providing ducting (preventing necessity for digging in a later retrofit), to providing ready charge points at a proportion of spaces. This report recommends that a minimum requirement of provision of ducting to all parking spaces in new developments is specified. This can be provided by developers at negligible cost and substantially reduces the costs of later retrofit to include EV charging infrastructure of the appropriate type, when it is eventually demanded by consumers. This would be implemented via changes to the DCP Parking Controls.
Clarifying relative priorities around EVs and other transport modes	Clarify priorities around EVs, public transport, walking and cycling. This appears to be most appropriately implemented in the LEP and DCP.
Clarify policy around Council owned EVs	<i>Sustainable Plant & Fleet Replacement & Hire Policy</i> <ul style="list-style-type: none"> - Include consideration of EVs <i>Motor Vehicle Policy</i> <ul style="list-style-type: none"> - Clarify priorities around Australian-assembled vs EVs - Include additional factors for consideration around vehicle usage in vehicle selection - Review purpose and use of council vehicles and consider charge point installation
Monitor the market	Periodically monitor the market to ensure awareness of any rapid market shifts that may create a step-change in uptake

ITEM 6 (continued)**Financial Implications**

The Study was completed under an approved non-capital project in 2012/13 detailed in 4 Year Service Delivery Plan and cost \$23,000 to complete.

Adoption of the recommendation will have no further financial impact. However, indicative costing should Council choose to implement all actions in Table 3 of the Study would cost approximately \$105,000. It is proposed that the action plan and provision for funding be considered and determined during the upcoming review of the Community Strategic Plan and 4 Year Service Delivery Plan.

Recommended measures which require direct funding would not commence until the actions were incorporated into the Council's 4 Year Delivery Plan.

Critical Timeframe

There are no critical timeframes or dates for the recommended measures, however suggested timeframes are provided by AECOM in the action plan.

Consultation with relevant external bodies

Consultation has been undertaken with relevant charge station providers by the consultants, AECOM.

Future consultation is proposed as part of the action plan, including:

- Negotiation with car share providers to include a minimum proportion of car share spaces for EVs
- Identification of existing inter-jurisdictional collaboration which could be effectively extended to include EVs, and gauge potential interest from nearby jurisdictions in partnering on EV initiatives.
- Developing an engagement program with private car park operators within Ryde, including relevant materials (eg. booklets, presentations, etc)

7 CODE OF MEETING PRACTICE

Report prepared by: Governance Support Coordinator
File No.: CLR/07/8/9/3 - BP13/225

REPORT SUMMARY

The report presents the results of the public exhibition of the draft City of Ryde Code of Meeting Practice for Council's consideration. The draft Code was also provided to the Division of Local Government for comment.

The Division of Local Government recommended clarification and additions to parts of the draft Code. There were no submissions received from the Community during the exhibition period.

This report recommends that Council:

- adopts the draft Code of Meeting Practice, **ATTACHED (Under Separate Cover)**, including proposed changes made in response to the feedback from the Division of Local Government;
- recommends adjusting the starting time for Planning and Environment Committee Meetings to 5pm; and
- provides a copy of the adopted Code to the Division of Local Government for their information.

RECOMMENDATION:

- (a) That Council adopt the draft City of Ryde Code of Meeting Practice with the amendment to the commencement time of Planning and Environment Committee Meetings to 5pm,
- (b) That Council adopted the draft City of Ryde Code of Meeting Practice with the additions and clarifications in response to feedback received from the Division of Local Government.
- (c) That a copy of the adopted Code be forwarded to the Division of Local Government for their information, including a letter from the General Manager in appreciation of their feedback.

ITEM 7 (continued)

ATTACHMENTS

1 Code of Meeting Practice - 2013 - for Council - Under Separate Cover

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 7 (continued)**DISCUSSION**Background

At its meeting held 23 October 2012, Council considered a draft Code of Meeting Practice and resolved as follows:

That the report be noted and deferred for a workshop and specific inputs from Councillors.

As a result, a workshop was conducted on 20 November 2012 and input from Councillors was obtained. The resulting amendments to the draft Code were:

- The addition of a General Purposes Committee, which would also be investigated for including in the webcasting trial of Council meetings, previously resolved by Council.
- The removal of the Civic Precinct Committee.
- The inclusion of an amendment to specify that the 'Planning and Environment', and 'Works and Community' Committees, do not have delegated authority to change a priority or works previously adopted by Council or to approve budgets or works where budget allocations are required.
- The removal of the public address limitation, which said that a member of the public was limited to speaking once at each Meeting, and only once on the same subject in a 3 month period.
- Changes to the structure of the Meeting, enabling speakers who had registered to address Council on Items not listed on the Agenda to speak at the start of the Meeting, for an unspecified period, but limited by the number of registered speakers. This change reflected the actual practice in Council meetings.

At the Council meeting of 11 December 2012, Council adopted the draft Code of Meeting Practice for public exhibition, 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 are included in the Agenda.*

These changes are shown in the **ATTACHED (Under Separate Cover)** with additions shown in ***bold italics*** and deletions show in ~~strikethrough~~.

ITEM 7 (continued)

Public Exhibition and Call for Submissions

The draft Code of Meeting Practice was amended in accordance with the Council resolutions of 11 December 2012, and was 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
- Ryde City View: advertised on 23 January 2013

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.

Under Section 361 of the *Local Government Act, 1993*, Council is required place the draft Code on public exhibition for a period of not less than 28 days, and accept submissions for a minimum of 42 days.

It was decided that due to the exhibition period being during the Christmas period, the submission period would be increased to 61 days, and close on Monday 18 February 2013. During this period, no submissions were received.

In accordance with the Council resolution of 11 December 2012, Council also provided a copy of the draft Code of Meeting Practice to the Division of Local Government. Council requested that it would appreciate the Division providing any comments by the close of the submission period on 18 February 2013.

Results of the exhibition and call for submissions

No submissions were received from the community, however comments were received from the Division of Local Government. The Division congratulated the City of Ryde on its Code of Meeting Practice, making particular reference to the use of the “practice” boxes to provide practical guidance on how the requirements of the Code are to be implemented to be better practice.

The Division made the following three observations and suggestions and these changes are shown in the **ATTACHED (Under Separate Cover)** with additions shown in ***bold italics*** and deletions show in ~~strikethrough~~:

1. Extraordinary meetings – the Division emphasised their view that “holding of large numbers of extraordinary meetings as being potentially indicative of an inability by a Council to get through its business during ordinary meetings....extraordinary meetings should only be held to deal with business that cannot wait until the next ordinary meeting or that for other reasons cannot be dealt with at an ordinary meeting”. DLG correspondence to City of Ryde, received 15 February 2013.

ITEM 7 (continued)

Therefore it is proposed that the words “**exceptional circumstance**” are added to the draft Code of Meeting Practice as follows:

*Extraordinary meetings are not only held in ‘extraordinary’ circumstances. These meetings are usually held to deal with special business **or in the exceptional circumstance** where there is so much business to be dealt with that an additional meeting is required.*

2. There were concerns that the “practice” section of clause 1.1.2 implied that Mayor has the discretion not to call an extraordinary meeting where one is requested by two Councillors.

Under Section 366 of the *Local Government Act*, the Mayor must call an extraordinary meeting when requested by two or more Councillors as soon as practicable within 14 days after the receipt of the request. Therefore it is proposed that the following point in the “practice section” is removed.

If the mayor refuses or delays to call an extraordinary or special meeting after receiving a request, signed by at least 2 councillors, those councillors may, in writing, request the general manager to call the meeting. The general manager shall call the meeting as soon as practicable.

3. The Division identified that the Draft Code did not refer Subsections 4 and 5 of Section 451 of the *Local Government Act*. Therefore it is proposed that these subsections of the Act, be added to the Draft Code in Section 3.2.3 Disclosure and presence in meetings:
 - (4) *Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, 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 made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
 - (5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
 - (a) *be in the form prescribed by the regulations, and*
 - (b) *contain the information required by the regulations.*

ITEM 7 (continued)

It is considered that these changes reflect legislative requirements and would not constitute a substantial change requiring further public exhibition of the Code of Meeting Practice.

Planning and Environment Committee

Based on recent experience and some Councillor feedback, Council may wish to amend the Code of Meeting practice to reflect the following proposal:

- Planning and Environment Committee Meetings to commence at 5pm.

This would allow inspections to be undertaken only if required or desired by Councillors at 4pm (outside of the formal meeting) and would remove the need for the current practice of the meeting opening to be adjourned for inspections.

This would provide greater certainty for members of the public who have registered to speak regarding estimated times and would reflect recent practice and requirements of the Committee.

It is considered that as this change would reflect to a large degree what has become current practice that it would not constitute a substantial change requiring further public exhibition of the Code of Meeting Practice.

This proposed change is not reflected in the **ATTACHED** draft Code of Meeting Practice and would be included should Council endorsed the changed starting time.

Draft Code of Meeting Practice

The **ATTACHED** draft Code of Meeting Practice incorporates the changes originally endorsed by Council with additions show in ***bold italics*** and deletions shown in ~~strikethrough~~. The proposed change to the starting time of the Planning and Environment Committee is not included.

Following consideration of the proposed changes to the draft Code, it is recommended that this draft Code of Meeting Practice be adopted, and a copy will be provided to the Division of Local Government along with a positive acknowledgement of their feedback. The adopted Code will ill be placed on the Council's website, and copies will be made available at meetings for reference.

Critical Dates

There are no critical dates or deadlines to be met.

It should be noted that should Council resolve to make further amendments to the draft Code of Meeting Practice, it may be necessary to place the revised draft Code on public exhibition, however this is only required if "the Council is of the opinion that the amendments are not substantial" (*Section 362 clause 2, Local Government Act, 1993*).

ITEM 7 (continued)**Financial Implications**

As advised at the Council meeting of 11 December 2012, the financial implications associated with implementing the draft Code of Meeting Practice consist of:

- approximately \$8,000 to webcast the General Purpose Committee. These funds are available from within the funds previously allocated by Council to undertake webcasting of Council meetings. It is noted that this applies only to General Purposes Committee meetings conducted on Level 5, Civic Centre and not to the Community Council Meetings held at other locations
- approximately \$2,800 for each General Purpose Committee Meeting, for catering, staff and printing expenses. This cost will be met as required from the current budget allocation for Council meetings and support.

