

7 NOVEMBER 2013

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## NOTICE OF MEETING

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You are advised of the following meeting:

**TUESDAY 12 NOVEMBER 2013.**

**Meeting of Council Meeting No. 23/13**

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

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

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

## NOTICE OF BUSINESS

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**MM31/13 YOUTH SUMMIT DURING YOUTH WEEK - The Mayor,  
Councillor Roy Maggio****File Number: MYR/07/10/20 - BP13/1392**

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Young people are the future leaders of our City and we are fortunate to have an active cohort of young people who work hard to give back to the community.

Council supports the development of leadership potential in young people through its Youth Council, Ryde Youth Theatre and various other projects in partnership with schools, clubs, businesses and not for profit organisations.

Council has also in the last two years recognised Global Youth Services Day. GYSD is the largest youth engagement event in the world, run annually in 135 nations. GYSD supports children and young people to take action in their local/global community as problem solvers. It supports our young citizens to address something important to them and the community. It also promotes the positive impact children and young people have in the community today and celebrates their contribution.

To ensure that Council and other key organisations, businesses and schools can hear directly from young people about their aspirations and ideas for the City, their needs from the service network and to help connect and equip our young people with the leadership skills they require to put their interests into action, I propose that Council host a Youth Summit and again celebrate GYSD during National Youth Week in 2014.

I sought the views of the Youth Council at their last meeting and the youth councillors agreed that this initiative would benefit young people.

The Youth Summit and the Global Youth Service Day celebrations during Youth Week in 2014 will be organised by staff in conjunction with the Youth Council and costs associated with this activity will be covered in the budget allocated to Youth Week activities.

**RECOMMENDATION:**

- (a) That Council host a Youth Summit and again celebrate the Global Youth Service Day during Youth Week in 2014.
- (b) That the outcomes of the Youth Summit be reported to Council after the event.
- (c) That Council recognise its leadership role to deliver Global Youth Service Day in Australia.
- (d) That Council recognise that support for Global Youth Service Day positions the City of Ryde as the first in the nation to annually promote global youth engagement and the role children and young people play in the local/global community as valued and engaged citizens.



**MM31/13 (continued)**

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Councillor Roy Maggio**  
**Mayor**

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**1 CONFIRMATION OF MINUTES - Council Meeting held on 22 October 2013**

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**Report prepared by:** Meeting Support Coordinator**File No.:** CLM/13/1/4/2 - BP13/1567

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**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 22/13, held on 22 October 2013 be confirmed.

**ATTACHMENTS**

- 1 Minutes - Ordinary Council Meeting - 22 October 2013

**ITEM 1 (continued)**

**ATTACHMENT 1**

Council Meeting  
**MINUTES OF MEETING NO. 22/13**

**Meeting Date:** Tuesday 22 October 2013

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

**Time:** 7.30pm

**Councillors Present:** The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Pendleton, Perram, Petch, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at the meeting at 8.01pm during Public Participation. He left the meeting at 9.33pm and was not present for consideration of Mayoral Minute 25/13, Mayoral Minute 27/13, Mayoral Minute 29/13, Mayoral Minute 30/13, Items 1, 2, 7, 8, 9, 10, 12, 13, 14, 15, 16, Precis of Correspondence 1, Notice of Motion 1, Notice of Motion 2, Notice of Rescission 1, Items 17, 18 and 19.

Note: Councillor Petch left the meeting at 9.05pm and was not present for consideration of Mayoral Minute 25/13, Mayoral Minute 27/13, Mayoral Minute 29/13, Mayoral Minute 30/13, Items 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Precis of Correspondence 1, Notice of Motion 1, Notice of Motion 2, Notice of Rescission 1, Items 17, 18 and 19.

Note: Councillor Perram left the meeting at 11.00pm and was not present for consideration of Item 19.

**Apologies:** Councillor Li.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Risk and Audit, Manager – Asset Systems, Manager – Environment, Acting Manager – Urban Planning, Manager – Communications and Media, Manager – Project Development, Section Manager – Open Space Planning and Assets, Coordinator – Digital Communications and Meeting Support Coordinator.

**PRAYER**

Reverend Sue Willis of the St Anne's Anglican Church, Ryde was present and offered prayer prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Mayoral Minute 28/13 – SES – Wear Orange to Work Day and Recognition of Keiran and Di Gibson for the reason that he is a volunteer member of SES.

**ITEM 1 (continued)**

**ATTACHMENT 1**

Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in Item 3(2) - Adoption of the Brush Farm and Lambert Park Masterplan and Archaeological Management Plan for the reason that for a number of years up to about the mid 1990's he was a member of the Brush Farm Park Preservation Group and undertook volunteer bush regeneration in the Park.

Councillor Salvestro-Marting disclosed a Less than Significant Non-Pecuniary Interest in Item 6 – Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results of Community Consultation for the reason that the affected parties are known to him.

Councillor Petch disclosed a Pecuniary Interest in Notice of Motion 1 - Extension to Time Limit for Submitting Councillor Reimbursement Claims for the reason that he would be a beneficiary of the Notice of Motion.

The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Notice of Rescission 1 – Code of Conduct for the reason that he is a person involved in the matter.

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Item 18 – Advice on Court Actions for the reason that he has held negotiations with one of the parties in his time as a union official.

Councillor Perram disclosed a Significant Non-Pecuniary Interest in Item 19 – ICAC Operation Cavill - Submission for the reason that he is a subject to an allegation made by ICAC.

**PRESENTATION OF AUSTRALIAN INSTITUTE OF PROJECT MANAGEMENT AWARD**

George Dedes, Group Manager – Public Works, Fiona Morrison – Section Manager – Open Space Planning and Assets and Peter Nguyen, Manager – Project Development presented the Mayor, Councillor Maggio with the 2013 National Project Management Achievement Award. The Award was won for national industry recognition for best practice in project management for Livvi's Place All-Inclusive Playground at Yamble Reserve.

**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
Martin Chung (on behalf of Deepak Thite, Neil Thomas and Block 17 Cottonwood Crescent, Macquarie Park)	<b>Item 6</b> - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
Warren Smith (on behalf of NSW State Emergency Service Ryde Unit)	<b>MM28/13</b> – SES – Wear Orange to Work Day and Recognition of Keiran and Di Gibson

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>Name</b>	<b>Topic</b>
Tim Flett (on behalf of Pirasta Pty Ltd)	<b>Item 6</b> - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
Neil Thomas	<b>Item 6</b> - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
Deepak Thite (on behalf of Neil Thomas and Martin Chung)	<b>Item 6</b> - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
John Fryer	<b>MM26/13</b> - Updating of Mayoral Robes

**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

**RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

That those speakers who submitted requests to address Council on Item 3 - Report of the Works and Community Committee Meeting 15/13 held on 15 October 2013, be allowed to address the meeting, the time being 7.57pm.

**Record of Voting:**

For the Motion: Unanimous

**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following person addressed the Council:

<b>Name</b>	<b>Topic</b>
Jennie Minifie (on behalf of Ryde Community Alliance)	<b>Item 3</b> - Report of the Works and Community Committee Meeting 15/13 Held on 15 October 2013 <b>Item 11</b> - Options For Heritage Listing of Ryde Civic Centre Site

**ORDER OF BUSINESS**

**RESOLUTION:** (Moved by Councillors Chung and Petch)

That Council now consider the following Items, the time being 8.04pm:

- Mayoral Minute 26/13 – Updating of Mayoral Robes.
- Mayoral Minute 28/13 – SES – Wear Orange to Work Day and Recognition of Keiran and Di Gibson.
- Item 3 – Report of the Works and Community Committee Meeting 15/13 held on 15 October 2013.
- Item 6 – Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results of Community Consultation.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- Item 11 – Options For Heritage Listing of Ryde Civic Centre Site.
- Item 4 – 2012/2013 Financial Statements.
- Item 5 – Investment Report - September 2013.

**Record of Voting:**

For the Motion: Unanimous

**MAYORAL MINUTES**

**MM26/13 UPDATING OF MAYORAL ROBES – The Mayor, Councillor Roy Maggio**

Note: John Fryer addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Pickering)

- (a) That the Acting General Manager be delegated authority to obtain the necessary quotations in accordance with Council's Procurement Policy for the purchase of new Mayoral Robes and preservation of the current robes for display in the Mayoral Suite.
- (b) That Council allocate the amount of \$4,500.00 from working capital for the purpose of the purchase of new Mayoral Robes and preservation of the current robes for display in the Mayoral Suite and that the amount also be consolidated into the next Quarterly Review.

**Record of Voting:**

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Laxale, Pendleton, Petch, Perram and Simon

**MM28/13 SES - WEAR ORANGE TO WORK DAY AND RECOGNITION OF KEIRAN AND DI GIBSON – The Mayor, Councillor Roy Maggio**

Note: Warren Smith (on behalf of NSW State Emergency Service Ryde Unit) addressed the meeting in relation to this Item.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a volunteer member of the SES.

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Yedelian OAM)

- (a) That the contribution made by Keiran and Di Gibson to the local community through their participation in the Ryde SES be acknowledged by Council at the reception to be held for Ryde SES Volunteers on 13 November 2013.

**ITEM 1 (continued)**

**ATTACHMENT 1**

(b) That on 13 November 2013 a SES flag is to be flown at the Ryde Civic Centre.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 15/13 held on 15 October 2013**

**RESOLUTION:** (Moved by Councillors Perram and Petch)

That Council determine Items 2 and 4 of the Works and Community Committee report 15/13 held on 15 October 2013, noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**2 ADOPTION OF THE BRUSH FARM AND LAMBERT PARK MASTERPLAN AND ARCHAEOLOGICAL MANAGEMENT PLAN**

Note: Jennie Minifie (on behalf of Ryde Community Alliance) addressed the meeting in relation to this Item.

Note: A document provided by Jennie Minifie dated 21 October 2013 was circulated in relation to this matter and a copy is ON FILE.

Note: Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that for a number of years up to about the mid 1990's he was a member of the Brush Farm Park Preservation Group and undertook volunteer bush regeneration in the Park.

**RESOLUTION:** (Moved by Councillors Perram and Simon)

- (a) That Council receive and note the Council officer's report.
- (b) That Council take no further action in relation to the Masterplan and Archaeological Management Plan.
- (c) That Council make no alteration to Brush Farm Park and Lambert Park with regard to enhancing or maintaining the view corridor from Brush Farm House.
- (d) That Council investigate alternative parking arrangements to accommodate the netball patrons.
- (e) That the alternative plan for parking be presented to a future Works and Community Committee.



**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

**4 STORMWATER ASSET REPLACEMENT PROGRAM - 2013/14 - ADJUSTMENTS**

**RESOLUTION:** (Moved by Councillors Perram and Pendleton)

That Stormwater Asset Replacement Renewal Program listings for 2013/14 be adjusted as follows:

- (a) Bring forward Shaftsbury Road to 2013/14;
- (b) Defer Twin Road/Badajoz Road to 2014/15;
- (c) Defer Anthony Road to 2014/15;
- (d) Council allocate the amount of \$302,000 (\$152,000 + \$150,000) from the Stormwater Management Service Charge Reserve for the purpose of completing the Fourth Avenue Drainage and Champion Road stormwater renewals.

**Record of Voting:**

For the Motion: Unanimous

**6 DRAFT RYDE LEP 2013 (AMENDMENT 1) - MACQUARIE PARK CORRIDOR - RESULTS OF COMMUNITY CONSULTATION**

Note: Martin Chung (on behalf of Deepak Thite, Neil Thomas and Block 17 Cottonwood Crescent, Macquarie Park), Tim Flett (on behalf of Pirasta Pty Ltd), Neil Thomas and Deepak Thite (on behalf of Neil Thomas and Martin Chung) addressed the meeting in relation to this Item.

Note: Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the affected parties are known to him.

Note: Councillor Salvestro-Martin left the meeting at 8.47pm and was not present for consideration or voting on this Item.

**MOTION:** (Moved by Councillors Pendleton and Perram)

That this matter be referred to a General Purposes Committee on Tuesday, 29 October 2013 for further discussion and consideration.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**AMENDMENT:** (Moved by Councillors Chung and Pickering)

- (a) That Council adopt draft Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor, with an amendment to delete Part 1 of Schedule 1 – Amendment of Ryde Local Environmental Plan 2013 - Clause 4.6 – Exceptions to Development Standards from the written instrument.
- (b) That Council forward to the Department of Planning and Infrastructure *Draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor* - as amended - requesting that the Minister make the plan.
- (c) That Council prepare an amendment to draft Ryde Development Control Plan 2011 - Part 4.5 Macquarie Park Corridor consequential to the introduction of draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor and that proposed amended Draft DCP is reported to Council.
- (d) That Council adopt the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans contained within Attachment 2.
- (e) That, Council undertake a review of the impacts of the Herring Road Urban Activation Precinct (UAP) on the provision of infrastructure as identified by the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans and proposed to be funded by planning incentives in *Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor*. The cost of the review will be up to \$20,000 and is to be funded from the existing 2013/14 budget allocated to the Macquarie Park DCP project in Council's Four Year Delivery Plan.
- (f) That Council endorse the establishment of a Macquarie Park Infrastructure Reserve, which holds funds received under the Macquarie Park Infrastructure Scheme for the purpose of delivering Infrastructure in the Macquarie Park Corridor.

On being put to the Meeting, the voting on the Amendment was six (6) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Pickering and Yedelian OAM

Against the Amendment: Councillors Pendleton, Perram, Petch and Simon

**RESOLUTION:** (Moved by Councillors Chung and Pickering)

- (a) That Council adopt draft Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor, with an amendment to delete Part 1 of Schedule 1 – Amendment of Ryde Local Environmental Plan 2013 - Clause 4.6 – Exceptions to Development Standards from the written instrument.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (b) That Council forward to the Department of Planning and Infrastructure *Draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor* - as amended - requesting that the Minister make the plan.
- (c) That Council prepare an amendment to draft Ryde Development Control Plan 2011 - Part 4.5 Macquarie Park Corridor consequential to the introduction of draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor and that proposed amended Draft DCP is reported to Council.
- (d) That Council adopt the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans contained within Attachment 2.
- (e) That, Council undertake a review of the impacts of the Herring Road Urban Activation Precinct (UAP) on the provision of infrastructure as identified by the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans and proposed to be funded by planning incentives in *Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor*. The cost of the review will be up to \$20,000 and is to be funded from the existing 2013/14 budget allocated to the Macquarie Park DCP project in Council's Four Year Delivery Plan.
- (f) That Council endorse the establishment of a Macquarie Park Infrastructure Reserve, which holds funds received under the Macquarie Park Infrastructure Scheme for the purpose of delivering Infrastructure in the Macquarie Park Corridor.

**Record of Voting:**

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

Against the Motion: Councillors Pendleton and Perram

Note: Councillor Petch left the meeting at 9.05pm and did not return.

Note: Councillor Salvestro-Martin returned to the meeting at 9.06pm.

**11 OPTIONS FOR HERITAGE LISTING OF RYDE CIVIC CENTRE SITE**

Note: Jennie Minifie (on behalf of Ryde Community Alliance) addressed the meeting in relation to this Item.

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

**MOTION:** (Moved by Councillors Pendleton and Simon)

- (a) That Council note the recommendation of the Heritage Advisory Committee to undertake a heritage assessment of the Ryde Civic Centre.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (b) That Council has committed \$4.85M on the Civic Centre refurbishment.

**AMENDMENT:** (Moved by Councillors Chung and Pickering)

- (a) That Council note the recommendation of the Heritage Advisory Committee to undertake a heritage assessment of the Ryde Civic Centre.
- (b) That Council not undertake a heritage assessment of the Ryde Civic Centre for the following reasons:
- (i) The Ryde Civic Centre is not under threat of demolition and council is expending up to \$4.85M on its maintenance.
  - (ii) The Civic Centre was not identified for listing in either of the two comprehensive city wide heritage studies undertaken by the City of Ryde. The city wide heritage studies considered all sites in the city.

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

**Record of Voting:**

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

Against the Amendment: Councillors Laxale, Pendleton, Perram, Salvestro-Martin and Simon

**RESOLUTION:** (Moved by Councillors Chung and Pickering)

- (a) That Council note the recommendation of the Heritage Advisory Committee to undertake a heritage assessment of the Ryde Civic Centre.
- (b) That Council not undertake a heritage assessment of the Ryde Civic Centre for the following reasons:
- (i) The Ryde Civic Centre is not under threat of demolition and council is expending up to \$4.85M on its maintenance.
  - (ii) The Civic Centre was not identified for listing in either of the two comprehensive city wide heritage studies undertaken by the City of Ryde. The city wide heritage studies considered all sites in the city.

**Record of Voting:**

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

Against the Motion: Councillors Pendleton, Salvestro-Martin and Simon

**ITEM 1 (continued)**

**ATTACHMENT 1**

**4 2012/2013 FINANCIAL STATEMENTS**

Note: A presentation was provided to the meeting by Council's Chief Financial Officer.

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

**RESOLUTION:** (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That in accordance with Section 419 of the Local Government Act, Council receive and note the Auditors Reports on the 2012/2013 Annual Financial Statements for the year ended 30 June 2013.
- (b) That any public submissions on the 2012/2013 Financial Reports be referred to Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants.
- (c) That Council suspend standing orders to allow a presentation by Council's staff and any comments by or questions of the external auditor, Hill Rogers Spencer Steer or members of the Audit Committee, in respect of the 2012/2013 Financial Statements including the Auditor's Reports.
- (d) That the contributions of the relevant staff and the members of the Audit and Risk committee and Councils external auditors in relation to the 2012/13 Financial statements be thanked.

**Record of Voting:**

For the Motion: Unanimous

**5 INVESTMENT REPORT - September 2013**

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

**RESOLUTION:** (Moved by Councillors Etmekdjian and Pickering)

That Council endorse the report of the Chief Financial Officer dated 8 October 2013 on Investment Report – September 2013.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Salvestro-Martin left the meeting at 9.33pm and did not return.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**MAYORAL MINUTES**

**MM25/13 PHOTOBOARD OF MAYOR AND COUNCILLORS – The Mayor,  
Councillor Roy Maggio**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Yedelian OAM)

- (a) That the Acting General Manager be delegated authority to arrange the implementation of a photoboard display of the Mayor and Councillors in the foyer of Level 6 Civic Centre.
- (b) That the photoboard be designed to allow it to be updated on the election of each new Council.

**Record of Voting:**

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

Against the Motion: Councillors Laxale, Pendleton, Perram and Simon

**MM26/13 UPDATING OF MAYORAL ROBES – The Mayor, Councillor Roy  
Maggio**

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

**MM27/13 KOREAN FLAG RAISING EVENT – 29 OCTOBER 2013 – The Mayor,  
Councillor Roy Maggio**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Pickering)

That Council host a small scale flag raising event on Tuesday, 29 October 2013 to mark Korean Week.

**Record of Voting:**

For the Motion: Unanimous

**MM28/13 SES - WEAR ORANGE TO WORK DAY AND RECOGNITION OF  
KEIRAN AND DI GIBSON – The Mayor, Councillor Roy Maggio**

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**MM29/13 UPDATE ON NSROC / SHOROC DISCUSSIONS – The Mayor,  
Councillor Roy Maggio**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Pickering)

That Council note and endorse the actions being taken in exploring options between the member Councils of NSROC and SHOROC.

**Record of Voting:**

For the Motion: Unanimous

**MM30/13 MAYOR'S BUSHFIRE APPEAL – The Mayor, Councillor Roy Maggio**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Pickering)

- (a) That Council endorse the Mayor's Bushfire Appeal and delegate the Acting General Manager to undertake the necessary action to establish the Appeal and the collection of donations.
- (b) That Council allocate \$5,000 as its contribution to initiate this Appeal.
- (c) That Council promote the Mayor's Bushfire Appeal through local newspapers, the Mayor's Community Message and social media.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 8 October 2013**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Etmekdjian and Simon)

That the Minutes of the Council Meeting 21/13, held on 8 October 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous



**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 15/13 held on 15 October 2013**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

Note: Councillor Simon left the meeting at 9.53pm and was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Chung and Yedelian OAM)

That Council note that all Items of the Planning and Environment Committee Meeting 15/13 held on 15 October 2013 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 15/13 held on 15 October 2013**

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

**4 2012/2013 FINANCIAL STATEMENTS**

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

**5 INVESTMENT REPORT – September 2013**

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

**6 DRAFT RYDE LEP 2013 (AMENDMENT 1) – MACQUARIE PARK CORRIDOR – RESULTS OF COMMUNITY CONSULTATION**

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

**7 DISCLOSURE OF INTEREST RETURNS - 2012-2013**

Note: Councillors Petch, Salvestro-Martin and Simon were not present for consideration or voting on this Item.

Note: The Register of Disclosure of Pecuniary Interest Returns was tabled and a copy is ON FILE.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pendleton)

- (a) That the Register of Disclosure of Pecuniary Interest Returns, as required under Section 450A of the *Local Government Act*, is tabled.
- (b) That the Division of Local Government is provided with a copy of this report.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Simon returned to the meeting at 9.55pm.

**8 EXECUTIVE CERTIFICATE FOR ELECTED MEMBERS - Sydney 2013 and Coffs Harbour 2014**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Chung)

That Council note the Executive Certificate for Elected Members course which is a five day course held in Sydney between November and December 2013 and Coffs Harbour between February to March 2014.

**Record of Voting:**

For the Motion: Unanimous

**9 DEBT ADMINISTRATION POLICY - Review of Hardship Policy**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council revokes the Rates Recovery and Hardship Policy last adopted by Council in February 2009, noting that the former provisions regarding rates recovery and hardship are maintained in the revised policy as **ATTACHED**.
- (b) That Council adopts the **ATTACHED** Debt Administration Policy and Debt Administration Procedures.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

**10 DEVELOPING MACQUARIE PARK CBD- SUSTAINABLE TRANSPORT SOLUTIONS - Personal Mobility Devices Trial**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That Council endorses the Pilot Trial of PMD at Macquarie University Report as **ATTACHED** to this report.
- (b) That Council provides in principle support to participate in further phases of the process to achieve portable PMDs being legalised.
- (c) That Council pursue other partners for support and external funding of the further phases of the project to keep momentum for changes to regulations at National and Federal level.

**Record of Voting:**

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

Against the Motion: Councillors Laxale, Pendleton, Perram and Simon

**11 OPTIONS FOR HERITAGE LISTING OF RYDE CIVIC CENTRE SITE**

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

**12 MACQUARIE PARK FORUM ADVISORY COMMITTEE - ADDITIONAL MEMBERS**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That Council endorse the nominations to the Macquarie Park Forum Advisory Committee of:

- Rebecca Lehman, Macquarie Park Transport Management Association; and
- Amelia Jalland, Property Council of Australia (to replace the previous representative).

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

**13 SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

- (a) That all documents specific to commercial property matters be reviewed, to improve their user friendliness while maintaining good governance.
- (b) That an expanded communications plan for commercial tenants be developed.
- (c) That the current tenancy handover provisions be reviewed.
- (d) That all scheduled town centre maintenance around our business leases be reviewed to ensure the required level of service is met.

**Record of Voting:**

For the Motion: Unanimous

**14 UPDATE TO FEES AND CHARGES - ARTIST STUDIO**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Laxale)

- (a) That Council approve a new fee of \$35 per week for an artist studio to be added to Council's Fees and Charges in the category of *Community and Cultural Buildings Leasing and Licensing Fees and Charges*
- (b) That the fee/charge of \$35 per week for art studios be publicly exhibited for a period of not less than 28 days from 28 October 2013 to 25 November 2013.
- (c) That a further report be presented to Council for consideration after the exhibition period, should any submissions be made
- (d) That if no submissions are made, the fee be confirmed by Council without the requirement of a further report to Council.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

**15 APPOINTMENT OF DELEGATES TO THE RYDE YOUTH COUNCIL  
ADVISORY COMMITTEE 2013**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Etmekdjian)

That Council endorse the revised Terms of Reference (**ATTACHMENT 1**) for the Ryde Youth Council Advisory Committee.

**Record of Voting:**

For the Motion: Unanimous

**16 REPORTS DUE TO COUNCIL**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Simon and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 LGNSW - ANNUAL FINANCIAL ACCOUNTS**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Etmekdjian and Yedelian OAM)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 EXTENSION TO TIME LIMIT FOR SUBMITTING COUNCILLOR  
REIMBURSEMENT CLAIMS - Councillor Terry Perram**

Note: Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he would be a beneficiary of the Notice of Motion.

**ITEM 1 (continued)**

**ATTACHMENT 1**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**MOTION:** (Moved by Councillors Perram and Pickering)

- (a) That the extension of time granted to Councillor Petch at the Council meeting of 27 August 2013 for lodgement of outstanding councillor reimbursement claims be adjusted to commence in October 2012.
- (b) That as the change set out in (a) above is not considered substantive it is not necessary for the *Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Councillors* currently approved for public exhibition to be amended.

**AMENDMENT:** (Moved by Councillors Yedelian OAM and Chung)

That a further report be provided to Council detailing the extent of the possible reimbursement claims from Councillor Petch for the period of October 2012 to September 2013.

On being put to the Meeting, the voting on the Amendment was two (2) For and seven (7) Against. The Amendment was LOST. The Motion was then put and LOST.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Maggio and Councillor Etmekdjian

Against the Amendment: Councillors Chung, Laxale, Pendleton, Perram, Pickering, Simon and Yedelian OAM

**MOTION:** (Moved by Councillors Perram and Pickering)

- (a) That the extension of time granted to Councillor Petch at the Council meeting of 27 August 2013 for lodgement of outstanding councillor reimbursement claims be adjusted to commence in October 2012.
- (b) That as the change set out in (a) above is not considered substantive it is not necessary for the *Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Councillors* currently approved for public exhibition to be amended.

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Perram and Pickering

Against the Motion: The Mayor, Councillor Maggio and Councillors Chung, Laxale, Pendleton, Simon and Yedelian OAM

**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 PEDESTRIAN SAFETY - ST THERESE'S PRIMARY SCHOOL, DENISTONE -  
Councillor Jerome Laxale**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Laxale and Simon)

- (a) That the General Manager facilitate a site visit and meeting between the Principal and representatives of the Parents and Friends Committee of St Therese's Primary School in order to obtain a better understanding of concerns they have in regards to pedestrian safety around their school.
- (b) The discussions should have a particular emphasis on:
  - (i) The dangerous footpath outside their main entrance on Terry Rd
  - (ii) Traffic calming measures in the lead up to the bend on Terry Rd when travelling towards Blaxland Road.
- (c) That a report be brought back to the Works and Community Committee for deliberation.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF RESCISSION**

**1 NOTICE OF RESCISSION: CODE OF CONDUCT - Councillor George Simon, Councillor Jerome Laxale, Councillor Denise Pendleton**

Note: The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is the person involved in the matter.

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council defer consideration of the Rescission Motion in relation to this matter, lodged by Councillors Simon, Laxale and Pendleton at 1.03pm on Wednesday, 25 September 2013, due to the advice received from the Division of Local Government and pending their review of the Investigation Report.
- (b) That Council formally refer the Investigation Report from DBM Independent Consultants dated 13 September 2013 regarding the Code of Conduct matter to the Division of Local Government for their review.



**ITEM 1 (continued)**

**ATTACHMENT 1**

- (c) That on receipt of the Division's advice on the outcome of their review of the Investigation Report, that this be reported back to the next available Council meeting together with the Rescission Motion, for Council's consideration and determination.

**Record of Voting:**

For the Motion: Unanimous

**CLOSED SESSION**

**ITEM 17- SURF ATTRACTION COR-RFT 3/13**

**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.

**ITEM 18 - ADVICE ON COURT ACTIONS**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**ITEM 19 – ICAC OPERATION CAVILL - SUBMISSION**

**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: (e) information that would, if disclosed, prejudice the maintenance of law.

**RESOLUTION:** (Moved by Councillors Pickering and Pendleton)

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

**Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 10.41pm. The public and media left the chamber.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**17 SURF ATTRACTION COR-RFT 3/13**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**MOTION:** (Moved by Councillors Pickering and Chung)

- (a) That Council accept the tender from the preferred provider as set out in the report and as recommended in the Tender Evaluation report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with the preferred provider as set out in the report on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.

**AMENDMENT:** (Moved by Councillors Perram and Pendleton)

That the matter be deferred to the next Council Meeting and that a further report be provided including updated financial forecasting.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

**Record of Voting:**

For the Amendment: Councillors Chung, Pendleton, Perram, Simon and Yedelian OAM

Against the Amendment: The Mayor, Councillor Maggio and Councillors Etmekdjian, Laxale and Pickering

**RECOMMENDATION:** (Moved by Councillors Perram and Pendleton)

That the matter be deferred to the next Council Meeting and that a further report be provided including updated financial forecasting.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Maggio and Councillor Pickering

**18 ADVICE ON COURT ACTIONS**

Note: Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has held negotiations with one of the parties in his time as a union official.

**ITEM 1 (continued)**

**ATTACHMENT 1**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

**RECOMMENDATION:** (Moved by Councillors Pickering and Yedelian OAM)

That the report of the General Counsel be received.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Perram left the meeting at 11.00pm and did not return.

**19 ICAC OPERATION CAVILL - SUBMISSION**

Note: Councillor Perram disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is a subject to an allegation made by ICAC.

Note: Councillors Petch, Perram and Salvestro-Martin were not present for consideration or voting on this Item.

**RECOMMENDATION:** (Moved by Councillors Simon and Yedelian OAM)

That Council not make any submissions in reply to the **ATTACHED (CONFIDENTIAL)** submissions of Counsel Assisting the Assistant Commissioner.

**Record of Voting:**

For the Motion: Unanimous

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors Simon and Laxale)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 11.02pm.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillors Simon 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: Unanimous

**NATIONAL ANTHEM**

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

The meeting closed at 11.04pm.

CONFIRMED THIS 12TH DAY OF NOVEMBER 2013

Chairperson

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## 2 CONFIRMATION OF MINUTES - General Purposes Committee Meeting held on 5 November 2013

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**Report prepared by:** Meeting Support Coordinator  
**File No.:** CLM/13/1/1/2 - BP13/1603

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### REPORT SUMMARY

Attached are the Minutes of the General Purposes Committee Meeting 3/13 held on 5 November 2013. The Minutes are attached for confirmation at this meeting.

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

### 3 OVERVIEW OF COUNCIL'S ACHIEVEMENTS 2012/2013 AND PROPOSED INITIATIVES / WORKS 2013-2017 – WEST WARD

**RECOMMENDATION:** (Moved by Councillors Etmekdjian and Li)

That the Acting General Manager, Roy Newsome, provide a presentation to the meeting on Council's Achievements recent key achievements and proposed initiatives works for the 2013-2017 years, in respect of West Ward.

#### Record of Voting:

For the Motion: Unanimous

Note: The Acting General Manager, Roy Newsome, made a presentation to the meeting.

### 4 WEST RYDE URBAN VILLAGE UPDATE

**RECOMMENDATION:** (Moved by Councillors Li and Laxale)

- (a) That the contents of the report be received and noted.
- (b) That the Committee endorse a presentation from Coles to be provided to the meeting, in updating the community on the current status of this project.

#### Record of Voting:

For the Motion: Unanimous

Note: A representative from Coles made a presentation to the meeting.

### ATTACHMENTS

- 1 Minutes - General Purposes Committee - 5 November 2013

**ITEM 2 (continued)**

**ATTACHMENT 1**

**General Purposes Committee  
Community Council Meeting  
MINUTES OF MEETING NO. 3/13**

**Meeting Date:** Tuesday 5 November 2013  
**Location:** West Ryde Community Hall,  
3 - 5 Anthony Road, West Ryde  
**Time:** 7.30pm

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

**Apologies:** Councillors Chung, Petch and Salvestro-Martin.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager – Corporate Services, Acting Group Manager – Environment & Planning, Group Manager – Public Works, General Counsel, Manager – Communications and Media, Manager – Project Development, Coordinator – Commissioning, Section Manager – Governance, Section Manager – Community Engagement, Administrative Assistant and Meeting Support Coordinator.

**PRAYER**

The Deputy Mayor, Councillor Li offered prayer prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**LEAVE OF ABSENCE**

Councillors Pickering and Yedelian OAM requested a Leave of Absence for 12 November 2013.

**RESOLUTION:** (Moved by Councillors Laxale and Etmekdjian)

That Council approve a Leave of Absence for Councillors Pickering and Yedelian OAM for 12 November 2013.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**1 CONFIRMATION OF MINUTES - General Purposes Committee (Community Council Meeting) held on 30 April 2013**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Etmekdjian)

That the Minutes of the General Purposes Committee (Community Council Meeting) 1/13, held on Tuesday, 30 April 2013, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 CONFIRMATION OF MINUTES - General Purposes Committee (Community Council Meeting) held on 18 June 2013**

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

That the Minutes of the General Purposes Committee (Community Council Meeting) 2/13, held on Tuesday, 18 June 2013, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**3 OVERVIEW OF COUNCIL'S ACHIEVEMENTS 2012/2013 AND PROPOSED INITIATIVES / WORKS 2013-2017 – WEST WARD**

**RECOMMENDATION:** (Moved by Councillors Etmekdjian and Li)

That the Acting General Manager, Roy Newsome, provide a presentation to the meeting on Council's Achievements recent key achievements and proposed initiatives works for the 2013-2017 years, in respect of West Ward.

**Record of Voting:**

For the Motion: Unanimous

Note: The Acting General Manager, Roy Newsome, made a presentation to the meeting.

**4 WEST RYDE URBAN VILLAGE UPDATE**

**RECOMMENDATION:** (Moved by Councillors Li and Laxale)

- (a) That the contents of the report be received and noted.
- (b) That the Committee endorse a presentation from Coles to be provided to the meeting, in updating the community on the current status of this project.



**ITEM 2 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

Note: A representative from Coles made a presentation to the meeting.

**PUBLIC PARTICIPATION**

The Mayor, Councillor Maggio invited questions from the audience.

