

Meeting Date: Tuesday 24 September 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

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1 CONFIRMATION OF MINUTES - Council Meeting held on 10 September 2013

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/1133

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 19/13, held on 10 September 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 10 September 2013

ITEM 1 (continued)

ATTACHMENT 1

Council Meeting
MINUTES OF MEETING NO. 19/13

Meeting Date: Tuesday 10 September 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

Apologies: Councillor Laxale.

Absent: Councillor Simon.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Acting Group Manager – Public Works, General Counsel, Manager – Communications and Media, Coordinator Digital Communications, Section Manager – Governance and Meeting Support Coordinator.

PRAYER

Pastor Dean Moore of the Ryde Baptist Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary Interest in Mayoral Minute 20/13 – Extension to Time Limit for Submitting Councillor Reimbursement Claims from the Council Meeting held on 27 August 2013, for the reason that the original Motion dealt with all Councillors which was subsequently amended to specify The Mayor, Councillor Petch.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Michelle Pont	Item 2 – Election of Mayor for Ensuing 12 Months, Item 5 – Council/Committee Meetings – Schedule and Appointment of Councillor Members to Standing Committees and Item 6 – Advisory and External Committees – Appointment of Delegates
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ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 27 August 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Salvestro-Martin)

That the Minutes of the Council Meeting 18/13, held on 27 August 2013 be confirmed, subject to an amendment to Item 5(b) to read as follows:-

- (b) That Council bring back a report on the staged construction of two amenities buildings preferably at both entrances of Santa Rosa Park.

Record of Voting:

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

Against the Motion: Councillor Perram

2 ELECTION OF MAYOR FOR ENSUING 12 MONTHS

Note: Michelle Pont addressed the meeting in relation to this Item.

At this stage of the meeting, the Mayor, Councillor Petch, gave a brief acknowledgement of his term as Mayor. He then vacated the Chair and the Acting General Manager, as Returning Officer, conducted the election of Mayor.

The Acting General Manager, as Returning Officer, gave an overview of the election process.

METHOD OF VOTING FOR ELECTION OF MAYOR

The Acting General Manager, as Returning Officer, presented the options on the method of voting for Mayor.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That the method of voting be open voting by show of hands.
- (b) That the Acting General Manager, as Returning Officer, undertake the election of Mayor for the ensuing 12 months by announcing the nominations and then conducting the election.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

As a result of the voting, THE METHOD OF VOTING FOR ELECTION OF MAYOR WAS OPEN VOTING BY SHOW OF HANDS.

The Acting General Manager, as Returning Officer, advised that there were two nominations for the Office of Mayor, namely Councillor Perram and Councillor Maggio.

The General Manager invited further nominations. There were no further nominations.

THE ELECTION FOR MAYOR was conducted by the Acting General Manager, as Returning Officer, which resulted in the following voting:

Councillor Perram 5 votes

Voting in favour: Councillors Li, Pendleton, Perram, Petch, and Salvestro-Martin

Councillor Maggio 5 votes

Voting in favour: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

The Acting General Manager, as Returning Officer advised that as the number of votes cast for the two candidates were equal, that a draw by lot would be required to be undertaken. The candidate whose name was first drawn by lot would be declared elected as Mayor for the ensuing 12 months.

The Acting General Manager, as Returning Officer invited Councillors to inspect the ballot box and canisters that would be used in the election of Mayor.

The Acting General Manager, as Returning Officer organised for each candidate's name to be written on a separate slip, placed in separate canisters and then placed in the ballot box. The Returning Officer's assistant rotated the ballot box and then presented it to the Returning Officer for the draw by lot.

The Acting General Manager, as Returning officer then drew by lot.

As a result of the draw, COUNCILLOR MAGGIO WAS DULY ELECTED MAYOR FOR THE ENSUING YEAR.

The Mayor, Councillor Maggio then assumed the Chair of Mayor, as Chairperson of the meeting.

The Mayor, Councillor Maggio gave a brief acknowledgement following his election.

ITEM 1 (continued)

ATTACHMENT 1

3 DETERMINATION OF FEE AND OFFICE OF DEPUTY MAYOR

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council elect a Deputy Mayor for a one year term.
- (b) That where the Deputy Mayor is to act in the Office of the Mayor, that this is to be done by way of a Council resolution.
- (c) That where there is a Council resolution, in accordance with (b) above, the Deputy Mayor be paid a fee to undertake the roles and responsibilities of the office of the Mayor on a pro rata basis from the Mayoral Fee.

Record of Voting:

For the Motion: Unanimous

4 ELECTION OF DEPUTY MAYOR FOR ENSUING 12 MONTHS

METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

The Acting General Manager, as Returning Officer, presented the options on the method of voting for Deputy Mayor.

RESOLUTION: (Moved by Councillors Petch and Etmekdjian)

- (a) That the method of voting be open voting by show of hands.
- (b) That the Acting General Manager, as Returning Officer, undertake the election of Deputy Mayor for the ensuing 12 months by announcing the nominations and then conducting the election.

Record of Voting:

For the Motion: Unanimous

As a result of the voting, **THE METHOD OF VOTING FOR ELECTION OF MAYOR WAS OPEN VOTING BY SHOW OF HANDS.**

The Acting General Manager, as Returning Officer, advised that there were two nominations for the Office of Deputy Mayor, namely Councillor Li and Councillor Yedelian OAM.

The General Manager invited further nominations. There were no further nominations.

THE ELECTION FOR DEPUTY MAYOR was conducted by the Acting General Manager, as Returning Officer, which resulted in the following voting:

Councillor Li 5 votes

Voting in favour: Councillors Li, Pendleton, Perram, Petch and Salvestro-Martin

ITEM 1 (continued)

ATTACHMENT 1

Councillor Yedelian OAM 5 votes

Voting in favour: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Pickering and Yedelian OAM

The Acting General Manager, as Returning Officer advised that as the number of votes cast for the two candidates were equal, that a draw by lot would be required to be undertaken. The candidate whose name was first drawn by lot would be declared elected as Deputy Mayor for the ensuing 12 months.

The Acting General Manager, as Returning Officer invited Councillors to inspect the ballot box and canisters that would be used in the election of Deputy Mayor.

The Acting General Manager, as Returning Officer organised for each candidate's name to be written on a separate slip, placed in separate canisters and then placed in the ballot box. The Returning Officer's assistant rotated the ballot box and then presented it to the Returning Officer for the draw by lot.

The Acting General Manager, as Returning officer then drew by lot.

As a result of the draw, COUNCILLOR LI WAS DULY ELECTED DEPUTY MAYOR FOR THE ENSUING YEAR.

The Deputy Mayor, Councillor Li gave a brief acknowledgement following his election.

5 COUNCIL/COMMITTEE MEETINGS - Schedule and Appointment of Councillor Members to Standing Committees

Note: Michelle Pont addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council endorse its Standing Committees of Planning and Environment, Works and Community and General Purposes Committee.
- (b) That Council endorse the **ATTACHED** meeting schedule for Committee and Council meetings for the remainder of 2013 and the full calendar year of 2014, noting that the schedule may be amended at any time, subject to one month transition period to allow for public notices to be given.
- (c) That Council endorse the following Councillors as members of the Planning and Environment Committee:
 - Councillor Chung
 - Councillor Etmekdjian
 - Councillor Yedelian OAM
 - Councillor Pickering
 - Councillor Salvestro-Martin
 - Councillor Laxale

ITEM 1 (continued)

ATTACHMENT 1

- (d) That Council endorse the following Councillors as members of the Works and Community Committee:
- Councillor Petch
 - Councillor Pendleton
 - Councillor Perram
 - Councillor Simon
 - Councillor Li
- (e) That a further report be presented to Council in December 2013, outlining dates for conducting three General Purposes Committee (Community Council Meetings) in 2014.
- (f) That Council note that the Planning and Environment and Works and Community Committee Meetings to be held on 1 October 2013 will be cancelled due to the Councillor attendance at the Local Government NSW Conference on 1 to 3 October 2013.
- (g) That Council note that due to the Local Government NSW Conference being held in October 2014, a Committee or Council meeting in October 2014 may be cancelled and this will be determined when the Conference date is confirmed.

Record of Voting:

For the Motion: Unanimous

6 ADVISORY AND EXTERNAL COMMITTEES - Appointment of Delegates

Note: Michelle Pont addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That the following Councillor delegates be appointed to the following Advisory Committees in accordance with the Terms of Reference, for the ensuing 12 months:

Advisory Committee	Councillor Delegates
Access Committee	Councillor Pendleton (Chair)
Bicycle Advisory Committee	Councillor Perram (Chair)
Community Harmony Reference Group	Councillor Yedelian OAM (Chair) Councillor Chung Councillor Etmekdjian
Eastwood Events and Promotions Advisory Committee	Councillor Etmekdjian (Chair) Councillor Li Councillor Perram
Economic Development Advisory Committee	Councillor Etmekdjian (Chair) Councillor Chung
Heritage Advisory Committee	Councillor Petch (Chair) Councillor Perram

ITEM 1 (continued)

ATTACHMENT 1

Macquarie Park Forum	Councillor Pickering (Chair) Councillor Chung Councillor Etmekdjian Councillor Perram
Ryde Hunters Hill Joint Library Services Committee	Councillor Chung
Ryde Youth Forum (Note: No Councillor Chairperson required)	Councillor Chung
Sport and Recreation Advisory Committee	Councillor Chung (Chair) Councillor Perram
Status of Women Advisory Committee	Councillor Pendleton (Chair)

- (b) That due to the minimum appointment period of delegates to the Audit and Risk Advisory Committee, representation on this Committee next be considered in September 2014.
- (c) That Council appoint the following delegates to NSROC:
- The Mayor, Councillor Maggio.
 - Councillor Petch until the NSROC AGM to be conducted in November, at which time Councillor Etmekdjian will become the formal delegate.
 - Councillors Yedelian OAM and Chung as alternate delegates.
- (d) That Council appoint Councillors Yedelian OAM and Chung as Council's delegates and Councillor Perram as an alternate delegate to the Joint Regional Planning Panel.

Record of Voting:

For the Motion: Unanimous

7 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 1 to 3 October 2013 - Confirmation of Delegates

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council nominate The Mayor, Councillor Maggio and Councillors Etmekdjian, Pickering, Simon, Yedelian OAM, Chung and Petch to attend the Local Government NSW Annual Conference as voting delegates.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

NATIONAL ANTHEM

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

The meeting closed at 8.27pm.

CONFIRMED THIS 24TH DAY OF SEPTEMBER 2013

Chairperson

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

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/1109

REPORT SUMMARY

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

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

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

2 32 KEPPEL ROAD, RYDE - LOT 225 DP 12999. Development Application for the construction of a double garage within the front setback of the dwelling and an awning to the side of the dwelling. LDA2013/0131.

Note: Geoff Starkey (objector) and Mark Fiore (owner) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Simon)

(a) That LDA2013/0131 at 32 Keppel Road, Ryde being LOT 225 DP 12999 be deferred for the Acting Group Manager – Environment and Planning to undertake a mediation with the applicant and objectors to look at solutions to provide onsite car parking in closer compliance with Council policy and addressing the issues of vehicular and pedestrian safety.

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

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as substantive changes were made to the published recommendation.

3 92 CONSTITUTION ROAD WEST, MEADOWBANK. LOT 2 DP 12059. Local Development Application to demolish laundry and construct new outbuilding/garage at the rear of the property. LDA2013/0046.

Note: Councillor Simon declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is an acquaintance of the father of the applicant.

ITEM 2 (continued)

Note: Amanda Kalache (objector), Brian Elbayeh (applicant) and George Saad (owner) addressed the Committee in relation to this Item.

Note: A series of photographs provided by Brian Elbayeh (applicant) were tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Simon)

- (a) That Local Development Application No. LDA2013/46 at 92 Constitution Road West, Meadowbank, being LOT 2 DP 12059 be approved without further modification, subject to the conditions contained in **Attachment 2** with the deletion of Part 1 - Condition 1, which required a reduction of the floor area of the outbuilding/garage to 56m².
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 3 September 2013

ITEM 2 (continued)

ATTACHMENT 1

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

Meeting Date: Tuesday 3 September 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

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

Apologies: Councillor Chung.

Leave of Absence: Councillor Pendleton.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Acting Service Unit Manager – Environmental Health and Building, Team Leader – Assessment, Assessment Officer – Building Surveyor, Senior Development Engineer, Business Support Coordinator – Environment and Planning and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Item 3 - 92 Constitution Road West, Meadowbank, for the reason that he is an acquaintance of the father of the applicant.

1 CONFIRMATION OF MINUTES - Meeting held on 6 August 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Minutes of the Planning and Environment Committee 12/13, held on Tuesday 6 August 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 32 KEPPEL ROAD, RYDE - LOT 225 DP 12999. Development Application for the construction of a double garage within the front setback of the dwelling and an awning to the side of the dwelling. LDA2013/0131.

Note: Geoff Starkey (objector) and Mark Fiore (owner) addressed the Committee in relation to this item.

ITEM 2 (continued)

ATTACHMENT 1

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Simon)

- (a) That LDA2013/0131 at 32 Keppel Road, Ryde being LOT 225 DP 12999 be deferred for the Acting Group Manager – Environment and Planning to undertake a mediation with the applicant and objectors to look at solutions to provide onsite car parking in closer compliance with Council policy and addressing the issues of vehicular and pedestrian safety.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as substantive changes were made to the published recommendation.

3 92 CONSTITUTION ROAD WEST, MEADOWBANK. LOT 2 DP 12059. Local Development Application to demolish laundry and construct new outbuilding/garage at the rear of the property. LDA2013/0046.

Note: Councillor Simon declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is an acquaintance of the father of the applicant.

Note: Amanda Kalache (objector), Brian Elbayeh (applicant) and George Saad (owner) addressed the Committee in relation to this Item.

Note: A series of photographs provided by Brian Elbayeh (applicant) were tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Simon)

- (a) That Local Development Application No. LDA2013/46 at 92 Constitution Road West, Meadowbank, being LOT 2 DP 12059 be approved without further modification, subject to the conditions contained in **Attachment 2** with the deletion of Part 1 - Condition 1, which required a reduction of the floor area of the outbuilding/garage to 56m².
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as substantive changes were made to the published recommendation.

ITEM 2 (continued)

ATTACHMENT 1

The meeting closed at 5.34pm.

CONFIRMED THIS 17TH DAY OF SEPTEMBER 2013.

Chairperson

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 13/13 held on 3 September 2013

Report prepared by: Section Manager - Governance

File No.: CLM/13/1/4/2 - BP13/1131

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 13/13 held on 3 September 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

The following Committee recommendation for Item 3 is submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

3 FITNESS EQUIPMENT IN OPEN SPACE AREAS

RECOMMENDATION: (Moved by Councillors Laxale and Pickering)

- (a) That Council upgrade the existing fitness equipment at Waterloo Park from the 2013/14 Playground Renewal budget.
- (b) That Council consider future expansion of outdoor fitness equipment assets as part of the development of the long term financial and asset management plans.
- (c) That a further report be submitted to the Works and Community Committee on options for reprioritisation of funds for renewal of existing outdoor community gyms.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as substantive changes were made to the published recommendation and Councillor Maggio requested that the matter be referred to the next Council Meeting.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 3 September 2013**

ITEM 3 (continued)

ATTACHMENT 1

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

Meeting Date: Tuesday 3 September 2013

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

Time: 5.17pm

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

Apologies: Councillor Li.

Staff Present: Acting Group Manager – Community Life, Acting Group Manager - Public Works, Service Unit Manager – Open Space, Acting Service Unit Manager – Environment, Sustainability Programs Coordinator and Executive Assistant to Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 20 August 2013

RESOLUTION: (Moved by Councillors Pickering and Laxale)

That the Minutes of the Works and Community Committee 12/13, held on Tuesday 20 August 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 LANE COVE RIVER COASTAL ZONE MANAGEMENT PLAN 2013

RESOLUTION: (Moved by Councillors Laxale and Etmekdjian)

- (a) That Council adopts the Lane Cove River Coastal Zone Management Plan 2013 as a guide to future prioritisation of capital works relating to catchment management for improving the water quality and aquatic health of the Lane Cove River Estuary.
- (b) That resourcing of those actions referred to in the Lane Cove River Coastal Zone Management Plan 2013 that relate to the Ryde LGA be considered through future Delivery Plans of Council.

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 FITNESS EQUIPMENT IN OPEN SPACE AREAS

RECOMMENDATION: (Moved by Councillors Laxale and Pickering)

- (a) That Council upgrade the existing fitness equipment at Waterloo Park from the 2013/14 Playground Renewal budget.
- (b) That Council consider future expansion of outdoor fitness equipment assets as part of the development of the long term financial and asset management plans.
- (c) That a further report be submitted to the Works and Community Committee on options for reprioritisation of funds for renewal of existing outdoor community gyms.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as substantive changes were made to the published recommendation and Councillor Maggio requested that the matter be referred to the next Council Meeting.

The meeting closed at 5.35pm.

CONFIRMED THIS 17TH DAY OF SEPTEMBER 2013.

Chairperson

**4 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
14/13 held on 17 September 2013**

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/1302

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 14/13 held on 17 September 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 14/13 held on 17 September 2013 were dealt with by the Committee within its delegated powers.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 17 September 2013

ITEM 4 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 14/13

Meeting Date: Tuesday 17 September 2013

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

Time: 5.02pm

Councillors Present: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale and Yedelian OAM.

Note: The Mayor, Councillor Maggio left the meeting at 5.03pm and was present for consideration of Item 1 only.

Apologies: Councillor Pickering.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Acting Group Manager – Corporate Services, Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Assessment, Senior Development Engineer and Section Manager – Governance.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Note: The Acting Group Manager – Corporate Services was appointed by the Acting General Manager to be the Returning Officer for conducting the election of the Chairperson and Deputy Chairperson.

ELECTION OF CHAIRPERSON

The Returning Officer called for nominations for the position of Chairperson of the Committee and received one nomination being for Councillor Etmekdjian, nominated by Councillors Yedelian OAM and Chung.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Etmekdjian that he accepted the nomination.

As there was only one nomination, **COUNCILLOR ETMEKDJIAN WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.**

ITEM 4 (continued)

ATTACHMENT 1

Councillor Etmekdjian assumed the Chair.

ELECTION OF DEPUTY CHAIRPERSON

The Returning Officer called for nominations for the position of Deputy Chairperson and received one nomination for Councillor Chung, nominated by Councillors Yedelian OAM and Etmekdjian.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Chung that he accepted the nomination.

As there was only one nomination, COUNCILLOR CHUNG WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.

2 CONFIRMATION OF MINUTES - Meeting held on 3 September 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the Minutes of the Planning and Environment Committee 13/13, held on Tuesday 3 September 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.

3 305 BLAXLAND ROAD and 5-7 NORTH ROAD, RYDE. LOT 1 DP1069680 & LOT A&B DP 414322. Local Development Application for alterations and additions to San Antonio da Padova Nursing Home. LDA2012/247.

Note: Ms Kerry Gordon (objector), Mr Steve Sutton (objector) and Mr David Ryan (planner on behalf of the applicant) addressed the Committee in relation to this item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

(a) That Local Development Application No. 2012/247 at 305 Blaxland Road and 5-7 North Road, Ryde being LOT 1 DP 1069680 & LOT A&B DP 414322 be approved subject to the conditions provided in **ATTACHMENT 1**, with a change in Condition 1 to include part (b) which states:-

1(b) The roof terrace on Level 1 (eastern side) is to include on the screen provided landscape planting such as Star Jasmine.

(b) That the objectors be notified of Council's decision in this matter.

ITEM 4 (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.

The meeting closed at 5.20pm.

CONFIRMED THIS 15TH DAY OF OCTOBER 2013.

Chairperson

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING
14/13 held on 17 September 2013**

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/1303

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 14/13 held on 17 September 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 2 and 6 were dealt with by the Committee within its delegated powers.

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

3 GRAFFITI HOTSPOT PROGRAM IN THE 2013/14 OPERATIONAL PLAN**RECOMMENDATION:** (Moved by Councillors Petch and Simon)

That Council allocate the amount of \$100,000 from grant funding for the purpose of the Putney Park Graffiti Hotspot project and that the amount is also consolidated into the next Quarterly Review for completeness.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as it is outside the Committee's delegations.

4 CRICKET PRACTICE FACILITIES IN THE CITY OF RYDE**RECOMMENDATION:** (Moved by Councillors Petch and Perram)

- (a) That Council endorse the construction of cricket practice facilities at Marsfield Park and Gannan Park as part of the 2013/14 Open Space, Sport and Recreation Capital Works Program.
- (b) That the existing Morrison Bay Park cricket practice facilities fees and charges be applied for new facilities at Marsfield Park and Gannan Park.
- (c) That the new cricket practice facilities be made available for general community use at all times.

ITEM 5 (continued)**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as it is outside the Committee's delegations and the Mayor, Councillor Maggio requested that the matter be referred to the next Council Meeting

5 TRAFFIC FACILITIES AND BICYCLE GRANT FUNDING 2013/2014

RECOMMENDATION: (Moved by Councillors Petch and Perram)

That Council accepts the grant funds offered by the Roads and Maritime Services under the following programs and makes the necessary financial adjustments to the Traffic and Transport Program and the Paths and Cycleways Program at the 2013/2014 first quarter budget review:

- (a) Nation Building Black Spot Program: raised threshold, painted medians and pedestrian fencing at the existing crossing located on Constitution Road and Railway Road, Meadowbank (\$51,000).
- (b) State Black Spot Program: raised threshold at pedestrian crossing and pedestrian fencing at Blenheim Road and Coxs Road, North Ryde (\$30,000).
- (c) State Black Spot Program: raised threshold, intersection upgrade (from give-way to stop) and parking lanes with kerb blisters at Argyle Avenue and Princes Street (\$16,000).
- (d) State Bicycle and Pedestrian Programs: 155 metres of shared path construction on Blaxland Road, Ryde for stage 3 (\$69,000).

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as it is outside the Committee's delegations.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 17 September 2013

ITEM 5 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 14/13**

Meeting Date: Tuesday 17 September 2013

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

Time: 5.00pm

Councillors Present: The Mayor, Councillor Maggio and Councillors Li, Pendleton, Perram, Petch and Simon.

Note: The Mayor Councillor Maggio left the meeting at 5.01pm and was present for consideration of Item 1 only.

Apologies: Nil.

Staff Present: Acting General Manager, Acting Group Manager – Corporate Services, Acting Group Manager – Community Life, Acting Group Manager - Public Works, Service Unit Manager - Asset Systems, Traffic Engineer and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Note: The Acting General Manager, as Returning Officer conducted the election of the Chairperson and Deputy Chairperson.

ELECTION OF CHAIRPERSON

The Returning Officer called for nominations for the position of Chairperson of the Committee and received one nomination for Councillor Perram, nominated by Councillors Petch and Li.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Perram that he accepted the nomination.

As there was only one nomination, COUNCILLOR PERRAM WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.

Councillor Perram assumed the Chair.

ITEM 5 (continued)

ATTACHMENT 1

ELECTION OF DEPUTY CHAIRPERSON

The Returning Officer called for nominations for the position of Deputy Chairperson and received one nomination for Councillor Pendleton, nominated by Councillors Petch and Li.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Pendleton that she accepted the nomination.

As there was only one nomination, COUNCILLOR PENDLETON WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.

2 CONFIRMATION OF MINUTES - Meeting held on 3 September 2013

RESOLUTION: (Moved by Councillors Li and Perram)

That the Minutes of the Works and Community Committee 13/13, held on Tuesday 3 September 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.

3 GRAFFITI HOTSPOT PROGRAM IN THE 2013/14 OPERATIONAL PLAN

RECOMMENDATION: (Moved by Councillors Petch and Simon)

That Council allocate the amount of \$100,000 from grant funding for the purpose of the Putney Park Graffiti Hotspot project and that the amount is also consolidated into the next Quarterly Review for completeness.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as it is outside the Committee's delegations.

4 CRICKET PRACTICE FACILITIES IN THE CITY OF RYDE

RECOMMENDATION: (Moved by Councillors Petch and Perram)

- (a) That Council endorse the construction of cricket practice facilities at Marsfield Park and Gannan Park as part of the 2013/14 Open Space, Sport and Recreation Capital Works Program.

ITEM 5 (continued)

ATTACHMENT 1

- (b) That the existing Morrison Bay Park cricket practice facilities fees and charges be applied for new facilities at Marsfield Park and Gannan Park.
- (c) That the new cricket practice facilities be made available for general community use at all times.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as it is outside the Committee's delegations and the Mayor, Councillor Maggio requested that the matter be referred to the next Council Meeting.

5 TRAFFIC FACILITIES AND BICYCLE GRANT FUNDING 2013/2014

RECOMMENDATION: (Moved by Councillors Petch and Perram)

That Council accepts the grant funds offered by the Roads and Maritime Services under the following programs and makes the necessary financial adjustments to the Traffic and Transport Program and the Paths and Cycleways Program at the 2013/2014 first quarter budget review:

- (a) Nation Building Black Spot Program: raised threshold, painted medians and pedestrian fencing at the existing crossing located on Constitution Road and Railway Road, Meadowbank (\$51,000).
- (b) State Black Spot Program: raised threshold at pedestrian crossing and pedestrian fencing at Blenheim Road and Coxs Road, North Ryde (\$30,000).
- (c) State Black Spot Program: raised threshold, intersection upgrade (from give-way to stop) and parking lanes with kerb blisters at Argyle Avenue and Princes Street (\$16,000).
- (d) State Bicycle and Pedestrian Programs: 155 metres of shared path construction on Blaxland Road, Ryde for stage 3 (\$69,000).

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 SEPTEMBER 2013** as it is outside the Committee's delegations.

6 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE held on 25 July 2013

RESOLUTION: (Moved by Councillors Simon and Petch)

- (a) That Council adopt the following recommendation in relation to the report titled 'HERRING ROAD, MACQUARIE PARK' – Request for 'No Stopping' signs, as follows:

ITEM 5 (continued)

ATTACHMENT 1

That “No Parking” signs be introduced for 18 metres on Herring Road at the approach end to Innovation Road with the remainder signposted as “No Stopping” on the deceleration lane for motorists turning left into Innovation Road.

- (b) That Council adopt the following recommendation in relation to the report titled ‘DURHAM CLOSE, MACQUARIE PARK’ – Request for ‘No Stopping’ signs, as follows:

That “No Stopping” signs be introduced on the northern side of Durham Close for a length of 35 metres from the intersection with Khartoum Road to improve safety at the intersection.

- (c) That Council adopt the following recommendation in relation to the report titled ‘RESERVE STREET, WEST RYDE’ – Request for timed parking restrictions, as follows:

That Council defer consideration of this matter pending further investigation .

- (d) That Council adopt the following recommendation in relation to the report titled ‘TRAFALGAR PLACE, MACQUARIE PARK’ – Request for timed parking restrictions, as follows:

That Council maintain status quo.

- (e) That Council adopt the following recommendation in relation to the report titled ‘WARWICK STREET, NORTH RYDE’ – Request for timed parking restrictions, as follows:

That Council introduce “3P” signs on the southern side of Tobruk Street to accommodate 2 parking bays as well as introducing marked parking bays as well as associated “Park in marked bays only” signs on the northern side of Warwick Street in order to accommodate 3 parking bays.

- (f) That Council adopt the following recommendation in relation to the report titled ‘SEE STREET, MEADOWBANK’ – Request for timed parking restrictions, as follows:

(i) That Council replace the “No Parking” signs on the eastern side of See Street between Angas Street and Stone Street with “1/4 P: 8am – 9am; 2.30-3.30pm, Mon-Fri” signs.

(ii) That a further report be brought back to the committee to confirm the effectiveness of the 1/4P parking restrictions on See Street.

- (g) That Council adopt the following recommendation in relation to the report titled ‘ANGAS STREET, MEADOWBANK’ – Request for timed parking restrictions, as follows:

That Council introduce “2P: 8am - 10pm, Mon - Fri” parking signs along the western side of Angas Street from See Street to the bridge that crosses Constitution Road.

ITEM 5 (continued)

ATTACHMENT 1

- (h) That Council adopt the following recommendation in relation to the report titled 'UNION STREET, WEST RYDE' – Request for 'No Parking' restrictions, as follows:
That Council introduce "No Parking" signs from the western side of the driveway of No.2 Union Street to 3.5 metres west of the driveway.
- (i) That Council adopt the following recommendation in relation to the report titled 'PLASSEY ROAD, MACQUARIE PARK' – Request for 'No Parking' restrictions, as follows:
That Council introduce "No Parking" restrictions on the western side of Plassey Road between Cemetery Gate and the entrance to the Caravan Park (i.e. 600 metres).
- (j) That Council adopt the following recommendation in relation to the report titled 'MIRIAM ROAD, WEST RYDE' – Request for 'No Parking' restrictions, as follows:
That the recently installed "No Parking" signs catering for one parking space be retained.
- (k) That Council adopt the following recommendation in relation to the report titled 'RYEDALE ROAD, WEST RYDE' – Request for a Loading Zone, as follows:
That Council maintain the status quo.
- (l) That Council adopt the following recommendation in relation to the report titled 'BELMORE STREET, MEADOWBANK' – Request for a Loading Zone, as follows:
That Council introduce a loading zone by removing the existing "No Stopping" signs and replacing them with Loading Zone: 9am – 5pm, Mon – Sat" signs as well as introducing appropriate line-marking to delineate the parking area.
- (m) That Council adopt the following recommendation in relation to the report titled 'ABUKLEA ROAD, EASTWOOD' – Request for a Traffic Calming Device, as follows:
That Council introduce speed cushions on Abuklea Road between Kingsford Avenue and Woorang Street.
- (n) That Council adopt the following recommendation in relation to the report titled 'COXS ROAD, EAST RYDE' – Request for a Traffic Calming Device, as follows:
That Council introduce a speed cushion on Coxs Road directly in front of 147-151 Coxs Road for traffic travelling in an easterly direction.
- (o) That Council adopt the following recommendation in relation to the report titled 'CRESSY ROAD, EAST RYDE' – Request for a Traffic Calming Device, as follows:

ITEM 5 (continued)

ATTACHMENT 1

That Council modify the line-marking on Pidding Road on approach to the intersection of Pidding Road and Cressy Road in order to provide a narrower through lane. In addition, the proposal to introduce a raised threshold be deferred until such time that further consultation is undertaken with residents residing adjacent to the proposed treatment location.

- (p) That Council adopt the following recommendation in relation to the report titled 'NUMA ROAD, NORTH RYDE' – Request for a 'One Way Street' Conversion, as follows:

That Council maintain the status quo.

- (q) That Council adopt the following recommendation in relation to the report titled 'ELTHAM STREET, GLADESVILLE' – Request for a 'One Way Street' Conversion, as follows:

That Council convert Eltham Street to a one-way street travelling south-east between No.78 Eltham Street and No.48 Eltham Street, Gladesville, on a temporary trial basis for up to 6 months subject to:

RMS providing concurrence to:

- A Traffic Management Plan for the conversion including the provision for suitable arrangements being made for waste and recycling kerb-side bin servicing; and
- Plans for the devices used for the conversion.

- (r) That Council adopt the following recommendation in relation to the report titled 'OSGATHORPE ROAD, GLADESVILLE' – Request for a 'LATM' Scheme, as follows:

That Council implement the LATM scheme which includes:

- i) speed cushions on Osgathorpe Road between Tennyson Road and Town Street;
- ii) speed cushions on Brereton Street between Tennyson Road and Town Street;
- iii) one speed cushion on Osgathorpe Road between Farm Street and Evan Street for traffic travelling in a western direction;
- iv) the introduction of rumble bars on Brereton Street near the intersection with Osgathorpe Road;
- v) a raised kerb on the south-western corner of the T-intersection of Brereton Street and Osgathorpe Road; and
- vi) additional directional advisory signs at the two bends on Osgathorpe Road (i.e. between Brereton Street and Farm Street as well as between Brereton Street and Town Street).

Record of Voting:

For the Motion: Unanimous

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

ITEM 5 (continued)

ATTACHMENT 1

The meeting closed at 5.30pm.

CONFIRMED THIS 15TH DAY OF OCTOBER 2013.

Chairperson

6 PLANNING PROPOSAL - 10 MONASH ROAD AND 2 COLLEGE STREET, GLADESVILLE

Report prepared by: Team Leader - Design and Development
File No.: LEP2013/11/003 - BP13/1071

REPORT SUMMARY

A planning proposal has been received for 10 Monash Road and 2 College Street Gladesville by Don Fox Planning. The proposal includes:

- The rezoning of 2 College Street Gladesville from R2 - Low Density Residential to B4 - Mixed Use. (10 Monash Road is currently zoned B4)
- A Floor Space Ratio (FSR) of 1.7:1 for both sites (currently 1.8:1 for 10 Monash Road and 0.5:1 for 2 College Street)
- A Height of 15m for 10 Monash Road (currently 13m)
- A Height ranging from 12 – 13m for 2 College Street (currently 9.5m)

It is recommended that the proposed Building Height, FSR and Zone changes for the site be supported in principle because the proposed amendments:

- permit potential development where the height and FSR is consistent with adjoining properties in the B4 zone on Monash Road.
- avoid making 2 College Street an isolated R2 zoned property. No. 2 College Street is currently isolated from the surrounding low density area by B4 zoning to the south and east, a right of way to the west and College Street to the north.
- provide an appropriate transition between the built form of the retail strip on Monash Road and the adjacent low density residential development.
- provide an appropriate terminus to the Monash Road small centre.
- do not have a major impact on heritage properties in the vicinity.

The proposal can be supported on planning grounds. It is recommended that it be forwarded to the Department of Planning and Infrastructure for a gateway determination and community consultation.

A traffic study is to be undertaken by Council for the area around College Street. It is recommended that consideration of this planning proposal, after exhibition, is deferred until the traffic study is complete. A separate report will be presented to Council on the traffic study.

RECOMMENDATION:

- (a) That Council note the Planning Proposal for 10 Monash Road and 2 College Street Gladesville
- (b) That Council forward the planning proposal for 10 Monash Road and 2 College Street Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.

ITEM 6 (continued)

- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the planning proposal be placed on public exhibition and a further report be presented to Council following the completion of the community consultation advising of the outcomes and next steps.
- (d) That Council's consideration of the planning proposal, following exhibition, is deferred until the traffic study for the area is completed.
- (e) That a site specific addition to the Ryde Development Control Plan 2010 be prepared for 10 Monash Road and 2 College Street Gladesville and that it is publicly exhibited together with the planning proposal.

ATTACHMENTS

- 1 Planning proposal of 2 College Street and 10 Monash Road Gladesville -
CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Margaret Fasan
Team Leader - Design and Development

Report Approved By:

Lexie Macdonald
Acting Manager - Urban Planning

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 6 (continued)

Discussion

This report contains a description of the site, a description of the proposed LEP and DCP amendments and an appraisal of the subject planning proposal. This appraisal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a gateway determination and subsequent community consultation.

Planning Proposal – 10 Monash Road and 2 College Street Gladesville

On 12 March 2013, when considering a report on the submissions received following the public exhibition of draft Ryde LEP 2011, Council resolved to accept, for consideration, a planning proposal for 2 College St and 10 Monash Rd Gladesville.

On 30 March 2013 a pre-lodgement meeting was held between Council staff and representatives of 10 Monash Road and 2 College Street to discuss a possible planning proposal for the site. Subsequent to this meeting Council received a planning proposal for 10 Monash Road and 2 College Street Gladesville ('the subject site') on 7 June 2013. A copy of the planning proposal is **CIRCULATED UNDER SEPARATE COVER**. The LEP amendment, once gazetted, will permit the development of the subject site as a consolidated 3 – 4 storey mixed use building. A site specific addition to the Ryde Development Control Plan 2010-Part 4.6 Gladesville Town Centre and Victoria Road Corridor has been prepared to ensure that the future development of the subject site provides a suitable built form outcome that meets SEPP 65 and is respectful of the local context.

Gateway Plan-Making Process

This section of the report provides a brief description of the "gateway plan-making process", including an explanation of the legislative requirements relating to a planning proposal. This section also includes a summary of the steps leading to the submission of the subject planning proposal.

The gateway process has a number of steps. The preparation and submission of a Planning Proposal is the first of five main steps, summarised as follows:

- 1. Planning proposal** - this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed to the next stage.
- 2. Gateway** –determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
- 3. Community Consultation** - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).

ITEM 6 (continued)

4. **Assessment** — the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan — the legal instrument.
5. **Decision** — the making of the plan by the Minister (or delegate).

This proposal is at step 1 of the gateway process. Council is the relevant planning authority for this proposal which has been prepared by a consultant planner on behalf of the proponent. The proposal has been assessed by Council staff in respect of the information required to be included in a planning proposal.



10 Monash Road and 2 College Street Gladesville

ITEM 6 (continued)

The Site

The subject site consists of 2 properties 10 Monash Road and 2 College Street Gladesville are legally known as Lots 35B and 35A of DP 401201 respectively.

The 2 properties adjoin the Monash Road small centre to the south and east which is zoned B4 – Mixed Use. To the north and west are single residential dwellings which are zoned R2 -Low Density Residential. Directly opposite 10 Monash Road is a heritage listed Victorian cottage. The subject sites sit at the transition between the Monash Road commercial centre and the surrounding residential area. The site is within 100m of good public transport on Victoria Road and 150m walk to open space in nearby Monash Park.

The properties have a combined area of 1359m², with dual street frontage to College Street and Monash Road. The College Street frontage is approximately 65m and Monash Road frontage is approximately 20 metres. Both the proposed and current access into the site is off College Street.



2 College Street



10 Monash Road

The site slopes from south-east to the north-west, with the highest point being in the south east corner of the site. The site has limited vegetation comprising scattered shrubs and trees and grassed areas. The site is burdened by a 1m wide easement for drainage along the north western boundary adjoining 2A College Street.

2 College Street is currently occupied by a single storey brick residential dwelling with separate single storey brick garage. 10 Monash Street consists of a single building with a separate garage. The building is used for business purposes.

ITEM 6 (continued)

Site Context

The surrounding uses comprise a mix of residential, commercial and light industrial uses along College Street, Monash Street and Victoria Avenue. 8, 8a and 8b Monash Road are residential dwellings. 2, 4, 6 and 6A Monash Road are business premises. A recently approved mixed use development is currently under construction at 1-9 Monash Road and includes the heritage listed Victorian cottage.



View looking north along Monash Road



View looking south along Monash Road

ITEM 6 (continued)



View looking west along Elthan Street



View looking east along College Street

Adjoining the site to west are single storey residential dwellings. Further west along College Street are light industrial premises including a 3.8 ha block of industrial land currently the subject of a planning proposal that would enable a Bunnings Development. The northern side of College Street opposite contains single storey residential dwellings.

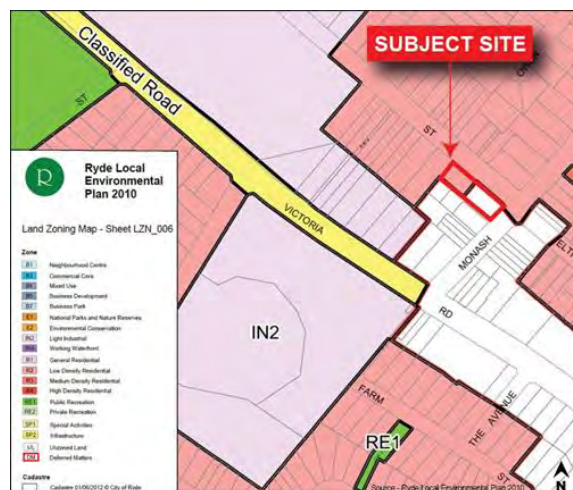
ITEM 6 (continued)

Existing Controls

2 College Street under Ryde Local Environmental Plan 2010 (RLEP 2010) and draft RLEP 2013 is currently:

- zoned R2 Low Density Residential.
- the maximum building height limit is 9.5m and
- the maximum FSR is 0.5:1.
- These controls in association with the development control plan (DCP) allow a single 2 storey residential dwelling on the site.

These controls in association with the development control plan (DCP) allow a single 2 storey residential dwelling on the site.



Existing land zone for 2 College Street



Existing land zone for 10 Monash Road

10 Monash Road under Ryde LEP Gladesville Town Centre and Victoria Road Corridor and Draft RLEP 2013 is currently

- zoned B4 Mixed Use
- the maximum building height limit is 13m and
- the FSR is 1.8:1.

The key site diagram in Ryde DCP 2010 Part 4.6 - Gladesville Town Centre and Victoria Road Corridor allows for a 3 storey mixed use building on the site.

Draft RLEP2013 is currently with the Minister for Planning and Infrastructure for approval and gazettal.

ITEM 6 (continued)

Proposed Changes to Ryde Local Environmental Plan 2010 and Ryde Local Environmental Plan Gladesville Town Centre and Victoria Road Corridor

The planning proposal seeks to amend the relevant planning controls in Ryde LEP 2010 and RLEP (Gladesville Town Centre and Victoria Road Corridor) to:

- B4 Mixed Use Zone for 2 College Street;
- Permit a maximum FSR of 1.7:1 at 2 College Street and 10 Monash Road;
- Permit a maximum building height of 12 and 13 metres in height at 2 College Street (refer to the proposed height diagram);
- Permit a maximum building height of 15 metres at 10 Monash Road (refer to the proposed height diagram).

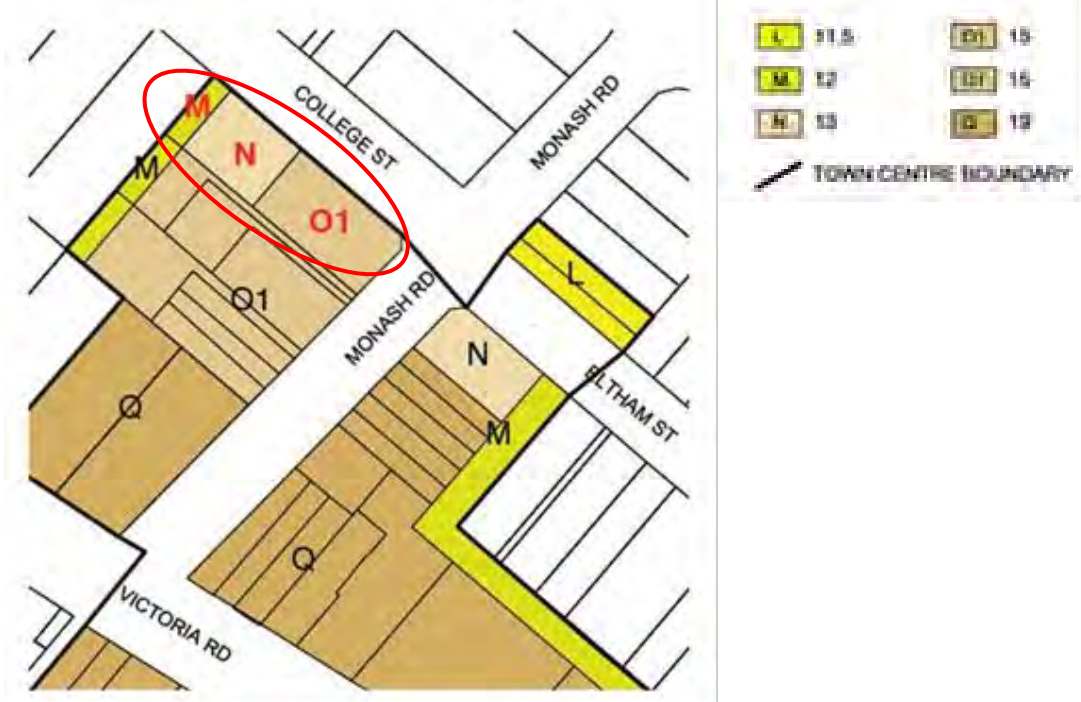
If Draft Ryde LEP 2013 is gazetted prior to the finalisation of this Planning Proposal, the above changes are proposed to apply to Ryde LEP 2013.