Options

Council may consider that the changes proposed in this report are substantial and resolve to re-exhibit the draft Code of Meeting Practice to seek submissions. However, it is noted that no submissions were received during the original exhibition period.

Council may resolve not to change the starting time for Planning and Environment Committee Meetings.

Council may resolve not to adopt the changes recommended as a result of feedback from the Division of Local Government, however, this is not recommended as incorporating this specific feedback is best practice and strengthens our Code of Meeting Practice.

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

Report prepared by: Manager - Governance
File No.: CLR/07/8/9/6/2 - BP13/283

REPORT SUMMARY

This report was prepared in response to the Council resolutions from the meeting of 12 February 2013. It is provided to Council prior to the re-exhibition of this draft Policy, to confirm the proposed changes to the policy regarding mobile phones. It also proposes changes to legal expense provision as a result of a request from the Mayor and subsequent advice from the Division of Local Government.

This report recommends that Councillors are provided with the option of Council purchasing a mobile phone outright, and paying the monthly call costs directly (Option 1).

Secondly it recommends amendments to the clause on Legal Assistance (Clause 17.5) to provide clarification in respect of the Division of Local Government Guidelines, and to ensure compliance with the Local Government Act.

These changes and those previously endorsed by Council are set out in the **ATTACHED (Under Separate Cover)** with additions shown in *bold italics* and deletions shown in ~~strikethrough~~.

RECOMMENDATION:

- (a) That Council endorse the provision of mobile phones and payment of calls as set out in this report and as **ATTACHED (Under Separate Cover)**.
- (b) That Council endorse the proposed changes to Clause 17 of the Policy, relating to Legal Assistance Provision and Expenses as detailed in the report and as **ATTACHED (Under Separate Cover)**.
- (c) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy (**ATTACHED - Under Separate Cover**) for a period of at least 28 days, noting that a copy of the draft will be provided to the Division of Local Government for comment.
- (d) 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.

ITEM 8 (continued)**ATTACHMENTS**

- 1 Further Draft February 2013 - Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors (Under Separate Cover)

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 8 (continued)**Discussion**

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

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

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

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

History

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

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

ITEM 8 (continued)

Following the public exhibition and submission period, during which no submissions were received, a Council report was prepared. This report included a review of the Councillor Expenses reimbursement process, and addressed:

- the processes followed in other Councils, including all Category 3 and NSROC Councils;
- the relevant legislation and regulations; and
- the opportunity for technological improvements, in the form of an online reimbursement claim process.

At its meeting held 12 February 2013, Council resolved as follows:

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

This report is provided to Council prior to re-exhibition to confirm the proposed changes to the policy regarding mobile phones, and to advise Council of an additional change that has been requested by the Mayor with regard to legal assistance provisions and expenses.

Provision of mobile phones and payment of call costs

As resolved by Council, consideration has been given to the provision of all technology and communication equipment with particular regard to mobile phones. Consideration has not, at this time, been given to internet connectivity costs at Councillors' home offices.

It is noted that Council resolved that Councillors have flexibility to either use Council provided equipment and connectivity or to continue to source their own telephone technology and seek reimbursement.

ITEM 8 (continued)

Clause 1.6.6 of the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (Division of Local Government 2009), provides that:

Councils must agree and set monetary limits to all expense provisions in their policies, where practicable and where appropriate.

Furthermore Clause 2.3.9 of the Guidelines specifies that:

Councils should establish a monthly monetary limit for the cost of official mobile, landline and facsimile calls made by councillors. A system should also be established to reconcile all telephone call costs claimed with account statements.

Following a review of the possible processes for the provision of a phone and call costs, the following option is recommended to Councillors. This option resembles the current process for the provision of iPads to Councillors:

Proposed Option: Telstra managed service including an iPhone and call costs.

This would be a cost of \$1,920 over 2 years.

It is noted that there will be a small proportion of private/personal use associated with this provision.

To support this recommendation, it is proposed that the following clause be endorsed as set out in the **ATTACHED (Under Separate Cover)** policy as clause 13(4):

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

Clause 7.12 of Council's Code of Conduct provides as follows:

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.

As the proposed provision of a complete managed service provides a single cost for the phone, all calls and data usage, it is felt that acknowledging the small amount of private mobile phone usage complies with the requirements of the Code of Conduct.

Computer Technology Issued to Councillors

As resolved by Council, during the exhibition period there will be further consultation with Councillors regarding the specific equipment provided. Staff will consult with Councillors to establish their requirements and to propose possible solutions to their Information technology needs.

ITEM 8 (continued)**Legal Assistance Provision and Expenses**

The Mayor has provided staff with advice he has obtained regarding these provisions in the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors. The advice provided suggests that the provisions regarding legal assistance are non-compliant (in particular clause 17(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.

The adopted Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors is forwarded annually to the Division of Local Government who has never raised concerns about this provision, which has been in place since 2006. Indeed, in the 2010 Promoting Better Practice Review report regarding the City of Ryde this policy was identified as a noteworthy practice.

Therefore, this suggestion of non-compliance was questioned by staff, and advice was sought from the Division of Local Government. The Division advised as follows on 4 March 2013:

Ryde City Council's Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors is arguably not consistent with the Division of Local Government's Guidelines and the Local Government Act 1993.

The Guidelines provide that the legal costs may be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor.

Also Section 731 of the Act provides that councillors, council staff and members of a committee of the council are not be subject to any liability for any actions undertaken in good faith.

Further, it is important that the Council has a clear approvals process in place to ensure approval is sought and gained, where possible, prior to legal expenses being incurred.

As a result of the above advice, a complete review has been undertaken of Council's Policy regarding Legal Assistance Provision and Expenses.

The content of the policy is a matter for Council's determination and it is always prudent to clarify and improve Council policies. To this end the relevant section of the Division of Local Government guideline (Clause 2.3.6 - Legal Expenses) is set out below and recommended City of Ryde Policy clauses and amendments are provided, with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~:

ITEM 8 (continued)

Guideline/Issue	Proposed or current clause/comments
<p>DLG Guideline The policy should specify that the reasonable legal expenses of a Councillor in defending an action arising from the performance in good faith of a function under the Local Government Act or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.</p>	<p>Current Clauses in the Policy: (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;</p>
<p>DLG Guideline Reasonable legal costs may also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including: - Local Government Pecuniary Interest and Disciplinary Tribunal - Independent Commission Against Corruption - Office of the NSW Ombudsman - Division of Local Government - NSW Police Force - Director of Public Prosecutions - Council's Conduct Review Committee</p> <p>This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and that the matter before the body has proceeded past any initial assessment phase to a formal investigation or review.</p>	<p>Current and Proposed Clauses: (1) Council may, if requested, indemnify or reimburse the reasonable legal expenses of: (c) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an appropriate investigative or review body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative or review body makes a finding substantially favourable to the Councillor.</p> <p>Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.</p>
<p>DLG Guideline In the case of a conduct complaint made against a Councillor, legal costs should only be made available where a matter has been referred by a General Manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct.</p>	<p>Proposed Clause in the Policy: <i>In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.</i></p>

ITEM 8 (continued)

Guideline/Issue	Proposed or current clause/comments
DLG Guideline In the case of a pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Division of Local Government.	Proposed Clause in the Policy: <i>In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.</i>
DLG Guideline Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor.	Already provided for in Clause 1(c) above
DLG Guideline A Council must not meet the legal costs of a legal proceedings initiated by a Councillor under any circumstance	Current Clauses in the Policy: 4 Council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.
DLG Guideline A Council must not meet the legal costs of a Councillor seeking advice in respect of a possible defamation, or in seeking a non-litigious remedy for possible defamation.	Current Clauses in the Policy: 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.
DLG Guideline Legal costs must not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor	Current Clauses in the Policy: 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.
DLG Guideline A Council may lawfully obtain insurance cover against the risk of having to meeting the reasonable costs of a Councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that the Council is authorised to meet	Current Clauses in the Policy: 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. 16(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.

ITEM 8 (continued)

Guideline/Issue	Proposed or current clause/comments
<p>DLG Guideline It is important that Council has a clear approvals process in place to ensure approval is sought and gained where possible, prior to legal expenses being incurred.</p> <p>Division of Local Government Circular 11-27 Significant or potentially contentious expenses will require prior approval at a full meeting of the Council (eg: legal expenses or discretionary trips)</p>	<p>Proposed Clause</p> <p><i>Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution of Council at a Council Meeting prior to costs being incurred.</i></p>
<p>Clause 17(5) of the Current Policy <i>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.</i></p>	<p>Based on advice received from the Division of Local Government it is proposed that Clause 17(5) of the current policy be deleted</p>

As a result of the above comments and proposed changes, the revised Clause 17 – Legal assistance provisions and expenses, will read as follows with additions shown in **bold italics** and deletions shown in ~~strike through~~:

- 1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - (a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
 - (b) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act;
 - (c) a Councillor for proceedings before the ~~Local Government Pecuniary Interest and Disciplinary Tribunal~~ or an **appropriate** investigative **or review** body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the ~~Tribunal~~ or investigative **or review** body makes a finding substantially favourable to the Councillor.

Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.

ITEM 8 (continued)

In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

- 2 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 3 Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- 4 Council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.
- ~~5 The provisions of this section shall not apply in respect of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, the Council itself.~~
- 5 ***Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution of Council at a Council Meeting prior to costs being incurred.***

The above changes to Council's Policy better align to the DLG's guidelines and the Local Government Act. Council should note that despite the possible variances of Council's current policy to the Local Government Act, the legislation would always override the policy.

Reporting timeframe of the draft policy

In accordance with the requirements set by the Division, Council is required to publicly exhibit the draft policy for a minimum of 28 days. If Council endorses the public exhibition of the draft policy at its meeting of 12 March 2013, it is proposed that the exhibition commence on 18 March 2013 and conclude on 15 April 2013.

Following the public exhibition, it is anticipated that the revised policy will be submitted to Council on 14 May 2013 for final adoption. The report to Council will include any submissions received during the exhibition of the draft policy. At this meeting, Council can resolve to make further amendments 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.

ITEM 8 (continued)

It is proposed that a copy of the draft Policy will be provided to the Division of Local Government for comment during the exhibition period.