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
1. Ross Boyd	West Ryde Urban Village Traffic Management, Traffic Speed
2. Suzanne	Anthony Road Footpath and Traffic Safety
3. Julia Bovard	Footpath upgrade
4. Bronwyn Moses	Commuter parking
5. Doug Steel	Roadworks and Parking on Reserve Rd/Anthony Rd
6. Peter Zangari	Traffic and Pedestrian Safety, Graffiti in Denistone
7. Jordan	Parking Restrictions
8. Terry Limber	Parking and Traffic Management
9. Carmen Cain	Coles Parking, Traffic Management
10. Tony Bagala	Traffic Management
11. Rose Lavery	Coles Carpark

The meeting closed at 9.53pm.

CONFIRMED THIS 12TH DAY OF NOVEMBER 2013

Chairperson

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**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE  
MEETING 16/13 held on 5 November 2013**

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**Report prepared by:** Meeting Support Coordinator  
**File No.:** CLM/13/1/4/2 - BP13/1595

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**REPORT SUMMARY**

Attached are the Minutes of the Planning and Environment Committee Meeting 16/13 held on 5 November 2013. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

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

As a result, no Committee recommendations are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees.

**RECOMMENDATION:**

That Council note that all Items of the Planning and Environment Committee Meeting 16/13 held on 5 November 2013 were dealt with by the Committee within its delegated powers.

**ATTACHMENTS**

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

**ITEM 3 (continued)**

**ATTACHMENT 1**

Planning and Environment Committee  
**MINUTES OF MEETING NO. 16/13**

**Meeting Date:** Tuesday 5 November 2013

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

**Time:** 5.02pm

**Councillors Present:** Councillor Etmekdjian (Chairperson), The Mayor, Councillor Maggio and Councillors Laxale, Pickering and Yedelian OAM.

**Apologies:** Councillor Chung.

**Absent:** Councillor Salvestro-Martin.

**Staff Present:** Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Team Leader – Assessment, Consultant Town Planner, Consultant Landscape Architect, Senior Development Engineer, Business Support Coordinator – Environment and Planning and Section Manager - Governance.

**DISCLOSURES OF INTEREST**

The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary interest in Item 2 – 6 Yarwood Street, Marsfield for the reason that he is familiar with the objector, Lindsay Mar.

The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – 51 Bayview Street, Tennyson Point for the reason that he is familiar with the applicant through community volunteering commitments.

**1 CONFIRMATION OF MINUTES - Meeting held on 15 October 2013**

Note: This Item was considered later in the meeting as set out in these Minutes.

**2 6 YARWOOD STREET, MARSFIELD - LOT 10 DP 234293  
Development Application for demolition and new dual occupancy  
(attached). LDA2013/0073.**

Note: Lindsay Mar (objector), Ronald Chin (objector) and John Khoury (applicant) addressed the Committee in relation to this Item.

Note: The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary interest in this Item for the reason that he is familiar with the objector, Lindsay Mar.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**Note:** A Memorandum from the Acting Group Manager – Environment and Planning dated 5 November 2013 was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Local Development Application No. LDA2013/0073 at 6 Yarwood Street, Marsfield being LOT 10 DP 234293 be approved subject to the Deferred Commencement conditions contained in **Attachment 1** with and additional condition to relocate the air conditioning heat pump to the southern side of the building and an amendment to condition 24 to read as follows:

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$4,168.81
Open Space & Recreation Facilities	\$10,262.74
Civic & Urban Improvements	\$3,490.45
Roads & Traffic Management Facilities	\$476.02
Cycleways	\$297.40
Stormwater Management Facilities	\$944.96
Plan Administration	\$80.19
<b>The total contribution is</b>	<b>\$19,720.58</b>

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

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

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

- (b) That the persons who made submissions be advised of Council's decision.
- (c) That separate to the Development Application, Council encourages the applicants and their neighbours to undertake their own discussions to see if they can come to an arrangement to improve the solar access to the panels on the property located at 8 Yarwood Street, Marsfield to their mutual agreed outcome.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

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

**3 51 BAYVIEW STREET, TENNYSON POINT - LOT 2 in a Subdivision of LOT 103 DP 1003228. Development application for two storey dual occupancy (attached) including two swimming pools. LDA2012/0478.**

Note: John Chetham (on behalf of Leila Hogan) (objector), Robert Hecek (objector) and Tanya Allen, Nicole Porter, Jackie Foristal and Belinda Foristal (applicants) addressed the Committee in relation to this Item.

Note: The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with the applicant through community volunteering commitments.

Note: A Memorandum from the Acting Group Manager – Environment and Planning dated 5 November 2013 was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation provided by the applicant was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Laxale and Pickering)

(a) That LDA2012/0478 at 51 Bayview Street, Tennyson Point being LOT 2 in a Subdivision of LOT 103 DP 10003228 be approved via a Deferred Commencement consent subject to the conditions contained within **Attachment 1** with and an amendment to condition 20 to read as follows:

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
<i>Community &amp; Cultural Facilities</i>	\$4,168.81
<i>Open Space &amp; Recreation Facilities</i>	\$10,262.74
<i>Civic &amp; Urban Improvements</i>	\$3,490.45
<i>Roads &amp; Traffic Management Facilities</i>	\$476.02
<i>Cycleways</i>	\$297.40
<i>Stormwater Management Facilities</i>	\$944.96
<i>Plan Administration</i>	\$80.19
<b><i>The total contribution is</i></b>	<b>\$19,720.58</b>

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

**ITEM 3 (continued)**

**ATTACHMENT 1**

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

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

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

**Record of Voting:**

For the Motion: Unanimous

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

**1 CONFIRMATION OF MINUTES - Meeting held on 15 October 2013**

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 15/13, held on Tuesday 15 October 2013, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

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

The meeting closed at 6.02pm.

CONFIRMED THIS 19TH DAY OF NOVEMBER 2013.

Chairperson

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**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING  
16/13 held on 5 November 2013**

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**Report prepared by:** Meeting Support Coordinator  
**File No.:** CLM/13/1/4/2 - BP13/1596

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**REPORT SUMMARY**

Attached are the Minutes of the Works and Community Committee Meeting 16/13 held on 5 November 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

As a result, no Committee recommendations are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees.

**RECOMMENDATION:**

That Council note that all Items of the Works and Community Committee Meeting 16/13 held on 5 November 2013 were dealt with by the Committee within its delegated powers.

**ATTACHMENTS**

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



**ITEM 4 (continued)**

**ATTACHMENT 1**

**Works and Community Committee  
MINUTES OF MEETING NO. 16/13**

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

**Councillors Present:** Councillors Perram (Chairperson), Li, Pendleton, Petch and Simon.

**Apologies:** Nil.

**Staff Present:** Acting Group Manager – Community Life, Group Manager - Public Works, Manager – Infrastructure Integration, Section Manager – Traffic, Transport and Development, Manager – Asset Systems and Executive Assistant to Mayor and Councillors.

**DISCLOSURES OF INTEREST**

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 3 Part (e) – Traffic and Parking Matters presented to Ryde Local Traffic Committee held on 26 September 2013 for the reason that she lives in Parkes Street, Ryde.

**1 CONFIRMATION OF MINUTES - Meeting held on 15 October 2013**

**RESOLUTION:** (Moved by Councillors Petch and Pendleton)

That the Minutes of the Works and Community Committee 15/13, held on Tuesday 15 October 2013, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

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

**2 11 FIRST AVENUE, EASTWOOD - Stormwater Drainage**

Note: A letter from David Pain & Co, Solicitors dated 1 November 2013 was tabled in relation to this Item and a copy is ON FILE.

**ITEM 4 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillors Perram and Petch)

- (a) That Council endorse the options listed in the ATTACHMENT and a detailed design now be prepared.
- (b) That following final agreement from the property owner, works be carried out this financial year.

**Record of Voting:**

For the Motion: Unanimous

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

**3 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE held on 26 September 2013**

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Part (e) of this Item for the reason that she lives in Parkes Street, Ryde.

**RESOLUTION:** (Moved by Councillors Petch and Pendleton)

- (a) That Council install "No Stopping" signs along Clermont Avenue outside No. 22 for approximately 20 metres.
- (b) That Council removes the existing "Bus Zone" signs on the north-western side of See Street opposite Angas Street.
- (c) That in relation to the requests for Traffic Calming Devices:
  - (i) Council develop a proforma approach to deter speeding along residential streets such as 'Eastview Avenue, North Ryde', that do not have a recorded incident history. Inclusive of measures that inform drivers of the speed i.e. interactive mobile VMS signs that display, visually, the vehicle speeds.
  - (ii) Council undertake further consultation in relation to Frances Road, Putney and education regarding awareness of traffic speeds with the management of the preschool.
- (d) That Council introduce the following measures for Winbourne Street, West Ryde, subject to RMS concurrence:
  - (i) Undertake the following modifications to the Pedestrian Crossing on Winbourne Street:
    - Remove the islands, non-standard hazard warning signs and associated line-marking at the pedestrian crossing on Winbourne Street in order to match RMS Technical Directions TDT2001/04;

**ITEM 4 (continued)**

**ATTACHMENT 1**

- Remove the stop lines at the crossing;
  - Introduce a continuous double centre line;
  - Introduce zig zag lines;
  - Replace the existing pedestrian crossing signs (R3-1) with fluorescent signs; and
  - Replace existing “Children Crossing” and “Crossing Ahead” signs with fluorescent signs;
- (ii) Provide additional linemarking on Winbourne Street near the intersection with Marsden Road.
- (iii) Review the traffic and pedestrian conditions near the speed hump on Brush Road to determine if RMS warrants for a pedestrian crossing are satisfied. These results to be tabled at a future Traffic Committee meeting.
- (iv) An Operational Traffic Management Plan for the pick-up and drop-off of children be formulated in consultation with both schools (“Primary” and “Secondary”) and the child care centre.
- (e) That Council undertake the following measures on Parkes Street, Ryde:
- (i) Uniform application of No Stopping restrictions for 20 metres as practicable at all intersecting streets with Parkes Street (between Belmore Street and Bowden Street);
  - (ii) Introduction of a centre-line on all intersections adjoining Parkes Street between Bowden Street and Belmore Street;
  - (iii) Introduction of “Bus Zone” signs at the existing bus stops on Parkes Street;
  - (iv) Installation of Speed Cushions at the Parkes Street approach to the Bowden Street roundabout following further consultation with RMS.
  - (v) Introduction of a “No Right Turn” sign and a left turning pavement marking to prevent motorists from turning right into Blaxland Road from Belmore Lane;
  - (vi) The adjustment of the centre-line pavement marking on Belmore Street, near the intersection with Parkes Street, further west in order to facilitate the left and right turn movements into Belmore Street will be the subject of a further report to the Traffic Committee to resolve speed issues.
  - (vii) Replacement of damaged guard rails, as practicable.
- (f) That in relation to Buffalo Road, Ryde:
- (i) Council install “No Stopping 7.30am – 9.00am and 2.30pm – 4.00pm Monday - Friday” signs along the bend of Buffalo Road between Providence Street and Bright Street for a distance of approximately 60

**ITEM 4 (continued)**

**ATTACHMENT 1**

metres on the southern kerbside and 50 metres on the northern kerbside, to improve driver safety when manoeuvring the carriageway.

- (ii) Council install “No Stopping” on Buffalo Road at two (2) locations, as follows:
  - 15 metres “west” of Lyndhurst Street; and
  - 20 metres “east” of Lyndhurst Street.
  
- (g) That in relation to Twin Road, North Ryde,
  - (i) Temporary “No Parking” signs be installed on both sides of Twin Road between Badajoz Road and Wicks Road and “No Stopping” signs be installed 10 metres from the corners of side streets on Sunday, 15 December 2012 and on Sunday, 26 January 2014, for the respective special events Carols by Candlelight (December 2013) and Australia Day (January 2014).
  - (ii) Disabled parking be allowed in a designated area on the Common near the western end of Twin Road, with the area controlled on the day by SES personnel.
  - (iii) Necessary signposting be installed in advance of the event and affected residents in Twin Road and intersecting streets be advised of arrangements.
  - (iv) Steps be taken to ensure that only existing vehicle entry/exit points are used by vehicles and, other than disabled parking, no additional entry/exit points are used.
  - (v) The cost for installation and removal of the necessary traffic signs is to be borne by the organiser.
  - (vi) That the approval is subject to a submission to Council and verification from the insurers that the event is covered by an appropriate Public Liability Insurance in an amount not less than \$20 million.
  
- (h) That in relation to the Granny Smith Festival to be held on Saturday 19 October 2013:
  - (i) The following road closures and traffic management protocols be recommended to the RMS for approval as part of operation of the 2013 Granny Smith Festival.
  - (ii) Subject to approval of the temporary closure from the RMS, the following conditions apply:
    - Approval be given for the procession route and necessary temporary road are closed at the Granny Smith Festival half an hour prior to the Parade starting on Saturday 19 October 2013. The Procession route

**ITEM 4 (continued)**

**ATTACHMENT 1**

and temporary road closures are along Lakeside Road, Glen Street, Shaftsbury Road, Rowe Street, The Avenue returning to Eastwood Oval via Lakeside Road.

- Approval be given for the temporary closure of Rowe Street (Shaftsbury Road to Eastwood Plaza) and The Avenue (Rowe Street to Hillview Lane) and Progress Avenue (The Avenue to Hillview Road) and Trelawney Street (Rowe Street and Rutledge Street) from 6.00pm on Friday, 18 October 2013 to 9.00pm (or until stalls have been collected) on Saturday, 19 October 2013.
- Approval be given for the temporary closure of Hillview Lane (between Shaftsbury Road and The Avenue) from 6.00am to 9.00pm on Saturday, 19 October 2013 and Hillview Road between Lakeside Road and West Parade from 8.30am to 5.00pm on Saturday, 19 October 2013.
- Temporary “No Stopping” signs be erected on the eastern side of Shaftsbury Road between Rowe Street and Rutledge Street between 6.00am and 9.00pm Saturday, 19 October 2013.
- Temporary “No Stopping” signs be erected on Lakeside Road, between Hillview Road and Glen Street, between 6.00am and 9.00pm Saturday, 19 October 2013.
- The stall hire company be permitted to commence set up from 12.00 noon on Friday, 18 October 2013 on the Plaza and from 6.00pm on Rowe Street, The Avenue and Progress Avenue.
- Large sized warning signs be erected notifying the public of the activities related to the Festival set up, the temporary road closures and alterations to bus routes.
- Temporary bus stops be located in Wingate Avenue from 6.00am on Saturday, 19 October 2013 to 6.00am Sunday, 20 October 2013 and at the eastern side of the Plaza at West Parade, from 5.00pm on Friday, 18 October 2013 to 6.00am Sunday, 20 October 2013 and the affected bus stops be signposted to redirect patrons to the temporary location.
- Temporary “No stopping” signs be erected in Rutledge Street on both sides between Trelawney Street and Shaftsbury Road.
- The Eastwood Chamber of Commerce be advised of the proposals.
- The Traffic Officer stationed in Eastwood Police Station be notified in writing.

(i) That in relation to Reserve Street West, Ryde:

(i) Council remove the following signs directly in front of the community centre on Reserve Street being:

- 1P 8.30am – 6pm, Mon – Fri and 8.30am – 12.30pm Sat

(ii) Council replace the above signs with the following sign:

- 1/4P 8.00am - 6.00pm, Mon - Sun

(j) That in relation to Chatham Road, West Ryde:

**ITEM 4 (continued)**

**ATTACHMENT 1**

- (i) Council staff conduct future periodic traffic surveys to confirm or otherwise if the warrants for a “zebra” crossing along Chatham Road just south of the intersection with Betts Street are satisfied; and
  - (ii) Council staff include as part of the future warrant based pedestrian analysis the proposed pedestrian crossings along Betts Street and Market Street.
  - (iii) Council and the RMS further discuss the approval of a zebra crossing along Chatham Road east of Betts Street due to the current safety concerns.
- (k) That in relation to Morrison Road And Charles Street, Putney:
- (i) Council support the construction of three (3) roundabouts as proposed for the Ryde Rehabilitation Centre Development at the intersection of Morrison Road with Payten Street/Douglas Street and along Charles Street and the site access.
  - (ii) The roundabout at Payten Street be given priority for construction.
  - (iii) The comment of the Police and RMS be sought for inclusion in the report to the Works Committee.

**Record of Voting:**

For the Motion: Unanimous

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

The meeting closed at 5.45pm.

CONFIRMED THIS 19TH DAY OF NOVEMBER 2013.

Chairperson



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## 5 SANTA ROSA PARK AMENITIES BUILDING

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**Report prepared by:** Service Unit Manager - Open Space  
**File No.:** GRP/09/4/8 - BP13/1617

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### REPORT SUMMARY

The construction of an amenities building within Santa Rosa Park has been considered on a number of occasions by Council. At its meeting on 24 September 2013, Council resolved to undertake a site inspection of Santa Rosa Park prior to receiving a further report on a location for toilet facilities in the park. The site inspection was to provide Councillors with the opportunity to visit the park and obtain a better understanding of the considerations to take into account when determining a location for an amenities building. From this visit Councillors have requested that a further report be presented to Council on the constraints and feasibility of locating an amenities facility at either end of the park. This report discusses these location options and constraints in more detail.

The option to construct two toilet blocks at either end of the park was considered and is not recommended. Locating a building at either end of the park was cost inefficient, would not best service most of the current and future park users, it would not be visible from the main park area and will likely result in many park users not walking the distance to utilise the facilities, nor will it activate the existing sportsground. This option would also require review of the existing Masterplan.

In response to the Councillors feedback from the site inspection and part (c) of the Council resolution from 27 August 2013, consideration was given to constructing one facility at the Quarry Road end of the park. This would be most cost effectively done by linking it to the proposed office/toilet building servicing the community nursery and garden known as 'The Habitat'. This option replaces the options of either refurbishing the Scout Hall or constructing a separate building in the location of the existing playground and would allow utilities and services to be directed to the one location. This location is also likely to have the least impact on local residents.

Given that 'The Habitat' is a Council managed facility assisted by volunteers and that Council was proposing to construct an affordable amenity/office and kitchenette area, this location appears to be the most acceptable. The option will be subject to a Development Application (DA) process including consideration of the 1 in 100 flood level. If this location is acceptable to Council, a design process will commence and future construction will be subject to community consultation and the completion of a DA process. Any facility built at this site is likely to be pre-fabricated and designed so that public toilet access is fronting the car park and is available seven days per week.

Whilst not an ideal location, 'The Habitat' will provide the best compromise between the residents objections and the need to service the public whilst meeting the already identified need for the facilities for 'The Habitat' users.



**ITEM 5 (continued)**

It should be noted that this option will not address the specific needs of the Gladesville Hornsby Football Association (GHFA), potential winter sportsground users, for access to a conveniently located amenities building, Council staff will continue to liaise with the GHFA regarding their access to the Air League building prior to the 2014 winter season. At this point in time, refurbishment of this facility to provide additional amenities and storage space for sporting use is not recommended.

**RECOMMENDATION:**

- (a) That Council endorse 'The Habitat' site as the preferred location at the Quarry Road end of the park and that future design be subject to the considerations raised in the body of this report, including further consultation and the DA process.
- (b) That Council continue to liaise with the GHFA regarding their access to the Air League building prior to the 2014 winter season.

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Tatjana Domazet**  
**Service Unit Manager - Open Space**

Report Approved By:

**Baharak Sahebekhtiari**  
**Acting Group Manager - Community Life**

**ITEM 5 (continued)****Background**

The proposed construction of an amenities block within Santa Rosa Park has generated significant interest with the local residents since the community information day in the park in June this year and Council's notification letter. This has resulted in the matter being discussed at subsequent Council meetings on 27 August and 24 September 2013, culminating in a site visit by Councillors on 15 October 2013. Whilst there is general support for the construction of an amenities facility to service the park, determining a location that addresses the needs and concerns of all stakeholders has proven to be a challenging task.

At its meeting on 27 August 2013, Council resolved, as amended, the following:

- (a) *That Council not proceed with the location outlined in the report.*
- (b) *That Council brings back a report on the staged construction of two amenities buildings preferably at both entrances of Santa Rosa Park.*
- (c) *That Council confirm its intent to utilise funds in the 2013/2014 budget to fund the building of one of the two amenities blocks and that provision of funding for the second block be considered as part of 2014/2015 budget process.*
- (d) *That given community feedback received, further public consultation be undertaken prior to construction of any amenities block in Santa Rosa Park and a report provided to Council.*

At its subsequent meeting on 24 September 2013, Council further considered this matter and resolved the following:

- (a) *That the Santa Rosa Park toilet facility construction be referred to the Works and Community Committee for urgent attention, including a site inspection for all Councillors.*
- (b) *If possible, the construction of a facility be completed in preparation for the beginning of the next winter season of the sports competition.*
- (c) *That the Gladesville Local Area Command be consulted as part of the decision making process.*

A site inspection was undertaken by interested Councillors on Tuesday 15 October 2013 to obtain a better understanding of the various location options and the constraints within the park. Following the site meeting, Council staff were asked to detail the constraints and investigate the feasibility of locating an amenity facility at the Quarry Road end of the park. The Quarry Road end of the park option only addresses in part the Council resolution (part c) from 27 August 2013. The Bridge Road end of the park (Air League building) was not considered in much detail in this

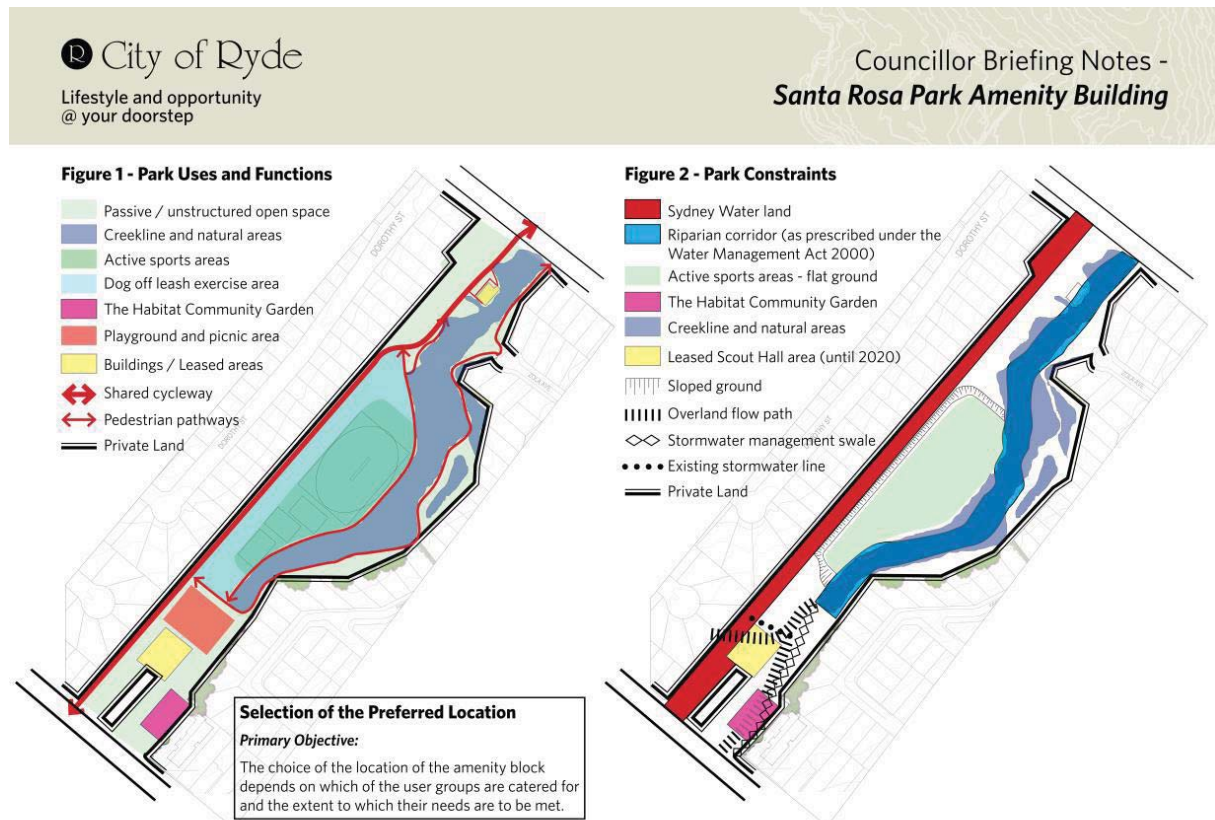
**ITEM 5 (continued)**

report as this option is not the preferred site. However, Council will continue to liaise with the GHFA regarding their future use of Santa Rosa Park and offering access to the Air League building prior to the 2014 winter season.

**Discussion**

The park has an unusual linear shape, almost rectangular (length of approximately 580m and a width that varies between 50 and 125m) and is bordered on either side by residential housing. This makes it challenging to identify a location that best services the existing and future park users in a position that is convenient to the majority of them. These constraints within the park have been identified on the map below and they include the following:

- Riparian zone
- Flood affected land
- Land ownership
- Land topography
- Proposed park uses and functions.



The possible location options and constraints of the Quarry Road end of the park are discussed below.

**ITEM 5 (continued)**Current and Future Park Users

Santa Rosa Park is utilised by the community for passive recreational purposes and has a shared pedestrian/ bike path that passes through the park. The park has been identified as a dog off leash area and is popular with dog owners.

The sportsground is currently utilised on Saturdays during the summer season by the Inner West Harbour Cricket Association for junior competition games. At present, the park is not utilised during the winter season for soccer competition games and the Gladesville Hornsby Football Association has indicated the major reason they do not use the park for competition games is due to the lack of conveniently located amenities. Casual users occasionally hire the park for sports training and social activities and a regular complaint that Council receives from these users is the lack of toilet facilities servicing the park.

The Community Garden and Nursery 'The Habitat' is located at the Quarry Road end of the park and continues to be developed as the funding becomes available. The number of visitors and users of the facility is expected to increase into the future.

The park currently has a local level playground located at the Quarry Road end. This playground was proposed to be upgraded to a district level and together with a BBQ and picnic area, relocated to an area between the Scouts Hall and the sporting fields, and the current playground area allocated to 'The Habitat' for future expansion of the accessible community garden. A district playground proposes to cater for up to 65 users at any one time and these users will spend between two and four hours at the park.

Community Feedback

Due to the unusual shape of the park, almost any location option for an amenity facility will be in close proximity to residents. The proposed location at the Quarry Road end of the park will require for Council to undertake community consultation as part of the development process and consider any feedback received. Whilst there is a risk that residents nearby would object to such a proposal, it should be noted that this location is likely to have the least impact on the local residents.

Community Nursery and Garden – 'The Habitat'

The recently opened community nursery and garden 'The Habitat' incorporates a fenced area with plans to extend to the street frontage of Quarry Road for the community garden (this area currently has a local playground and a number of raised garden beds).

Due to the limited funding, Council staff were working at options to provide a low cost amenity/office with kitchenette facilities that will provide shelter and provide volunteers with access to a toilet and tea/coffee facilities. The original location of this facility was proposed to be within the fenced area and located to the side of 'The Habitat' site.

**ITEM 5 (continued)**

Whilst considering the location options at the Quarry Road end of the park, two location options were considered;

**Option 1. Next to the playground, fronting Quarry Road**

Construction of a toilet block in this location will impact on the further expansion of 'The Habitat' and creation of an all abilities community garden.

**Option 2. Immediately outside the fenced area of 'The Habitat'**

Any public toilets located within or immediately outside the fenced area would require security considerations for the future management of the site. The option to locate the toilets within the site is not feasible given that 'The Habitat', at this point in time, is open to the public only during the nursery opening hours on Wednesdays between 9.00am – 5.00pm and on Saturdays between 9.00am -12noon.

Whilst the addition of public toilets would require a redesign of the existing community nursery area and may require a review of the operational management for the site, a clever design that allows for the access point to the toilets facilities fronting the car park will/may minimise any operational issues and provide users of 'The Habitat' with well needed facilities whilst providing casual users of the park with the public toilets.

Previous discussions and planning with the users of 'The Habitat' have indicated that if the existing playground nearby is to be relocated this space would become available for their use.

Given that 'The Habitat' is a Council managed facility assisted by volunteers and that Council was proposing to construct an affordable amenity/office and kitchenette area, this location option appears to be the most acceptable. This option will be subject to a DA process including consideration of the 1 in 100 flood level. If this location is acceptable to Council, a design process will commence and future construction will be subject to community consultation and the DA process. It should be noted that any facility built at this site is likely to be pre-fabricated and designed so that public toilet access is fronting the car park and is available to the public seven days per week.

Whilst either of these locations is likely to have the least impact on local residents, given the accessibility issues with location 1 and the need for future expansion of the community garden, option 2 is considered a preferred location.

**Planning Considerations**

Should Council agree to build a combined public toilet/office building for the Habitat and general community use at the Quarry Road end of the park, the development would be subject to a DA process.



**ITEM 5 (continued)**Flood Affected Land Considerations

Given the proposed location of the building within the flood affected land as per the Macquarie Park Floodplain Risk Management Study, any structure would need to be raised and appropriate building material used to be able to withstand a flood event. Council's engineers would make an assessment of the building design and determine the requirements that need to be incorporated into the design prior to providing approval for construction.

The building would have to be designed so that it does not have any adverse impacts to the adjoining residential properties. This could mean that the building may have to be raised so that floodwater can pass underneath unobstructed. Subject to the final location within the area, the building would need to be raised between 30 and 50cm. This height is determined by the levels reached for a 1 in 100 flood event which is the standard adopted by the State Government Manual. This is particularly important as Council is planning mitigation work to reduce the impact during flood events on nearby housing.

Consultation with Local Area Command

The original amenities design incorporated Crime Prevention Through Environmental Design (CPTED) principles. These principles had been considered along with the operational management strategies for the facility that will reduce graffiti and damage to Council property.

Following a Council resolution, a further comment was sought from the Gladesville Local Area Command (GLAC), specifically in relation to the location of an amenities building. From a policing perspective, the advice received stated that the location of the building should be in an area that is visible from the road as this would allow for the police patrols to view the facility without needing to leave their vehicle. The local Police supported the Quarry Road end of the park in preference to the Bridge Road end of the park due to site visibility and safety. It should be noted that a number of parks within the City of Ryde have amenity facilities located in an area away from the road in a spot that best services the park users (for example, Bill Mitchell Park).

**Financial Implications**

The current available approved budget for the construction of an amenities building within Santa Rosa Park is \$219,000. The project was detailed in Council's Four Year Delivery Plan and has been carried over from 2012/13.

Construction and Maintenance Costs

Depending on the design solution and given the proposed pre-fabricated form of the building, a construction cost for an accessible public toilets part of the building is estimated at \$60,000. This is based on the \$3,000 per square metre cost for wet areas.

## ITEM 5 (continued)

Whilst the more accurate estimate will be available once the design has been finalised, an initial estimate for the total project cost (allowing for documentation, any relevant studies, construction of access ramps, connection to services, engineering and fees associated with obtaining development consent and project management costs) is in the vicinity of \$120,000.

The maintenance cost for a basic amenities facility is estimated between \$3,000 and \$5,000 per annum, not including depreciation. An increase in Council's building maintenance budget may be required in the future to allow for these additional expenses.

### Options

Each of the options considered to date by Council is summarised below and provided to Council in the context of constructing facilities prior to the next winter season. The development of any additional facilities would occur after further planning was undertaken.

1. That Council construct a small amenities facility within the **Community Garden and Nursery 'The Habitat'** with an access point facing the car park. It is considered that placing a building in this location would service well 'The Habitat' users whilst providing access to the casual park and playground users and minimal, if any, access to the sporting field users. This location will not result in use of the sporting fields for winter competition games. This area has also been identified as being flood affected and will require additional planning consideration due to this constraint.
2. That Council extend the **Scout Hall Building** at the Quarry Road end of the Park to add public toilets. This building is currently leased to the Scouts Association of Australia (NSW Branch) until 2020. The area leased is bounded by the cyclone wire fence. There is a risk that either the local scouting group or the NSW Branch would not be supportive of a proposal to refurbish or extend part of the building to include public toilet facilities. This location has also been identified as being flood effected and will require additional planning consideration due to this constraint.
3. That Council refurbish or extend the **Air League building** at the Bridge Road end of the park to include public toilets. The building is currently on a monthly hold over lease providing greater flexibility to Council to undertake such works. This option would require further investigation to ascertain the feasibility of refurbishing or extending the existing structure. Consultation with the current tenants would need to happen. There is a risk that the existing tenants would not be supportive or that it is not feasible to extend or refurbish the building. Consideration would also have to be given to ensuring that any development does not encroach onto the Riparian Corridor. Whilst toilets and storage areas could be added to the existing building, this option is not considered feasible due to the lack of funding and the likelihood that most of the sporting ground users will not be walking the distance to utilise the facilities.



**ITEM 5 (continued)**

4. That Council construct an amenities building in the **Masterplan location** as outlined in the report to Council on the 27 August 2013. This option would cater for current and future users of the park as per the park vision. The issue with this option is that the residents would continue to object to the development.
5. That Council **not proceed** with construction of an amenities block in Santa Rosa Park. Council may consider each of the above options unsuitable due to the objections received by local residents and the other locations not best servicing all park users. Funds could be redirected to another Council project that can effectively address a community need. The risk associated with this option is that the current and future needs of Santa Rosa Park users will be unmet. Furthermore, the sporting fields would continue to be underutilised for winter sport competition games due to the lack of conveniently located amenities. This will mean Council has not taken the opportunity to meet an identified community need for more active recreation areas.

Option 1 has been recommended in this report and responds to the Councillors' feedback from the site inspection and part (c) of the Council resolution from 27 August 2013. It should be recognised that the Quarry Road end of the park is not an ideal location from which to enable the long term vision of the park and service the future needs of the park users, however, this location will provide the best compromise between the residents objections and the need to service the public whilst meeting the already identified need for the facilities for 'The Habitat' users.