The proposed amendments are illustrated in the following diagrams:

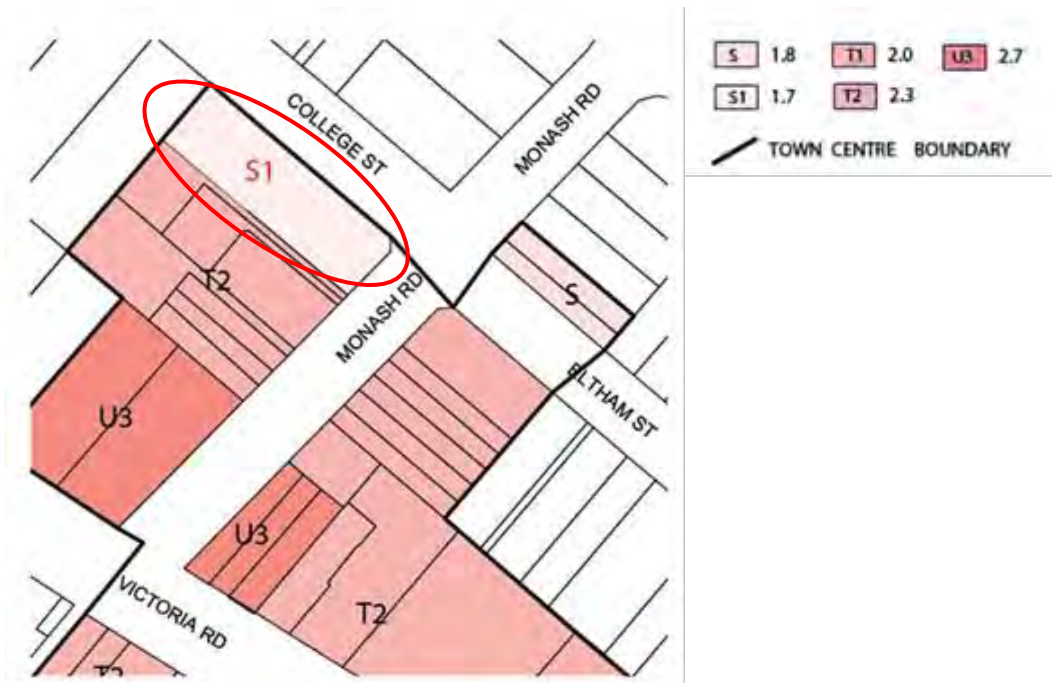


Proposed Land Use Zone

ITEM 6 (continued)



Proposed height



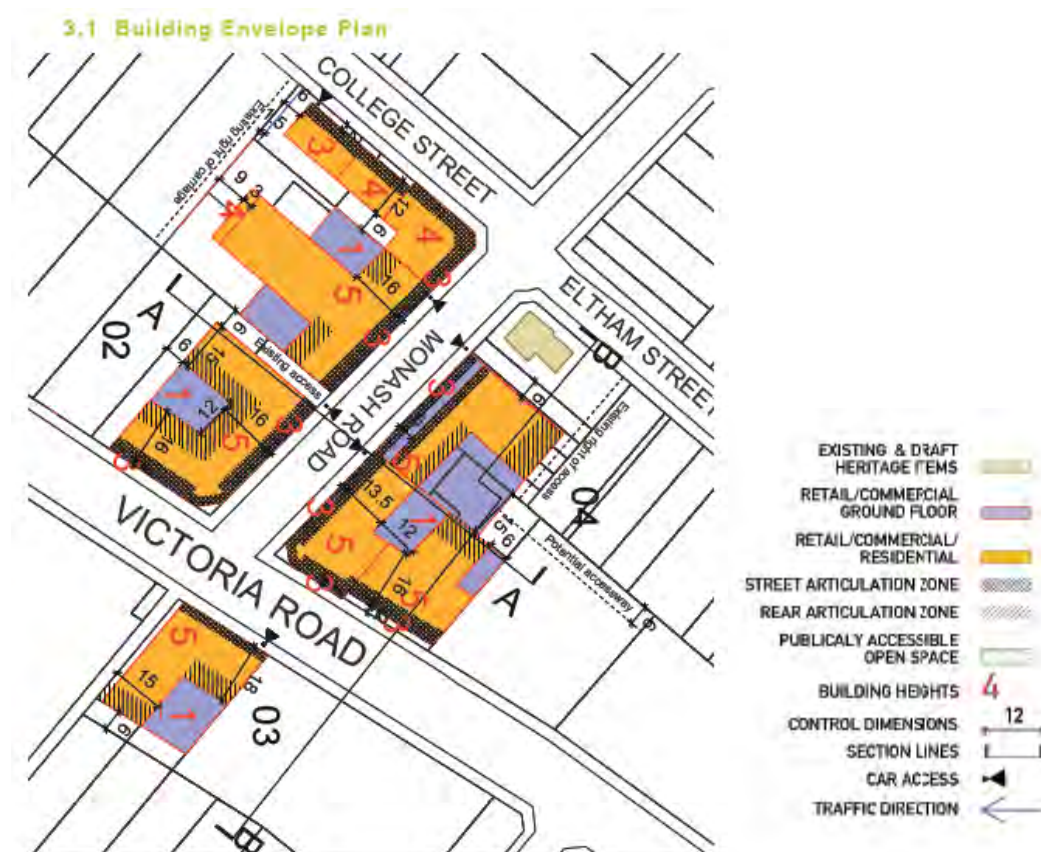
Proposed FSR

ITEM 6 (continued)

Proposed Amendments to Ryde DCP 2010

Ryde DCP Part 4.6 applies to the Gladesville and Victoria Road Corridor. This DCP comprises general controls plus key site controls to provide detailed development guidelines. The applicant has prepared a new draft key site diagram and controls to replace the existing key site diagram in Ryde Development Control Plan (DCP). This addresses the following issues:

- Street setbacks to the corner of College Street and Monash Road (zero at levels 1-3 with the top level set back 2m) and College Street (2m setback)
- Rear and side setbacks of 6m to adjoining neighbours
- Façade treatment
- Vehicle access
- Heights in storeys - 4 storeys for 10 Monash Road stepping down to 3 storeys on College Street.



Key site diagram – to amend Fig 4.6.23 of DCP 2010

Note: This diagram amends 2 College Street and 10 Monash Road only. The remainder of the Key site diagram is unchanged.

ITEM 6 (continued)Justification

The planning proposal provides the following justification. 2 College Street adjoins land in the Monash Road precinct which is identified for renewal including additional retail, commercial and residential development. The vision for the precinct is to allow urban renewal, whilst maintaining its local scale service role and providing a built form that relates to the scale and character of existing buildings.

The planning proposal is a site specific amendment to the RLEP 2010 and RLEP (Gladesville Town Centre and Victoria Road Corridor) 2010 to amend the land use zoning, height and floor space controls that apply to the site.

There is an opportunity to consolidate both lots into the Monash Road precinct and to redevelop both sites in an integrated development, contributing to the progressive urban renewal of the precinct. The objective of the planning proposal is to facilitate the redevelopment of the site as one lot by providing appropriate planning controls across both lots.

The intended outcome of the planning proposal is to amend the existing planning controls to facilitate a future mixed use development of the two adjoining lots which are now in the single ownership of the one family.

Assessment of the Planning ProposalUrban Design

2 College Street is isolated from the surrounding low density residential area by B4 zoning to the south and east, a right of way (laneway) to the west and College Street to the north. Rezoning this site will prevent it from becoming isolated by B4 mixed use buildings in the future. The proposed increases to height and FSR are generally consistent with adjoining B4 properties and provide an appropriate terminus to the Monash Road small centre. The building envelope that results from the proposed height and setbacks will enable a FSR of 1.7:1. This FSR has been tested through the schematic designs which are included with the planning proposal as part of the urban design study at Appendix A. It is considered that the proposed increase in FSR from 0.5:1 to 1.7:1 will allow for a consolidated and orderly development of the site that will not compromise the amenity of neighbouring properties.

The main change to 10 Monash Road is an increase in height from 13m to 15m to allow a 4 storey built form. The FSR of 1.7:1 is slightly lower than what is currently permitted on the site.

It is appropriate that development on Monash Road includes retail uses at ground level whilst development in College Street is residential in nature.

ITEM 6 (continued)

Overshadowing

The site is south, south/east of the surrounding R2 dwellings. This means that development of 10 Monash Road and 2 College Street will not overshadow these areas.

Setbacks

It is considered that the proposed setbacks are sufficient to maintain amenity to neighbouring properties and create an appropriate interface with low density residential development and village character of Monash Road. The applicant has responded to concerns about the transition of the built form on Monash Road and College Street to reduce visual and built form impact to the R2 residential areas. Specifically the building height steps down to three storeys at 2 College Street and there is a 6 metre setback from the rear property boundary. Built form Impacts are further reduced by including a requirement that the top level is set back a minimum of 3m on the College Street elevation so that the building will appear to be predominantly two storeys.

The key site diagram shows:

- The 4th floor is setback a minimum of 2 metres from the lower levels to maintain a predominantly 3 storey built form on the corner of Monash Road and College Street which is consistent with the current key site diagram.
- The street articulation zone on the corner of Monash Road and College Street is consistent with 2 - 8 Monash Road in the current key site diagram. .
- The top floor of 2 College Street is setback a minimum of 3m on the western elevation which reduces the visual impact and overshadowing on the adjoining property 2a College Street.
- The building setback at ground level is zero on the corner of 10 Monash Road to ensure an active retail frontage can be achieved at the terminus of the Monash Road shopping precinct

Heritage

The initial documents did not include a heritage impact statement which was required in order to review the proposal. This information was received on 11 July 2013. Council's heritage officer has reviewed the proposal in the light of this information and made a number of recommendations. The applicant has adopted these recommendations and updated the proposal.

- 3D diagrams (viewed from Eltham St) showing the new heights comparative to the heritage listed Victorian cottage, the streetscape and allowable heights under the (existing) DCP controls.
- That the top floor (4th level) setback from the lower levels (ie 2/3m) to marry to the same form as provided in Figure 4.6.23 (Gladesville Town Centre and Victoria Road DCP 2010) for setbacks and articulation zones.

ITEM 6 (continued)

In addition the report made recommendations for any future development application:

- Articulation is undertaken on the corner façade to reduce the bulk, removal of the parapet
- Heritage impact statement by a qualified professional is required to be submitted together with any development application

Council's heritage officer also raised concern that the overall height (particularly on the corner) is proposed to be a maximum of 15m. It was considered that it may be possible to achieve an additional (5th) storey with a 15m height limit. However the proposed height is supported because it complies with DCP height controls for a minimum 3.6m floor to floor for the ground level, 2.7m floor to ceiling for residential levels (i.e. 9m for 3 residential levels) and an allowance for rooftop plant and the lift overrun. A fifth storey could not be built without breaching the 15m height limit, particularly as the upper levels are set back. The Key Sites plan in the DCP also identifies the building height as four storeys.

Further, the site slopes from the south-east to the north-west, with the highest point being at the corner of Monash Road and College Street. A 14m height limit would not allow for a fourth level as the building turns the corner into College Street.

Traffic

The council traffic engineer has undertaken a review of the proposal and notes:

There are several developments proposed in the surrounding area. With regards to College Street, there are three sites in particular that are likely to have a significant impact in terms of traffic efficiency and road safety, including the recently approved Aldi with access on Eltham Street, the currently proposed development of Bunnings development on the western end of College Street and the subject site at the intersection of College Street and Monash Road. Final details associated with the scale of development in the area is yet to be confirmed but I anticipate that extensive modelling will be need to be undertaken for the broader area before conditions relating to infrastructure can be set for any one development.

During the public exhibition of the Bunnings' planning proposal, Council received a significant number of submissions that raised concerns regarding increased traffic in the area. Council has resolved that a traffic study is to be undertaken that will include the area around College Street and Monash Road. It is recommended that consideration of this planning proposal, after exhibition, is deferred until the traffic study is complete. A separate report will be presented to Council on the traffic study.

ITEM 6 (continued)

Conclusion

It is recommended that the proposed Building Height, FSR and Zone changes for the site be supported in principle because the proposed amendments:

- permit potential development consistent with adjoining properties in Monash Road
- avoid making 2 College Street an isolated R2 zoned property
- provide an appropriate transition between the built form of the retail strip on Monash Road and the adjacent low density residential development
- provide an appropriate terminus to the Monash Road small centre
- do not have a major impact on heritage properties in the vicinity

Financial Implications

Adoption of the recommendations in this report will have no financial impact. Council should note that the lodgement of the planning proposal has been subject to Council's Fee and Charges Schedule to amend Local Environmental Plans and the Development Control Plan.

Consultation

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

The Department of Planning and Infrastructure's guidelines stipulate at least 28 days community consultation for a major plan and at least 14 days for a low impact plan. Consultation will be managed by Council.

A traffic study is to be undertaken by Council for the area around College Street. It is recommended that consideration of this planning proposal, after exhibition, is deferred until the traffic study is complete

Options

At this stage of the process, Council has the option to decide to proceed with the planning proposal to the next stage (gateway determination and community consultation) or alternatively to not proceed. Proceeding to gateway determination and community consultation is preferred.

ITEM 6 (continued)**Anticipated Timeframes**

RPA decides to proceed to consultation	late September 2013.
RPA requests Gateway Determination	December 2013
Community consultation commences (to avoid Christmas holiday period)	February 2014
Report to Council on Community Consultation	April 2014.
Traffic study of College St area likely to be complete	May 2014.
Decision on this Planning Proposal (deferred pending traffic study outcomes)	June 2014

**7 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A
COMMERCIAL DEVELOPMENT AT LOT 1 DP 582794 - 8 KHARTOUM
ROAD, MACQUARIE PARK. LDA2013/106**

Report prepared by: Client Manager
File No.: LDA2013/106 - BP13/1314

REPORT SUMMARY

Council is currently assessing a Local Development Application LDA2013/106 at 8 Khartoum Road, Macquarie Park for construction of a part 6 and part 7 storey commercial building with two levels of car parking. Given the value of the development (\$29 million), Council is the assessment authority and the application will be referred to the Joint Regional Planning Panel (JRPP) for determination.

As part of the proposal, the proponents are seeking to enter into a Voluntary Planning Agreement (VPA) with Council. The VPA forms a contractual agreement between Council and the Developer. The VPA offers a public benefit (in the form of construction and dedication of a new road) in return for additional floor space for the proposed building. The provision of the road and its dedication to Council is in accordance with current practices of negotiating a new road as part of the development process, such roads will provide better connectivity through the precinct. The proposed road will contribute to new east west link and its location and design requirements are in accordance with the road network recently exhibited with Draft LEP2010 (Amendment 1). The proponent will meet its obligation with regard to full payment of Section 94 contributions for the uplifted development.

The purpose of this report is to present the draft VPA to Council for consideration and for Council to determine whether or not it will endorse the VPA. The VPA will then become effective if the associated development application is approved by the JRPP.

It is recommended that the draft VPA is suitable for endorsement by Council. If Council determines that draft VPA is acceptable then that advice needs to be conveyed to the JRPP to assist its deliberations on the LDA2013/106.

RECOMMENDATION:

- (a) That Council enter into the Voluntary Planning Agreement (VPA) made by Goodman Property Services (Australia) P/L as part of the Development Application LDA2013/106.
- (b) That Council's agreement to enter into the VPA be communicated to the Sydney East Joint Regional Planning Panel when LDA2013/106 is presented to it for determination.

ITEM 7 (continued)**ATTACHMENTS**

- 1** Proposed Voluntary Planning Agreement - 8 Khartoum Road, Macquarie Park - LDA2013/106 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2** Draft Voluntary Planning Agreement
- 3** Proposed Access Network for Macquarie Park

Report Prepared By:

Glenn Ford
Client Manager

Report Approved By:

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 7 (continued)

ATTACHMENT 2

^
^
NORTON ROSE FULBRIGHT:

Dated X August 2013

Planning agreement

Parties

City of Ryde Council (Council)
(ABN 81 621 292 610)

[Goodman Property Services (Aust) Pty Ltd] (Developer)
(ACN 088 981 793)

Norton Rose Fulbright Australia
Grosvenor Place, 225 George Street
Sydney NSW 2000
Telephone: +61 (0)2 9330 8656
www.nortonrosefulbright.com
Our ref: 2790963
Felicity Rourke
Partner

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ITEM 7 (continued)

ATTACHMENT 2

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Planning agreement dated XX August 2013

Parties City of Ryde Council ABN 81 621 292 610
of 1 Devlin Street, Ryde, NSW 2112
(Council)

[Goodman Property Services (Aust) Pty Limited ACN 088 981 793]
of Level 17, 60 Castlereagh Street, Sydney NSW 2000
(Developer)

Introduction

- A On -5 April 2013 the Developer lodged the Development Application with Council for the Development of Khartoum Road, Macquarie Park, NSW, Lot 1 DP 582794.
- B As part of the Development, the Developer proposes to carry out works and provide public benefits comprising the Development Contribution as described in this Agreement.
- C The Development Application seeks approval for development with a Floor Space Ratio of 1.99:1, which exceeds Council's applicable controls.
- D The Development Application was accompanied by an offer by the Developer to enter into this Agreement to make the Development Contribution if the Development Consent is granted and other matters are satisfied.
- E This Agreement describes the works and public benefits comprising the Development Contribution and provides for the manner in which, and the terms upon which, the Developer is to provide the Development Contribution.

It is agreed

1 Definitions and interpretation

1.1 Definitions

In this Agreement:

- (1) **Act** means the *Environmental Planning and Assessment Act 1979* (NSW).
- (2) **Agreement** means this document, including any schedule or annexure to it, signed by the parties.
- (3) **Business Day** means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act is to be performed or a payment is to be made.
- (4) **Compliance Certificate** means a compliance certificate within the meaning of section 109C(1)(a)(i) of the Act to the effect that work has been completed as specified in the certificate and complies with the plans and specifications for the Development.

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- (5) **Confidential Information** means any information and all other knowledge at any time disclosed (whether in writing or orally) by the parties to each other, or acquired by the parties in relation to the other's activities or services which is not already in the public domain and which:
- (a) is by its nature confidential;
 - (b) is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise);
 - (c) any party knows or ought to know is confidential; or
 - (d) is information which may reasonably be considered to be of a confidential nature.
- (6) **Cost Report** means the report referred to in clause 11.1(1).
- (7) **Council** means the City of Ryde Council.
- (8) **Council's Discretion** means:
- (a) the Council's power to make any law; or
 - (b) the Council's exercise of any statutory power or discretion.
- (9) **Defects Liability Period** means the period of 365 days beginning on the date on which the Developer notifies Council of the date of completion of the Developer Works.
- (10) **Development** means the development described in Item 2, Schedule 1.
- (11) **Development Application** means LDA2013/106;
- (12) **Development Consent** means a development consent (as defined in the Act) which authorises the carrying out of the Development on the Land and any modification to a development consent.
- (13) **Development Contribution** means:
- (a) the construction by the Developer of the Developer Works;
 - (b) the dedication of the Road Works in favour of Council; and
 - (c) the granting of the Right of Way in favour of the Council over the Pedestrian Link (unless clause 8 applies in which case the Developer is not required to grant the Right of Way).
- (14) **Developer's Maximum Road Works Contribution** means \$1,186,805.90 plus GST and adjusted for inflation as at the date of commencement of the Road Works.
- (15) **Developer Works** means the construction by the Developer of the Road Works and the Pedestrian Link, in accordance with this Agreement.
- (16) **Estimated Cost of Works** means the estimated cost of construction of the Road Works in accordance with the Road Works Final Design, as certified by the Quantity Surveyor in accordance with clause 11.1.

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ITEM 7 (continued)

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- (17) **FSR** means the ratio of the Gross Floor Area of all buildings within the Land to the Land area.
- (18) **Gross Floor Area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:
- (a) the area of a mezzanine; and
 - (b) habitable rooms in a basement or an attic; and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs; and
 - (e) any basement:
 - (i) storage; and
 - (ii) vehicular access, loading areas, garbage and services; and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting; and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking); and
 - (h) any space used for the loading or unloading of goods (including access to it); and
 - (i) terraces and balconies with outer walls less than 1.4 metres high; and
 - (j) voids above a floor at the level of a storey or storey above.
- (19) **Governmental Agency** means any government and any governmental body whether:
- (a) legislative, judicial or administrative;
 - (b) a department, commission, authority, tribunal, agency or entity;
 - (c) commonwealth, state, territorial or local;
- but does not include a governmental body in respect of any service or trading functions as distinguished from regulatory or fiscal functions.
- (20) **Land** means the land described in Item 1, Schedule 1.
- (21) **Legislation** means the Act and the *Local Government Act 1993* (NSW).
- (22) **LPI** means Land and Property Information, New South Wales.
- (23) **Occupancy Certificate** means any occupation certificate issued under the Environmental Planning and Assessment Act 1979 by the Principal Certifying Authority.

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ATTACHMENT 2

- (24) **Pedestrian Link** means the construction of a shared pedestrian link and associated landscaping, of 3m total width along the western boundary of the Land, in accordance with the Pedestrian Link Specifications and generally as depicted in the drawings at Annexure A being those works approved in the Development Consent.
- (25) **Pedestrian Link Final Design** has the meaning given in clause 7.1(3).
- (26) **Pedestrian Link Specifications** means the specifications and controls contained in Macquarie Park Review Options Paper 27 March 2013 and Part 4.5, Chapter 6 "Site and Building Design" Section 6.2.2 (Pedestrian Through Site Links) of the Ryde DCP and [Section 3.2.2 (Typical footpath) OR Section 3.3.2 (Typical footpath detail) of the Macquarie Park Public Domain Technical Manual 2008, as applicable to the construction of the Pedestrian Link.
- (27) **Quantity Surveyor** means a qualified quantity surveyor who has not previously been retained by the Developer or Council in regard to the Development, appointed by the Developer pursuant to clause 10.
- (28) **Rectification Certificate** means a compliance certificate within the meaning of section 109C(1)(a)(v) of the Act to the effect that work the subject of a Rectification Notice has been completed as specified in the notice.
- (29) **Rectification Notice** means a written notice that identifies a breach of this Agreement in respect of any work required to be carried out by the Developer as Developer Works, containing sufficient detail of the work to be done to enable the Council to issue a Rectification Certificate and requiring the breach to be rectified within a reasonable specified time.
- (30) **Regulations** means the *Environmental Planning and Assessment Regulation 2000* (NSW).
- (31) **Right of Way** means a right of footway in favour of the Council for the benefit of the public to go, pass and repass on foot at all times and for all purposes, without animals or vehicles over the Pedestrian Link.
- (32) **RLEP** means the *Ryde Local Environmental Plan 2010*.
- (33) **Road Works** means the construction of a 20.4m wide road, comprising a total area of 1,774 square metres along the southern boundary of the Land connecting to Khartoum Road and public domain works, in accordance with the Road Work Specifications and generally as depicted in the drawings at Annexure A.
- (34) **Road Works Final Design** has the meaning given in clause 6.1.
- (35) **Road Works Specifications** means the specifications and controls for a Type 2 road set out in Part 4.5, Chapter 5 "Public Domain" Section 5.1.3 (Type 2 Streets) of the Ryde DCP and Section 2.2 "Type 2 Streets" of the Macquarie Park Public Domain Technical Manual 2008, as applicable to the construction of the Road Works.
- (36) **Ryde DCP** means the City of Ryde Development Control Plan 2010 as in force on 30 June 2010 which is reproduced at Annexure B.
- (37) **Type 2 Road** means a road to the dimensions, specifications, requirements and controls contained in Part 4.5, Chapter 5 "Public Domain" of the Ryde DCP.

ITEM 7 (continued)

ATTACHMENT 2

1.2 Interpretation

- (1) Reference to:
 - (a) one gender includes the others;
 - (b) the singular includes the plural and the plural includes the singular;
 - (c) a person includes a body corporate;
 - (d) a party includes the party's executors, administrators, successors and permitted assigns;
 - (e) a thing includes the whole and each part of it separately;
 - (f) a statute, regulation, code or other law or a provision of any of them includes:
 - (i) any amendment or replacement of it; and
 - (ii) another regulation or other statutory instrument made under it, or made under it as amended or replaced;
 - (g) dollars means Australian dollars unless otherwise stated; and
 - (h) an Item is to an item in the Schedule.
- (2) "Including" and similar expressions are not words of limitation.
- (3) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (4) Headings and any table of contents or index are for convenience only and do not form part of this Agreement or affect its interpretation.
- (5) A provision of this Agreement must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of the Agreement or the inclusion of the provision in the Agreement.
- (6) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.

2 Planning agreement under the Act

- 2.1 The parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

3 Application of this Agreement

- 3.1 This Agreement applies to the Land and to the Development.

4 Operation of this Agreement

- 4.1 This document, when unsigned by the parties and attached to the Development Application for the Development lodged by the Developer with the Council, is an irrevocable offer from the Developer to the Council to enter into this Agreement if the Council grants

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ITEM 7 (continued)

ATTACHMENT 2

Development Consent to the Developer on conditions acceptable to the Developer, in the Developer's absolute discretion.

- 4.2 This Agreement commences on the latest date on which any of the following occur:
- (1) each of the following occurs:
 - (a) the Council grants Development Consent on conditions acceptable to the Developer, in its absolute discretion;
 - (b) public notice of the granting of the Development Consent has been given in accordance with the Act and the Regulations;
 - (c) 3 months have elapsed since the date on which that public notice was given; and
 - (d) the date the Developer notifies the Council in writing that it intends to commence the Development;
 - (2) any Class 4 action in respect of the validity of the Development Consent has been finally determined;
 - (3) the carrying out of any part of the Development is subject to a condition of that Development Consent, imposed under section 93(3) of the Act, requiring this Agreement to be entered into; and
 - (4) all the parties have signed this Agreement.
- 4.3 The Council must notify the Developer of the Development Consent in accordance with the Act and Regulations in a timely manner.
- 5 Developer's warranties as to capacity**
- 5.1 In addition to and despite all other warranties, express or implied, in this Agreement, the Developer warrants and covenants that:
- (1) it is empowered to enter into this Agreement and to do all things that will be required by this Agreement;
 - (2) all things have been done or will be done as may be necessary to render this Agreement legally enforceable in accordance with its terms and fully valid and binding on it; and
 - (3) all authorisations by any Governmental Agency that are required or will be required in connection with the execution and delivery of, the performance of obligations under or the validity or enforceability of, this Agreement have been obtained or effected and are or will be fully operative.
- 6 Road Works**
- 6.1 **Design Development**
- (1) Promptly following the commencement of this Agreement, the Developer must prepare detailed design and engineering drawings for the construction of the Road Works (the **Proposed Road Construction Drawings**), and must submit those drawings to Council within 6 months of commencement of this Agreement or prior

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ITEM 7 (continued)

ATTACHMENT 2

to the application for a Construction Certificate in respect of the Road Works, whichever first occurs, for approval by Council.

- (2) The Proposed Road Construction Drawings must conform to the Road Works Specifications.
- (3) Within 60 days of receiving the Proposed Road Construction Drawings, the Council must either:
 - (a) confirm in writing that it approves the Proposed Road Construction Drawings (**Road Works Final Design**); or
 - (b) provide the Developer with written notice of the amendments required to be made to the Proposed Road Construction Drawings to render them acceptable to Council acting reasonably. Council shall not be entitled to request amendments to the Proposed Road Construction Drawings which are inconsistent with the Road Works Specifications.
- (4) Where Council requires amendments to the Proposed Road Construction Drawings pursuant to clause 6.1(3) the parties shall repeat the process set out in clause 6.1(1) to 6.1(3) until Council approves the Proposed Road Construction Drawings.
- (5) The failure by the Council to comply with clause 6.1(3) constitutes a trigger for the dispute resolution mechanism contained at clause 18.
- (6) Nothing in this clause, including the issuing of a notice by Council to the Developer under clause 6.1(3)(b), shall prevent the issuing of a construction certificate in respect of any part or stage of the Development.

6.2 Construction

- (1) The Developer must construct the Road Works in accordance with the Road Works Final Design.
- (2) The Developer is to use reasonable endeavours to complete the construction of the Road Works prior to the issue of any occupation certificate for the Development.
- (3) Nothing in this clause shall prevent the issuing of an interim occupation certificate in respect of part or all of the Development. The parties expressly acknowledge that an interim occupation certificate may be issued notwithstanding that the plan of subdivision referred to in clause 9 has not yet been registered or lodged for registration.

6.3 Certification of the Road Works

- (1) Within 14 days of the Developer advising Council that the Road Works have been completed, the Council must inspect the Road Works and issue to the Developer a Compliance Certificate for the Road Works.
- (2) Nothing in this clause shall prevent the issuing of an interim occupation certificate in respect of part or all of the Development.

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ITEM 7 (continued)

ATTACHMENT 2

7 Pedestrian Link

7.1 Design

- (1) Promptly following the commencement of this Agreement, the Developer must prepare detailed design and engineering drawings for the construction of the Pedestrian Link (**Proposed Pedestrian Link Construction Drawings**), and must submit these drawings to Council, within 2 months of the first construction certificate being issued for the Development.
- (2) The Proposed Pedestrian Link Construction Drawings must conform with the Pedestrian Link Specifications.
- (3) Within 21 days of receiving the Proposed Pedestrian Link Construction Drawings, the Council must either:
 - (a) confirm in writing that it approves the Proposed Pedestrian Link Construction Drawings (**Pedestrian Link Final Design**); or
 - (b) provide the Developer with written notice of the amendments required to be made to the Proposed Pedestrian Link Construction Drawings to render them acceptable to Council acting reasonably. Council shall not be entitled to request amendments to the Proposed Pedestrian Link Construction Drawings which are inconsistent with the Pedestrian Link Specifications.
- (4) Where Council requires amendments to the Proposed Pedestrian Link Construction Drawings pursuant to clause 7.1(3)(b), the parties shall repeat the process set out in clauses 7.1(1) to (3) until the Council approves the Proposed Pedestrian Link Construction Drawings.
- (5) The failure by the Council to comply with clause 7.1(3) constitutes a trigger for the dispute resolution mechanism contained at clause 18.
- (6) Nothing in this clause, including the issuing of a notice by Council to the Developer under clause 7.1(3)(b) shall prevent the issuing of a construction certificate in respect of any part or stage of the Development.

7.2 Construction

- (1) The Developer shall construct the Pedestrian Link in accordance with the Pedestrian Link Final Design.
- (2) The Developer must obtain all necessary Approvals to carry out the Pedestrian Link.
- (3) The Developer is to use reasonable endeavours to complete the construction of the Pedestrian Link prior to the issue of any occupation certificate for the Development.

7.3 Certification of Pedestrian Link

- (1) Within 14 days of the Developer advising Council that the Pedestrian Link is complete, the Council must issue the Developer with a Compliance Certificate for the Pedestrian Link.
- (2) Nothing in this clause shall prevent the issuing of an interim occupation certificate in respect of part or all of the Development.

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ITEM 7 (continued)

ATTACHMENT 2

8 Realignment of Pedestrian Link

- 8.1 The parties acknowledge that Council may in its absolute discretion decide to realign the Pedestrian Link due to the redevelopment of sites adjoining the Land, so that the Pedestrian Link is located wholly off the Land (the **Realignment**). The Realignment is at Council's expense.
- 8.2 The Council must give the Developer written notice of its decision in respect of the Realignment as soon as is practicably possible, and in any event within 7 days of reaching its decision.
- 8.3 If the Realignment occurs, the parties acknowledge that the Developer is:
- (1) Not entitled to any reduction or credit when calculating contributions or levies payable by the Developer under section 94 or section 94A of the Act in respect of the Development, nor any refund of such moneys already paid;
 - (2) Not entitled to any compensation for the realignment of the Pedestrian Link;
 - (3) Not liable for the cost of the relocation or reconstruction of the Pedestrian Link in accordance with the Realignment; and
 - (4) Not liable for and not required to undertake the restoration of the land where the Pedestrian Link was partially or wholly constructed.
- 8.4 If the Realignment occurs, Council must promptly surrender the Right of Way over the Pedestrian Link, if the Right of Way has been registered. Council shall, upon submission by the Developer to Council of documentation necessary to surrender the Right of Way, execute the said documentation.

9 Dedication of the Road Works and Creation of Right of Way

- 9.1 The Developer agrees to dedicate the land on which the Road Works are constructed as a public road, and Council must accept that dedication.
- 9.2 The Developer must grant, and the Council must accept, the Right of Way over the Pedestrian Link (unless a Realignment of the Pedestrian Link occurs in accordance with clause 8 in which case the provisions of that clause apply).
- 9.3 On or before the date on which the Developer advises Council that the Roads Works are complete the Developer must prepare a plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979* to:
- (1) dedicate the land on which the Road Works are constructed as a public road; and
 - (2) create a Right of Way over the Pedestrian Link in accordance with Section 88B of the *Conveyancing Act 1919*.
- 9.4 If requested by the Developer, Council must issue the subdivision certificate for the plan of subdivision referred to under clause 9.3 within 21 days of being requested to do so.
- 9.5 The Developer must lodge the plan of subdivision referred to under clause 9.3 at the LPI:
- (1) within 3 months of obtaining the first occupation certificate for the Development; or
 - (2) at a later date agreed by the parties.

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ITEM 7 (continued)

ATTACHMENT 2

10 Quantity Surveyor

- 10.1 The Developer must appoint the Quantity Surveyor, prior to commencing construction of the Developer Works.
- 10.2 The Developer must consult and agree with Council on the appointment of the Quantity Surveyor or the replacement Quantity Surveyor.
- 10.3 At any time the Developer may terminate the appointment of the Quantity Surveyor and appoint a replacement Quantity Surveyor.
- 10.4 The costs and expenses of the Quantity Surveyor are to be paid by the Developer.

11 Cost of Road Works

11.1 Certification of the Estimated Cost of Works

- (1) Within 14 days of the approval by Council of the Road Works Final Design and prior to commencing construction of the Road Works, the Developer must instruct the Quantity Surveyor to:
 - (a) review the Road Works Final Design to determine the Estimated Cost of Works; and
 - (b) provide to the Developer a written report certifying the Estimated Cost of Works, within 14 days of receiving instructions from the Developer to do so (**Cost Report**).
- (2) If the Estimated Cost of Works exceeds the Developer's Maximum Road Works Contribution:
 - (a) By up to but not more than 10%, then the Developer is to carry out the Road Works; or
 - (b) By more than 10%, then clause 12 applies.

12 Cost of Road Works Negotiation

- 12.1 Where the Estimated Cost of Works exceeds the Developer's Maximum Road Works Contribution by more than 10%, the Developer must provide the Cost Report to Council within 14 days of receiving the Cost Report.
- 12.2 Within 14 days of Council receiving the Cost Report, Council and Developer must meet to discuss whether, and if so in what amount, Council will contribute to the whole or part of the additional cost, being the amount by which the Estimated Cost of Works exceeds 110% of the Developer's Maximum Road Works Contribution (**Additional Cost**). When the parties meet:
 - (1) Both parties must negotiate in good faith; and
 - (2) If an agreement is reached for Council to contribute to the Additional Cost, the parties shall vary this Agreement to reflect the terms of the agreement.
- 12.3 The parties acknowledge that:

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ITEM 7 (continued)

ATTACHMENT 2

- (1) Council is not required to contribute to the Additional Cost; and
- (2) If, as a result of those discussions, Council does not agree to contribute the whole of the Additional Cost, the Developer may in its absolute discretion elect not to proceed with the Development.

13 Application of s94 and s94A of the Act to the Development

- 13.1 This Agreement does not exclude the application of Sections 94 or 94A of the Act to the Development.

14 Funding of Road Works

- 14.1 The Developer shall be liable to fund the Road Works up to 110% of the Developer's Maximum Road Works Contribution.

15 Registration of this Agreement

- 15.1 If the Council notifies the Developer that it requires this Agreement to be registered on the title to the Land, the parties must take all practicable steps to enable registration of this Agreement by the LPI on the title to the Land, including:

- (1) the execution of any documents; and
- (2) in the case of the Developer, obtaining the full cooperation of the owner of the Land if the Developer is not the owner.

- 15.2 Council shall within 14 days of the Developer's compliance with this Agreement and submission by the Developer to Council of documentation necessary to remove this agreement from the title to the land, execute the said documentation.

16 Rectification of defects

- 16.1 The Council may give the Developer a Rectification Notice during the Defects Liability Period.

- 16.2 The Developer must comply with a Rectification Notice at its cost.

- 16.3 When the Developer considers that it has complied with a Rectification Notice it may request the Council to issue a Rectification Certificate relating to the work the subject of the relevant Rectification Notice.

- 16.4 Within 21 days of receipt of the Developer's request under clause 14.3, the Council must:

- (1) issue a Rectification Certificate to the Developer if it is satisfied that the Developer has complied with the relevant Rectification Notice; or
- (2) give the Developer notice of its decision to refuse to issue a Rectification Certificate containing sufficient detail of the reasons for its decision so as to inform the Developer of the work that needs to be done to enable the Council to issue a Rectification Certificate.

- 16.5 If the Developer does not fully comply with a Rectification Notice, the Council may rectify the defect and may recover the reasonable cost of doing so as a debt due in a court of competent jurisdiction.

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ITEM 7 (continued)

ATTACHMENT 2

17 Floor Space Ratio and Gross Floor Area

17.1 The parties acknowledge that:

- (1) the Development Application seeks approval for Development with a Floor Space Ratio of 1.99:1 (11,831sqm) which exceeds Council's controls;
- (2) the area of the Land is 5,937sqm;
- (3) the area of the Road Works is 1,774sqm;
- (4) the total area of the Road Works will be added to the Land area to provide for a GFA of 7,711sqm and FSR 1.3:1;
- (5) the total area of the Pedestrian Link shall not be added to the Land Area for the purposes of calculating the FSR of the Development;
- (6) the shortfall from a FSR of 1.99:1 is 4,120sqm (the **Shortfall**);
- (7) the Development Contribution is proposed in connection with the Development;
- (8) the Developer will pay contributions pursuant to Sections 94 or 94A of the Act on the total achieved GFA in the Development, in respect of which the Development Application seeks approval of 11,831sqm.

18 Dispute resolution

- 18.1 If a dispute arises in connection with this Agreement, a party to the dispute must give to the other party notice specifying the dispute and requiring its resolution under this clause 18 (**Notice of Dispute**).
- 18.2 The chief executive officer of the Developer and General Manager of the Council or their nominated representatives must confer within 3 days after the Notice of Dispute is given to try to resolve the dispute.
- 18.3 If the dispute is not resolved within 7 days after the Notice of Dispute is given to the other party (**First Period**), the dispute is by this clause submitted to mediation. The mediation must be conducted in Sydney, NSW. The Institute of Arbitrators and Mediators Australia Mediation and Conciliation Rules (at the date of this Agreement) as amended by this clause 18 apply to the mediation, except where they conflict with this clause 18.
- 18.4 If the parties have not agreed upon the mediator and the mediator's remuneration within 10 days after the First Period:
 - (1) the mediator is the person appointed; and
 - (2) the remuneration of the mediator is the amount or rate determined by:
the Chair of the NSW Chapter of the Institute of Arbitrators and Mediators Australia (**Principal Appointor**) or the Principal Appointor's nominee, acting on the request of any party to the dispute.
- 18.5 The parties must pay the mediator's remuneration in equal shares. Each party must pay its own costs of the mediation.

ITEM 7 (continued)

ATTACHMENT 2

- 18.6 If the dispute is not resolved within 28 days after the appointment of the mediator (**Second Period**), either party may by written notice to the other party require the dispute to be submitted to expert determination.
- 18.7 The provisions of the Expert Determination Rules 2010 as published by The Institute of Arbitrators and Mediators Australia (to be found on its website www.iama.org.au) apply to the expert determination, except to the extent that there are inconsistent provisions in this Agreement.
- 18.8 Despite anything in this clause 18, a party at any time may commence court proceedings in relation to any dispute or claim arising under or in connection with this Agreement where that party seeks urgent interlocutory relief.
- 18.9 Despite the reference of a dispute to expert determination under this clause 18, the parties must continue to perform their obligations under this Agreement. In the award, the expert may make any appropriate adjustment for the performance of obligations under this Agreement since the Notice of Dispute was given.
- 18.10 Subject to clause 18.8, a party must not commence or maintain a court action or proceeding upon a dispute in connection with this Agreement until the dispute has been referred to an expert and determined under this clause 18.
- 18.11 This clause 18 continues in force even where the Agreement has been fully performed, terminated or rescinded or where the parties or any of them have been discharged from the obligation to further perform the Agreement for any reason.
- 18.12 This clause 18 applies even where the Agreement is otherwise void or voidable.
- 18.13 The parties must:
- (1) keep confidential any information or documents disclosed under this clause; and
 - (2) only use any information or documents disclosed under this clause to attempt to resolve the dispute.

19 Confidentiality

- 19.1 The terms of this Agreement are not confidential. This Agreement may be exhibited by either party.
- 19.2 Except as stated in this Agreement, Council must not and must not permit any of its officers, employees, agents, contractors or related companies to use or to disclose any Confidential Information to any person without the prior written consent of the Developer.
- 19.3 If requested by a party, the other party must:
- (1) not issue, publish or authorise any media release, advertisement or publicity concerning this Agreement without obtaining the prior written consent of the other party; and
 - (2) ensure that its officers, employees, agents, contractors and related companies do the same.
- 19.4 This clause 19 does not apply to any information which:
- (1) is generally available to the public (other than as a result of the wrongful disclosure by the Council); or

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ATTACHMENT 2

- (2) is required to be disclosed by any law.

20 Approvals and consent

- 20.1 Each party may conditionally or unconditionally give or withhold its approval or consent in its absolute discretion unless this Agreement expressly provides otherwise.

21 Severability

- 21.1 If any provision in this Agreement is unenforceable, illegal or void or makes this Agreement or any part of it unenforceable, illegal or void, then that provision is severed and the rest of this Agreement remains in force.

22 Assignment

- 22.1 The Developer may assign or otherwise deal with this Agreement with the prior written consent of the Council which consent must not be unreasonably withheld.

- 22.2 The Council is required to give its consent under clause 22.1 if:

- (1) the Developer gives the Council at least 10 Business Days notice of the proposed assignment;
- (2) the proposed assignee provides to the Council a replacement of the Bank Guarantee referred to in clause 31 (if it has not been released) in a form satisfactory to the Council;
- (3) the proposed assignee executes a deed with the Council under which:
 - (a) the proposed assignee agrees to perform all of the obligations of the Developer under this Agreement which have not already been performed by the Developer;
 - (b) the proposed assignee is bound by this Agreement as if the proposed assignee were named in this Agreement in place of the Developer; and
 - (c) the Developer is released from its obligations under this Agreement;
- (4) the Developer pays all expenses (including legal costs on a solicitor and own client or full indemnity basis, whichever is greater) incurred by the Council in investigating the proposed assignee or in connection with the proposed assignment.

- 22.3 On receipt on the deed referred to in clause 22.2(3) the Council must execute the deed so that the Developer is released from its obligations under this Agreement.

23 No fetter

- 23.1 The parties:

- (1) acknowledge that the Council is a consent authority, having statutory rights and obligations under the Legislation; and
- (2) do not intend this Agreement to fetter Council's Discretion.

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ITEM 7 (continued)

ATTACHMENT 2

- 23.2 If, contrary to the parties' intention, any provision in this Agreement is held by a court of competent jurisdiction to constitute an unlawful fetter on Council's Discretion:
- (1) the parties must take all practical steps, including the execution of any further documents, to ensure that the objective of this clause 23.1 is substantially satisfied; and
 - (2) if clause 23.2(1) cannot be achieved without unlawfully fettering Council's Discretion, the relevant provision is severed and the rest of this Agreement remains in force.
- 23.3 If:
- (1) the Legislation permits the Council to contract out of a provision of that Legislation or gives the Council power to exercise Council's Discretion; and
 - (2) the Council has in this Agreement contracted out of a provision or exercised Council's Discretion, then to that extent this Agreement is to be regarded as consistent with the Legislation.

24 Goods and services tax

24.1 Definitions

In this clause 24:

- (1) **GST** means GST as defined in *A New Tax System (Goods and Services Tax) Act 1999* as amended (**GST Act**) or any replacement or other relevant legislation and regulations; and
- (2) words or expressions used in this clause which have a particular meaning in the **GST law** (as defined in the GST Act, and also including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning, unless the context otherwise requires.
- (3) Any liability for GST in relation to the Developer Works and this Agreement is the sole responsibility of the Developer.

25 Further assurance

- 25.1 Each party must promptly at its own cost do all things (including executing and if necessary delivering all documents) necessary or desirable to give full effect to this Agreement.

26 Entire understanding

- 26.1 Subject to clause 26.2, this Agreement:
- (1) is the entire agreement and understanding between the parties on everything connected with the subject matter of this Agreement; and
 - (2) supersedes any prior agreement or understanding on anything connected with that subject matter.
- 26.2 The explanatory note prepared in relation to this Agreement under clause 25E(1) of the *Environmental Planning and Assessment Regulation 2000* (NSW) may be used to assist in construing this Agreement.

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ITEM 7 (continued)

ATTACHMENT 2

27 Variation

- 27.1 An amendment or variation to this Agreement is not effective unless it is in writing and signed by the parties.

28 Waiver

- 28.1 A party's failure or delay to exercise a power or right does not operate as a waiver of that power or right unless otherwise set out in this Agreement.
- 28.2 The exercise of a power or right does not preclude either its exercise in the future or the exercise of any other power or right.
- 28.3 A waiver is not effective unless it is in writing.
- 28.4 Waiver of a power or right is effective only in respect of the specific instance to which it relates and for the specific purpose for which it is given.

29 Costs and outlays

- 29.1 Each party must pay its own costs and outlays connected with the negotiation, preparation and execution of this Agreement.
- 29.2 The Developer must pay all stamp duty and other government imposts payable in connection with this Agreement and all other documents and matters referred to in this Agreement when due or earlier if requested in writing by the Council.

30 Notices

- 30.1 A notice or other communication connected with this Agreement (**Notice**) has no legal effect unless it is in writing.
- 30.2 In addition to any other method of service provided by law, the Notice may be:
- (1) sent by prepaid ordinary post to the address for service of the addressee, if the address is in Australia and the Notice is sent from within Australia;
 - (2) sent by prepaid airmail to the address for service of the addressee, if the address is outside Australia or if the Notice is sent from outside Australia;
 - (3) sent by facsimile to the facsimile number of the addressee; or
 - (4) delivered at the address for service of the addressee.
- 30.3 A certificate signed by a party giving a Notice or by an officer or employee of that party stating the date on which that Notice was sent or delivered under clause 30.2 is prima facie evidence of the date on which that Notice was sent or delivered.
- 30.4 If the Notice is sent or delivered in a manner provided by clause 30.2, it must be treated as given to and received by the party to which it is addressed:
- (1) if sent by post from within Australia to an address in Australia, on the 2nd Business Day (at the address to which it is posted) after posting;

ITEM 7 (continued)

ATTACHMENT 2

- (2) if sent by post to an address outside Australia or sent by post from outside Australia, on the 5th Business Day (at the address to which it is posted) after posting;
 - (3) if sent by facsimile before 5pm on a Business Day at the place of receipt, on the day it is sent and otherwise on the next Business Day at the place of receipt; or
 - (4) if otherwise delivered before 5pm on a Business Day at the place of delivery, upon delivery, and otherwise on the next Business Day at the place of delivery.
- 30.5 Despite clause 30.4(3):
- (1) a facsimile is not treated as given or received unless at the end of the transmission the sender's facsimile machine issues a report confirming the transmission of the number of pages in the Notice;
 - (2) a facsimile is not treated as given or received if it is not received in full and in legible form and the addressee notifies the sender of that fact within 3 hours after the transmission ends or by 12 noon on the Business Day on which it would otherwise be treated as given and received, whichever is later.
- 30.6 If a Notice is served by a method which is provided by law but is not provided by clause 30.2, and the service takes place after 5pm on a Business Day, or on a day which is not a Business Day, it must be treated as taking place on the next Business Day.
- 30.7 A Notice sent or delivered in a manner provided by clause 30.2 must be treated as validly given to and received by the party to which it is addressed even if:
- (1) the addressee has been liquidated or deregistered or is absent from the place at which the Notice is delivered or to which it is sent; or
 - (2) the Notice is returned unclaimed.
- 30.8 Council's address for service and facsimile number are:
- | | | |
|--------------|---|---------------------------------|
| Name | : | City of Ryde Council |
| Attention | : | General Manager |
| Address | : | 1 Devlin Street, Ryde, NSW 2112 |
| Facsimile no | : | (02) 9952 8070 |
- 30.9 Developer's address for service and facsimile number are:
- | | | |
|--------------|---|--|
| Name | : | Goodman Property Services (Aust) Pty Limited |
| Attention | : | Jason Little, General Manager - Australia |
| Address | : | Level 10, 60 Castlereagh Street, Sydney NSW 2000 |
| Facsimile no | : | (02) 9230 7444 |
- 30.10 A party may change its address for service or facsimile number by giving Notice of that change to each other party.
- 30.11 If the party to which a Notice is intended to be given consists of more than 1 person then the Notice must be treated as given to that party if given to any of those persons.
- 30.12 Any Notice by a party may be given and may be signed by its solicitor.