The **ATTACHED (Under Separate Cover)** draft policy sets out the changes as previously endorsed by Council and those identified in this report with additions shown in ***bold italics*** and deletions shown in ~~strike through~~.

Financial Implications

With regard to the provision of mobile phones and calls, it is estimated that this will result in a cost of \$1,920 per phone over a period of 2 years. It is anticipated that this cost can be met from within the current budget allocation, however staff will monitor this expenditure.

With regard to the proposed change to the provision for Legal Expenses, it is noted that the principal intent of the clause has not changed. For example, there remains a requirement that the Councillor has acted in good faith. There is also a provision that reimbursement must be approved by Council prior to the expense being incurred. As a result, it is not anticipated that the change to this provision will result in any additional cost to Council.

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.

It is noted that this Policy has yet to be adopted by Council. The provision included in the policy as outlined in this report will not take effect until the 28 day exhibition period has concluded, submissions have been considered and the policy adopted by Council.

Options

With regard to the provision of legal expenses clause in the Policy, Council may resolve to maintain the current wording, amend the entire section or make only some amendments to the provisions. However, it is noted that the recommended amendments are in accordance with the Division of Local Government guideline, advice from the Division of Local Government and the Local Government Act.

9 DRAFT MOTIONS FOR THE NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 16 to 19 June 2013

Report prepared by: Section Manager - Governance
File No.: CLR/07/8/73 - BP13/217

REPORT SUMMARY

The National General Assembly of Local Government (NGA) will be held at the National Convention Centre in Canberra between Sunday, 16 June 2013 and Wednesday, 19 June 2013. Motions for inclusion on the Business Paper are due to the Australian Local Government Association by 26 April 2013.

This report sets out the proposed Motions to be submitted to the 2013 National General Assembly of Local Government and seeks Council's endorsement of the Motions for consideration at the Conference.

Motion 1 – Review of Inter-Government Agreement – Payment of GST to Local Government.

Motion 2 – Review of Financial Assistance Grant (FAG) by the Commonwealth Grants Commission.

Motion 3 – Notice of Motion by Cllr Maggio on this Agenda – Smoking in Public Places.

A further report will be provided to Council regarding attendance at the Conference upon receipt of the Conference Information from the Australian Local Government Association.

RECOMMENDATION:

That Council endorse the Motions for submission to the 2013 National General Assembly of Local Government held in Canberra on 16 to 19 June 2013 as detailed in the report.

ATTACHMENTS

- 1 2013 National General Assembly of Local Government - Call for Motions and Discussion Paper
- 2 Draft Motions for the National General Assembly June 2013

ITEM 9 (continued)

Report Prepared By:

Amanda Janvrin
Section Manager - Governance

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 9 (continued)

Discussion

The purpose of this report is to provide Council with proposed Motions for the 2013 National General Assembly of Local Government and to seek Council's endorsement of Motions for consideration at the Conference.

Background

The National General Assembly of Local Government (NGA) is convened by the Australian Local Government Association (ALGA). The stated aim of the NGA is to develop and express a united voice on the core issues affecting local government and their communities.

Theme

ATTACHMENT 1 details the letter and Discussion Paper dated 31 January 2013, received from the Australian Local Government Association which calls for the submission of Motions for inclusion in the NGA.

The theme for this year's NGA is '*Foundations for the Future – Twenty 13*' and reflects current issues being debated nationally and priority issues facing local government.

Motions

The ALGA is now calling for Motions and encourages all Councils to submit Motions relevant to the theme for consideration at the NGA.

To be eligible for inclusion in the NGA Business Papers, Motions must follow the following principles:

1. Fall under the NGA theme;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

On 14 February 2013 in the Councillor Information Bulletin, Councillors were invited to submit proposed Motions by 4 March 2013 for Council's consideration.

ATTACHMENT 2 details the Motions that have been proposed to be submitted to the Conference. The Motions are as follows:

- Motion 1 – Review of Inter-Government Agreement – Payment of GST to Local Government.
- Motion 2 – Review of Financial Assistance Grant (FAG) by the Commonwealth Grants Commission.
- Motion 3 – Smoking in Public Places. This motion is a separate Notice of Motion from Councillor Maggio on this meeting's Agenda.

ITEM 9 (continued)**Financial Implications**

Adoption of the recommendation will have no financial impact.

Critical Dates

Motions for inclusion on the National General Assembly of Local Government Business Paper are required to be submitted to the Australian Local Government Association by 26 April 2013.

ITEM 9 (continued)

ATTACHMENT 1



31 January 2013

Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

To the Mayor, Councillors and CEO

2013 National General Assembly of Local Government – Call for Motions

I invite you to participate in the 2013 National General Assembly of Local Government (NGA) which will be held at the National Convention Centre in Canberra between 16 - 19 June.

As the major event on the annual local government events calendar, the NGA typically attracts more than 700 mayors, councillors and senior officers from councils across Australia. The NGA is your opportunity to contribute to the development of national local government policy and receive updates on the top policy issues facing local government nationally.

The Australian Local Government Association (ALGA) Board is calling for motions for the 2013 NGA under this year's theme 'Foundations for the Future - Twenty 13'. This reflects the important opportunities an election year offers.

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

1. Fall under the NGA theme
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

To assist Councils in preparing motions, a Discussion Paper has been prepared and is enclosed with this letter. It is also available on the ALGA website at www.alga.asn.au.

Motions should be submitted electronically via the online form on the website www.alga.asn.au and should be received by ALGA no later than 26 April 2013.

Any administrative inquiries can be directed to Clare Hogan, ALGA's Director of National Events on 02 6122 9400 or clare.hogan@alga.asn.au.

I would encourage you to make sure the views of your Council and your community are represented at the 2013 NGA.

Yours sincerely



Mayor Felicity-ann Lewis
President



ITEM 9 (continued)

ATTACHMENT 1

Call for Motions Guidelines and Background Information

The theme for this year's National General Assembly of Local Government (NGA) is *'Foundations for the Future - Twenty 13'*. The NGA theme reflects current issues being debated nationally and priority issues facing local government.

The NGA is your opportunity to contribute to the development of national local government policy and currently the ALGA Board is calling for motions for the 2013 NGA.

To assist Councils in preparing motions, a Discussion Paper has been prepared and is available at www.alga.asn.au.

To be eligible for inclusion in the NGA Business Papers motions must follow the following principles:

1. Fall under the NGA theme;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

Motions submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

Through the review process, minor edits may be made to motions to ensure they can be included in the Business Papers. These edits will change the motion to call for action, for example to 'call on the Australian Government' to do something, to ensure relevance to local government nationally by removing state specific references, or to ensure the wording is consistent with current conventions such as referring to the Australian Government instead of the Federal Government.

To assist in facilitating efficient and effective debate, motions that cover similar matters will appear grouped together in the Business Papers and the matter will be debated only once with the lead or strategic motion being that which is debated.

Motions that are agreed to at the National General Assembly become Resolutions. These Resolutions are then considered by the ALGA Board when setting national local government policy, when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any Resolution passed at the NGA.

Motions are to be submitted online at www.alga.asn.au and should be received by **ALGA no later than 26 April 2013**.

The following information will be required when you submit a motion using the online form.

ITEM 9 (continued)

ATTACHMENT 1

Motion

- Text of the Motion

National Objective

- Why is this a national issue and why should this be debated at the NGA?
- Maximum 100 words

Summary of Key Arguments

- Background information
- Supporting arguments
- Maximum of 300 words (additional information should be provided as speaking notes to the council representative who will move the motion at the NGA)

Declaration

You will need to declare that the motion has been endorsed by your Council.

For further information please contact Clare Hogan, Director National Events, on (02) 6122 9400 or clare.hogan@alga.asn.au

ITEM 9 (continued)

ATTACHMENT 1



**AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION**

**National General Assembly of Local
Government**

16 - 19 June 2013

Call for Motions

Discussion Paper

ITEM 9 (continued)

ATTACHMENT 1

The Process

The issues presented in this paper are designed to stimulate ideas that may form the basis of 'motions' to be considered at the National General Assembly (NGA). You are encouraged to read all of the sections of the Discussion Paper, but are not expected to respond to every question contained in them. Your motion/s can address one or all of the issues identified in the discussion paper. All that the Australian Local Government Association (ALGA) asks is that your motion is nationally relevant, directly related to the work of local government nationally and proposes a clear action and outcome.

To be eligible for inclusion in the NGA Business Papers motions must follow the following principles:

1. Fall under the NGA theme;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

Motions submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

If your council would like to put forward a motion(s), you may lodge it electronically at www.alga.asn.au using the online form. Motions should be received by ALGA no later than Friday 26 April 2013.

For more information, please contact ALGA's Director National Events, Clare Hogan, on (02) 6122 9400.

ITEM 9 (continued)

ATTACHMENT 1

Overview

This Discussion Paper aims to assist councils to develop motions for consideration at the upcoming NGA.

NGA motions are an important mechanism to assist councils across Australia to influence the national policy agenda.

Local government plays an important role in Australia's democratic system of government. Its role is to represent its community and have a critical role in planning, coordinating, facilitating and providing services, infrastructure and programs that meet community and regional needs.

While councils can do a lot themselves, many local governments are constrained by lack of resources, expertise and adequate support from other levels of government (and the private sector) to meet all of their community's needs.

It is important to recognise that at the national level, the roles and functions of councils differ across jurisdictions and that local government is established under state laws. All state and territory governments have a variety of programs, grants and arrangements that are relevant to their respective state or territory and that are important to their councils. For this reason it is important that local governments, through their state and territory local government associations, maintain a close working relationship with state governments.

This year, on 14 September, there will be a federal election. The federal election is an important opportunity to seek commitments from all federal political parties about the way in which they will work with and support councils in meeting community needs. ALGA actively advocates on behalf of the sector in the lead up to every election. ALGA does this by engaging directly with all the major political parties, documenting local government initiatives and communicating these to all politicians as well as through events such as the NGA in facilitating conversations between federal politicians and local government representatives and drawing on initiatives contained in the NGA Resolutions.

The NGA provides an opportunity for councils to influence the national policy agenda by:

- a) identifying national priorities that ALGA might be able to pursue at the national level; and
- b) identifying priorities that are shared by all councils regardless of state differences that relate to federal matters.