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**6 PUBLIC EXHIBITION OF THE AMENDMENT TO THE YAMBLE RESERVE  
PLAN OF MANAGEMENT AND EXPRESS AUTHORISATION OF LICENCE**

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**Report prepared by:** Section Manager, Open Space Planning and Assets  
**File No.:** GRP/09/4/8 - BP13/1627

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**REPORT SUMMARY**

The City of Ryde prepared a Plan of Management of Yamble Reserve in 2010 which was subsequently adopted by Council on 19 October 2010. Since the adoption of the Plan of Management, Yamble Reserve has undergone a significant transformation with the construction of the popular Livvi's Place Playground.

Yamble Reserve has now developed into a regionally significant and socially important place for the whole community to recreate in a fully inclusive space. Community visitation to the Reserve and playground has grown substantially and indicators suggest that over 300 people visit the playground each day during the week with weekend and school holiday visitation exceeding 1,000 people per day with the average visit in excess of 90 minutes.

The partnership between Council and the Touched by Olivia Foundation continues to deliver benefits to the community and there is an opportunity to continue this with the placement of a social enterprise café within Yamble Reserve. However, to enable the installation of a café within the Reserve, the Plan of Management requires amendment.

Given the proven successful partnership with the Foundation, the potential community benefit and to maximise the potential success of the proposed social enterprise café, it is recommended that Council undertake an expedited process to facilitate the installation of the café as early as possible in 2014. This expedited process includes the concurrent public exhibition of the Amendment to the Plan of Management, public notice of a proposed licence and consideration of the required development application.

The purpose of this report is to obtain Council endorsement for the public exhibition of an Addendum to the Yamble Reserve Plan of Management and the expresses authorisation of the licence of an area of Yamble Reserve to the Touched By Olivia Foundation for the purposes of operating a social enterprise café, as prescribed by the Local Government Act.

**RECOMMENDATION:**

- (a) That Council endorse the use of Yamble Reserve for the purposes of a social enterprise café and amend the Plan of Management accordingly.
- (b) That Council place the Yamble Reserve Plan of Management Addendum 1 on public notice in accordance with the Local Government Act for a period of 6 weeks.

**ITEM 6 (continued)**

- (c) That a report be returned to Council for further consideration and adoption following the public exhibition period of the Addendum to the Plan of Management.
- (d) That Council approve in principle licencing of part of Yamble Reserve to the Touched by the Olivia Foundation for a period of 2 years with a further 3 years option for the social enterprise café, subject to the public notification process.
- (e) That Council undertake public notification process of the proposed licence in accordance with Section 47a of the Local Government Act.
- (f) That, should there be no objection received by Council on the licence proposal, the General Manager be given delegated authority to sign the licence and other relevant documents, as per conditions outlined in the body of this report.

**ATTACHMENTS**

- 1 Letter to CoR Social Enterprise Cafe
- 2 Touched by Olivia Social Enterprise Cafe Proposal (mp)
- 3 Yamble Park PoM Addendum 1 Draft October 2013
- 4 Yamble Reserve Cafe - Attachment 4 - Proposed Licence Area

Report Prepared By:

**Fiona Morrison**  
**Section Manager, Open Space Planning and Assets**

Report Approved By:

**Tatjana Domazet**  
**Service Unit Manager - Open Space**

**Baharak Sahebekhtiari**  
**Acting Group Manager - Community Life**

**ITEM 6 (continued)****Discussion**

The City of Ryde prepared a Plan of Management of Yamble Reserve in 2010 which was subsequently adopted by Council on 19 October 2010. As stated in the 2010 adopted Plan of Management, the vision for Yamble Reserve is as follows.

*Yamble Reserve will become a destination park for people of all abilities to play and relax in an integrated and safe landscape setting. The Reserve will continue to provide for unstructured passive recreation for the community through the provision of open space areas, cycling and walking paths, open lawn areas and picnic facilities that will meet the needs of people of all ages and abilities*

Since the adoption of the Plan of Management, Yamble Reserve has undergone a significant transformation with the construction of the Livvi's Place Playground. Yamble Reserve has developed into a regionally significant and socially important place for the whole community and with this, community visitation to the Reserve has grown substantially. Indicators suggest that over 300 people visit the playground each day during the week with weekend and school holiday visitation exceeding 1,000 people per day with the average visit in excess of 90 minutes.

The Touched by Olivia Foundation has approached Council and requested approval for the construction of a social enterprise cafe in Yamble Reserve. As described by the Foundation, the intention of the café beyond the selling of food and beverages to park users is that the café *"becomes the hub of programs we have been developing that encourage social inclusion."*

The partnership between Council and the Touched by Olivia Foundation has been very effective and there is an opportunity to continue this partnership with the placement of a social enterprise café within Yamble Reserve. However, to enable the installation a café within the Reserve, the Plan of Management required amendment.

The purpose of this report is three-fold:

1. To obtain Council endorsement for the public exhibition of an Addendum to the Yamble Reserve Plan of Management that will include the provision of café within the Reserve; and
2. To obtain Council's in principal support for the proposed licence of an area of the Reserve to the Touched By Olivia Foundation for the purposes of operating a social enterprise café and proceed to the public notification process, in accordance with Section 47a of the Local Government Act; and

### **ITEM 6 (continued)**

3. To advise Council that, should part 1 and 2 be acceptable to Council, a development application will be submitted by the TBOF following the Council resolution but prior to the proposed change being made to the Plan of Management. This Application would follow all standard assessment processes and could not be approved until such time as the required changes to the Plan of Management have been exhibited and subsequently resolved by Council.

#### What is a Social Enterprise Café at Yamble Reserve?

Touched by Olivia Foundation (the Foundation) is a national charity, with a mission to expand the Livvi's Place National Network, a group of world class inclusive playspaces. This growth hinges on a mixed economic model of partnership developed by the Foundation, which sees governments, communities and corporations work together to create legacy building recreation and play spaces that include all citizens, regardless of age or ability.

Building on the success Council has had with the Foundation at Yamble Reserve, an opportunity has arisen to develop a pop-up social enterprise café.

Social enterprises can take a number of forms and the proposal at Yamble Reserve is focused on delivering outcomes including training and employment for people with special needs and support through fundraising for other community activities undertaken by the Foundation. Furthermore, the proposal will provide Council with assistance with the daily maintenance of the playground (such as sweeping and rubbish removal) and increased surveillance.

The proposal will benefit the community who enjoy the Reserve and playground by providing food and beverages. The proposal from the Touched By Olivia Foundation is attached (**ATTACHMENTS 1 and 2**).

#### The Café at Yamble Reserve

The proposal received by the Touched by Olivia Foundation is for a pop-up style café to be installed in the Park. The Foundation has received the structure from one of this partners and it can be described as a relocatable structure that is fully contained.

The café building (as shown in the photo below) is a portable free standing building. Construction of a suitable footing for the building to be lowered onto is required, in addition to connection to all services (power, water and sewer). The size of the café building is 12.375m<sup>2</sup> (4.5m long by 2.75m wide)



**ITEM 6 (continued)**



Should the café be removed from the Reserve in the future, due to its portable design, the building would be lifted on to a truck and the only demolition required would be to the footings and disconnection for services. As part of the licence condition, the Foundation will be required to return the site to its original condition. The long term impact on the Reserve would be minimal.

Steps to be undertaken to allow the Café?

The following actions are required to formalise the proposed café use in Yamble Reserve. These are:

1. Council resolution to support the use of Yamble Reserve for a social enterprise café and public exhibition of an Addendum to the Yamble Reserve Plan of Management that will incorporate the café use at the Reserve; and
2. Council's support in principal to licence part of the Reserve to Touched By Olivia Foundation for the operation of a social enterprise café; and
3. Public notification of the proposed licence to Touched By Olivia Foundation for the operation of a social enterprise café at Yamble Reserve; and
4. Council adoption of the amended Plan of Management incorporating café use and expressly authorising licence to Touched by Olivia Foundation; and
5. A development application for the construction of the Café to be submitted by the Foundation and assessed by Council; and
6. A DA consent received and a licenced signed by both parties.

**ITEM 6 (continued)**Council resolution to support the use of Yamble Reserve for a social enterprise café

The proposed additional activity for Yamble Reserve must be considered by Council and a decision made on whether Council endorses this use. An endorsement will trigger the public exhibition of the Plan of Management Addendum.

Recommendation (a) seeks this endorsement.

Public exhibition of an Addendum to the Yamble Reserve Plan of Management

As previously discussed, the Yamble Reserve Plan of Management was adopted by Council on 19 October 2010. As there is no existing notation of a café nor expressed authorisation of the licence that will permit the Foundation to manage the Café within Yamble Reserve, an *Addendum to the Plan of Management* is required.

Council may only grant a lease, licence or other estate if:

- *the plan of management expressly authorises the lease, licence or other estate and*
- *the purpose of the lease, licence or other estate is consistent with the core objectives for the category of land (Local Government Act - Section 46(2)) and*
- *the lease, licence or other estate is for a purpose listed in Local Government Act - Section 46(1)(b).*

Fortunately, the categorisation of Yamble Reserve as “Park” under the Local Government Act permits the activity of a pop up café as it aligns with the following core objectives for management of community land categorised as a park:

- *to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and*
- *to provide for passive recreational activities or pastimes and for the casual playing of games, and*
- *to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.*

In accordance with the above requirements, an Addendum to the Yamble Reserve Plan of Management has been prepared. **Please refer to ATTACHMENT 3.**

This Addendum, in accordance with the Local Government Act, is required to be placed on public exhibition for a period of not less than 42 days (28 days for exhibition and 14 days for submissions) following Council resolution.

A report will be returned to Council in February 2014 with the outcomes of the public exhibition process.



**ITEM 6 (continued)**Public notice of the proposed licence to Touched By Olivia Foundation for the operation of a social enterprise café at Yamble Reserve

In addition to the changes to the Plan of Management required to authorise the activity of a café in the Reserve, under the Section 46 of the Local Government Act, Council is also required to give public notice of intention to the licence the Foundation for a period of 2 + 3 years for the purpose of operating the social enterprise café.

Concurrent to the Addendum to the Plan of Management being placed on public exhibition and to expedite the opening of the Café as early as possible in 2014, public notice of the proposed licence will be undertaken concurrently. The map of the proposed licenced area is **ATTACHMENT 4**. This will include a notice in the Reserve and notification to all surrounding neighbours. The community will be invited to comment on the proposal to licence and all submissions will be considered.

Should there be no objections received, the General Manager can, under delegated authority sign the licence and other relevant documents a for a period of 2 years with a 3 years option, at Council discretion.

***A development application for the construction of the Café***

During the formal exhibition of the Plan of Management Addendum and public notice of the proposed licence, the preparation, lodgement and assessment of a development application (DA) is required.

Should Council endorse the establishment of a café in Yamble Reserve, the Touched by Olivia Foundation would be required to submit a development application to Council for the construction of the café. To ensure that the Foundation is aware of requirements for lodgement of a DA, should Council endorse the proposal, a Pre DA meeting between the Foundation and Council Staff was organised. This potential Application would follow all standard assessment processes and could not be approved until such time as the required changes to the Plan of Management have been resolved by Council.

Proposed Licence Agreement

In order to construct and manage the social enterprise café at Yamble Reserve, the Foundation must enter in to a licence agreement, based on the following terms and conditions:

- The licence period is for 2 years with a 3 year option, at Council's discretion;
- The café will operate 7 days per week between the hours of 8.00am – 8.00pm, subject to a DA consent;
- A request for a 1 year rent free period; this is considered a reasonable request given the initial set up cost and need to establish the social enterprise business;
- A rent from year 2 onwards to be negotiated with the Foundation, subject to a ratchet clause and annual CPI increase;
- The Foundation is to cover all operational costs, including utilities (water, electricity);

### ITEM 6 (continued)

- The Foundation is to cover the cost of transport, construction of the café and connection to the services;
- The Foundation will be required to return the site to its original condition at the termination of the licence.

The licence terms and conditions as outlined in the body of this report were discussed and agreed with the Foundation staff at the meeting on 21 October 2013. At this meeting, the Foundation agreed to cover the associated cost of the installation and connection to the services for the café. This may be done for the Foundation by the qualified and licenced contractors on volunteer basis.

### Financial Implications

While there is a financial implication of less than \$1,000 for the public exhibition of the Plan of Management Addendum, there are future financial implications for the installation of the pop up café that will be paid for by the Touched by Olivia Foundation. The following table provides a summary estimation of these costs.

Item	Budget*	Source of Funds
Café structure and all internal fixtures	\$Nil	Structure and fittings will be provided by the Foundation through sponsorship with commercial partners
Footings	\$5,000	The Foundation
Service connection (water, electricity and sewer)	\$15,000	The Foundation
Access to the Café for service area and additional rubbish bins	\$20,000	The Foundation

Note: \* Approximate budget

While these figures are estimates at this time, as discussed with the Foundation, the cost of transport and installation of the café (including construction of foundations and connections to service etc.) will be borne by the Foundation. There will be no cost to Council apart from the cost of undertaking the planning and assessment of the proposal.

**ITEM 6 (continued)**

**ATTACHMENT 1**



**28 October 2013**

To Whom It May Concern:

**Re: Livvi's Café**

It's been a strategy for Touched by Olivia since opening our flagship playspace in 2009 to be able to provide programs and study the use and benefit of socially inclusive built environments in communities.

Over the last four years, we have developed the Livvi's Café concept. It hinges on a kiosk being installed on site that serves playground fare – coffee, cold drinks, toasted sandwiches, ice creams and muffins baked off site). This kiosk becomes the hub of programs we have been developing that encourage social inclusion. The programs have been proven by affiliate not for profits internationally and will provide great academic opportunities.

The Livvi's Café concept has developed further to include a social enterprise model where we will work with a registered service provider to hire for two roles, one a supervisor and program director and the other would be a traineeship in hospitality aimed at young people with disabilities.

The benefits to council and the community are numerous and outlined in the proposal we present to council.

We are requesting:

- 12 months rent free
- five year licence on space

Touched by Olivia believes the community good will, relationship development to date and shared vision will ensure that this is a successful venture and looks to council to support this application.

To discuss in more detail the attached proposal, please call me at anytime on 0414 506 606.

Yours sincerely,



Rebecca Ho  
Executive Officer

ITEM 6 (continued)

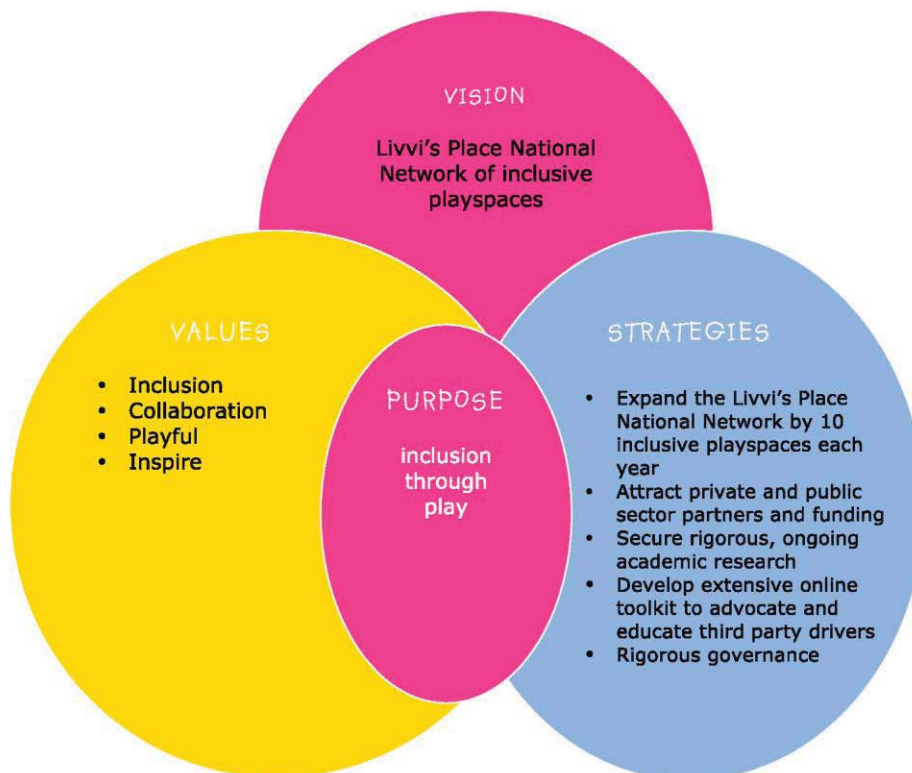
ATTACHMENT 2



**Overview**

Touched by Olivia Foundation is a national charity, on a mission – to expand the Livvi's Place National Network, a group of world class inclusive playspaces. The growth hinges on a mixed economic model of partnership developed by Touched by Olivia, which sees governments, communities and corporations work together to create legacy building recreation and play spaces that include all citizens, regardless of age or ability.

To date the partnership model has successfully attracted sponsorship and government grants, and when coupled with significant pledges from local government, Touched by Olivia has the pleasure of opening six inclusive playspaces. Dozens more are in development across Australia.





## ITEM 6 (continued)

## ATTACHMENT 2



### Proposal

To create a sustainable future, Touched by Olivia needs to look at multiple revenue sources. Touched by Olivia proposes a partnership with City of Ryde to pilot a social enterprise. Currently, City of Ryde is the home to a Livvi's Place. To expand our success Touched by Olivia proposes City of Ryde agrees to the establishment of a pop-up café on site, to be named "Livvi's",

### Benefits to City of Ryde and the community

Livvi's will provide:

- multiple opportunities to engage directly with the community
- workplace training and life skills for people with disability to begin a career in hospitality
- service the patrons, and support the surrounding services like Lifestart, Cerebral Palsy Alliance.
- Opportunity to pilot social enterprise
- Income in Year 2 for CoR
- Play Patrol: Implementing onsite play programs that encourage inclusive play in partnership with local mainstream and special schools (in line with the supervised play yards found in Victoria and many European countries)  
[http://www.churchilltrust.com.au/site\\_media/fellows/2011\\_Vincent\\_Tanya.pdf](http://www.churchilltrust.com.au/site_media/fellows/2011_Vincent_Tanya.pdf)
- Site will be supervised and will assist with maintenance requirements such as sand pit sweeping daily, reporting rubbish collection
- Regular community "Come and Play" Days each month, with research outcomes to be developed in partnership with leading academics

This education and evaluation project promotes to children and adults the importance of outdoor play in benefitting their emotional, physical and social wellbeing. Education is conveyed through experiential learning in the "Come and Play" days that help people get play active and to help people connect with outdoor play environments. Parents and children will also be provided education through informational sessions and materials, both hard-copy and web-based, that help families to make good leisure choice decisions (choosing a park over a shopping centre).

The evaluative research component of the project, measures 'Come and Play' experiences, specifically attitude, motivation, person-environment interaction in shaping their experiences. This information is envisaged to play an important role in: health promotion particularly the key message of parents making active play choices; and design promotion of the importance of having good quality play environment that enable and facilitate all people to actively play.

### Opportunities

- City of Ryde to be recognised as a social innovator and take leadership role in the Social Enterprise space
- Development of tool that can measure social impact through commercial ventures
- To conduct research in to various aspects of inclusion, related to the space e.g. play and employment.

### Investment

For Livvi's to be realized Touched by Olivia will:

- establish site in readiness for the delivery of the café structure, including foundations, connection to utilities and scattered seating, at the entry

**ITEM 6 (continued)**

**ATTACHMENT 2**



For Livvi's to be realized Touched by Olivia will require

- Provide site rent free licence for the first year of agreement to offset establishment costs licence for three years with first option to renew on two years consecutively.

**For the Social Enterprise to be realised Livvi's will partner with Break Thru People Solutions to:**

- Provide training solutions for people with disabilities as a pathway to employment
- Provide employment opportunities to people with disabilities who have a desire for a career in hospitality

**For the café to be realized, Touched by Olivia will:**

- Set up and establishment of the café
- Commencement of café operations
- Training of all staff
- Establishment of supplier relationships
- Establishment of all financial management structures and systems

**Touched by Olivia would provide:**

- The café structure – picture included below
- All operational elements necessary for the running of the café
- Measured results – Social investment and community benefit will be reported on quarterly
- Academic research around the benefits of social inclusion
- Opportunity for the City of Ryde to be a leader in social investment within a community asset that attracts thousands of visitors each week

**Projected Profit and Loss (monthly)**

The long term viability of Social Enterprises, like any business venture, faces it most difficult challenge in the first year. It is vital that the establishment and operations of the Social Enterprise be supported by a range of measures, in kind, pro bono and discounted, in its first year to build towards it viability. This is particularly so given the social agenda that is part of the café establishment.

True success of Livvi's will be measured by its ability to stand alone a goal that is set for two (2years)

Income	Total
Coffee x 60 per day at \$4pp	7200.00
Snacks (icecream, toasties, muffins) 20 per day at \$5pp	3000.00
Cold drinks at \$3.00pp x 20 per day	1800.00
Functions/Events (cakes, drinks package) 4 x \$150 per week (10 kids)	2400.0
Total revenue	14,400.00
Expenses	14,400.00
Labour (8 – 6) 7 days Manager	12,000.00

 PO Box 923 Drummoyne NSW 2047 [www.touchedbyolivia.com.au](http://www.touchedbyolivia.com.au) +61 414 506 606

**ITEM 6 (continued)**

**ATTACHMENT 2**

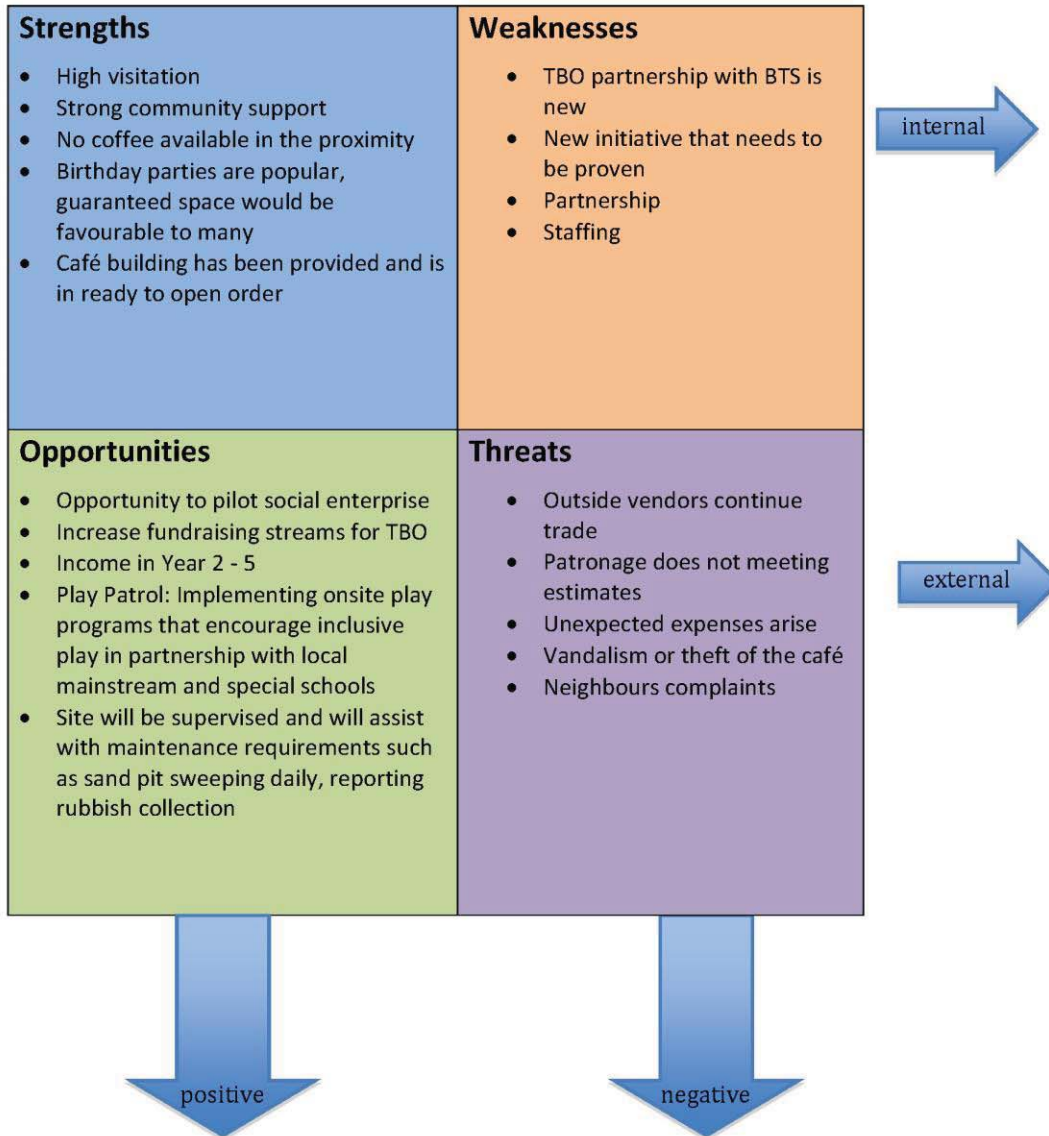


Employee (full time)	
Trainee \$16 ph	
Administration: Accounts, BAS etc	500.00
Utilities	1000.00
<b>Coffee</b>	900.00
Coffee x 60 per day at .50cpp	
Snacks x 20 per day at \$2.00pp	1200.00
Cold drinks at 20 per day at \$1pp	600.00
Cupcakes, snacks, fairy bread, drinks, balloon bouquet \$70 x 4	1120.00
Marketing and promotion	0
Social Media by trainee	
Local paper pro bono	0
<b>Total expenses</b>	17320.00
<b>Net profit/loss</b>	(2920)



ITEM 6 (continued)

ATTACHMENT 2



ITEM 6 (continued)

ATTACHMENT 2



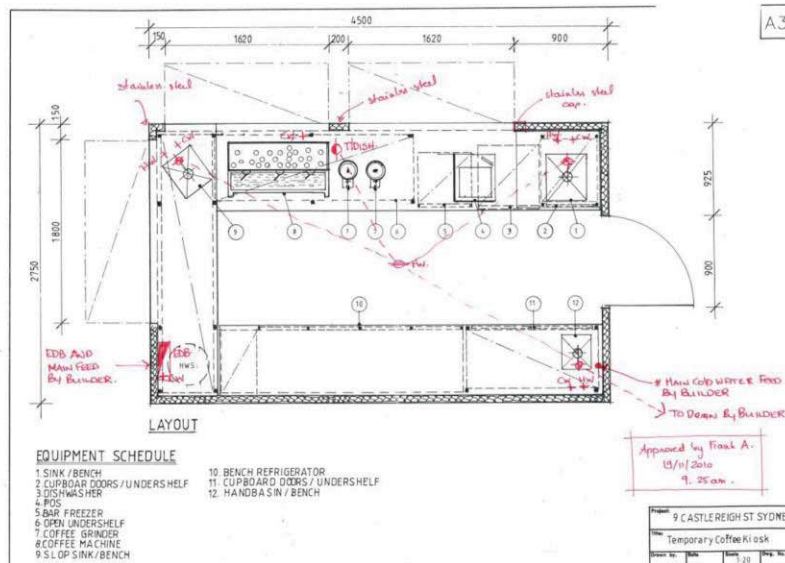
Examples

UCAN - <http://www.ucancafe.com.au/about-us>

Madcap Café - <http://www.madcapcafe.org>

Streat - <http://www.streat.com.au>

Cornucopia Café - <http://www.mars-inc.com.au/index.php/cornucopia-cafe/>



ITEM 6 (continued)

ATTACHMENT 3

YAMBLE RESERVE  
Plan of Management

Addendum 1





ITEM 6 (continued)

ATTACHMENT 3

City of Ryde

YAMBLE RESERVE PLAN OF MANAGEMENT - ADDENDUM 1

## ADDENDUM TO YAMBLE RESERVE PLAN OF MANAGEMENT

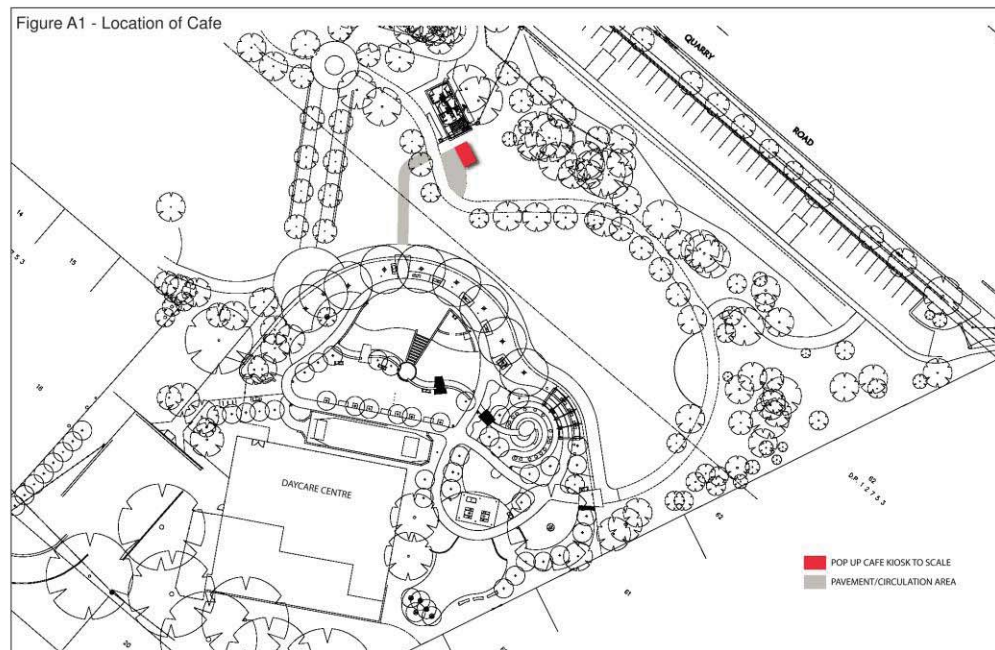
**NOTE: This Addendum is to be read with the Yamble Reserve Plan of Management Adopted 19 October 2010.**

### 5.7 Social Enterprise Cafe

As a result of the success of the new playground in Yamble Reserve, there is opportunity expand on the community experience in the Reserve with the installation of a social enterprise cafe. This type of facility would service all Reserve users and it would provide Council with increased ability to contribute to the recreation and leisure opportunities of the Ryde community and visitors to the Reserve.

Currently, coffee carts operate sporadically in the carpark areas of Yamble Reserve and playground and park users walk to the carpark to purchase food and beverages.

The location for a social enterprise cafe is shown below.



This location has been selected due to proximity of existing services (such as power, water and sewer) and is in a position that will service all park users while not obstructing other uses of the Reserve for events such as Cinema in the Park and Carols by Candlelight. Importantly, the selected location is as far a possible from surrounding private dwellings. This has been done to minimise any impacts on the local residential amenity.

**ITEM 6 (continued)**

**ATTACHMENT 3**

YAMBLE RESERVE PLAN OF MANAGEMENT

City of Ryde

**5.6.1 Existing Licences**

This plan of management expressly authorises the leases and licences described below.

**Table 5.1 Permitted Licences**

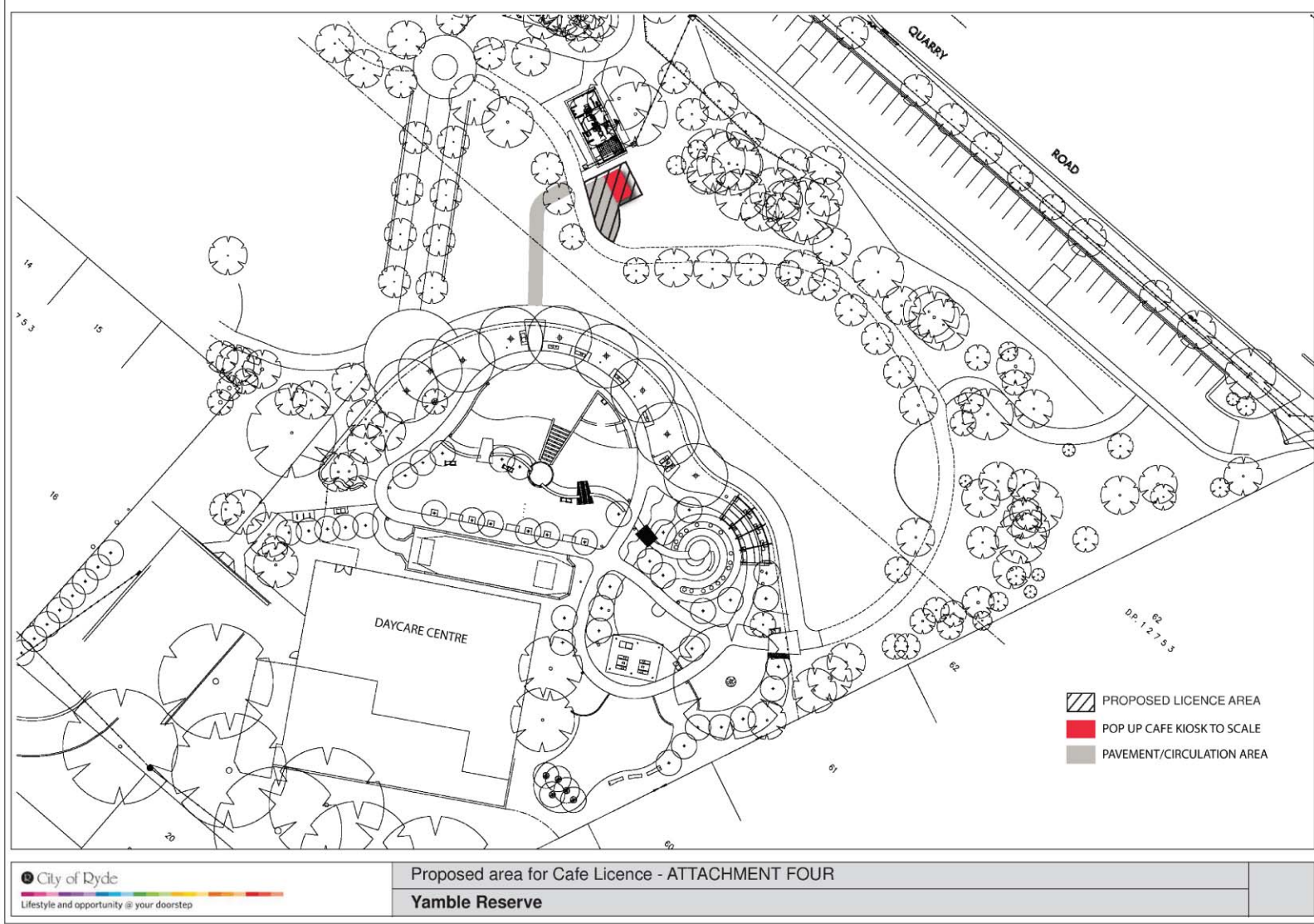
DETAILS	
Licence	North Ryde Community Pre-School Incorporated
Term of Licence	Expires 29 May 2011
Permissible Uses	Pre school purposes during NSW state school terms. This includes weekdays and weekends.