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ITEM 7 (continued)

ATTACHMENT 2

31 Bank guarantee for performance

31.1 On or before the issue of the first construction certificate for the Development the Developer must provide to the Council an unconditional and irrevocable written undertaking (**Bank Guarantee**):

- (1) issued by a bank as defined by the *Banking Act 1959* or a financial organisation approved by the Council;
- (2) for the amount of \$1,186,805.90 plus GST;

in favour of and on terms acceptable to the Council, as security for the performance by the Developer of its obligations under this Agreement.

31.2 The Developer must:

- (1) ensure that the Bank Guarantee is kept current and enforceable and that it does not expire until the Developer has provided the whole of the Development Contribution;
- (2) if the Council makes a demand on the Bank Guarantee for an amount less than that referred to in clause 31.1(2), provide a replacement Bank Guarantee for the balance of the amount referred to in clause 31.1(2) when requested by the Council; and
- (3) pay all expenses associated with the provision and maintenance of the Bank Guarantee.

32 Force majeure – unforeseen events causing delay

32.1 If a party (**Affected Party**):

- (1) is prevented from or delayed in performing an obligation (other than to pay money) by a Prescribed Event;
- (2) as soon as possible after the Prescribed Event occurs, notifies the other party of full particulars of:
 - (a) the Prescribed Event;
 - (b) the effect of the Prescribed Event on performance of the Affected Party's obligations;
 - (c) the anticipated period of delay; and
 - (d) the action (if any) the Affected Party intends to take to mitigate or remove the effect and delay; and
- (3) promptly and diligently acts to mitigate or remove the Prescribed Event and its effect;

then:

- (4) the obligation is suspended during, but for no longer than, the period the Prescribed Event continues and such further period as is reasonable in the circumstances; and

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ITEM 7 (continued)

ATTACHMENT 2

- (5) if the Affected Party is prevented from or delayed in performing the obligation by the Prescribed Event for at least 90 days, any party may by notice to the other party terminate this Agreement.

32.2 The party which is not the Affected Party must use reasonable endeavours to remove or mitigate the Prescribed Event and its effects.

32.3 Nothing in clause 32.1(3) or clause 32.2 obliges either party to settle any strike, lockout, ban, limitation of work or other industrial disturbance.

32.4 In this clause 32 **Prescribed Event** means any of the following events:

- (1) act of God;
- (2) war, terrorism, riot, insurrection, vandalism or sabotage;
- (3) strike, lockout, ban, limitation of work or other industrial disturbance; or
- (4) law, rule or regulation of any government or governmental agency, and executive or administrative order or act of general or particular application;

which:

- (5) is unforeseen by the Affected Party;
- (6) is beyond the control of the Affected Party; and
- (7) occurs without the fault or negligence of the Affected Party.

33 Governing law and jurisdiction

33.1 The law of New South Wales governs this Agreement.

33.2 The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and of the Commonwealth of Australia.

ITEM 7 (continued)

ATTACHMENT 2

Schedule 1

Item 1 **Land**

Land means Lot 1 in DP 582794 (also known 8 Khartoum Road, Macquarie Park NSW).

Item 2 **Development**

The Development comprises:

- The demolition of an existing office building on the Land;
- The construction of a six storey commercial office building with plant;
- Three levels of basement parking for 250 car spaces;
- Ground floor retail café use fronting Khartoum Road;
- Provision of the Road Works, being a 20.4m wide Type 2 Road along the southern boundary of the Land connecting to Khartoum Road (with a modified location from that shown on the access network map) known as Road 1;
- Provision of 3m pedestrian link including landscaping along the western boundary of the Land;
- Landscaping of the Land -including the nature strip on Khartoum Road; and
- Associated stormwater management works;

generally in accordance with the Statement of Environmental Effects dated April 2013 prepared by Urbis Pty Ltd and accompanying reports and drawings, received by Council as LDA 2013/106.

ITEM 7 (continued)

ATTACHMENT 2

Executed as an agreement.

Executed by [Goodman Property
Services (Aust) Pty Limited ACN
088981793] in accordance with
section 127 of the *Corporations Act 2001*:

_____ Director/company secretary	_____ Director
_____ Name of director/company secretary (BLOCK LETTERS)	_____ Name of director (BLOCK LETTERS)
Signed for and on behalf of The Council of the City of Ryde ABN 81 621 292 610:	
_____ Signature of witness	_____ Signature of authorised representative
_____ Name of witness (BLOCK LETTERS)	_____ Name of authorised representative (BLOCK LETTERS)
_____ Address of witness	

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ATTACHMENT 2

Annexure A – Pedestrian Link and Road Works drawings (clause 1.1)

[note: attach relevant DA drawings which depict the Pedestrian Link and Road Works here]

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ATTACHMENT 2

Annexure B – Ryde DCP

[note – attach current version of Ryde DCP]

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ITEM 7 (continued)

ATTACHMENT 2

Annexure C – Calculation of Contributions under s94 or 94A of the EP&A Act

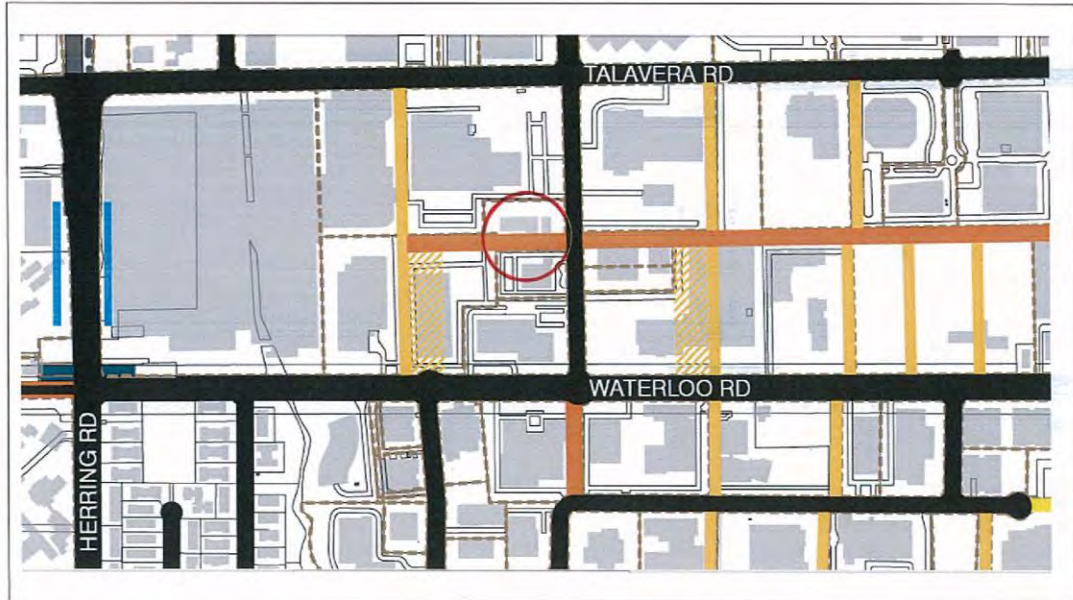
[note - insert calculation of contributions payable]

DRAFT

















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ATTACHMENT 3



THE PROPOSED NEW ROAD WHICH IS THE SUBJECT OF THE DRAFT VOLUNTARY PLANNING AGREEMENT IS CIRCLED IN RED ABOVE.

KEY			
	Study area boundary		Upgrade Interchange
	Existing road grid		Existing road upgrade for future consideration
	M2		Road connecting Wicks Rd and Delhi Rd proposed for future consideration
	Proposed new 20m road		Building footprints (existing & proposed)
	Proposed new 16m road		Building envelope (proposed)
	Proposed new 14m road		Potential bus layover
	Proposed new road to be provided in this zone		Deferred sites
	Property boundaries		
	Railway station entry/exit		

8 CITY OF RYDE DEVELOPMENT CONTRIBUTIONS PLAN

Report prepared by: Development Contributions Coordinator
File No.: PM12/30059/003 - BP13/1264

REPORT SUMMARY

Under the Environmental Planning and Assessment Act there are two options for Development Contributions Plans. A Section 94 Development Contributions Plan seeks payments from developers according to the type and size of the works being undertaken. A Section 94A plan places a levy on development, irrespective of type and size, according to the cost of the works. The S94A levy is regulated as a flat rate of 1% of the cost of development but legislation allows this to be exceeded in nominated parts of a local government area, subject to Ministerial approval. When 1% is exceeded this is defined as a S94A variable rate model.

Council's current traditional Section 94 Development Contributions Plan became effective on 19 December 2007 with a review cycle of 5 years. Over recent years the economic and development environment has changed and NSW legislation has been amended to provide Councils with an option to levy development contributions under Section 94A.

This report recommends that Council seeks permission from IPART and the Department of Planning and Infrastructure to implement a new development contributions plan based upon Section 94A legislation which will provide an appropriate future income, be more easily understood by all categories of developers, offer improved transparency to the community and which will be less burdensome to manage, all with less potential risk to Council. In proposing this option a detailed analysis of key criteria has been assessed by the Executive Team. The recommendation was to adopt the Section 94A variable rate for the development contributions plan that contained the following elements:

- A levy on any development costing more than \$350,000 anywhere in Ryde,
- Levy all development in Town Centres and on industrial zoned land at a maximum of 3% of the development cost,
- Levy all development in the Macquarie Park Corridor at 4% of the development cost,
- Levy secondary dwellings in other parts of Ryde no more than 0.5% of the development cost, and
- Levy other development in other parts of Ryde to a maximum of 1% of the development cost.

Council should note that ministerial approval is required to increase the levy for development above the S94A 1% flat rate. The proposal is for a variable rate levy, with 3% on development in town centres and industrial zoned land and a 4% levy on development in Macquarie Park. While not common practice for all Councils, higher levies have been granted locally in Willoughby, Parramatta and Burwood by the Minister.

ITEM 8 (continued)

The next step in the development of Council's contribution framework is the preparation of a draft S94A development contributions, and supporting processes and procedures to guide its implementation.

The draft contributions plan, once completed will be reported to Council for consideration.

RECOMMENDATION:

- (a) That Council endorses a Section 94A variable rate development contributions plan based upon Option 2C with the lowest contribution threshold set at \$350,000.
- (b) That Council delegates authority to the Acting General Manager to renegotiate and extend the appointment of SGS Economics and Planning and Lindsay Taylor Law (SGS/LTL) to carry out Phases 2 and 3 of the Contribution Plan project.
- (c) That Council allocate the amount of \$130,000 from the S94 Plan Administration reserve for the purpose of preparing and implementing a S94A development contributions plan for the City of Ryde.
- (d) That Council endorse the preparation of a new draft S94A variable rate development contributions plan.

ATTACHMENTS

- 1 Summary of Contribution Rates - City of Ryde Section 94 Development Contributions Plan 2007
- 2 Seven Plan Options and Projected Income
- 3 SGS-LTL - Multi Criteria Analysis
- 4 Levy Structures and Sample Charges - Options 2C and 3C
- 5 Preferred Option - Sensitivity Test
- 6 Preferred Option - Additional Threshold Sensitivity Tests

Report Prepared By:

Malcolm Harrild
Development Contributions Coordinator

Report Approved By:

Lexie Macdonald
Acting Manager - Urban Planning

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 8 (continued)

Background

Development Contributions

The Environmental Planning and Assessment Act 1979, Subdivision 3 – Local infrastructure contributions, provides Council with the authority to levy developer contributions in order to fund and implement infrastructure and facilities that will support growth within the Ryde LGA. These works include community facilities, changes to roads and footpaths, stormwater management, park and open space improvements. These are broadly categorised as community amenities and services.

Current Contribution Plan

Council obtains local infrastructure contributions by means of the City of Ryde Section 94 Development Contributions Plan 2007 which was adopted on 11 December 2007. This plan places levies on development dependent upon whether the development is located inside the Macquarie Park Corridor or elsewhere in Ryde. This Plan has thirteen different types of contribution rate based on use (including parking spaces) and each rate contributes to seven different Strategic Plan funds for community amenities and services expenditure. See **ATTACHMENT 1**. These rates are altered every three months in accordance with Consumer Price Index changes published by the Australian Bureau of Statistics. This involves periodically recalculating 194 different rates.

Contribution Plan Review

Council's review cycle for its S94 Development Contributions Plan is 5 years. Since the Plan was adopted in 2007 the economic and development environment has changed and State legislation has been modified to permit different contribution options. The review of Council's Plan was included in the 4 Year Delivery Plan 2012-2016 and a project budget listed within the "Land Use Program". This was endorsed by Council and in accordance with Council's procurement policy a public tender was called to identify a consultancy team to assist with this review. SGS Economics and Planning coupled with Lindsay Taylor Law (SGS/LTL) emerged as the preferred tenderer. The review process was to consist of three phases,

- Phase 1 – Research and economic analysis and report
- Phase 2 – Development contributions plan finalisation
- Phase 3 – Implementation of new plan

State legislation permits two mechanisms for levying development contributions, Section 94 (which Council uses now) and Section 94A, and they cannot be applied at the same time to the same development. In Phase 1 of the review SGS/LTL was tasked with,

- Identifying which of these mechanisms would be most advantageous to Council and the community in the future.
- Projecting growth in Ryde for the next 18 years,

ITEM 8 (continued)

- Identifying, evaluating and comparing contribution plan options available to Council.
- Presenting the preferred option.

The levies that may be charged under S94 and S94A can be charged at different rates to different parts of a local Council's area if the burden of providing infrastructure varies between those areas. Currently Council applies this approach by applying different S94 levies inside or outside the Macquarie Park Corridor. Therefore the options analysed by SGS/LTL in Phase 1 considered this and were based upon three opportunities available to Council;

- Remain with the S94 model (i.e. base case),
- Apply the S94A model, or
- Apply a hybrid in which development in some parts of Ryde would be levied under the S94 scheme and other parts under the S94A mechanism.

DiscussionResearch Outcomes

SGS/LTL presented its draft research and options for the Executive Team's consideration on 1 May 2013. This identified five options,

- Option 1A – S94
- Option 2A – S94A flat rate (1% across whole City)
- Option 2B – S94A variable rate (1% across City, with 2.5% in town centres and 3% in Macquarie Park.
- Option 3A – Hybrid, part S94 (residential) and part S94A flat rate (1% for retail, commercial and industrial).
- Option 3B – Hybrid, part S94 (residential) and part S94A variable rate (3% for retail and commercial, 1% for industrial)

Note that the Environmental Planning and Assessment Act regulates S94A levies as a flat rate not exceeding 1% of the cost of the development. However, subject to Ministerial approval, this can be modified for parts of a Council's area (e.g. Parramatta 3%, Willoughby 3%, Burwood 4% and Gosford 4%)

The Executive Team's review of SGS/LTL's work accepted the principles of their research but did not accept any of the five Options presented as none offered as large an advantage as expected. The only Option to improve upon the income of the current S94 plan was a hybrid Option (3B) with significant income at risk and the simpler to manage S94A Option (2B) did not greatly improve the income received. Two further options were therefore requested by the Executive Team;

- Option 2C – S94A variable rate, changing the Option 2B levy of 2.5% to 3% and the 3% levy to 4% for Macquarie Park, and
- Option 3C - Hybrid, part S94 and part S94A variable rate, applying a levy of 3% on industrial and town centre developments, with 4% in Macquarie Park.

ITEM 8 (continued)

In its Review Report of June 2013 SGS/LTL summarised the differences between the seven Options (see **ATTACHMENT 2**) using a multi-criteria assessment matrix, which evaluated such item as ability to produce income, administrative efficiency and flexibility. In the consultant's view the matrix showed Option 2C achieving the highest score of 60, compared to Options 2B and 3C equally achieving 58 points, see **ATTACHMENT 3**. However, in its review of SGS/LTL's findings the Executive Team utilised five criteria which it considered better aligned to the requirements of the City of Ryde.

These were:

- Total dollars collected
- Flexibility to spend funds
- Efficiency
- Risk avoidance
- Strategy

The outcome of ET's review was that Option 2C scored 63, against 45 for Option 3C, confirming a resounding preference for a S94A plan. A summary of the differences between these two Options in regard to levy structures and sample charges upon developers is in **ATTACHMENT 4**.

In considering the levy rates embedded in the Option 2C and Option 3C models the Executive Team wished to understand the impact upon developers, particularly in areas outside Macquarie Park Corridor, designated town centres and industrial areas. SGS/LTL were subsequently commissioned to apply a sensitivity test to the Preferred Option 2C to identify the impact on income and the "mum and dad developers" by using different thresholds at which the S94A levies would occur, see **ATTACHMENT 5**. This showed that unless the initial threshold were increased to \$500,000 (five times the regulated level), the reduction of income to Council (and thus its ability to fund community amenities and services) was not excessive over the calculation period.

At the Councillor Workshop on 16 July the Councillors were generally supportive of the S94A Option 2C in preference to the hybrid solution, Option 3C. However the matter of the levy thresholds attracted wide interest and subsequently SGS/LTL was requested to carry out additional sensitivity testing of Option 2C using initial threshold triggers of \$100,000, \$200,000, \$350,000 and \$500,000. SGS/LTL was also instructed to model the impact of not levying any charges for dwelling house additions or alterations (which would be a new regime for Ryde) in order to gain further insight of the impacts upon home owners and Council's long term income. At the Workshop it was suggested that an initial threshold of \$350,000 would be fairest choice. The study produced Scheme A, which included charges for dwelling house additions or alterations, and Scheme B which excluded charges for dwelling house additions or alterations (See **ATTACHMENT 6**).

ITEM 8 (continued)

NPV Income	Option 2C	Option 2C - \$200,000	Option 2C - \$350,000	Option 2C - \$500,000
Scheme A – including charges for dwelling house additions or alterations	\$233,200,000	\$230,900,000	\$226,700,000	\$222,900,000
Scheme B – excluding charges for dwelling house additions or alterations	\$231,700,000	\$230,000,000	\$226,300,000	\$222,700,000

An important outcome of this study is that by excluding levies for dwelling house additions or alterations the difference in income from Schemes A and B is not greater than \$1,500,000 over the 18 year period for any one of the four threshold models. The largest change occurs with the \$100,000 threshold model. In taking \$231,700,000 as an income guideline for Option 2C, as Scheme B without house additions or alterations, the \$200,000 threshold lowers this income by \$1,700,000 and the \$350,000 threshold reduces it by \$5,400,000 to \$226,300,000. The \$500,000 threshold is difficult to contemplate at all as it removes \$9,000,000 from income. The preferred threshold is \$350,000 as, recognising building costs, it does overly impose upon low cost development but does produce an acceptable return from development undertaken by professional developers to fund Council's community amenity and services obligations.

Discussion of Options

The City of Ryde's Section 94 Development Contribution Plan 2007 is overdue for review. In considering whether to continue with a Section 94 Plan (i.e. Option 1A) change to a hybrid S94/S94A plan (i.e. Option 3C) or to adopt a S94A plan (Option 2C) it is necessary to consider the key elements of each. These are presented below.

Option 1A – Traditional S94 Plan
Risk

- Section 94 charges can be challenged by developers. If this were to occur and the Court found in favour of the developer (not an unknown outcome) a Section 94 contribution system, be it the whole basis of a plan or part of a hybrid plan, could be undermined.
- Modifications of development consents (e.g. S96 Applications) often lower the expected income from a planning consent.
- Any traditional S94 Plan has high administration (e.g. quarterly CPI updates) and preparation costs due to its complexity.

ITEM 8 (continued)

These matters equate to potential exposure to litigation and shortfalls in income.

Nexus

Section 94 legislation requires there to be a connection between the funds collected, allocated to the Works Schedule described in the Plan, and used in support of the development. The Works Schedule included in the City of Ryde's Plan was compiled in 2007 and whilst Council is allowed to pool funds collected in its various S94 categories, the underlying nexus to the works schedule is not diminished (i.e. category funds are "borrowed" when pooled but should be repaid to the source category). Updating of the works schedule is a complex issue as is the maintenance of contributions allocated across nine categories, including parking, when levies are received.

Currency

The Section 94 levies need to be amended for Consumer Price Index (CPI) changes each Quarter when the Australian Bureau of Statistics releases its data. This involves 194 calculations and has been complicated by certain levies being capped by the Department of Planning and Infrastructure, thus rendering some categories immune to CPI changes. There is an attendant risk with ensuring the accuracy of the updates and ensuring that all of Council's dependent processes and systems are synchronised with the updated rates.

Complexity

Council's Assessment Team has to work with a complicated process to calculate and verify the S94 contribution at the Development Approval phase and Customer Services' staff have to recalculate the contribution when the approved development commences. In many cases CPI updates occur between development approval and construction and the contributions have to be recalculated very carefully and increases explained to the developers. This work is labour intensive and the methodology not always readily understood by Council's customers.

Additionally, Council's technical support and compliance staff are involved in auditing late payments and the finance team have to ensure the levies are correctly allocated to the funding categories and tracked until expended.

Income

SGS/LTL has calculated (See **ATTACHMENT 2**, Option 1A) that the current S94 Contribution Plan, if continued, could produce for Council an income until 2031 of \$247,800,000. However due to the Risk items explained previously, there is a potential income shortfall income of up to \$49,500,000 or 20% of the projected income.

Application

The current S94 Plan recognises Macquarie Park as an area for increased levies due to its potential growth. The Plan does not reflect growth in Ryde's Town Centres or in the industrial areas which are all showing signs of change and increased residential density, placing loads upon community amenities and services not anticipated in 2007.

ITEM 8 (continued)

Legislation

Many Local Councils have replaced their S94 contribution plans in favour of the S94A mechanism. The NSW Government's 2013 White Paper, "A New Planning System for NSW" explains that S94 and S94A Development Contribution Plans will become "Direct" and "Indirect" Infrastructure Plans. The White Paper is also proposing the charging of sub-regional and regional infrastructure levies as well as local levies, potentially with Councils as the collection agencies. All of these changes are expected to be integrated in new regulations before the middle of 2014. In discussion with other Councils there is a sense that the "Indirect" contribution mechanism would be the more manageable solution. A sound case exists for adopting the simplest method of calculating and charging local developers for contributions.

Option 3C – Hybrid S94 and S94A Plan

If not pursuing a S94 Plan Council has the option of instead adopting a hybrid scheme, combining S94 and S94A, for example Option 3C.

Factors

A hybrid plan would apply a S94 contribution mechanism to substantial area of Ryde. That part of the plan would be susceptible to the previous comments about risk, nexus, currency, complexity, application and legislation.

Income

SGS/LTL has calculated (See **ATTACHMENT 2**, Option 3C) that the S94 component of the hybrid option would put at risk \$9,800,000, or 3.7 % of the projected income until 2031 of \$265,900,000, due to the Risk items explained previously.

Additional Complexity

The administration of a hybrid plan would require two contribution mechanisms to operate simultaneously. This duplication would inevitably increase management costs, heighten the opportunities for error, and enhance the risk of customer confusion and dissatisfaction.

Option 2C – S94A Plan

A development contribution plan based upon S94A has advantages over S94 and a S94/S94A hybrid scheme,

Risk

S94A levies are not contestable under the regulations. This removes the risk to Council's income and any challenge which could undermine a S94A plan.

Nexus

S94A collected levies are not required to be spent upon infrastructure connected to the development upon which the levies are charged. They can be freely allocated.

ITEM 8 (continued)*Currency*

As a simple percentage charge upon the cost of a development the levy is automatically current as the effect of CPI is reflected in the certified cost report provided by the developer.

Complexity

Under a S94A plan there is no need for Council to maintain a schedule of rates representing development components (e.g. number of bedrooms) or to update the levies every three months to reflect changes in the Consumer Price Index. Due to the reduced requirement for nexus, the allocation of funds can be channelled to the works identified annually in Council's Delivery Plan rather than a Works Schedule that is created upon adoption of a plan (as in S94). Tracking the deposit of collected levies into a number of separate funds would not be required.

Income

As S94A plan levies cannot be contested there is an improved certainty of income for Council. Unlike Council's present S94 plan (Option 1A), where \$49,500,000 could be at risk or in the hybrid model (Option 3C) where \$9,800,000 may prove elusive, the income from S94A Option 2C until 2031 can be confidently predicted as \$233,200,000 without significant risk.

Application

Examples from other Councils show that the application of S94A thresholds and levies is able to be modelled to reflect the differing infrastructure costs facing Councils in different parts of their areas, subject to Ministerial approval.

In Ryde the property rating structure recognises the difference between residential, ordinary and major business and the Macquarie Park Corridor land. Council's Development Control plans also differentiate between generally residential areas and the needs of the town centres (Eastwood, Gladesville, Meadowbank, Ryde Town Centre, and West Ryde Town Centre) and the Macquarie Park Corridor.

Subsequently a move to a S94A plan allows Council to recognise more effectively the different requirements of town centres and residential areas. If approved by the Minister, Council's contribution levy would more appropriately match the expectations placed upon it to sustain the community services, amenities and infrastructure in different locations.

Legislation

The Environmental Planning and Assessment Regulation 2000 provides that a Council may, without recourse to the Minister for approval, levy S94A charges on the cost of works of:

Cost \$0 to \$100,000	nil
Cost \$100,000 to \$200,000	0.5%
Cost \$200,000 and above	1.0%

ITEM 8 (continued)

This is known as the flat rate and if applied throughout Ryde (see **ATTACHMENT 2**, Option 2A) would generate an income of only \$85,100,000. This is \$113,200,000 less than predicted if the existing S94 plan were continued over the same period (Option 1A). Clearly it is critical for Council to seek S94A thresholds and percentage levies in excess of the regulated base level, in a manner similar to that sought successfully by other Councils.

Conclusion – Preferred Option

Option 2C, a S94A contribution plan, offers an income in excess of the current plan together with many advantages over Council's current S94 derived plan. The financial benefit of this option is subject to its variable rate and threshold proposals receiving Ministerial approval. Council would be seeking a maximum rate 4% for Macquarie Park Corridor, 3% in each of Ryde's Town Centres and 3% for industrial areas in replacement of the regulatory maximum of 1%.

Other factors to be considered in changing to Option 2C are:

- Ministerial approval for S94A levies and threshold changes similar to those proposed has been granted to Willoughby, Parramatta and Burwood thereby establishing local precedents, but these do not guarantee that Ryde's application would be successful.
- In July 2013 the Department of Planning and Infrastructure issued a Fact Sheet expanding the role of the Independent Pricing and Regulatory Tribunal (IPART) to the review of new contributions plans that propose a contribution rate above the relevant cap. It stated that IPART will give advice and make recommendations to the Minister for Planning and Infrastructure and to Councils in relation to the contribution plans.
- The White Paper "A New Planning System for NSW" and the associated "Planning Bill 2013 – Exposure Draft" is receiving detailed consideration now by State authorities, input having been canvassed from all stakeholders. All communications from the Department indicate that the Government aims to introduce this new legislation sooner rather than later, The draft documents appear to favour the "indirect" model (which is equivalent to the S94A structure) but there is no guarantee that new legislation would not change the model for all Councils and require all to comply with a new style of contribution plans.
- The priority given to the White Paper may slow down the Department's consideration (and IPART's referral) of any submission for new contribution plans by Councils.
- Any lengthy delay in the IPART/Ministerial approval process may cause consideration of a submission to be absorbed within the timing imposed by new regulations to introduce wholly new contribution models, thereby nullifying Ryde's submission.
- The White Paper explains that sub-regional and regional infrastructure contributions will be a feature of future regulation. It also hints that the State may take a different attitude to future Voluntary Planning Agreements. The manner in which both of these factors may impact upon local contribution plans is unknown.

ITEM 8 (continued)

- Were Council also to become responsible under State legislation for managing sub-regional and regional infrastructure contributions this is likely to erode the staff labour savings from introducing a S94A plan, or, should the existing S94 plan be continued add a further layer of complexity to an already complicated and labour intensive regime.
- Ryde currently has in excess of \$17,000,000 in its S94 reserve funds and given the experience of other Councils, this sum would transition, under a S94A plan, to become part of the new plan's funds. It remains to be seen whether IPART or the Minister would require the transitioned funds to retain their nexus to the original Works Schedule, were the change to S94A approved.

In evaluating all Options during this Phase of the project it was unanimously agreed by the Executive Team that Council's current system:

- Is cumbersome,
- Is difficult to manage,
- Proves complex for customers to understand,
- Operates at risk of challenge, and
- Does not provide a substantial future income.

Development contribution regulations and methodologies are on the cusp of change. In adopting a more manageable, equitable, flexible and advantageous plan Council at best will be positioned to experience the benefits of a new plan. At worst it will be positioned to transition smoothly into any new model introduced by the Department of Planning and Infrastructure.

Assuming that Council would seek the benefits of Section 94A but be reluctant to introduce a new levy upon development for dwelling house alterations and additions, Option 2C, Scheme B, is the optimum solution. This would not change Council's current approach of levying only for a secondary dwelling on an existing domestic site (e.g. granny flat) or a new dwelling construction.

Within the range of threshold models in Scheme B, Option 2C – 350, which employs an initial threshold of \$350,000, provides a sound balance between the impact upon low cost development, the activities of professional developers and a future income to sustain funding community amenities and services in the different areas of Ryde. In brief, (see **ATTACHMENT 2** and **ATTACHMENT 6**), this Preferred Option would;

- Provide a future certain income of \$226,300,000 compared to \$198,300,000 from the existing plan,
- Avoid imposing a levy on any development costing less than \$350,000 anywhere in Ryde,
- Levy all development in Town Centres and on industrial sites at a maximum of 3% of the development cost,
- Levy all development in the Macquarie Park Corridor at 4% of the development cost,
- Levy secondary dwellings in other parts of Ryde no more than 0.5% of the development cost,

ITEM 8 (continued)

- Levy other development in other parts of Ryde to a maximum of 1% of the development cost,
- Provide Council with a simpler and less at-risk contribution system to administer, and
- Offer residents and developers a less confusing, more understandable and transparent development contribution regime.

Consultation

Internal stakeholders involved with administration of Council's S94 plan were initially consulted. This included staff from Customer Service, the Assessment Service Unit, Finance, Urban Planning and the Asset Systems and Infrastructure Integration Service Units of the Public Works Group.

Detailed consultation has occurred between Council's Environment and Planning Group and SGS Economics (SGS) and Lindsay Taylor Lawyers (LTL). In addition to its main study SGS/LTL has provided additional sensitivity tests required by the Executive Team and explored matters raised at the Councillor Workshop. LTL's contribution beyond the review has been to advise the Executive Team on how the S94 funds can be used, the exposure of S94 to legal challenges and the flexibility of S94A funds. LTL has also provided guidance on the approach to Ministerial approval in regards to plans complying with regulated limits and those exceeding the caps or which involved a hybrid S94/S94A approach.

Consultation with the Executive Team has occurred on three occasions; a presentation by SGS of their review findings, a discussion with Lindsay Taylor about the legal facets of the options, and a presentation of draft sensitivity tests of S94A sub-options.

A Councillor Workshop was held on 16 July in which a S94A approach (Option 2C) received the most favourable feedback and further sensitivity testing requested. It was accepted that the next stage in the process was to issue a Report to Council (this report).

Should Council endorse the production of a S94A development contributions plan, the plan would be submitted to Council for approval and endorsement for public exhibition. The outcome of that exhibition would be reported to Council and, subject to Council approving any changes due to that exhibition, consultations would occur with IPART's representatives prior to submission of the new plan to IPART for approval. Endorsement and gazettal by the Minister would follow upon IPART's approval, subject to any State-wide changes to planning regulations being introduced.

ITEM 8 (continued)

Financial

The financial analysis of the options of providing a traditional S94 plan (option 1A), hybrid S94 and S94A Plan (option 3C) and S94A Plan (option 2C) are discussed within the Discussion section of this report and are summarised as:

Option	1A	2C	3C
Type	S94 (current)	S94A variable rate	Hybrid S94/S94A
Income projected	\$247.8M	\$233.2M	\$265.9M
Income at risk	\$49.7M	n.a	\$9.8M
Income	\$198.3M	\$233.2M	\$256.1M

Option 3C offers the larger potential income but it would be more cumbersome to manage than our current system, overly complex for our customers to understand and would remain susceptible to challenge by developers.

Option 2C is preferred. It offers:

- Reduced risk
- Reduced administration
- Ease of understanding by our customers
- Increased flexibility of the application of the funds.

The probability that Option 3C would produce, in reality, an income of \$20M over 20 years above Option 2C is unlikely due to its inherent disadvantages.

The original Purchase Order (PO 044926) issued to SGS Economics and Planning coupled with Lindsay Taylor Law (SGS/LTL) as the result of a public tender to assist Council on this matter, was for \$135,285 excluding GST. The project was divided into three phases.

- Phase 1 – Research and Economic Analysis Paper
- Phase 2 – Development Contributions Plan
- Phase 3- Implementation

The work to date has all been within the scope of Phase 1. However significant extra work has had to be completed to produce two further options, carry out sensitivity tests and provide additional legal advice. The expenditure of Phase 1 stands at \$106,742.

The work anticipated by SGS/LTL for Phases 2 and 3 has always been subject to Council's decision to proceed beyond Phase 1. The point we have now reached. However since appointing SGS/LTL, the State Government's White Paper has been published, associated regulations issued in draft form and IPART introduced into the contributions plan approval process. The approval and regulatory context for development contribution plans has increased significantly since issue of the Purchase Order.

ITEM 8 (continued)

The funding proposed originally to be adequate for Phase 2 and 3, \$25,075 and \$32,285 but due to the additional Phase 1 work that has been undertaken that total of \$57,360 has been reduced to \$28,543.

The scope of the work in Phases 2 and 3 has been expanded. It is calculated that the revised work to achieve implementation of a new contributions plan will require up to \$130,000. In addition to the existing commitment, this expanded scope, including the extra legal assistance required, would include,

Phase 2

- Preparation of a S94A plan and public exhibition material
- Option remodelling, subject to public feedback and Council requirements
- Preparation of a business case and negotiations with IPART
- Submission to IPART
- Submission to the Minister subject to IPART's feedback.

Phase 3

- Negotiating the transition of S94 funds to the S94A reserve.
- Assisting with implementation of the new Plan and handling legal queries associated with implementation and process.

As SGS/LTL was appointed as the result of a public tender and has irrefutable and unique intellectual property invested in this project to Council's advantage, it is proposed that if Council approve preparation of a S94A plan, SGS/LTL be asked to quote for the work in Phases 2 and 3.

Should Council resolve to undertake this project it will result in a financial impact and this require additional funding of \$130,000.

Project: PM12/30059 Section 94 Contribution Plan	Current Approved Budget: \$135,285	Estimated Cost: \$265,285	Deficit: \$130,000
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ITEM 8 (continued)

ATTACHMENT 1

SUMMARY OF CONTRIBUTION RATES - City of Ryde Section 94 Development Contribution Plan 2007

Strategy Plan	Development Area: Outside Macquarie Park Contribution rate - residential development									Development Area: Outside Macquarie Park Contribution rate - non-residential development		
	Studio / 1 bedroom per dwelling	2 bedrooms per dwelling	3 bedrooms per dwelling	4+ bedrooms per dwelling	Detached Dwelling per dwelling	Secondary Dwellings attached or detached	Boarding Houses per bedroom	Subdivisio n per dwelling	Seniors per dwelling	Commercial office research and development per m2 gross floor area	Retail per m2 gross floor area	Industrial per m2 gross floor area
Community and Cultural Facilities	\$2,131.47	\$2,557.77	\$3,268.26	\$4,120.85	\$4,120.85	\$1,420.98	\$1,420.98	\$4,120.85	\$2,131.47	\$37.38	\$18.68	\$14.95
Open Space and Recreation Facilities	\$5,247.24	\$6,296.69	\$8,045.77	\$10,144.67	\$10,144.67	\$3,498.16	\$3,498.16	\$10,144.67	\$5,247.24	\$0.00	\$0.00	\$0.00
Civic and Urban Improvements	\$1,784.69	\$2,141.63	\$2,736.53	\$3,450.29	\$3,450.29	\$1,189.80	\$1,189.80	\$3,450.29	\$1,784.69	\$59.43	\$29.72	\$23.77
Roads and Traffic Management Facilities	\$243.45	\$292.14	\$373.29	\$470.55	\$470.55	\$162.30	\$162.30	\$470.55	\$243.45	\$8.37	\$8.37	\$8.37
Transport and Accessibility Facilities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cycleways	\$152.06	\$182.47	\$233.16	\$293.98	\$293.98	\$101.37	\$101.37	\$293.98	\$152.06	\$5.06	\$2.53	\$2.02
Stormwater Management Facilities	\$483.34	\$580.01	\$741.12	\$934.09	\$934.09	\$322.23	\$322.23	\$934.09	\$483.34	\$11.57	\$11.57	\$11.57
Plan administration	\$41.01	\$49.20	\$62.86	\$79.27	\$79.27	\$27.33	\$27.33	\$79.27	\$41.01	\$1.37	\$0.68	\$0.55
TOTAL	\$10,083.26	\$12,099.91	\$15,460.98	\$19,493.69	\$19,493.69	\$6,722.17	\$6,722.17	\$19,493.69	\$10,083.26	\$123.17	\$71.55	\$61.23

* Contributions payable for transport and accessibility facilities are levied on a per car parking space basis where insufficient on-site parking is provided to meet demand generated.

Car Parking per Space *

\$17,514.16

CPI Quarterly adjustment - June 2013 - CPI Index number 103.1 - Effective 24/07/2013

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ITEM 8 (continued)

ATTACHMENT 1

SUMMARY OF CONTRIBUTION RATES - City of Ryde Section 94 Development Contribution Plan 2007

Strategy Plan	Development Area: Inside Macquarie Park Contribution rate - residential development									Development Area: Inside Macquarie Park Contribution rate - non-residential development		
	Studio / 1 bedroom per dwelling	2 bedrooms per dwelling	3 bedrooms per dwelling	4+ bedrooms per dwelling	Detached Dwelling per dwelling	Secondary Dwellings attached or detached	Boarding Houses per bedroom	Subdivisio n per dwelling	Seniors per dwelling	Commercial office research and development per m2 gross floor area	Retail per m2 gross floor area	Industrial per m2 gross floor area
Community and Cultural Facilities	\$2,131.47	\$2,557.77	\$3,207.66	\$3,207.66	\$3,207.66	\$1,420.98	\$1,420.98	\$3,207.66	\$2,131.47	\$37.39	\$18.68	\$14.95
Open Space and Recreation Facilities	\$8,550.41	\$10,260.49	\$12,867.53	\$12,867.53	\$12,867.53	\$3,498.16	\$3,498.16	\$12,867.53	\$8,550.41	\$0.00	\$0.00	\$0.00
Civic and Urban Improvements	\$1,099.89	\$1,319.87	\$1,655.22	\$1,655.22	\$1,655.22	\$1,189.80	\$1,189.80	\$1,655.22	\$1,099.89	\$36.63	\$18.31	\$14.65
Roads and Traffic Management Facilities	\$1,180.45	\$1,416.55	\$1,776.47	\$1,776.47	\$1,776.47	\$162.30	\$162.30	\$1,776.47	\$1,180.45	\$38.52	\$38.52	\$38.52
Transport and Accessibility Facilities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cycleways	\$152.06	\$182.47	\$228.83	\$228.83	\$228.83	\$101.37	\$101.37	\$228.83	\$152.06	\$5.06	\$2.52	\$2.02
Stormwater Management Facilities	\$134.61	\$161.54	\$202.58	\$202.58	\$202.58	\$322.23	\$322.23	\$202.58	\$134.61	\$4.48	\$4.48	\$4.48
Plan administration	\$41.01	\$49.20	\$61.71	\$61.71	\$61.71	\$27.33	\$27.33	\$61.71	\$41.01	\$1.35	\$0.68	\$0.54
TOTAL	\$13,289.91	\$15,947.89	\$20,000.00	\$20,000.00	\$20,000.00	\$6,722.17	\$6,722.17	\$20,000.00	\$13,289.91	\$123.43	\$83.19	\$75.16

* Contributions payable for transport and accessibility facilities are levied on a per car parking space basis where insufficient on-site parking is provided to meet demand generated.

Car Parking per Space *

\$17,514.16

CPI Quarterly adjustment - June 2013 - CPI Index number 103.1 - Effective 24/07/2013

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ITEM 8 (continued)

ATTACHMENT 2

Development Contributions

Options	Descriptions
Option 1A - s.94 – Base case s.94	s.94 continued under the current capital works program, with different contribution rates to be applied to Macquarie Park and balance of the city.
Option 1B - s.94	As above, but taking into account potential additional value from VPAs currently being used by Council. <i>(Financial implications of this option are not modelled.)</i>
Option 2A - s.94A – Flat rate levy (Flexible minimum thresholds)	s.94A citywide plan to all development with a 1% levy (and changed rates as per regulations).
Option 2B - s.94A Variable rate levy	s.94A citywide plan with variation to rates for Macquarie Park (3%) and town centres (2.5%).
Option 2C - s.94A Variable rate levy	s.94A citywide plan with variation to rates for Macquarie Park (4%), town centres (3%) and industrial areas (3%). This option employs a range of s.94A rates in place at Burwood Council for alterations and additions to dwellings and those applied within Chatswood CBD for in-centre development less than \$250K in value.
Option 3A - s.94 & s.94A – Hybrid (Flat s.94A rate)	s.94 plan for all residential development and s.94A for all retail, commercial and industrial development (1%)
Option 3B - s.94 & s.94A (Variable s.94A rate)	As above with 3% s.94A levy for commercial and retail and 1% for industrial development.
Option 3C - s.94 & s.94A (Variable s.94A rate)	s.94 plan for all development outside centres and s.94A plan with Variable s.94A rate for Macquarie Park (4%), town centres (3%) and industrial areas (3%).