It is anticipated that motions for the 2013 NGA will propose credible ideas and policy initiatives which will strengthen local government's capacity to respond to the social, economic and environmental changes facing Australia today and into the future.

ITEM 9 (continued)

ATTACHMENT 1

Introduction

Local government is a richly diverse, highly responsive, accountable and dynamic level of government. There are now 559 councils in Australia. Over recent years the sector has experienced considerable change including structural reforms such as amalgamation of councils.

Some of local government's recent national achievements include:

- developing and advocating a clear set of principles for constitutional reform;
- the conduct of a successful campaign for the renewal of the Roads to Recovery program (R2R) which has been extended to 2019;
- advocacy for a broad review of the Financial Assistance Grants (with a review, albeit limited in scope, is currently underway);
- comprehensive studies into the financial sustainability of councils nationally (2006 PWC Report);
- actively pursuing internal reforms to improve the efficiency and effectiveness of local government with a focus on improved asset management; and
- successful delivery of over 3,500 community infrastructure projects worth more than \$1 billion on time and within budget as part of the Australian Government's response to the Global Financial Crisis (GFC) to create jobs and economic stimulus throughout the nation.

Local government's national significance is underlined by the fact that it employs around 195,000 Australians (just over 10 per cent of the total public sector work force), owns and manages non-financial assets estimated at \$245 billion (2007–08), raises around 3.5 per cent of Australia's total taxation revenue per annum and has an annual expenditure of around \$29 billion (2010–11)—just under 6 per cent of total public sector spending.

Most of local government's expenditure is directed towards the provision of local services, which include: housing and community amenities; transport and communications; recreation and culture; and social security and welfare.

At an aggregate level local government undertakes its work while being 90 per cent self-funded. However, many rural and regional communities have limited financial capacity which means those councils are much more reliant on external funding sources. Higher grant levels are absolutely critical to these councils to equalise services and infrastructure availability across the communities. Considerable local government funds are spent on vital additional work that relates to broad national issues.

As the level of government closest to Australians, local government is aware of and understands the myriad challenges faced by local and regional communities as they live, work and interact in an increasingly complex domestic and global environment. Local and regional communities require support to respond and adapt to factors they cannot control, such as climate change, drought, natural disasters and economic upheavals.

ITEM 9 (continued)

ATTACHMENT 1

Suggested reforms to inter-government transfers

PwC sees significant merit in some reforms to intergovernmental transfers, but these need to be targeted to primarily assist the types of councils with sustainability challenges. The specific suggested reforms to intergovernmental transfers are:

- Establish a new Local Community Infrastructure Renewals Fund (LCIRF): this fund would support councils in the more timely funding of renewals work across a range of community infrastructure assets including community centres, aged care facilities, libraries, health clinics, sport and recreation facilities. The fund could be distributed based on relative need and use the R2R or FAGs distribution methods, or perhaps through a new or hybrid approach. The size of LCIRF could be set so as to provide a similar level of renewals support as provided by R2R, which is around \$200-250 million per annum.
- Revise the escalation methodology for FAGs from a mix of population growth and CPI, to a new escalation formula tailored more to local government cost movements (eg a combination of the ABS Wage Cost Index and Construction Cost Index coupled with population growth).
- Make funding for the Roads to Recovery Program permanent: this program has delivered substantial benefits and there would be significant merit in extending its duration and further augmenting funding levels (including escalating the program size by the ABS Construction Cost Index).

State governments to provide funding support to encourage the local council efficiency and asset management reforms: a significant proportion of councils have inadequate in-house skills to improve efficiency and to establish robust asset management and financial plans. There would be significant benefit in state governments providing partial funding to aid the development of tailored state-based reform programs. This program might be along the lines of the support provided by the Queensland Government (\$25 million over five years) in the Size, Shape and Sustainability Program, and the Step Program developed by MAV.

QUESTIONS?

Are there any specific proposals your council has to follow-up on the recommendations contained in the PWC Report?

In particular:

Are there things that the Commonwealth could do to assist local government nationally to improve its efficiency, effectiveness and scale?

Are there things that the Commonwealth could do to assist local government to expand own-source revenues?

Are there things that need to happen to help set clear and appropriate priorities, including long term funding?

Are there things that the Commonwealth can do to assist or deepen local government's asset management and capacity for financial management?

What further changes are required to Commonwealth local government financial transfers?

ITEM 9 (continued)

ATTACHMENT 1

Financial Assistance Grants

On 9 December 2012 the Commonwealth Treasurer provided Terms of Reference to the Commonwealth Grants Commission for a Review on Improving the Impact of the Financial Assistance Grants on Local Government Financial Sustainability. The Terms of Reference require the Commission to provide a report to the Australian Government by 31 December 2013 on the following issues:

- 1 The review is 'to identify tangible measures for improving the impact of the Local Government FAGs on the effectiveness of local governments and their ability to provide services to their residents within the current funding envelope'.
- 2 Specifically we are asked to examine the impacts of FAGs on local governments and its appropriateness by:
 - examining in the intrastate context whether the National Principles that guide the allocation of the general purpose grants remain valid and are conceptually consistent with each other;
 - evaluating the economic and financial benefits of untied vs tied funding for enhancing the effectiveness of local governments and their ability to ensure effective services for their residents;
 - identifying the impact of the Minimum Grant principle on the intrastate distribution of FAGs; and
 - assessing the relative need of local governments in each State and Territory with a particular focus on those that service regional and remote communities.
- 3 In responding we will report our findings relating to each point and, where appropriate, identify changes to the FAGs distribution process which would enhance the effectiveness of local governments and their ability to provide services.

This is an important review, but it needs to be noted that the Terms of Reference do not include an examination of the quantum of the Financial Assistance Grants.

Questions

Are there any specific proposals from your council on any of the Terms of Reference for the Review of the Financial Assistance Grants?

Are there any proposals from your council regarding the Financial Assistance Grants more broadly?

ITEM 9 (continued)

ATTACHMENT 1

**GENERAL LOCAL GOVERNMENT EXPENSES BY PURPOSE
2009-10 and 2010-11**

	2009	-	2010-11
	\$m		\$m
General public services	5231		5611
Public order and safety	585		769
Education	150		144
Health	298		332
Social security and welfare	1 573		1684
Housing and community amenities	6812		6451
Recreation and culture	4071		4359
Fuel and energy	13		15
Agriculture, forestry and fishing	27		29
Mining, manufacturing and construction	301		356
Transport and communications	6129		6640
Other economic affairs	1230		1016
Public debt transactions	449		578
Other	1230		1336
Total	27891		29323

Source ABS Cat 5512 - Government Finance Statistics, Australia 2009 - 10 and 2010 - 11

QUESTIONS?

Are there any specific proposals your council has to regarding local government's expenditure priorities?

Are there proposals which would improve Commonwealth assistance to local government to help ensure traditional infrastructure service, such as roads, are maintained and renewed in a timely manner?

Are there proposals which would improve Commonwealth assistance to local government to help support council provided 'human services', such as aged care and children's services?

How could cost shifting from the Commonwealth and states be better addressed?

ITEM 9 (continued)

ATTACHMENT 1

Constitutional Recognition of Local Government

Since the appointment of a Joint Select Committee on the Constitutional Recognition of Local Government in November 2012, the pace of developments has increased dramatically. ALGA lodged a detailed submission with the committee in December 2012 and a supplementary submission on 31 January 2013 in response to issues raised at a parliamentary committee hearing on 16 January 2013.

The ALGA Board is meeting regularly to determine and drive the agenda. ALGA welcomed the Parliamentary Committee's preliminary report on 24 January 2013 which recommended that the Commonwealth begin all necessary preparatory activities to ensure a successful referendum in 2013. ALGA has indicated strong support for constitutional change as soon as possible to secure continued direct funding. However, we have reiterated our concern about the lack of progress on the preconditions identified for a successful referendum and the short timeframe available for a campaign.

ALGA wants to make sure that the referendum proceeds when the chances for success are at their best, although we stand ready once the government announces a referendum. The Committee's final report is due in March 2013 and the Government has indicated that it will wait until that time before giving its response on the referendum. ALGA is concerned that the delays and moving timeframes have hampered efforts to finalise arrangements for a referendum and ALGA has redoubled its efforts to seek commitments from both the Government and the Opposition to support the referendum.

Constitutional Recognition remains a priority for the ALGA Board. Given the pace of developments and an expected announcement of the Government's intentions in March/April 2012, we are not seeking council motions on constitutional recognition for this year's NGA. A comprehensive update will be given to delegates at the NGA, based on the responses of the Government, the Opposition and State Premiers to the Committee's final report.

ITEM 9 (continued)

ATTACHMENT 2

**DRAFT MOTIONS FOR THE NATIONAL GENERAL ASSEMBLY OF
LOCAL GOVERNMENT - 16 TO 19 JUNE 2013**

Motion 1 – Review of Inter-Government Agreement – Payment of GST to
Local Government

That this conference request the Minister for Local Government of the Commonwealth of Australia, the Hon James Lloyd MP, urgently review the Inter-Government Agreement that Guides Inter-Government Relations on Local Government Matters, with the intention of inserting a specific provision in the Agreement, that would require the following;

- All Commonwealth payments to the State Government, relating to the distribution of Goods and Services Tax Revenue, to require each State Government to enter into specific agreements with each State's Local Government peak bodies in distributing a proportion of the tax back to Local Government.
- The Minister for Local Government for the Commonwealth of Australia to provide guidelines to each State in undertaking this task.

NOTES

It is understood that NSW is the only State in which no payments are made back to Local Government from Goods and Services Tax Revenue.

This motion acknowledges that there will always be differences in determining the quantum and how the tax should be distributed. The motion seeks the Commonwealth Government to make it a requirement for each State Government within the Inter-Government Agreement to pay a proportion of the revenue back to Local Government plus provide all States with consistent guidelines.

Local Government across Australia requires a growth tax to support its declining revenue base and also to reduce its reliance from property owners. The Goods and Services tax reflects expenditure across all Local Government areas and therefore a payment of a proportion of the tax received back to Local Government is justified.