DETAILS	
Licence	Touched by Olivia Foundation
Term of Licence	2 + 3 years with a maximum of 5 years
Permissible Uses	<ul style="list-style-type: none"> <li>• Social Enterprise pop up cafe for the purpose of selling ready made food and beverages.</li> <li>• Operation seven days per week including public holidays.</li> </ul>

Adopted 19 October 2010

**ITEM 6 (continued)**

**ATTACHMENT 4**



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

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**Report prepared by:** Governance Support Coordinator  
**File No.:** CLR/07/8/9/6/3 - BP13/1518

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### REPORT SUMMARY

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

This policy, as endorsed by Council on 24 September 2013, was placed on public exhibition between 3 October 2013 and 1 November 2013. During this period, no public submissions were received, and the Division of Local Government did not provide feedback.

This report recommends that Council accept the **ATTACHED** 'Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors'.

### RECOMMENDATION:

- (a) That Council adopt the **ATTACHED** Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy is provided to the Division of Local Government.

### ATTACHMENTS

- 1 Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors - November 2013 - following public exhibition

Report Prepared By:

**Lorie Parkinson**  
**Governance Support Coordinator**

Report Approved By:

**Amanda Janvrin**  
**Section Manager - Governance**

**Shane Sullivan**  
**Acting Group Manager - Corporate Services**



**ITEM 7 (continued)****Discussion**

The 'Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors' must comply with the *Local Government Act 1993* (the Act). This policy ensures that there is accountability and transparency in the facilities provided to Councillors and the reimbursement of expenses incurred by Councillors in carrying out their civic duties. Council is required to review and adopt this policy annually, with Section 252 requiring that adoption occurs "within five months of the end of the year' which is by the end of November 2013.

On 24 September 2013, the draft Policy was presented to Council for consideration. No changes to the limits and range of Councillor expenses and facilities were recommended, however there were a number of amendments proposed, including:

- Structural and layout changes to align with City of Ryde policies and practice and to provide additional clarity;
- Inclusion of references to relevant legislation and the Division of Local Government Guidelines;
- Process and documentation changes to enhance transparency and accountability; and
- Restructuring and rewording of some sections to improved readability and reflect current practice.

At its meeting of 24 September 2013, Council resolved that the draft policy should go on public exhibition, with the following amendments:

- Clause 4.2(7) – Provision for up to three meals per day to a maximum of \$100 a day.
- Clauses 4.2(12) and 4.3.1(c) – Council shall not reimburse for travel within the Ryde Local Government area. Travel on Council related business outside the Ryde Local Government area shall be reimbursed.
- Clause 6.2.2 – That Councillors also be provided the option of being provided, or reimbursed for, information technology equipment and/or software to an amount of \$4,000 (to commence following the conduct of the 2016 Local Government election).

**Public Exhibition and Call for Submissions**

As required by Section 253 of the Local Government Act, the draft policy, including the amendments adopted by Council, was placed on public exhibition for a minimum of 28 days, closing on 1 November 2013.

**ITEM 7 (continued)**

The draft policy was exhibited as follows:

- City of Ryde website: displayed from Thursday, 3 October 2013 to Friday, 1 November 2013
- Northern District Times: advertised on Tuesday, 8 October 2013.

It was advertised that the draft Policy was available to view on the City of Ryde website, at the 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.

No public submissions were received.

Additionally, as resolved by Council on 24 September 2013, the Division of Local Government was provided with the draft Policy and invited to provide feedback by 3 November 2013. On 11 October 2013, the Division advised that it would not be providing comments, as it is “not the practice of the Division to make submissions on the payment of expenses and provision of facilities policies put on public exhibition by Councils”.

As no public submissions were received, and the Division declined to submit feedback, it is recommended that this draft policy as **ATTACHED** be adopted by Council.

Following adoption, Council is required to submit the policy to the Division of Local Government (the Division).

**Critical Dates**

Section 252 of the Local Government Act, 1993, requires that adoption occurs “within five months of the end of the year”, that is by the end of November 2013.

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

**Financial Impact**

Adoption of these recommendations will have no financial impact.

**ITEM 7 (continued)**

**ATTACHMENT 1**

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

**Scope**

- (1) This Policy, and associated procedures and guidelines, may be cited as the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors, and is effective from ~~12 June~~ 2013.
- (2) In this Policy, and associated procedures and guidelines, unless otherwise stated, the expression "Councillor" refers to all Councillors of the City of Ryde, including the Mayor and Deputy Mayor.

**Purpose**

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

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

***Council may disburse money only if the disbursement is authorised by the Local Government Act, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.***

**Objectives**

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

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

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

**References - Legislation**

This Policy is made pursuant to Sections 252 - 254 of the *Local Government Act 1993*, **Clause 403 of the Local Government (General) Regulation 2005**, and the **Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (DLG 2009)**.

**Review Process and Endorsement**

Council is required, under Section 252 of the *Local Government Act* (the Act), to adopt a policy on the payment of expenses and the provision of facilities to the Mayor and other Councillors each year. This is to occur within 5 months of the end of the financial year.

Section 253 of the Act requires that Council give public notice of at least 28 days of its intention to adopt or amend this policy, even if there is no proposed change to the policy. Council is also required to provide the Division of Local Government with the adopted policy, the public notice and any submissions received.

Council may amend and adopt the policy at other times of the year without public notice, if the amendments are "not substantial" (DLG Guidelines).

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

~~As required by Section 253 of the Act, public notice of at least 28 days is required to be given of Council's intention to adopt or amend the Policy. Public notice is not required if an amendment is "not substantial". The term "not substantial" shall be taken to mean minor changes to wording~~

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of the Policy or changes to monetary provisions or rates that are less than 5%. It shall also mean minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the Policy will, however, require public notice no matter how minor.

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

**Attachments**

<i>Title</i>
Procedure – Payment of Expenses and Provision of Facilities for the Mayor and other Councillors
Guidelines – Councillor Attendance at Conferences

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**1. Definitions, References and Legend**

Throughout this procedure, where specific information is drawn from one of the following documents or organisations it will be referenced and displayed in a coloured box as given below.

Definitions of commonly used terms are also given in the relevant box below.

**The Act:** refers to the *Local Government Act 1993*

**The Regulation:** refers to the Local Government (General) Regulation 2005.

**The Division:** refers to the Division of Local Government, NSW

**Guidelines:** refers to the Division of Local Government's Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (October 2009). Extracts or summaries from this document are shown in yellow.

Relevant **guidelines published by other agencies** are also included in yellow.

**NSW Government Agency circulars or advice on specific issues** are shown in pink

**Code of Conduct:** refers to the City of Ryde Code of Conduct, as in effect at the time. Extracts or summaries from this document are shown in blue.

The following definitions are from the Division's Guidelines (p3)

**Councillor expenses and facilities policy:** The Policy prepared under the guidelines on the payment of expenses and the provision of facilities to Mayors and Councillors.

**Expenses:** Payments made by Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in the Council's Policy and may be either reimbursed to a Councillor or paid directly by Council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

**Facilities:** Equipment or services that are provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

**Functions of civic office/civic functions:** Functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for Council and/or for the local government area.

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**2. Conduct**

**2.1 Key Principles**

**Guidelines**

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. This is required under section 439 of the Local Government Act and reinforced in the Model Code of Conduct made under section 440.

**2.2 Use of resources by Councillors**

**Code of Conduct**

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.

You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

You must not use council letterhead, council crests and other information that could give the appearance it is official council material for: the purpose of assisting your election campaign or the election campaign of others, or for other non-official purposes.

You must not convert any property of the council to your own use unless properly authorised.

You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

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**2.3 Accountability and transparency**

**Guidelines**

Councillors can only receive reimbursement for expenses and the use of facilities when these are clearly identified in the Policy.

**3. Provisions**

**3.1 General expense allowance**

**Regulation – Clause 403**

A policy under section 252 of the Act must not include any provision enabling a council to pay any councillor an allowance in the nature of a general expense allowance.

**Guidelines**

In accordance with clause 403 of the Regulation, there is no provision under this policy for a general expense allowance. A general expense allowance is a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

**Advice from the Division of Local Government**

On 25 August 2011 the Division advised that the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005 do not allow for Council to provide Councillors with a monthly base rate. Furthermore, the Division stated that the Act and Regulation do not allow for Council to reimburse Councillors without the receipt of appropriate supporting documentation showing the expense incurred.

The Division noted that any payment made to Councillors by Council without the presentation of appropriate documents showing expenses constitutes a “disbursement”. The Division advised that this practice is to be discouraged by Councils. Correspondingly, the Division clarified that a “reimbursement” is an entitlement provided to Councillors after they have incurred an expense. Reimbursements are to be provided to Councillors only upon receipt of appropriate supporting documentation showing the expense incurred.

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**3.2 Monetary Limits**

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

For the purposes of transparency and accountability, monetary limits are highlighted throughout this document where appropriate.

**3.3 Time Limits**

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

**3.4 No private benefit without payment**

**Guidelines**

Councillors should not obtain private benefit from the provision of equipment and facilities, including from travel bonus programs such as 'frequent flyer' schemes or any other such loyalty programs while on Council business. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment back to council.

Where more substantial private use does occur, the Act provides that a payment may be made to cover the level of that private use (refer s252(2)). Councillors should not obtain more than incidental private use of facilities.

- (1) ***Should a Councillor obtain substantial private benefit, the Councillor is required to advise the General Manager in writing detailing the extent of the private benefit.***
- (2) Council will determine the value of the benefit that is to be invoiced to the Councillor in a non-confidential session of a Council Meeting. ***The Councillor shall then repay Council the value within four weeks of the determination.***

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**3.5 Use of Council resources for political purposes.**

**Guidelines**

The Code of Conduct provides that council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must also avoid any action or situation that could create the appearance that council resources are being used inappropriately.

A person's re-election is considered to be a personal interest. Official council material such as letterhead, publications, websites as well as council services and forums must not be used for such personal interests. Situations in which the appearance may be given that these are being used for such purposes are also to be avoided.

The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Councils will not pay expenses or provide facilities to Councillors in relation to supporting and/or attending such activities and events.

**3.6 Gifts and Benefits**

The process with regard to Gifts and Benefits is set out in Council's adopted Gifts and Benefits Policy.

**3.7 Approval and dispute resolution process**

- (1) All expenses and costs incurred must be in accordance with the requirements of this Policy.
- (2) Reimbursement of costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the "Request for Councillor Reimbursement" form.
- (3) If receipts and tax invoices are not able to be submitted, a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred. If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request.
- (4) ***Claims for reimbursement of "Communication costs" will only be made upon the production of appropriate receipts and tax invoices in the name of the Councillor – a statutory declaration is not appropriate.***
- (5) ***Payments made to Councillors by way of reimbursement in accordance with this Policy will only be made to personal accounts on which the Councillor is a named account holder and not to third parties.***


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- 
- (6) The General Manager or a delegated employee shall assess all such claims and if considered to be reasonable and to be legitimately payable under this Policy, shall approve the claim for payment and payment shall be made within seven (7) days.
  - (7) Should the General Manager or delegated employee decide that the claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still consider that the claim should be paid, it shall be considered that a dispute exists and the provisions of the following clause shall apply.
  - (8) Should any Councillor consider that a dispute exists at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute and the General Manager shall submit such reports to the next meeting of the Council to have the dispute determined by a resolution of the Council having regard to this policy, the Act and any other relevant law. The decision of the Council shall be binding on all of the parties.

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**3.8 Payment of Councillor Fees**

**Local Government Act – Section 248A**

Under Section 248A of the Act, Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from office or the right to be paid any fee is suspended.

**Local Government Act – Section 254A**

Under Section 254A of the Act, Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

**Regulation – Clause 404**

Under clause 404 of the Regulation, a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

**Advice from the Division – Surrendering Fees**

On 25 August 2011 the Division advised that as the payment of expenses incurred by Councillors is an entitlement and is distinct to the provision of Councillor fees set out by the Local Government Remuneration Tribunal of NSW, Council does not have the capacity to "surrender" Councillor entitlements, and therefore does not have the ability to donate the entitlements to a charity.

However, the Division confirmed that Section 404 of the Local Government (General) Regulation 2005 provides that Councillors can agree to a "non-payment or reduction" in their Councillor fees. The Division stated that Councillors have an option to donate all or part of their Councillor fees to a charity organisation.

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**3.8 Payment of Councillor Fees (continued)**

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

**3.9 Payments in advance**

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

<b>Timeframe</b>	<b>Maximum amount</b>
Reconcile within 1 week	\$500.00

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**4. Specific Expenses**

**4.1 Training and education expenses**

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

**4.2 Attendance at seminars and conferences**

- (1) Prior Council approval is required for Councillors to attend seminars or conferences on behalf of the Council. A report must be included in the Council business papers and should give the purpose of the seminar, conference and training course, expected total costs, expected benefits for Councillors to attend and the names of Councillors who have indicated an interest to attend.
- (2) When determining attendance at conferences and seminars, consideration will be given to the Councillor Attendance at Conference guidelines.
- (3) ***Where a Councillor is no longer able to attend a conference or seminar for which endorsement has been given, they must advise the General Manager as soon as practicable, to facilitate the attendance of an alternate Councillor.***
- (4) ***Where a Councillor provides less than 24 hours notice with regard to clause 3 above, and where no sufficiently substantial reason is provided, the Councillor may be liable, by way of Council resolution, for any related costs Council is unable to recover.***
- (5) After returning from the seminar, conference or training course, the Councillor/s, or accompanying member of Council staff, shall provide a written report to Council on the aspects of the event relevant to Council business and/or the local community. No written report is required for the Annual Local Government NSW Conference, the Australian Local Government Association Conference or for compulsory training courses or seminars required by any Government agency.
- (6) Council will pay the seminar, conference or training course registration fees charged by the organisers including the costs of related official meals and associated tours where they are relevant to the business and interests of Council. Any time and costs incurred in undertaking activities not related to attendance at the event shall not be included in the expenses paid by Council.

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- (7) Council will also meet the cost of meals (and reasonable cost of drinks) when they are not otherwise included in the training, conference or seminar fees. Each Councillor is entitled to seek reimbursement **for up to three meals per day to a maximum of \$100 a day.** ~~\$100 per meal for the purpose of this sub-clause up to a limit of 3 meals per day.~~ Official receipts will be required for reimbursement under this clause.

Quantity	Maximum amount
Up to 3 meals per day	\$100 per meal <i>day</i>

- (8) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.
- (9) Council will meet the reasonable cost of transportation and accommodation associated with attendance at the seminar, conference or training course
- (10) Any accommodation required by Councillors will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the Councillor. Where possible, Council will make payment of the accommodation booking prior to the date of arrival.
- (11) Council shall provide Councillors with taxi vouchers for travel to a seminar, conference or training course. Councillors must ensure that unused vouchers and the receipts of used vouchers are provided to Council within seven (7) days of the event.
- (12) Alternatively, Council will meet the actual costs for public transport, taxis or hire-cars for travel on Council related business **outside a 15km radius of the Ryde Civic Centre of the Ryde Local Government area (LGA). Reimbursement will not be made for travel expenses incurred within the Ryde LGA.**
- (13) Council shall reimburse transport expenses incurred by a Councillor whilst using their own private vehicle for Council related business **outside a 15km radius of the Ryde Civic Centre of the Ryde Local Government area (LGA). Reimbursement will not be made for travel expenses incurred within the Ryde LGA.**

This will be by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred. The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council.

- (14) Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst using their private vehicles on Council related business.

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**4.3 Travel**

**Guidelines**

All travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

**4.3.1 Local travel arrangements and expenses**

- (1) Under normal circumstances, Councillors are expected to provide their own transport to and from the Civic Centre and the Councillor's home and place of work for the purpose of undertaking Council business.
- (2) Transport to and from the Civic Centre and a Councillor's home and/or place of work may be provided by Council at the discretion of the General Manager having regard to the circumstances, if it is not practicable for a Councillor to use his or her normal method of transport.
- (3) Council shall reimburse travel expenses incurred by Councillors for travel on Council related business outside a 15km radius of the Ryde Civic Centre **the Ryde Local Government area (LGA). Reimbursement will not be made for travel expenses incurred within the Ryde LGA.**
- (4) Travel expenses include use of private vehicle, use of public transport, taxis, hire cars, travel using a Council vehicle and associated costs such as parking and road tolls. Private vehicle expenses will be reimbursed using the kilometre rate prescribed in the relevant legislation or policies applicable to employees of the Council. Actual costs will be reimbursed for other travel expenses.
- (5) Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst travelling on Council related business.
- (6) A Council vehicle (with or without a driver), a hire car, or a taxi voucher may be provided to a Councillor for the purpose of attending any Council related event at the discretion of the General Manager having regard to the circumstances.
- (7) Nothing in this Policy prevents a Councillor from travelling in a Council vehicle with a staff member who is also attending any Council related event.

**4.3.2 Intrastate travel**

- (1) Council shall reimburse Council business related travel expenses ~~to a seminar, conference or training course~~ by a Councillor whilst using their own private vehicle, by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred. The rate of reimbursement for kilometres

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travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council.

- (2) Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst using their private vehicles on Council related business.
- (3) If this travel includes accommodation expenses, please refer to Section 4.3.5 – Accommodation costs.

**4.3.3 Interstate travel (including ACT)**

- (1) Prior Council approval is required for interstate travel for which reimbursement is sought by Councillors. Any proposal for Councillors to travel interstate is to be included in the non-confidential business papers of Council, for which due public notice has been given. Such a proposal cannot be considered in a late report or Mayoral Minute.
- (2) Applications for interstate travel must be made in writing, giving full details of the travel including: itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective re-imbursment of such travel expenses, therefore all expenses must be approved in advance.
- (3) Upon return from interstate travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community.
- (4) Economy class air travel will be provided as standard for travel within Australia. The cost of any upgrade shall be the responsibility of the Councillor. Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- (5) Where trains are used, first class train travel will be provided, including sleeping berths where available.
- (6) Council shall meet the cost of any transfers between a Councillor's residence and a transport interchange (ie: airport) and between the transport interchange and hotel or venue. These costs are not to exceed the cost of taxi fares.

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**4.3.4 Overseas travel**

**Guidelines**

It is strongly recommended that Council scrutinise the value and need for Councillors to undertake overseas travel. Councillors should avoid international visits unless direct and tangible benefits can be established for Council and the community.

- (1) Council approval is required for overseas travel for which reimbursement is sought by Councillors. Any travel proposals for Councillors to travel overseas are to be included in the non-confidential business papers of Council for which due public notice has been given. Such proposals cannot be considered in a late report or Mayoral Minute.
- (2) Applications for overseas travel must be made in writing, giving full details of the travel including itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective re-imburement of such travel expenses therefore expenses must be approved in advance.
- (3) Upon return from overseas travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community.
- (4) Economy air travel will be allowed for any overseas travel (subject to prior Council approval). Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- (6) Council shall meet the cost of any transfers between a Councillor's residence and the airport and between the airport and hotel or venue. These costs are not to exceed the cost of taxi fares.

**4.3.5 Accommodation costs**

- (1) Council shall meet the costs of accommodation for Councillors travelling on Council business, **when prior approval has been granted by Council.**
- (2) Where possible, Council will make payment of the accommodation booking prior to the date of arrival.
- (3) Any accommodation required by Councillors will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the Councillor.

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**4.3.6 Incidental Expenses**

**Guidelines**

Reasonable out of pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses may be reimbursed, provided that it can be demonstrated that the expenses were actually incurred and that established reconciliation procedures are followed; for example, the completion of a claim form. The claim form must include an itemised account of expenditure and should not be general in nature.

Incidental expenses could reasonably include telephone calls, refreshments, internet charges, laundry and dry cleaning newspapers, taxi fares and parking fees.

- (1) Council shall reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, **and other prior approved travel**, incurred by Councillors.
- (2) Incidental expenses include, but are not limited to, in-house hotel television, telephone calls, internet charges, refreshments, laundry and dry cleaning, and newspapers.
- (3) Each Councillor is entitled to seek reimbursement up to \$20 per day for the purposes of Clause 4.3.6 (2).

Timeframe	Maximum amount
Per day	\$20

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**4.3.7 Legal assistance provisions and expenses**

**Guidelines**

Legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to a Councillor. This may include circumstances in which a matter does not proceed to a finding.

Council must not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances

Council must not meet the legal costs of a Councillors seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs must not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

- (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 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 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.

- (2) 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.
- (3) 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.

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- (4) 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.
- (5) 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.
- (6) Council will not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.
- (7) 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.

**4.3.8 Insurance**

**Guidelines**

Section 382 of the Act requires Council to make arrangements for its adequate insurance against public liability and professional liability.

All insurances are to be subject to any limitations or conditions set out in Council's policy of insurance.

- (1) In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- (2) Councillors are provided additional liability protection by way of the Councillors and Officers Liability Policy, and personal injury protection by way of the Personal Accident Policy.
- (3) Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- (4) Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

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**4.3.9 Communication expenses**

**Guidelines**

The Division advises against Council including a provision in their Policy for expenses for individual Councillors or groups of Councillors to produce and disseminate personalised pamphlets, newsletters and the like.

Regardless of the intention, such activities may be perceived as using Council resources for private political benefit and would therefore be contrary to the spirit of the Local Government Act and Code of Conduct.

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. Councils should also consider limiting expenses for internet use.

- (1) Councillors are entitled to seek reimbursement for communications costs and expenses covering the areas of email, internet, telephone (both fixed and mobile), **website** and postage.
- (2) Each Councillor is entitled to seek reimbursement up to \$300 per month (\$3600 per annum) for the purposes of this clause.
- (3) Where the communication costs include the provision of a communication device through a communication plan, Council shall reimburse the costs associated with the plan, including email, internet and telephone access and usage. Communication costs also include expenses incurred by a Councillor for the proportion of leasing, renting or repayment costs associated with any communication device used by a Councillor in undertaking their role as a Councillor.
- (4) Council may provide Councillors with a mobile phone and call plan in lieu of the individual Councillor seeking reimbursement for mobile telephone costs. It is noted that there may be a small proportion of incidental private/personal use.
- (5) Reimbursement of costs and expenses to Councillors under 'Communication costs' will only be made upon the production of appropriate receipts and tax invoices **in the name of the Councillor**, and the completion of the "Request for Councillor Reimbursement" form.
- (6) **Councillors are not entitled to claim any communication costs associated with the production or dissemination of personalised pamphlets, newsletters and the like.**

Timeframe	Maximum amount
Per annum	\$3,600
(Per month)	(\$300)

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**4.3.10 Attendance at dinners and other non-Council functions**

**Guidelines**

Consideration may be given to meeting the cost of Councillor's attendance at dinners and other non-Council functions that provide briefings to Councillors from key members of the community, politicians and business. Approval to meet expenses should only be given when the function is relevant to the Council's interest. Only the cost of the service provided should be met.

No payment should be made by a Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or some other private benefit. Council should ascertain whether any expenses to be incurred would be directed towards such events and activities prior to approving expenditure.

- (1) Councillors are entitled to seek reimbursement for attendance at dinners and other non-Council functions that provide briefings to Councillors from key members of the community, politicians and business.
- (2) Approval for reimbursement in accordance with the above should be sought prior to the event and be done in writing to the General Manager.
- (3) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purpose of this section. ***Official receipts are required for reimbursement under this clause.***
- (4) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.

Timeframe	Maximum amount
Per annum	\$300

- (5) Councillors who are Executive Members of an organisation of interest to Council as indicated in a Council resolution, shall be entitled to seek reimbursement and support for their attendance at the Executive Meetings held by the organisation.

Council will meet the cost of the Councillor's transportation and accommodation expenses, including the cost of meals. The support provided to Councillors in their capacity as an Executive Member of an organisation shall only be valid for the period they hold such a position.

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**4.3.11 Care and other related expenses**

**Guidelines**

Council makes provision for the reimbursement of the reasonable cost of care arrangements, including childcare expenses and the care of elderly, disabled and/or sick family members of Councillors, to allow Councillors to undertake their Council business obligations.

- (1) Where a Councillor has responsibilities for the care and support of any relative, the Council may reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.
- (2) In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Local Government Act.

*Relative, in relation to a person, means any of the following:*

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) *the spouse or de facto partner of the person or of a person referred to in para (a)*

- (3) The total amount paid to a Councillor in a financial year under sub-clause (1) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year.

Timeframe	Maximum amount
Per annum	25% of annual Councillor fee

- (4) Where a Councillor has a special requirement, such as disability and access needs, Council shall meet reasonable costs and expenses required in order for that Councillor to discharge the functions of civic office.
- (5) The total amount paid to a Councillor in a financial year under sub-clause (4) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year, however, Council can approve additional expenditure in extenuating circumstances.

Timeframe	Maximum amount
Per annum	25% of annual Councillor fee

- (6) Each application for care and support of a relative or for meeting the special requirements of a Councillor is to be made in writing to the General Manager or his/her delegated officer and will be assessed on its merits. The General Manager may use his/her discretion to refer the matter to Council for determination.

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**4.3.12 Expenses for spouses, partners and accompanying persons**

**Guidelines**

There may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official Council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying Councillors within the local government area.

The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above should be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government Association annual conference could be met by Council. These expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses and the cost of partner/accompanying person tours etc would be the personal responsibility of individual Councillors.

The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a Councillor at any event or function outside the local government area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by Council.

The above should also be distinguished from circumstances where spouses, partners or accompanying persons accompany Councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the Councillor or the spouse/partner/accompanying person.

- (1) In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor in the performance of his or her duties, such as attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within the Ryde local government area.
- (2) Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person will be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function, including carer costs. Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.

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

Timeframe	Maximum amount
Per annum	\$300

**4.3.13 Meals and refreshments**

- (1) Morning and afternoon tea may be provided to each Councillor when in attendance at the Civic Centre during normal office hours. A meal including drinks may be provided to each Councillor at the Civic Centre whenever the Councillor is required to attend at the Civic Centre, or leave from or return to the Civic Centre, for a Council related event.
- (2) Meals and refreshments may also be provided to Councillors when attending a local community event or festival. The General Manager shall determine when such meals and refreshments are to be provided.
- (3) Meals and refreshments may also be provided to Councillors when attending a seminar, conference or training course, in accordance with Section 4.1 – Seminars and conferences.

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**5. Additional Expenses for the Mayor**

**5.1 Mayoral Fee**

- (1) An annual fee is paid to the Mayor by the Council. The fee is the amount fixed by the Council under Division 5 of the Local Government Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this Policy, the annual fee paid to the Mayor is intended to offset the additional costs involved in discharging the functions of the Mayoral Office over and above the costs incurred by other Councillors.
- (3) In the event that the Council resolves to pay a **annual** fee to the Deputy Mayor to undertake the roles and responsibilities of the office of the Mayor, the amount of such **annual** fee shall be deducted from the amount determined to be paid to the Mayor on a pro rata basis for the relevant period.
- (4) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Mayor holds office.
- (5) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral Fee.

**5.2 Civic Expenses**

- (1) Council shall meet the cost of providing refreshments and associated expenses for civic functions, civic receptions and any other formal event hosted by the Mayor, subject to adequate funds being allocated and available in the Council's adopted Delivery Plan.

**5.3 Communication costs and expenses**

- (3) Council shall reimburse up to an additional \$250 per month (\$3,000 per annum) for communication costs and expenses for the Mayor, over and above the monthly expenditure limit prescribed in clause 4.3.9.

<b>Timeframe</b>	<b>Maximum amount</b>
Per annum	\$3,000
(Per month)	(\$250)

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**6. Provision of facilities, equipment and services**

**6.1 General**

**6.1.1 Provision of facilities generally**

- (1) Facilities, equipment and services shall be provided to Councillors to support them in undertaking their role as elected members of the Council.
- (2) The equipment supplied under sub-clause (1) shall be of adequate capacity and functionality to generally undertake the role of Councillor.
- (3) Unless otherwise resolved by the Council, the equipment shall be provided to a Councillor only once during the term of each Council. Council remains in ownership of the equipment and will be responsible for maintenance, replacement, insurance, technology upgrades and supply of consumables. The equipment is required to be returned at the end of the term of each Councillor. At the conclusion of their term, Councillors shall be offered the option to purchase the equipment that they have been in possession of, at current market value. Unless stated otherwise, the Councillor shall be responsible for all other costs of operating this equipment.

**6.1.2 Private use of equipment and facilities**

- (1) Council facilities, equipment and services are not to be used for private purposes unless the use is incidental, unavoidable and of a minor nature.
- (2) ***Should a Councillor obtain substantial private benefit, the Councillor is required to advise the General Manager in writing detailing the extent of the private benefit.*** Council will determine the value of the benefit that is to be invoiced to the Councillor in a non-confidential session of a Council Meeting. ***The Councillor shall then repay Council the value within four weeks of the determination.***
- (3) Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

**6.2 Specific provision of equipment and facilities for Councillors**

**6.2.1 Stationery and other items**

- (1) Each Councillor may receive:
  - (a) 2500 sheets of plain white A4 paper per year;
  - (b) 500 plain white DLE envelopes per year;
  - (c) 500 business cards per year in a format agreed by each Councillor;

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the year commencing from the date of election to Council and each subsequent anniversary.

Additional supplies of the above stationery items may be provided by the General Manager if considered warranted having regard to the particular needs of any Councillor.

- (2) Each Councillor may be issued from time to time with name badges, a security access card, ties/scarves and other corporate apparel or accessories for personal use. Security access cards are required to be returned when the Councillor ceases to hold office.
- (3) Stationery is not to be used to produce election material or for any other political purpose.

Timeframe	Maximum amount
Per annum	2,500 sheets of plain A4
Per annum	500 plain white DLE envelopes
Per annum	500 business cards

**6.2.2 Home Office and Equipment**

- (1) The following equipment and facilities may be provided by the Council at a location nominated by the Councillor:

- (a) a personal computer with office and related software (up to a total value of \$3,000)
- (b) a printer which may include or have attached facilities for facsimile, scanning, photocopying and telephone answering (up to a total value of \$1,000)
- (c) an iPad or other tablet device (up to a total value of \$1,000)

All amounts stated are inclusive of GST.

Timeframe	Maximum amount
Per term	PC up to \$3,000
Per term	Printer up to \$1,000
Per term	iPad equivalent up to \$1,000

- (2) ***Alternatively to (1) above, Councillors may choose to be provided with, or receive reimbursement for, information technology equipment and/or software to a total of \$4,000 per term. This clause is to commence following the conduct of the 2016 Local Government election.***

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**ATTACHMENT 1**

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

**6.2.3 Parking**

- (1) Councillors shall be provided with allocated parking at the Civic Centre for attendance at meetings and functions in the performance of their role as a Councillor and be provided with a parking permit sticker for use when parking in the Civic Centre Car Park. Council will not indemnify Councillors for any damage to their vehicles whilst utilising this facility.
- (2) No other parking concessions within the City of Ryde will be granted.

**6.2.4 Secretarial Support**

- (1) Secretarial support may be provided at the discretion of the General Manager for each Councillor at the Civic Centre. This may include typing, photocopying or use of a telephone. All expenses incurred, including the cost of staff, shall be met by the Council.

**6.2.5 Delivery of Material**

- (1) At least once each week, each Councillor may receive a delivery of material from Council including business papers, correspondence, newspapers, etc delivered to one property address nominated by the Councillor.

**6.2.6 Council Meeting Chamber and Library Meeting Rooms**

- (1) Councillors may use the Council Meeting Chamber or access the meeting rooms at the library as available and in accordance with the relevant booking process, for the purposes of meeting with the public during operating hours and free of charge. The nature of the meeting must relate to Council business.
- (2) Council facilities are not to be used for any political purpose.

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**ATTACHMENT 1**

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

**7. Additional provisions for the Mayor**

**7.1 Mayoral Office**

A furnished Mayoral Office shall be provided by the Council at the Civic Centre, including a computer with office and related software (including access to email and internet).

**7.2 Secretarial Support**

Secretarial support shall be provided by the Council. All necessary staff, office equipment, furnishings, printing, stationery, postage and other general office expenses shall be met by the Council, subject to adequate funds being available in the Council's adopted Delivery Plan.

**7.3 Motor Vehicle**

**Regulation – Clause 403 – Section 252**

A policy, under section 252 of the Act, must not include any provision enabling a council to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular Councillor, other than a Mayor.

**Guidelines**

Generally, a fully serviced and maintained vehicle, including a fuel card, should be provided for the sole use of the Mayor.

Councillors, including the Mayor, should only obtain incidental private benefit from the provision of a motor vehicle for official use unless the Policy specifically provides for private use and has a mechanism in place for a payment to be made for that private use.