ITEM 8 (continued)

ATTACHMENT 2

Development Contributions

NPV of the projected incomes



ITEM 8 (continued)

ATTACHMENT 3

Development Contributions

EVALUATION CRITERIA	Weighting (1-3)	OPTION 1A		OPTION 1B		OPTION 2A		OPTION 2B		OPTION 2C		OPTION 3A		OPTION 3B		OPTION 3C	
		Current s.94		Current s.94 with VPA		1% s.94A		2-3% s.94A for TC and MP and 1% for the rest		3-4% s.94A for TC and MP and 1% for the rest		s.94 for res. and 1% s.94A for non res.		s.94 for res. and 3% s.94A for retail/commercial		3-4% s.94A for TC and MP and s.94 for the rest	
		Rating (1-5)	Weighted score (1-15)	Rating (1-5)	Weighted score (1-15)	Rating (1-5)	Weighted score (1-15)	Rating (1-5)	Weighted score (1-15)	Rating (1-5)	Weighted score (1-15)	Rating (1-5)	Weighted score (1-15)	Rating (1-5)	Weighted score (1-15)	Rating (1-5)	Weighted score (1-15)
Impact on development feasibility	2	1	2	2	4	5	10	3	6	2.5	5	4	8	3	6	2.5	5
Ability to generate contributions revenues	3	4	12	4.5	13.5	2	6	3	9	4	12	3	9	4.5	13.5	5	15
Administrative efficiency and costs	1	2	2	1	1	5	5	5	5	5	5	2	3	2	3	3	3
Flexibility to achieve timely and cost effective infrastructure delivery	2.5	1	2.5	1	2.5	5	12.5	5	12.5	5	12.5	3.5	6	4	6	4	10
Transparency in regards to the collection and use of development contribution funds	2.5	5	12.5	5	12.5	3	7.5	3	7.5	3	7.5	4	10	4	10	4	10
Achieve price signals that reflect the variation in infrastructure costs	2	4	8	4	8	1	2	5	10	5	10	3	6	3	6	4	8
Risk and the certainty of funding outcomes	2	2	4	3.5	7	4	8	4	8	4	8	3	7.5	3	7.5	3.5	7
TOTAL SCORES		43		48.5		51		58		60		49.5		52		58	

ITEM 8 (continued)

ATTACHMENT 4

Development Contributions

Levy Structures

	Option 2C (S94A)	Levy	Option 3C (S94/S94A Hybrid)	Levy
Outside Centres				
Dwelling house additions or alterations	\$0-\$100,000	0.0%	not applicable	\$0
	\$100,000 - \$300,000	0.5%		
	\$300,001 plus	0.25%		
Secondary Dwelling on site e.g. Granny Flat	\$0-\$100,000	0.0%	S94	\$6.696 to \$20,000
	\$100,000 - \$300,000	0.5%		
	\$300,001 plus	0.25%		
All development	\$0-\$100,000	0.0%	S94	Residential : as above
	\$100,000 - \$200,000	0.5%		Commercial : \$122.69/m ²
	\$200,001 plus	1.0%		Retail : \$71.27/m ²
				Industrial : \$60.00/m ²
Inside Centres				
All types of development	\$0-\$100,000	0.0%	\$0-\$100,000	0.0%
	\$100,000 - \$200,000	0.5%	\$100,000 - \$200,000	0.5%
	\$200,000 - \$250,000	1.0%	\$200,000 - \$250,000	1.0%
	\$250,000 plus	3.0% Town Centres	\$250,000 plus	3.0% Town Centres
		3.0% Industrial		3.0% Industrial
	4.0% Macquarie Park		4.0% Macquarie Park	

ITEM 8 (continued)

ATTACHMENT 4

Development Contributions

Sample Charges

	Option 2C (s94A)	Option 3C (S94/S94A Hybrid)	Current Plan S94
Outside Centres			
	Levy	Levy	Levy
Dwelling House addition	\$1,075	\$0	\$0
Sunroom/ kitchen exten. \$215,000			
Secondary Dwelling Granny Flat, \$155,000	\$775	\$6,696	\$6,696
2 bed Dwelling demolished and replaced by 4 bed costing \$450,000	\$4,500	\$12,053	\$12,053
Retail Shop , \$500,000 area of 90 sq.metres	\$5,000	\$6,414	\$6,414
Unit Block, 20 X 2 Bed, 5 X 3 Bed \$14,040,000	\$140,400	\$318,064	\$318,064
Inside Centres			
	Levy	Levy	Levy
New Detached House, \$500,000	\$15,000 Town Centre \$20,000 Macquarie	\$15,000 Town Centre \$20,000 Macquarie	\$19,418 Town Centre \$20,000 Macquarie
Unit Block, 20 X 2 Bed, 5 X 3 Bed \$14,040,000	\$421,200 Town Centre \$561,600 Macquarie	\$421,200 Town Centre \$561,600 Macquarie	\$318,064 Town Centre \$419,214 Macquarie
Retail - Supermarket, 4,000 sq.m \$14,000,000	\$420,000 Town Centre \$560,000 Macquarie	\$420,000 Town Centre \$560,000 Macquarie	\$285,080 Town Centre \$331,480 Macquarie

ITEM 8 (continued)

ATTACHMENT 5

Development Contributions

Preferred Option – Sensitivity Test

	Option 2C (1) Preferred	Levy	Option 2C (2)	Levy	Option 2C (3)	Levy	Option 2C (4)	Levy
Outside Centres								
Dwelling house	\$0-\$100,000	0.0%	\$0-\$100,000	0.0%	\$0-\$100,000	0.0%	\$0-\$500,000	0.0%
additions or alterations	\$100,001 - \$300,000 \$300,001 plus	0.5% 0.25%	\$100,001 plus	0.5%	\$100,001-\$200,000 \$200,001 plus	0.25% 0.5%	\$500,001 - \$600,000 \$600,001 plus	0.25% 0.5%
Secondary Dwelling on site e.g. Granny Flat	\$0-\$100,000 \$100,001 - \$300,000 \$300,001 plus	0.0% 0.5% 0.25%	\$0-\$100,000 \$100,001 plus	0.0% 1.0%	\$0-\$200,000 \$200,001 plus	0.0% 1.0%	\$0-\$500,000 \$500,001-\$600,000 \$600,0001 plus	0.0% 0.5% 1.0%
All development	\$0-\$100,000 \$100,001 - \$200,000 \$200,001 plus	0.0% 0.5% 1.0%	\$0-\$100,000 \$100,001 plus	0.0% 1.0%	\$0-\$200,000 \$200,001 plus	0.0% 1.0%	\$0-\$500,000 \$500,001-\$600,000 \$600,0001 plus	0.0% 0.5% 1.0%
NPV - Potential Incomes								
	\$233,200,000		\$233,800,000		\$233,000,000		\$222,500,000	

ITEM 8 (continued)

ATTACHMENT 6

Preferred Option - Further Threshold Sensivity Tests

	Option 2C	Levy	Option 2C - 200	Levy	Option 2C - 350	Levy	Option 2C - 500	Levy
Outside Centres								
Dwelling house additions or alterations	\$0-\$100,000	0.0%	\$0-\$200,000	0.0%	\$0-\$350,000	0.0%	\$0-\$500,000	0.0%
	\$100,001 - \$300,000	0.5%	\$200,001 -	0.5%	\$350,001 - \$450,000	0.5%	\$500,001 - \$600,000	0.5%
	\$300,001 Plus	0.25%	\$300,000	0.25%	\$450,001 Plus	0.25%	\$600,001 Plus	0.25%
Secondary Dwelling on site e.g. Granny Flat	\$0-\$100,000	0.0%	\$0-\$200,000	0.0%	\$0-\$350,000	0.0%	\$0-\$500,000	0.0%
	\$100,001 - \$300,000	0.5%	\$200,001 -	0.5%	\$350,001 - \$450,000	0.5%	\$500,001 - \$600,000	0.5%
	\$300,001 Plus	0.25%	\$300,000	0.25%	\$450,001 Plus	0.25%	\$600,001 Plus	0.25%
All development	\$0-\$100,000	0.0%	\$0-\$200,000	0.0%	\$0-\$350,000	0.0%	\$0-\$500,000	0.0%
	\$100,001 - \$200,000	0.5%	\$200,001 -	0.5%	\$350,001 - \$450,000	0.5%	\$500,001 - \$600,000	0.5%
	\$200,001 Plus	1.0%	\$300,000	1.0%	\$450,001 Plus	1.0%	\$600,001 Plus	1.0%
Inside Centres								
All types of development	\$0-\$100,000	0.0%	\$0-\$200,000	0.0%	\$0-\$350,000	0.0%	\$0-\$500,000	0.0%
	\$100,001 - \$200,000	0.5%	\$200,001 -	0.5%	\$350,001 - \$450,000	0.5%	\$500,001 - \$600,000	0.5%
	\$200,001 - \$250,000	1.0%	\$300,000	1.0%	\$450,001 - \$550,000	1.0%	\$600,001 - \$700,000	1.0%
	\$250,000 Plus	3.0% T.Ctres	\$300,001 -	3.0% T.Ctres	\$550,001 Plus	3.0% T.Ctres	\$700,001 Plus	3.0% T.Ctres
		3.0% Ind.	\$400,000	3.0% Ind.		3.0% Ind.		3.0% Ind.
	4.0% MPC	\$400,001 Plus	4.0% MPC		4.0% MPC		4.0% MPC	
NPV Potential incomes								
Scheme A - incl new charges for Dwelling house additions or alterations	\$233,200,000		\$230,900,000		\$226,700,000		\$222,900,000	
Scheme B - excl new charges for Dwelling house additions or alterations	\$231,700,000		\$230,000.00		\$226,300,000		\$222,700,000	

*Table produced in response to Councillor feedback in Workshop, 16 July requesting initial thresholds of \$200K, \$350K and \$500K

Notes 1. The greyed-out area represents an option for first-time charges in Ryde - not favoured in Councillors Workshop 16 July 2013

2. The "Outside Centres" levy does not exceed 1%, as regulated, but is generally more lenient than the regulated thresholds, which are

\$0-\$100,000	0.0%
\$100,001 -	0.5%
\$200,000	1.0%

9 PROPOSED NEW ROAD NAME IN MACQUARIE PARK - SAUNDERS CLOSE

Report prepared by: Client Manager
File No.: MIN2010/3 - BP13/1315

REPORT SUMMARY

The purpose of this report is to present a name for a new road currently under construction in Macquarie Park which will then form the subject of a public notice. The current address of the site is 120-128 Herring Road, Macquarie Park. The road is currently under construction as part of the "Macquarie Central" residential development approved as a Major Project under the NSW State Government's former Major Projects Stet Environmental Planning Policy (SEPP) under the former Part 3A of the Environmental Planning and Assessment Act.

The subject road is a cul de sac formation located to the west of Herring Road between Waterloo Road and Epping Road in Macquarie Park. It is approximately 150 metres long. The road is proposed to be dedicated to Council and the landowner is seeking to confirm the name of the road prior to occupation of the apartment buildings which are also currently under construction.

The recommended name for the road is "Saunders Close" and the reasons for that recommendation are provided in the body of the report. The proposed name fully complies with the Geographical Names Board (GNB) recommendations and requirements for road naming. The landowner has indicated support for the proposed name.

It is recommended that the proposed name be placed on public notice and advised to the GNB and other authorities in accordance with the Roads Regulation 2008.

RECOMMENDATION:

That the Council approve that:

- a) The new road to be dedicated on land currently identified as Lots 12 & 16 DP 1163232 be named Saunders Close.
- b) That Council endorse that consultation be undertaken with the Aboriginal Heritage Office on the appropriateness of using the name for this purpose.
- c) That Council endorse that notice of the name be given in accordance with the Roads Regulation 2008 and if no specific objection is received, the new name be sent for gazettal.

ITEM 9 (continued)

ATTACHMENTS

1 Australian Involvement in the Korean Conflict (1950-1953) 1 Page

Report Prepared By:

Glenn Ford
Client Manager

Report Approved By:

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 9 (continued)

Background

Redevelopment of part of the Morling College site in Macquarie Park at Nos 120-128 Herring Road was approved under the NSW State Government's former Major Projects State Environmental Planning Policy (SEPP) as part of MP09_0195 for a Concept Plan – Mixed Use Residential / Retail development. The Concept Plan approval was for five (5) residential flat buildings ranging in height from 9 to 13 storeys containing up to 619 units and basement car parking.

The development includes the construction of a new road which it is intended to be dedicated to Council. The proposed road is approximately 150 metres long and straight with a cul-de-sac at the end. It will provide the primary vehicle access to all buildings on the development site. The road may one day connect to a future road on the remaining Morling College campus (if that site is ever redeveloped) but there are no current plans to do so.

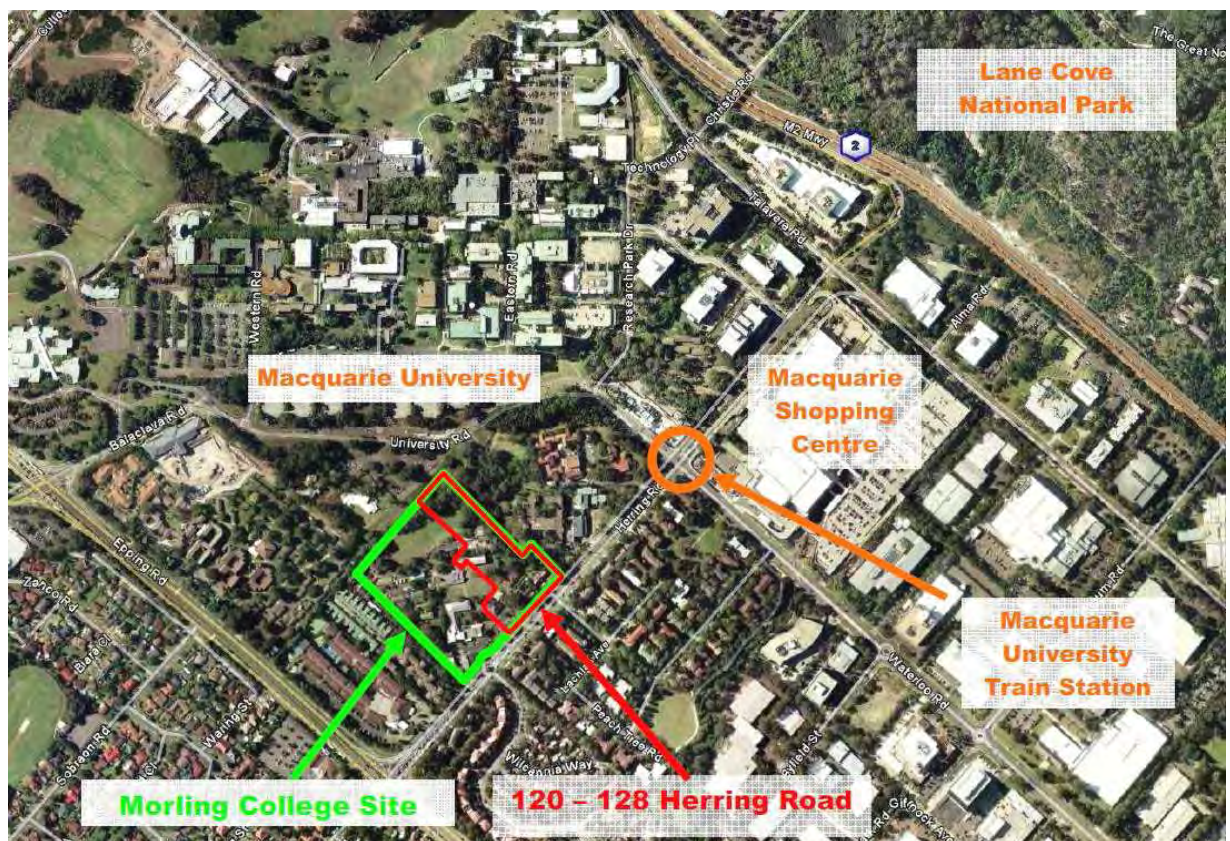


Figure 1: "Macquarie Central" Development Site (120-128 Herring Road, Macquarie Park)

Location of Road

The subject road is located to the west of Herring Road between Waterloo Road and Epping Road in Macquarie Park

ITEM 9 (continued)



Figure 1: Configuration of proposed road

Naming Options considered

The existing prevailing theme of Macquarie Park (and much of City of Ryde) is commemoration of conflicts on "the Field of Mars". An associated theme in Macquarie Park and adjoining suburbs is that of soldiers who have served in battle.

The early names are linked to battles and soldiers associated with wars from the 18th and 19th Century including the name "Macquarie". The global conflicts of the early and mid 20th Century are commemorated in streets developed after the First and Second World Wars. To date, no road names have been attached to the battles or soldiers in conflicts that Australia has been involved since the end of World War 2.

In this regard, it is 60 years since Australian participation in the Korean conflict ceased. The Korean War began on 25 June 1950, when North Korean forces invaded South Korea. Personnel from the Australian Army, RAAF, and RAN fought as part of the United Nations (UN) multinational force, defending South Korea.

The war ended with the signing of an armistice on 27 July 1953, three years and one month after the war began. An Australian presence in Korea continued with a peacekeeping force until 1957. The 60th anniversary of the signing of the armistice occurred at the end of July this year. The most recognised battles in which Australian soldiers fought during the Korean War are:

- Kapyong
- Maryang San

A short history of each battle is attached (Attachment A).

While the Korean War was fought over 60 years ago, it may remain a sensitive matter for some members of the community. The battles remain in living memory for many people as evidence by the recent commemorations in Australia and overseas to mark the end of the war. For this reason a third option which celebrates the service, sacrifice and valour associated with the conflict and provides a strong direct Australian connection is considered appropriate.

ITEM 9 (continued)

A participant in the Battle for Kapyong was Captain Reg Saunders. Captain Reginald Walter (Reg) Saunders MBE (7/8/1920 – 2/3/1990) was the first Aboriginal Australian to be commissioned as an officer in the Australian army. The son of a First World War veteran, he enlisted in 1940 and served in the Middle East, North Africa, and in the ill-fated Greek campaign including Crete. Returning to Australia as a sergeant, he then fought in New Guinea until the war ended and was commissioned as an officer in November 1944.

When the Korean War began he returned to the Army and served as a captain in the 3rd Battalion, Royal Australian Regiment (3RAR) including his involvement at Kapyong in April 1951 where he led C Company.

The Australian War Memorial website provides information that demonstrates the qualities of Captain Saunders and the respect and admiration offered to him as a soldier:

“Saunders quickly established himself and won wide respect for his abilities as a platoon commander, particularly for his determination when leading patrols far from the battalion’s main position.” Robert O’Neill, Official Historian of Australia in the Korean War

“He was accepted unreservedly by the men who served with him because false values do not flourish among front-line soldiers.” Harry Gordon, an Australian journalist in Korea and biographer of Reg Saunders

*“Reg Saunders was one of the best company commanders I had served under and he was admired by the company as an excellent leader”
Private Joe Vezgoff*

Captain Saunders left the Army in 1954 and later moved to Sydney. In 1967 he joined the Office of Aboriginal Affairs as a liaison and public relations officer. He was awarded the MBE in 1971. More detailed biographies are held on the AWM website.

Proposed Name

The name proposed for the road is **SAUNDERS CLOSE**.

The proposed name relates both to the theme of “battles” and to the theme of “soldiers” and also satisfies all the criteria established by the NSW Geographical Names Board for place names.

As the first indigenous Australian commissioned into the Army, Captain Saunders’ name provides recognition as a representative of the pre-European occupation of Australia. This is also relevant in a year that has marked the 200th anniversary of the death of Bennelong, an indigenous Australian who is strongly associated with the City of Ryde.

ITEM 9 (continued)

The name “Saunders” provides recognition to the contribution of indigenous Australians in the Armed Services and provides a link to a conflict that is not represented in “the Field of Mars” theme of Macquarie Park. While not obvious, using a name associated with the Korean War is innovative and this is in keeping with the idea of Macquarie Park as a centre of future innovation.

In terms of spelling and pronunciation, it is simple and straightforward. It is not used in any of the local government areas surrounding City of Ryde so will not be confused as a future address with other addresses in the district.

Discussions with the representatives of the landowner have confirmed acceptance of the proposed name.

Council's policy

Preference will be given to names linked with the general history of the area within which the road is located or the City generally or names in character with those of the surrounding streets. Names should not conflict in spelling or phonetics with nearby existing street names and should not be the same as any in adjoining postal districts or adjoining local government areas.

The proposed name of *Saunders Close* satisfies the above criteria although he personally has no identified link to history of Macquarie Park. However, he has a strong connection to the key theme of names in Macquarie Park.

Other soldiers represented in local streets and elsewhere in Ryde include:

Birdwood, Blamey, Chauvel, Cutler, Edmondson, Haig, Lavarack, Pellisier, Rowell, Ryrie, Simpson, Wellington and Wolfe.

Not all these are Australian servicemen as some participated in conflicts that predate Federation. Similarly, none are known to have lived in the district. However, they are all people who have been acknowledged to have served with distinction in the eyes of their country.

Geographical Names Board Guidelines of NSW

The proposed name satisfies all the NSW Geographical Names Board guidelines as identified below:

1. The name does not duplicate a name in the City of Ryde.
2. The name is easily pronounced and spelled.
3. The name has a relevant historical background.
4. Names acknowledging the multicultural nature of our society are encouraged.

ITEM 9 (continued)

5. The name relates to a new unnamed road.
6. The name refers to an eminent soldier and links to a historical theme associated with Macquarie Park and elsewhere in City of Ryde.
7. The name is given posthumously.
8. The name does not include a first or given name.
9. The name is not long or clumsily constructed and is not composed of two or more words.
- 10 & 11. The name does not represent a multiplication of names for one feature.
12. The name does not use cardinal points of the compass as a prefix or suffix.
13. The spelling represents general usage of the name.
- 14.& 15. The name does not include the possessive form and does not include an apostrophe.
16. The name does not use hyphens.
17. The name is not considered offensive or likely to give offence. In part, this is because, it is a historical reference. However, there is a need to ensure that the use of the name of a deceased person of aboriginal descent is appropriate. This can be achieved through liaison with the Aboriginal Heritage Office.

Process

Under the Road Regulation 2008, Council has power to name local roads. Saunders Close is a proposed local road. The proposed name is non-controversial, is acceptable to the affected landholders and complies with all road naming guidelines. It is being reported to Council for consideration prior to any further action being undertaken.

If supported, the following process is followed

1. A notice is placed in the local newspaper (or in the Ryde City View). The notice period is at Council's discretion but given that only the current owners are affected, 14 days would be sufficient.
2. The notice would also include a map and would also be placed on the website.
3. The notice and map needs to be posted to Geographical Names Board and to Government Authorities listed in the Roads Regulation 2008. These include Australia Post, NSW Police and NSW Fire Brigade. The advice of the Aboriginal Heritage Office can be sought at this time. The GNB requires notice of one month under the Roads Act.

ITEM 9 (continued)

4. When the GNB has responded, a further notice is published in the local newspaper and in the NSW Government Gazette.

Financial Implications

Adoption of the recommendation will have no financial impact.

Conclusion

Having regard to the matters addressed in this report, it is recommended that the name Saunders Close be assigned to the proposed road and that the required notice under the Roads Regulation 2008. be carried out. Unless specific objection is received to the proposed name, the final gazettal of the name should be undertaken.

ITEM 9 (continued)

ATTACHMENT 1

EXTRACTS from AUSTRALIAN WAR MEMORIAL Website (www.awm.gov.au)

AUSTRALIAN INVOLVEMENT IN THE KOREAN CONFLICT: Battles of Kapyong and Maryang San and Captain Reginald Saunders

Battle for Kapyong

On the night of 22 April 1951, Chinese forces launched a major offensive against United Nations forces defending the South Korean capital, Seoul, and positions further east. Next morning the 27th British Commonwealth Brigade (including the 3rd Battalion, Royal Australian Regiment) was ordered to the valley of the Kapyong River about 60 kilometres north-east of Seoul, where South Korean forces were being driven back.

During a night of fierce fighting and throughout the daylight hours of 24 April the Australians and a Canadian battalion, supported by a New Zealand artillery regiment, stalled the Chinese advance before eventually withdrawing after dark. At a cost of 32 men killed, 59 wounded and three missing (taken prisoner), the Australians had helped hold up the Chinese 60th Division and inflicted heavy casualties while helping prevent the loss of Seoul to the enemy.

For their contribution to this action, 3 RAR was awarded a US Presidential Citation.



General J. van Fleet, General Officer, 8th US Army inspects members of the 3rd Battalion, Royal Australian Regiment (3RAR), when bestowing the presidential citation in recognition of the unit's action at Kapyong, Korea.

Battle for Maryang San

In early October 1951, 3RAR (3rd Battalion, Royal Australian Regiment), in conjunction with British Commonwealth troops, attacked a group of hills near the Imjin River. The attack was named after the biggest of these hills and became known as the battle for Maryang San or "Operation Commando".

The operation began on 3 October with a British assault on one of the other dominant features, Hill 355 (known as Kowang San or "Little Gibraltar"). Then, on the morning of the 5th, 3RAR attacked Hill 317 (Maryang San). The Australian force approached Hill 317 through rugged countryside at 4 am, under a heavy cloak of mist. At 10 am, the mist began to lift, exposing the Australian advance. However, the communists briefly hesitated before firing, which allowed 3RAR to capture the first

ITEM 9 (continued)

ATTACHMENT 1

line of defences in a fierce burst of fighting. The following morning 3RAR drove the communist forces from their position atop the hill, but they had to resist enemy counter-attack. The crest of the Hill 317 was secured on 6 October, after which the Australians assisted the British to take a lesser feature, Hill 217. This was finally achieved on the morning of 8 October.

Operation Commando was strategically important to the UN forces because if Maryang San was secured, the Chinese would be forced back two or three kilometres, thus losing their view of the Imjin salient. This battle was also significant as it was thought to be the last chance for the UN forces to position troops before the ceasefire and armistice negotiations.

There had been two previous attempts to take Maryang San by American troops, both of which had been unsuccessful. However, over a fiercely fought battle, against superior enemy numbers, UN troops were able to gain and secure the hills 317 (Maryang San) and 355 (known as Little Gibraltar).

The official historian for the Korean War, Robert O'Neill, wrote of this battle:

In this action 3RAR had won one of the most impressive victories achieved by any Australian battalion. In five days of heavy fighting 3RAR dislodged a numerically superior enemy from a position of great strength. The Australians were successful in achieving surprise on 3 and 5 October, the company and platoon commanders responded skilfully to Hasset's directions, and the individual soldiers showed high courage, tenacity and morale despite some very difficult situations, such as that of D company when the mist rose on 5 October and those of B and C Companies when the weight of enemy fire threatened their isolation of Hill 317 on 7 October ... The victory of Maryang San is probably the greatest single feat of the Australian Army during the Korean War.

By 5 November, after the Australians were withdrawn to recuperate, Maryang San had been recaptured by the Chinese. It was a terrible blow to morale for those who had fought long and hard to capture it. The tactically important ground of Maryang San remained in the hands of Chinese forces for the rest of the war.



Captain Reg Saunders leads his troops in Korea (AWM)



Captain Reg Saunders
By Pamela Thalben-Ball (AWM)



Reg Saunders in New Guinea 1943 (AWM)

10 NEW ROAD NAMES FOR PUTNEY HILL ESTATE AND FOR ROYAL REHABILITATION CENTRE SYDNEY SITE

Report prepared by: Client Manager
File No.: MIN2010/9 - BP13/1316

REPORT SUMMARY

The purpose of this report is to present names for several new roads currently under construction on the former Royal Rehabilitation Sydney Site (RRCS), now being marketed as "Putney Hill" residential estate by Frasers Properties (Putney) P/L and also to present a proposed name for a private road on the remaining RRCS (Hospital) site. If endorsed, the names will then form the subject of a public notice.

The current address of the "Putney Hill Stage 1" Residential Development site is 600–600A Victoria Road, Ryde and 55A Charles Street, Ryde. The current address of the RRCS is 235-245 Morrison Road, Ryde and 59 Charles Street, Ryde. The roads are currently under construction as part of the approved developments on each part of the former hospital site. Both were approved as Major Projects under the former Part 3A of the Environmental Planning and Assessment Act.

The subject roads are proposed to connect new properties on each site to surrounding streets. On the "Putney Hill" Stage 1 site, there are four (4) new roads which are to be dedicated to Council and one (1) road that will remain in the ownership of the Owners Corporation for the site (and therefore not be dedicated). The road on the hospital site will remain in the ownership of the RRCS but will carry a Right-of-Way that will permit public thoroughfare. Council may name both dedicated and private roads. A map showing the roads is included in the report. A list of the proposed names and assessment against road naming criteria of the Geographical Names Board (GNB) is also included. The proposed names fully comply with the GNB recommendations and requirements for road naming. Both landowners have indicated support for the proposed names.

The proposed names are shown below:

PUTNEY HILL SITE ROAD Nos	RECOMMENDED NAME
4	BENNELONG WAY
5	PUTNEY HILL DRIVE
8	COLEBEE STREET
16	WALLUMAI PLACE
12 (Private)	BOWE LANE

RRCS SITE ROAD No.	RECOMMENDED NAME
1 Part 2 & 6 (Private)	SCHARDT CIRCUIT

It is recommended that the proposed names be placed on public notice and be advised to the GNB and other authorities in accordance with the Roads Regulation 2008.

ITEM 10 (continued)**RECOMMENDATION:**

That the Council approve that:

- a) The new roads to be dedicated on land currently identified as Lots 1,2 & 3 DP 1129793 (600 & 600A Victoria Road and 55A Charles Street, Ryde) be named as follows:
 - (i) Road 4 as Bennelong Way
 - (ii) Road 5 as Putney Hill Drive
 - (iii) Road 8 as Colebee Street
 - (iv) Road 16 as Wallumai Place
 - (v) Road 12 as Bowe Lane
- b) That Council endorse that consultation be undertaken with the Aboriginal Heritage Office on the appropriateness of using the names of indigenous origin for this purpose.
- c) That the Council endorse that the new road to be constructed on land currently identified as Lot 5 DP 1129793 (235-245 Morrison Road, Ryde and 59 Charles Street, Ryde) as follows:
 - (i) Roads 1, Part 2 & Par 6 as Schardt Circuit
- d) That Council endorse that Notice of the names be given in accordance with the Roads Regulation 2008 and if no specific objections are received, the new names be sent for gazettal.

ATTACHMENTS

- 1 Proposed Names Assessed Against Geographical Names Board Criteria for Road Naming
- 2 A short biography of Susan Schardt
- 3 Biographical notes for Patrick John Augustine (Gus) Bowe

Report Prepared By:

Glenn Ford
Client Manager

Report Approved By:

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 10 (continued)

Background

The purpose of this report is present names for new roads currently under construction on the Royal Rehabilitation Centre Sydney (RRCS) site, both on the part of the site that will remain as hospital land and on the part of the site which is being developed for residential use and which is being marketed as Stage 1 of “Putney Hill” housing estate. The content of the report will then form the subject of a public notice under the Roads Regulation 2008.

Report

Redevelopment of the whole RRCS site was approved under the NSW State Government’s Major Project State Environmental Planning Policy (SEPP) as part of MP05_0001 for a Concept Plan for a Health Facility (Hospital) and Residential development at a density of 50 dwellings per hectare. A number of separate approvals (and modifications) have followed for both the hospital site and the residential part of the site. The Residential portion of the site was sold to Frasers Properties P/L in 2010. Stage 1 of a 2 stage development is under construction. The new hospital and associated facilities is also nearing completion.

Developer Agreement

Associated with both development aspects of the site is a central corridor through the site containing facilities that will be publicly accessible (Recreation Circle) and stormwater infrastructure and a park which is proposed to be dedicated to Council for public use. The delivery of both items is guided by provisions within a Developer Agreement made between Council and the other parties (RRCS and Frasers).

Recreation Circle: Roads within the hospital site will remain in the ownership of RRCS with Rights-of-Way being implemented to allow public access. This includes the road identified in the Concept Plan as the “Recreation Circle”. The Chief Executive Officer (CEO) of RRCS has advised that his organisation proposes to name the roads on site and has indicated an intention to use names that commemorate people associated with the establishment and history of the hospital.

At this stage, Council has not received advice on all the names proposed. However, it is proposed by RRCS to name the main access through the site after the founder of RRCS (“Susan Schardt). A short biography of Miss Schardt is attached for information to this report. It is recommended that as an eminent and worthy person directly associated with the hospital, the use of her name should be supported by Council.

Lardelli Park: In anticipation of the future dedication of the parkland across the centre of the site, Council resolved in 2011 to name this area “Lardelli Park” in commemoration of the former long-serving Mayor of the City of Ryde, Councillor Mick Lardelli. A naming ceremony has already taken place but the land will not be dedicated until other development works on the site have been completed.

ITEM 10 (continued)

Putney Hill Site

Location of Roads

Five roads are being constructed on Stage 1 of the Putney Hill site. The roads are located between Victoria Road and the “Recreation Circle” within the former RRCS site. The map below shows the location of the roads

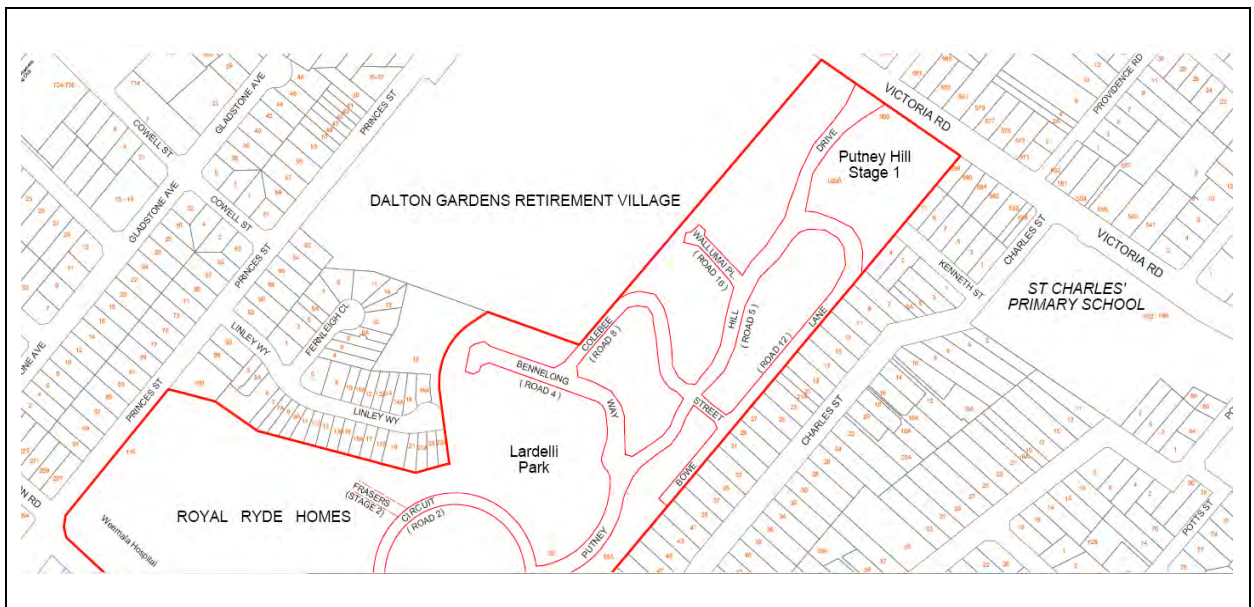


Figure 1: Configuration of proposed roads on Stage 1 of “Putney Hill” estate

Existing themes surrounding the site

Streets surrounding the “Putney Hill” site represent a number of themes. For example, “Victoria”, “Princes”, “Regent” and “Charles” have a “Royal” connection (the latter by default as it is actually named for Saint Charles Borromeo, the nearby church). “Morrison” Road is named for Archibald Morrison, a Private in the NSW Rum Corps who was given a 155 acre grant in 1795 near the head of Morrison Bay. “Linley” and “Fernleigh” were suggested by the subdivider as pleasant sounding names.

Options considered

The preferred theme for this site is one that recognises an association with the aboriginal heritage of the area. Where a suitable indigenous name is not available, then the theme should be the name of a local noteworthy person.

One reason for the preferred aboriginal theme relates the strong association of this land with the person of Woollarawarre Bennelong. In this regard:

- Bennelong is a noteworthy Australian with a strongly recognised association with the City of Ryde. The Federal Electorate is named for him.

ITEM 10 (continued)

- Bennelong is known to have lived in the locality and in the vicinity of “Squireville” (512 Victoria Road), the former home of James Squire.
- Bennelong is believed to be buried in this vicinity on land that was once owned by James Squire and near to Bennelong Park on the Parramatta River.
- Bennelong Park (located at No. 22 Waterview Street and adjoining Kissing Point Park) is located at the end of Douglas Street which also intersects with Morrison Road opposite the RRCS site. A future road on the RRCS site will connect Douglas Street to the “Recreation Circle” and hence to the roads in the Putney Hill estate.
- Council has resolved to mark the 200th anniversary of Bennelong’s passing in 2013. This is an appropriate way to mark it.

Council has previously received the following advice (dated 7 June 2012) from the Aboriginal Heritage Office advising on its position on a related matter (providing a memorial to Bennelong)

City of Ryde Council is undertaking several activities to commemorate the bicentenary of Bennelong, including a proposal to create a permanent Bennelong memorial / artwork. The Aboriginal Heritage Office (AHO) supports the activities and the proposed memorial. The AHO feels it is important to provide greater recognition to Bennelong and all Aboriginal people who made great efforts to survive maintain their culture against the odds. (TRIM Reference D12/54305)

Although Bennelong lived in Ryde, he belonged to the Wangal Clan from the south side of the Parramatta River. The local clan is the Wallumedegal. Below is an extract from Council’s website “Aboriginal History of Ryde” explaining the clan name:

Wallumedegal

*Aboriginal people lived for thousands of years in what we call the City of Ryde. When the first Europeans settled at Sydney Cove in 1788 the traditional owners of this area were the Wallumedegal. That name was told to Captain Arthur Phillip, first governor of the convict colony of New South Wales, by **Woollarawarre Bennelong** who came from the clan called the Wangal on the south side of the river. It is likely that the name Wallumedegal or Wallumattagal was derived from **wallumai** the snapper fish, combined with **matta**, a word used to describe a place, usually a water place, as with Parramatta and Cabramatta. That would mean they were the snapper clan and the fish was their totem, just as burra (the eel) was the totem of the Burrumatta or Boromeda-gal or clan at Parramatta and cobra (the white grub of the shipworm) that of the Cobragal at ... Cabramatta.*

ITEM 10 (continued)

Relevant Names NOT available for use

The following names are not available to use in this case as they are already used for street elsewhere in the City of Ryde with the exception of the last name which has recently been assigned to the new development area on the eastern shore of Darling Harbour in the City of Sydney.

Name	Relevance
Nanbaree	Bennelong's friend (and nephew of Colebee)
Bidgee	Bennelong's friend (possibly related) and leader of the local clan after his death
James & Squire	Bennelong's friend and supporter
Tyrell or variants	Early land grantee
Chadwick or variants	Early land grantee
Dalton	Benefactor of Mount Saint Margarets Hospital next door to the subject site. He is also commemorated in the modern name of the facility: "Dalton Gardens".
Barangaroo	One of Bennelong's wives.

Road Names Suggested by the Developer of the land

The suggested road names have been discussed with representatives of Frasers Putney P/L as the current landowner and developer of the site. In general, they have accepted the approach that recognises an indigenous link to the land (Bennelong, Colebee & Wallumai) but also wished to incorporate the Putney Hill estate name in the main access road. The landowner's suggestion included the name of the first European grantee of the land (Chaddock) but that person is already commemorated in the nearby "Chadwick" street in Putney. The recommendation of this report is that for the purposes of undertaking public notification:

- The aboriginal names be used for the dedicated minor roads;
- Use the name "Bennelong" for the road next to "Lardelli Park";
- Use the name of "Colebee" for the road connecting to 'Bennelong Way' given their connection in life. The Dictionary of Sydney identifies that in late 1789, Colebee (along with Bennelong) was abducted from Manly Cove on the orders of Governor Arthur Phillip who wished to learn at firsthand about the local language and customs. According to other sources, the relationship between the men continued through their lives. (Another association between the City of Ryde and a different aboriginal man named "Colebee" is linked to that person's role as a guide assisting William Cox to survey the first road across the Blue Mountains following the trail blazed by Gregory Blaxland of Brush Farm, William Lawson and Charles Wentworth)..
- Use "Wallumai" for the road at the northern end of the site. "Wallumai" is believed to mean "snapper" in the local aboriginal language and is a totem for the indigenous inhabitants of Ryde. As such, it is an aboriginal word with a direct reference to the earliest known inhabitants of the area. It also has a link to recent work by Council to install the "Wallumai" sculpture in nearby Kissing Point Park.

ITEM 10 (continued)

- Adopt a name for the undedicated lane way that commemorates an eminent local person. In this case, the suggested name is “Bowe” for Patrick John Augustine “Gus” Bowe. Biographical notes for Mr Bowe are attached to this report. The available sources indicated that Gus Bowe was a person who was active in the community of Ryde including an association with sporting teams in Putney. He was appreciated and admired for providing support to local residents at a time of economic hardship. It is likely that Mr Bowe was a parishioner of Saint Charles Borromeo Church at the corner of Charles Street and Victoria Road and would have therefore been very familiar with the RRCS site.
- The estate name be used for the main access road from Victoria Road. The landowner has sought this name as an identifier for the site which has been marketed as “Putney Hill”. The site is currently located within the suburban boundaries of Ryde. Ryde and Putney shared the same postcode of 2112.

Royal Rehabilitation Centre Sydney (Rrcs) Site.Location of Roads

Four roads are being constructed on the hospital site but only one will be provided as a through access for general public use. The others will provide access to car parking or shared pedestrian vehicle access. The access road for the hospital will run from Morrison Road, around part of the “Recreation Circle” to Charles Street.

At this time, RRCS has only sought to name the main connecting road to the site. The approach has been main the name the road “Susan Schardt Circuit”. It is suggested that this should be shortened to “Schardt Circuit” for the following reasons:

1. The Geographical Names Board guidelines recommended that first or given names should not be used. It is noted that many past examples exist in Ryde and elsewhere that use a person’s full name. The GNB has issued a Draft Road Naming Policy that says the *use of given or first names in conjunction with a surname is not normally acceptable, but may be considered if required to provide uniqueness for a significant name... However, (this) can only be applied in limited circumstances and use of a Suitability Assessment form is required.*
2. In practice, the strongly alliterative nature of “Susan Schardt Circuit” may be difficult for some people to pronounce (noting that the surname is pronounced as “Shart”).

For the purposes of public notification, it is recommended that the road be named “Schardt Circuit”.

A brief biography of Susan Schardt is attached to this report. It is clear from the available sources that she was a generous, dedicated and inspirational person who was admired in her own time and deserves recognition as someone who has made an enduring contribution to the City of Ryde. Her legacy will continue in the form of the new hospital, the new Weemala (providing accommodation for people with

ITEM 10 (continued)

disability) and the associated facilities that will also be available to local residents as part of the Developer Agreement for the redevelopment of the site.

The route of the proposed road is shown in Figure 2 below.



Figure 2: Configuration of proposed access road on RRCS site.

Council's policy

Preference will be given to names linked with the general history of the area within which the road is located or the City generally or names in character with those of the surrounding streets. Names should not conflict in spelling or phonetics with nearby existing street names and should not be the same as any in adjoining postal districts or adjoining local government areas.

All of the proposed names satisfy the above criteria although the historical link for "Putney Hill" is limited to the reference to Putney as an existing suburb name in the vicinity of the development site.

Process

Under the Road Regulation 2008, Council has power to name local roads including private roads. All the proposed roads are local roads. The proposed names are considered non-controversial, are acceptable to the affected landholders and comply with all road naming guidelines.

If supported, the following process is followed:

1. A notice is placed in the local newspaper (or in the Ryde City View). The notice period is at Council's discretion but given that only the current owners are affected, 14 days may be sufficient.
2. The notice would also include a map and would also be placed on the website.
3. The notice and map needs to be posted to Geographical Names Board and to Government Authorities listed in the Roads Regulation 2008. These include Australia Post, NSW Police and NSW Fire Brigade. The advice of the Aboriginal Heritage Office can be sought at this time. The GNB requires notice of one month under the Roads Act.

ITEM 10 (continued)

4. When the GNB has responded, a further notice is published in the local newspaper and in the NSW Government Gazette

Proposed Names

The names proposed for the roads are on the shown in Attachment 1. This includes a detailed assessment against the Geographical Names Board Guidelines.

Financial Implications

Adoption of the recommendation will have no financial impact,

Conclusion

For the purpose of proceeding to notification for the proposed names, the names in Table 1 below are recommended.

Also, given the relationship between Bennelong and Colebee, it is recommended that the connecting streets be named for them and the separate street be named for the local clan. (Bennelong was from the Wangal clan not the Wallumai clan).

The access road connecting to Victoria Road is proposed as "Putney Hill Drive" reflecting the estate name for Stage 1 of the site.

The rear lane which is not proposed to be dedicated is proposed to be named for a locally eminent person who has association with the local area. In this case, the suggested name Bowe Lane in commemoration of Patrick John Augustine (Gus) Bowe (a cinema entrepreneur and benefactor) who was active during the great Depression of the 1930s.

The proposed road that will provide access to the RRCS facility should be named for Susan Schardt who was its original founder and main benefactor through its early years of operation.

Table 1

PUTNEY HILL SITE ROAD No.	RECOMMENDED NAME
4	BENNELONG WAY
5	PUTNEY HILL DRIVE
8	COLEBEE STREET
16	WALLUMAI PLACE
12 (Private)	BOWE LANE
RRCS SITE ROAD No.	
1 Part 2 & 6 (Private)	SCHARDT CIRCUIT

ITEM 10 (continued)**Financial Implications**

Adoption of the recommendation will have no financial impact.

Conclusion

Having regard to the matters addressed in this report, it is recommended that the suggested names be assigned to the proposed roads and that the required notice under the Roads Regulation 2008 be carried out. Unless specific objection is received to a proposed name, the final gazettal of the names should be undertaken.

ITEM 10 (continued)

ATTACHMENT 1

**PUTNEY HILL SITE
ASSESSMENT OF PROPOSED NAMES AGAINST
GEOGRAPHICAL NAMES BOARD CRITERIA**

Recommended Name: PUTNEY HILL DRIVE

Geographical Names Board Guidelines of NSW

The proposed name satisfies most of the NSW Geographical Names Board guidelines as identified below with the possible exceptions of Items 1, 3, 4, 6 and 9.

1. The name does not duplicate a name in the City of Ryde although the first part of the name is used in a street within the suburb of Putney, being Putney Parade (off Pellisier Road). Putney Parade is approximately 1.5 to 2 kilometres from the development site.
2. The name is easily pronounced and spelled.
3. The name does not have a relevant historical background. The name has been attached by the landowner to the residential estate development for marketing purposes. The site is not in the suburb of Putney and is arguably part of the Victoria Road ridgeline rather than being a hill.
4. The name does not lend to or detract from the multicultural nature of our society.
5. The name relates to a new unnamed road.
6. The name does not refer to an eminent person with links to the history of the City of Ryde.
7. The name does not relate to a person.
8. The name does not include a first or given name.
9. The name is not long or clumsily constructed but it does contain two separate words.
- 10 & 11. The name does not represent a multiplication of names for one feature. As indicated above, the "feature" is a manufactured one.
12. The name does not use cardinal points of the compass as a prefix or suffix.
13. The spelling represents general usage of the name.
14. & 15. The name does not include the possessive form and does not include an apostrophe.
16. The name does not use hyphens.
17. The name is not considered offensive or likely to give offence.

ITEM 10 (continued)

ATTACHMENT 1

Recommended Name: BENNELONG WAY

Geographical Names Board Guidelines of NSW

The proposed name satisfies all the NSW Geographical Names Board guidelines as identified below:

1. The name does not duplicate a name in the City of Ryde.
2. The name is easily pronounced and spelled. It is familiar to the local community because it is the same as the Federal Electorate for the district.
3. The name has a relevant historical background.
4. Names acknowledging the multicultural nature of our society are encouraged.
5. The name relates to a new unnamed road.
6. The name refers to an eminent person with links to the history of the City of Ryde.
7. The name is given posthumously.
8. The name does not include a first or given name (i.e. It is the accepted and recognised part of the name for the person being commemorated).
9. The name is not long or clumsily constructed and is not composed of two or more words.
- 10 & 11. The name does not represent a multiplication of names for one feature.
12. The name does not use cardinal points of the compass as a prefix or suffix.
13. The spelling represents general usage of the name.
14. & 15. The name does not include the possessive form and does not include an apostrophe.
16. The name does not use hyphens.
17. The name is not considered offensive or likely to give offence. In part, this is because, it is a historical reference. However, there is a need to ensure that the use of the name of a deceased person of aboriginal descent is appropriate. The Aboriginal Heritage Office has already advised by letter that it supports commemoration of Bennelong. However, further consultation will be undertaken to ensure that the use of all the indigenous names and words is supported.