ITEM 9 (continued)

ATTACHMENT 2

Motion 2 – Review of Financial Assistance Grant (FAG) by the Commonwealth Grants Commission

That this conference endorse the submission made by the Alliance of Sydney Metropolitan Councils to the Commission's enquiry that makes the following key recommendations:

- maintains the key objects of the Act to ensure the Grant promotes the financial capacity and certainty of all Councils
- proposes a refinement of the Grants Commission's 2001 recommendation in splitting the general purpose FAG allocation between a Per Capita and a Relative Needs pool on a 50 / 50 basis.
- Apply the per capita pool to Councils in developed areas
- Apply the relative needs pool to Councils in undeveloped areas in Australia
- Introduce this change over a five (5) year period

NOTES

Deleting the 'minimum grant' principle will leave 91 Councils in Australia, that cover over a third of the nation's population, without any general purpose Commonwealth assistance.

This proposed change will achieve greater equalisation between developed and underdeveloped local government areas.

The Executive Summary of 'The Alliance of Sydney Metropolitan Council's submission to the Commonwealth Grants Commission Inquiry into Local Government Financial Assistance Grants is detailed below in support of the above motion;

ITEM 9 (continued)

ATTACHMENT 2

Joint Submission to Commonwealth Grants Commission Inquiry into Local Government Financial Assistance Grants

The Alliance of Sydney Metropolitan Councils, a grouping of local councils that receive “minimum” financial assistance grants from the Commonwealth Government

27.2.2013

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- Submitted by Sutherland Shire Council on behalf of The Alliance representing the Sydney Metropolitan Councils of Botany Bay, Burwood, Canada Bay, Hornsby, Hills, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Mosman, North Sydney, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Warringah and Woollahra.

Acknowledgments:

- This submission was prepared with the assistance of Review Today Pty Ltd, a specialist adviser in local government financial sustainability.
- Responsibility for the views and recommendations expressed herein is taken by the Alliance’s Project Management Team that coordinated the preparation of the submission.

Disclaimer:

- While the Alliance endeavours to provide reliable analysis and believes the material it presents is accurate, it will not be liable for any claim by any party acting on such information.

ITEM 9 (continued)

ATTACHMENT 2

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Recommendations

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1. How are Local Government FAGs allocated?
2. What are the objectives of the Review?
3. What are the objectives of the Act?
4. Are the National Principles consistent?
5. What is meant by Financial Sustainability?
6. What is meant by Service Effectiveness?
7. Are the National Principles properly applied?
8. What is the impact of 'Minimum' Grants?
9. What do councils (especially Regional and Remote) need?
10. Should funds be tied or untied?

Appendices:

- A. **Case Study:** What would be the impact on NSW FAG distributions of allocating 40% or 50% of general purpose funding as an equal per-capita grant to all councils in 'developed' areas and distributing the balance of funds on a needs basis to all councils in 'underdeveloped' areas?
- B. **Case Study:** What would be the impact of abolishing minimum FAGs on the financial sustainability of Sydney metropolitan councils that receive such assistance?

Executive Summary

This submission to the Commonwealth Grants Commission Inquiry represents the broadly held views of the Alliance of Sydney Metropolitan Councils, a grouping of twenty councils that receive minimum "safety net" financial assistance grants.

The Alliance comprises the local councils of Botany Bay, Burwood, Canada Bay, Hornsby, Hills, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Mosman, North Sydney, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Warringah and Woollahra.

ITEM 9 (continued)**ATTACHMENT 2**

This submission requests that (subject to some variations) the Commonwealth Grants Commission in this Review re-affirm the core recommendations of its 2001 Inquiry¹, the last time it examined how best to apply the objects of The Local Government (Financial Assistance) Act 1995.

Amendments to the Act subsequent to the 2001 Inquiry did not change the Act's objects or national principles (other than add a non-controversial council amalgamation principle in 2006/07). Hence the logic and reasoning underpinning the Grants Commission's core recommendations of 2001 are as relevant today as they were then.

Moreover, the 2001 Inquiry core recommendations address the terms of reference of the Grants Commission present Review into FAGs. By reiterating these views the Grant's Commission would reinforce the need to address the issues it identified in 2001 which have become more pressing because they were not attended to by subsequent governments.

The Grants Commissions previous core recommendations² were:

- *A Per Capita pool should be established to provide every LGB with a share of the assistance.*
- *A Local Roads pool should be established to contribute towards LGBs' costs of maintaining their local roads.*
- *A Relative Needs pool should be established to improve equity by providing additional assistance to the more disadvantaged LGBs.*
- *A Purpose should be drafted for the Act to outline the Commonwealth's intentions in providing the assistance from each pool.*

The Commission³ said the Act aims to provide financial assistance for local government to meet three overriding intentions:

- *To provide all Local Government Bodies (LGBs) with at least a minimum level of assistance;*
- *To provide funding to contribute to the costs faced by LGBs in maintaining their local roads; and*
- *To provide relatively greater financial assistance to those LGBs which are relatively more disadvantaged compared with other LGBs because they face greater costs in providing services or because their ability to raise revenue is more limited.*

These underlying intentions can be related to the Act's objectives to improve Councils' funding certainty, financial capacity, and service equity.

¹ Commonwealth Grants Commission, *Review of the Operation of the Local Government (Financial Assistance) Act 1995*, June 2001

² Commonwealth Grants Commission, *Review of the Operation of the Local Government (Financial Assistance) Act 1995*, June 2001, page xii

³ See Grants Commission, *Review into Improving the Impact of Financial Assistance Grants on Local Government Financial Sustainability - Issues Paper*, Nov 2012, page 21

ITEM 9 (continued)**ATTACHMENT 2**

The Commission's proposed framework in 20014 remains intellectually robust and would satisfy Minister Crean's desire to give preferential treatment to relatively disadvantaged local councils, without dedicating 100% of general purpose FAGs to welfare (i.e. needs-based) assistance which would be contrary to the wider intentions of the Act (e.g. funding capacity and certainty for all councils, not just the most needy).

But to achieve a more egalitarian outcome without denying any council a meaningful per-capita entitlement to Commonwealth general purpose assistance, the Grants Commission's 2001 recommendations should be refined further:

1. Split the general purpose FAG allocation between a Per Capita pool and a Relative Needs pool on a 50/50 basis rather than the present Minimum Grant National Principle that no council shall get less than 30% of the state's per-capita entitlement;
2. Apply the Per Capita pool to councils in developed areas (namely metropolitan, urban fringe and large to very large regional cities under the Australian Classification of Local Government⁵); and
3. Apply the Relative Needs Pool to local councils in underdeveloped areas of Australia (namely rural areas, plus small to medium regional urban centres as categorised by the ACLG).

Such a change to FAG allocations could be phased in over five years to allow all councils to adjust to their new entitlements.

Having the general purpose component of FAGs comprise two equal pools (a Per Capita pool and a Relative Needs pool) would ensure assistance for the most disadvantaged councils which are located in underdeveloped areas⁶ while at the same time guarantee a significant population based allocation for all councils in developed areas.

The councils in underdeveloped areas (i.e. remote and rural areas and small to medium sized towns) suffer a huge revenue capacity constraint and expenditure cost disadvantage compared with those in or near developed areas (i.e. metropolitan, fringe urban and large to very large regional cities).

The limited size of the general purpose component of FAGs (it contributes just 4% of local government total revenue) means it is important that a Relative

⁴ See Grants Commission, *Issues Paper*, Attachment B, section 9, page 23

⁵ See DRALGA&S, 2002-2003 Report on the Operation of the Local Government, (Financial Assistance) Act 1995, Appendix F, for a detailed explanation of the Australian Classification of Local Governments (ACLG).

⁶ The Productivity Commission, *Accessing Local Government Revenue Raising Capacity*, April 2008 concluded that many rural councils were already taxing their communities at a reasonable (though not excessive) level and that larger urban communities typically had the capacity to pay higher levels of local taxes.

ITEM 9 (continued)

ATTACHMENT 2

Needs pool be focused on significantly narrowing that gap rather than dissipated on trying to equalise already high revenue raising capacities and low expenditure disabilities of councils in developed areas.

There have been calls in the past for the Minimum Grant Principle to be scrapped or diluted (e.g. Hawker Report 2003, Henry Report 2010, Productivity Commission Report 2008) to free up funds to the most deserving councils. Such action would leave 91 councils in Australia that cover over a third of the nation's population without any general purpose Commonwealth assistance and defy the Act's intention of promoting the financial capacity and certainty of all councils.

The impact of such a move on 18 such councils in NSW is shown in Appendix A. Most of these councils are already struggling to be financially sustainable. Removing their general purpose grants would push them over the edge.

This submission contends that a better way to assist the most disadvantaged councils is to remove all metropolitan, urban fringe and large to very large regional cities (i.e. developed areas) from entitlement to a Relative Needs pool and instead pay them an equal Per Capita grant based on 50% of the general purpose fund within each jurisdiction's FAG. Under such an arrangement greater equalisation would be sought only between councils within the Relative Needs pool not outside it.

That would boost the Relative Needs pool available for genuinely disadvantaged councils in rural areas and small to medium sized towns (i.e. underdeveloped areas) where revenue raising capacity is limited and expenditure disabilities are pronounced. The improvement in such councils' financial status Australia-wide could be around \$100 million based on a pro-rata of NSW results shown in Appendix B.

Given that the size of the general component of FAGs is not sufficient to achieve full horizontal equalisation of services across all councils in Australia this submission requests that the equity objective of the Act be interpreted in the National Principles to mean achieving greater equalisation between developed and underdeveloped local government areas by confining the Grants Commission's proposed Relative Need Pool to the latter grouping. This would provide such councils with a critical mass of funds to compensate for their limited capacity to raise revenue and their inherently higher cost structures, both of which are beyond their control.

Besides requesting the Grants Commission to re-endorse the core recommendations of its previous Inquiry into FAGs (subject to the important refinements stated above), this submission also seeks the present Review to recognise that an important intention of the Local Government (Financial Assistance) Act 1995 is not just to achieve greater revenue and cost equalisation between councils (including ATSI communities), but also to give priority to other objectives such as furthering all councils' financial capacity,

ITEM 9 (continued)**ATTACHMENT 2**

certainty and accountability and their operational efficiency and service effectiveness notwithstanding conflicts between some of these objectives.