- (1) A Toyota Camry Hybrid Level 2 (or general equivalent) shall be provided by the Council and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for incidental private purposes by the Mayor.
- (2) Should substantial private use occur the Mayor is to reimburse to Council the cost of this private use, which will be calculated using the mileage rates prescribed in the relevant legislation or policies applicable to employees of Council.
- (3) A car parking space shall be allocated at the Civic Centre for the Mayoral vehicle.

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**ATTACHMENT 1**

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

- (4) Should the Mayor elect not to make use of the vehicle for the length of their term, it will be disposed of appropriately. The Mayor will be entitled to reimbursement for all Council related travel expenses in accordance with ~~the rate set out in the "Councillor Reimbursement form"~~ **the mileage rates prescribed in the relevant legislation or policies applicable to employees of Council.**
- (5) Reimbursements will be made upon the production of an appropriate vehicle mileage log and the completion of a "Request for Councillor Reimbursement" form.

**7.4 Ceremonial Clothing**

The Mayor shall be supplied with a suitable robe and chains of office.

**7.5 Other equipment and facilities**

- (1) In addition to equipment and facilities already provided to the Mayor as a Councillor, the Mayor shall be entitled to the following equipment and facilities:
- (a) an additional 500 business cards per year of term in a format agreed by the Mayor,
  - (b) 200 Christmas Cards per year of term,
  - (c) corporate attire and presentation gifts for use in connection with civic and ceremonial functions for example: tie, scarfs, mementos
- (2) The General Manager shall have discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, subject to funding being made available in the adopted Management Plan, and that the provision of such equipment or facilities is reasonable for the efficient and effective performance of the Office of the Mayor. Should the General Manager exercise his/her discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, a report detailing the provision shall be presented to Council.

Timeframe	Maximum amount
Per annum	200 Christmas cards
Per annum	Additional 500 business cards

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**ATTACHMENT 1**

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

**8. Acquisition and return of equipment and facilities by Councillors**

**Guidelines**

Council should provide details of arrangements for Councillors to return equipment and other facilities to Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

The policy should provide the option for Councillors to purchase Council equipment previously allocated to them at the cessation of their duties. If the item is for sale it should be purchased at an agreed fair market price or written down value.

- (1) Prior to the conclusion of a Council term, all Councillors will be invited to indicate if they wish to purchase the following:
  - Lap top or computer provided by Council
  - Printer provided by Council
  - iPad or equivalent provided by Council and/or
  - any phone provided by Council
- (2) Councillors will be advised of the written down value of each item prior to seeking the above indication.
- (3) Where possible, payment for any items a Councillor wishes to purchase will be deducted from the Councillor's fee. Where this is not possible, an invoice will be prepared for the Councillor to make the appropriate payment.
- (4) Councillors no longer holding a position as Councillor will be required to return all equipment not purchased within one week of the declaration of the polls to the Group Manager, Corporate Services at Council's Civic Centre

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**ATTACHMENT 1**

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

**9. Management, review and reporting of this Policy**

**9.1 Adoption and amendment of Policy**

**Act – Section 252**

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

**Act – Section 253**

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
  - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
  - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
  - (c) a copy of the notice given under subsection (1).

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**ATTACHMENT 1**

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

(5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

254 Decision to be made in open meeting

The council or a council committee, all the members of which are councillors, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered..

**9.2 Annual reporting**

**Act – Section 428 and Regulation – Clause 217**

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

**Act – Section 428 (part)**

- (1) Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.
- (2) A report must contain the following:
  - (f) the total amount of money expended during the year on mayoral fees and councillor fees, the council’s policy on the provision of facilities for use by councillors and the payment of councillors’ expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses.

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**ATTACHMENT 1**

**Policy on the Payment of Expenses  
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**Regulation – Section 217 (part)**

- (1) For the purposes of [section 428](#) (4) (b) of [the Act](#), an annual report of a council is to include the following information:
- (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
- (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
  - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
  - (iii) the attendance of councillors at conferences and seminars,
  - (iv) the training of councillors and the provision of skill development for councillors,
  - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
  - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
  - (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,
  - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

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**ATTACHMENT 1**

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

**10. Other Government and Council Policy provisions**

This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

- (1) Division of Local Government Circular No. 09-36, 7 October 2009, "*Release of Revised Councillor Expenses and Facilities Guidelines*"
- (2) Division of Local Government Publication, "*Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW, October 2009*"
- (3) Department of Local Government Circular No. 05-08, 9 March 2005, "*Legal Assistance for Councillors and Council Employees*"
- (4) ICAC Publication "*No excuse for misuse*", November 2002
- (5) City of Ryde "*Code of Conduct*"

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**ATTACHMENT 1**

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

**11. Attendance at Conferences – supplementary City of Ryde provision**

Council acknowledges the value of Councillor attendance at conferences to enable them to be both knowledgeable and current on issues affecting the City of Ryde. In order to ensure that attendance at Conferences is equitable, transparent and consistent, attendance will be limited as follows:

1. Local Government NSW Conference – the number of voting delegates plus one (to a maximum of eight Councillors). Details of the delegates and attendee are to be determined by resolution of Council.
2. Australian Local Government Association Conference.
3. In addition, to 1 and 2 above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
4. Within 2 months after the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors Information Bulletin. This action is not required for the Local Government NSW Conference or the Australian Local Government Association Conference.
5. No Councillor can attend a Conference at Council's expense without the prior approval of Council. Reports to Council are to include details of the Conference and an estimate of the associated costs including registration, transport and accommodation.
6. Council may resolve that a Councillor can attend more than one conference per year but this determination will be dependent on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.
7. Each year, as part of the review of the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors, Council officers will provide a full report of expenditure and Conference attendance by Councillors.

Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors		
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## 8 POLICY FOR THE INTERFACE AND DAY TO DAY OVERSIGHT OF THE GENERAL MANAGER BY THE MAYOR

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**Report prepared by:** Governance Support Coordinator  
**File No.:** CLR/07/8/9/10 - BP13/1519

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### REPORT SUMMARY

In accordance with Council's resolution of 13 August 2013, with regard to INTERIM ACTION PLAN – How Council Can Address Risks Raised in the ICAC Hearing, the *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor* has been reviewed.

Changes are now proposed to ensure this Policy is consistent with other City of Ryde policies, including Code of Conduct, Code of Meeting Practice, and the Mayor's Roles and Responsibilities.

This report recommends adoption of the **ATTACHED** draft Policy.

### RECOMMENDATION:

That Council adopt the draft *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor*, as **ATTACHED** to this report.

### ATTACHMENTS

- 1 Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor

Report Prepared By:

**Lorie Parkinson**  
**Governance Support Coordinator**

Report Approved By:

**Amanda Janvrin**  
**Section Manager - Governance**

**Shane Sullivan**  
**Acting Group Manager - Corporate Services**



## ITEM 8 (continued)

### Background

The *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor* was developed to strengthen the executive management of Council. Its intention is to ensure the critical interface between the General Manager and the Mayor is clear to both parties, and all others. It also aims to facilitate the constructive communication of both the General Manager and the Mayor and their ability to fulfil their respective roles.

This policy was developed in accordance with the Guidelines for the Appointment and Oversight of General Managers (Division of Local Government, July 2011), and was adopted by Council on 17 July 2012. The *Mayor's Roles and Responsibilities* instrument was adopted by Council on 27 August 2013, and further clarifies this relationship.

In accordance with Council's resolution of 13 August 2013, with regard to INTERIM ACTION PLAN – How Council Can Address Risks Raised in the ICAC Hearing, this Policy was reviewed. Changes are now proposed to ensure this Policy is consistent with other City of Ryde policies, including Code of Conduct, Code of Meeting Practice, and the Mayor's Roles and Responsibilities.

### Discussion

This report describes proposed updates to the *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor* (**ATTACHED**). Additions to the draft policy are shown in ***bold italic***.

These changes, as described below, ensure that the policy accurately reflects the:

1. City of Ryde *Code of Meeting Practice*, as adopted by Council on 19 March 2013 (meeting of 12 March 2013).
2. *Mayor's Roles and Responsibilities* Delegation document, as adopted by Council on 27 August 2013.
3. City of Ryde *Code of Conduct - Complaints Procedure*, as adopted by Council on 8 October 2013.

#### Additions to reflect the content of Council's *Code of Meeting Practice*

- Section 7. The details regarding Calling Extraordinary or Special meetings have been amended to more accurately reflect the requirements given in Council's *Code of Meeting Practice*. Similar content is also included in the *Mayor's Roles and Responsibilities*.

**ITEM 8 (continued)**Additions to reflect the content of the *Mayor's Roles and Responsibilities* document

- Section 1. The statement “***At the City of Ryde, the selection panel has historically consisted of all Councillors***” has been included to reflect recent practice.
- Addition of ***Section 13 - Exercise of Policy Making Functions***. This section describes the Mayor's communication process if he or she is required to exercise the policy-making functions of Council between Council meetings.

Additions to reflect the content of the City of Ryde *Code of Conduct Complaints Procedure*

- Section 12. Instruction has been added regarding the process the Mayor is to follow if he or she (1) becomes aware of a possible breach of the Code of Conduct by the General Manager, or (2) receives a complaint about the General Manager. This addition ensures that there is transparency and accountability with regard to the process to be undertaken. The provision is also included in the *Mayor's Roles and Responsibilities*.

**Financial Implications**

Adoption of the recommendation will have no financial impact.

ITEM 8 (continued)

ATTACHMENT 1

**Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor**



**Scope**

This policy governs the appropriate interface between the Mayor of the City of Ryde and the General Manager in keeping with the Director General's Guidelines for the Appointment and Oversight of the General Manager and other related policies and guidelines.

The relationship between the General Manager and the Mayor of the City of Ryde is a critical interface required to ensure that the Mayor's role in the day to day management of the General Manager is transparent and appropriately delegated by Council. Constructive professional relationships between the Mayor and the General Manager are essential to enable the effective executive management of the Council.

**Purpose**

The aim of the policy is to strengthen the executive management of the Council by detailing the relationship, the appropriate interface and the day to day oversight by the Mayor of the General Manager relating to:-

1. The General Manager's Appointment
2. Management of the General Manager's performance
3. Audit of the General Manager's Accountabilities
4. The General Manager's Leave Applications
5. The General Manager's Expense Claims
6. Gifts and Benefits
7. Presiding at Council Meetings
8. Conducting Meetings with Ministers and Members of Parliament
9. Conducting Meetings with constituents and those wishing to make representations to the Mayor
10. Public Relations Management
11. Civic Events, Ceremonies and Forums
12. Managing Complaints
13. **Exercise of Policy Making Functions**
14. Training and Development
15. Updating Relevant Information

This policy aims to ensure that there is a clear understanding between the General Manager and the Mayor of the day. It will ensure that expectations and transparency of the interface between the Mayor and General Manager is consistently applied to strengthen and maintain a positive working relationship between both parties.

Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Customer Service and Governance	Accountability: Mayor and Councillor Support Service	Policy Number: CSG009
Trim Reference: D13/62799	Review: following Council election (every four years)	Endorsed: Draft - Council on (Date)

**ITEM 8 (continued)**

**ATTACHMENT 1**

**Policy for the Interface and Day  
 to Day Oversight of the General  
 Manager by the Mayor**



**Guidelines / Procedures**

This policy is drafted to ensure compliance with appropriate legislative requirements, existing Council policies and is supported by the attached Guidelines.

**References - Legislation**

- The Local Government Act 1993
- Division of Local Government – Guidelines for the Appointment and Oversight of General Managers
- City of Ryde Code of Conduct
- City of Ryde Code of Meeting Practice
- City of Ryde Media Policy
- City of Ryde Expenses Relating to The General Manager and Senior Staff Policy
- City of Ryde Corporate Credit Card Policy
- City of Ryde Gifts and Benefits Policy
- Anti-Corruption Safeguards and the NSW Planning System – ICAC 2012
- Public Interest Disclosures Act 1994
- City of Ryde Public Interest Disclosures Internal Reporting Policy
- Council's Policy on Ethical Lobbying
- ***Mayor's Roles and Responsibilities (adopted 27 August 2013)***

**Review Process and Endorsement**

This Policy should be reviewed each term of Council and endorsed by the Council.

Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor		
Owner: Customer Service and Governance	Accountability: Mayor and Councillor Support Service	Policy Number: CSG009
Trim Reference: D13/62799	Review: following Council election (every four years)	Endorsed: Draft - Council on (Date)



**ITEM 8 (continued)**

**ATTACHMENT 1**

**Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor**

**1. The General Manager's Appointment**

The Mayor will establish and chair a selection panel for the purpose of selecting the General Manager in accordance with the Guidelines for the Appointment and Oversight of General Managers (Division of Local Government, July 2011).

*At the City of Ryde, the selection panel has historically consisted of all Councillors.*

**2. Management of the General Manager's Performance**

The General Manager's performance management process will be conducted annually in accordance with the Guidelines for the Appointment and Oversight of General Managers.

The Mayor will chair the Performance Review Panel and oversee the appointment of an external facilitator to assist with the process of performance appraisal and the development of performance plans.

**3. Audit of the General Manager's Accountabilities**

As a member of the City of Ryde Audit Committee, the Mayor will participate in setting the priorities and the program of the audit of Council's operations, to ensure independent oversight of the risk and compliance environment of the General Manager's accountabilities.

The Mayor will also be briefed annually by Council's external auditors to ensure robust financial reporting is in place.

**4. The General Manager's Leave Applications**

The Mayor will be the approval authority for all leave applications made by the General Manager in accordance with Council's leave policies.

**5. The General Manager's Expense Claims**

The Mayor will be the approval authority for all expense claims relating to the General Manager's out of pocket expenses and use of Council's Corporate Credit Card in keeping with the General Manager's Terms of Engagement, Council's Policy on Expenses Relating to the General Manager and Senior Staff, and Council's Corporate Credit Card Policy.

<b>Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor</b>		
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**ITEM 8 (continued)**

**ATTACHMENT 1**

**Guidelines for the Interface and Day  
 to Day Oversight of the General  
 Manager by the Mayor**

**6. Gifts and Benefits**

The Mayor or Council's Manager, Risk and Audit will be the acknowledging authority for all Gifts and Benefits Disclosure Forms completed by the General Manager in keeping with the General Manager's Terms of Engagement, and Council's Gifts and Benefits Policy.

**7. Presiding at Council Meetings**

▪ *Setting the Agenda for Council or Committee Meetings*

Under Section 266 of the Local Government Act, the Mayor presides at meetings of the Council. Clause 240 of the Local Government (General ) Regulation 2005 stipulates that the General Manager must cause the agenda for a meeting of Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

Once the agenda has been set, the General Manager or his/her nominee will meet with the Mayor to discuss the matters on the agenda of either a Council or Committee meeting prior to the meeting being convened. To ensure that the independence of advice to the Council is maintained, the Mayor cannot direct the General Manager or his/her staff to either prepare or remove reports set on an existing or future agenda.

▪ *Calling Extraordinary or Special Meetings*

In accordance with Council's Code of Meeting Practice, the Mayor **does not have the authority, in their own right, to call an Extraordinary or Special Council Meeting. The** General Manager may call an extraordinary or special meeting of the Council on any matter or matters considered necessary **in accordance with the provisions of the Code of Meeting Practice.** The Mayor, in consultation with the General Manager, shall determine the time and place of an extraordinary or special meeting in accordance with Council's Code of Meeting Practice.

**8. Conducting Meetings with Ministers and Members of Parliament**

The Mayor will from time to time have reason to meet with Ministers and Members of Parliament to discuss issues of importance to the City of Ryde and the implementation of its Community Strategic Plan and Council resolutions.

As per Council's resolution of 22 November 2011, the General Manager and/or his/her nominee will accompany the Mayor to any meeting with a State Minister or Member of Parliament at which Council business will be discussed. This will ensure appropriate briefings can be given relating to Council's policies, operational matters or strategic impacts relating to the discussions, and to ensure that the follow up of agreed actions at the meeting will take place.

<b>Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor</b>		
Owner: Customer Service and Governance	Accountability: Mayor and Councillor Support Service	Issue: (date)
Trim Reference: D13/62799	Policy: Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor	Endorsed: draft Council

ITEM 8 (continued)

ATTACHMENT 1

**Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor**

**9. Conducting Meetings with Constituents and those wishing to make representations to the Mayor**

It is acknowledged that the Mayor will meet with constituents relating to a range of matters and may request the presence of the General Manager.

▪ *General Matters*

From time to time the Mayor will request that the General Manager attend meetings with constituents or other parties. Adequate notice (where practicable, no less than three working days) and background information will be given to the General Manager to ensure that the General Manager is able to prepare for the meeting in advance. Meetings will be held in the Mayoral suite during business hours and secretarial support will be provided for meetings that occur to ensure that records are kept detailing the agenda and minutes of the meeting.

▪ *Matters relating to Complaints*

The Mayor may receive complaints about the level of service provided by the Council's staff. These complaints will be referred to the General Manager prior to any meeting between the complainant, the Mayor and the General Manager taking place. This will ensure that appropriate preparations can be made and will be dealt with in accordance with the Council's Customer Feedback Policy. Meetings will be convened as outlined above in General Matters.

Should the complaint relate to a development matter the procedure outlined below will be followed.

▪ *Matters relating to Proposed Development Matters (either Planning Proposals or proposed major Development Applications).*

No meetings will take place with any developer or their representative unless a detailed agenda item is prepared prior to the meeting. Council's Ethical Lobbying Policy will apply to meetings attended by those lobbying on behalf of their client. At such meetings the Group Manager Environment and Planning (or his/her nominee) will also be in attendance at the meetings. Meetings will be convened as outlined above in General Matters and will be minuted by the Mayor's secretary or an appropriate Planning staff member.

It is inappropriate for the Mayor to attempt to influence the independent advice of Planning staff on any planning proposal or development assessment report. No meetings will be held on matters where a development application assessment process is already underway, to ensure there can be no perception of inappropriate influence.

<b>Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor</b>		
Owner: Customer Service and Governance	Accountability: Mayor and Councillor Support Service	Issue: (date)
Trim Reference: D13/62799	Policy: Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor	Endorsed: draft Council



**ITEM 8 (continued)**

**ATTACHMENT 1**

**Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor**

**10. Public Relations Management**

The General Manager will ensure that the Mayor is provided with adequate resources to meet his/her requirements for public relations management. Public relations management relates to the provision of advice and preparation of:

- press releases
- issues management
- speeches
- Council publications
- opinion pieces for journals etc.

In accordance with Council's Media Policy, both the Mayor and the General Manager can make comments to the media on policy matters. When doing so, the Mayor and General Manager will communicate with members of the press through Council's media advisor to ensure consistency of message. All articles and speeches etc relating to or quoting the Mayor will be approved by the Mayor prior to their release.

The General Manager will comment on administration issues in accordance with the Media Policy.

The General Manager will ensure that Council staff provide necessary public relations support for all non-political issues relating to Council's operations and the adopted resolutions of Council. Should the Mayor wish to make commentary that in the opinion of the General Manager is of a political nature and does not relate to matters of Council policy, business or resolution etc, Council's media staff will not be used to draft or place such statements.

**11. Civic Events, Ceremonies, Conferences and Forums**

It is acknowledged that both the Mayor and the General Manager will represent Council at Civic Events, Ceremonies and professional forums etc. When both the Mayor and General Manager are speaking at an event the Mayor will always speak first. Media staff will coordinate the content of each speech to ensure consistency of message and avoid duplication.

When the General Manager is speaking at a forum or conference, he/she will advise the Mayor of the topic of address. The Mayor will respect the independence of the content and the format of the presentation to enable the General Manager to provide his/her professional views. The General Manager must make it clear when doing so if they are not the views of Council or its policies.

When speaking about the City of Ryde Council, Council's policies and views will always be clearly stated by the Mayor and General Manager.

<b>Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor</b>		
Owner: Customer Service and Governance	Accountability: Mayor and Councillor Support Service	Issue: (date)
Trim Reference: D13/62799	Policy: Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor	Endorsed: draft Council

**ITEM 8 (continued)**

**ATTACHMENT 1**

**Guidelines for the Interface and Day  
 to Day Oversight of the General  
 Manager by the Mayor**

**12. Managing Complaints**

All complaints about the General Manager's conduct will be referred to the Mayor and will be managed in accordance with Council's Customer Feedback Policy, Council's Code of Conduct and if necessary, the Public Interest Disclosures Act 1994 and Council's Public Interest Disclosures Internal Reporting Policy. The Mayor may seek the independent assistance of the Internal Auditor, external experts and Council's General Counsel should she/he so require, when undertaking investigations or seeking advice. The procurement of external experts will be managed by Council's Internal Auditor.

***Where the Mayor becomes aware of a possible breach of the Code of Conduct by the General Manager, they may initiate the process for consideration of the matter in accordance with the Code of Conduct without a written complaint. The Mayor also has senior staff available to assist in such matters including Council's Group Manager Corporate Services, General Counsel and the Manager, Risk and Audit.***

***In addition, where complaints about the General Manager are received by the Mayor, the Mayor is to advise all Councillors in writing that a complaint has been received and, where appropriate, the nature of the complaint. The Mayor is to advise all Councillors of the intended course of action and subsequently report the complaint handling plan to Council as a confidential Mayoral Minute.***

All Code of Conduct complaints about the Mayor will be referred to the General Manager and will be managed in accordance with the Council's Code of Conduct and if necessary the Public Interest Disclosures Act 1994 and Council's Public Interest Disclosures Internal Reporting Policy.

All Code of Conduct complaints relating to Councillors made by the General Manager will be made to the Mayor, and managed in accordance with Council's Code of Conduct and if necessary the Public Interest Disclosures Act 1994 and Council's Public Interest Disclosures Internal Reporting Policy.

**13. Exercise of Policy Making Functions**

***Where the Mayor exercises the policy-making functions of the Council in between Council meetings, this is to be communicated to all Councillors and the General Manager as soon as possible. Where practicable, the intent to exercise such functions should be communicated prior to the taking of any action and it is recommended that the Mayor liaise and seek guidance from the General Manager.***

<b>Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor</b>		
Owner: Customer Service and Governance	Accountability: Mayor and Councillor Support Service	Issue: (date)
Trim Reference: D13/62799	Policy: Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor	Endorsed: draft Council



**ITEM 8 (continued)**

**ATTACHMENT 1**

**Guidelines for the Interface and Day  
 to Day Oversight of the General  
 Manager by the Mayor**

**14. Training and Development**

It is recognised that the General Manager is required to keep abreast of local government issues industry best practice and to keep his/her knowledge and skills relevant. To this end, the General Manager will attend industry seminars conferences and forums such as those provided by the Local Government Managers' Association, the Chief Officers' Group of Australasia, the Local Government NSW conference, and the National General Assembly of Local Government.

When deemed that attendance at an industry forum/conference is appropriate, the General Manager will seek the Mayor's approval to attend.

Should the General Manager seek to attend formal training relating to advancing his/her knowledge and skills and in accordance with Council's policy on Tertiary Education etc, the General Manager will seek the Mayor's approval to do so.

**15. Updating Relevant Information**

Both the Mayor and General Manager will use their best endeavours to keep each other appraised of relevant issues relating to Council's operations and the local government industry. Whilst this should take place on an 'as needs' basis, a more formal regular update meeting may take place between the Mayor and the General Manager and his/her executive team as agreed by both parties.

<b>Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor</b>		
Owner: Customer Service and Governance	Accountability: Mayor and Councillor Support Service	Issue: (date)
Trim Reference: D13/62799	Policy: Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor	Endorsed: draft Council

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**9 LOCAL GOVERNMENT WOMEN'S SUMMIT - 14 November 2013**

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**Report prepared by:** Councillor Support Coordinator  
**File No.:** CLR/07/8/83/4 - BP13/1550

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**REPORT SUMMARY**

This report is presented to Council for its consideration of Councillor attendance at the Local Government Women's Summit held at Doltone House, Hyde Park on 14 November 2013.

**RECOMMENDATION:**

That Council consider the attendance of Councillor/s at the Local Government Women's Summit held at Doltone House, Hyde Park on 14 November 2013.

**ATTACHMENTS**

- 1 LG WOMEN'S SUMMIT - Brochure
- 2 Councillor Attendance at Conferences - Guidelines

Report Prepared By:

**Sheron Chand**  
**Councillor Support Coordinator**

Report Approved By:

**Amanda Janvrin**  
**Section Manager - Governance**

**Shane Sullivan**  
**Acting Group Manager - Corporate Services**

**ITEM 9 (continued)****Discussion**

The Local Government Women's Summit will be held at Doltone House, Hyde Park on 14 November 2013.

The Summit is a national event hosted by the NSW Local Government Managers Australia Association. The Association encourages local government employees, Senior Executives from all levels of government and elected representatives from around Australia to attend the inaugural event.

The Summit provides an opportunity for women in local government to build greater capacity in their leadership.

**ATTACHED** (Attachment 1) is a copy of the Summit brochure.

An invitation was placed in the Councillors Information Bulletin dated 24 October 2013 calling for expressions of interest for Councillors to attend this Conference.

Councillor Pendleton has submitted an interest to attend.

**Critical Dates**

The Association has advised Council that they will accept registrations up until 13 November 2013.

**Financial Implications**

Registration cost for the Summit is \$330.00 for LGMA members and \$485.00 for non-members. As the Acting General Manager is a member of the Association, the Association will extend the members rate to Councillors should they attend the event.

Councillors can attend the Summit via taxi, public transport or using their own vehicle and receive reimbursement on the travel expenses, including parking fees.

As the Summit is held in Sydney, accommodation will not be provided.

Currently there is an allocation of \$30,000 in the 2013-2014 budget for Councillor attendance at conferences. The table below outlines an estimation of the balance remaining.

**ITEM 9 (continued)**

Date of Resolution	Item	Average cost per attendee	Councillors	Balance
<b>Budget for 2013/2014</b>				<b>\$30,000</b>
23/7/2013	Bike Futures Conference	\$2,345	Perram	\$27,655
10/9/2013	Local Government NSW Annual Conference	\$880	Maggio Etmekdjian Pickering Simon Yedelian OAM Chung Petch	\$21,495
8/10/2013	Economic Development Australia Conference	\$1,764	Etmekdjian	\$19,731
<b>Balance</b>				<b>\$19,731</b>

The amount remaining in the budget is \$19,731.

**Policy Implications**

There is no policy implication through adoption of the recommendation. The Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors sets out the entitlements for Councillors attending such Conferences.

**ATTACHED** (Attachment 2) are the Guidelines for Councillor Attendance at Conferences. The Guidelines provide that in addition to the Local Government Association Conference and the National General Assembly of Local Government Conference, every Councillor is entitled to attend a conference in NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The Guideline provides that a Councillor can attend more than one conference per year but this determination will be dependent on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to attend conferences.

**Other Options**

Council can resolve not to send a Councillor to the Summit.



ITEM 9 (continued)

ATTACHMENT 1

PROGRAMME

# LG Women's Summit

*LGMA NSW Summit for Executive Women in Local Government*

**14 November 2013**

Doltone House Hyde Park, Sydney



## Contact Us

P | 02 8297 1202

E | [events@lgmansw.com.au](mailto:events@lgmansw.com.au)

[www.lgmansw.com.au](http://www.lgmansw.com.au)



ITEM 9 (continued)

ATTACHMENT 1

## ABOUT THE LG WOMEN'S SUMMIT

THE LG WOMEN'S SUMMIT IS OUR INAUGURAL EVENT FOR ALL WOMEN IN SENIOR LEADERSHIP ROLES, BOTH ELECTED AND PROFESSIONAL, IN AUSTRALIAN COUNCILS. THIS EVENT IS DESIGNED TO ENABLE SENIOR EXECUTIVES AND ELECTED REPRESENTATIVES THE OPPORTUNITY TO ENHANCE THEIR SKILLS AS COMMUNITY AND CORPORATE LEADERS.

From the time of World War I, we have seen the slow and steady rise of women into leadership roles traditionally held by men. Now in an era where female heads of state is not unusual we recognise that nothing is beyond the limits for women.

This one day summit is a pathway to optimising your individual leadership capability to ensure you are putting your best foot forward. You will hear from inspirational, industry leading speakers who have encompassed all aspects of leadership and management to achieve personal and organisational success.

LGMA NSW is dedicated to supporting women to build greater capacity in leadership throughout the Australian local government sector.

### WHO SHOULD ATTEND

Not just for local government employees, the LG Women's Summit welcomes senior executives from all levels of government and elected representatives from around Australia to attend.

- Directors
- General Managers
- Councillors
- Mayors

### DATE

Thursday 14 November 2013  
9.00am - 4.00pm

### VENUE

**Doltone House Hyde Park**  
Level 3, 181 Elizabeth St  
Sydney

Superbly located within a prestigious sector of Sydney's 'mid town' precinct within close proximity to the retail centre including David Jones, Westfield Centrepoint, Sheraton on the Park Hotel and Pitt Street mall.

Approximately 15 minutes (14km) from Sydney Airport, 1.7km from Central Station and Light Rail. Bus services run along Elizabeth St, while St James Railway Station is within close proximity.



ITEM 9 (continued)

ATTACHMENT 1

## PROGRAMME

THIS ONE DAY PROGRAMME HAS BEEN DESIGNED TO SUPPORT YOU TO BUILD GREATER CAPACITY IN YOUR LEADERSHIP. LGMA NSW IS DEDICATED TO SUPPORTING WOMEN TO BUILD GREATER CAPACITY IN LEADERSHIP THROUGHOUT THE AUSTRALIAN LOCAL GOVERNMENT SECTOR.

- 9.00am - 9.30am**      **Registration & Morning Tea**  
Refreshments available on arrival
- 9.30am - 9.45am**      **Welcome**  
*Presented by Annalisa Haskell, Chief Executive Officer, LGMA NSW*  
A warm welcome to the inaugural LG Women's Summit followed by a brief update on LGMA NSW activities for the coming year.
- 9.45am - 10.15am**      **Women's Initiatives at Maddocks**  
*Presented by Cecilia Rose, Senior Associate and Lisa Chung, Partner, Maddocks*  
Since 2001, the EOWA Employer of Choice for Women (EOCFW) citation has been a public acknowledgement awarded to those organisations demonstrating strong commitment to providing equal opportunities to women and recognising and advancing female employees. This prestigious citation has provided recipients significant differentiation in a competitive marketplace, particularly when seeking to attract the best possible talent. Maddocks will provide us an overview of their initiatives which has seen them become recognised as an EOWA Employer of Choice for Women.
- 10.15am - 11.00am**      **The Value of a Diverse Workforce**  
*Presented by Nareen Young, Chief Executive Officer, Diversity Council Australia*  
As the Australian workforce reflects an increasingly diverse population, councils must effectively manage diversity in order to attract and retain high-quality employees and create a more cooperative, creative and productive work environment. This session will look at the value of embracing diversity in your workforce and the associated benefits for the community.
- 11.00am - 12.00pm**      **Opportunities and Challenges in Today's Local Government**  
*Presented by Annalisa Haskell, LGMA NSW; Penny Holloway, General Manager & Jilly Gibson, Mayor, North Sydney Council; and Stefanie Pillora, Research Manager, ACELG*  
This interactive panel session will look at the opportunities being presented and challenges being overcome in their councils in today's local government environment.
- 12.00pm - 12.30pm**      **Lunch**
- 12.30pm - 1.30pm**      **Leadership in Business**  
*Presented by Jenny Young, GAICD, Partner, Ernst and Young*  
Leadership has nothing to do with gender- it's all about performance. However in a male dominated industry, sometimes women have to put their best foot forward to ensure their performance is being noticed. Jenny will share her perspectives on the outcomes and characteristics of successful leaders. She will also provide some recommended actions on how to become a high performing leader and how to build that capability in others around you.



ITEM 9 (continued)

ATTACHMENT 1

## PROGRAMME

- 1.30pm - 2.30pm**      **Changing Culture to Improve Business Efficiency**  
*Presented by Louise Rose, Manager Advisory, PwC Consulting*  
Business efficiency is as much about the people doing the work, as the work itself. This session will look at the importance of understanding your council's culture, identifying any areas for improvement and managing cultural change to ensure business efficiency.
- 2.30pm - 3.30pm**      **Older Women Matter: Harnessing the Talents of Australia's Older Female Workforce**  
*Presented by Jo Tilly, Policy & Research Manager, Diversity Council Australia*  
Diversity Council Australia has recently released new research exploring how workplaces can better harness the skills and talents of Australia's older female workforce. In this session, Jo will present the findings for our delegates along with DCA's framework for action to assist organisations to attract, engage and retain older female workers, and structure effective transitions into retirement.
- 3.30pm - 4.00pm**      **Close**

*NB: this programme is correct at the time of printing but may be subject to change*



ITEM 9 (continued)

ATTACHMENT 1

## SPEAKERS

LGMA NSW IS DELIGHTED TO HAVE THE SUPPORT OF THESE INSPIRATIONAL, INDUSTRY LEADING SPEAKERS.

### LISA CHUNG

Lisa joined Maddocks in March 2011, after more than 15 years as a partner at Blake Dawson. Her areas of expertise include sales and acquisitions of industrial, commercial and retail real estate, commercial leasing, real estate development, joint ventures and the real estate aspects of infrastructure projects, acting for major government and corporate clients.

While an executive partner at Blake Dawson, Lisa had responsibility for the strategic development of the firm's people development policies and processes and established Endeavour, a program to promote leadership skill development in young lawyers and the Sydney Women's Initiative for Mentoring (SWIM). Since joining Maddocks, Lisa has been co-chair of Maddocks Women, which promotes the development of the skills of all female professional staff at Maddocks, particularly in assisting them to build professional profiles and networks.

### CECILIA ROSE

Cecilia specialises in environmental, planning, public and local government law and has advised and acted on behalf of state agencies, local councils, industry, private landholders and developers extensively. She has extensive experience in advising her clients in relation to all facets of environmental, planning and public law.

Cecilia has considerable experience in dispute resolution and regularly appears as an advocate in the Land and Environment Court of NSW, and other related jurisdictions including the Supreme Court, District and Local Courts. Cecilia has been with Maddocks since 2005, and is a member of Maddocks Women.