ITEM 10 (continued)

ATTACHMENT 1

Recommended Name: COLEBEE STREET

Geographical Names Board Guidelines of NSW

The proposed name satisfies all the NSW Geographical Names Board guidelines as identified below:

1. The name does not duplicate a name in the City of Ryde.
2. The name is easily pronounced and spelled.
3. The name has a relevant historical background.
4. Names acknowledging the multicultural nature of our society are encouraged.
5. The name relates to a new unnamed road.
6. The name refers to an eminent person with links to the history of the City of Ryde.
7. The name is given posthumously.
8. The name does not include a first or given name (i.e. It is the accepted and recognised part of the name for the person being commemorated).
9. The name is not long or clumsily constructed and is not composed of two or more words.
- 10 & 11. The name does not represent a multiplication of names for one feature.
12. The name does not use cardinal points of the compass as a prefix or suffix.
13. The spelling represents general usage of the name. There are other spellings in the literature.
14. & 15. The name does not include the possessive form and does not include an apostrophe.
16. The name does not use hyphens.
17. The name is not considered offensive or likely to give offence. In part, this is because, it is a historical reference. However, there is a need to ensure that the use of the name of a deceased person of aboriginal descent is appropriate. This can be achieved through liaison with the Aboriginal Heritage Office. Further consultation will be undertaken to ensure that the use of all the indigenous names and words is supported.

ITEM 10 (continued)

ATTACHMENT 1

Recommended Name: WALLUMAI PLACE

Geographical Names Board Guidelines of NSW

The proposed name satisfies all the NSW Geographical Names Board guidelines as identified below:

1. The name does not duplicate a name in the City of Ryde.
2. The name is easily pronounced and spelled.
3. The name has a relevant historical background.
4. The name acknowledging the multicultural nature of our society.
5. The name relates to a new unnamed road.
6. The name refers to an indigenous group with strong links to the history of the City of Ryde.
7. The name is given posthumously in the sense that it seeks to commemorate the pre-European inhabitants of the City of Ryde.
8. The name does not include a first or given name.
9. The name is not long or clumsily constructed and is not composed of two or more words.
- 10 & 11. The name does not represent a multiplication of names for one feature.
12. The name does not use cardinal points of the compass as a prefix or suffix.
13. The spelling represents general usage of the name.
14. & 15. The name does not include the possessive form and does not include an apostrophe.
16. The name does not use hyphens.
17. The name is not considered offensive or likely to give offence. In part, this is because, it is a historical reference. However, there is a need to ensure that the use of the name of a deceased person of aboriginal descent is appropriate. This can be achieved through liaison with the Aboriginal Heritage Office. Further consultation will be undertaken to ensure that the use of all the indigenous names and words is supported.

ITEM 10 (continued)

ATTACHMENT 1

Recommended Name: BOWE LANE

NOTE: This is a laneway running along the eastern boundary of Stage 1 parallel to Charles Street and Road 5 (proposed as "Putney Hill Drive"). The laneway is NOT proposed to be dedicated to Council.

Geographical Names Board Guidelines of NSW

The proposed name satisfies all the NSW Geographical Names Board guidelines as identified below:

11. The name does not duplicate a name in the City of Ryde.
2. The name is easily pronounced and spelled.
3. The name has a relevant historical background.
4. The name acknowledges the multicultural nature of our society.
5. The name relates to a new unnamed road.
6. The name refers to an eminent person with links to the history of the City of Ryde.
7. The name is given posthumously.
8. The name does not include a first or given name.
9. The name is not long or clumsily constructed and is not composed of two or more words.
- 10 & 11. The name does not represent a multiplication of names for one feature.
12. The name does not use cardinal points of the compass as a prefix or suffix.
13. The spelling represents general usage of the name.
14. & 15. The name does not include the possessive form and does not include an apostrophe.
16. The name does not use hyphens.
17. The name is not considered offensive or likely to give offence. In part, this is because, it is a historical reference.

ITEM 10 (continued)

ATTACHMENT 1

**ROYAL REHABILITATION CENTRE SYDNEY SITE
ASSESSMENT OF PROPOSED NAMES AGAINST
GEOGRAPHICAL NAMES BOARD CRITERIA**

Recommended Name: SCHARDT CIRCUIT

NOTE: This is a road that will run from Charles Street to Morrison Road via a section of the "Recreation Circle". The road will provide access to the hospital site laneway is NOT proposed to be dedicated to Council.

Geographical Names Board Guidelines of NSW

The proposed name satisfies all the NSW Geographical Names Board guidelines as identified below:

11. The name does not duplicate a name in the City of Ryde.
2. The name is easily pronounced and spelled.
3. The name has a relevant historical background.
4. The name acknowledges the multicultural nature of our society.
5. The name relates to a new unnamed road.
6. The name refers to an eminent person with links to the history of the City of Ryde.
7. The name is given posthumously.
8. The name does not include a first or given name.
9. The name is not long or clumsily constructed and is not composed of two or more words.
- 10 & 11. The name does not represent a multiplication of names for one feature.
12. The name does not use cardinal points of the compass as a prefix or suffix.
13. The spelling represents general usage of the name.
14. & 15. The name does not include the possessive form and does not include an apostrophe.
16. The name does not use hyphens.
17. The name is not considered offensive or likely to give offence. In part, this is because, it is a historical reference.

ITEM 10 (continued)

ATTACHMENT 2

**ATTACHMENT 2: Extract from Australian Dictionary of Biography
Susan Katherina SCHARDT (1872–1934)**

by P. T. Downie

This article was published in *Australian Dictionary of Biography*, Volume 11, (MUP), 1988

Susan Katherina Schardt (1872-1934), hospital founder, was born on 15 January 1872 at Queanbeyan, New South Wales, second surviving child of Frederick Schardt, German-born farmer, and his wife Hannah, née Harris. Her father, son of Count Adam von Schardt, had been lured to Australia by the discovery of gold and had settled near Captains Flat in 1860. Born blind, as was her younger brother Charles, Susan attended the Darlington, Sydney, school run by the New South Wales Institution for the Deaf and Dumb and the Blind in 1880-87.

Deeply religious, Susan Schardt devoted herself to charitable work. Visiting Royal Prince Alfred Hospital, she worried about the plight of a destitute paralysed man who was to be discharged. With the help of friends she found a room at Surry Hills with a woman prepared to care for him for fifteen shillings a week. A further six shillings a week provided wages for an assistant and adequate furniture. She collected the money in small amounts from a growing circle of friends and, continuing her hospital visits, made similar arrangements for other incurably ill patients.

Miss Schardt and her friends formed a committee, rented a house in Cleveland Street, Redfern, and made it suitable for sixteen patients and their nurses. The Commonwealth Home for Destitute Invalids (New South Wales Home for Incurables) was opened on 29 October 1900 and by 1902 (Sir) George Reid was president of the committee and Professor (Sir) Thomas Anderson Stuart vice-president. The home had provided refuge for fifty inmates by 1906, when the building was condemned. At a public meeting, chaired by Governor Sir Harry Rawson, on 1 June Sir Henry Moses offered Weemala, his mansion on forty-two acres (17 ha) at Ryde, at half the auctioneer's valuation of £7000. Other philanthropists, including (Sir) Hugh Dixson and Walter Hall and their wives, made generous donations. Later, Miss Schardt raised more money by speaking to groups of interested women and the new home for the incurables was officially opened on 10 April 1907. It provided accommodation for sixty-five patients.

As the home's country lecturer, Miss Schardt travelled by train throughout the State with her friend and companion Beatrice Ricketts. Authorised by the Minister of Public Instruction, she regularly addressed schools and public meetings. By 1921, when an appeal was launched for the building of a home for cancer patients, she had raised £15,500. When she was forced by ill health to give up her work about ten years later, the sum had grown to over £35,000.

Susan Schardt died at Ryde in the institution she had founded on 9 October 1934. Following a funeral service conducted by Bishop Kirkby at St Philip's, Church Hill, she was buried with Methodist rites in the family grave in the Baptist section of Waverley cemetery.

Select Bibliography

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- *Sydney Morning Herald*, 2 June 1906, 11 Apr 1907, 10, 11 Oct 1934.

Citation details

P. T. Downie, 'Schardt, Susan Katherina (1872–1934)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/schardt-susan-katherina-8352/text14657>, accessed 9 September 2013.

ITEM 10 (continued)

ATTACHMENT 3

ATTACHMENT 3

Patrick John Augustine (Gus) BOWE



The Rialto Junior Soccer Football Club, A Grade, 1932. The gentleman in the centre of the middle row and wearing a straw boater is Gus Bowe, proprietor of the Rialto Cinema and President of this club. Gus Bowe sponsored several local sporting teams that often contained members who lived at Putney. Ryde and Gladesville clubs embraced Putney and consequently, there were few Putney-based sporting clubs.

(Ryde District Historical Society)

SOURCE: "Putney, that special place" by Gregory Blaxell

<http://www.putneyprogress.com.au/downloads/Putney-PPAssoc.pdf>



Gus Bowe's funeral procession moving down Victoria Road from St Charles' Catholic Church. Ryde, 9 November 1941

ITEM 10 (continued)

ATTACHMENT 3

Windsor and Richmond Gazette (NSW : 1888 - 1954), Friday 21 February 1936, page 1 Page 1 of 1

Windsor and Richmond Gazette (NSW : 1888 - 1954), Friday 21 February 1936, page 1

MR. GUS. BOWE

WINDSOR'S NEW PICTURE MAN

SOMETHING ABOUT HIM

MR. GUS. BOWE, who has just purchased the Royal Theatre at Windsor, is a noted movie man with the reputation of giving his patrons the best value obtainable. His theatre, The Rialto, at Ryde, is one of the most beautiful in Sydney and suburbs. Mr. Bowe started the picture experts of the city by building the Rialto when the depression was at its height, and it says much for his ability and showmanship that the Rialto, situated at the tram terminus, Ryde, was an outstanding success from the opening, and is now one of the most valuable picture propositions in the suburbs.

20 YEARS' EXPERIENCE

Although a young man in years, Mr. Bowe is old in ability, so far as pictures are concerned. For 20 years or more he has been running shows of his own, and by giving the people the quality of entertainment they needed, and the best of a square deal, has won a reputation to which the people of Windsor and district will agree when they observe the quality of his shows that here is a man to support.

The young ladies of the district will be interested to learn that the new picture proprietor of Windsor is a single man. There is no knowing what Windsor may provide for him!

His record of service at Ryde has been one of merit. During the terrible pneumonic flu epidemic some years ago, he took his life in his hands and brought food to the homes of many unfortunate people who were stricken down. He does not talk about this, but many families in Ryde and Gladesville districts who were continually under his care while the flu scourge lasted, know just how valuable and acceptable his services were.

CHARITABLE WORKER

Mr. Bowe during the past two or three years at Ryde has conducted many Sunday night concerts at his Rialto Theatre for deserving families in distress. He secures unemployed but high class city artists, gives his theatre, staff, and light free, and the full proceeds, less artists' expenses, to the cause the concert has been promoted for. By this method he has also endowed the Rialto Theatre cot at the Ryde District Soldiers' Memorial Hospital.

He is on the executive of every sporting body in Ryde and Gladesville districts, and his support has always been most generous. Usually he supplies the schools of his district with football, and every Christmas he supplies two gold and two silver medals to every school within a radius of miles of his theatre. Last Christmas he supplied

his theatre. Last Christmas he supplied over forty medals to the various schools. Not a bad record!

There is no more popular or no more unassuming man in the Ryde and Gladesville districts. To every man, woman and child he is "Gus." Seldom does ever anyone think of addressing him as Mr. Bowe.

Windsor people are sure to get on well with him.

Windsor and Richmond Gazette (NSW : 1888 - 1954),
Friday 14 November 1941,

THE sad news of the passing of Mr. Patrick John Augustine ("Gus") Bowe, popular proprietor of the Royal Theatre, was received with profound regret throughout the whole Windsor district on Friday last, and general sympathy is extended to the bereaved relatives in their sad loss. In the several years in which he had conducted his theatre business in this district, Mr. Bowe set a fine example of citizenship in many ways. Generous almost to a fault, he repeatedly donated, unasked, the use of his theatre for various patriotic and charitable functions held at Windsor from time to time, and in addition was always a generous contributor to such appeals. In his passing many of the district schools have lost a good friend, for his donations of prizes, sporting equipment, etc., had been an annual institution in their care. Taking a keen interest in all local affairs, and serving, when time permitted, on several local bodies, the late Mr. Bowe's quiet and unassuming nature was a big factor in the popularity which he had gained in his comparatively brief association with the district, and when it was learned last week that he was seriously ill in Ryde Hospital, following a stroke, shoals of inquiries poured in on his local friends. He was, in fact, a citizen whose example will be long held in affectionate remembrance in this district. The funeral, at which there was a representative attendance of local residents, took place on Sunday afternoon, when the interment was conducted in the Catholic cemetery, Field of Mars.

National Library of Australia

<http://nla.gov.au/nla.news-article86047100>

<http://trove.nla.gov.au/ndp/del/printArticleJpg/86047100/2?print=y>

11 DRAFT 2012/2013 FINANCIAL STATEMENTS

Report prepared by: Chief Financial Officer**File No.:** FIM/07/6/4/2/4 - BP13/1292

REPORT SUMMARY

This report is submitted to Council for its endorsement and referral of the Draft 2012/2013 Financial Statements to Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants.

The report details the process for Council to adopt its 2012/2013 Financial Statements that includes publicly advertising the availability of the Statements for public comment, once Council receives the Auditor's Report.

It is proposed that following the public advertising period, Council at its meeting on 22 October 2013 will receive a presentation of its audited Financial Statements for 2012/2013, prior to consideration of the adoption of its 2012/2013 Financial Statements.

RECOMMENDATION:

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2012/2013 financial year ending 30 June 2013 and has formed an opinion, based on the advice of Council officers, that these reports:
- (i) Have been prepared in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made thereunder
 - The Australian Accounting Standards and professional pronouncements
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - (ii) Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2013
 - (iii) Accords with Council's accounting and other records and policies
- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, Acting General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2013 be referred for audit.

ITEM 11 (continued)

- (e) That Tuesday, 22 October 2013 be fixed for the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2013 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (f) That the following additional amounts be transferred to their respective reserves:
- | | | |
|--------------------------------------|---|-------------|
| - Employee Leave Entitlement Reserve | - | \$210,032 |
| - Asset Replacement Reserve | - | \$4,800,000 |

ATTACHMENTS

- 1 Draft Income Statement 2012/2013
- 2 Draft Statement of Comprehensive Income 2012/2013
- 3 Draft Statement of Financial Position 2012/2013
- 4 Draft Statement of Changes in Equity 2012/2013
- 5 Draft Statement of Cash Flows 2012/2013
- 6 Complete draft Financial Statements 2012/2013 (not for public presentation, still subject to audit) - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 11 (continued)**Discussion**Background

As prescribed under Section 413 of the Local Government Act, 1993 Council is required to consider and resolve to refer the 2012/2013 Draft Financial Statements for audit as soon as practicable after the end of the year.

Following this resolution, Council will await the receipt of the Auditor's Report and then publicly advertise that both the audited Financial Statements and Auditor's Report are available for inspection and comment by members of the public.

It is proposed that the Chief Financial Officer, will make a presentation at the Council meeting of 22 October 2013 on Council's financial performance for the year. Council's Auditors and members of the Internal Audit Committee will also be present at the Council meeting to answer any questions on the Financial Statements and Auditor's Report.

Report

Council's Draft Financial Statements for 2012/2013 have been prepared and **CIRCULATED UNDER SEPARATE COVER (CONFIDENTIAL)**. The reports have been prepared in accordance with the format required by the Local Government Act 1993, the Code of Accounting Practice issued by the Department of Local Government and the Australian Equivalents to the International Financial Reporting Standards (AIFRS).

These Draft Financial Statements are required to be audited in accordance with sections 415, 416 and 417 of the Local Government Act.

The Auditors have advised that the majority of their audit has been conducted and that the Financial Statements, as presented reflects a fair and reasonable assessment of Council's financial position as at 30 June 2013.

The Financial Statements consist of the following General Purpose Financial Statements:

- | | | |
|------|---|-------------------|
| i. | Income Statement | (ATTACHED) |
| ii. | Statement of Comprehensive Income | (ATTACHED) |
| iii. | Statement of Financial Position | (ATTACHED) |
| iv. | Statement of Changes in Equity | (ATTACHED) |
| v. | Statement of Cash Flows | (ATTACHED) |
| vi. | Notes to the Financial Statements 1 to 23 | |

ITEM 11 (continued)

The Financial Statements also include Special Purpose Financial Statements. These relate to the following designated business activities of Council:

- Ryde Aquatic Leisure Centre
- Commercial Waste Removal

Annual Financial Statements Process

The process that Council must follow in the production, audit, adoption and the advertising of the Financial Statements is prescribed in detail in Section 413 - 420 of the Local Government Act 1993. The following timetable will allow these processes to be satisfied and for the Financial Statements to be adopted by the Council;

24 September 2013	2012/2013 Draft Financial Statements presented to the Council meeting to refer the Draft Financial Statements to Audit.
4 October 2013	Auditors report anticipated to be received by Council and Financial Statements submitted to the Department of Local Government.
9 October 2013	Public advertising notifying that the Financial Statements are available for inspection at the Civic Centre, Libraries and Council's Web Site until 29 October 2013. The advertisement also advises that the Financial Statements will be formally presented to Council on 22 October 2013 and submissions will be received until 29 October 2013.
22 October 2013	Ordinary Council meeting – Presentation of Council's Audited Financial Statements and Auditor's Report to Council
29 October 2013	Closing date for public submissions on the Financial Statements. All submissions received will be referred to Council's Auditor for consideration (Section 420(3)). Council may take such action as it considers appropriate with respect to any submissions received.

A full report on Council's financial position will be provided to Council at its meeting on 22 October 2013 and it is proposed that the Chief Financial Officer will make a presentation at that meeting on Council's financial performance for the year. Council's Auditors will also be present at the Council meeting to answer any questions on the Financial Statements and Auditors Report.

ITEM 11 (continued)
Financial Performance

While the Annual Financial Statements are still subject to audit, the following is a summary of the City of Ryde's financial results which demonstrate Council's sound financial position:

Financial Results	2011 000's	2012 000's	2013 000's
Operating Result	\$15,987	\$23,246	\$12,348
Operating Result Before Capital	\$448	\$460	(\$5,681)
Total Cash & Investments	\$69,064	\$79,082	\$91,877
Internal Reserves	\$51,676	\$50,889	\$52,830
Working Capital	\$4,205	\$5,360	\$4,377
Assets under Management	\$2.53B	\$2.56B	\$2.22B

The decrease in assets relates to a revaluation of the infrastructure assets, which has been done this year.

Performance Indicators

The following key performance indicators provide further information on Council's financial performance:

Note 13 Performance Indicators	2011	2012	2013
Unrestricted Current Ratio	4.79	3.72	4.36
Debt Service Ratio	0.83%	0.75%	0.68%
Rate Coverage Ratio	56.29%	51.48%	54.84%
Rates & Annual Charges Outstanding	3.99%	4.20%	3.93%
Building & Infrastructure Renewal Ratio	47.87%	80.19%	93.64%

The result for 2012/2013 is a very good result for the City of Ryde that reflects the efforts of Council, all stakeholders and staff in maintaining Council's financial position.

Working Capital

Working Capital is one of Council's key financial indicators and in 2012/2013 it decreased to \$4.38 million from \$5.36 million in 2011/2012.

Whilst this may appear high, the 2013/2014 budget is framed on utilising \$0.36 million in working capital. With the positive final result for 2012/2013, this will see Working Capital remain above \$3.00 million at the end of 2013/2014.

ITEM 11 (continued)

Council's Four Year Delivery Plan 2012-2016 including One Year Operational Plan 2012/2013 was adopted on a projected Working Capital position of \$2.39 million as at 30 June 2013. Quarterly adjustments projected that this would rise to \$3.79 million. The 2012/2013 actual result is a further improvement on that forecast to \$4.38 million.

The final result for Council, which is yet to be confirmed by the auditors, additional income over original budget of approx. \$19.91m, savings in operating expenditure over original budget of approx. \$0.58m and capital expenditure over original budget of approx. \$5.48m, a total potential increase of \$5.60m over the projected working capital.

Due to this result, the level of working capital is projected to be \$4.29 million including a recommendation that an additional \$0.21 million be transferred to the Employee Leave Entitlement (ELE) reserve, which represents the liability for those employees over 55 or 33.8% of the total liability.

It also includes a recommendation that an additional \$4.80 million be transferred to the Asset Replacement Reserve. The Long Term Financial Plan has looked at ways of addressing the Infrastructure Renewal backlog and having the additional funds in the Asset Replacement Reserve would give Council a better platform from which to plan to address the backlog. This is still to be reviewed by Council and it is planned as to hold a series of workshops as part of the financial futures workshop series.

Assets under Management

In 2012/2013 Council delivered a \$24.24 million Capital Works Program, excluding contributed assets, (\$24.07 million in 2011/2012) with major projects including:

- | | |
|--|-----------------|
| • Catchment program | \$ 1.62 million |
| • Centres and Neighbourhood program | \$ 1.62 million |
| • Community and Cultural program | \$ 0.30 million |
| • Internal Corporate Services program | \$ 3.09 million |
| • Library program | \$ 0.71 million |
| • Open Space, Sport & Recreation program | \$ 4.63 million |
| • Paths and Cycleways program | \$ 2.47 million |
| • Property Portfolio program | \$ 3.03 million |
| • Regulatory program | \$ 0.47 million |
| • Roads program | \$ 5.00 million |
| • Traffic & Transport program | \$ 0.94 million |
| • Waste and Recycling program | \$ 0.37 million |

Council received no "contributed assets" this year (\$12.50 million in 2011/2012) which increased Council's Assets under Management to \$2.22 billion.

ITEM 11 (continued)

Council has revalued all its infrastructure assets to fair value and has depreciated them using the decay model based on the Asset Management Guidelines prepared and endorsed by the seven member Councils of NSROC. This is also now under a further review to ensure that the new Asset Management Plans reflect the true value of works required to be done for asset renewal.

This is the fourth year since Council adopted Fair Value, with the full impact of depreciation being brought to account in Council's Financial Statements resulting in Council's depreciation expense increasing by \$0.49 million in 2012/2013 to \$19.08 million.

Condition of Public Works

Council has undertaken a comprehensive asset management programme in order to improve asset management practices across the vast infrastructure assets within the City.

As stated earlier in the report, the City of Ryde owns and maintains over \$2.22 billion worth of infrastructure including roads, parks, buildings, stormwater drainage, bridges, footpaths, lighting, seawalls and wharves with a current written down value, after depreciation, of over \$1.91 billion, of this \$1.24 billion is land.

Special Schedule 7 which reports on the condition of infrastructure assets included in the Financial Statements shows that Council would need to spend approximately \$55.2 million (\$85.94 million in 2011/2012) to bring its infrastructure assets to a satisfactory standard. It also shows that we need to spend \$4.7 million per annum to maintain the current standard of the asset; which is approximately half the level of maintenance undertaken during the year.

While the 2012/2013 results demonstrate Council is in a sound financial position in the short term, there are funding shortfalls to maintain its existing assets in a satisfactory condition as projected in Council's Long Term Financial Plan (LTFP). The plan provides critical information that fully informs Council of its forecasted financial position and commitments for the City of Ryde.

Council revised its LTFP in 2012/2013 to obtain a financial projection that quantifies the operation of Council services for the next 10 years. The plan forecasts a cash shortfall, and the amount that Council will be able to expend on asset renewal per year will reduce to \$4.34 million, which is short of what is required to bring its infrastructure up to a satisfactory standard. The Infrastructure Backlog will have ballooned to \$180.69 million by then if the annual underspend is not addressed.

As part of the Community Strategic Plan, a revised Asset Management Plan for the period of that plan has been developed. Information from this revised plan has been utilised in updating Councils LTFP. This still has to have a lot more community consultation on what constitutes what is a "satisfactory" level, the intervention levels and the level of maintenance and service that the community are prepared to fund.

ITEM 11 (continued)

Those discussions should then be incorporated into the Delivery Plan, Operational Plan, the Long Term Financial Plan and any application for a Special Rating Variation.

Investment Portfolio

Council was pro-active in establishing an \$8.00 million Financial Security Reserve in October 2008 to protect Council against any future fallout from the global financial crisis.

The impact of the global financial crisis on Council's investment portfolio has been fully reported to Council in both the monthly investment report and additional reports to Council. As resolved by Council, proceeds and interest on written down investments received this financial year have been transferred to the reserve, resulting in a balance in the Financial Security Reserve as at the 30 June 2013 of \$3.44 million.

Consultation

Internal Council business units consulted included:-

- Finance Unit
- All Service Units, especially Service Units in the Public Works Group relating to Council's assets and the condition assessment of all infrastructure

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Audit Committee

External public consultation included:-

- Council's Auditors Spencer Steer Chartered Accountants
- Department of Local Government

Critical Dates

Council's audited Financial Statements (including General and Special Purpose Financial Statements) are required to be prepared and audited within four (4) months after the end of that year, i.e. 31 October 2013.

Council is also required to hold a Council meeting to present the Audited Financial Statements and the Auditors Report by no later than 5 December after the end of the financial year.

The timetable outlined above will ensure Council complies with all the legislative requirements in the preparation and presentation of the Financial Statements.

ITEM 11 (continued)**Financial Implications**

It should be noted that the Financial Statements included in this report are still subject to audit; however no significant changes are expected.

The Working Capital result, which is one of Council's key financial indicators, is projected to be \$4.38 million as at the 30 June 2013. This result is an improvement on the forecast of \$2.39 million as detailed in Council's Four Year Delivery Plan 2012-2016 including One Year Operational Plan 2012/2013.

The City of Ryde's final end of year result will be detailed in the report to Council on Tuesday, 22 October 2013 that will be submitted for Council's consideration in the adoption of the 2012/2013 Financial Statements.

ITEM 11 (continued)

ATTACHMENT 1

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2013

INCOME STATEMENT
for the year ended 30 June 2013

Original Budget* 2013 (\$'000)		Notes	Actual 2013 (\$'000)	Actual 2012 (\$'000)
INCOME FROM CONTINUING OPERATIONS				
60,554	Rates and Annual Charges	3(a)	61,080	58,514
11,959	User Charges and Fees	3(b)	13,294	12,105
3,526	Interest and Investment Revenue	3(c)	4,328	4,482
6,432	Other Revenues	3(d)	7,527	6,023
6,820	Grants & Contributions provided for operating purposes	3(e&f)	7,126	8,990
1,836	Grants & Contributions provided for capital purposes	3(e&f)	18,029	22,786
	Other Income:			
-	Net gain from the disposal of assets	5	-	771
-	Net share of interests in joint ventures and associates using the equity method	19	-	-
91,127	TOTAL INCOME FROM CONTINUING OPERATIONS		111,384	113,671
EXPENSES FROM CONTINUING OPERATIONS				
39,225	Employee Benefits and On-costs	4(a)	38,005	36,471
606	Borrowing Costs	4(b)	130	202
25,001	Materials and Contracts	4(c)	24,801	24,413
19,711	Depreciation, Amortisation and Impairment	4(d)	19,075	18,387
13,918	Other Expenses	4(e)	12,778	10,952
-	Interest and Investment Losses	3(c)	-	-
-	Net Loss from the disposal of assets	5	4,247	-
-	Share of interests in joint ventures and associates using the equity method	19	-	-
98,461	TOTAL EXPENSES FROM CONTINUING OPERATIONS		99,036	90,425
(7,334)	OPERATING RESULT FROM CONTINUING OPERATIONS		12,348	23,246
-	Operating result from discontinued operations	24	-	-
(7,334)	NET OPERATING RESULT FOR THE YEAR	2(a)	12,348	23,246
(9,170)	NET OPERATING RESULT FOR THE YEAR BEFORE GRANTS & CONTRIBUTIONS PROVIDED FOR CAPITAL PURPOSES		(5,681)	460

* Original budget as approved by Council - Refer Note 16

The above Income Statement should be read in conjunction with the accompanying notes.

ITEM 11 (continued)

ATTACHMENT 2

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2013

**STATEMENT OF COMPREHENSIVE INCOME
for the year ended 30 June 2013**

	Notes	2013 (\$'000)	2012 (\$'000)
Net operating result for the year - from Income Statement		12,348	23,246
Other comprehensive income			
Amounts which will not be reclassified subsequently to operating result			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	20(b)	(257,464)	-
Adjustment to correct prior period errors	20(d)	-	-
Amounts which will be reclassified subsequently to operating result when specific conditions are met.			
Realised available-for-sale investment gains recognised in revenue	20(b)	-	-
Gain (loss) on revaluation of available-for-sale investments	20(b)	-	-
Total other comprehensive income for the year		<u>(245,116)</u>	<u>23,246</u>
Total comprehensive income for the year			
Attributable to:			
- Council		<u>(245,116)</u>	<u>23,246</u>
- Non-controlling Interests			

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

ITEM 11 (continued)

ATTACHMENT 3

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2013

STATEMENT OF FINANCIAL POSITION
As at 30 June 2013

	Notes	2013		2012	
		(\$'000)	(\$'000)	(\$'000)	(\$'000)
ASSETS					
Current Assets					
Cash and Cash Equivalents	6(a)	15,805		13,973	
Investments	6(b)	46,450		38,000	
Receivables	7	5,697		6,379	
Inventories	8	560		330	
Other	8	388		231	
Non-Current assets classified as held for Sale	22	-		-	
Total Current Assets			68,900		58,913
Non-Current Assets					
Investments	6(b)	29,622		27,109	
Receivables	7	1,004		1,023	
Infrastructure, Property, Plant and Equipment	9	1,912,547		2,171,833	
Investments accounted for using equity method	19	-		-	
Investment Property	14	2,620		2,275	
Intangible assets	25	-		-	
Other	8	-		-	
Total Non-Current Assets			1,945,793		2,202,240
TOTAL ASSETS			<u>2,014,693</u>		<u>2,261,153</u>
LIABILITIES					
Current Liabilities					
Payables	10(a)	14,843		16,387	
Borrowings	10(a)	527		492	
Provisions	10(a)	9,853		9,130	
Total Current Liabilities			25,223		26,009
Non-Current Liabilities					
Payables	10(a)	-		-	
Borrowings	10(a)	2,895		3,412	
Provisions	10(a)	180		221	
Total Non-Current Liabilities			3,075		3,633
TOTAL LIABILITIES			<u>28,298</u>		<u>29,642</u>
NET ASSETS			<u>1,986,395</u>		<u>2,231,511</u>
EQUITY					
Retained Earnings	20	1,725,483		1,713,135	
Revaluation reserves	20	260,912		518,376	
Council equity interest			1,986,395		2,231,511
Minority equity interest			-		-
TOTAL EQUITY			<u>1,986,395</u>		<u>2,231,511</u>

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

ITEM 11 (continued)

ATTACHMENT 4

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2013

STATEMENT OF CHANGES IN EQUITY
for the year ended 30 June 2013

		2013 (\$'000)						2012 (\$'000)					
		Asset		Council		Non-controlling Interest	Total Equity	Asset		Council		Non-controlling Interest	Total Equity
		Retained Earnings	Revaluation Reserve	Other Reserves	Equity Interest			Retained Earnings	Revaluation Reserve	Other Reserves	Equity Interest		
Opening Balance	20	1,713,135	518,376		2,231,511	-	2,231,511	1,689,889	518,376		2,208,265	-	2,208,265
Correction of errors					-		-				-		-
Changes in Accounting Policies													
Restated Opening Balance	20	1,713,135	518,376	-	2,231,511	-	2,231,511	1,689,889	518,376	-	2,208,265	-	2,208,265
Net Operating Result for the Year	20	12,348	(257,464)		(245,116)		(245,116)	23,246	-		23,246		23,246
Other Comprehensive Income	20												
Total Comprehensive Income	20	12,348	(257,464)	-	(245,116)	-	(245,116)	23,246	-	-	23,246	-	23,246
Closing Balance	20	1,725,483	260,912	-	1,986,395	-	1,986,395	1,713,135	518,376	-	2,231,511	-	2,231,511

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

ITEM 11 (continued)

ATTACHMENT 5

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2013

STATEMENT OF CASH FLOWS
for the year ended 30 June 2013

Original Budget* 2013 (\$'000)	Notes	2013 (\$'000)	2012 (\$'000)
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
60,554		61,184	58,290
12,966		14,034	12,885
3,543		4,283	4,413
7,129		26,792	19,761
-		1,622	1,752
6,740		8,048	7,604
Payments			
(39,370)		(37,439)	(34,864)
(23,542)		(31,549)	(25,719)
(274)		(130)	(203)
-		(1,460)	(1,510)
(15,455)		(12,928)	(11,307)
12,291	11(b)	32,457	31,102
CASH FLOWS FROM INVESTING ACTIVITIES			
Receipts			
50,030		18,373	28,545
-		-	-
1,100		1,174	1,200
-		-	-
-		-	-
-		-	-
Payments			
(46,450)		(27,929)	(32,093)
-		-	-
(22,322)		(21,761)	(22,543)
-		-	-
-		-	-
-		-	-
(17,642)		(30,143)	(24,891)
CASH FLOWS FROM FINANCING ACTIVITIES			
Receipts			
-		-	-
-		-	-
Payments			
(381)		(482)	(442)
-		-	-
-		-	-
(381)		(482)	(442)
(5,732)		1,832	5,769
13,973	11(a)	13,973	8,204
8,241	11(a)	15,805	13,973

* Original budget as approved by Council - Refer Note 16

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

12 INVESTMENT REPORT - August 2013

Report prepared by: Chief Financial Officer**File No.:** GRP/09/3/10 - BP13/1330

REPORT SUMMARY

This report details Council's performance of its investment portfolio for the month of August 2013 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, an update on Council's legal action against various parties and a commentary on significant events in global financial markets.

Council's financial year to date return is 4.34%, which is 1.48% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$663K, \$121K above original budget projections.

RECOMMENDATION:

That Council endorse the report of the Chief Financial Officer dated 13 August 2013 on Investment Report – August 2013.

ATTACHMENTS

- 1 P02 Investment Report August 2013 Attachment

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 12 (continued)

Discussion

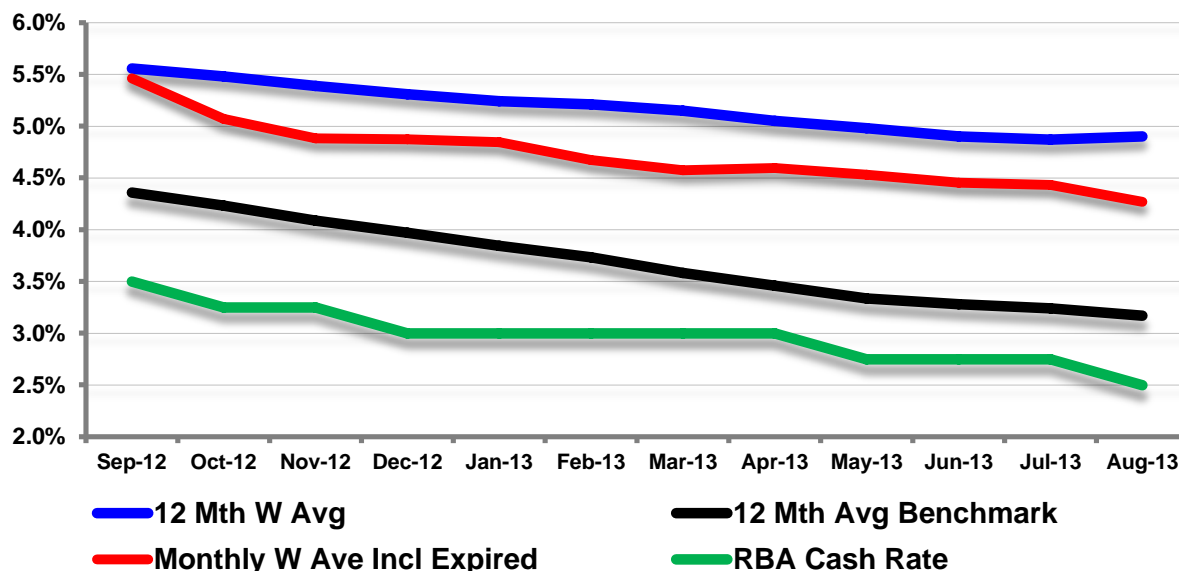
Council’s Responsible Accounting Officer, is required to report monthly on Council’s Investment Portfolio and certify that the Investments are held in accordance with Council’s Investment Policy and Section 625 of the Local Government Act.

Investment Performance Commentary

Council’s performance against the benchmark for returns of its investment portfolio for August 2013 and the past 12 months are as follows:

	Aug 2013	FYTD	12 Mth
Council Return	4.27	4.90	4.34
Benchmark	2.74	3.17	2.86
Variance	1.53	1.73	1.48

Performance - All Investments



Council’s investment portfolio as at the end of August was as follows:

Cash/Term Deposits	\$75.9M	67.2%
Floating Rate Notes	\$19.9M	17.6%
Fixed Rate Bonds	\$2.0M	1.8%
Total Cash Investments	\$97.8M	
Property	\$15.1M	13.4%
Total Investment Portfolio	\$112.9M	

Council continues to utilise the Federal Government’s current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI’s) on short to medium term investments (generally 30 days to six months maturity) where more competitive rates are available.

ITEM 12 (continued)

Whilst Council has moved some of its investment portfolio out to longer terms, locking in some of the returns, the majority of Council's funds are held in internal reserves. Should Council consider utilising its internal reserves, this will have a direct impact on the amount of investment income that will be realised and will require a reduction in the future projected investment income and will place pressure on Council to be able to maintain its current level of expenditure on Capital or Maintenance.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$3.44M as at 31 August with no movements this year. A detailed transaction history is included in the attachment to this report.

Council has resolved to transfer all proceeds and interest earned on written down investments to this reserve.

Economic Commentary

The RBA left the official cash rate unchanged at their September meeting, with little changed from the last statement, bar a noticeable move towards a more neutral bias. The RBA will be looking for reads on business and consumer confidence along with their usual data after the Federal Election to evaluate the needs for further rate cuts.

In other domestic data, capital spending climbed 4% in the second quarter, though planned capex looking forward was universally disappointing, with mining down 13.6% year on year, and Estimate 3 for manufacturing down 25% on the previous years estimate. Overall, the data projects a large downdraft in business investment of between \$10 and \$20B next year.

GDP grew by 0.6% in the June quarter, against expectation of 0.5%, and CPI rose 0.4% against expectations of 0.5%. The unemployment rate remained steady at 5.7%, despite a fall in total employment of 10,200, after the participation rate dropped unexpectedly to 65.1% from 65.3%.

The bulk of the domestic data indicates an economy that is growing a little below trend, and the two key components of growth, non-mining investment and consumer spending, are still quite weak, despite repeated cuts in the cash rate.

Globally, US economic indicators were mixed in July, whilst figures out of Europe and China were better than expected, with forward looking sentiment pointing towards a stronger lift out of recession in Europe than initially forecast, and this is evident in stronger GDP figures. There are still a number of unresolved issues in Europe however, with sovereign debt issues and budget austerity programs remaining, and it's likely to be a long time before the unconventional monetary programs in Europe unwind.

In the US, lawmakers could have until as early as 18 October 2013 to raise the debt ceiling before the US defaults on its obligations.

ITEM 12 (continued)**Legal Issues**

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. Council, at its meeting on 17 July 2012, endorsed being a third party to an action against the Commonwealth Bank (CBA).

The following update is provided in respect of Council's legal action in these matters due to recent developments.

Lehman / Grange IMP

On Friday 21 September 2012, Justice Rares handed down the judgment in this matter, which was in favour of the Councils involved in this legal action. This was reported to Council in the September Investment Report.

A meeting on the Scheme of arrangement with Creditors has been postponed due to Lehman now questioning the Scheme.

While the above court action has been proceeding, the related investments of the Lehman / Grange IMP (Merimbula and Global Bank Note) have been finalised and paid to Council. As previously reported, Council has received \$752k for these investments representing full payment of the principal and interest.

LGFS – Rembrandt

On 5 November 2012, Federal Court Justice Jayne Jagot ruled that Councils were entitled to succeed in their claim for damages against LGFS, ABN AMRO and Standard & Poors (S&P). This result vindicates Council's Investment in this product with Justice Jayne Jagot finding that LGFS, ABN AMRO and S&P had collectively been responsible for misleading and deceptive conduct and negligent misrepresentation of this investment to Councils.

On 1 March 2013, the Federal Court of Australia awarded compensation and costs to Councils against S&P. Council was awarded \$933K principal (equivalent to the balance outstanding) and \$331K in interest. Of this, 70% is payable to IMF for their funding of the legal action, resulting in a net benefit to Council of approximately \$382K, which was paid to Council on 4 April 2013.

Piper Alderman are currently preparing a lump sum costs order to put before the Court, including GST (as this cannot be claimed back from the ATO) so the Court can make an order as to the quantum of legal fees and disbursements which Council may be entitled to recover from the Respondents. As at the date of this report there is no further detail as to what Council may be entitled to recover.

CBA – Oasis and Palladin

Council has endorsed City of Ryde being a third party to an action against CBA in relation to the Oasis CDO investments for \$1 million that Council has written down to zero. No further updates have been received since this matter was last reported to Council.

ITEM 12 (continued)

Whilst Council had written off the Oasis investment, the investment had one further default until it completely defaulted. As previously reported, Council sold the Oasis investment at 35.7 cents in the dollar on the remaining principal of \$625k, being \$223,337. Should Council be successful in this legal action, then this will be taken into account as part of any settlement.

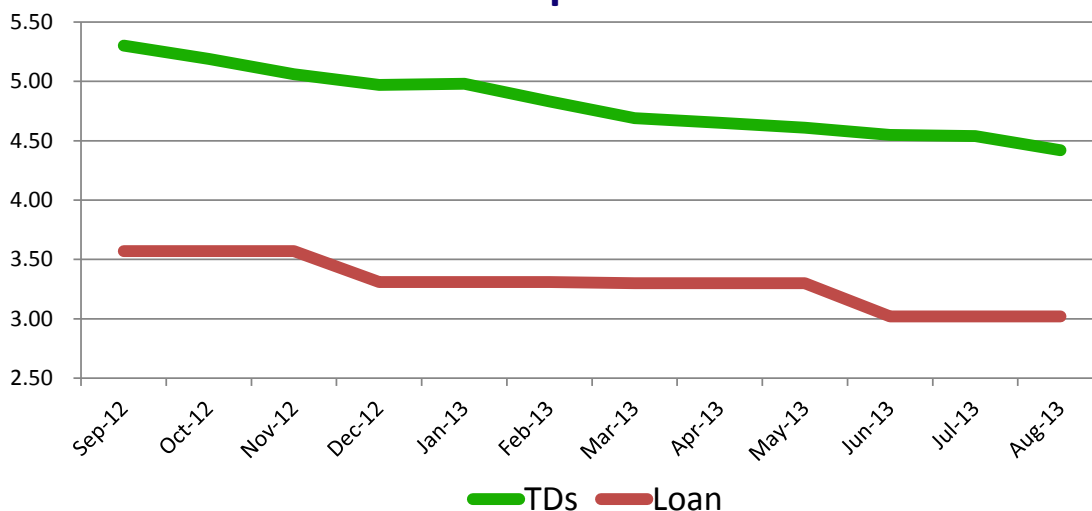
As part of this action, Council is also a party to action against CBA for its investment in the Palladin CDO, of which Council held \$2M. This investment defaulted in October 2008.

Loan Liability

Council’s loan liability as at 31 August 2013 was \$3.4 million which represents the balance of one loan taken out in 2004 for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. This loan was for 15 years and was negotiated at a very attractive rate for Council at 90 Day BBSW + 20 basis points and is reset every quarter.

There is no advantage to Council in changing these arrangements or repaying this loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying on the loan. The following graph shows the gap between the average interest rate earned on Council’s term deposits (top line) compared to the interest rate applying to this loan (bottom line).

Term Deposits/Loan Interest Rate Comparison



ITEM 12 (continued)

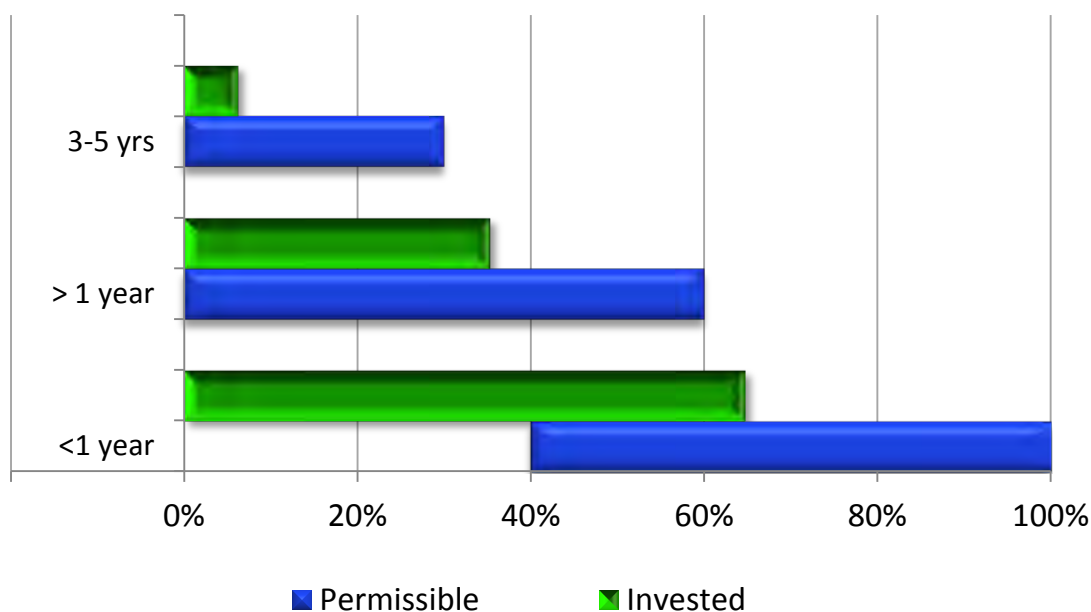
Debt Service Ratio

It should be noted that whilst Council’s debt service ratio is low, all of Council’s funds are committed to operational costs and projects of a capital and non-capital nature. This means that Council does not have the capacity to take on any additional debt without a new dedicated revenue stream to fund the loan repayments, or cutting services or capital expenditure.