The 2001 Inquiry unfortunately dismissed the 'efficiency and effectiveness' intention of the Act as a contradiction (to the 'equalisation' goal) so recommended its removal as a FAG "purpose" from the Act. We hope the Commission does not repeat that advice because Parliament's intention is very clear and the terms of reference of the present Review reiterate the importance of finding a way to give greater weighting in the National Principles to service effectiveness. Also the title of the Review suggests its primary intent is to devise a FAG distribution model that improves local government financial sustainability which is closely associated with the Act's purpose of pursuing cost efficiencies.

For this reason this submission gives particular attention to exploring the concepts of "service effectiveness" and "financial sustainability" and what they imply for the design of FAG National Principles and Funding Allocation. Service effectiveness and financial sustainability do not need to conflict with "equity" considerations if they are pursued as discrete goals in their own right.

One way to do that is to introduce National Principles that recognise that the promotion of financial sustainability, service effectiveness and cost efficiency are primary purposes of the Act.

Such Financial Sustainability and Value for Money Principles could be applied recognising two bands of assistance within the proposed Per Capita pool:

- (a) A Standard per capita allowance for 50% of councils within the Per Capita pool; and
- (b) A Performance Loading (of say 10% or 20%) on top of the Standard per capita allowance for the 50% of councils exhibiting superior performance on financial sustainability, service effectiveness and value for money criteria.

The Productivity Commission should be asked to devise a Local Government Performance Measurement Framework that state Local Government Grants Commissions (LGGCs) could use for determining the 50% of councils in developed areas that deserved a Performance Loading as part of their Per Capita grant.

Finally, this submission takes issue with the application of existing National Principles by the NSW Local Government Grants Commission. It seeks the following changes to its distribution methodology should existing FAG allocations not be replaced with a Per Capita pool and a Relative Needs pool as proposed above:

1. Remove the 50/50 weighting between revenue and expenditure allowances that result in most Sydney councils getting higher FAGs than they would be entitled to on an equal per capita basis.

ITEM 9 (continued)

ATTACHMENT 2

2. Include capital expenditure for infrastructure renewal and enhancement in the equalisation methodology given that a huge backlog of underspending on capital works poses the biggest threat to local government financial sustainability.
3. Use average total income from all sources other than pensions and allowances by local government area (derived by the ABS from aggregated individual income tax data from the ATO) instead of average property values for determining the revenue capacity of a council since the value of a property's land is neither a measure of its owner's net equity (after allowing for property improvements and mortgage debt) or their income capacity (some long-term residents because of housing inflation are asset rich, but income poor). Also land values don't decide about two thirds of the revenue raisings of local government which come from sources other than rates.
4. Take account of the distortion to rates revenue raising capacity caused by state government rate pegging which has favoured councils that started with above average per capita rates and penalised those that started with below average per capita rates, except where special one off rate variations above the annual peg were approved for specific councils by the Minister for Local Government or more recently the NSW Independent Pricing and Regulatory Tribunal (IPART).
5. Take account of various council functions that impact heavily on some local government areas (e.g. bushfire services, beach and waterfront management), but are ignored under the current NSW Grants Commission methodology.
6. Be more transparent about the basis of the weighting (i.e. significance) assigned to an expenditure function's cost disability or a revenue item's capacity constraint. Also disclose the reasoning behind the NSW Grants Commission's FAG determination for a council in a timely manner as well as publicly disclosing the detailed calculations for deciding each council's FAG.
7. Use a consistent approach for all specific purpose payments instead of the present system under which an inclusion approach is used for library services and local roads but a deduction approach for all other recognised functions.

**10 APPOINTMENT OF DELEGATES TO THE RYDE YOUTH COUNCIL
ADVISORY COMMITTEE**

Report prepared by: Community Project Officer - Young People and Leisure
File No.: GRP/09/4/1/7 - BP13/171

REPORT SUMMARY

This report has been prepared as a result of the Council resolution on 16 October 2012 to seek Expressions of Interest (EOI) for the Ryde Youth Council Advisory Committee (RYC).

The EOI process was advertised widely and specific activities to engage young people in this process were undertaken. Twenty seven expressions of interest were received from young people, including late submissions after the closing date.

An initial assessment of the expressions of interest was conducted by the Community Project Officer – Young People in January 2013. A matrix of the applicants has been created and is provided (**CONFIDENTIAL – ATTACHMENT 3 – Under Separate Cover**).

Council approved special provisions in the Terms of Reference of the RYC last term, to ensure appropriate engagement of young people. The Terms of Reference are provided (ATTACHMENT 1) for Councillors' information.

RECOMMENDATION:

- (a) That Council endorse the appointment of all twenty-seven (27) young people to the Ryde Youth Council Advisory Committee.
- (b) That the Ryde Youth Council 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 Ryde Youth Council Terms of Reference - endorsed 2010
- 2 GCI Ryde Youth Council Evaluation Report 2010/12 Membership
- 3 Matrix RYC EOI membership 2013/14 term - **CONFIDENTIAL ATTACHMENT - for the information of Councillors**

ITEM 10 (continued)

Report Prepared By:

Janice Nicholson
Community Project Officer - Young People and Leisure

Report Approved By:

Baharak Sahebekhtiari
Manager - Community & Culture

Tatjana Domazet
Acting Group Manager - Community Life

ITEM 10 (continued)**Discussion**

At its meeting of the 16 October 2012, Council resolved to seek expressions of interest for the next term of membership for the RYC as per Advisory Committee process.

In accordance and 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 and the City of Ryde website from 24 October to 5 December 2012. To maximise nominations specialised strategies were used in addition to set advisory committee expression of interest process these included:

- A RYC information booklet distributed to schools and youth services and
- An advertisement in the local press
- The expression of interest timeframe was extended to be open for a month.

This method of recruitment has seen an increase in nominations from young people, from eighteen (18) expressions of interest received in 2009 to twenty seven (27) in 2012.

The RYC Terms of Reference includes a minimum membership of fourteen (14) young people; there is no maximum membership for the committee. The Terms of Reference outlines the requirement for diversity of membership amongst committee members.

The expression of interest process attracted a variety of applicants with a keen interest to actively participate in their local community and to grow as individuals as a result of their participation. During the open period for expressions of interest 26 nominations were received, an additional late submission was received on 17 January 2013. As per Council resolution (and outlined in the draft Terms of Reference), the recipient of the Young Citizen of the Year award for 2012 has been invited to join the Committee.

The recommendation that Council accept all twenty-seven (27) applicants for the committee is based on the following reasons:

- Maximising diversity within the membership in terms of age, cultural backgrounds and experience base
- To maintain reasonable participation in the two year term of the Committee. There is a drop out rate for the Youth Councillors across the two year term; the admittance of more members to the committee is one approach among others to address this issue.
- In the last term the Ryde Youth Council Advisory Committee created working parties and sub-groups to coordinate youth focused events and activities and to address specific issues. It is anticipated that this practice will continue into the new term and a greater number of Youth Councillors will assist with the number of events and activities and the variety of issues addressed.

ITEM 10 (continued)**Financial Implications**

Adoption of the recommendation will have no financial impact.

History

Among the role and responsibilities for the RYC is the coordination and support for youth activities and events. As a part of membership previous Youth Councillors have coordinated several events including Battle of the Bands as a part of National Youth Week celebrations in 2011 and 2012 and The Core, a youth specific event space as a part of the Granny Smith Festival in 2011 and 2012.

Additionally the RYC has a history of supporting other youth projects managed by local young people.

- In 2009 the RYC initialized the Ryde Youth Theatre (RYT), through supporting a committee member to establish drama workshops. The RYT is now a successful youth program for the City of Ryde and just completed their third Production.
- In 2012, RYC also supported the development of the [type] ryde. Magazine, a local youth publication created by young people, for young people. This publication was proposed by an external young person and received support from the RYC and released 6 issues in 2012.

Context

The RYC coordinates and participates in other activities to further assist and enhance Youth Councillors engagement, professional development, as well as for the benefit of the City. These activities include:

- Training – at the beginning of each term of membership training is provided around council structure, council policy and processes and standard Advisory Committee meeting procedures. Additional training will be provided from this term onwards with a focus upon the development of the Youth Councillors as individuals and how their interests and skills can be best supported and engaged to achieve outcomes for the RYC and young people in Ryde.
- Mock councils – Using reports from a previous but recent Council meeting, the RYC holds a mock meeting, replicating formal meeting and decision making processes, and also endorse particular recommendations on reports. The mock council meeting is Chaired by the Mayor and attended by ET members or representatives of Council Staff to provide further information to reports. The Governance Unit provides support to assist young people's participation and enable due process to be followed.

ITEM 10 (continued)

- RYC coordinates events and undertakes event management for National Youth week celebrations and the Core at the Granny Smith Festival

Consultation with relevant external bodies

An evaluation has occurred at the end of the most recent term (ATTACHMENT 2). RYC members were invited to provide feedback on their experience. In this evaluation and report, Youth Councillors were keen to highlight several points including:

- Youth Councillors wished for a closer connection with City of Ryde Councillors to advocate for youth issues and better understand council processes
- Request for further support and guidance for young people needed for membership to the RYC including training around leadership, emotional intelligence, change making and advocacy
- Suggestions on how the RYC should address the dwindling participation across the term. By means such as adjusting processes of the committee and changes to membership and the Terms of Reference that would better enable young people to participate and understand their commitment to the RYC

The report and evaluation process will be outlined to the new membership in the initial Advisory Committee training process and meeting.

ITEM 10 (continued)

ATTACHMENT 1

RYDE YOUTH COUNCIL TERMS OF REFERENCE

2010



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ATTACHMENT 1

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ATTACHMENT 1

1. ROLE

The primary roles of the Ryde Youth Council Advisory Committee are:

- To advocate for the needs of young people and provide a mechanism for their participation and involvement in decision making on community issues.
- To act in an advisory and consultative capacity to Council and staff on matters affecting young people in the community.
- To assist young people in developing skills in various areas including, leadership, communication, advocacy, governance and administration.

2. RESPONSIBILITIES

The Ryde Youth Council Advisory Committee is responsible for:

- Advocating, providing advice, and making recommendations to Council on matters affecting young people and the community;
- Co-ordinating, planning and implementing community activities and events, including National Youth Week;
- Identifying and initiating opportunities for participation and involvement of young people in community activity;
- Promoting community awareness of issues impacting on young people;
- Promoting positive images of young people and their achievements in the community.