### LOUISE ROSE

Louise has eight years experience specialising in change management and communications across Europe, Asia and Australia. Louise's has undergraduate degrees in psychology and business and a masters in anthropology that provide her with a strong skill set to drive behavioural change.

Louise's experience has focused on financial services and government industries and ranged from helping global organisations embrace new financial systems, to changing social workers attitudes and behaviour toward marginalised populations.

### JO TILLY

Jo Tilly is Manager of Research and Policy at Diversity Council Australia. Before joining DCA, Jo was a most recently a freelance consultant working in social policy research and health advocacy.

Jo has worked in a number of roles focused on women and employment, including as the senior policy advisor to the NSW Government on women's issues; as a senior policy and research officer at the Australian Human Rights Commission responsible for sex and age discrimination issues; and was previously the Women's Industrial Officer for the NSW Public Service Association where she was worked to successfully increase paid maternity leave and was involved in the landmark library workers pay equity case.

ITEM 9 (continued)

ATTACHMENT 1

## SPEAKERS

### JENNY YOUNG (GAICD)

Jenny is a Partner at Ernst & Young's Advisory practice. Ernst & Young has been recognised as an Employer of Choice for Women by the Equal Opportunity for Women in the Workplace Agency (EOWA) for eleven consecutive years.

Jenny was formerly Executive Director, NBN Transition and Marketing at Telstra Corporation Limited. Jenny has held senior marketing positions for Unilever, Lion Nathan, Pepsi and Telstra, and has worked in New Zealand, the United Kingdom and Australia. Jenny is also chair of the board at Autism Spectrum Australia (Aspect) the largest not-for-profit provider of autism services in Australia. Jenny has been recognised as one of BRW Australia's top 50 businesswomen likely to become CEO.

### NAREEN YOUNG

As Chief Executive Officer of Diversity Council Australia since 2007, Nareen Young has transformed the organisation into a flourishing independent, not-for-profit workplace diversity advisor to business in Australia providing members with a wealth of knowledge, research and expertise.

In 2012, Nareen was named by prominent news and lifestyle website, Daily Life, as one of the 20 most influential female voices in Australia and by the Financial Review and Westpac Group as one of 100 Women of Influence, receiving the top honour in the diversity category. For more information about DCA, visit [www.dca.org.au](http://www.dca.org.au).

ITEM 9 (continued)

ATTACHMENT 1

# REGISTRATION FORM

LG Women's Summit

14 November 2013

[register online at www.lgmansw.com.au](http://www.lgmansw.com.au)

Alternatively you may return this completed registration form to LGMA NSW  
by email to [events@lgmansw.com.au](mailto:events@lgmansw.com.au) or by fax on 02 9262 6705

<b>Council</b>	
<b>Address</b>	

1. Delegate Information		Title	First Name	Last Name
<b>Name</b>				
<b>Position</b>				
<b>Email</b>				
<b>Phone / Mobile</b>				
<b>Registration</b>	<input type="checkbox"/> LGMA NSW Member \$330.00	<input type="checkbox"/> Non Member \$485.00		
<b>Please advise any special dietary requirements</b>				

2. Delegate Information		Title	First Name	Last Name
<b>Name</b>				
<b>Position</b>				
<b>Email</b>				
<b>Phone / Mobile</b>				
<b>Registration</b>	<input type="checkbox"/> LGMA NSW Member \$330.00	<input type="checkbox"/> Non Member \$485.00		
<b>Please advise any special dietary requirements</b>				

Special Offer
LGMA NSW wishes to extend a special registration offer to any councillor wanting to register and attend the LG Women's Summit. If the general manager of your council is a member of LGMA NSW, we will honour the membership rate for your attendance.
<b>Please advise the name of your council's General Manager</b>

Payment Details	<input type="checkbox"/> EFT	Purchase Order #	Credit Card	<input type="checkbox"/> Visa	<input type="checkbox"/> MasterCard
Card #	/	/	/	Expiry	/
Name on Card					
Signature					

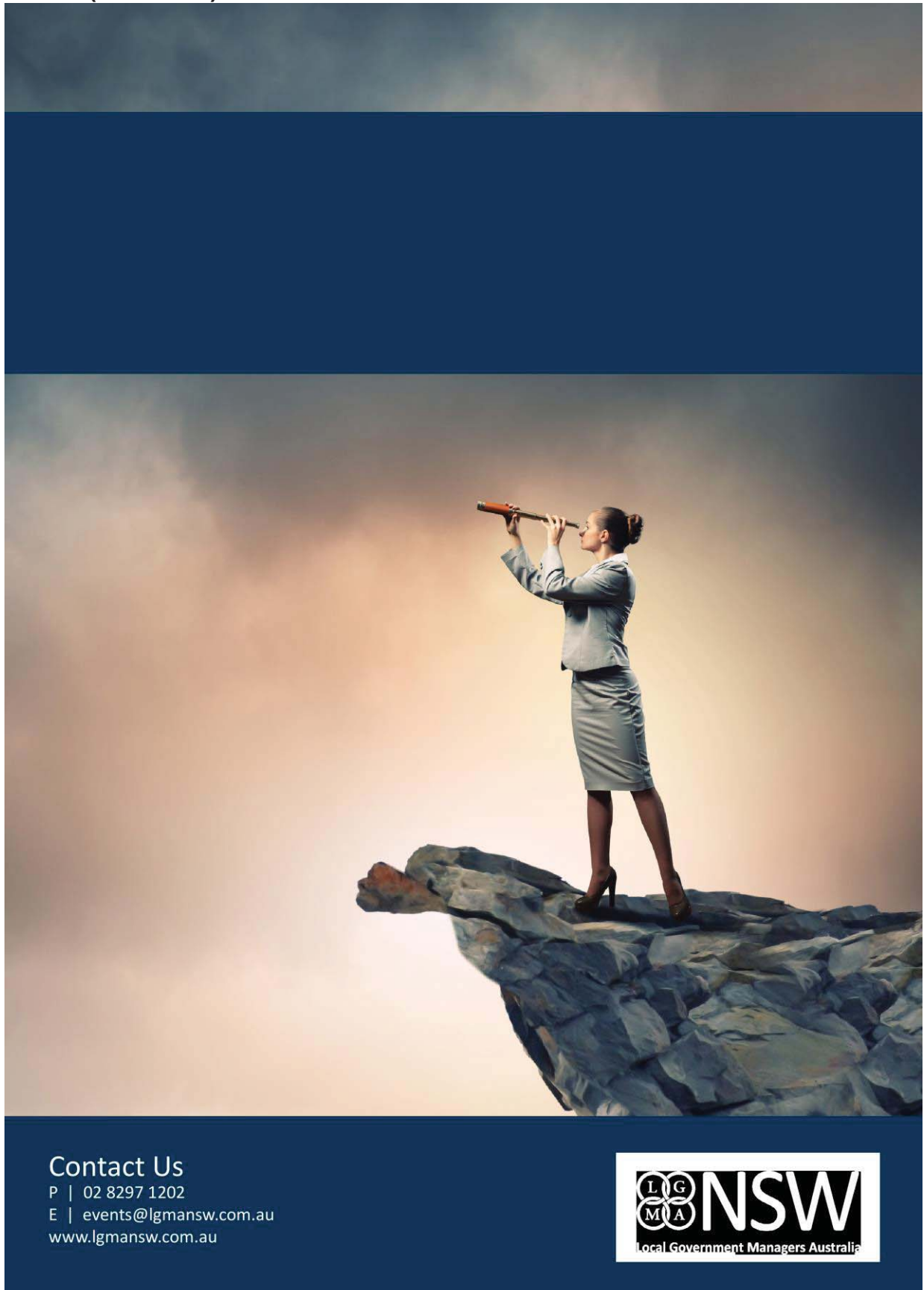
*all prices are GST inclusive*

Registration for this event is open to LGMA NSW individual members, council staff, elected representatives and LGMA NSW invited guests. Corporate members are eligible to register for the conference in conjunction with a sponsorship package (discounts available).

Registrations for this event will close fourteen (14) days prior to the commencement date unless sold out. A full refund will be provided where written notification (by email or fax) is received by LGMA NSW at least fourteen (14) days prior to the event. No refund available for cancellations within fourteen (14) days prior to the event.

**ITEM 9 (continued)**

**ATTACHMENT 1**



**Contact Us**

P | 02 8297 1202

E | [events@lgmansw.com.au](mailto:events@lgmansw.com.au)

[www.lgmansw.com.au](http://www.lgmansw.com.au)





**ITEM 9 (continued)**

**ATTACHMENT 2**



## Councillor Attendance at Conferences Guideline

**Related Policy**

This guideline sets out the criteria to determine the attendance of Councillors at Conferences. It relates to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

**Guidelines**

Council acknowledges the value of Councillor attendance at conferences to enable them to be both knowledgeable and current on issues affecting the City of Ryde. In order to ensure that attendance at Conferences is equitable, transparent and consistent, attendance will be limited as follows:

1. Local Government Association Conference – the number of voting delegates plus one. Details of the delegates and attendee to be determined by resolution of Council.
2. Australian Local Government Association Conference.
3. In addition, to 1 and 2 above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
4. Within 2 months after the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors Information Bulletin.
5. No Councillor can attend a Conference without the prior approval of Council. Reports to Council are to include details of the Conference and an estimate of the associated costs including registration, transport and accommodation.
6. Council may resolve that a Councillor can attend more than one conference per year but this determination will be dependant on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.
7. Each year, as part of the review of the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors, Council officers will provide a full report of expenditure and Conference attendance by Councillors.

<b>Councillor Attendance at Conferences guideline</b>		
Owner: Governance Unit	Accountability: Mayoral and Councillor support service	
Trim Reference: D10/77193	Policy: Payment of Expenses and Provision of Facilities for the Mayor and other Councillors	One Page only

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**10 DESKTOP REVIEW OF INDEPENDENT LOCAL GOVERNMENT REVIEW  
PANEL PROPOSAL**

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**Report prepared by:** Chief Financial Officer  
**File No.:** COR2013/373 - BP13/1468

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**REPORT SUMMARY**

At its meeting held 25 June 2013, Council resolved as follows:

*That Council appoint a consultant to undertake a desktop review of the Panel's amalgamation proposal for City of Ryde as detailed in the report and that Council allocate \$40,000 for this as part of the June Budget Review.*

This report provides Council with the draft report from SGS Economics & Planning, which was a desktop review of the Independent Local Government Review Panel (ILGRP) proposal as well as options identified as part of Council's community consultation.

Council resolved at its meeting on 25 June 2013 to undertake this review when it considered a submission to the ILGRP.

The Panel had identified that its final report would be completed in September 2013 with the final report provided to the Minister in October 2013. At the time of preparing this report, it was unclear at which stage the Panel's final report is in terms of providing it to the Minister. It was also unclear as to whether the report would be made public in the near future.

It is recommended that Council note the contents of the SGS report as ATTACHED and reconfirm its position of 30 April 2013 as follows:

*That while Ryde Council understands the principle of local government boundary adjustments, it does not see a future for the Ryde area as part of an enlarged Parramatta City.*

In addition, it is recommended that the details of the SGS report form the basis of any future representations with regard to local government reform in NSW, noting that further analysis of the findings of the SGS report is required to be undertaken by staff.

**RECOMMENDATION:**

(a) That Council endorses its previous position as resolved on 30 April 2013:

*That while Ryde Council understands the principle of local government boundary adjustments, it does not see a future for the Ryde area as part of an enlarged Parramatta City.*

**ITEM 10 (continued)**

- (b) That the details of the SGS report as ATTACHED are to the form the basis of any future representations with regard to local government reform in NSW.

**ATTACHMENTS**

- 1 Report by SGS Economics & Planning - Desktop Review of Independent Local Government Review Panel Proposal - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**John Todd**  
**Chief Financial Officer**

Report Approved By:

**Shane Sullivan**  
**Acting Group Manager - Corporate Services**

**ITEM 10 (continued)****Background**

At the Extraordinary Council Meeting held 30 April 2013 at North Ryde Community Centre, Council resolved as follows:

- (a) *That Council advise the Independent Local Government Review Panel that while Ryde Council understands the principle of local government boundary adjustments, it does not see a future for the Ryde area as part of an enlarged Parramatta City and that in consequence, Council does not propose to attend the "Metropolitan Councils" workshop at Parramatta on 15 May 2013, but instead will attend as observers, at the Northern Sydney Councils workshop at Chatswood on 14 June 2013.*
- (b) *That following the meeting at Chatswood on 14 June 2013, Council hold a consultation program with the community to receive their feedback on the proposal for amalgamation.*

Council conducted a consultation program in accordance with the above resolution and the feedback received informed Council's submission to the Independent Local Government Review Panel.

When adopting the submission to the Panel, Council on 25 June 2013 resolved, among other things:

- (d) *That Council appoint a consultant to undertake a desktop review of the Panel's amalgamation proposal for City of Ryde as detailed in the report and that Council allocate \$40,000 for this as part of the June Budget Review.*

This report is the outcome of that resolution.

Council staff called for quotations, in accordance with Council's procurement framework, from suitably qualified organisations to undertake this review and selected SGS Economics & Planning (SGS). SGS had undertaken similar reviews for other Councils in the Sydney region.

**Scenarios**

- Base Case      current local government boundaries for the City of Ryde
- Option 1      (ILGRP preferred option): the amalgamation of Auburn, Holroyd, Parramatta and Ryde and moving the northern boundary of Parramatta and Western Ryde to the M2.
- Option 1A      As per option 1, but without the East Ward of Ryde in the amalgamated LGA boundaries (part of the ILGRP options)



**ITEM 10 (continued)**

- Option 2 North Shore Option  
the amalgamation of Hunters Hill, Lane Cover, Ryde and Willoughby. This is one of the preferred options identified by the Ryde community in consultations.

**Context**

The review took the following items into context when considering the possible outcomes of the above scenarios.

- Metropolitan
- Travel time mapping
- Journey to work patterns
- Household travel patterns

**Financial analysis of options**

As part of the review SGS did a range of financial analysis, the results of which are outlined in the report, including:

- TCorp financial performance indicators
- Financial forecasts by option.
- Infrastructure backlog and debt
- Impact on rating – with a small review of the legal framework
- Assessment of the impact on rates

**Conclusion – SGS Report**

A number of options have been developed and tested in a desktop review for potential change to the structure of local government for the City of Ryde.

The SGS report mainly focuses on a number of financial factors including TCorp financial sustainability indicators, considerations of financial projections and operating surplus or deficits over a 10 year period and impact on rates. In addition some limited work on spatial analysis of accessibility, major centres and communities of interest (through household travel patterns) have been identified.

In conclusion the following major points summarise the analysis:

**Base case (current LGA boundaries)**

- The City of Ryde performs better, with its existing boundaries, than the options 1 and 2 in regards to TCorp financial sustainability indicators
- Ratio of operating deficit to operating revenue is highest (worst) for City of Ryde compared to options 1 and 2.

**ITEM 10 (continued)**

- Impact on rates is not applicable, as this reflects the current Council boundaries.
- Current LGA boundaries.

Option 1 (ILGRP proposal)

- Option 1 performs worse than option 2 in regards to TCorp financial sustainability indicators (and worse than the base case).
- Ratio of operating deficit to operating revenue is lowest (best) for Option 1 compared to base case and option 2.
- Impact on rates for Ryde area is that higher average rates per property for residential and business than grouping of Councils, to maintain total rate income.
- Accessible within 30-45 minutes from the Parramatta CBD, weaker household travel patterns between Ryde and Parramatta, stronger journey to work linkages between North West (NW) and Ryde (Macquarie Park in particular).

Option 1A (ILGRP variation)

- Same as Option 1 for financial performance
- Financial performance of this option has not been assessed due to lack of sub-LGA information, which is the detail at a suburb or street level.

Option 2 (North shore)

- Option 2 performs better than option 1 and option 1A in regards to TCorp financial sustainability indicators (but not as well as base case).
- Ratio of operating deficit to operating revenue for option 2 is higher (worse) than Option 1 but is lower (better) than the base case.
- Impact on rates for the City of Ryde is that lower average rates per property for residential and business than grouping of Councils, to maintain total rate income.
- Accessible within 30-45 minutes from the Chatswood CBD, stronger household travel patterns between Ryde and North Shore and to the North.

The SGS report does not identify a preferred option. The information they have supplied is to inform Council for its own review of the ILGRP preferred option.

**ITEM 10 (continued)****What does this mean for Ryde?**

This analysis shows that if the City of Ryde is left intact as a Local Government Area (LGA), the TCorp financial sustainability indicators are better. This is detailed in the Base case, with the only exception to better performance being the ratio of operating deficit to operating revenue.

Were Council to be forced to consider boundary changes, then the better option would be Option 2. This is because the TCorp financial sustainability indicators are better than options 1 and 1A (ILGRP proposals), but the ratio of operating deficit to operating revenue is worse. The trade-off here is that there are stronger travel patterns that indicate that residents of Ryde align more with Chatswood, the North Shore and Northern Sydney.

A further consideration is that the ratio of operating deficit to operating revenue would also be influenced if Council were to raise its rating income through a Special Rating Variation (SRV) in the same manner as the surrounding Councils. This would improve in both the Base case and option 2.

Overall the analysis reinforces Council's position as articulated in the submission to the Panel that the case for larger local government areas has not been made, nor that there is evidence to support it.

Indeed, the evidence suggests that, as stated in Council's submission, a more sustainable approach may be the maintenance of local government areas and increased opportunities for Councils to explore shared service models.

It has been identified that further analysis of the report would be required prior to incorporating it into any further submissions regarding local government reform.

It is recommended that Council receive the report and await the outcomes from the final report by the ILGRP. Based on feedback received it is possible that the Panel may recommend structures and options different from those reviewed by SGS.

Once there is clarity regarding the progression of the ILGRP outcomes, it would be appropriate to invite SGS to discuss their review findings with Councillors at a workshop.

**Financial Implications**

Adoption of the recommendation will have no financial impact.

**Options**

Council may wish to have a Workshop on the information contained in the SGS report. However, it may be appropriate for this to occur following further information with regard to the status of the Panel's final report.

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**11 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES**

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**Report prepared by:** Community Projects Officer – Roads and Community Safety  
**File No.:** GRP/09/4/1/7 - BP13/1415

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**REPORT SUMMARY**

Three Alcohol Free Zones in the City of Ryde expired on 1 November 2013.

These are located at:

- Trim Place and Coulter Street, between Trim Place and Linsley Street, Gladesville
- West Ryde Bus Interchange
- Meadowbank, encompassing Bowden Street and Bay Drive.

City of Ryde has received a request from Gladesville Local Area Command to continue the enforcement of Alcohol Free Zones at all three locations for a further four years, as provided for in the Ministerial Guidelines on Alcohol Free Zones. This report recommends that Council support the request by the Local Area Command and re-establish these Zones.

**RECOMMENDATION:**

- (a) That Council approve the request for the re-establishment of the Alcohol Free Zones.
- (b) That Council undertake public consultation on the matter, as stated in the Ministerial Guidelines.
- (c) That, if no adverse public comments are received during the consultation period, the Alcohol Free Zones outlined in the report be adopted.
- (d) That Council receive a further report on the Alcohol Free Zones should any adverse comments be received during the public consultation period.

**ATTACHMENTS**

- 1 Ministerial Guidelines on Alcohol Free Zones - February 2009
- 2 Proposal to Re-Establish Alcohol Free Zones - November 2013
- 3 NSW Police Force - Request for the re-establishment of the Alcohol Free Zones within City of Ryde Council area. Gladesville Local Area Command. M Perigo



**ITEM 11 (continued)**

Report Prepared By:

**Lisa Pears**  
**Community Projects Officer – Roads and Community Safety**

Report Approved By:

**Derek McCarthy**  
**Manager - Community Capacity and Events**

**Baharak Sahebekhtiari**  
**Acting Group Manager - Community Life**

## ITEM 11 (continued)

### Background

The City of Ryde can establish Alcohol Free Zones (AFZs) in the Council area under Section 646, of the *Local Government Act 1993* and in accordance with NSW Ministerial Guidelines (**ATTACHMENT 1**). Council is required to comply with the procedures outlined in the Guidelines and with the legislation in relation to the proposal to establish AFZs.

At its meeting on 27 July 2010, Council resolved that AFZs be re-established in the following locations:

- Trim Place and Coulter Street, between Trim Place and Linsley Street, Gladesville
- West Ryde Bus Interchange
- Meadowbank, encompassing Bowden Street and Bay Drive.

These AFZs were established at the request of Gladesville Local Area Command to address issues of alcohol consumption in public places due to proximity to liquor outlets, as well as to assist Police control anti-social activities and improve safety in the local area.

### Discussion

The locations identified for AFZs have all required Police interventions for people who commit alcohol related offences and general acts of anti-social behaviour.

Historically, Trim Place in Gladesville is an area where Police have detected juveniles consuming alcohol and then engaging in anti-social behaviour.

Statistics provided by the Gladesville Intelligence Analyst reveals that between 2010 and 2013 there were 99 police reports relating to Trim Place, Gladesville. Of these, 26 were alcohol related.

The West Ryde Bus Interchange is adjacent to a licensed premise. There is a high transient population leaving and entering the rail system, and police have noted the consumption of alcohol in the area while people wait for adjoining bus services. This in turn produces issues surrounding anti-social behaviour and alcohol related crime.

Since the inception of the AFZ at the West Ryde Bus Interchange, police reported that only eight incidents of the 112 reported incidents listed alcohol as a contributing factor.

While the vicinity of the ferry wharf at Bowden Street and Bay Drive, Meadowbank, has historically not been identified as high-risk, the intention of establishing the AFZ was a preventative strategy to deter acts of anti-social behaviour and alcohol-related crime from been committed. This area has a number of packaged liquor outlets located around the vicinity.

## ITEM 11 (continued)

Over the period of 2010 to 2013, there were 197 reported incidents relating to the wharf area. Of these, 18 incidents were alcohol related. These numbers have fallen from the previous reporting period.

Police have noted that without established AFZs, they are unable to prohibit the consumption or possession of alcohol by members of the public. With the establishment of AFZs, police are able to kerb incidents of malicious damage, hazards (broken glass), juveniles possessing alcohol and prevention of incidents of anti-social behaviour.

As noted in the Ministerial Guidelines, AFZs are supported by community education campaigns around the issues targeted by the establishment of AFZs. Council and police will continue to work closely with the Gladesville Eastwood Liquor Accord to promote messages around the enforcement of AFZs, and campaigns and programs around responsible drinking, the effects of alcohol consumption and underage drinking.

### Duration of Operation

The Ministerial Guidelines state that an Alcohol Free Zone may operate for a maximum of four years. It is proposed that the three zones operate for four years.

### Consultation

The Ministerial Guidelines require Council to prepare a proposal (**ATTACHMENT 2**) and undertake a consultation process before considering establishing AFZs. It also requires Council to receive a request from the Local Area Commander and for a proposal to be prepared and used in public consultation. A letter was received from the Gladesville Commander (**ATTACHMENT 3**) and a proposal has subsequently been prepared.

The consultation process includes the following:

- Publishing a notice of the proposal in a local newspaper, allowing inspection of the proposal, and inviting representations or objections within 30 days of publication
- Exhibition of the proposal at key customer service locations during the abovementioned 30 days, including customer service centres and libraries
- Sending the proposal to:
  - Police Local Area Commander and officer in charge
  - Liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone
  - Any known organisation representing, or able to speak on behalf of, an identifiable Aboriginal or culturally and linguistically diverse group.

**ITEM 11 (continued)****Financial Implications**

Adoption of the recommendations will have no adverse financial impact, any costs associated with undertaking community consultation can be funded from existing budgets allocated to the Community Safety project.

**ITEM 11 (continued)**

**ATTACHMENT 1**

**Ministerial  
Guidelines  
on  
Alcohol - Free  
Zones**

February 2009



**ITEM 11 (continued)**

**ATTACHMENT 1**

**ACCESS TO SERVICES**

The Department of Local Government is located at:

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**ITEM 11 (continued)**

**ATTACHMENT 1**

**FOREWORD**

The NSW Government has made clear its determination to tackle the growing problem of anti-social behaviour and alcohol-related violence in our community. The Government has introduced a comprehensive package of initiatives to help address this issue, including amendments to the alcohol-free zone provisions in the *Local Government Act 1993* to give Police and local council enforcement officers more power to enforce alcohol-free zones.

These Ministerial Guidelines have been prepared under section 646(1) of the Local Government Act. The Guidelines take effect on 5 February 2009 replacing the previous Guidelines issued in 1995.

The principal object of an alcohol-free zone is to prevent disorderly behaviour caused by the consumption of alcohol in public areas in order to improve public safety.

Alcohol-free zones are most effective if they form part of a larger program in which the local community is actively involved directed at irresponsible alcohol consumption. Used in isolation they may only move the problem from one place to another.

The Guidelines provide councils with detailed procedures to be followed when considering the establishment of alcohol-free zones. The guidelines include details on the application process, consultation and operational requirements, as well as guidance on enforcing alcohol-free zones. Councils are encouraged to establish a good working relationship with their Police local area command to enhance the effectiveness of alcohol-free zones.

There is evidence that when alcohol-free zones are established in appropriate areas and operated with the required level of resources to promote and enforce the zones, they are an effective tool in assisting Police and councils manage public safety.

I encourage all councils to consider the appropriate use of alcohol-free zones to manage alcohol related anti-social behaviour in their community.



The Hon. Barbara Perry, MP  
Minister for Local Government  
5 February 2009

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

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**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

**INTRODUCTION**

The object of alcohol-free zones is an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

The drinking of alcohol is prohibited in an alcohol-free zone that has been established by a council. Public places that are public roads, footpaths or public carparks may be included in a zone. Alcohol-free zones promote the use of these roads, footpaths and carparks in safety and without interference from irresponsible street drinkers.

Any person living or working within an area, the local police or a local community group may ask a council to establish an alcohol-free zone or a council itself may decide to do so. A proposal to establish an alcohol-free zone must in all cases be supported by evidence that the public's use of those roads, footpaths or public carparks has been compromised by street drinkers. For example, there could be instances of malicious damage to property, littering, offensive behaviour or other crimes.

The council must undertake a consultation process to decide if an alcohol-free zone is appropriate. Once established by council resolution, the roads, footpaths and public carparks within the zone must be signposted and notice of the zone must appear in the local press. The maximum duration of an alcohol-free zone is four years, although it may be re-established at the conclusion of the original period, following a review by council of its continuing applicability. Alcohol-free zones may also be established for special events only.

Alcohol-free zones are enforced by the police or by council enforcement officers where the Commissioner of Police gives written authorisation. Any person observed to be drinking in an alcohol-free zone may have the alcohol in their possession immediately seized and tipped out or otherwise disposed of.

Alcohol-free zones are most effective if they are part of a larger program directed at irresponsible alcohol consumption in which the local community is actively involved. Used in isolation they may only move the problem from one place to another.

These Ministerial Guidelines provide local councils with detailed procedures which must be followed in the establishment of an alcohol-free zone. They supplement the relevant provisions of the *Local Government Act 1993*.

Each of the paragraphs of these Guidelines are accompanied by the relevant section reference in the Act. As set out in section 646 of the Local Government Act, the Ministerial Guidelines must be used by councils when establishing an alcohol-free zone.

The Commissioner of Police may separately issue directions relating to the enforcement of alcohol-free zones.

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

**GUIDELINES FOR COUNCILS**

**VALID ESTABLISHMENT OF AN ALCOHOL-FREE ZONE**

**sections 644, 644A, 644B, 644C and 646**

To validly establish an alcohol-free zone a council must comply with the procedures in sections 644 to 644C of the Local Government Act as well as those set out in these Guidelines.

The Act identifies that alcohol-free zones can be established in those areas which have identified problems with regard to street drinking.

**APPLICATION FOR AN ALCOHOL-FREE ZONE**

**section 644 (1) and (2)**

One or more of the following people may make application to a local council to establish an alcohol-free zone:

- a person who is a representative of a community group active in the area,
- a police officer, or
- a person who lives or works in the area.

An application to the relevant council is to be made in the form set out at Appendix 1 to these Guidelines. A council may adapt the form, provided the same information is required as a minimum. Councils may consider making the application form available on their website.

An application fee is not appropriate.

If council receives more than one application referring to the same roads, footpaths or public car parks, they may be joined in a single alcohol-free zone proposal.

**PROPOSAL FOR THE ESTABLISHMENT OF AN ALCOHOL-FREE ZONE**

**section 644**

A council may prepare a proposal for the establishment of an alcohol-free zone. In this case, receipt of an application is not necessary as the council itself is initiating action for a zone.

A proposal must be prepared in respect of every proposed alcohol-free zone.

An alcohol-free zone is a means by which a council may limit the locations within its area where the consumption of alcohol is permitted. Because it will impose restrictions on the personal freedom of citizens, a proposal to establish a zone must adequately address the following matters:



## ITEM 11 (continued)

## ATTACHMENT 1

### Ministerial Guidelines on Alcohol-Free Zones

#### 1 Reasons to Support an Alcohol-Free Zone

The irresponsible consumption of alcohol on roads and footpaths and in public car parks can compromise their safe use by members of the public without interference. Each individual zoning is to be considered according to its particular circumstances.

Reasons for supporting alcohol-free zones must be included and must reflect the fact that irresponsible behaviour arising from the consumption of alcohol is occurring on those roads and footpaths and in those public car parks included in the proposal. This could involve instances of obstruction, littering, the actual commission of, or police intervention to avoid the commission of, more serious offences under the *Law Enforcement (Powers and Responsibilities) Act 2002*, *Summary Offences Act 1988* or the *Crimes Act 1900*, such as malicious damage, etc.

It is not appropriate to consider an alcohol-free zone for reasons that are unrelated to the irresponsible behaviour of drinkers, for example, the congregation of drinkers where irresponsible behaviour does not occur, general conduciveness to business or tourist activities or the personal beliefs of particular citizens.

#### 2 Location of an Alcohol-Free Zone

An alcohol-free zone may only be established to include a public road, footpath or a public place that is a car park (ie car parks on public land or Crown land). Private car parks (being on private land and not under the control of the council) may not be included.

Generally, an alcohol-free zone should be as small as is possible and must only extend to areas which can be supported by reasons as set out in point 1 above. However, larger alcohol-free zones, sometimes known as 'whole-town' alcohol-free zones may be effective in some rural and remote towns where they are supported generally by all stakeholder groups in that community. There are legal issues that need to be considered by councils when such 'whole-town' zones are proposed, as some relevant areas of a town will not be public roads, footpaths or public car parks.

Large alcohol-free zones need to be established in a way which is complementary with public places signposted under section 632 of the *Local Government Act 1993*. It is not usually appropriate to establish an entire local government area, or a substantial part of that area, as an alcohol-free zone. Similarly, it would usually be inappropriate to zone the greater part of a town, suburb or urban area as alcohol-free.

Alcohol-free zones should primarily be located adjacent to outlets supplying alcohol where drinkers congregate. In the absence of such an outlet a zoning should be considered only in exceptional circumstances. For example, a known hot spot for inappropriate street drinking may be in a public car park adjacent to a beach or public reserve, but which is many kilometres from an outlet supplying alcohol.

## ITEM 11 (continued)

## ATTACHMENT 1

### Ministerial Guidelines on Alcohol-Free Zones

#### ***Alcohol-free zones and alfresco dining***

In some circumstances an alcohol-free zone may be proposed for an area that includes footpath alfresco dining areas for cafés and restaurants which fall within the zone. When a council issues a licence for the use of public footpaths for such dining use in an alcohol-free zone, it must impose conditions on the licensee (eg restaurant operator) about the requirements of the zone, including clear delineation and control of the licensed area from the alcohol-free zone.

#### **3 Duration of an Alcohol-Free Zone**

An alcohol-free zone may be established for a maximum period of four years. Once established, it applies twenty-four hours per day.

Where a problem with irresponsible street drinking exists only in relation to a special event within the local area, an alcohol-free zone may be established only for that special event. A "special event" is not defined in the Local Government Act. It could be applied to any event that is of significance to the local area, for example, a local show day, a cultural event such as Tamworth's Country Music Festival, or a particular time of year such as New Year's Eve celebrations. It is for the relevant council to decide what is a "special event" for the purposes of establishing an alcohol-free zone.

An alcohol-free zone declared for a special event also has a maximum duration of four consecutive years. The proposal and related signage needs to define the special event that the alcohol-free zone relates to.

The duration of an alcohol-free zone established prior to 3 December 2008 is not extended.

#### **4 Consultation with the Police**

In preparing a proposal to establish an alcohol-free zone a council must consult with the relevant Police Local Area Commander about the appropriate number and location of alcohol-free zones.

### **COUNCIL CONSULTATION WITH INTERESTED PARTIES**

#### **section 644A**

After preparing a proposal to establish an alcohol-free zone a council is required to undertake a public consultation process. The process under the Act involves all of the following:

1. Publish a notice of the proposal in a newspaper circulating in the area of the proposed alcohol-free zone, allow inspection of the proposal and invite representations or objections within 30 days from the date of publication. The notice should state the exact location of the proposed alcohol-free zone, and the place and time at which the proposal may be inspected.

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

2. Send a copy of the proposal to:

- a) the Police Local Area Commander and the officer in charge of the police station within or nearest to the proposed zone,
- b) liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone,

and invite representations or objections within 30 days from the date of sending the copy of the proposal, AND

3. Send a copy of the proposal to the NSW Anti-Discrimination Board, if the local area is listed in Appendix 2 to these Guidelines, and invite representations or objections within 30 days from the date of sending the copy of the proposal. Other councils have the option of advising the Board if they wish to seek the Board's views on the proposed alcohol-free zone.

In addition to these statutory requirements there are other consultative avenues that may enhance the effectiveness of any alcohol-free zone that is subsequently established. Accordingly, a council is also required to:

4. Send a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and invite representations or objections within 30 days from the date of sending the copy of the proposal.