Debt Service Ratio			
Category 3 Councils	2010/11	⁽¹⁾	2.87%
City of Ryde	2011/12	⁽²⁾	0.75%

- (1) Comparative data for 2011/12 is expected to be released by the Division of Local Government (DLG) in October 2013.
- (2) Once the 2012/13 Financial Statements are audited, this will be updated to reflect that result.

Policy Limits on Maturities



ITEM 12 (continued)
INVESTMENT SUMMARY AS AT 31 AUGUST 2013

Issuer	Investment Name	Investment Rating	Invested at 31-Aug-13 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2013	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Westpac	1. Westpac At Call	AA-	6,630	2.43	3.09	2.58	6.78	6,630	100.00%
Bank of Queensland	2. Bank of Queensland TD	BBB+	750	4.12	4.79	4.12	0.77	750	100.00%
Westpac	3. St George Term Deposit	A+	1,000	4.24	4.55	4.24	1.02	1,000	100.00%
NAB	4. NAB Term Deposit	AA-	1,000	4.24	4.63	4.24	1.02	1,000	100.00%
Westpac	5. Westpac Term Deposit	AA-	1,000	4.35	4.88	4.35	1.02	1,000	100.00%
Westpac	6. Westpac Term Deposit	AA-	500	4.95	4.95	4.95	0.51	500	100.00%
NAB	7. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	1.02	1,000	100.00%
AMP	8. AMP TD	A	1,000	4.00	4.23	4.11	1.02	1,000	100.00%
Westpac	9. Westpac Term Deposit	AA-	500	4.00	4.64	4.00	0.51	500	100.00%
NAB	10. NAB Term Deposit	AA-	1,000	4.07	4.66	4.07	1.02	1,000	100.00%
P&N Bank	11. P&N Bank	Unrated	500	4.24	4.58	4.24	0.51	500	100.00%
CBA	12. Bankwest TD	AA-	600	3.56	4.35	3.56	0.61	600	100.00%
CBA	13. Bankwest Term Deposit	AA-	1,000	3.56	4.45	3.75	1.02	1,000	100.00%
NAB	14. NAB Term Deposit	AA-	1,000	4.72	4.82	4.72	1.02	1,000	100.00%
Defence Bank	15. Defence Bank TD	BBB+	500	3.56	4.48	3.98	0.51	500	100.00%
Railways CU	16. Railways CU	Unrated	500	3.85	4.51	4.13	0.51	500	100.00%
Qld Country CU	17. Qld Country Credit Union	Unrated	500	4.16	4.61	4.16	0.51	500	100.00%
Beyond Bank	18. Beyond Bank TD	BBB+	500	4.11	4.61	4.11	0.51	500	100.00%
Bendigo and Adelaide Bank	19. Bendigo Bank TD	A-	1,000	4.10	4.55	4.10	1.02	1,000	100.00%
Hunter United Credit Union	20. Hunter United Credit Union TD	Unrated	500	3.90	4.44	4.10	0.51	500	100.00%
CUA	21. Credit Union Australia TD	BBB+	500	4.35	4.90	4.35	0.51	500	100.00%
Coastline CU	22. Coastline Credit Union TD	Unrated	500	4.70	4.75	4.70	0.51	500	100.00%
Peoples Choice CU	23. Peoples Choice CU	BBB+	500	3.79	4.42	4.06	0.51	500	100.00%
Rural Bank	24. Rural Bank	A-	1,000	6.48	6.48	6.48	1.02	1,000	100.00%
Banana Coast CU	25. Bananacoast CU TD	Unrated	500	4.25	4.77	4.25	0.51	500	100.00%
B&E Ltd	26. B & E Building Soc TD	Unrated	500	3.90	4.37	4.10	0.51	500	100.00%
Victoria Teachers CU	27. Victoria Teachers CU	Unrated	500	4.40	4.55	4.40	0.51	500	100.00%
CBA	28. CBA TD	AA-	2,000	5.76	5.76	5.76	2.05	2,000	100.00%
Me Bank	29. ME Bank TD	BBB	1,000	4.33	4.70	4.33	1.02	1,000	100.00%
Macquarie Bank	30. Macquarie Bank Term Deposit	A	500	4.15	4.62	4.26	0.51	500	100.00%
CBA	31. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	1.02	1,000	100.00%
IMB	32. IMB TD	BBB	700	4.24	4.47	4.24	0.72	700	100.00%
Summerland CU	33. Summerland CU TD	Unrated	250	5.05	5.05	5.05	0.26	250	100.00%
Wide Bay CU	34. Wide Bay CU TD	BBB	500	4.19	4.65	4.19	0.51	500	100.00%
Northern Beaches CU	35. Northern Beaches CU TD	Unrated	500	4.14	4.62	4.14	0.51	500	100.00%
Queenslanders CU	36. Queenslanders CU TD	Unrated	500	4.24	4.78	4.24	0.51	500	100.00%
Warwick CU	37. Warwick CU TD	Unrated	500	4.35	4.65	4.35	0.51	500	100.00%
Maitland Mutual	38. Maitland Mutual Bldg Soc TD	Unrated	500	4.30	4.54	4.30	0.51	500	100.00%
AMP	39. AMP Business Saver	A	2,970	3.49	3.84	3.57	3.04	2,970	100.00%
South West CU	40. South West CU TD	Unrated	500	4.20	4.29	4.20	0.51	500	100.00%
CBA	41. CBA Term Deposit	AA-	1,000	4.55	4.58	4.55	1.02	1,000	100.00%
Gateway CU	42. Gateway CU TD	Unrated	500	4.10	4.48	4.10	0.51	500	100.00%
Rabobank	43. Rabodirect TD	AA-	1,000	4.11	4.11	4.11	1.02	1,000	100.00%
Rabobank	44. Rabobank TD	AA-	500	4.17	4.64	4.17	0.51	500	100.00%
Newcastle Perm Bldg Soc	45. Newcastle Perm Bldg Soc	BBB+	1,000	4.16	4.47	4.16	1.02	1,000	100.00%
ING	46. ING TD	A	1,000	4.02	5.27	4.19	1.02	1,000	100.00%
Greater Bldg Soc	47. Greater Bldg Soc TD	BBB	1,000	4.33	4.69	4.33	1.02	1,000	100.00%
Holidaycoast CU	48. Holidaycoast CU TD	Unrated	500	4.30	4.68	4.30	0.51	500	100.00%
Bank of Queensland	49. BoQ TCD	BBB+	2,000	4.14	4.59	4.21	2.05	2,003	100.15%
Intech CU	50. Intech CU TD	Unrated	500	4.21	4.55	4.21	0.51	500	100.00%

ITEM 12 (continued)

Issuer	Investment Name	Investment Rating	Invested at 31-Aug-13 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2013	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
AMP	51. AMP TD	A	1,000	7.14	7.14	7.14	1.02	1,000	100.00%
Rabobank	52. Rabobank TD	AA-	500	5.05	5.05	5.05	0.51	500	100.00%
Bendigo and Adelaide Bank	53. Bendigo and Adelaide Bank FRN	A-	1,000	4.25	4.65	4.25	1.02	1,002	100.19%
WaW CU	54. WAW CU Coop	Unrated	500	3.91	4.19	4.04	0.51	500	100.00%
Heritage Bank	55. Heritage Bank	BBB-	1,000	4.50	4.62	4.50	1.02	1,000	100.00%
CBA	56. CBA TD	AA-	1,000	4.11	4.62	4.11	1.02	1,000	100.00%
Rabobank	57. Rabodirect At-call	AA	998	3.10	3.64	3.15	1.02	998	100.00%
Me Bank	58. ME Bank At Call Account	BBB	2,721	3.21	3.65	3.31	2.78	2,721	100.00%
NAB	59. NAB FRN	AA-	1,001	4.03	4.35	4.03	1.02	1,015	101.55%
NAB	60. NAB FRN	AA-	998	4.14	4.46	4.14	1.02	1,015	101.55%
CBA	61. CBA FRN	AA-	999	3.88	4.33	4.02	1.02	1,017	101.73%
Westpac	62. Westpac FRN	AA-	998	3.93	4.39	4.01	1.02	1,015	101.52%
CBA	63. CBA FRN	AA-	998	3.94	4.39	4.08	1.02	1,017	101.73%
NAB	64. NAB FRN	AA-	994	4.32	4.65	4.32	1.02	1,015	101.55%
Westpac	65. Westpac FRN	AA-	999	3.87	4.33	3.95	1.02	1,015	101.46%
NAB	66. NAB FRN	AA-	994	4.29	4.62	4.29	1.02	1,015	101.55%
CBA	67. CBA FRN	AA-	994	4.10	4.55	4.24	1.02	1,032	103.20%
ING	68. ING TD	A+	1,000	4.33	4.33	4.33	1.02	1,000	100.00%
ANZ	69. ANZ FRN	AA-	993	4.14	4.60	4.22	1.02	1,015	101.55%
Rabobank	70. Rabobank FRN	AA-	991	4.29	4.68	4.40	1.01	1,008	100.77%
Police CU (SA)	71. Police CU - SA	Unrated	500	5.70	5.70	5.70	0.51	500	100.00%
NAB	72. NAB Fixed MTN	AA-	995	6.60	6.30	6.45	1.02	1,069	106.88%
Bankstown City CU	73. Bankstown City CU TD	Unrated	250	4.16	4.55	4.16	0.26	250	100.00%
Westpac	74. Westpac Fixed MTN	AA-	997	6.51	6.20	6.36	1.02	1,069	106.86%
ING	75. ING Direct	A	1,000	4.41	4.69	4.41	1.02	1,000	100.00%
Macquarie Bank	76. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.51	500	100.00%
CBA	77. CBA Retail Bond	AA-	958	4.46	4.85	4.53	0.98	970	100.01%
Bendigo and Adelaide Bank	78. Delphi Bank TD	Unrated	250	6.05	6.05	6.05	0.26	250	100.00%
Rural Bank	79. Rural Bank TD	A-	1,000	4.06	4.51	4.06	1.02	1,000	100.00%
Me Bank	80. ME Bank TD	BBB	1,000	4.38	4.74	4.38	1.02	1,000	100.00%
CBA	81. CBA Retail Bonds	AA-	492	4.67	5.06	4.74	0.50	500	100.01%
CBA	82. CBA Retail Bonds	AA-	492	4.71	5.09	4.78	0.50	1,000	100.01%
Bank of Queensland	83. Bank of Queensland TD	BBB+	1,000	4.31	4.72	4.31	1.02	1,000	100.00%
Bank of Queensland	84. Bank of Queensland TD	BBB+	1,000	4.35	4.60	4.35	1.02	1,000	100.00%
Investec	85. Investec TD	BBB-	250	6.15	6.15	6.15	0.26	250	100.00%
IMB	86. IMB TD	BBB	750	3.45	4.63	3.45	0.77	750	100.00%
CBA	87. CBA Retail Bond	AA-	492	4.62	5.02	4.78	0.50	500	100.01%
Westpac	88. St George TD	AA-	1,000	3.97	4.55	4.11	1.02	1,000	100.00%
CBA	89. CBA Retail Bond	AA-	493	4.61	4.98	4.68	0.50	500	100.01%
Rural Bank	90. Rural Bank TD	A-	1,000	3.74	4.65	4.05	1.02	1,000	100.00%
ING	91. ING Floating Rate TD	A	1,000	5.18	5.52	5.18	1.02	1,000	100.00%
Westpac	92. St George TD	AA+	1,000	4.05	4.81	4.05	1.02	1,000	100.00%
Bank of Queensland	93. Bank of Queensland TD	BBB+	1,000	4.04	4.67	4.25	1.02	1,000	100.00%
NAB	94. NAB TD	AA-	1,000	4.80	4.80	4.80	1.02	1,000	100.00%
Westpac	95. St George TD	AA-	1,000	3.77	4.80	3.77	1.02	1,000	100.00%
Me Bank	96. ME Bank TD	BBB	1,000	4.35	4.52	4.35	1.02	1,000	100.00%
Bank of Queensland	97. Bank of Queensland FRN	BBB+	2,000	4.48	4.65	4.48	2.05	2,006	100.32%
Bank of Sydney	98. Bank of Sydney TD	Unrated	250	4.32	4.56	4.32	0.26	250	100.00%
Goldfields Money Ltd	99. Goldfields Money Ltd TD	Unrated	250	4.20	4.32	4.20	0.26	250	100.00%
Westpac	100. Westpac Flexi TD	AA-	1,000	3.83	4.10	4.02	1.02	1,000	100.00%
Bendigo and Adelaide Bank	101. Bendigo Bank TD	A-	1,000	3.85	4.24	3.85	1.02	1,000	100.00%
Bendigo and Adelaide Bank	102. Bendigo & Adelaide Bank FRN	A-	1,000	3.95	4.01	4.00	1.02	998	99.79%
CBA	103. CBA TD	AA-	1,000	4.10	4.10	4.10	1.02	1,000	100.00%
CBA	104. CBA TD	AA-	1,000	3.75	3.82	3.81	1.02	1,000	100.00%
NAB	105. NAB TD	AA-	1,000	4.06	4.06	4.06	1.02	1,000	100.00%
NAB	106. NAB Term Deposit	AA-	1,000	4.15	4.15	4.15	1.02	1,000	100.00%
NAB	107. NAB Term Deposit	AA-	1,000	4.27	4.27	4.27	1.02	1,000	100.00%
Macquarie Bank	108. Macquarie Bank TD	A	750	3.80	3.80	3.80	0.77	750	100.00%
			97,747	4.27	4.67	4.35	100	98,667	

ITEM 12 (continued)

*Monthly returns when annualised can appear to exaggerate performance

**Market valuations are indicative prices only, and do not necessarily reflect the price at which a transaction could be entered into.

Return including Matured/Traded Investments

Weighted Average Return	4.27	4.90	4.34
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	2.74	3.17	2.86
Variance From Benchmark (%)	1.53	1.73	1.48

Investment Income

	\$000's
This Period	334
Financial Year To Date	663
Budget Profile	<u>542</u>
Variance from Budget - \$	<u><u>121</u></u>

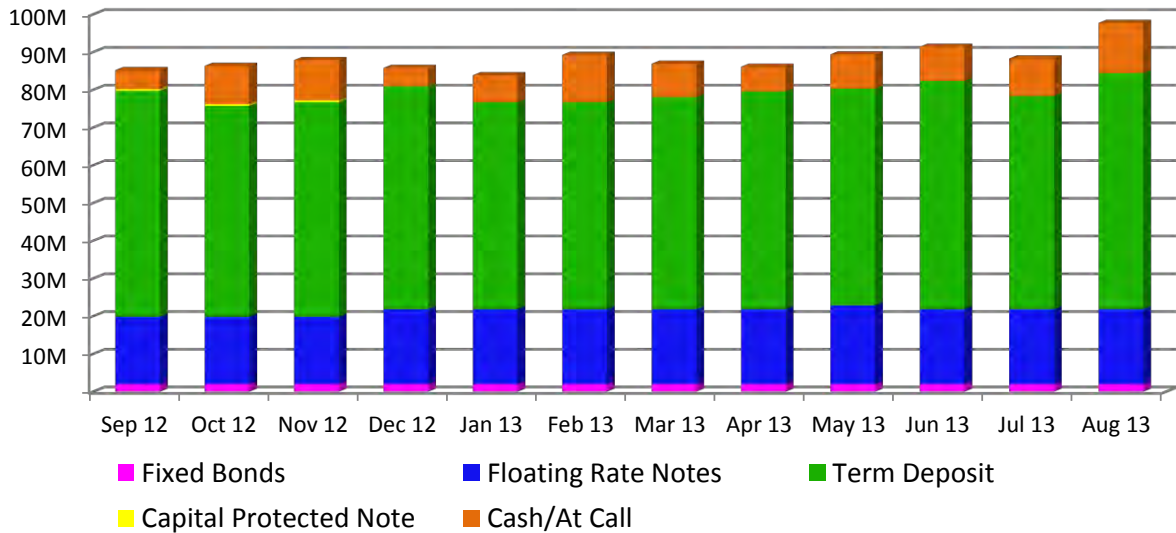
Certificate of the Chief Financial Officer

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation.

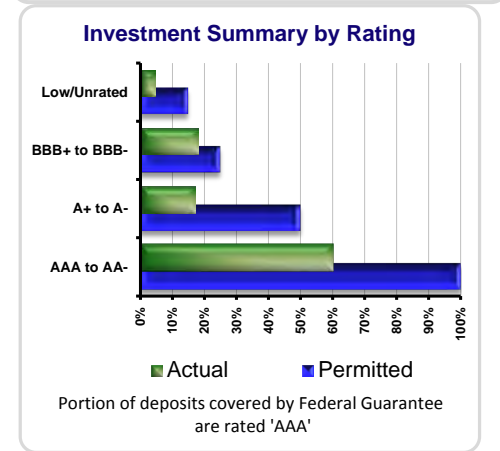
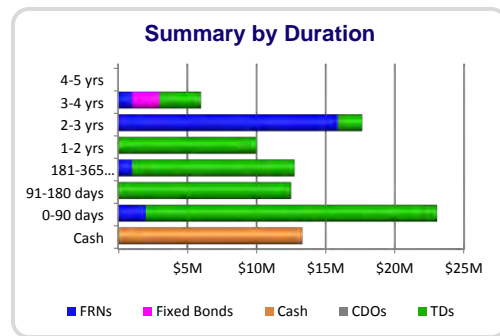
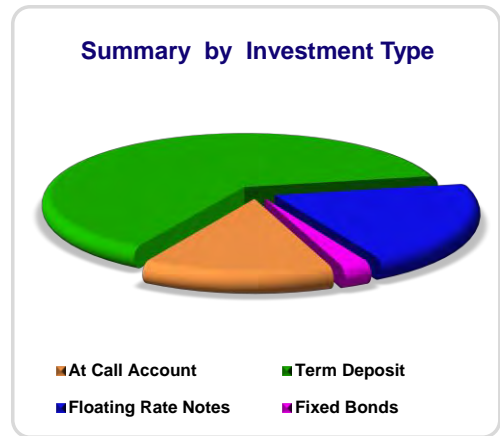
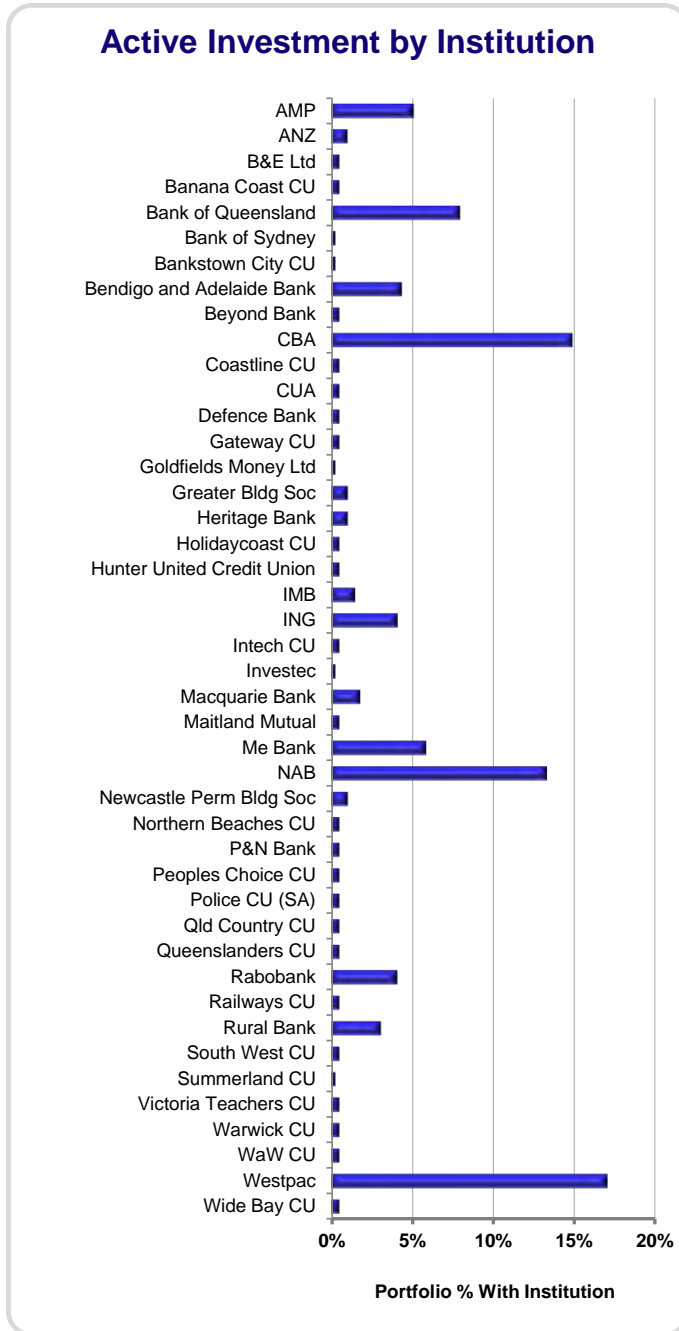


John Todd Date: 11/09/2013

Total Funds Invested



ITEM 12 (continued)



	>365 days	<365 days
Cash/TDs	\$14.8M	\$61.1M
FRNs	\$16.9M	\$3.0M
Fixed Bonds	\$2.0M	\$0.0M
	\$33.6M	\$64.1M

Context

The recommendation is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Council's.

ITEM 12 (continued)**Financial Implications**

Income from interest on investments and proceeds from sales of investments totals \$663K, being \$121K above original budget projections as per the Delivery and Operational Plan, which will not improve Council's Working Capital result as at 30 June 2014. This is due to estimated further cuts in the official cash rate anticipated by the RBA.

The Financial Security Reserve has a current balance of \$3.44M.

ITEM 12 (continued)

ATTACHMENT 1

Council's Property Investment Portfolio

The following properties were held as part of Council's Property Investment portfolio:

2 Dickson Avenue, West Ryde
1a Station St, West Ryde
8 Chatham Road, West Ryde
202 Rowe St, Eastwood (commercial)
226 Victoria Rd, Gladesville (commercial)
West Ryde Car Park Site
Herring Road Air Space Rights

The properties within this portfolio are under review as part of the updating of the Asset Management Plans to ensure that Council clearly identifies those properties that are held as an investment, which may also include commercial properties and other operational assets that may be earmarked for future development. Once this review is complete, it will be reported to Council for consideration.

Benchmark

The Australian UBS Bank Bill index is constructed as a benchmark to represent the performance of a passively managed short-term money market portfolio. It comprises thirteen Bank Bills of equal face value, each with a maturity seven days apart. The average term to maturity is approximately 45 days. A Bank Bill is a non-interest bearing security issued by a bank whereby the bank takes on an obligation to pay an investor a fixed amount (face value) at a fixed future date. It is sold to an investor at a discount to the face value. Bank Bills are short-term money market investments with maturities usually between 30 days and 180 days.

Types of Investments

The following are the types of investments held by Council:

At Call refers to funds held at a financial institution, and can be recalled by Council either same day or on an overnight basis.

A Floating Rate Note (FRN) is a debt security issued by a company with a variable interest rate. This can either be issued as Certificates of Deposit (CD) or as Medium Term Notes (MTN). The interest rate can be either fixed or floating, where the adjustments to the interest rate are usually made quarterly and are tied to a certain money market index such as the Bank Bill Swap Rate.

A Fixed Rate Bond is a debt security issued by a company with a fixed interest rate over the term of the bond.

Credit Rating Information

Credit ratings are generally a statement as to an institution's credit quality. Ratings ranging from AAA to BBB- (long term) are considered investment grade.

ITEM 12 (continued)

ATTACHMENT 1

A general guide as to the meaning of each credit rating is as follows:

- AAA: the best quality companies, reliable and stable
- AA: quality companies, a bit higher risk than AAA
- A: economic situation can affect finance
- BBB: medium class companies, which are satisfactory at the moment
- BB: more prone to changes in the economy
- B: financial situation varies noticeably
- CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments
- CC: highly vulnerable, very speculative bonds
- C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations
- D: has defaulted on obligations and it is believed that it will generally default on most or all obligations

Note: Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

Council's Investment Powers

Council's investment powers are regulated by Section 625 of the Local Government Act, which states:

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

Council's investment policy requires that all investments are to be made in accordance with:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of the Minister) dated 12 January 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- Local Government (Financial Management) Regulation 1993
- Investment Guidelines issued by the Department of Local Government

ITEM 12 (continued)

ATTACHMENT 1

Financial Security Reserve Transactional History

Starting Balance	8,000,000.00	10 Oct 2008
Write off Constellation	(1,000,000.00)	10 Oct 2008
Write off Rembrandt	(1,000,000.00)	10 Oct 2008
Write off Palladin	(2,000,000.00)	10 Oct 2008
Write off Alpha	(1,000,000.00)	10 Oct 2008
Write off Covent Garden	(2,000,000.00)	10 Oct 2008
Write off Oasis	(1,000,000.00)	10 Oct 2008
FY2009 and FY2010		
Interest Payments		
Default of Constellation - Residual	21,615.62	10 Oct 2008
Default of Palladin - Residual	-	28 Oct 2008
Default of Rembrandt - Residual	68,393.78	27 Oct 2008
FY2010		
Interest Payments	50,334.01	
FY2011		
Starting balance 1 July 2010	140,343.41	
Sale of Flinders	301,000.00	12 Aug 2010
Quartz Maturity	209,626.75	20 Oct 2010
Sale of Glenelg	160,000.00	29 Dec 2010
Interest on Grange IMP Sept	31,561.37	
Interest on Grange IMP Dec	24,731.75	
Interest on Grange IMP Mar	10,310.63	
Interest on Grange IMP June	16,092.08	
Interest on Oasis	81,758.10	
Interest on Alpha	12,534.80	
Interest on Covent Garden	16,521.58	
Default of Covent Garden	-	29 Mar 2011
Closing balance FY 2011	1,004,480.47	
FY2012		
Interest on Oasis	42,942.41	
Interest on Alpha	4,837.56	
Interest on Grange IMP Sept	9,862.09	
Interest on Grange IMP Dec	129.02	
Maturity of Alpha	1,001,974.90	20 Mar 2012
Interest on Grange IMP March	123.38	
Closing Balance FY 2012	2,064,349.83	
FY2013		
Interest on Oasis FY2013	20,215.91	
Sale of Oasis	219,266.42	23 Jan 2013
Grange Settlement -Beryl	559,966.39	25 Feb 2013
Grange Settlement -Zircon	192,383.73	25 Feb 2013
Rembrandt Settlement	381,695.85	04 Apr 2013
Closing Balance FY 2013	3,437,878.13	

ITEM 12 (continued)

ATTACHMENT 1

Overview of Investments

An overview of all investments held by the City of Ryde as at 30 June is provided below:

1. **Westpac at Call Account (AA-):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
2. **Bank of Queensland TD (BBB):** This investment is a 181 day term deposit, paying 4.05% (4.12% annualised), and matures on 28 January 2014.
3. **St George Term Deposit (AA-):** This investment is a 182 day term deposit, paying 4.20% p.a. (4.24% annualised), and matures 5 Nov 2013.
4. **NAB Term Deposit (AA-):** This investment is a 150 day term deposit, paying 4.19% p.a. (4.24% annualised), and matures 3 Oct 2013.
5. **Westpac Term Deposit (AA-):** This investment is a two year term deposit, paying 4.35% (4.35% annualised), and matures 29 May 2015.
6. **Westpac Term Deposit (AA-):** This investment is a three year term deposit, paying 4.95% pa, and matures 21 September 2015.
7. **NAB Term Deposit (AA-):** This investment is a three year term deposit, paying 6.60% p.a., and matures 4 April 2014.
8. **AMP Term Deposit (A):** This investment is a 365 day term deposit, paying 4.00% p.a. (4.00% annualised), and matures 1 August 2014.
9. **Westpac Term Deposit (AA-):** This investment is a 364 day term deposit, paying 4.00% (4.00% annualised), and matures 27 June 2014.
10. **NAB Term Deposit (AA-):** This investment is an 89 day term deposit, paying 4.01% p.a., and matures 10 September 2013.
11. **P&N Bank (Unrated):** This investment is a 1 year term deposit, paying 4.24% (4.24% annualised) and matures on 25 February 2014.
12. **Bankwest Term Deposit (AA-):** This investment is a 39 day term deposit, paying 3.50% p.a. (3.56% annualised), and matures 24 September 2013.
13. **Bankwest Term Deposit (AA-):** This investment is a 35 day term deposit, paying 3.50% p.a. (3.56% annualised), and matures 19 September 2013.
14. **NAB Term Deposit (AA-):** This investment is a 365 day term deposit, paying 4.72% p.a. (4.72% annualised), and matures 26 November 2013.

ITEM 12 (continued)

ATTACHMENT 1

- 15. Defence Bank Term Deposit (BBB+):** This investment is a 55 day term deposit, paying 3.51% (3.56% annualised), and matures 10 October 2013.
- 16. Railways CU Term Deposit (Unrated):** This investment is a 106 day term deposit paying 3.80% (3.85% annualised) and matures on 19 November 2013.
- 17. Queensland Country CU (Unrated):** This investment is a 153 day term deposit paying 4.11% (4.16% annualised) and matures on 28 November 2013.
- 18. Beyond Bank Term Deposit (Unrated):** This investment is an 88 day term deposit paying 4.05% (4.11% annualised) and matures on 11 October 2013.
- 19. Bendigo Bank Term Deposit (A-):** This investment is a 364 day term deposit paying 4.10% (4.10% annualised) and matures on 12 June 2014.
- 20. Hunter United Credit Union (Unrated):** This investment is a 365 day term deposit paying 3.90% (3.90% annualised) and matures on 12 August 2014.
- 21. Credit Union Australia Term Deposit (BBB+):** This investment is a one year term deposit, paying 4.35% (4.35% annualised), and matures on 7 May 2014.
- 22. Coastline CU Term Deposit (Unrated):** This investment is a one year term deposit, paying 5.25% (5.34% annualised), and matures on 11 October 2013.
- 23. Peoples Choice CU Term Deposit (Unrated):** This investment is a 182 day term deposit, paying 3.75% (3.79% annualised), and matures on 6 February 2013.
- 24. Rural Bank Term Deposit (A-):** This investment is a five year term deposit, paying 6.48% p.a., and matures on 21 March 2017.
- 25. Bananacoast CU Term Deposit (Unrated):** This investment is a 1 year term deposit paying 4.25% (4.25% annualised) and matures on 1 July 2014.
- 26. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 365 day term deposit paying 3.90% (3.90% annualised) and matures on 5 August 2014.
- 27. Victoria Teachers CU Term Deposit (Unrated):** This investment is a 180 day term deposit paying 4.35% (4.40% annualised) and matures on 8 October 2013.
- 28. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 5.76% p.a. and matures on 8 December 2014.
- 29. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% (4.33% annualised) and matures on 5 March 2014.

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- 30. Macquarie Bank Term Deposit (A):** This investment is a 365 day term deposit paying 4.15% (4.15% annualised) and matures on 1 August 2014.
- 31. Bankwest TD (AA-):** This investment is a four year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 32. IMB Term Deposit (BBB):** This investment is a 182 day term deposit paying 4.20% (4.24% annualised), and matures 17 October 2013.
- 33. Summerland CU Term Deposit (Unrated):** This investment is a three year term deposit paying 5.05% pa and matures on 21 September 2015.
- 34. Wide Bay CU Term Deposit (BBB):** This investment is a 191 day term deposit paying 4.15% (4.19% annualised) and matures on 9 January 2014.
- 35. Northern Beaches CU Term Deposit (Unrated):** This investment is a 178 day term deposit paying 4.10% (4.14% annualised) and matures on 16 January 2014.
- 36. Queenslanders Credit Union Term Deposit (Unrated):** This investment is a 187 day term deposit paying 4.20% (4.24% annualised) and matures on 28 January 2014.
- 37. Warwick CU Term Deposit (Unrated):** This investment is a 183 day term deposit paying 4.30% (4.35% annualised), and matures 8 October 2013.
- 38. Maitland Mutual Building Society (Unrated):** This investment is a 150 day term deposit paying 4.25% (4.30% annualised) and matures on 26 September 2013.
- 39. AMP eASYSaver at call account (A):** This investment is an at-call account earning 3.85%. No fees are payable by Council on this investment.
- 40. South West CU Term Deposit (Unrated):** This investment is a 368 day term deposit paying 4.20% (4.20% annualised) and matures on 17 June 2014.
- 41. CBA Term Deposit (AA-):** This investment is a 3 year term deposit paying 4.55% annually and matures on 16 May 2016.
- 42. Gateway Credit Union Term Deposit (Unrated):** This investment is a 367 day term deposit paying 4.10% (4.10% annualised) and matures on 19 June 2014.
- 43. Rabodirect Term Deposit (AA):** This investment is a 120 day term deposit paying 4.05% (4.11% annualised) and matures on 8 October 2013.
- 44. Rabodirect Term Deposit (AA):** This investment is a 273 day term deposit, paying 4.15% (4.17% annualised), and matures on 10 April 2014.

ITEM 12 (continued)

ATTACHMENT 1

- 45. Newcastle Permanent Building Society (BBB+):** This investment is a 91 day term deposit, paying 4.10% (4.16% annualised), and matures on 12 September 2013.
- 46. ING Term Deposit (A):** This investment is a 181 day term deposit paying 3.98% (4.02% annualised) and matures on 13 February 2013.
- 47. Greater Building Society Term Deposit (BBB):** This investment is a 247 day term deposit, paying 4.30% (4.33% annualised), and matures on 6 February 2014.
- 48. Holidaycoast CU Term Deposit (Unrated):** This investment is a 173 day term deposit, paying 4.25% (4.30% annualised), and matures 17 December 2013.
- 49. Bank of Queensland FRN (BBB):** This is a certificate of deposit issued at a margin of 140 points above 90 day BBSW, maturing 11 November 2013.
- 50. Intech CU Term Deposit (Unrated):** This investment is a 93 day term deposit, paying 4.15% (4.21% annualised), and matures on 3 October 2013.
- 51. AMP Term Deposit (A):** This investment is a four year term deposit paying 7.14% which matures on 16 February 2015.
- 52. Rabobank Term Deposit (AA):** This investment is a one year term deposit paying 5.05% pa and matures on 3 September 2013.
- 53. Bendigo & Adelaide Bank FRN (A-):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
- 54. WAW CU TD (Unrated):** This investment is a 299 day term deposit paying 3.90% (3.91% annualised) and matures on 17 June 2014
- 55. Heritage Bank Term Deposit (BBB-):** This investment is a 365 day term deposit paying 4.50% (4.50% annualised), and matures on 12 December 2013.
- 56. CBA Term Deposit (AA-):** This investment is a 98 day term deposit paying 4.05% (4.11% annualised), and matures 12 September 2013.
- 57. Rabodirect At-Call (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 58. Members Equity Bank At-Call Account (BBB):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 59. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 115 above BBSW. This investment matures 21 June 2016.

ITEM 12 (continued)

ATTACHMENT 1

- 60. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 21 June 2016.
- 61. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 August 2016.
- 62. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 123 above BBSW. This investment matures 9 May 2016.
- 63. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 August 2016.
- 64. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 21 June 2016.
- 65. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 117 above BBSW. This investment matures 9 November 2015.
- 66. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 21 June 2016.
- 67. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 August 2016.
- 68. ING Term Deposit (A+):** This investment is a 202 day term deposit, paying 4.29% (4.33% annualised), and matures on 17 December 2013.
- 69. ANZ FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 9 May 2016.
- 70. Rabobank FRN (AA):** This investment is a senior, unsecured floating rate note purchased at a yield of 151 above BBSW. This investment matures 27 July 2016.
- 71. Police CU (SA) Term Deposit (Unrated):** This investment is a two year TD paying 5.70% (5.70% annualised) and matures 18 April 2014.
- 72. NAB Fixed MTN (AA-):** This is a fixed rate bond paying 6.18% (6.30% annualised) and matures 15 February 2017.

ITEM 12 (continued)

ATTACHMENT 1

- 73. Bankstown City Credit Union Term Deposit (Unrated):** This investment is a 106 day term deposit paying 4.10% (4.16% annualised) and matures on 5 November 2013.
- 74. Westpac Fixed MTN (AA-):** This is a fixed rate bond paying 6.00% (6.14% annualised) and matures 20 February 2017.
- 75. ING Direct Term Deposit (A):** This is a 178 day term deposit paying 4.36% (4.41% annualised) and matures 17 October 2013.
- 76. Macquarie Bank Term Deposit (A):** This is a five year term deposit paying 6.50% (6.50% annualised) and matures 3 April 2017.
- 77. CBA Retail Bond (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 24 December 2015.
- 78. Delphi Bank Term Deposit (Unrated):** This investment is a five year term deposit paying 6.05% p.a. and matures on 15 May 2017.
- 79. Rural Bank Term Deposit (A-):** This investment is a 105 day term deposit paying 4.00% p.a. (4.06% annualised) and matures on 7 November 2013.
- 80. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% p.a. (4.33% annualised) and matures on 5 March 2014.
- 81. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 182 above BBSW. This investment matures 24 December 2015.
- 82. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 184 above BBSW. This investment matures 24 December 2015.
- 83. Bank of Queensland Term Deposit (BBB+):** This investment is a 122 day term deposit paying 4.25% (4.31% annualised) and matures 19 September 2013.
- 84. Bank of Queensland Term Deposit (BBB+):** This investment is a 150 day term deposit paying 4.30% (4.35% annualised) and matures 26 September 2013.
- 85. Investec Bank Term Deposit (BBB-):** This investment is a five year term deposit paying 6.95% on maturity (6.15% annualised) and matures 15 August 2017.
- 86. IMB Term Deposit (BBB):** This investment is a 27 day term deposit paying 3.40% (3.45% annualised), and matures 24 September 2013).

ITEM 12 (continued)

ATTACHMENT 1

- 87. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 175 above BBSW. This investment matures 24 December 2015.
- 88. St George Term Deposit (AA-):** This investment is a 2 year term deposit paying 4.05% (4.05% annualised and matures on 27 August 2015.
- 89. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 174 above BBSW. This investment matures 24 December 2015.
- 90. Rural Bank Term Deposit (A-):** This investment is a 154 day term deposit, paying 3.70% (3.74% annualised), and matures on 30 January 2014.
- 91. ING Floating Rate Term Deposit (A):** This is a five year floating rate term deposit paying 2.30% above 90 day BBSW, and matures 4 September 2017.
- 92. St George Term Deposit (AA-):** This is a 2 year term deposit paying 4.05% (4.05% annualised), and matures 13 August 2015.
- 93. Bank of Queensland Term Deposit (BBB+):** This is a 179 day term deposit paying 4.00% (4.04% annualised) and matures 11 February 2014.
- 94. NAB Term Deposit (AA-):** This is a 2.25 year term deposit paying 4.80% pa and matures 18 December 2014.
- 95. St George Term Deposit (AA-):** This is a 274 day term deposit paying 3.75% (3.77% annualised), and matures 20 May 2014.
- 96. Members Equity Bank Term Deposit (BBB):** This is a 1 year term deposit paying 4.35% (4.35% annualised) and matures 20 February 2014.
- 97. Bank of Queensland FRN (BBB+):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 7 December 2015.
- 98. Bank of Sydney Deposit (Unrated):** This investment is a 87 day term deposit paying 4.25% (4.32% annualised) and matures on 11 October 2013.
- 99. Goldfields Money Ltd Term Deposit (Unrated):** This investment is a 363 day term deposit paying 4.20% (4.20% annualised), and matures 12 June 2014
- 100. Westpac Floating Rate Term Deposit (A):** This is a one year floating rate term deposit paying 1.24% above the official cash rate and matures 7 April 2014.
- 101. Bendigo Bank Term Deposit (A):** This is a 126 day floating rate term deposit paying 3.80% (3.85% annualised) and matures 3 December 2013.

ITEM 12 (continued)

ATTACHMENT 1

- 102. Bendigo Bank FRN (A-):** This is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 17 May 2017.
- 103. CBA Term Deposit (AA-):** This investment is a 1 year term deposit paying 4.10% annually and matures 22 May 2014.
- 104. CBA Term Deposit (AA-):** This investment is a 98 day term deposit paying 3.70% (3.75% annualised) and matures 19 November 2013.
- 105. NAB Term Deposit (AA-):** This investment is a 100 day term deposit paying 4.00% (4.06% annualised) and matures 7 November 2013.
- 106. NAB Term Deposit (AA-):** This investment is a 2 year term deposit paying 4.15% (4.15% annualised) and matures 13 August 2015.
- 107. NAB Term Deposit (AA-):** This investment is a 2 year term deposit paying 4.27% (4.27% annualised) and matures 25 August 2015.
- 108. Macquarie Bank Term Deposit (A):** This investment is a 112 day term deposit paying 3.75% (3.80% annualised) and matures 17 December 2013.

13 REVIEW OF OPERATION HUNTERS HILL RYDE MEN'S SHED

Report prepared by: Access and Equity Coordinator
File No.: GRP/09/4/2/2 - BP13/1247

REPORT SUMMARY

The purpose of this report is to provide Council with an assessment on whether any further action regarding the Men's Shed is required to meet the needs of men in the City of Ryde. In March 2012, Council resolved to provide support to the Ryde Hunters Hill Community Services Men's Shed project by participating in a steering committee for the project and promoting the Men's Shed to Ryde residents. Council also resolved to review the arrangement after 12 months to assess if further action was required to meet the needs of men in the City of Ryde.

RECOMMENDATION:

- a) That Council congratulate members of the Hunters Hill Ryde Men's Shed and Hunters Hill Ryde Community Services on their success in establishing the Shed and for the thoughtful way in which they are including residents of Ryde and Hunters Hill.
- b) That Council commends the Marist Fathers on their generosity in supporting the Men's Shed through the provision of their building at Mary Street, Hunters Hill.
- c) That Council continues to support the Hunters Hill Ryde Men's Shed through Council staff attending meetings of the Men's Shed Executive Committee.
- d) That Council continues to monitor the Men's Shed to ensure it is meeting the needs of men in the City of Ryde.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

William Davies
Access and Equity Coordinator

Report Approved By:

Gunjan Tripathi
Section Manager - Community Projects

Paul Graham
Acting Service Unit Manager - Community and Culture

Baharak Sahebekhtiari
Acting Group Manager - Community Life

ITEM 13 (continued)**Background**

On 8 November 2011, Council resolved that the General Manager, in consultation with local community organisations, investigate the feasibility of setting up a Men's Shed and report back to Council.

On 13 March 2012, Council resolved:

- (a) *That Council support Hunters Hill Ryde Community Services in establishment and operation of their Men's Shed by promoting it to our residents and by attending steering committee meetings.*
- (b) *That Council endorse the proposed review of the Hunters Hill Ryde Community Services' Men Shed after 12 months in partnership with Hunters Hill Ryde Community Services, to assess further action required to meet the needs of men in the City of Ryde.*
- (c) *That Council put a notice in the Ryde City View to notify residents of the opening.*

Located in the grounds of the Marist Fathers at Mary Street, Hunters Hill the Men's Shed opened in April 2012.

To assist in the development of the project, Council allocated \$10,000 to the Men's Shed in the 2012/13 Delivery Plan. The \$10,000 was used for first aid training and safety training, specifically prioritising the safe use of machinery and equipment such as a professional sharpening machine and a compressed air supply unit.

Discussion

Council staff continues to participate in the Executive Committee established by Ryde Hunters Hill Community Services to assess the success of the project and determine if any further action is required regarding an additional facility.

As the Men's Shed has developed there are a number of new initiatives being considered and implemented to help the Shed grow. These include:

- Promoting the Shed more widely and initiating a number of special activity days, for instance having a regular day where people can bring kitchen and gardening equipment for sharpening, or open days which may also be useful for fundraising.
- Three people with a disability have joined the Committee and are actively participating in Shed activities. The welcome participation of people with disabilities is consistent with both state and federal government policies such as the State's Stronger Together 2 and National Disability Strategy NSW Implementation Plan 2012-14. These policies encourage people with a disability to join and be welcomed by mainstream organisations as much as possible. More work is being done to welcome people with a disability.

ITEM 13 (continued)

- The Shed currently opens two days a week. There is capacity however to expand the number of days as demand increases. The Shed is supported by the Outreach Coordinator of Hunters Hill Ryde Community Services Inc. whose position is funded by the Department of Health and Ageing and NSW Ageing, Disability and Home Care.
- Local business and many individuals have demonstrated their interest and support of the Shed, and this has been demonstrated by the numbers of people donating goods and services.



The region has also been boosted by the establishment of a similar project. Epping Men's Place at 9 Chester Street, Epping (Uniting Church) invites men to learn new skills, meet new friends and relax, and take up volunteering opportunities. The group is open to Ryde residents and currently has members from West Ryde.

The Men's Shed currently has 111 members with 25 active, and about a third of the members are Ryde residents. At this stage, there is significant capacity for the Shed to grow its cliental by expanding the opening hours and continuing to promote the shed to a diverse group of potential users.

The recommended option is to continue to monitor the progress of the Shed, and build its cliental through new initiatives. Staff will continue on the Executive Committee and with promotional activities, and will report to Council should the Hunters Hill Men's Shed reach capacity and demand for additional space is demonstrated.

ITEM 13 (continued)**Financial Implications**

Adoption of the recommendation will have no financial impact.

Consultation with relevant external bodies

- Hunters Hill Ryde Community Services
- Hunters Hill Ryde Men's Shed Executive
- Epping Men's Place

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

Report prepared by: Governance Support Coordinator; Councillor Support Coordinator
File No.: CLR/07/8/9/6/3 - BP13/1210

REPORT SUMMARY

This report is presented to Council to endorse the public exhibition of the revised "Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors".

As required by the *Local Government Act, 1993* (the Act), Council is required to annually review and adopt the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors. As part of this process, Council is required to place the draft policy on public exhibition for a period of 28 days. Following adoption, Council is required to submit the policy to the Division of Local Government (the Division), including a copy of the public notice and any public submissions received.

This policy was last adopted by Council on 11 June 2013.

The amendments proposed in the **ATTACHED** draft policy address:

- 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's Guidelines;
- Process and documentation changes to enhance transparency and accountability; and
- Restructuring and rewording of some sections to improve readability and reflect current practice.

There are no recommended changes to the limits and range of Councillor expenses and facilities.