3. MEMBERSHIP, ROLES AND VOTING

Membership of the Ryde Youth Council Advisory Committee comprises:

- No less than one (1) Councillor appointed annually, non voting member;
- One (1) alternate Councillor delegate, non voting member;
- Committee Facilitator;

ITEM 10 (continued)

ATTACHMENT 1

- Minimum of fourteen (14) Community Representatives aged 12 - 25.
Members must live, work, study or recreate in the City of Ryde.;
- Young people who represent organisations that service young people;
- Young people from diverse socio-economic, cultural and ethnic backgrounds;
- Individuals with specialist skills and professional interest in issues affecting young people will be contracted/ invited as required.

The Committee Facilitator will extend membership to the City of Ryde Young Citizen of the Year each February following the award being received. Upon accepting membership this young person will then be included in any activities of the Committee.

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 for a two year (or remainder thereof) term.

A member of the Ryde Youth Council may resign from membership by giving notice of not less than two (2) weeks in writing to the relevant Council representative.

Membership may be cancelled by failure to attend three (3) consecutive meetings without sufficient notification to the Council.

Council staff will be appointed and removed by the General Manager.

ITEM 10 (continued)

ATTACHMENT 1

Roles

All members of the Ryde Youth Council will agree to act within the guidelines of the Ryde Youth Council as outlined in this Terms of Reference at all times. This is to be confirmed by signing an agreement form following a briefing session on this Terms of Reference and received Code of Conduct Training.

Youth Councillor

The role of a Youth Councillor will be to:

- Attend meetings
- Actively seek views and opinions of young people and relevant issues to be brought to the notice of the Ryde Youth Council
- Contribute items of interest to the meeting agendas, by contacting the Chairperson between meetings
- Actively participate in discussions and decisions that take place at meetings
- Actively participate in various working parties and events involving the Ryde Youth Council
- Represent the views and act in the interest of all young people across the Ryde LGA
- Communicate any issues regarding Ryde Youth Council, including absences from meetings or activities with the Community Project Officer – Young people.

Councillor

The role of a Councillor will be to:

- Attend meetings
- Actively participate in discussions and decisions that take place at meetings
- Mentor, liaise and support the Ryde Youth Council and Ryde Youth Council members

ITEM 10 (continued)

ATTACHMENT 1

- Assist in the communication of ideas of Ryde Youth Council Youth Councillors to other City of Ryde Councillors.
- Communicate any issues regarding Ryde Youth Council, including absences from meetings or activities with the Community Project Officer – Young People.

Chairperson

The role of the Chairperson will be to:

- chair all meetings of the Ryde Youth Council,
- establish a purpose and agenda for each meeting,
- ensure discussion remains on point and manages time,
- encourage discussion and constructive input,
- Request agenda items for the next scheduled meeting.

The role of Chairperson shall be elected at the first meeting of the Ryde Youth Council at the beginning of a new two year term. The role of Chairperson can only be filled by a Youth Councillor.

In the event that the elected Chairperson is absent, the Ryde Youth Council shall nominate another member to chair the meeting or the Committee Facilitator will fill the role.

The Committee Facilitator in the role of Chairperson 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.

Council's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings which are not otherwise outlined in this Terms of Reference.

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ATTACHMENT 1

Public Relations Officer

The role of the Public Relations Officer will be to:

- draft media releases,
- develop strategies to promote the Ryde Youth Council,
- promote events and activities conducted by the Ryde Youth Council,
- Assist in the development of material to be placed on the Ryde Youth Council webpage.

All media and public relations conducted for the Ryde Youth Council must have prior approval granted by the Manager, Community Relations and Events and Community Project Officer – Young People.

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 co-ordinating the preparation of agendas, invitations and minutes of the Ryde Youth Council.

The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee.

The Facilitator has the right to refuse a request from a member of the public to address the Committee if it is deemed more appropriate for that person to address a formal Council or Committee meeting.

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

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ATTACHMENT 1

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

For a valid meeting to occur, a quorum of '50% plus one' must be in attendance. No decisions can be made at a meeting with less than this number of members present.

4. MEETINGS

Meeting Schedule and Procedures

Meetings are to be held bi-monthly from 5:30pm to 7:00pm or as agreed by members.

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.

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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 & 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.

Minutes will be completed within 2 weeks of the Committee meeting and then reported in the Councillor's Information Bulletin.

All agendas shall be published on Council's website within 5 days of completion. All minutes shall be published on Council's website within 5 days of adoption by Council.

Minutes may be referred or a report may be prepared for Council's consideration where the Committee suggests an action (or actions) which staff cannot carry out within existing delegations.

The minutes will be reported directly to the following City of Ryde staff:

- Manager – Community + Culture
- Senior Community Planner

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ATTACHMENT 1

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.

7. REVIEW

A review of the Advisory Committee and Terms of Reference will occur following the end of the two year term.

ITEM 10 (continued)

ATTACHMENT 2

APPENDIX ONE

**RYC INFORMED CONSENT TO PARTICIPATE IN THE EVALUATION
and brief introduction of methodology to participants**

ITEM 10 (continued)

ATTACHMENT 2

CITY OF RYDE YOUTH COUNCIL EVALUATION

The City of Ryde has partnered with GCI to design, conduct and report on an evaluation of the Youth Council, and to develop and facilitate, GCI Service Leadership Training for the Council. Training/evaluation dates are now: June 6; June 17; July 29.

Purpose & Methodology

June 6 will focus on the evaluation. Data will be gathered through questionnaire and survey forms, supported by group discussions. This approach is to ensure *your voice* is independently accurately and as comprehensively as possible included in the review.

The information you provide will help to inform future directions: Youth Council Terms of Reference, goals; recruitment, practices/events, report/monitoring and training.

The questionnaire and survey forms you will be asked to complete have been designed after observing processes and interactions in two Youth Council meetings; three in-depth review meetings with the Youth Council manager; and analysis of documents: City of Ryde 2021 strategic plan; Youth Council Terms of Reference; and a summary of your membership applications. GCI has a strong understanding of the local culture: it has worked with Council since January to deliver a leadership event across multiple schools, and worked as a volunteer to help strengthen the City since 2009.

The Youth Council evaluation forms and processes aim to collect information about:

- * your Youth Council experience; views about your successes and challenges
- * demographic background of participants
- * the utility and value of the current Youth Council Terms of Reference
- * a guide to potential self-assessment material
- * baseline of service leadership understanding
- * your recommendations for future Youth Council structure and membership especially as they pertain to delivery of the 2021 Strategic Plan.

We value your contribution to this process. Council also supports this opportunity to use your voice, in keeping with its commitment to be a City of Progressive Leadership, where you feel empowered to engage and your voice helps to shape the City.

Confidentiality & Guiding Principles (ethical standards)

It is not necessary to identify your name on any form. The choice is yours. All forms will remain the property of GCI. The report GCI delivers to the Council will not identify any Youth Council member. Unless that is, you ask to have your name linked with a comment. Age groupings are necessary to inform training/practice requirements. In order to collate data across evaluation topics, each member will be given a random (confidential) number, which is important for you to record on each form you complete.

When gathering feedback from large and small group discussions, the Youth Manager has offered, if you require, to leave the room. If you prefer not to be identified as making this (potentially sensitive) request, please make the request to the Youth Council Chair (if preferred, in writing, anonymously). The Chair will inform GCI.

GCI uses the American Evaluation Association, Guiding Principles for Evaluators (2004) which can be found on its website: www.eval.org. Please feel free to ask any question that arises for you - There is no such thing as an irrelevant question or view.

ITEM 10 (continued)

ATTACHMENT 2

APPENDIX TWO

EVENTS EVALUATION SURVEY DATA SUMMARY

ITEM 10 (continued)

ATTACHMENT 2

The key findings from the Evaluation Survey Form indicates that:

1). Through RYC engagement in events members:

Felt 'Connected' to their Community

2). RYC members felt this way primarily because:

They 'engaged directly' with the community and saw impact or received feedback.

Illustrating quote summary:

"Direct interaction with members of community and actually seeing how it helped".

3). RYC members know and feel the community values their input at events when:

They get feedback from the community and they encourage (respond to) them.

Illustrating quote summary:

"When they [community] are interested, emotive and want to know more and it makes me feel valued and helpful".

"Because people communicate praise. [I] felt empowered and a sense of ownership over what I had achieved."

4). Event responsibilities respondents indicate experiencing (quote summary):

"Managing; co-ordinating; organizing or facilitating various event activities; doing graphics design; doing volunteer work assisting with event set-up and pack-up; acting as a greeter; doing photography"

5). All respondents report feeling 'Empowered' through their event engagement.

6). One out of six respondents reported having to 'take any risks to use their voice in a new way'

7). All respondents report using their own talents in their event engagement.

ITEM 10 (continued)

ATTACHMENT 2

8). Lessons from their event engagement are summarized in member feedback:

Focus on organizing/planning; it expands People skills and teaches Council processes

Illustrating quote summary:

"I learnt how to connect with different people, how to manage time efficiently, meet and set deadlines, work with others, and work according to Council processes".

9). Respondents have changed as a result of what they learned in different ways.

*Due to the importance that the City of Ryde places on developing a strong Learning Culture in the city, the range of responses about what RYC members learnt is shown across multiple quotes:

Illustrating quote summaries:

"I have been getting better results at school"

"[I am now] more responsible, trustworthy, reliable, efficient and confident."

"It changed my view of how to help others".

"[I am now] more cautious signing up to responsibilities; more willing to take a leadership role for the good of the group".

"I have become more resilient to set backs and strong through adversity".

10). Competing perspectives arose to the question about how the Community changed because of the RYC actions.

Illustrating quote summary:

"They have come together and were able to enjoy something as a group; greater engagement".

In complete contrast, another member said:

"I don't know if the Community has changed".

ITEM 10 (continued)

ATTACHMENT 2

11). The Similarities RYC members most reported experiencing through their community engagement were:

Age related similarities; cultural related similarities; interest related activities.

Illustrating quote summary:

"We all belonged to the same age group and have the same perceptions and same interests."

12). Most respondents indicated their community event experience was different from what they expected because:

They experienced more stress, responsibilities or difficulties than anticipated.

Illustrating quote summary:

"The event organization took a lot more running back and forth/ emailing back and forth, the organization on the day was hard work, things don't always go to plan, you can rely on your team."