A council is to give proper consideration to any representations, submissions or objections received and as a result may amend or withdraw a proposal to establish an alcohol-free zone. However, any amendment that extends the location of the proposed alcohol-free zone must be supported by reasons (as outlined above).

**COUNCIL RESOLUTION TO ESTABLISH AN ALCOHOL-FREE ZONE**

**section 644B (1) and (2)**

After complying with the procedures a council may, by resolution, adopt a proposal to establish an alcohol-free zone. The resolution itself will establish the zone.

After resolution, a council's usual administrative processes would apply in informing interested parties including any applicant, the Anti-Discrimination Board (if applicable), the relevant police Local Area Commander and officer in charge of the local police station (if different), affected liquor licensees and club secretaries and other organisations advised of the original proposal.

**OPERATION OF AN ALCOHOL-FREE ZONE**

**section 644B (3) and (4)**

A council must publicly advise the establishment of an alcohol-free zone by notice published in a newspaper circulating in the area that includes the zone.

An alcohol-free zone will not operate until 7 days after publication of the notice AND until the roads, footpaths and public carparks affected are adequately signposted.

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

**Signage for Alcohol-Free Zones**

A council is required to consult with the police regarding the placement of signs.

As a minimum, signs are to be placed at the outer limits of the zone, at the site of specific trouble spots (as indicated by the police) and at other suitable intervals within the zone.

Signs designating an alcohol-free zone must indicate that the drinking of alcohol is prohibited in the zone. Signs should note that alcohol may be seized and disposed of if alcohol is being consumed in the zone. Starting and finishing dates for the operation of the zone should also be included.

It is recommended that signs use consistent, easily recognisable symbols and include a map of the area defining the location of the zone. Some councils may choose to complement erected notices with spray-painted no-alcohol symbols on the footpaths.

Graphic representation on signs is an option. However, Standards Australia does not have an internationally recognised symbol for alcohol and considers that depiction of a bottle, glass AND can would be ideal to avoid confusion. The International Organisation for Standardisation (ISO) provides advice on methods that can be used to create different types of prohibition signs (ISO 7010-2003 *Safety Signs used in Workplaces and Public Areas*). This can be read with ISO 3864.3-2006 (*Design Principles for Graphical Symbols for use in Safety Signs*) which is used to ensure symbols and signs have the intended meaning and can be comprehended by persons as they enter the area the sign applies to. The Standard provides sizing requirements and font sizes for letters used in symbols.

Councils are encouraged to utilise symbols on their signage which don't rely on high levels of literacy.

The local Aboriginal community may be engaged to design signs which are also appropriate for their community.

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

The content of the sign below is considered a minimum standard.



*\* Insert appropriate directional arrow or map*

On such signs the dates may be inserted in a manner that allows re-use of the sign, provided the dates cannot be removed during the period of operation.

Signs are to be removed as soon as practicable, but no longer than 30 days, after the end date of an alcohol-free zone.

**SUSPENSION OR CANCELLATION OF AN ALCOHOL-FREE ZONE**

**section 645**

The power to suspend or cancel an alcohol-free zone during its period of operation is provided so that a council may respond to more immediate situations that arise within the area of the zone.

A council must pass a valid resolution to suspend or cancel a particular alcohol-free zone. Such action may be taken as a result of a request received from any person or body, or at a council's own initiative.

Liaison with the local police, before and after the council resolution, is essential to ensure that both groups are informed and action is coordinated. Additionally, a council may undertake any other consultation that it considers necessary.

A council must publish notice of a suspension or cancellation as required under section 645 (1) and (3). In the case of cancellation of an alcohol-free zone the signs should be removed immediately.



**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

A council is not limited in the reasons for which it may suspend or cancel an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration eg. to accommodate a specific community event. Alcohol-free zone signage should be removed for the duration of any suspension of the zone.

The four year operation of an alcohol-free zone is not extended by any suspension occurring within that period.

**RE-ESTABLISHMENT OF AN ALCOHOL-FREE ZONE**

**section 644B(4)**

An alcohol-free zone is essentially a short-term control measure and in many instances a zone will achieve the desired objectives within its operational period.

There is no general provision for an alcohol-free zone to be extended. However, the roads, footpaths or public carparks comprising a zone may be included in another alcohol-free zone of the same or different configuration, immediately following the cessation of the existing zone or at any future time.

All the requirements for the valid establishment of a zone apply whether or not any of the roads, footpaths or carparks concerned have previously been zoned as alcohol-free.

Where a proposal for an alcohol-free zone includes roads, footpaths or public carparks that have previously been zoned as alcohol-free, a council is to have regard to that previous zoning.

The evaluation criteria that councils use when considering the re-establishment of an alcohol free zone should include the following:

- what were the factors which originally supported a zoning in that area?
- how successful was the previous alcohol-free zone in achieving a reduction in unacceptable street drinking?
- what do police statistics indicate about the value of re-establishing an alcohol-free zone in that area?
- what other measures may need to be considered (eg a community education program) if unacceptable street drinking is still of concern in that area?
- has the community's perceptions of safety improved?

The re-establishment procedure provides a council with the opportunity to focus again on any community problems associated with irresponsible alcohol consumption and the range of strategies that may be implemented to address these problems.

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

**RECORDING OF ALCOHOL-FREE ZONES**

The maintenance of appropriate records is essential for established alcohol-free zones. As a minimum, records need to be kept in sufficient detail:

- to document that all the steps for valid establishment have been undertaken
- to provide for removal of signs at the conclusion of the zone's operation
- to identify suspensions or cancellations of alcohol-free zones
- to avoid overlap in the establishment of alcohol-free zones
- to provide a reference base where re-establishment of an alcohol-free zone is sought.

**ENFORCEMENT OF ALCOHOL-FREE ZONES**

**sections 642 and 648**

Alcohol-free zones may be enforced by any officer of the NSW Police Force or an enforcement officer. An enforcement officer means an employee of a council authorised in writing by the Commissioner of Police to be an enforcement officer for the purpose of section 642 of the Local Government Act.

The legislation applies to all persons, including minors.

The power to seize and tip out or otherwise dispose of alcohol without the need to issue a warning applies within an alcohol-free zone.

Where a council has authorised enforcement officers, the council will be required to adopt a procedure regarding the disposal of any alcohol that is seized.

A Police officer or authorised council enforcement officer may use their discretion to issue a warning to a person who is drinking in an alcohol free zone, for example, where the person may be unaware of the zone.

It should also be noted that in circumstances where a person does not co-operate with a Police officer or authorised council enforcement officer, they can be charged with obstruction under section 660 of the Local Government Act which carries a maximum penalty of \$2,200.

The Commissioner of Police has the power to authorise council officers to enforce alcohol-free zones. The Commissioner may delegate his or her authority to Police Local Area Commanders. Where councils identify benefits to their communities for their officers to enforce alcohol free zones, the general manager will need to liaise with the Local Area Commander to ensure that council officers are suitable for this enforcement role.

Only authorised employees of a council and not contractors, who may be otherwise engaged by a council to provide regulatory services, may be authorised for this purpose.

Councils are responsible for ensuring that their authorised enforcement officers have appropriate identification to support this enforcement role.

**ITEM 11 (continued)**

**ATTACHMENT 1**

**Ministerial Guidelines on Alcohol-Free Zones**

Councils with authorised council enforcement officers need to establish a system to record the number of occasions that these officers enforce the Alcohol-Free Zone legislation in their area. This should include monitoring the number of authorised council enforcement officers and how often alcohol is tipped out or otherwise disposed of. Councils may from time to time be required to report this data to the Department of Local Government to inform the evaluation of the usage of the Alcohol-Free Zone powers by councils.

It is important that the Police Local Area Commander and the officer-in-charge of the local police station (if different) are involved in the establishment procedure so that the zone operates and is enforced most effectively.

**ALCOHOL-FREE ZONES AND COMMUNITY EDUCATION**

As well as the requirement to publish information in the local media about the establishment of an alcohol-free zone, the community will be better educated about the intent of the alcohol-free zone if a community education campaign is run in line with the establishment of the zone.

Councils may wish to engage their local Community Drug Action Team or Drug and Alcohol Service within their Area Health Service so that responsible drinking messages can be promoted within the community to coincide with the establishment of the alcohol-free zone.

Posters and other information about the consequences of irresponsible street drinking may be displayed in local licensed premises and bottle shops. Collaboration between council, the police and stakeholders including liquor licensees may be assisted through a local Liquor Accord. Further information on Liquor Accords is available on the Office of Liquor, Gaming and Racing website at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au).

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

**CONTACTS**

**Department of Local Government**

Level 1, 5 O'Keefe Avenue  
(Locked Bag 3015)  
Nowra, 2541

Telephone: (02) 4428 4100

Website: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

**Anti-Discrimination Board**

Level 4, 175 Castlereagh Street,  
Sydney  
(PO Box A2122, Sydney South, 1235)

Telephone:

General Enquiry Service & Employers Advisory Service (02) 9268 5544  
For rural and regional New South Wales only 1800 670 812

Website: [www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)

**NSW Police Service**

1 Charles Street  
(Locked Bag 5102)  
Parramatta, 2150

Telephone: 1800 622 571

Website: [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

**Appendix 1**

**APPLICATION FOR ALCOHOL-FREE ZONE**

(Local Government Act 1993, section 644)

To .....(Name of Council)

1 I .....  
(Full Name)

2 of .....  
(Address) (Telephone No.)

3 **Being** (tick appropriate box):

(a)  a representative of .....  
(Name of Community Group in area)

(b)  a police officer stationed at .....

(c)  a person living in the area

(d)  a person working in the area at .....

(work address)

**apply to the Council to establish an alcohol-free zone.**

4 **Roads or parts of roads ('roads' includes 'footpaths') and/ or public carpark to be included in the alcohol-free zone:**

.....  
.....  
.....  
(Specify exactly by referring to street numbers or other landmarks)

5 **Reasons for requesting the alcohol-free zone:**

.....  
.....  
.....

(Give details of obstruction, littering, personal injury, property damage, police intervention, etc. that have occurred on those roads or in those carpark)

Signed.....

Date.....

*Documents supporting the information on this form may be attached.*



**ITEM 11 (continued)**

**ATTACHMENT 1**

Ministerial Guidelines on Alcohol-Free Zones

**Appendix 2**

**COUNCILS WHICH MUST CONSULT WITH  
THE ANTI-DISCRIMINATION BOARD**

Sixteen councils are required to consult with the NSW Anti-Discrimination Board in their establishment of an alcohol-free zone to provide a measure of protection against the possibility of a discriminatory impact upon certain groups in the community. These councils are:

Blacktown  
Bourke  
Campbelltown  
Dubbo  
Kempsey  
Lake Macquarie  
Liverpool  
Moree Plains  
Newcastle  
Penrith  
Randwick  
Shoalhaven  
South Sydney  
Tamworth  
Walgett  
Wollongong

**ITEM 11 (continued)**

**ATTACHMENT 2**

**PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES**

**Background**

Three Alcohol Free Zones in the City of Ryde are due to expire on 1 November 2013.

These are located at:

- Trim Place and Coulter Street, between Trim Place and Linsley Street, Gladesville;
- West Ryde Bus interchange; and
- Meadowbank, encompassing Bowden Street and Bay Drive.

The City of Ryde can establish Alcohol Free Zones in the Council area under Section 646, of the *Local Government Act 1993* and in accordance with NSW Ministerial Guidelines.

Council is required to comply with the procedures outlined in the Guidelines and the legislation in relation to the proposal to establish Alcohol Free Zones.

**Reasons**

Council has received a request from Gladesville Local Area Command to continue the enforcement of Alcohol Free Zones at all three locations for a further four years, as provided for in the Ministerial Guidelines on Alcohol Free Zones.

Police have noted the success of the existing Alcohol Free Zones in reducing alcohol related crime and anti-social behaviour, but have indicated that alcohol remains a factor in these areas for crimes such as malicious damage and anti-social behaviour, as well as under-age drinking.

It is considered appropriate to re-establish Alcohol Free Zones in these locations to provide a continued deterrent to these behaviours.

**Location**

The Alcohol Free Zones to be re-established are located at:

- Trim Place and Coulter Street, between Trim Place and Linsley Street, Gladesville;
- West Ryde Bus interchange; and
- Meadowbank, encompassing Bowden Street and Bay Drive.

**Duration of Operation**

The Ministerial Guidelines state that an Alcohol Free Zone may operate for a maximum of four years. It is proposed that these zones operate for four years.

**ITEM 11 (continued)**

**ATTACHMENT 2**

**Have Your Say**

All representations and comments are invited and must clearly state support or objection to the specific Alcohol Free Zone with reasons.

Submissions marked "Alcohol Free Zones" may be sent to:

The General Manager  
City of Ryde  
Locked Bag 2069  
North Ryde NSW 1670

Via email to: [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)  
Subject – Alcohol Free Zones

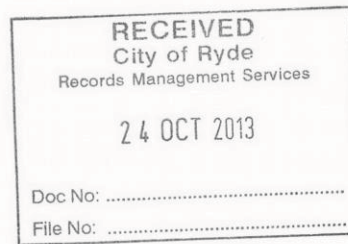
**Submissions must be received by Friday 20 December 2013.**

Organisations that were consulted on this process must respond with any comments or representations in writing within 30 days of receipt of the letter of proposal.

ITEM 11 (continued)

ATTACHMENT 3

012013198524



27 September 2013

Lisa Pears  
Community Project Officer  
Road & Community Safety  
City of Ryde Council

Police request to Ryde City Council for the re-establishment of the Alcohol Free Zones within the Ryde City Council Local Government Area.

Dear Lisa

The current alcohol free zones (AFZ) within the Gladesville Local Area Command (LAC) are due to expire on the 1<sup>st</sup> November 2013.

These areas include:-

- Trim Place Gladesville
- West Ryde Bus Interchange
- The vicinity of the ferry wharf, encompassing Bowden Street and Bay Drive Meadowbank.

These locations from time to time have required Police interventions for people who commit alcohol related offences and general acts of anti social behaviour.

Historically Trim Place Gladesville was an area where Police have detected juveniles consuming alcohol and then engaging in anti social behaviour. This is supported by Police data.

Statistics provided by the Gladesville Intelligence Analyst reveals that between 2010 and 2013 there were ninety nine Police reports relating to Trim Place, Gladesville. Twenty six of these were alcohol related.

**Gladesville Local Area Command**  
**8 Victoria Road**

Gladesville NSW 2111

Telephone 02 9879 9699 Facsimile 02 9879 9611 ENet 69699 EFax 69611 TTY 9211 3776 (Hearing/Speech impaired)

ABN 43 408 613 180

**NSW POLICE FORCE RECRUITING NOW 1800 222 122**

**WWW.POLICE.NSW.GOV.AU/RECRUITMENT**



**ITEM 11 (continued)**

**ATTACHMENT 3**

The West Ryde Bus Interchange is adjacent to a licensed premise. Police deal with a portion of the transient population leaving & entering the rail system. These person/s at times consume alcohol in the area whilst waiting for adjoining bus services. This in turn produced issues surrounding anti social behaviour and alcohol related crime. Since the inception of the AFZ Police reported that only 8 incidents of the 112 reported incidents listed alcohol as a contributing factor. A good example of how the AFZ assists in the reduction of alcohol related offences.

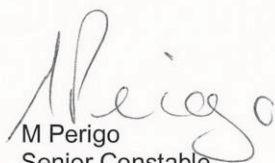
In regards to the vicinity of the ferry wharf at Bowden Street and Bay Drive Meadowbank, historically this area has not been identified as a high risk area. However the intention of establishing the AFZ was more of a preventative strategy, which would deter acts of anti social behaviour and alcohol related crime from been committed. This area has a number of packaged liquor outlets located around the vicinity.

Over the period of 2010 to 2013 there were 197 reported incidents which related to the wharf area. A total of 18 incidents were alcohol related. These numbers are reduced from the previous reporting period.

As you would be fully aware, without having established AFZ Police are unable to prohibit the consumption or possession of alcohol by members of the public. With the establishments of the AFZ Police are able to kerb incidents of malicious damage, hazards (broken glass), juveniles possessing alcohol and prevention of incidents of anti social behaviour.

The Gladesville Local Area Command would hope that Council take these issues into favourable consideration and that, a positive recommendation to re-establish these areas is agreed upon.

Should you require any further information please do not hesitate in contacting Senior Constable Perigo Licensing Officer Gladesville LAC.



M Perigo  
Senior Constable  
Licensing Officer  
Gladesville Local Area Command

**NSW POLICE FORCE RECRUITING NOW 1800 222 122**  
WWW.POLICE.NSW.GOV.AU/RECRUITMENT



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## 12 SWIMMING POOL BARRIER INSPECTION PROGRAM

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**Report prepared by:** Team Leader - Building Compliance  
**File No.:** COR2013/661 - BP13/1530

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### REPORT SUMMARY

This report outlines the requirements for Council to adopt a Swimming Pool Inspection Program in accordance with the Swimming Pools Act 1992.

This report provided information on the Swimming Pool Barrier Inspection Program that will include:

- Inspect and issue certificates of compliance for all swimming pools associated with the sale of a property from April 2014.
- Inspection of swimming pools in existing residential properties.
- Inspect and issue compliance certificates for all swimming pools associated with the lease of a property from April 2014.
- Inspect swimming pools associated with tourist and visitor accommodation, (including pools in hotels, motels, serviced apartments, backpacker accommodation and unit complexes) from April 2014.
- Undertake an educational awareness program.

The program (new staff member to deliver the Swimming Pool Barrier Inspection Program and community awareness/education program) would be funded through the operational budget of the Environmental Health and Building Unit and fees payable for the inspection program. The Program is anticipated to generate income of approximately \$189,000 per year, while the estimated expenditure is calculated at \$119,566.

The report recommends:

- the employment of an additional building surveyor to resource the Swimming Pool Barrier Inspection program.
- Information on the draft Swimming Pool Inspection program be placed on public exhibition.

### RECOMMENDATION:

- (a) That Council endorse the City of Ryde draft Swimming Pool Inspection program be placed on public exhibition for a period of 28 days.
- (b) That Council endorse the employment of an additional building surveyor to resource the Swimming Pool Barrier Inspection program.
- (c) That a further report on the outcomes of the public exhibition of the City of Ryde draft Swimming Pool Barrier Inspection program be presented to Council as soon as practical after the exhibition period.

**ITEM 12 (continued)**

**ATTACHMENTS**

- 1 NSW Government Requests Councils to NOT fine Pool Owners for Failing To Register by 29 October - Ministerial Circular
- 2 Draft City of Ryde Swimming Pool Barrier Inspection Program

Report Prepared By:

**Sergio Pillon**  
**Team Leader - Building Compliance**

Report Approved By:

**Meryl Bishop**  
**Acting Group Manager - Environment and Planning**

## ITEM 12 (continued)

### Background

In April 2013, the NSW Government established an online swimming pool register where owners were given until 19 November 2013 to register their pool. A recent circular from the Minister for Local Government on the program is **ATTACHED**.

In addition to the registration of swimming pools, NSW Councils are now required to adopt a program for the inspection of swimming pools in their local government area.

The City of Ryde Council has an existing swimming pool barrier (fencing) inspection program in which 200 swimming pool inspections are carried out each year. This number has been based on current staffing.

It is estimated that there are approximately 6,000 swimming pools within the City of Ryde. The legislation states that as well as inspecting existing residential properties with pools Council must also perform the following;

- Inspect and issue certificates of compliance for all swimming pools associated with the sale of a property from April 2014.
- Inspect and issue compliance certificates for all swimming pools associated with the lease of a property from April 2014.
- Inspect swimming pools associated with tourist and visitor accommodation, (including pools in hotels, motels, serviced apartments, backpacker accommodation and unit complexes) from April 2014.
- Undertake an educational awareness program.

Discussion on these aspects of the legislation is detailed below;

#### Residential properties with a pool

The draft Swimming Pool Inspection program proposes to commence a mandatory inspection regime that will see all privately owned swimming pools inspected every 5 years.

Inspections will look for defects that may compromise the safety of the pool barrier. Following an inspection, any defects will be issued to the owners with a timeframe to complete.

Once pools are compliant, owners will then be issued with a Swimming Pool Compliance Certificate and will not be required to be reinspected for five years.

#### Properties for sale with a pool

As of 29 April 2014 under the Conveyancing (Sale of Land) Regulation 2010 a warning notice is required within the contract of sale stating that the owner of a property on which a swimming pool is situated must ensure that the pool complies with the requirements of the Swimming Pools Act 1992. This requirement will require Council officers to inspect swimming pool barriers prior to the sale.

**ITEM 12 (continued)**Properties to be let with a pool

As of 29 April 2014 all properties that contain a swimming pool, and are to be leased, will require a swimming pool compliance certificate. This will require swimming pool barrier inspections by Council officers and a compliance certificate to be issued. Provided that the pool fencing is maintained and compliance is not compromised the certificate will be valid for three years.

Visitor and tourist accommodation

As of 29 April 2014 all tourist, visitor, multi occupancy, or properties with more than two dwellings will require inspections every three years.

Pools included within this section include backpacker accommodation, bed and breakfast, hotel, motel, serviced apartments and residences of more than two occupancies.

Educational Awareness Program

Education material and programs will be developed to assist home owners to maintain the effectiveness and safety of their swimming pool barriers. On-going educational programs will be developed to draw awareness to both the installation and maintenance of pool barriers with the provision of self-assessment manuals.

Fee Structure and Resourcing

Under the Swimming Pools Amendment Act 2012, Councils can charge an inspection fee for the initial inspection and the first re-inspection (if required). This fee has already been adopted by Council. Details of the fees are outlined in the 2013/14 Fees and Charges Schedule as follows:

- A maximum of \$150 per initial inspection.
- A maximum of \$100 for the second inspection required to check completion of any upgrading work to the child resistant barrier required as a result of the initial inspection.
- No fee to be charged for any subsequent re-inspections.

The City of Ryde has approximately 6,000 residential swimming pools, together with tourist and visitor facilities which will require a cyclic inspection program of 3 to five years. To resource the program will require an additional Full Time Equivalent (FTE) Employee would be required to adequately implement the inspection program.

The program (staff to deliver an effective Swimming Pool Barrier Inspection Program and community awareness/education program) would be funded through the operational budget of the Environmental Health and Building Unit and fees payable for the inspection program.

**ITEM 12 (continued)**

Details of income and expenditure of the Program are outlined as follows:

- The minimum potential annual income from the inspection program would be \$189,000. This is based on carrying out 1,260 inspections per year at \$150 per inspection.
- This income does not include fines which could generate more income.
- The estimated on cost of an officer would be \$94,566. This includes a base salary of \$70,757 on cost of \$14,809, vehicle cost of \$7,000 and \$2,000 recruitment advertising fee.
- Educational resources and awareness costs is estimated to be approximately \$25,000. This will be carried out in house with additional outsourcing of literature and educational material.
- Income is estimated to be up to \$189,000 per year.
- Expenditure is calculated at an additional officer total cost of \$94,566 with an educational program of \$25,000 - Total \$119,566.

**Financial implications**

The Swimming Pool Barrier Inspection Program is anticipated to generate income of approximately \$189,000 per year, while the estimated expenditure is calculated at \$119,566. Council should note that the program will have a number of indirect costs, mainly the customer service assistance the Council provides in assisting our residents in understanding the details of the legislation and the requirements of registering their pools.

**Proposed consultation**

One of the requirements of the legislation is to develop a swimming pool barrier inspection program in consultation with the local community. The draft information to be exhibited is **ATTACHED**.

Public consultation will occur for 28 days in accordance with the City of Ryde guidelines and take the form of the following:

- Press advertisements in NDT and TWT
- Council Column (Mayors message)
- Website
- Social Media (Facebook and twitter)
- Notification to specific businesses, i.e. hotels with pools, local real-estate agencies etc.

Feedback and the outcomes from the public consultation will be presented to Council as soon as practical after the exhibition period.



**ITEM 12 (continued)****Conclusion**

The City of Ryde is already committed to a Swimming Pool Inspection Program, however current resourcing levels only allows for a small percentage of pools to be inspected. The current resourcing of staff is not sufficient to cover the mandatory requirements of The Swimming Pools (Amendment) Act 2012.

An additional officer would enable staff to deliver an effective Swimming Pool Barrier Inspection Program and community awareness/education program for the City of Ryde. This new staff member and program would be funded at no additional cost to Council and is anticipated to be funded by the annual income received which is estimated to be at \$189,000 per year, while the estimated expenditure is calculated at \$119,566. Council should note that the program will have a number of indirect costs, mainly the customer service assistance the Council provides in assisting our residents in understanding the details of the legislation and the requirements of registering their pools.

ITEM 12 (continued)

ATTACHMENT 1



Circular No. M13-07  
Date 29 October 2013  
Doc ID. A347099

## Ministerial Circular

### **NSW GOVERNMENT REQUESTS COUNCILS TO NOT FINE POOL OWNERS FOR FAILING TO REGISTER BY 29 OCTOBER**

The NSW Government is requesting councils to not issue fines to pool owners for failing to register on the free of charge Swimming Pool Register by the 29 October 2013 deadline.

Registration has always been about promoting pool safety, not penalising pool owners. With over 190,000 registrations to date, the pool safety message is getting through to many households, but there is more to be done as we enter the swimming season. As the deadline has approached, many people have been trying to register their pool, and this has also placed pressure on the Swimming Pool Register.

That is why I call on all NSW councils to give pool owners until 19 November 2013 to register their pool before they start issuing fines. I understand that many councils are likely to take this approach anyway, as they actively seek to work with their communities and generally use enforcement as a last resort.

Giving people more time to register does not mean letting them off the hook when it comes to pool safety. Pool owners have a responsibility to make sure that their pool is safe at all times. As we approach the swimming season, this is as important as ever.

With your help, we can together make NSW pool safe. Thank you for supporting this important child safety initiative.

**The Hon Don Page MP  
Minister for Local Government  
Minister for the North Coast**

NSW Government  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

ITEM 12 (continued)

ATTACHMENT 2

City of Ryde Draft Swimming Pool

Barrier Inspection Program



Recent changes to the NSW swimming Pools Act 1992 include responsibilities for both pool owners and the City of Ryde in an endeavour to improve the safety of children around all properties that have swimming pools or spa pools.

One of the requirements is for Council to develop a program in consultation with the local community. The City of Ryde is commencing a review of its swimming pool inspection program and invites feedback from the community on this important issue.

**Draft Program for Inspection of Swimming Pools**

Council officers will inspect properties with swimming pools under the following circumstances:

i. **Inspection of existing residential swimming pools**

Inspections of all existing residential swimming pools will be carried out every five years. The inspections will be prioritised on the basis of risk factors such as age of the pool, last recorded inspection, and details of any non-compliances recorded by Council or on the NSW Swimming Pool Register. An inspection fee of **\$150** will be applicable for all inspections under this program, with an additional inspection fee of **\$100** where non-compliances are found.

ii. **Inspection as a result of a complaint**

Officers will commence an investigation within 72 hours after a complaint is received in writing as per Section 29A of the Swimming Pools Act, 1992. Referrals of complaints from council's internal staff as a result of an inspection, if concerns are raised that the swimming pool barrier may not be compliant, the property will be referred for inspection.

iii. **Inspection at the request of a pool owner**

Council officers will carry out an inspection of a swimming pool upon request from a pool owner in accordance with Section 22C (1) of the Swimming Pools Amendment Act 2012. The inspection will be carried out within 5 days.

iv. **Inspection at the request of a pool owner – sale or lease (commencing 29 April 2014)**

Council officers will carry out an inspection of a swimming pool as required by Section 22C (3) of the Swimming Pools Amendment Act 2012 to enable the sale or lease of a premises on which there is a pool.

Under the Conveyancing (Sale of Land) Regulation 2010 a warning notice is required within the contract of sale stating the owner of a property on which a swimming pool is situated must ensure that the pool complies with the requirements of the Swimming Pools Act 1992.

ITEM 12 (continued)

ATTACHMENT 2

City of Ryde Draft Swimming Pool  
Barrier Inspection Program

Under the Residential Tenancies Regulation 2010 residential tenancies agreement the landlord must agree to ensure that the requirements of the Swimming Pools Act 1992 have been complied with in respect of the swimming pool on the residential premises.

v. **Inspection of a tourist, visitor, multi occupancy development (section 22B(2) Commencing 29 April 2014)**

Council officers will inspect, at least once every three years, a swimming pool situated on a premise on which there is a tourist or visitor accommodation or more than two dwellings. Pools included within this section include backpacker accommodation, bed and breakfast, hotel, motel, serviced apartments and residence of more than two occupancies.

vi. **Inspection of Development Applications or Building approvals which have not been finalised**

Council officers will inspect swimming pools where development consent or complying development certificate has been granted but there is no record of an occupation certificate being issued. These pool inspections will be scheduled within item i. above.

**Have to have your Say!**

If you are a ratepayer or resident in the City of Ryde, your feedback is important and encouraged on the proposed Swimming Pool Barrier Inspection Program.

You can have your say on the Swimming Pool Barrier Inspection Program in the following ways;

1. Write to Council to The City of Ryde Locked Bag 2069 North Ryde NSW 1670
2. E-mail [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)

A report will be prepared for consideration by Council, which will include the feedback information submitted to Council relating to the City of Ryde Swimming Pool Barrier Inspection Program. For further enquiries please contact Council's Customer Service Centre on 9952 8222



## **PRECIS OF CORRESPONDENCE**

### **1 URBAN ACTIVATION PRECINCT PROGRAM**

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**Report prepared by:** Executive Assistant to Group Manager  
**File No.:** GRP/09/6/5 - BP13/1547

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#### **CORRESPONDENCE:**

Submitting correspondence from The Hon Brad Hazzard MP – Minister for Planning and Infrastructure, received on 16 October 2013, regarding Urban Activation Precinct program through the implementation of a new consultative approach for Urban Activation Precincts.

#### **RECOMMENDATION:**

That the correspondence be received and noted.

#### **ATTACHMENTS**

- 1 Urban Activation Precinct Program - Brad Hazzard

Report Prepared By:

**Sandra Warbrick**  
**Executive Assistant to Group Manager**

Report Approved By:

**Meryl Bishop**  
**Acting Group Manager - Environment and Planning**



Precis of Correspondence 1 (continued)

ATTACHMENT 1



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

Councillor Roy Maggio  
Mayor  
City of Ryde  
Locked Bag 2069  
NORTH RYDE NSW 1670

13/09769

Dear Councillor Maggio

I refer to Council's letter from the previous Mayor regarding the Urban Activation Precinct program. The issues raised and key actions requested were discussed at a meeting in July between senior departmental staff, council general managers and planning directors representing most of the urban activation precincts.

The Urban Activation Precinct program is an important part of the NSW Government's commitment to deliver increased housing and housing choices for Sydney. Community, council and stakeholder engagement is a crucial part of this program.

The North Ryde Station Urban Activation Precinct has now been finalised with extensive community consultation informing the final rezoning, including the removal of the Tennis World site from the precinct.

I am advised the Department of Planning and Infrastructure is now implementing a new consultation approach for urban activation precincts. The first phase involves engaging with a small but representative sample of the community so that community feedback can be incorporated into plans as they are developed.

These forums consist of one-third representatives from various community organisations and two-thirds participants who are randomly selected to represent the broad range of people in the community. A market research company is engaged for the random selection process.

During the second phase, at exhibition, multiple one-hour community information sessions are held to allow everyone in the community to hear about the rezoning proposal, ask questions and have their say. During this time the community is encouraged to have a say about planning in their area through an online survey and/or a written submission.

Councillors are now engaged through regular briefings by senior departmental staff, which I am informed are preferred over steering committee meetings.

The NSW Government and the Department are committed to continually improving processes for urban activation precincts. Should you have any further enquiries about this matter, I have arranged for Michael File, Director Strategic Assessments, of the Department of Planning and Infrastructure to assist you. He can be contacted on 9228 6407.

Yours sincerely

**HON BRAD HAZZARD MP**  
Minister

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## 2 CHANGES TO THE PLANNING BILL 2013

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**Report prepared by:** Executive Assistant to the General Manager  
**File No.:** GRP/09/7/6 - BP13/1542

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### **CORRESPONDENCE:**

The Hon Brad Hazzard MP, Minister for Planning and Infrastructure & Minister Assisting the Premier on Infrastructure NSW has written to Council outlining the changes that are proposed to be made to the Planning Bill 2013, which will be introduced into Parliament for its consideration in the near future (**ATTACHMENT 1**).

### **RECOMMENDATION:**

That the correspondence be received and noted.

### **ATTACHMENTS**

- 1 Write in regard to important changes made to Planning Bill 2013 which the NSW Government will introduce into Parliament over the coming weeks.  
Minister for Planning and Infrastructure

Report Prepared By:

**Roxanne Thornton**  
**Executive Assistant to the General Manager**

Report Approved By:

**Roy Newsome**  
**Acting General Manager**

**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**



**The Hon Brad Hazzard MP**

Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

**Ms Danielle Dickson**  
General Manager  
Ryde City Council  
Locked Bag 2069  
NORTH RYDE NSW 1670



18 October 2013

Dear Ms Dickson

I am writing to you in regard to the important changes that have been made to the Planning Bill 2013, which the NSW Government will introduce into Parliament over the coming weeks.

The new planning system is based on three principles:

- Everyone gets a say
- Certainty in the planning process
- Local planning for local communities.

Importantly, the new Bill reflects significant changes as a result of our unprecedented consultation.

We have received almost 5000 submissions from the community and stakeholders and we will release a feedback report that addresses each of the issues raised in detail and outlines what changes we have made.

Many of these changes return greater planning powers to local councils and communities:

- Councils to modify statewide codes
- Councils to determine where code assessable development will apply, outside growth areas
- Scrapping the 80 per cent target for streamlined assessment
- Councils having majority representation on the new Subregional Planning Boards.