RECOMMENDATION:

- (a) That Council endorse the public exhibition of the revised Policy on the Payment of Expenses and Provision of Facilities, for the Mayor and Other Councillors, as **ATTACHED** for a period of at least 28 days.
- (b) That the draft policy be sent to the Division of Local Government seeking their feedback by close of the exhibition period.
- (c) That after the exhibition period of the draft policy, a further report be provided to Council detailing any submissions received, and seeking the adoption of the draft Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

ITEM 14 (continued)**ATTACHMENTS**

- 1 Revised Payment of Expenses and Facilities for the Mayor and Other Councillors Policy

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator**Sheron Chand**
Councillor Support Coordinator

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 14 (continued)

Discussion

The Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors must comply with the *Local Government Act 1993* (the Act). This policy aims to ensure that all Councillors have the resources and facilities required to fulfil their civic duties, and promotes accountability and transparency.

In accordance with the requirements of the Division and the Act, Council is required to annually adopt the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors. Section 252 says adoption is required “*within 5 months of the end of the year*”, which is by 30 November 2013.

Section 253 (1) of the Act requires Council to give public notice to amend or adopt this policy and to allow at least 28 days for public submissions. After Council has adopted the policy, Council is required to submit the policy to the Division, including a copy of the public notice and any public submissions received.

History

This policy was last adopted by Council on 11 June 2013 following a substantial review that resulted in changes to the facilities provided to Councillors and the following amendments to the policy:

- providing Councillors with an iPad or other tablet device;
- giving Councillors the option of a Council managed telecommunication service, rather than using their own equipment and service, and seeking reimbursement;
- providing for reimbursement of Mayoral vehicle expenses, should the Mayor choose to use a private vehicle;
- clarifying the legal expense provisions following feedback from the Division of Local Government;
- including additional statements to confirm that Councillors could only receive “incidental private benefit” from Council provided facilities, otherwise repayment would be required; and
- specifying that Councillors could access library meeting rooms during operating hours and free of charge.

Overview of proposed changes to the ATTACHED Policy and Procedure

This annual review has concentrated on reviewing the structure and layout of the Policy and Procedure to ensure provisions are clear, questions are able to be answered quickly and consistently, and that compliance with regulatory guidelines and legislation is apparent.

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Additions to the policy and procedure are noted in ***bold italics***. Deletions are in ~~strikethrough~~.

The proposed changes to the structure and format are summarised as below:

- (a) the addition of a table of contents
- (b) the addition of definitions and references schedule
- (c) the inclusion of references and extracts from:
 - The Local Government Act 1993, and Local Government (General) Regulation 2005, as shown in green,
 - The Division of Local Government's Guidelines as shown in yellow. Relevant guidelines published by other agencies are also included in yellow,
 - NSW Government Agency circulars or advice on specific issues, as shown in pink, and
 - The City of Ryde Code of Conduct, as shown in blue.

The proposed changes to the content of the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors, and associated Procedure are categorised in three groups:

1. Additions to reflect legislative and Division of Local Government Guidelines, or to provide clarification;
2. Additions to facilitate and demonstrate transparency, accountability, ethical behaviour and efficiency in the reimbursement process and management of Council funds; and
3. Minor amendments to clarify and reflect current practice.

Details of the proposed changes to the ATTACHED Policy and Procedure

1. The following additions have been made to reflect legislative and Division of Local Government Guidelines, or to provide clarification.
 - (a) Clarification of disbursements and reimbursements

It is proposed that the following clause is included in the "Purpose" of the Policy to highlight that Council is only permitted to disburse money in accordance with the Local Government Act.

ITEM 14 (continued)

“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.”

This is supplemented in the Procedure in Section 3.1 – General Expense Allowance, as follows:

“The Division advised that the provisions of the Local Government Act and Local Government Regulation do not allow for Council to provide Councillors with a monthly base rate...Reimbursements are to be provided to Councillors only upon receipt of appropriate supporting documentation”.

- (b) Policy - “Review Process and Endorsement” has been reworded to reflect the Act and advice from the Division, and to improve its readability.
 - (c) Section 3.6 - Gifts and Benefits has been included to reflect the Division of Local Government recommendations and Council’s Gifts and Benefits Policy.”
 - (d) Section 5.1 – Mayoral Fee – Clause 3 has been amended to reflect Council’s 10 September 2013 resolution with regard to the Deputy Mayor.
2. The following additions are proposed to facilitate and demonstrate transparency, accountability, ethical behaviour and efficiency in the reimbursement process and management of Council funds.

- (a) Section 3.4 - No private benefit without payment - clauses 3.4.1 and 3.4.2

This section reflects the Division’s guidelines and sets a specific process for the management of ‘private benefit’.

A new clause 1 has been proposed in this section which requires a Councillor to advise the General Manager of a substantial private benefit in writing.

“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.”

The process for Council to determine the value of the benefit to be invoiced to the Councillor in a non-confidential session of a Council Meeting remains unchanged.

“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.***”

ITEM 14 (continued)

The revised process is also reflected in Section 6.1.2 – “Private use of equipment and facilities”, clause 2.

(b) Section 3.7 – Approval and Dispute Resolution Process

This section combines the former Section 2 (Reimbursement and Reconciliation of Expenses) with Section 34 (Disputes) to clarify and articulate the process.

Clause (4) confirms that statutory declarations are not appropriate documentation for reimbursements against Communication expenses. This requirement was introduced when the policy was adopted on 28 September 2010, and was contained within Section 2.1 of the previous policy. The requirement is also supported by the Division’s Guidelines.

A new clause (5) has been added stating that reimbursements can only be made to personal accounts where the Councillor is named on the account. The purpose of this clause is to remove the potential risk of the perception that an individual or an organisation other than the Councillor is being reimbursed for expenses.

“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.”

(c) Section 4.2 – Attendance at seminars and conferences - clauses 4.2.3 and 4.2.4

In rare circumstances, Councillors may be unable to attend a conference and seminar for which Council has already paid registration, accommodation and travel costs. In this situation, the following action is proposed:

“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.”

“Where a Councillor provides less than 24 hours notice....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”.

This addition demonstrates Council’s commitment to ensure Council funds are managed efficiently and effectively.

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- (d) Section 4.3.9 – Communication Expenses – clause 6

This proposed additional clause states:

“Councillors are not entitled to claim any communication costs associated with the production or dissemination of personalised pamphlets, newsletters and the like.”

This reflects both the Division’s Guidelines and the City of Ryde Code of Conduct.

3. The following minor amendments have been proposed to clarify and reflect current practice

- (a) Section 4.2 – Attendance at seminars and conferences, and Section 4.3.1 – Local travel arrangements and expenses

This has been amended to include that Council will reimburse travel expenses ***“to the Sydney CBD”***, which previously was not permitted in the policy but is considered reasonable.

In these sections, it has also been stated explicitly that travel expenses will not be reimbursed for travel within the NSROC region, as this has caused confusion in the past.

- (b) Section 4.3.5 – Accommodation costs

The following change is proposed;

“Council shall meet the costs of accommodation for Councillors travelling on Council business, when prior approval has been granted by Council.”

This minor change reflects current practice.

Similarly in Section 4.3.10 - Attendance at dinners and other non-Council functions, an additional sentence is proposed, specifying that ***“Official receipts are required for reimbursement under this clause”***. The requirement of this documentation demonstrates transparency in the reimbursement process and reflects current practice.

- (c) Section 4.3.6 - Incidental Expenses has been extended to allow Councillors to claim incidental expenses for ***“other prior approved travel”***, in addition to travel associated with conferences, seminars and training courses.

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- (d) Section 4.3.9 – Communication Expenses has been amended in Clause 1 to enable Councillors to seek reimbursement for **website** expenses, in addition to “email, internet, telephone and postage” expenses.

It should be noted that this clause is to be read in conjunction with the proposed Clause 6:

“Councillors are not entitled to claim any communication costs associated with the production or dissemination of personalised pamphlets, newsletters and the like”, and the Division’s Guidelines that state “.. such activities may be perceived as using Council resources for private political benefit.”

- (e) Section 7.3 – Motor Vehicle has a minor amendment which proposes that mileage rates are in accordance with “**the relevant legislation or policies applicable to employees of Council**”, rather than “*the rate set out in the Councillor Reimbursement form*”.

This change will ensure that the appropriate rates will be applied without the need to update the form.

Consultation

In accordance with Section 253 of the Act, Council is required to publicly exhibit the draft policy for a minimum of 28 days. Following Council’s endorsement of the public exhibition of the draft policy, it is proposed that the exhibition commence 25 September 2013 and conclude on 25 October 2013. During this period, it is also proposed that the draft policy is sent to the Division for comment.

It is then anticipated that the revised policy will be submitted to Council on 12 November 2013. The report to Council will include any submissions received during the exhibition of the draft policy, including feedback from the Division.

At this meeting, Council can resolve to make further amendments to the policy. However, if the amendments are considered to be significant, Council would be required to place the policy on public exhibition again for a period of at least 28 days, before it can be adopted.

Critical Dates

Council is required to annually adopt the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy “*within 5 months of the end of the year*” (Section 252), which is by 30 November 2013.

Following adoption, Council is required to submit the policy, a copy of the public notice and attach any submissions received, to the Division of Local Government within 28 days.

ITEM 14 (continued)**Financial Impact**

There are no financial or budget implications as a result of the recommendations detailed in this report. However, should Council resolve to increase the amount of the entitlements currently offered to Councillors, it may impact Council's current budget provisions.

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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

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Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

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

- (c) **Accountability and transparency:** The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
 - (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).

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

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

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

Attachments

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

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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, orfor 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, hometelephone 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.

Timeframe	Maximum amount
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 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 up to \$100 per meal for the purpose of this sub-clause up to a limit of 3 meals per day. Official receipts will be required for reimbursement under this clause.

Quantity	Maximum amount
Up to 3 meals per day	\$100 per meal

- (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 cost for public transport, taxis or hire-cars for travel **to the Sydney CBD** and outside a 15km radius of the Ryde Civic Centre. Reimbursement will not be made for travel expenses incurred in the NSROC region.
- (13) Council shall reimburse transport expenses incurred by a Councillor whilst using their own private vehicle for travel **to the Sydney CBD** and outside a 15km radius of the Ryde Civic Centre. Reimbursement will not be made for travel expenses incurred in the NSROC region.

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 **to the Sydney CBD** and outside a 15km radius of the Ryde Civic Centre. Reimbursement will not be made for travel expenses incurred in the NSROC region.
- (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.

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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 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-imburement 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-imbusement 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 ~~an 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.

Timeframe	Maximum amount
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;

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(c) 500 business cards per year in a format agreed by each Councillor;

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

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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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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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- (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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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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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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- (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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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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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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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.

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15 GIFTS AND BENEFITS POLICY

Report prepared by: Governance Support Coordinator**File No.:** CLR/07/8/9/7 - BP13/1298

REPORT SUMMARY

This report describes proposed changes to the City of Ryde Gifts and Benefits policy, in order to demonstrate Council's commitment to:

- ethical and unbiased decision making without unnecessary reward, and
- valuing our Community's appreciation, while not accepting gifts.

The review of this Policy was identified as an action arising from the Independent Commission Against Corruption Inquiry in a report to Council on 13 August 2013.

The proposed Policy change is part of a progressive and positive approach to the receipt of gifts and benefits, known as the 'Thanks is Enough' campaign which was initiated at Rockdale Council. This approach includes messages to the community, staff and suppliers regarding appreciation, documentation, donation of gifts to charity and Council's ethical behaviour. An overview of the marketing and education actions to implement this approach is given in the report.

The key messages in the revised **ATTACHED** Policy are that:

- in normal circumstances, all gifts and/or benefits are to be declined;
- no gift or benefit should be personally retained by a Council official; and
- all gifts - offered, declined and accepted – are to be entered into Council's Gifts and Benefits Register.

RECOMMENDATION:

- (a) That Council adopt the **ATTACHED** revised Gifts and Benefits Policy.
- (b) That the Policy be promoted through the City of Ryde Website, Media Release and the Mayoral Column as set out in this report.
- (c) That a copy of the Policy be provided to the NSW Ombudsman and Division of Local Government for their information.

ATTACHMENTS

- 1 Gifts and Benefits Policy - September 2013

ITEM 15 (continued)

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Amanda Janvrin
Section Manager - Governance

Shane Sullivan
Acting Group Manager - Corporate Services

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Discussion

At the Council meeting of 13 August 2013, as part of Item 4 – INTERIM ACTION PLAN – How Council can address risks raised at the ICAC Hearing, the following actions were recommended:

- Gifts and Benefits Policy review; and
- ‘Thanks is Enough’ campaign.

These actions were proposed to enhance both Council’s governance framework and the interactions between Councillors, staff, suppliers and the community. The steps that have been taken towards implementation are described below.

Review of Gifts and Benefits Policy

The changes to Council’s Gifts and Benefits policy are proposed in order to demonstrate Council’s belief that gifts are not necessary or expected, and that as public officials, Councillors and Council employees proudly provide expert advice and objective decision making. A clear statement on non-acceptance of gifts removes any questions regarding the professionalism of Council officials.

While conducting this review, information was sought from the NSW Ombudsman and the Independent Commission against Corruption (ICAC) regarding research or publications on gifts and benefits policies where all gifts are to be declined, or recent guidelines on gifts and benefits policies generally.

The ICAC referred these enquiries to the Audit Office of NSW, specifically to the March 2013 Performance Audit ‘Managing Gifts and Benefits’, in which five NSW government agencies with compliance obligations were audited. This resulting report included a list of “Attributes of a sound policy and procedures for the management of gifts and benefits”, which is to be used by the Public Service Commissioner to develop a model document for NSW Government Agencies. In reviewing the City of Ryde Gifts and Benefits policy this list has been referred to in order to ensure Council’s policy meets all the recommended standards.

As the entire Policy and procedure has been rewritten, it is not possible to identify each specific change in bold italic or strikethrough. However key aspects of the Policy that should be highlighted are:

- Any gift offered, declined or accepted shall be subject to the provisions of this policy.
- In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined.
- No gift or benefit should be personally retained by a Council official.
- Special or exceptional circumstances have been specified:
 - situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and the like,

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- hospitality associated with events and functions hosted by community based (not-for-profit) organisations, attendance at which is consistent with the Council official's role – in particular the statutory role of a Councillor,
- insignificant gifts/benefits associated with hospitality, promotional materials and other situations described in this policy.
- If a Council official is offered a bribe, the incident must immediately be reported to the General Manager, the ICAC and where relevant, the police.
- All gifts offered are to be formally declared and entered into Council's Gifts and Benefits Register.
- The option to dispose of gifts by donating them to charity has been retained.

A common error identified by the NSW Audit Office, was that while the agencies had a gifts and benefits register, the information collected was not detailed enough to determine if the decisions made were appropriate. It was also identified that there was no evidence of reviews to assess the register or policy compliance.

Therefore, as part of the implementation of this revised Gifts and Benefits policy, Council's declaration form and the required fields in the register will be assessed, and a simple audit plan will be developed and implemented.

The benefits of a policy of no gifts and 'Thanks is Enough'.

In the current environment, community expectations about the activities, operations and ethics of public organisations are increasing, as is community awareness of potential biased decision making. Exposure and publicity around corruption in the public sector is in the media daily. A no-gifts policy is a very practical method of countering this critical impression, and presenting City of Ryde as distinct from 'local government' or the 'public sector' generally.

A July 2013 ICAC survey on 'Community Attitudes to Corruption and to the ICAC' identified that 36% of respondents considered that corruption in local councils was a major problem, with an additional 43% indicating that it was a minor problem. This is a significant percentage of the NSW population who consider that local government decision making may not be impartial or free of conflict. These opinions undermine the considered, professional and expert work that Council officials perform.

In the same report, it said "Widespread corruption perceptions can also become a self-fulfilling prophecy, as individuals begin to believe that gifts or money are needed to speed up approvals or to gain a licence, or that expensive trips and dining are key to effective lobbying".

The 2012 ICAC investigation 'Operation Jarek' identified many issues that related to inappropriate gifts and benefits, stating "it is evident that the conduct uncovered in this investigation is systemic and all councils should take action to mitigate these risks."

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By implementing a policy that discourages gifts but encourages verbal or written feedback and appreciation, the City of Ryde will demonstrate to our local community that they should expect positive and effective decision making from Council officials, and that Council officials also expect each other to behave this way.

This proactive and affirmative approach tells the community that all Council officials are committed to the objectives of Council, addressing the needs of our community, and performing our roles as Councillors and professional public servants. In doing so, Council will also reduce the opportunities for accusations of corruption.

It should also be noted that in the 2012 calendar year, only 85 gifts were declared in Council's Gifts and Benefits register. In comparison with the positive community image that this policy change and awareness campaign will create, the efforts to manage the refusal or more appropriate handling of these gifts is not substantial.

'Thanks is Enough' Strategy

This is a communication and marketing campaign designed to ensure the community understands Council's policy is to not accept gifts for the services it provides, and to reinforce the concept that showing appreciation through a verbal or written 'thank you' is enough. The campaign aims to engage with our community, conveying that Council officials (that is Councillors and staff) do not need nor expect further rewards.

Additionally, staff and supplier education strategies were identified by NSW Audit as fundamental to the successful implementation of a Gifts and Benefits policy. Council has addressed this requirement by proposing a multi-pronged communication plan to ensure all Council officials and suppliers are also aware of the new policy and processes in place to support it.

Marketing, Education and Communication ActivitiesCommunication and Marketing to our Community

Council's Media and Communications Unit are developing content to publish on:

- the City of Ryde Website;
- plasma screens in the public access areas at Ryde Library and Customer Service;
- posters that will be displayed in all public areas, for example the RALC, Libraries and Ryde Business and Planning Centre;
- business card sized Information Cards for staff to distribute;
- local press;
- a permanent banner to be set up in Customer Service.

In addition, where possible content will be translated into community languages as different experiences with government processes in some countries influences the understanding and expectations regarding the provision of gifts and benefits.

ITEM 15 (continued)Education of Council officials (Councillors and staff)

- Articles will be published on Council's staff website, in the internal staff newsletter and through an email from the Acting General Manager. Information will also be published on BoardVantage.
- 45 minute mandatory Information Sessions will be provided for all staff in October and November 2013, including one session for Councillors.

Education of Suppliers

- Letters will be distributed in November 2013 ensuring suppliers receive this message well before Christmas.
- Council's Statement of Business Ethics is due for review, and this will include emphasising the Gifts and Benefits policy. It is anticipated that the revised Statement will be presented to Council in February 2014. Once adopted it will be published on the City of Ryde website and distributed to suppliers.

Transitional arrangements

In recognition of the change in Council's policy regarding gifts and benefits it is proposed that gifts received up until 31 December 2013 will be collected for donation to a local charity. These gifts will be collected and displayed in a hamper in Council's Civic Centre foyer and this display will also form part of Council's promotional activity by reminding Council officials and customers that "Thank you is Enough".

Financial Implications

The technical resources to design the posters, website, press materials and card layout are available from within City of Ryde. Funds for the translation and printing of business cards, advertising in the press and the banner can be found within the Media and Communications budget allocation in the Four Year Delivery Plan.

Critical Dates

The primary period for the receipt of gifts, from both the community and suppliers, is in late November through until Christmas in late December. If this Policy, and the 'Thanks is Enough' campaign are to be implemented effectively to capture this primary time period, it would be advantageous for the Policy to be adopted as soon as practicable to allow the promotion to commence.

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ATTACHMENT 1

Gifts and Benefits Policy

Scope

This policy applies to all Councillors and employees and delegates of the City of Ryde.

The term Council Official is used within this policy and guidelines, and is defined in accordance with the Code of Conduct as "councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council".

This policy is to be applied in conjunction with provisions in Council's Code of Conduct.

Purpose

The objective of this policy is to:

- clearly define the behaviour required of Council officials in relation to gifts and benefits, and
- provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in the City of Ryde.

Any gift offered or accepted shall be subject to the provisions of this policy.

General

Council Officials must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

Council Officials must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Key considerations for Council Officials in respect of this Policy are:

- 1 If a Council official is offered a bribe, the incident must immediately be reported to the General Manager, the ICAC and where relevant, the police.
- 2 Soliciting personal gifts or benefits is prohibited under all circumstances. If a Council Official becomes aware of another Council Official soliciting gifts or benefits they should report it immediately to the relevant Group Manager, General Manager and/or the Mayor.
- 3 Where it is suspected that a gift has been offered for the purposes of influencing the behaviour of a Council Official in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.

Gifts and Benefits - Policy		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Policy Number: CSG003
Trim Reference: D13/64134	Review date:	Endorsed: Council - draft

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ATTACHMENT 1

Gifts and Benefits Policy

- 4 Accepting gifts of money is prohibited. 'Money' includes any form of credit or cash-like gift such as, but not limited to, cash, cheques, money orders, bank deposits, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts, regardless of the amount or value. This situation includes offers of money to cover expenses for trips to view samples of work, or to expedite the work of Council.
- 5 If a Council official is offered a gift of 'money', it is to be refused and the incident reported immediately to the relevant Group Manager, the General Manager and/or the Mayor. It must be declared in accordance with this policy. Any such gift that is received without the recipient's knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.
- 6 In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined. No gift or benefit should be personally retained by a Council official.
- 7 Notwithstanding the above, there are provisions for special circumstances:
 - situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and the like,
 - hospitality associated with events and functions hosted by community based (not-for-profit) organisations, attendance at which is consistent with the Council official's role – in particular the statutory role of a Councillor, and
 - insignificant gifts/benefits associated with hospitality, promotional materials and other situations described in this policy.
- 8 Should a Council Official receive a gift or prize as the result of entering a competition while engaging in official duties, the gift or prize will become the property of the City of Ryde.
- 9 Any gifts or benefits received as a result of a purchase incentive scheme will become the property of the City of Ryde. For example, if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift will become the property of the City of Ryde.
- 10 All gifts offered are to be formally declared and entered into Council's Gifts and Benefits Register.

The related Guidelines give details of the steps to be taken to implement this policy, including the registering of gifts and breaches of this policy.

References - Legislation

This policy does not remove any other obligations under the *Local Government Act, 1993*, any other legislation, or relevant codes and policies regarding the disclosure of any interests.

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Gifts and Benefits Policy

This Gifts and Benefits Policy is based upon the Managing Gifts and Benefits in the Public Sector Toolkit issued by the Independent Commission Against Corruption (ICAC) in 2006. It also considers the recommendations made in the Audit Office of NSW Performance Audit: Managing gifts and benefits, March 2013.

This policy should be read in conjunction with the following:

- Local Government Act 1993 (in particular Part 2 Duties of disclosure – s449)
- Local Government (General) regulation 2005 (in particular Part 8 Honesty and disclosure of interests, Clause 184 Gifts, and Schedule 3 Form of return – disclosure of interest)
- Council's Code of Conduct
- Council's Policy on the Provision of Facilities and Payment of Expenses for the Mayor and Other Councillors
- Council's Public Interest Disclosures Internal Reporting Procedure

Review Process and Endorsement

This policy may be varied by resolution of the Council. This policy should be reviewed as required but at least every four years following the conduct of the Local Government elections.

Related Documents

<i>Number</i>	<i>Title</i>
1.	Guidelines

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Gifts and Benefits Policy - Guidelines

Related Policy

This Guideline relates to Council's Gifts and Benefits Policy and Council's Code of Conduct.

Introduction

In the course of their duties, Council officials may encounter situations in which they are offered gifts or benefits for a variety of reasons.

Council officials must ensure:

- that they are not influenced by gifts or benefits in the performance of their duties, and
- that there can be no public perception of undue influence due to gifts and benefits

This applies whether gifts and benefits are offered and refused, offered and accepted, or there is the possibility that gifts or benefits may be offered.

Ratepayers and residents of the City of Ryde have a right to expect the business of the Council is conducted with efficiency, fairness, impartiality and integrity. Council officials have an obligation to carry out their duties conscientiously, honestly and objectively.

The purpose of these guidelines is to provide Council officials with both general information and specific processes to follow, in relation to this important issue.

Key Points

- **Never accept gifts of money**
- **Never solicit gifts and benefits**
- **Don't accept gifts and/or benefits – A THANK YOU IS ENOUGH**
- **Declare all offers**

Definitions

Gift:

In a private context, gifts are usually unsolicited, and meant to convey a feeling on behalf of the giver, for example to express congratulations or gratitude. There may be a custom of reciprocity for gifts given at birthdays and other times, but they are not generally given to create a sense of obligation in the recipient.

In a business context, however, gifts are frequently given to facilitate an ongoing working relationship and to establish patterns of loyalty to the giver. The sense of obligation that business gifts instil is the main difference between private gifts and business gifts.

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In between these two are the more complicated scenarios in which gifts may be offered as a genuine expression of appreciation or as a gesture of our goodwill, such as those given on special occasions, but in a business context.

The important issue to consider is whether the acceptance of the gift could compromise the recipient's ability to act objectively and impartially towards the giver. This is not an area with simple solutions, particularly where not just actual, but the perception of, compromise may be damaging.

Some common examples of gifts that may be offered in the course of work include:

- alcohol
- clothes
- products
- tickets
- office or business accessories

Benefit:

Benefits are different to gifts in that they are generally non-tangible. Benefits may still have financial value however, particularly to their recipients. In terms of managing them, gifts and benefits should be considered interchangeable.

Some common examples of benefits are:

- access to private spectator boxes at events
- a new job or promotion
- preferential treatment (such as queue jumping)
- access to confidential information
- a relationship with a Council contractor that provides a discount for private work

Gifts and benefits that are exchanged within the business context can be categorised as one of the following types:

Gift of influence: A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

Gift of gratitude: A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.

Token gift or benefit: A Gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories that contain the company logo. They are usually products that are mass-produced and not given as a personal gift.

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Council's Code of Conduct considers a token gift as one of the following:

- a) *free or subsidised meals, beverages or refreshments provided in conjunction with: the discussion of official business, council work related events such as training, education sessions, workshops, conferences, council functions or events, social functions organised by groups, such as council committees and community organisations.*
- b) *invitations to and attendance at local social, cultural or sporting events*
- c) *gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)*
- d) *ties, scarves, coasters, tie pins, diaries, chocolates or flowers.*

The receipt of token gifts is not permitted in normal circumstance under this policy.

Ceremonial gift: An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.

Non-Gifts: The following are not defined as a gift for the purpose of this policy:

- any discounted product or service if the discount is reasonable and generally available or capable of being negotiated by others not connected with the organisation,
- any gift, benefit or hospitality received in relation to personal membership of any industrial or professional organisation, club or other association or body,
- any gift, benefit or hospitality received by a relative or associate of a Council official if the Council official did not know about it.

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Perceptions

Perceptions are very important in relation to gifts and benefits. Often the intended recipient may not know the intentions of the gift giver or the intentions may be different from the public perception of the situation.

It is often the case that the perception of the gift-giving relationship is that the gift could influence the intended recipient's performance of his or her official functions, despite the fact that such perceptions alone may not indicate an actual inappropriate influence.

Perceptions can be affected by various factors:

- Relationship between the gift giver and the Council official. If the Council official is, for example, a regulator of the person offering the gift or benefit, or is about to make a decision which could affect the interests of the person offering the gift or benefit, it is more likely that the gift would be perceived as inappropriate.
- Transparency and openness. If a gift is offered to a Council official in a public forum it is less likely to be perceived as a gift of influence than if it were offered in a private context.
- Value of the gift. Expensive gifts are more likely to be perceived as gifts to win favours. In determining the value of the gift or benefit, any previous gifts given by an individual or agency to the Council official (or to colleagues performing the same functions) should be considered, when calculating their cumulative value. While the perception that one gift may not be considered sufficient to cause an employee to act outside his or her official duty, the sum of multiple gifts may be considered sufficient to do so.

Consequences

If gifts and benefits are not managed appropriately there can be a range of negative consequences for both the individual and Council.

The consequences for an individual Council official may be:

- embarrassment
- disciplinary action
- being the subject of an internal or external inquiry
- loss of employment
- criminal prosecution

The consequences for Council may be:

- embarrassment for the organisation
- loss of public trust
- being the subject of an external inquiry
- legal action

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Bribes

Offering or accepting a bribe is a special case in relation to gifts and benefits that has particularly serious consequences.

If a Council official is offered a gift of money or other gift or benefits, which he or she believes is meant to be a bribe, the official must immediately notify his or her supervisor. The General Manager and Mayor have an obligation under the ICAC Act to inform the Commission about any matter that he or she suspects on reasonable grounds concerns or may concern corrupt conduct, including bribery.

A gift or benefit offered or sought in order to influence a Council official's behaviour is a bribe and such persons may be guilty of an offence under section 249B of the Crimes Act 1900 and subject to a goal term.

Remember: Don't accept gifts and/or benefits – a thank you is enough

Typical 'gift and benefit' situations

To assist Council officials in properly identifying the extent of gifts and benefits under this policy, and the typical situations in which they may be offered, the following guidance is provided:

Token Value

Previous policies defined 'token gifts' as those whose estimated value was below a certain amount. This policy does not distinguish types of gifts by value. All gifts are to be declined under normal circumstances.

Gifts to family members and colleagues

As with gifts offered directly to the Council official, gifts given to family members and business colleagues may be viewed as affecting the official.

Council officials must take all reasonable steps to ensure that business colleagues and family members do not receive gifts and benefits that give rise to the appearance of being an attempt to secure favourable treatment. Family members ordinarily include close family connections, including those by marriage.

Council will treat gifts and benefits to family members and business colleagues in the same ways as those to the Council officials themselves.

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Prizes and Gifts

On some occasions a Council official may receive a 'prize' as a result of entering a competition while engaging in official duties. For example, an individual may win a raffle or lucky door prize drawn at a meeting or win a prize that was promoted as an incentive to complete a survey.

Another example might be, those attending a specific session at a conference may enter a draw for a prize by submitting their business cards or signing up for further information about the product or service.

In such cases, since the official is representing Council, any prize should be treated as a gift or benefit and respectfully declined and declared accordingly.

In exceptional circumstances where it is inappropriate to decline the prize, the determination by the General Manager (or Mayor if the prize winner is the General Manager) of the appropriate action that follows the declaration is to consider case-by-case issues such as:

- the nature of the Council's relationship with the prize giver;
- whether Council has business dealings with the organisation that provided the prize;
- whether Council has discretionary power that could be exercised in the prize giver's favour; and whether accepting the prize may lead to perceptions of improper influence.

A determination to accept a particular prize, should ordinarily include a stipulation that it becomes the property of the Council, not the individual. This approach better manages potential negative perceptions since the prize can ultimately be of benefit to the public.

Purchase incentive schemes

Gifts and benefits may be obtained through a purchase incentive scheme. For example, a company may offer a free computer to clients after they have purchased a certain quantity of product. It is important to ensure that Council does not compromise any duty of impartiality in order to obtain such bonuses. Nor should the bonus computer bring private benefit to any one individual in Council.

As with others, these gifts or benefits should be declared and acted on accordingly. In determining the appropriate action Council may still obtain the benefit while ensuring impartiality. For the above example, a determination may include the following actions:

- Obtain a refund
- Dispose of the computer at a public auction
- Retain the computer but ensure it is only used for official purposes and its use is not restricted to the officer responsible for making the purchases.

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- Another example of a purchase incentive scheme is the accumulation of "frequent flyer" points offered by airlines and other companies. Council officials are not to seek or accept frequent flyer points from airlines or other companies in respect of official transport or other products/services purchased, to ensure that choice of airline or other company is not influenced by the availability of frequent flyer points.

Council supplier discounts to Councillors, employees and other Council officials for the personal purchase of goods and services from such suppliers must also be declined.

Hospitality and work-related functions

In the course of their duties, Council officials may attend work related functions in a representative capacity. The appropriate response to the offer of hospitality in various situations is outlined below:

External meetings

Often hospitality such as tea and coffee or a modest luncheon will be offered during meetings, functions and similar events hosted by other organisations – these offers are normally considered a courtesy rather than a gift or benefit. Such refreshments are normally the 'standard' type of hospitality offered to business partners when conducting official duties for reasons of sustenance and is acceptable hospitality.

Conferences seminars and launches

It is appropriate to accept modest hospitality at industry conferences, seminars, product launches and the like, at which large numbers of people from other similar organisations are also attending, subject to attendance at the event having been previously approved. It is not appropriate to accept hospitality from such hosts/organisers in circumstances such as where City of Ryde officials are the only invited guests and/or where the event is held out of business hours.

Consideration must always be given to the potential public perception and whether or not attendance at the event is relevant and of benefit to Council.

Presentations

Sometimes a Council official may be invited to give a presentation to a conference/seminar or address a meeting of industry colleagues. Subject to attendance at the event having been approved as an appropriate use of resources, it would be appropriate to accept modest hospitality and for Council to receive travel expenses to help cover the cost of attending.

In such cases, it is important the request or offer is made to the Council and not the individual Council official and it is Council that decides which official should attend. This approach reduces the possibility of individuals being compromised by accepting hospitality.

Gifts or benefits received in recognition of an individual's presentation at a conference or seminar should be respectfully declined. If it is not appropriate to decline, the gift must be declared and is to become the property of Council.

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Disproportionate hospitality

Hospitality that extends beyond courtesy, where there is not a real benefit to Council as a whole, or is disproportionate to the occasion and clearly offered in an attempt to influence a Council official's decisions, such as in relation to a procurement process or development approvals, are to be declined. Examples of such hospitality include invitations to participate in golf days, professional sporting events in a 'corporate box' and luncheons/dinners with developers outside of Council offices and/or outside of normal business hours.

Promotional material

At some functions and events, other organisations (including potential suppliers) distribute promotional material, which may include factual product/service information and other items such as inexpensive pens and stationery. It would be appropriate to receive such promotional material on the basis that it is of benefit to Council to remain abreast of industry developments and that the material is also being distributed to other individuals of similar organisations.

It would not be appropriate to also receive such items as:

- Tickets to sporting events or other entertainment
- Discounted products for personal use
- Free/discounted passes for the use of leisure facilities
- Vouchers and the like to purchase goods/services

Providing services

Some parts of Council provide services directly to the public. Such areas include, but are not limited to the library, RALC and customer service. People who have received services from such areas may show their appreciation to Council officials who have assisted them by giving gifts at the end of a year or at other times. In these circumstances, officials are to respectfully decline the gift and declare the offer.

In exceptional circumstances, if for some reason the gift cannot be returned, the appropriate determination may include the gift becoming the property of Council or disposed of in an appropriate manner (as described elsewhere) rather than being kept by the individual. In declining these gifts of gratitude, officials may suggest to potential givers that a letter of appreciation for exceptional service written to the official or Council would be more appropriate than a gift.

Procurement and disposal

A contract to supply goods or the opportunity to buy Council assets can be highly profitable to the supplier or buyer. Suppliers and tenderers may attempt to influence procurement processes by offering gifts and benefits to the Council official responsible for making the decisions. These risks can apply not only to staff responsible for procurement and disposal but also to those who have contact with suppliers or buyers as part of their jobs.

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An example of such a benefit would be a relationship between a Council official and a Council contractor who is carrying out work on an official's property and offers a discount for the work due to this relationship. In order to manage the public perception of such situations, either the contractor and/or the official should declare the circumstance in accordance with this policy, whether a discount is being offered or not.

Ideally, the roles in client relationship and tendering functions within agencies should as far as possible be segregated. However, due to the size of Council, these responsibilities will often overlap. It is therefore important that Council officials in a position to make procurement or disposal decisions need to exercise greater care when faced with offers of gifts and benefits from suppliers or buyers – all offers of such gifts and benefits are to be declined and declared.

Cultural considerations

City of Ryde residents encompass a wide range of linguistic, religious and cultural backgrounds. Some individual residents and business people may be unfamiliar with acceptable gift-giving etiquette in the context of relationships with Council officials.

The giving or exchange of gifts and hospitality plays an important role in business and professional life in many societies and may be part of established business protocols elsewhere. For example, business and government delegations from a number of countries including Japan, Korea and China customarily offer gifts to Council officials from other countries.

Conversely, in some situations gift giving traditions may be abused and lead to widespread bribery of government officials. Culture or tradition (including religious festivals) is not to be used as an excuse to accept inappropriate gifts and benefits. Dealing appropriately with offers of gifts and benefits across cultures therefore requires special care.

In normal circumstances, all gifts and benefits to individual Council officials should be respectfully declined and declared.

In exceptional circumstances, the General Manager (or Mayor) may endorse ceremonial gifts being received by Council from official delegations and the like (and similarly reciprocal giving of ceremonial gifts) and determine that such gifts be retained and/or disposed of in an appropriate manner as described elsewhere.

Refer also to "gifts associated with sister city activities" below.

Gifts associated with sister city activities

Sister city gifts for the Council (normally presented to the Mayor or head of a sister city delegation) are quite often non token/ceremonial gifts such as a plaque, work of art or craft or other items of significance that relate to a specific occasion. They may be of a reasonable monetary value and given with the intention to express welcome or gratitude to the receiving organisation as a whole, rather than to an individual.

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All gifts associated with sister city activities are to be declared and acted on accordingly. The determination by the General Manager (or Mayor if it is received by the General Manager) will often include a stipulation that such gifts be displayed in an appropriate location within Council.

Sometimes, gifts may also be presented to individual Council officials within Council's delegation. These gifts should be respectfully declined, unless the acceptance of such is otherwise determined because of exceptional circumstances.

Giving gifts to others

There may be occasions when it is appropriate for Council to give gifts or benefits to individuals from other public or private agencies. For example, it may be appropriate for Council to offer a modest lunch to a delegation visiting its workplace as part of work related activities, or to give a token of appreciation to an individual who has given a presentation to Council.

The same guidelines apply for the giving of gifts as for their acceptance, including taking into account how the offer of the gift may be perceived. Council should exercise particular caution when the proposed recipient or organisation has a continuing business relationship with Council.

Community organisations

Council officials may, in the course of their duties, be offered benefits by a community based (not for profit) organisation expressing gratitude or respect for the civic office of the official. Such benefits may include invitations to events and functions of such organisations, including complimentary attendance at performances of local community musical/drama/cultural groups, local community sporting games and the like.

In particular, Councillors, as elected representatives, may receive invitations from community organisations, which have an expectation that attendance is part of a Councillor's role. Under normal circumstances, it is appropriate for Councillors to accept such invitations as a representative of Council, particularly where the occasion provides an opportunity for Councillors to understand the interests of residents and ratepayers. It is recognised such events and functions may include incidental or modest hospitality.

It would be inappropriate for Council officials, including Councillors, to accept benefits:

- At a time when such community organisation are awaiting a Council decision on a grant application, seeking to commence/continue doing business with Council, seeking favourable use of Council facilities and/or having other similar interactions with Council
- Where the hospitality is complementary and disproportionate to the occasion.

In such circumstances it would be appropriate to either respectfully decline the invitation or seek endorsement to attend and pay for the 'ticket'. Council's 'Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors' outlines situations where Councillors can be reimbursed for the cost of attending certain non-Council functions.

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In order to manage public perception, Council officials are to be sensitive to the timing and the potential purpose of such benefits (including invitations) offered by community based (not for profit) organisations.

All offers and invitations accepted without purchase of a 'ticket' are to be declared.

Gifts that cannot be returned

There may be exceptional circumstances where the acceptance of a gift that is unacceptable under Council's policy is inadvertently accepted by an employee or may not easily be returned. Examples include:

- A wrapped gift that the recipient does not open in the presence of the gift giver
- Gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate
- Anonymous gifts received through the mail or left for the official without a return address
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment

In such circumstances, the gift, along with details of the incident, are to be declared. The determination of the action to be taken will normally include a stipulation that the gift becomes the property of the Council rather than be kept by the Council official.

Declarations by Council officials

The subsequent actions in relation to all declared gifts and benefits are to be determined by the General Manager (or the Mayor, in the case of the potential recipient being the General Manager). Apart from the exceptional circumstance where a gift or benefit is being retained, options for determinations are included in the section 'disposal of gifts'.

The details of declarations of gifts and benefits that are to be entered in the Gifts and Benefits Register are set out in the Gifts and Benefits Declaration Form.

The inclusion of any entry in the Gifts and Benefits Register does not relieve Councillors and designated persons from their obligations to make disclosures in association with Disclosure of Interest Returns (that is annual pecuniary interest returns) required under Section 449 (3) of the Local Government Act. It is also noted that the Local Government (General) regulation 2005 states:

A gift need not be included in a return if:

- (a) It did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less or*
- (b) It was a political contribution disclosed, or required to be disclosed, under Part 6*
- (c) The donor was a relative of the donee.*

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Responsibilities

The General Manager is responsible for determining the actions to be taken in respect of each declaration of a gift and benefit that requires determination under this policy.

The Service Unit Manager Customer Service and Governance is responsible for:

- The implementation of this policy including monitoring its effectiveness
- Maintenance of the Gifts and Benefits register
- Managing the determination of declarations of gifts and benefits

Group Managers, Service Unit Managers, Section Unit Managers, Team Managers, Team Leaders, Coordinators and others supervising staff are responsible to ensure that their staff are aware of this Policy, its intent and the associated procedures and to be available to give advice on its interpretation.

All Council officials are to be aware of this policy and to be available for appropriate training.

Receipt of gifts

Councillors and staff must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

Councillors and staff must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Key considerations for employees and Councillors in respect of the Policy are:

1. Soliciting personal gifts or benefits is prohibited.
2. If a Councillor or employee becomes aware of another Councillor or employee soliciting gifts or benefits they should report it immediately to the General Manager and/or the Mayor.
3. Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift is prohibited.
4. Where it is suspected that a gift has been offered for the purposes of influencing a Councillor's or employee's behaviour in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.
5. Accepting gifts of money is prohibited.

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6. Councillors and employees should not accept gifts that appear to be more than of a token nature or of more than a nominal value. This policy acknowledges that this is not always practicable and provides guidelines below. Gifts that are accepted and are of more than a token nature will become the property of the City of Ryde.
7. Councillors and employees should not accept more than two gifts in a six month period from the same person regardless of their value.
8. Should a Councillor or employee receive a gift or prize as the result of entering a competition while engaging in official duties the gift or prize will become the property of the City of Ryde.
9. Any gifts or benefits received as a result of a purchase incentive scheme will be the property of the City of Ryde. For example, where purchasing over a certain amount from a supplier results in a gift, this gift will be the property of the City of Ryde.

Accepting Gifts

It is best not to accept a gift or benefit offered that is more than of a token nature. These guidelines acknowledge that this is not always possible and set out points of consideration with regard to gifts and benefits for Councillors and employees.

1. When deciding whether to accept or decline a gift consideration should be given to not only the value of the gift but also the intent of the gift or benefit being offered.
2. Culture or tradition should never be used as an excuse to accept inappropriate gifts and benefits.
3. Christmas and other cultural or religious occasions do not represent exceptions to this policy.
4. On occasion an inappropriate gift may be accepted inadvertently. For example:
 - the gift is wrapped and not opened in the presence of the gift giver;
 - the gift is accepted for cultural, protocol or other reasons and returning it would be inappropriate.
 - anonymous gifts received through the mail or left without a return address.
 - the gift is received in a public forum and attempts to refuse or return it would cause significant embarrassment.

These gifts will become the property of the City of Ryde.
5. Where possible, any frequent flyer points accrued as a result of Council purchasing tickets will remain the property of City of Ryde and will be used to reduce future costs to Council.

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Disposal of Gifts

The disposal of gifts will be dictated by the nature of the gift. The gift receiver can nominate or suggest a disposal method on the Gifts and Benefits Disclosure Form, however the General Manager or Mayor (as appropriate) will determine the action to be taken.

In determining this action the following will be considered:

1. Gifts received from visiting delegations or gifts personalised to the City of Ryde will be kept at the City of Ryde and displayed or stored appropriately.
2. Perishable gifts such as flowers can be displayed in public areas such as customer service counters, libraries etc.
3. Perishable food items may be shared amongst staff in the work location.
4. The City of Ryde will nominate a charity or charities to which surrendered gifts will be donated.
5. Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
6. Where a reasonable person could consider that there may be influence applied as a result of accepting the gift it will be returned.

The decision regarding disposal of a gift will be noted on the Gifts and Benefits Disclosure Forum.

Gift Register and forms

The details of **all** gifts received shall be entered into the Gifts Register by the immediate completion of a Gifts and Benefits Disclosure form by the employee or Councillor. This includes gifts of a token nature.

The Gifts Register will be available for public inspection.

The General Manager shall review all entries made by employees in the Gifts Register and determine any action that may be considered appropriate in relation to any such entry. Such action may include the giving of advice or counselling, removal of the employee from a decision making, regulatory or purchasing role or a direction that the gift be returned.

A Councillor may refer any entry in the Gifts Register to a Council Meeting for review by the Council.

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Gifts and Benefits Policy - Guidelines

Procedure

1. All Councillors or employees who have been offered, accepted, refused or returned a gift or benefit must complete a Gifts and Benefits Disclosure Form.
2. The form is then referred to the Group Manager for noting and signing in the case of employees. In the case of Councillors and Group Managers it is forwarded to the General Manager for noting and signing. In the case of the General Manager, the form is to be forwarded to the Manager, Risk and Audit or the Mayor for noting and signing.
3. The Group Manager, General Manager, Manager Risk and Audit or the Mayor (as set out above) is then to review and determine action.
4. The completed and endorsed form is then sent to the Governance Unit to be recorded and, where appropriate, to advise the employee or Councillor of the outcome.

Breaches of this Policy

Each Councillor and employee of the City of Ryde is obliged to comply with this policy. Sanctions may be applied if this policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General Manager) to the General Manager in writing.

Any person may report an alleged breach of this policy by a Councillor or the General Manager to the Mayor in writing.

The General Manager or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

DRAFT Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 15

16 MONTHLY REPORTING

Report prepared by: Coordinator - Corporate Performance Analysis and Reporting
File No.: CLR/07/8/19/5 - BP13/1297

REPORT SUMMARY

At its meeting held 26 March 2013, Council resolved to receive monthly highlight reports on the key management areas of:

- Human Resources;
- Customer Complaints;
- Workplace Health and Safety;
- Risk Management Issues; and
- Legal Actions.