13). When asked what they would do differently in the future:

Most RYC respondents will be more prepared; give it more time; take more responsibility, and help others more.

Illustrating quote summary:

"Establish clear leader; give people greater support with their individual tasks; spend more time on the vision."

In complete contrast just one respondent said they would:

"Definitely kick back a little more and enjoy the event instead of worrying."

14). In response to the question if their participation improved their sense of team connection, on a scale of 1-10: 3 gave a rating of 9; 1 x 8; & 2 gave a rating of 7.

PRECIS OF CORRESPONDENCE

1 MACQUARIE PARK TASKFORCE - CESSATION

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/09/6/5 - BP13/267

CORRESPONDENCE:

Submitting correspondence from the Hon Greg Pearce MLC – Minister for Finance and Services, Minister for the Illawarra, dated 30 January 2013, regarding the Macquarie Park Taskforce cessation.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Macquarie Park Taskforce

Report Prepared By:

Sandra Warbrick
Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson
Group Manager - Environment & Planning

ITEM 1 (continued)

ATTACHMENT 1



The Hon Greg Pearce MLC
Minister for Finance and Services
Minister for the Illawarra

Ref: MC13/11

Councillor Ivan Fetch
Mayor
City of Ryde Council
PO Box 2069
NORTH RYDE NSW 1670

Dear Mayor

I refer to Council's participation on the Macquarie Park Taskforce which considered the optimal use of NSW Government and other landholdings at Macquarie Park.

The Taskforce met six times and provided a valuable opportunity for stakeholders to collaborate on opportunities in this much needed growth area of New South Wales.

I understand the Department of Planning and Infrastructure notified Council that the Herring Road and North Ryde Station precincts have been designated as Urban Activation Precincts. The Herring Road precinct encompasses the Ivanhoe Estate. I further understand the Department of Planning and Infrastructure have established a working party to undertake further planning studies and investigations.

The advent of the Urban Activation Precincts, in combination with other planning initiatives, means that all land within the corridor is now encompassed within significant and appropriate planning processes. As such, it is now appropriate for the cessation of the Taskforce following its meeting on 12 December 2012.

I take this opportunity to thank you for your representative's invaluable contribution to the work of the Taskforce as they have been a very useful resource in advancing planning for the Macquarie Park corridor.

Notwithstanding the cessation of the Taskforce, you can be assured the Land and Housing Corporation will continue to engage with the community at Ivanhoe Place to ensure the community is kept informed and is consulted with future planning processes.

Should you require further information, please contact Mr Nigel Sharpe, NSW Land and Housing Corporation on telephone 9268 3566 or email nigel.sharpe@services.nsw.gov.au.

Yours sincerely



Greg Pearce MLC
Minister for Finance and Services
Minister for the Illawarra

3.5.17 2.17

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: LEGAL COSTS FOR THE SUPREME COURT INJUNCTION - Councillor Bill Pickering

File Number: CLM/13/1/4/6 - BP13/174

Council at its meeting on 12 February 2013 resolved that the matter be deferred to the meeting to be held on 12 March 2013.

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.

2 DEFERRED NOTICE OF MOTION - REVIEW OF COUNCIL'S EXISTING PREFERRED SUPPLIER LIST - Councillor Jeff Salvestro-Martin

File Number: CLM/13/1/4/6 - BP13/352

Council at its meeting on 26 February 2013 resolved that the matter be deferred to the meeting to be held on 12 March 2013.

MOTION:

That the General Manager prepare a report that provides Council with sufficient detail necessary to conduct a review of Council's existing Preferred Supplier List.

3 LOGISTICAL AND ORGANISATIONAL CAPACITY FOR COUNCIL CUSTOMER SERVICE CENTRE AT TOP RYDE CITY - Councillor Craig Chung

File Number: CLM/13/1/4/6 - BP13/284

MOTION:

That the Acting General Manager prepare a report detailing the logistical and organisational capacity to convert the existing Planning Service Centre at Top Ryde City to a Council Customer Service Centre including:

1. Costs associated with such a change with no additional staff employment
2. Workspace capacity to move some planning staff back to the Civic Centre
3. IT capacity to offer the full range of services offered at the Civic Centre
4. The community benefits to such a change
5. Any other relevant matter associated with such a change

4 CUSTOMER SERVICE CENTRES - Councillor Craig Chung

File Number: CLM/13/1/4/6 - BP13/285

MOTION:

That the Acting General Manager prepare a report identifying:

1. Existing public interface locations that can be utilised as Customer Service Centres
2. Costs associated with converting existing locations to Customer Service Centres
3. Organisational impediments to such changes
4. Community benefits of such changes
5. Any other relevant information associated with such a change

5 SMOKING IN PUBLIC PLACES - Councillor Roy Maggio

File Number: CLM/13/1/4/6 - BP13/322

MOTION:

- (a) That the Council notes the changes to N.S.W. Government legislation in relation to smoking in public places that became effective on January 7th. 2013.
- (b) That the Council notes that while the legislation makes it an offense to smoke at railway stations and bus/coach stops the State government is limiting the installation of signage to railway stations only and is referring the installation of signage at bus/coach stops onto local government.
- (c) That Council considers in the very near future the installation of no smoking signs at the most heavily utilized bus/coach stops and that it be further noted that these signs could be easily affixed to the existing bus stop pole signs which face the roadway in such a way that the new signs face the pavement to reduce cost and minimize visual pollution; and
- (d) That Council notes that while the new legislation has been aimed at public health it has the added advantage for this Council of reducing the debris at bus/coach stops and hence the cost to Council of cleaning it up
- (e) That council submits a motion to the 2013 National General Assembly of Local Government
- (f) That council staff be provided with the authority to enforce non – smoking provisions on public land through the necessary changes to the State and Federal Legislation.
- (g) That a report be issued to council outlining the new legislation through the CIB and broad vantage to all councillors.

**6 OPTION TO RECIEVE RATES NOTICES ELECTRONICALLY (E-NOTICE) -
Councillor Roy Maggio**

File Number: CLM/13/1/4/6 - BP13/323

MOTION:

That the Acting General Manager investigate and provide a report back to Council in providing City of Ryde ratepayers with the option to receive their rate notices electronically (e-notice) and to encourage the ratepayers to receive their notices electronically in lieu of paper-based rates notices., therefore further enhancing City of Ryde's sustainability credentials.

This report should include :

- Financial impact of this proposal including initial set up costs as well as cost savings with providing paperless rates notices
- Environmental benefits of such a proposal
- The benefits to ratepayers and the City of Ryde in rates notices being delivered electronically
- A communication plan to inform and encourage ratepayers to receive rate notices electronically
- Any other matters which may inform the Council better about the provision of e-notices being utilized throughout the organisation

7 BOOM GATES AT COUNCIL CAR PARKS - Deputy Mayor Justin Li

File Number: CLM/13/1/4/6 - BP13/328

MOTION:

To incentivise self-regulated turnover of parking spots, Council investigates and consults with the local community and businesses on the merits and feasibility of installing boom gates at major/busy Council car parking lots which will preserve all existing free parking hours but will collect a fee for parking additional hours. The report is to consider the benefits of alleviating the need for Rangers to enforce parking time limits if such boom gates are installed, and redeploy those resources to other areas (eg illegal dumping).

8 WOMEN'S ADVISORY COMMITTEE - Councillor Denise Pendleton

File Number: CLM/13/1/4/6 - BP13/330

MOTION:

That Council welcome the following representatives onto the Women's Advisory Committee:

- Ms Agnes Shim, President of the Sydney Korean Women's Association
- Ms Ivy Pang, Committee member of Eastwood Chinese Senior Citizens Club.

9 OMBUDSMAN SYSTEM - Councillor Denise Pendleton

File Number: CLM/13/1/4/6 - BP13/339

MOTION:

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

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

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

**10 HOUSING OF ASYLUM SEEKERS AT MACQUARIE UNIVERSITY -
Councillor Bill Pickering**

File Number: CLM/13/1/4/6 - BP13/340

MOTION:

- (a) That the City of Ryde write to the Vice Chancellor of Macquarie University and the Federal Minister for Immigration, Brendan O'Connor, to confirm the accuracy or otherwise of media reports that the University was being used to accommodate asylum seekers on Campus.
- (b) That, if this is the case, Council expresses strong opposition to this practice particularly given the already acute shortage of on-campus student accommodation that has caused major community concerns with the proliferation of illegal boarding houses in surrounding suburbs.
- (c) That the City of Ryde also express its dissatisfaction with the Federal Government and the University for failing to inform the Council and the residents of Ryde about this practice (if media reports are accurate).

**11 SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES -
Councillor Bill Pickering**

File Number: CLM/13/1/4/6 - BP13/341

MOTION:

- (a) That the Acting General Manager provide a report including recommendations on improving relations and feedback from small business operators who are leasing properties from the City of Ryde.
- (b) That this report include matters pertaining (but not limited) to:
 - Possible consultation frameworks;
 - Improving commercial leasing terms including 'options' to extend a lease after expiry; and
 - Feedback channels for suggestions that include improvements or enhancements to council properties.

12 AMENITY BUILDING AT MEADOWBANK PARK - Councillor Roy Maggio

File Number: CLM/13/1/4/6 - BP13/345

MOTION:

- (a) That Council be directed to undertake to re-paint the exterior and interior of the amenity building at Meadowbank Park that is used by ERNA in time for the start of the netball season and prior the ceremony of the newly named Norma Woods Netball Courts .
- (b) That council facilitate a meeting with ERNA immediately to discuss financial assistance contributing funds to the painting of the amenity building.
- (c) That council review the leasing arrangement with ERNA to determine if any financial assistance has been made supporting this project
- (d) That council allocate funds in the 2013/14 budget to implement this project if the above is not possible due to time constraints.

13 PLANNING WHITE PAPER - Councillor Jerome Laxale

File Number: CLM/13/1/4/6 - BP13/373

MOTION:

That Council resolve to:

- (a) Hold one or more community workshop(s) on the NSW Planning White Paper, following its expected release in March 2013.
- (b) Conduct any such workshop(s) within one month after the release of the White Paper, in order to inform our local community about the proposals contained within the White paper and provide an opportunity for Council staff and Councillors to hear community views on these proposals.