We will continue to provide you with further detailed information on the Planning Bill 2013 over the coming weeks. A series of initiatives are proposed to build the partnership between Local and State Government:

- Operational procedures for the Subregional Planning Boards will be developed in conjunction with councils who will hold the majority membership.
- The Standard Instrument Local Environmental Plan, in which councils have invested a lot of time and resources in conjunction with their communities, will now become the core of the new Local Plans.
- As a matter of priority, the Department of Planning and Infrastructure will look to reposition the Planning Reform Fund to support the delivery of the new planning system.



**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**

- The NSW Government committed \$21 million for the delivery of the new planning system in the 2013/14 Budget and the Department of Planning and Infrastructure will work with Local Government to provide a range of tools including guidelines for community participation, the model community participation plan and the Community Participation Hub, which will provide up-to-date engagement resources.
- Local Government NSW is part of the newly established Culture Change Working Group which will help identify a series of actions for the Culture Change Action Group to progress, to improve the way business is done for all users of the new planning system.
- A Planning Advisory Service is proposed, to be jointly staffed by local council and departmental officers. It will be a new central resource specifically focusing on supporting councils in the new planning system, providing tailored tools, templates, information updates, expert technical advice and mentoring.
- The ePlanning Project Office will be working collaboratively with councils to ensure the best outcome for the program and the associated services and tools. Supported by LGNSW, the Department has launched its ePlanning Sponsors and Champions program and NSW Councils have been asked to nominate two staff members to participate, from a range of disciplines to ensure we are able to capture all the issues.

For the first time NSW will have a planning system that puts the community first, is easy to use, efficient, transparent and gives residents, through their councils, the right to be involved 'up-front' in strategic planning for their areas.

The NSW Government looks forward to working with you and your Council as we finalise the details for the new planning system that returns power to local communities.

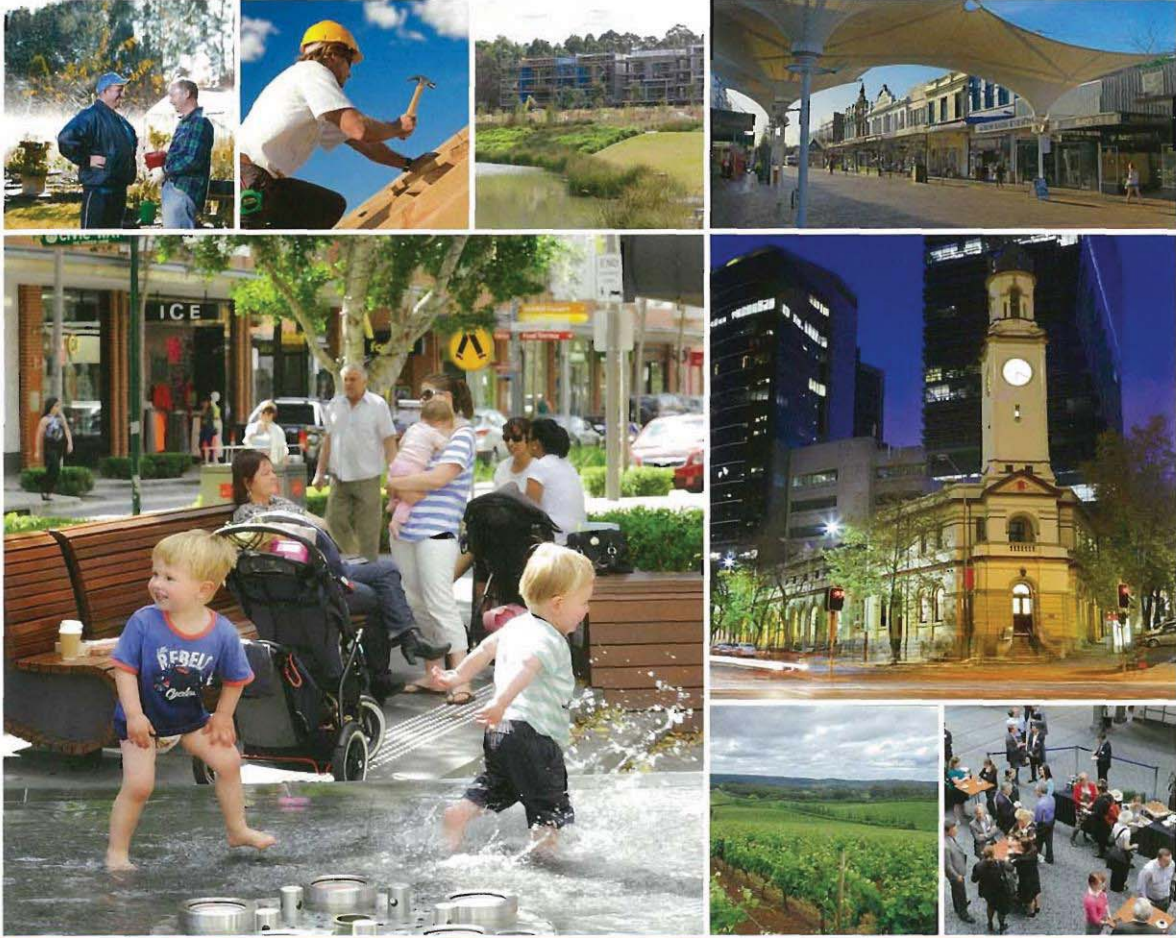
Yours sincerely



**HON BRAD HAZZARD MP**  
Minister

Precis of Correspondence 2 (continued)

ATTACHMENT 1



# Planning For Our Future

- ✓ Everyone gets a say
- ✓ Certainty in the planning process
- ✓ Local planning for local communities



Planning &  
Infrastructure





Precis of Correspondence 2 (continued)

ATTACHMENT 1

# From the Minister

*Brad Hazzard – Minister for Planning & Infrastructure*



The planning system should be easy to use. It should be efficient and transparent. It should put the community first.

Since coming to Government we have talked with you, and listened to you, about the new planning system. We've been at the information sessions. We've taken feedback from 5000 submissions.

## The New Planning System

- ✓ **Everyone gets a say.** No one will lose their legal rights they have today. The community will be able to legally challenge any decisions that do not comply with their planning code.
- ✓ **Certainty in the planning process.** We will deliver faster, more streamlined planning for families and restore integrity and transparency into the planning process. We will reduce assessment times for straightforward applications, saving people time and money.
- ✓ **Local planning for local communities.** We will return power to local communities who will set the ground rules and vision for future developments in their local area. We will introduce a Community Participation Charter for the first time to allow every person in the community to be part of an upfront planning process.

We've made important changes to the new planning legislation in response to your feedback.

And now we're proud to usher in NSW's new planning system which undoubtedly will be the best in Australia.

For the first time, residents have the right to be involved 'up-front' in strategic planning for their areas, letting home builders get on with building.

The major benefit of the strategic planning approach is that communities decide what will go where, and if a builder sticks to that decision there will be very fast approvals.

There will still of course be the right to seek a variation on individual applications but it will be done on merit, weighing up the pros and cons in a transparent way.

We have responded to the concerns of the Independent Commission Against Corruption about aspects of the legislation and have made changes to address them.

The legal appeal rights and judicial review rights that you have today will continue, unchanged.

We have made changes to balance the triple bottom line. Projects will be assessed on their environmental, social, and economic aspects, ensuring consideration of the public interest.

Local councils will have greater scope and say in tailoring state wide codes to reflect their local neighbourhood norms.

The new planning system builds on the promise we made to the people of NSW.

## Delivered on our promises

- ✓ Scrapped Part 3A
- ✓ Returned development approvals for all residential, retail, commercial and coastal properties to councils
- ✓ Empowered councils to decide significant local projects worth up to \$20 million, instead of the \$10 million cap under Labor.
- ✓ Provided better balance through council representation on Joint Regional Planning Panels which assess projects over \$20 million
- ✓ Restored integrity in the approvals of major projects with decisions made by the independent Planning Assessment Commission – rather than by the Minister for Planning and Infrastructure.

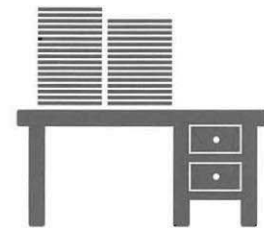
Precis of Correspondence 2 (continued)

ATTACHMENT 1



**Our broken planning system**

- ✘ After 33 years, the planning system is too complex and the red tape is unacceptable
- ✘ It can take more than two months for a simple home renovation to be approved
- ✘ Delays on major developments stop jobs and investment
- ✘ Suburbs are being planned without adequate services
- ✘ The public lacks confidence
- ✘ Communities feel shut out of major decisions



Current process too long and complex



average DA assessment



for simple home renovations



to assess a new home



*“The Community Participation Charter is a welcome inclusion in the Bill.”*

A submission on the White Paper

**Red Tape Delays** = \$ + ⌚



Community currently shut out of major planning decisions



Precis of Correspondence 2 (continued)

ATTACHMENT 1

**Everyone has a say**

*"I'm excited about the proposed planning reform, which includes community participation in planning and decision-making."*

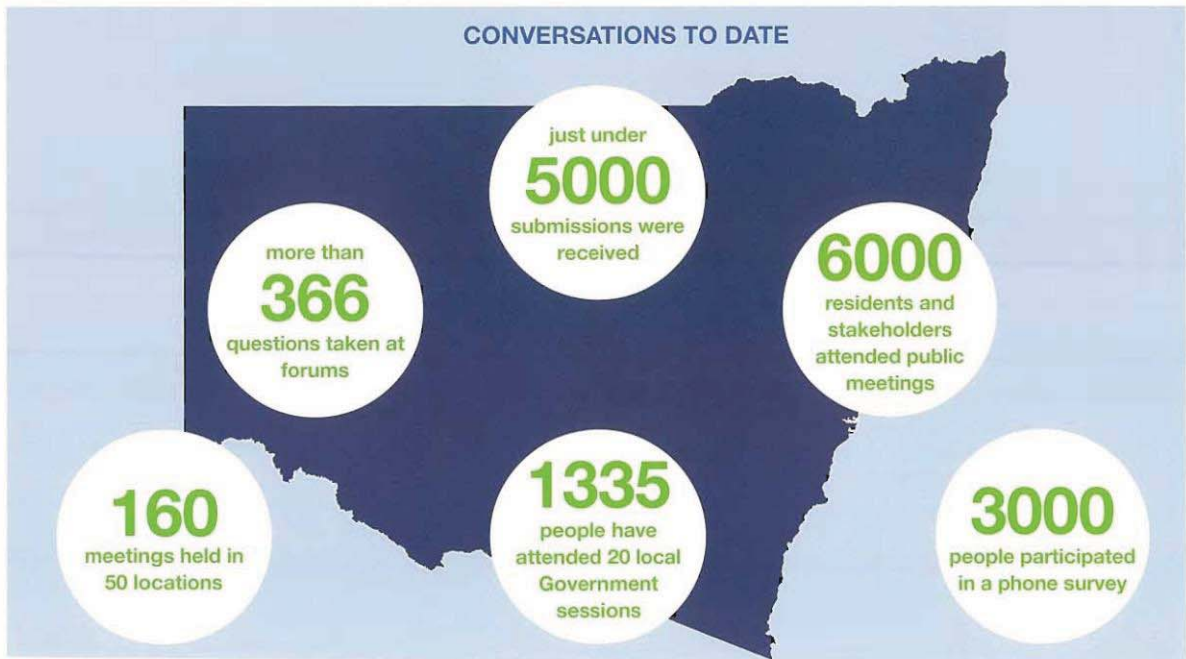
A participant at a deliberative forum



**You have spoken, we have listened**

- ✓ The new NSW planning system will restore power to communities through their local councils
- ✓ Local councils and communities will set planning rules in their area, such as height, size and footprint of development to suit their unique local conditions

- ✓ Criteria for location of windows, privacy, landscaping and good design will be introduced
- ✓ Communities will be able to understand planning rules through the use of 3D modelling and visual tools
- ✓ Everyone will retain their legal rights. The community will be able to legally challenge any decisions that do not comply with their planning code.



**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**

*“Today has been great; community involvement in this discussion is awesome. I would like to be the voice of my kids. The children are our future.”*

A participant at a deliberative forum



**Will I be notified of a code assessment development application before it is approved?**

Yes, under the new rules council must notify you at least 14 days before an application is approved. A simple checklist will be available so that neighbouring residents can see how the proposal complies with the planning code.

- ✓ The Minister for Planning and Infrastructure and local councils will be required by law to publish their decisions and how they have addressed community concerns
- ✓ Neighbours will receive notification of complying or code development 14 days before approval and 7 days before construction
- ✓ A new Community Guarantee will enforce 100 per cent compliance with council planning code rules
- ✓ Valued heritage items and sensitive environmental areas will be protected automatically
- ✓ There will be no changes to the current zoning system.



**Will councils be able to protect neighbourhood streetscapes?**

Yes, locals councils and their residents will have set the rules that will protect the unique local character and identity of their community.

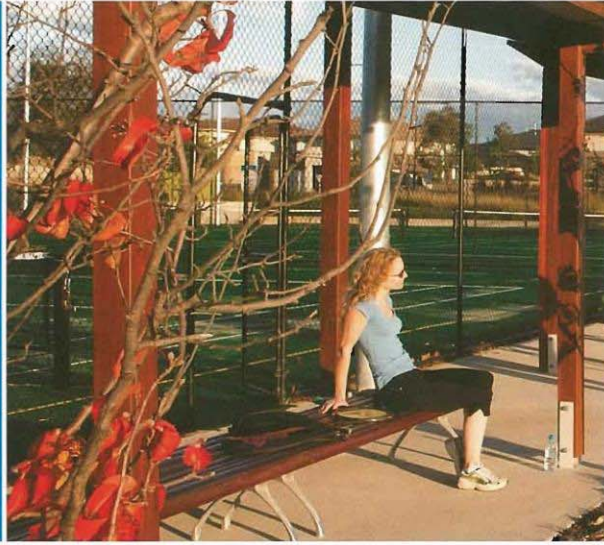




Precis of Correspondence 2 (continued)


ATTACHMENT 1


# The new planning system



## Current System


Complex red tape





Not enough checks and balances

Complicated approvals process



- ✘ Unnecessary red tape discourages new housing investment
- ✘ Limited community involvement in planning decisions
- ✘ Complicated and slow system prevents new business investment
- ✘ Limited rights for individuals and communities
- ✘ Ad hoc and unpredictable approval processes
- ✘ Limited housing choice across the state.



**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**



## New System

- ✓ The proposed simplified system gives communities a greater say upfront and allow quicker decisions to be made
- ✓ Greater community involvement in planning decisions
- ✓ Simpler and quicker planning system that allows new investment
- ✓ Strengthened rights for individuals and groups through a Community Participation Charter
- ✓ Holistic and predictable approval process
- ✓ More housing choice across the state



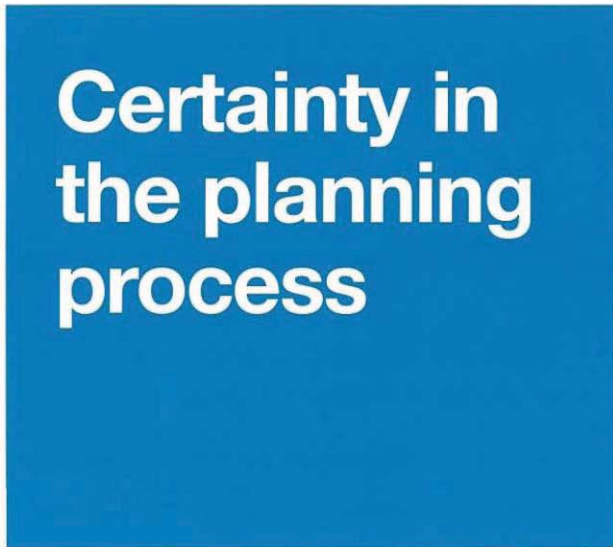
**Reducing  
assessment  
times for  
straightforward  
applications**



**Tougher laws  
to prevent  
corruption**

**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**



**Certainty in the planning process**

**What does it mean for me?**

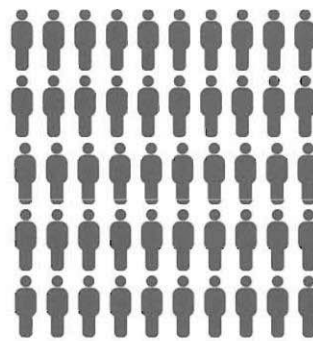
Every local community is unique. Our planning process will allow you to have a say about how your local community will look.

Everyone will have the opportunity to be part of an upfront process to create a set of rules and plans to suit their individual communities.

Our new system gives communities an opportunity to plan for the future.

**We will**

- ✓ Deliver faster, streamlined planning for families
- ✓ Deliver a process that is easy to understand
- ✓ Return more power to communities who will set the ground rules and vision for future developments in their local area
- ✓ Take the politics out of planning
- ✓ Introduce a Community Participation Charter – an Australian first
- ✓ Keep planning decisions local and easy to understand
- ✓ Restore integrity and transparency into the planning process
- ✓ Deliver more housing for families and jobs for small business, tradies and builders to support the NSW economy
- ✓ Restore further power to councils by increasing the value of developments they can assess
- ✓ Strengthen the economy



up to  
**5000**  
more jobs for tradies per year



**\$60 billion**  
State infrastructure spend  
over next four years

(2013-2014 NSW Budget Papers)



Precis of Correspondence 2 (continued)

ATTACHMENT 1



**“A good idea. Finally the general public will have a voice and input into decision-making.”**

A participant at a deliberative forum

**“It’s great to see solid planning happen and seeing NSW getting with the times.”**

A participant at a deliberative forum



**“I believe that the suggestions made in this White Paper will be a positive step forward for NSW. It allows a fair balance between allowing community consultation and a property owner being assured of the potential of his/her land.”**

A submission on the White Paper

**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**

# Local decisions for local communities



We understand what's important to you, that's why we have addressed the important issues of heritage, sustainable development and the environment in the new planning process.

### Heritage

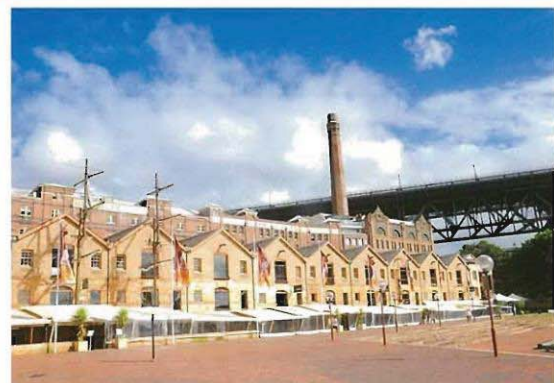
- ✓ The importance of heritage – historical, cultural and Aboriginal - will be protected in the new planning system
- ✓ All items on the State Heritage List and locally listed items will be automatically protected
- ✓ A state planning policy for environment and heritage will be prepared to further protect heritage items and sensitive environmental areas
- ✓ State Government and councils will be required by law to consider heritage items when preparing plans or assessing developments

### Sustainable Development

- ✓ A key objective of the new planning system is based on sustainable development
- ✓ The new system will ensure a balanced triple bottom line assessment of development applications where the environment and social considerations are equally as important as economic growth.
- ✓ A new environment and heritage policy will ensure economic growth and productivity, while protecting and managing the environment and advancing social outcomes.

### Environment

- ✓ All current environmental protections will be preserved in the new planning system
- ✓ Projects requiring an Environmental Impact Statement or are subject to State, Aboriginal Heritage or threatened species approval cannot be code assessed
- ✓ Biodiversity is an important part of the new planning system and will underpin our strategic planning.



Top right image : Broken Hill Tourism



Precis of Correspondence 2 (continued)

ATTACHMENT 1

**“A new system is a chance to push the planning reset button for NSW.”**

A participant at a deliberative forum



**“I am really impressed with the proposed new planning system, I think it’s brilliant and it cuts red tape. It’s going to allow faster development and more affordable housing in Sydney.”**

A participant at a deliberative forum

**“I applaud the move to a more strategically focused approach to planning, as opposed to an ad-hoc, ill conceived system.”**

A participant at a deliberative forum



**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**

# Planning for our future

**The new planning system will help us  
all grow a strong future together for  
communities, families, small business  
across NSW.**

- ✓ Everyone gets a say
- ✓ Certainty in the planning process
- ✓ Local planning for local communities

## **Find out more**

[www.planning.nsw.gov.au/newplanningsystem](http://www.planning.nsw.gov.au/newplanningsystem)

Twitter : @NSWPlanning

Facebook: /NSWPlanning

Phone: 1300 305 695



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**3 LOCAL GOVERNMENT REFERENDUM CONTRIBUTIONS - FULL REFUND FOR NSW COUNCILS**

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**Report prepared by:** Section Manager - Governance  
**File No.:** CLM/13/1/4/2 - BP13/1594

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**CORRESPONDENCE:**

Submitting correspondence from Local Government NSW, dated 30 October 2013, regarding Local Government Referendum Contributions – full refund for NSW Councils.

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

*That the City of Ryde again write to the Local Government Association of NSW and Shires Association of NSW declining to contribute the amount requested for the Constitutional Recognition of Local Government campaign.*

In accordance with the resolution of 12 February 2013, Council has not made a contribution.

**RECOMMENDATION:**

That the correspondence be received and noted.

**ATTACHMENTS**

- 1 Letter from Local Government NSW dated 30 October 2013 regarding Local Government Referendum Contributions

Report Prepared By:

**Amanda Janvrin**  
**Section Manager - Governance**

Report Approved By:

**Shane Sullivan**  
**Acting Group Manager - Corporate Services**



**Precis of Correspondence 3 (continued)**

**ATTACHMENT 1**



Our ref: R09/0007 Out- 22085

30 October 2013

Dear Mayors and General Managers

**Local Government Referendum contributions – full refund for NSW councils**

I am delighted to advise that the Deputy Prime Minister, the Hon. Warren Truss MP, has announced that the Australian Government will refund all money expended on the constitutional recognition referendum campaign to councils.

Thanks to vigorous lobbying by Local Government NSW (LGNSW), the Australian Local Government Association (ALGA) and other State and Territory Associations, Deputy Prime Minister Truss has agreed that the federal funding allocated to the referendum can be used to reimburse all State and Territory Associations. All NSW councils that paid levies towards the referendum campaign will therefore receive a 100 per cent refund.

I am very pleased that the Abbott Government intends to act on LGNSW's request for a full reimbursement of funds. We have advocated strongly that councils and the communities they represent should not be penalised because the referendum was cancelled at the last minute, and we are delighted that the new Government has acted swiftly to reimburse councils.

Whilst we are unsure how long it will take for the Government and ALGA to process the return of funds, in recognition of our commitment to fully reimburse NSW councils, LGNSW will immediately commence calculating and processing the return of the remaining portion of the first instalments. LGNSW will return all money to NSW councils in full by the end of November 2013, irrespective of when the funds are received from the Government and ALGA.

Whilst it was very disappointing that the referendum was cancelled, I am pleased that councils will no longer be financially penalised. I thank all councils in NSW for their hard work and dedication to the campaign and in assisting LGNSW to lobby for this return of funds.

The need for Local Government to be recognised in the Australian Constitution remains a priority for LGNSW, other State and Territory Local Government Associations and ALGA. Together we will continue to advocate that a referendum to recognise Local Government in the Constitution should be held in the near future.

Yours sincerely



Cr Keith Rhoades AFSM  
**President**

**LOCAL GOVERNMENT NSW**  
GPO BOX 7003 SYDNEY NSW 2001  
L8, 28 MARGARET ST SYDNEY NSW 2000  
T 02 9242 4000 F 02 9242 4111  
**LGNSW.ORG.AU** LGNSW@LGNSW.ORG.AU  
ABN 49 853 913 882



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#### **4 GLADESVILLE MAINSTREET COMMITTEE**

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**Report prepared by:** Acting General Manager

**File No.:** COR2012/265 - BP13/1622

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#### **CORRESPONDENCE:**

Hunters Hill Council have written to the City of Ryde advising of their resolution to establish a Gladesville Mainstreet Committee for the Gladesville Village Precinct.

Hunters Hill Council have requested that City of Ryde nominate two (2) Councillors as committee members.

This request is now submitted for Council's consideration;

#### **RECOMMENDATION:**

- (a) That the correspondence from Hunters Hill Council be received and noted.
- (b) That Council nominate two (2) Councillors as representatives on the Gladesville Mainstreet Committee.

#### **ATTACHMENTS**

- 1 Invite Council to nominate two Councillors to become members of Gladesville Mainstreet Committee. Hunters Hill Council

Report Prepared By:

**Roy Newsome**  
**Acting General Manager**

**Precis of Correspondence 4 (continued)**

**ATTACHMENT 1**



**HUNTER'S HILL COUNCIL**

ABN 75 570 316 011

TOWN HALL, ALEXANDRA STREET, HUNTERS HILL 2110

PO BOX 21, HUNTERS HILL 2110

TELEPHONE: (02) 9879 9400

FAX: (02) 9809 7338

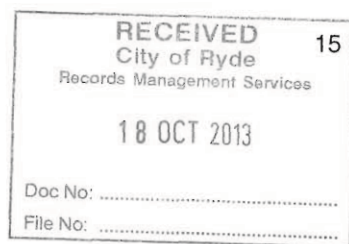
EMAIL: council@huntershill.nsw.gov.au

WEB: www.huntershill.nsw.gov.au

Enquiries:

Barry Smith

Mr Roy Newsome  
Acting General Manager  
City of Ryde Council  
Locked Bag 2069  
NORTH RYDE NSW 1670



Dear Mr Newsome

**Gladesville Mainstreet Committee**

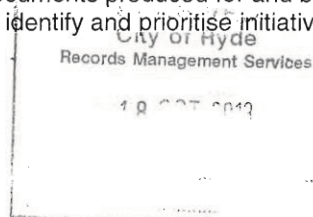
Hunter's Hill Council at Ordinary Meeting 4347 held 9 September 2013 considered a report on the establishment of a Gladesville Mainstreet Committee and resolved:

**277/13** RESOLVED on the motion of Cllr Bird, seconded Cllr Astridge that:

1. Council invites Ryde City Council to nominate two (2) councillors as committee members
2. Council immediately seeks nominations for members from retail sector (5), commercial landlord sector (3) and the community (2) to form the Gladesville Main Street Committee
3. Council as soon as possible convenes a meeting of the Gladesville Main Street Committee.
4. Councillors Bird and Astridge be nominated the Council representatives on the Gladesville Main Street Committee.

The purpose and function of the committee would be similar to the Hunters Hill Village Mainstreet Committee and includes:

1. Communicating to residents, business owners, landlords and visitors the benefits of a strong and vibrant business precinct and engaging their support and cooperation in the achievement of the Committee's objectives.
2. Reviewing the various strategic documents produced for and by both Hunters Hill and Ryde Councils to identify and prioritise initiatives.



**Precis of Correspondence 4 (continued)**

**ATTACHMENT 1**

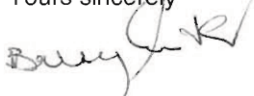
3. Develop strategies to create attractive and friendly places and enhance the economic viability of the Gladesville Village Precinct.

I have attached for your information a copy of the report that was submitted to Council that includes further details on the Committee's composition.

I would like to invite Ryde City Council to nominate 2 Councillors to become members of this Committee.

Should you require any further information or wish to discuss this matter please do not hesitate to contact me on 9879 9431 or by email at [genmanager@huntershill.nsw.gov.au](mailto:genmanager@huntershill.nsw.gov.au) .

Yours sincerely



Barry Smith  
GENERAL MANAGER

**Precis of Correspondence 4 (continued)**

**ATTACHMENT 1**

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NOTICE OF MOTIONS (INCLUDING RESCISSION MOTIONS)	Meeting 4347 - 9 September 2013	<b>C1</b>
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**ITEM NO** : 1

**SUBJECT** : GLADESVILLE MAINSTREET COMMITTEE

**CSP THEME** : OUR COUNCIL

**DELIVERY PLAN STRATEGY** : MANAGE THE COMMUNITY STRATEGIC PLAN, DELIVERY PROGRAM AND OPERATIONAL PLAN IN LINE WITH STATUTORY REQUIREMENTS

**REPORTING OFFICER** : COUNCILLORS BIRD & QUINN

**INTRODUCTION**

There is a strong desire from local residents and business owners to establish the Gladesville Main Street Committee. At the Ordinary Meeting No.4330 held October 2012 Council resolved as follows:

**Min. No. 270/12** RESOLVED on the motion of Clr Bird, seconded Clr Bennett that nominations be invited and advertised for community representatives for Committees, Advisory Committees and Working Parties to September 2016.'

This resolution included the formation of a Gladesville Mainstreet committee subject to response from Ryde City Council and agreement on function and representation.

**REPORT**

Ideally this committee must include members from the Municipality of Ryde but this objective should not delay the formation of the committee any further as there are pressing issues that need to be addressed. The purpose and function of the committee would be similar to the Hunters Hill Village Mainstreet Committee and include:

1. Communicating to residents, business owners, landlords and visitors the benefits of a strong and vibrant business precinct and engaging their support and cooperation in the achievement of the Committee's objectives.
2. Reviewing the various strategic documents produced for and by both Hunters Hill and Ryde Councils to identify and prioritise initiatives.
3. Develop strategies to create attractive and friendly places and enhance the economic viability of the Gladesville Village Precinct



**Precis of Correspondence 4 (continued)**

**ATTACHMENT 1**

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NOTICE OF MOTIONS (INCLUDING  
RESCISSION MOTIONS)

Meeting 4347 - 9 September 2013

**C2**

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**NOTICE OF MOTION**

We, the undersigned Councillors, intend to move the following motion at Ordinary Meeting No.4347 to be held on 9 September 2013:

That:

1. Council invite Ryde City Council to nominate two (2) councillors as committee members
2. Council immediately seeks nominations for members from retail sector (5), commercial landlord sector (3) and the community (2) to form the Gladesville Main Street Committee
3. Council as soon as possible convenes a meeting of the Gladesville Main Street Committee.

  
COUNCILLOR GARY BIRD

  
COUNCILLOR RICHARD QUINN

**Precis of Correspondence 4 (continued)**

**ATTACHMENT 1**

NOTICE OF MOTIONS (INCLUDING  
RESCISSION MOTIONS)

Meeting 4347 - 9 September 2013

**C3**

COMMITTEE	FUNCTION	COUNCIL REPS	STAFF REPS	COMMUNITY REPS	MEET
<b>GLADESVILLE MAINSTREET COMMITTEE</b>	<p>The <b>Committee</b> is established for the purpose of:</p> <ol style="list-style-type: none"> <li>1. Communicating to residents, business owners, landlords and visitors the benefits of a strong and vibrant business precinct and engaging their support and cooperation in the achievement of the Committee's objectives.</li> <li>2. Reviewing the various strategic documents produced for and by both Hunters Hill and Ryde Councils to identify and prioritise initiatives.</li> <li>3. Develop strategies to create attractive and friendly places and enhance the economic viability of the Gladesville Village Precinct.</li> </ol>	<p><b>Two Cllrs</b> appointed bi-annually by each Council. (Committee to elect chair).</p> <p>Quorum, half plus 1</p>	<p>General Manager of each Council or their delegate</p>	<ul style="list-style-type: none"> <li>▪ Five (5) reps from the retail sector;</li> <li>▪ Three (3) reps from the commercial landlord sector;</li> <li>▪ Two (2) members of the general community of Gladesville</li> </ul> <p>Each members term shall expire bi-annually on the 30 June, with retiring representatives being eligible for reappointment for a maximum of two (2) subsequent terms.</p>	<p>Monthly</p>

## **NOTICES OF MOTION**

### **1 1ST STATE LOBBYIST AND THE CITY OF RYDE - Councillor Jerome Laxale**

**File Number:** CLM/13/1/4/6 - BP13/1629

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#### **MOTION:**

That the general manager provide a detailed report to councillors on the meeting between lobbyist firm, 1st State, and council officials in relation to discussions detailed in the Sydney Morning Herald article "Lobbyist caught up in Ryde Enquiry" (19/08/13)

That Council's report should detail specifics of representations made by First State in relation to 31-33 Waterloo Rd Macquarie Park and the draft Masterplan of Macquarie Park.

## **NOTICES OF RESCISSION**

### **1 DEFERRED NOTICE OF RESCISSION: CODE OF CONDUCT - Councillor George Simon, Councillor Jerome Laxale, Councillor Denise Pendleton**

**File Number:** CLM/13/1/4/7 - BP13/1412

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**This Notice of Rescission was deferred from the Council Meeting on 22 October 2013.**

That Council rescind the previous resolution in relation to CODE OF CONDUCT, passed at the Council Meeting held on 24 September 2013, namely:

- (a) *That Council endorse the recommendations as detailed in the Conduct Reviewers report on pages 13-14, with the following amendments to points:*
  - *2.1.4 on page 13, taking out the words “or non-pecuniary interest”*
  - *2.1.14 on page 14, deleting the second sentence “This includes any communication with Group Managers and the General Manager”, for the reason that Councillor Maggio is now the Mayor.*
- (b) *The Mayor, Councillor Maggio be requested to provide written apologies to affected parties.*
- (c) *That all Councillors be provided with the opportunity to undertake Code of Conduct training.*
- (d) *That Council address the review of the processes to ensure timely investigation and reporting of complaints.*
- (e) *That a Status Report be submitted to Council at the Council Meeting on 22 October 2013.*



## **CONFIDENTIAL ITEMS**

### **13 RALC SURF ATTRACTION UPDATED FINANCIAL FORECAST**

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#### **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.

**Report prepared by:** Centre Manager - Ryde Aquatic Leisure Centre

**File No.:** GRP/09/4/1/7 - BP13/1563

**Page No.:** 204

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### **14 DEFERRED REPORT: SURF ATTRACTION COR-RFT 3/13**

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#### **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.

**Report prepared by:** Project Manager

**File No.:** GRP/09/3/10 - BP13/1435

**Page No.:** 210

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