At the Councillor workshop, conducted on 20 August 2013, the content of the reports and the most effective frequency of reporting on these key management areas was discussed.

In order to streamline the reporting process and minimise the reporting of non-critical information to Council, it is recommended that reporting on the key management areas outlined in this report be continued quarterly. These reports will be provided to Council through the Councillor Information Bulletin as soon as practicable after the end of the quarter.

It is noted that information relating to the status of legal actions will continue to be reported to Council monthly. Any exceptions or anomalies occurring in the above key management areas will be reported to Council as soon as possible.

RECOMMENDATION:

That Council endorse quarterly reporting of the key management areas outlined in this report through a Councillor Information Bulletin, noting that a monthly report will continue to be provided to Council regarding legal matters.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Juanita Ford

Coordinator - Corporate Performance Analysis and Reporting

Report Approved By:

Shane Sullivan

Acting Group Manager - Corporate Services

Roy Newsome

Acting General Manager

ITEM 16 (continued)**History**

At its meeting held 26 March 2013 Council resolved:

That a highlights monthly report be developed in conjunction with the Councillors covering key management items including: human resources (sick leave, recreation leave in excess of 20 and 30 days); OH&S; complaints; organisational risk issues; legal actions.

A workshop to discuss the key management issues was held on 20 August 2013.

Discussion

As a result of the above resolution and Councillor Workshop consideration was given to the labour required to compile the monthly reports and the value of the information provided. Given the indicators and information provided in the reports shows minimal variation on a monthly basis, and requires significant time for manual compilation, it is recommended that the provision of this information would be more appropriate quarterly, provided any exceptions were notified to Councillors as soon as possible.

It is noted that the Legal Actions report will continue to be issued to Council, by way of a Council report, monthly.

As a result it is recommended that Council receive quarterly reports through the Councillor Information Bulletin and that these reports include details and measures regarding:

- Human Resources;
- Customer Complaints;
- Workplace Health and Safety; and
- Risk Management Issues.

Any significant changes, anomalies or emergent issues will be notified to Councillors as soon as practicable where they occur outside the quarterly reporting period.

Financial Implications

Adoption of the recommendation will have no financial impact.

Options

Council may resolve that Council continue to receive monthly reporting on the key management areas.

This option is not recommended as it is labour intensive and the resulting report does not provide significant additional value to Council in its oversight of Council operations. With the exception of Legal Actions, the indicators provided can be more appropriately monitored quarterly.

17 REPORTS DUE TO COUNCIL

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/4/2 - BP13/1287

REPORT SUMMARY

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 17 September 2013 (listing **ATTACHED**)

There are currently 48 reports listed. Following consideration of this report there will be 9 overdue reports due to Council.

RECOMMENDATION:

That the report on Outstanding Council Reports be endorsed.

ATTACHMENTS

1 Outstanding Council Reports - as at 17 September 2013

Report Prepared By:

Amanda Janvrin
Section Manager - Governance

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 17 (continued)

ATTACHMENT 1

Outstanding Reports

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	FEASIBILITY STUDY ON MULTIPURPOSE SYNTHETIC (ARTIFICIAL) FIELDS	13/08/2013	<i>The Workshop on Synthetic Fields has been scheduled for 8 August 2012.</i>
Meeting Date 10/04/2012	1. That the General Manager prepare a feasibility study on multipurpose synthetic (artificial) fields to be installed in the City of Ryde. This study should outline a comprehensive consultation process, projected financial impacts, construction cost estimates and a funding and grants program with all sports facility users and stakeholders in the LGA.	Anticipated date 15/10/2013	<i>To be reported to the Works and Community Committee on 20 November 2012.</i>
Group Community Life	2. A report detailing possible sports funding grants through the State and Federal Governments in the next financial year to assist in this project should also be undertaken.	Officer Tatjana Domazet	<i>The Workshop was attended by 50 people including the NSW State Minister for Sport and Recreation.</i>
	3. A feasibility study cost be funded through the 2012/13 First Quarter Budget review.		<i>Participating in the NSROC project on regional approach for provision of synthetic fields.</i> <i>Project brief completed and quotes sought from consultants. Funds requested as part of Quarterly Review Process, as per Council Resolution. Once funds are allocated, the project will commence.</i>

ITEM 17 (continued)

ATTACHMENT 1

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Funds allocated on 4 December at Council meeting.

To be delayed and submitted to Council meeting in August 2013 due to further community consultation being undertaken.

Finalisation of report with consultant delayed. Report to be submitted to Council in late August.

Further community consultation being undertaken.

Due to additional consultation with the sporting community the draft report was delayed for comment by the PRG.

Draft report issued to the PRG for comment on 12 September and feedback to considered for the final report, to be provided to the Works and Community Committee in October.

ITEM 17 (continued)

ATTACHMENT 1

<p>Meeting Type Works and Community</p>	<p>Resolution GLADESVILLE VACATION CARE SERVICE- Transfer to Gladesville Public School P&C</p>	<p>Due Date of Report 19/11/2013</p>	<p>Comments/Update <i>This report will be provided on 19 November 2013, after a duration of 12 months as per the resolution.</i></p>
<p>Meeting Date 26/06/2012</p>	<p>(c)That Council staff review and report to Council on the above arrangements (to ensure service continues to meet the needs of families) after 12 months.</p>	<p>Anticipated date 19/11/2013</p>	
<p>Group Community Life</p>		<p>Officer Baharak Sahebekhtiari</p>	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	DEFERRED REPORT: WEBCASTING OF COUNCIL MEETINGS	13/08/2013	<p><i>Software and hardware sourced. There have been some technical issues which are being addressed and testing is currently underway. The webcasting has been operational during tests but there have been technical issues during Council meeting tests. We are continuing to review the system.</i></p>
Meeting Date	(c)That a report be provided to Council following the conduct of the 2012 Local Government Election outlining the outcomes of the trial and recommending appropriate changes to Council's Code of Meeting Practice.	Anticipated date	<p><i>Updates will be provided to Councillors through the Councillor Information Bulletin closer to the go live date.</i></p>
17/07/2012		22/10/2013	<p><i>It is anticipated for the system to go live by November 2013.</i></p>
Group		Officer	
Corporate Services		Shane Sullivan	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	UPDATE ON WOLFE ROAD RESERVE - COMPLETED	6/08/2013	<i>Further report may need to be generated if this approach fails by May 2013.</i>
Meeting Date	(c)Should this approach fail within 6 months, that Council seek legal advice on the issue of encroachment and report the matter back to the Works and Community Committee.	Anticipated date	<i>* Council staff are maintaining the upper and lower part of the reserve.</i>
6/11/2012		6/08/2013	<i>* Bushland contractor engaged to undertake bush regeneration work. * RFS reviewed the fire breaks around the adjoining properties. * Personal items of encroachment to be removed by the end of April 2013.</i>
Group		Officer	<i>Report to Council is not necessary due to current management strategy being successful. Council is to be updated on the issue through a CIB during May 2013.</i>
Community Life		Tatjana Domazet	<i>Advice received, and encroachment has been removed. Further report needed to deal with issues of firebreaks as</i>

ITEM 17 (continued)

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advised by the Rural Fire Service (RFS), Report to Works and Community Committee Meeting on 6 August 2013. Further consultation with the affected residents is required.

COMPLETED (To be removed following the Council Meeting to be held on 24 September 2013).

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution MATTER OF URGENCY – REFERENCE TO RYDE COUNCIL IN THE SYDNEY MORNING HERALD	Due Date of Report 25/06/2013	Comments/Update <i>This matter was reported to Council as an attachment to a Mayoral Minute at Council's Meeting on 12 February 2013. As advised in the report, Council has endorsed completing a full investigation into the two matters by an independent external party.</i>
Meeting Date 13/11/2012	That the General Manager provide a detailed report to Councillors on the allegations made in the Sydney Morning Herald in relation to Ryde Council's association with Direct Health Solutions and any other company operated by the Obeid family. This report should detail the circumstances and approval processes that operated and provide an explanation (if necessary) on why the normal tendering process allegedly did not take place.	Anticipated date 8/10/2013	<i>A firm has been appointed to conduct the investigation and report back to Council.</i> <i>Investigation is ongoing and is expected to be finalised by mid August with a report back to Council by 8 October 2013.</i>
Group General Manager		Officer John Schanz	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution MAYORAL MINUTE 15/12 - REVIEW OF POLICIES REGARDING VISITING OVERSEAS DELEGATIONS AND SISTER CITY RELATIONSHIPS	Due Date of Report 13/08/2013	Comments/Update <i>Council resolved that a Workshop be conducted to allow Council to reconsider its policy with regard to Visiting Overseas Delegations and all aspects of existing sister city relationships. This Workshop has been held.</i>
Meeting Date 13/11/2012	(b)That the General Manager bring back a report to Council of existing sister city relationships.	Anticipated date 26/11/2013	
Group Corporate Services		Officer Shane Sullivan	<i>Subsequently, Council asked that a further workshop be conducted with Korean representatives.</i>

ITEM 17 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE</p>	<p>Due Date of Report 8/10/2013</p>	<p>Comments/Update <i>On 13 November 2012 Council resolved to forward the planning proposal to the Minister for a Gateway Determination. This will occur by 14 December 2012.</i></p>
<p>Meeting Date 13/11/2012</p>	<p>(c)That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.</p>	<p>Anticipated date 8/10/2013</p>	<p><i>Subject to receipt of the Gateway determination from DoPI in February 2013 community consultation will likely commence mid March 2013 and run for at least 28 days to mid April 2013. It is anticipated that a report concerning the outcomes of community consultation will be presented to Council late July / early August 2013.</i></p>
<p>Group Environment and Planning</p>		<p>Officer Meryl Bishop</p>	<p><i>Gateway determination received 1 March 2013. Report to Council on 9 April 2013 recommending commencement of community consultation.</i></p> <p><i>Community Consultation, including Community Information Session, planned for June 2013.</i></p>

ITEM 17 (continued)

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*At its meeting of 23 July 2013
Council resolved to hold a further
Community Consultation meeting
to address traffic concerns. This
is expected to occur in late
August 2013.*

*Report to Council scheduled for 8
October2013.*

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	7-9 RUTLEDGE STREET, EASTWOOD, LOT 23 DP 4231 and LOT 24 DP 653568. Local Development Application for a mixed use development, containing 6 retail/commercial tenancies, 79 units & basement parking for 155 cars & strata subdivision. LDA 2011/0612.		<i>Amended plans and information to be submitted and then renotified. Not yet received.</i>
Meeting Date	Application for a mixed use development, containing 6 retail/commercial tenancies, 79 units & basement parking for 155 cars & strata subdivision. LDA 2011/0612.	Anticipated date	<i>Amended plans not yet received as at March 2013.</i>
27/11/2012	That Local Development Application No. 2011/0612 at 7-9 Rutledge Street, Eastwood, being LOT 23 DP 4231 and LOT 24 DP 653568 be deferred pending receipt of the information required by the deferred commencement conditions including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.	Officer	<i>Follow-up letter to applicant sent seeking amended plans 3 April 2013 - applicant has requested more time to provide amendments.</i>
Group		Liz Coad	<i>Date of Report to be determined upon receipt of amended plans. Amended plans not yet received as at August 2013.</i>
Environment and Planning			<i>Some amended plans received, still awaiting further plans as at September 2013. Notification to be undertaken upon receipt of complete amendments and report to Council to follow.</i>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	GLADESVILLE RSL DEVELOPMENT PROPOSAL	23/07/2013	<i>Council has met with proponents to view draft community consultation plan. Date for report to be determined as a result of outcomes.</i>
Meeting Date	(b) Following the community consultation, including key stakeholders, that a further report be provided to Council by the Gladesville RSL Club including details of the following:	Anticipated date	<i>The RSL Club has scheduled consultation events throughout March 2013 - the date of the report is to be confirmed pending the results of the consultation.</i>
Group	(i) Indicative built form and uses; (ii) Parking management (particularly during the construction phase); and (iii) Results of the community consultation process.	Officer	<i>Workshop deferred to 3 September 2013. Date of report to be determined.</i>
Environment and Planning		Dominic Johnson	<i>Workshop undertaken 3 September 2013.</i>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	BOARDING HOUSES POLICY - Draft Enforcement Policy and Draft Development Control Plan	8/10/2013	<i>Draft policy to be exhibited in April 2013.</i>
Meeting Date	(c)That Council receive a further report on the outcomes of the exhibition of draft Boarding Houses Policy comprising:	Anticipated date	<i>Draft Policy on Exhibition, submissions close 20 May 2013.</i>
11/12/2012		8/10/2013	<i>Exhibition completed and report scheduled for 8 October 2013.</i>
Group	1. Draft Enforcement Policy: Boarding Houses 2. City of Ryde Draft Amending Development Control Plan - Boarding Houses.	Officer	
Environment and Planning		Scott Cox	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 22 November 2012 - MIRIAM ROAD, WEST RYDE - No Parking (Kiss and Ride) - COMPLETED	16/07/2013	<i>Updated 14 February 2013: Report will be tabled at Traffic Committee meeting to be held on 23 May 2013. The Traffic Committee's recommendations will be put to the Works and Community Committee on 2 July 2013.</i>
		Anticipated date	
5/02/2013	That Council undertake a six (6) month trial in relation to the provision of a single 'No Parking' space along the side frontage (Miriam Road) of No.52 West Parade and that a follow up report be submitted to the Committee following the completion of the trial period confirming its use and whether the installation should be supported permanently.	17/09/2013	<i>Updated 11 July 2013: Previous advice that this matter was to be put to the Traffic Committee in May did not consider the timeframe for the six (6) month trial. Therefore, this matter will submitted to the Ryde Traffic Committee meeting in July 2013. The Traffic Committee's recommendations will be submitted to a Works and Community Committee in September 2013.</i>
Group		Officer	
Public Works		Harry Muker	<i>Updated 19 August 2013: Report on track for 3 September 2013 Works and Community Committee.</i>

ITEM 17 (continued)

ATTACHMENT 1

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*Updated 13 September 2013:
Due to the number of pressing
traffic issues and workload
experienced by the Traffic
Section, this matter is now
included in the 17 September
Works and Community Business
Paper.*

*COMPLETED (To be removed
following the Council meeting on
24 September 2013).*

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	RYDE CITY BOWLING CLUB UPDATE	26/11/2013	<i>(c) Subject to arbitration regarding fixtures, due improvements to commence shortly. Anticipated completion date late March - early April.</i>
Meeting Date 12/02/2013	(c)That Council proceed with an EOI/Tender process for the site, once the issues outlined in the body of this report are resolved.	Anticipated date 26/11/2013	<i>(d) Later in the year - report to Council October/November.</i>
Group Community Life	(d)That Council note that the further report considering the future of the Ryde Park including the Ryde City Bowling Club and Argyle Centre sites as to the future development, use and management will proceed following progress of Part (c) above.	Officer Baharak Sahebekhtiari	<i>Awaiting the outcome of the arbitration before proceeding to the EOI/Tender process. Matter is with the Golden Goal solicitors.</i> <i>Interim report on arbitration process and way forward submitted to Council in August.</i> <i>Further report on the timing of the tender process will be provided to Council in November.</i>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - GRAFFITI VANDALISM AND THE CITY OF RYDE - COMPLETED	23/07/2013	5 March 2013 <i>NOM directed to Derek McCarthy – Service Unit Manager for Community & Events in Community Life</i>
	(b) That a report on this matter, include, but not be limited to: 1. The establishment of key area ‘watch’ programs involving local residents, community groups, police and staff to identify at-risk locations and perpetrators. 2. Methods of communication to assist awareness of measures to reduce graffiti vandalism in key areas. 3. Promotion of anti-graffiti messages and penalties against culprits. 4. Detailing the rising cost of graffiti removal in the City of Ryde. 5. That Council look at further initiatives to engage with the youth including the Ryde Youth Council in order to address this issue.	Anticipated date 23/07/2013	<i>Gathering information and responsibilities for the report to Council on 21 May 2013.</i>
Group Community Life	(c) That the report indicate the process and the timeframe to develop the above into a Graffiti Action Plan.	Officer Derek McCarthy	<i>Working on information required and responsibilities.</i> <i>Internal working group organised to deliver on aspects of this request. Matter reported to Council Meeting on 23 July 2013.</i> <i>COMPLETED (To be removed following the Council Meeting on 24 September 2013).</i>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Works and Community	Resolution FITNESS EQUIPMENT WITHIN THE CITY OF RYDE - COMPLETED	Due Date of Report 23/07/2013	Comments/Update <i>Due to current workload the matter will be reported to the Works and Community Committee Meeting on 3 September 2013.</i>
Meeting Date 26/02/2013	That the Acting General Manager reviews the provision of fitness equipment within the City of Ryde and in particular at Kissing Point Foreshore Park Putney and report back to Council on the community needs for this type of equipment in our parks. The review to include any partnerships with private sector organisations or sponsorship opportunities.	Anticipated date 3/09/2013	<i>COMPLETED (To be removed following Council Meeting to be held 24 September 2013).</i>
Group Community Life		Officer Tatjana Domazet	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution SPORTING FACILITIES	Due Date of Report 24/09/2013	Comments/Update <i>Due to the current workload the matter will be reported to the Works and Community Committee meeting in October.</i>
Meeting Date 26/02/2013	That Council receive a report that lists all works Council officers have planned or are proposed for future works within the City on sporting facilities and related amenities blocks.	Anticipated date 15/10/2013	
Group Community Life	The report also to outline ways the officers seem to prioritise works to be done on these planned works and/or proposed works including if known the funding or proposed funding for such works. The report to be returned before the end of the calendar year, and if this cannot be achieved, Councillors to be advised in the CIB of a future reporting date	Officer Tatjana Domazet	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution DRAFT RYDE LEP 2011- AMENDING PLANNING PROPOSAL	Due Date of Report 22/10/2013	Comments/Update <i>Open Community Workshop anticipated July 2013.</i>
Meeting Date 12/03/2013	(c)That a Planning Proposal be prepared to amend Draft LEP 2011 in accordance with Table 2 Planning Proposal Amendments to DLEP 2011 attached to this report and be supported by a consultation programme prepared by Council's Media and Communications Group and reported back to Council for further discussion and endorsement.	Anticipated date 22/10/2013	<i>Workshop held 31 July 2013. Detailed report to Council expected October 2013.</i>
Group Environment and Planning		Officer Meryl Bishop	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	77 WHARF ROAD, GLADESVILLE – LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence and gates. LDA2012/0272	4/06/2013	<i>Application requested preliminary meeting to discuss the issues - held in May 2013.</i>
Meeting Date	(a)That LDA2012/272 at 77 Wharf Road, Gladesville being LOT 2 DP 536882 be deferred for a mediation meeting to be undertaken by the Group Manager Environment and Planning with the applicant and the objectors to address issues relating to bulk, scale, habitable areas and streetscape presentation. That a further report be referred to Planning and Environment Committee within three months.	Anticipated date	<i>Awaiting provision of amended plans for option to be discussed at mediation meeting.</i>
12/03/2013		Officer	<i>Mediation meeting held 15 July 2013. Awaiting provision of amended plans for notification and assessment.</i>
Group		Liz Coad	<i>Date of report to be determined. Amended Plans not yet received as at September 2013.</i>
Environment and Planning			

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	APPOINTMENT OF DELEGATES TO THE RYDE YOUTH COUNCIL ADVISORY COMMITTEE	22/10/2013	<i>Matter to be report back to Council in October 2013.</i>
Meeting Date	(b)That the Ryde Youth Council Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.	Anticipated date	
12/03/2013		22/10/2013	
Group		Officer	
Community Life		Paul Graham	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES	21/05/2013	<i>Update 15 May 2013: Report deferred to 19 November 2013 Works and Community Committee to enable additional stakeholder consultation to be undertaken. Results of consultation to be incorporated into report.</i>
Meeting Date	(a)That the Acting General Manager provide a report including recommendations on improving relations and feedback from small business operators who are leasing properties from the City of Ryde.	Anticipated date	
26/03/2013		19/11/2013	
Group	(b)That this report include matters pertaining (but not limited) to: -Possible consultation frameworks; -Improving commercial leasing terms including 'options' to extend a lease after expiry; and -Feedback channels for suggestions that include improvements or enhancements to council properties.	Officer	
Public Works		Rod Drummond	<i>Update 19 August 2013 At stakeholder consultation stage.</i>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION - NATIONAL DISABILITY STRATEGY: NSW IMPLEMENTATION PLAN 2012-2014	Due Date of Report 10/09/2013	Comments/Update <i>Report back to Council by early September 2013.</i>
Meeting Date 26/03/2013	That Council receive a report that: -provides an initial assessment of the areas of action required by Councils, as identified in the plan.	Anticipated date 8/10/2013	<i>Internal working group established. Project needs more time to allow external consultation.</i>
Group Community Life	-identifies the anticipated resourcing issues. -outlines the proposed management mechanism/s to plan and coordinate the implementation of the required actions.	Officer Paul Graham	<i>Project to be reported to Council on 24 September 2013.</i> <i>Project requires more work following consultation with the Executive Team. Report to be provided to Council in October.</i>

ITEM 17 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution MONTHLY REPORTING TO COUNCIL - COMPLETED</p>	<p>Due Date of Report 13/08/2013</p>	<p>Comments/Update <i>A workshop has been scheduled for this matter on 20 August 2013.</i></p>
<p>Meeting Date 26/03/2013</p>	<p>That a highlights monthly report be developed in conjunction with the Councillors covering key management items including: human resources (sick leave, recreation leave in excess of 20 and 30 days); OH&S; complaints; organisational risk issues; legal actions.</p>	<p>Anticipated date 24/09/2013</p>	<p><i>Reported to Council on 24 September 2013.</i></p>
<p>Group Corporate Services</p>		<p>Officer Roy Newsome</p>	<p><i>COMPLETED (To be removed following the Council Meeting to be held on 24 September 2013).</i></p>

<p>Meeting Type Council</p>	<p>Resolution MATTER OF URGENCY - BUDGET FOR 2013/14</p>	<p>Due Date of Report 10/12/2013</p>	<p>Comments/Update <i>Scoping of strategy development commenced. Budget changes as requested by Council will be incorporated in draft Delivery Plan for 2013/14.</i></p>
<p>Meeting Date 26/03/2013</p>	<p>2.Council note the above in relation to the development of a Communications Strategy resolved by Council on 12 March 2013 and to provide an extension for the report back of the draft strategy to Council no later than December 2013.</p>	<p>Anticipated date 10/12/2013</p>	
<p>Group General Manager</p>		<p>Officer Angela Jones-Blayney</p>	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MACQUARIE PARK REVIEW OF PLANNING CONTROLS (RYDE LEP AMENDMENT 1)	8/10/2013	<i>Council changes are being incorporated into exhibition materials. Public exhibition to follow.</i>
Meeting Date	(b)That the outcomes of community consultation are reported to Council as soon as practicable after the exhibition period.	Anticipated date	<i>Public Exhibition expected to commence in June 2013 continuing into July 2013.</i>
9/04/2013		8/10/2013	
Group		Officer	<i>Exhibition completed. Detailed report scheduled for 8 October 2013.</i>
Environment and Planning		Meryl Bishop	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution COMMUNITY GRANTS PROGRAM - Allocation of Funds 2012-13 - COMPLETED	Due Date of Report 27/08/2013	Comments/Update <i>Reported to Council Meeting on 27 August 2013.</i>
Meeting Date 9/04/2013	(e)That a Councillors working party of all interested Councillors be established to provide input into the proposed review the Community Grants Policy including providing key parameters for the draft and the matter be reported back with recommendations by August 2013 to allow the new policy to be in place prior to the commencement of the advertising for the 2013 Grants Program.	Anticipated date 27/08/2013	<i>COMPLETED (To be removed following the Council Meeting to be held 24 September 2013).</i>
Group Community Life		Officer Baharak Sahebekhtiari	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ESTABLISHMENT OF A MOBILE PLAYGROUP SERVICE- Follow up Report - COMPLETED	27/08/2013	<i>Meeting request with the State Minister for Education was declined. .</i>
Meeting Date	(d)That subject to the project being commenced, the service be reviewed after three years and a report be provided back to Council for its consideration.	Anticipated date	<i>Correspondence dated 30 May received from Minister for Education advising that the unused grant funds cannot be transferred towards the</i>
Group	(e)That the Acting General Manager be requested to seek proposals from the private sector to offset the costs of establishing a mobile playgroup service as sponsorship with the aim of funding the start up costs of \$121 000 and a report be provided back to Council on the outcomes.	Officer	<i>establishment of a mobile playgroup pservice in the City of Ryde.</i>
Community Life		Baharak Sahebekhtiari	<i>Reported to Council Meeting on 27 August 2013.</i>
			<i>COMPLETED (To be removed following the Council Meeting to be held 24 September 2013).</i>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution 11 FIRST AVENUE, EASTWOOD - Stormwater Drainage	Due Date of Report 3/12/2013	Comments/Update <i>Update 15 May 2013: Report deferred until legal issues raised are worked out with resident.</i>
Meeting Date 23/04/2013	That consideration of this Item be deferred to the next Works and Community Committee meeting on 7 May 2013 and that the resident be invited to attend the meeting.	Anticipated date 3/12/2013	<i>Update 18 June 2013: A CIB was issued on 9 May 2013 providing an update on this matter. Given that legal issues surround this matter, a definitive report date cannot be provided. Accordingly, the matter will be reported back to the Works and Community Committee once an appropriate course of action can be recommended.</i>
Group Public Works		Officer Anthony Ogle	<i>Update 19 August 2013: Status remains unchanged. Waiting to hear from resident.</i>

ITEM 17 (continued)

ATTACHMENT 1

<p>Meeting Type Works and Community</p>	<p>Resolution PUBLIC EXHIBITION OF DRAFT LANE COVE RIVER COASTAL ZONE MANAGEMENT PLAN - COMPLETED</p>	<p>Due Date of Report 6/08/2013</p>	<p>Comments/Update <i>The Draft Lane Cove River Coastal Zone Management Plan is on exhibition from 13 May 2013 to 21 June 2013.</i></p>
<p>Meeting Date 7/05/2013</p>	<p>(b)That a further report on the Lane Cove River Coastal Zone Management Plan be presented for Council's consideration after the public exhibition period has finished and all submissions have been considered by the Lane Cove River Estuary Management Committee.</p>	<p>Anticipated date 3/09/2013</p>	<p><i>Delayed while partnering Council finalizes their component of the Plan.</i></p>
<p>Group Environment and Planning</p>		<p>Officer Sam Cappelli</p>	<p><i>COMPLETED (to be removed following Council Meeting 24 September 2013).</i></p>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	TRAFFIC ISSUES RELATED TO ELTHAM STREET, GLADESVILLE - Monash Road (Traffic Management Options Paper) - COMPLETED	3/09/2013	<p><i>Update 20 May 2013: A report will be prepared for consideration by Ryde Traffic Committee at its meeting to be held on 25 July. The RTCs recommendations will be tabled a Works and Community Committee in September 2013.</i></p>
Meeting Date	(b)That the traffic management options agreed between Council staff and the residents be referred to Ryde Traffic Committee for approval before being presented to Council in a further report.	Anticipated date	<p><i>Updated 19 August 2013: Report on track for Works and Community Committee Meeting on 3 September 2013.</i></p>
14/05/2013		17/09/2013	<p><i>Updated 13 September 2013: Due to the number of pressing traffic issues and workload experienced by the Traffic Section, this matter is now included in the 17 September Works and Community Business Paper.</i></p>
Group		Officer	<p><i>COMPLETED (To be removed following the Council meeting on 24 September 2013).</i></p>
Public Works		Harry Muker	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - AMENDMENT TO VOLUNTARY PLANNING AGREEMENT (VPA) POLICY	24/09/2013	<i>In keeping with the Integrated Open Space Plan, the amended VPA Policy seeking additional open space, was approved by Council at its meeting held on 13 August 2013.</i>
Meeting Date	(b)The Acting General Manager prepare a report identifying how much money Council has for open space acquisition and identify potential purchases for consideration by Council in keeping with the Draft IOSP.	Anticipated date	<i>The Open Space Future Provision Plan is currently under development and will be reported to Council in October.</i>
14/05/2013		22/10/2013	
Group		Officer	
Community Life		Tatjana Domazet	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	305 BLAXLAND ROAD & 5-7 NORTH ROAD, RYDE. LOT 1 DP1069680 & LOT A&B DP 414322. Local Development Application for alterations and additions to San Antonio da Padova Nursing Home. LDA2012/247 - COMPLETED	17/09/2013	<i>Date of report to be advised pending receipt of amended plans and renotification.</i>
Meeting Date	Development Application for alterations and additions to San Antonio da Padova Nursing Home. LDA2012/247 - COMPLETED	Anticipated date	<i>Re-notification completed 19 July 2013. Amended drainage plan requested July 2013.</i>
14/05/2013	(c)A further report will be prepared to the Planning & Environment Committee after the completion of this process.	17/09/2013	<i>Amended Drainage Plan provided 6 August 2013. Date of report to be determined.</i>
Group		Officer	<i>Reported to Planning and Environment Committee Meeting 17 September 2013.</i>
Environment and Planning		Liz Coad	<i>COMPLETED (to be removed following Council Meeting to be held 24 September 2013).</i>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	58 – 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP 102049. Development Application for demolition and construction of 10 strata titled town houses under the Affordable Housing State Environmental Planning Policy. LDA2012/0124		<i>Date to be advised - pending amended plans and renotification.</i>
Meeting Date		Anticipated date	<i>Amended Plans received and renotification underway - submissions close 18 September 2013.</i>
14/05/2013	(b)That the amended plans are renotified to the community including all persons who made submissions and that following this process a further report be presented to Planning and Environment Committee.	Officer	
Group		Liz Coad	
Environment and Planning			

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	CRICKET PRACTICE FACILITES IN THE CITY OF RYDE - COMPLETED	3/09/2013	<i>To be reported following the Sport & Recreation Advisory Committee Meeting in early August.</i>
Meeting Date 28/05/2013	(a)That this matter be referred to the Sports and Recreation advisory committee to provide comment prior a further report being presented to the Works and Community Committee.	Anticipated date 17/09/2013	<i>Further clarification sought on informaiton required for part (b) of this resolution. Depending on clarification, the timing of this report may change.</i>
Group Community Life	(b)That this further report provide specific statistical data.	Officer Tatjana Domazet	<i>Reported to Works and Community Committee Meeting on 17 September 2013.</i> <i>COMPLETED (To be removed following the Council Meeting to be held on 24 September 2013).</i>

ITEM 17 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution DRAFT DCP 2010 PART 4.4 RYDE TOWN CENTRE - CIVIC PRECINCT</p>	<p>Due Date of Report</p>	<p>Comments/Update <i>Gateway determination under consideration of DoPI - exhibition pending DoPI decision.</i></p>
<p>Meeting Date 28/05/2013</p>	<p>(c)That Council is presented with a further report following the completion of the exhibition period.</p>	<p>Anticipated date</p>	<p><i>DoPI requested additional information, which has been provided by Council 5 August 2013.</i></p>
<p>Group Environment and Planning</p>		<p>Officer Meryl Bishop</p>	<p><i>Still awaiting DOPI determination as at September 2013.</i></p>

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - ADVERTISING ON PUBLIC LAND AND AROUND DOG OFF LEASH PARKS	10/12/2013	<i>Due to current workload this matter will be reported to Council in December 2013.</i>
Meeting Date	1. That the Acting General Manager provide a report to Council advising of the options for advertisement around the dog off leash parks including proposed fees and terms and conditions for such advertising that are compliant with the requirements of the State Environmental Planning Policy 64.	Anticipated date	
28/05/2013	2. That the Acting General Manager investigate the potential of advertising on public land as an revenue generating option such as advertisement around dog parks, with the expression of interests to be sent to all local vet business and dog food companies, and report back to Council.	10/12/2013	
Group		Officer	
Community Life		Tatjana Domazet	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution REQUESTS FOR PROPOSALS RECEIVED FOR THE LEASE OF THE KOTARA PARK AND OLYMPIC PARK TENNIS CENTRES	Due Date of Report 10/12/2013	Comments/Update <i>This report will be provided to Council in December 2013.</i>
Meeting Date 25/06/2013	(e)That a further report be submitted to Council following an Expression of Interest/Requests for Proposal process.	Anticipated date 10/12/2013	
Group Community Life		Officer Tatjana Domazet	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution ESTABLISHING AN INTEGRATED YOUTH SERVICE HUB	Due Date of Report 14/07/2015	Comments/Update <i>This report will be provided to Council in July 2015, after a duration of 24 months as per the resolution.</i>
Meeting Date 23/07/2013	(d)That following the trial period (2 years), a review of the Integrated Youth Service Hub governance model be undertaken by Community and Culture and reported to Council.	Anticipated date 14/07/2015	
Group Community Life		Officer Paul Graham	
Meeting Type Council	Resolution NOTICE OF MOTION - LAND ACKNOWLEDGEMENT PLAQUE	Due Date of Report 22/10/2013	Comments/Update <i>This report will be provided to Council in October 2013.</i>
Meeting Date 23/07/2013	(b)That the Acting General Manager report on the options on how Council recognises the area where it is believed that Woollarawarre Bennelong is believed to be buried.	Anticipated date 22/10/2013	
Group Community Life		Officer Paul Graham	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution GRAFFITI VANDALISM AND THE CITY OF RYDE	Due Date of Report 25/02/2014	Comments/Update <i>This report will be provided to Council in February 2014.</i>
Meeting Date 23/07/2013	(b)That the Graffiti Action Plan be reported to Council in February 2014.	Anticipated date 25/02/2014	
Group Community Life		Officer Derek McCarthy	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution 260-274 VICTORIA ROAD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.	Due Date of Report 15/10/2013	Comments/Update <i>Mediation meeting to be arranged. Date of report to be determined.</i>
Meeting Date 13/08/2013	That Local Development Application No. 2012/0360 at 260 – 274 Victoria Road be referred for the Group Manager Environment and Planning to undertake mediation between the applicant and objectors, and the matter be reported back to Council.	Anticipated date 15/10/2013	<i>Mediation undertaken 6 September 2013.</i> <i>Report schedule for 15 October 2013.</i>
Group Environment and Planning		Officer Liz Coad	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution INTERIM ACTION PLAN- How Council Can Address Risks Raised in the ICAC Hearing	Due Date of Report 10/12/2013	Comments/Update <i>A Workshop has been scheduled for this matter on 15 October 2013.</i>
Meeting Date 13/08/2013	(c)That Council request the Acting General Manager to schedule a briefing to workshop with Council the various models of IHAP, and their policy and procedural frameworks, with the preferred option to be reported back to Council;	Anticipated date 10/12/2013	
Group Corporate Services		Officer Roy Newsome	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution RYDE HERITAGE ADVISORY COMMITTEE REQUEST COUNCIL CONSIDER OPTIONS FOR HERITAGE LISTING RYDE CIVIC CENTRE SITE	Due Date of Report 22/10/2013	Comments/Update <i>Report pending response of Heritage Advisory Committee.</i>
Meeting Date 13/08/2013	That Council refer this report to the next meeting of the Heritage Advisory Committee for its comment prior to being reported back to Council.	Anticipated date 22/10/2013	
Group Environment and Planning		Officer Meryl Bishop	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION - VOLUME AND SPEED OF VEHICLES USING ALL THE RESIDENTIAL STREETS BOUNDED BY VICTORIA ROAD, BOWDEN STREET, CHURCH STREET AND CONSTITUTION ROAD	Due Date of Report 15/10/2013	Comments/Update <i>Update 19 August 2013: Investigations and a way forward are being determined as to the best approach in regards to this report.</i>
Meeting Date 13/08/2013	That the Acting General Manager investigate and report on the volume and speed of vehicles using all the residential streets bounded by Victoria Road, Bowden Street, Church Street and Constitution Road as “through roads” and “rat runs” between these major roads.	Anticipated date 5/11/2013	
Group Public Works		Officer Harry Muker	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	EXPRESSION OF INTEREST - COR-EOI-02/13 - GENERAL REVIEW OF PROCUREMENT AT THE CITY OF RYDE	10/12/2013	
Meeting Date	That the report arising from this review be presented to Council.	Anticipated date	
27/08/2013		10/12/2013	
Group		Officer	
General Manager		John Schanz	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution SANTA ROSA PARK AMENITIES BUILDING	Due Date of Report 22/10/2013	Comments/Update <i>This report will be provided to Council in October.</i>
Meeting Date 27/08/2013	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.	Anticipated date 22/10/2013	
Group Community Life		Officer Tatjana Domazet	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution DRAFT DEVELOPMENT CONTROL PLAN FOR THE FORMER HAWKES ON SECOND AVENUE BOWLING CLUB	Due Date of Report 10/12/2013	Comments/Update <i>Exhibition expected late September-October 2013.</i>
Meeting Date 27/08/2013	That a further report be presented to Council as soon as practicable after the exhibition of the Draft Development Control Plan detailing the outcomes of the consultation process.	Anticipated date 10/12/2013	
Group Environment and Planning		Officer Meryl Bishop	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution PLANNING PROPOSAL - 111 WICKS ROAD, 29 EPPING ROAD AND 31 - 35 EPPING ROAD MACQUARIE PARK	Due Date of Report	Comments/Update <i>Awaiting provision of additional information from applicant.</i>
Meeting Date 27/08/2013	That a further report be provided to Council following the outcomes of those discussions.	Anticipated date	
Group Environment and Planning		Officer Meryl Bishop	
Meeting Type Council	Resolution TOP RYDER COMMUNITY BUS UPDATE	Due Date of Report 22/10/2013	Comments/Update <i>Research underway - report expected November 2013.</i>
Meeting Date 27/08/2013	That a further report be submitted to Council in October 2013 on the research undertaken to fund a continuation of the Top Ryder Community Bus Service and seeking a decision based on the results of the investigation undertaken on whether or not the service should be continued, discontinued or downsized.	Anticipated date 12/11/2013	
Group Environment and Planning		Officer Sam Cappelli	
17-Sep-13		Page 48 of 49	

ITEM 17 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION - THE ESTABLISHMENT OF A REGISTER OF LOBBYISTS IN RELATION TO DEVELOPMENT APPLICATIONS - Councillor Jerome Laxale	Due Date of Report 26/11/2013	Comments/Update <i>Department of Planning and Infrastructure operational model to be used for guidance.</i>
Meeting Date 27/08/2013	That Council report back with preferred operational models for such a register, looking to schemes similar Government Registers for guidance.	Anticipated date 26/11/2013	
Group Environment and Planning		Officer Meryl Bishop	

18 CODE OF CONDUCT

Report prepared by: Acting General Manager**File No.:** COR2012/269/4/1 - BP13/1328

REPORT SUMMARY

ATTACHED – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL for Council's consideration is the Code of Conduct report prepared by David Madden of DBM Independent Consultants from the NSROC Regional Code of Conduct Review Panel regarding Councillor Maggio.

The report has been prepared under the provisions of the Complaint Handling Procedure of Council's Code of Conduct endorsed by Council on 19 February 2013.

As this matter relates to a code of conduct matter, the Local Government Act 1993 section 10A(2)(i) now provides for Code of Conduct matters to be considered in the closed session of Council.

RECOMMENDATION:

That Council give consideration to the Code of Conduct report and resolve what action to take with regard to the recommendations contained within the report.

ATTACHMENTS

- 1 Investigation Report from DBM Independent Consultants dated 13 September 2013 regarding Code of Conduct - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Approved By:

Roy Newsome
Acting General Manager

PRECIS OF CORRESPONDENCE

1 PLANNING ASSESSMENT COMMISSION APPROVAL CONCEPT PLAN AND STAGE 1 PROJECT APPLICATION FOR THE MEADOWBANK EMPLOYMENT AREA

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/09/6/5 - BP13/1258

CORRESPONDENCE:

Submitting correspondence from the Department of Planning and Infrastructure, dated 7 August 2013, regarding the Planning Assessment Commission approval of the Concept Plan and Stage 1 Project Application for the Meadowbank Employment Area.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Hon Brad Hazzard response in reference to the letter regarding the Planning Assessment Commission's approval of the Concept Plan and Stage 1 Project application for the Meadowbank Employment area
- 2 Shepherds Bay Concept Plan and Project Application - Part 3A - Brad Hazzard MP - Department of Planning and Infrastructure (DOPI)

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

Mr Dominic Johnson
Group Manager - Environment and Planning
City of Ryde
Locked Bag 2069
North Ryde NSW 1670

13/09155

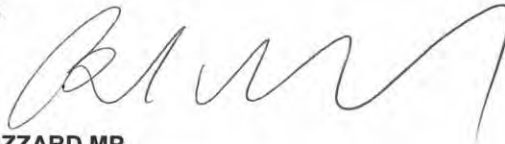
Dear Mr Johnson

I refer to your letter regarding the Planning Assessment Commission's approval of the Concept Plan and Stage 1 Project Application for the Meadowbank Employment Area.

Should the proponent lodge an appeal in the Land and Environment Court, I can confirm the Department will advise Council accordingly.

If you have any further enquiries about this matter, I have arranged for Heather Warton, Director, Industry, Social Infrastructure and Key Sites, of the Department of Planning and Infrastructure to assist you. Ms Warton can be contacted on 9228 6461.

Yours sincerely,



HON BRAD HAZZARD MP
Minister

07 AUG 2013



PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 2



Lifestyle and opportunity @ your doorstep

The Hon. Brad Hazzard, MP
Level 31 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

22 May 2013

D13/41112

Dear Mr Hazzard

Part 3A Shepherds Bay Concept Plan and Project Application

I refer to the Planning Assessment Commission (PAC) decision earlier this year that determined by way of approval the Part 3A Shepherds Bay Concept Plan and Project Application Approval.

It is noted that the PAC approved the proposal subject to amendments including a reduction in height, provision of additional open space, public domain requirements, increased separation between buildings and a range of other amendments.

Should the applicant seek to appeal this decision Council requests that:

1. Any amendments to the Concept Plan and Stage 1 application would be re-notified for community and Council comment; and
2. Should the matter proceed to a Section 34 Conference, that Council will be invited to participate in the mediation process as an interested party.

It should be noted that the above is requested by Council as a result of a unanimous resolution made at the Council meeting held 14 May 2013. A copy of this resolution is provided for your information.

Yours sincerely



Dominic Johnson
Group Manager, Environment and Planning
City of Ryde

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 2



EXTRACT FROM MINUTES OF COUNCIL MEETING
NO. 10/13 AT ITS MEETING HELD ON 14 MAY 2013.

17 PART 3A - SHEPHERDS BAY - LEGAL ADVICE

Note: Councillor Simon disclosed a pecuniary interest in this Item for the reason that he owns and lives in his property in Bowden Street, Meadowbank.

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

RESOLUTION: (Moved by Councillors Pendleton and Perram)

- (a) That no further legal action be taken in respect to 'Holdmark' Part 3A for Shepherds Bay.
- (b) That Council write to the Minister for Planning requesting confirmation that should there be an appeal by the applicant on the Part 3A 'Holdmark' Shepherd's Bay approval that;
 - 1. Any amendments to the Concept Plan and Stage 1 application would be re-notified for community and Council comment; and
 - 2. Should the matter proceed to a Section 34 Conference, that Council will be invited to participate in the mediation process as an interested party.

Record of Voting:

For the Motion: Unanimous

2 PART 3A MEADOWBANK CONCEPT PLAN AND PROJECT APPLICATION

Report prepared by: Acting Team Leader - Strategic Planning
File No.: MIN2010/2 - BP13/1217

CORRESPONDENCE:

Following the approval of the Part 3A Shepherds Bay Concept Plan and Project Application Approval, Council resolved on the 14 May 2013 to write to the Minister for Planning and Infrastructure to request that should the applicant seek to appeal this decision that:

1. Any amendments to the Concept Plan and Stage 1 application would be re-notified for community and Council comment; and
2. Should the matter proceed to a Section 34 Conference, that Council will be invited to participate in the mediation process as an interested party.

In response to Council's letter dated 22 May 2013, Council has received a letter from the Minister for Planning and Infrastructure stating that '*...Should the proponent lodge an appeal in the Land and Environment Court, I can confirm the Department will advise Council accordingly.*' A full copy of this letter is attached for Council's information.

RECOMMENDATION

That the correspondence be received and noted.

ATTACHMENTS

- 1 Response to letter requesting inclusion in any Section 34 Conference for appeals to the Concept Plan and Stage 1 Project application for the Meadowbank Employment area

Report Prepared By:

Adrian Melo
Acting Team Leader - Strategic Planning

Report Approved By:

Vince Galletto
Team Leader - Building and Development Advisory Service

Meryl Bishop
Acting Group Manager - Environment & Planning

PRECIS OF CORRESPONDENCE 2 (continued)

ATTACHMENT 1



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Dominic Johnson
Group Manager - Environment and Planning
City of Ryde
Locked Bag 2069
North Ryde NSW 1670

13/09155

Dear Mr Johnson

I refer to your letter regarding the Planning Assessment Commission's approval of the Concept Plan and Stage 1 Project Application for the Meadowbank Employment Area.

Should the proponent lodge an appeal in the Land and Environment Court, I can confirm the Department will advise Council accordingly.

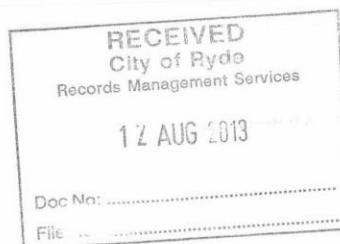
If you have any further enquiries about this matter, I have arranged for Heather Warton, Director, Industry, Social Infrastructure and Key Sites, of the Department of Planning and Infrastructure to assist you. Ms Warton can be contacted on 9228 6461.

Yours sincerely,



HON BRAD HAZZARD MP
Minister

07 AUG 2013



3 LETTER OF THANKS - BreastScreen NSW

Report prepared by: Executive Assistant to the General Manager
File No.: GRP/09/5/6 - BP13/1347

CORRESPONDENCE:

Submitting correspondence from BreastScreen NSW, dated 6 September 2013 thanking the City of Ryde for hosting the BreastScreen Mobile Van at the Civic Centre from 21 May 2013 to 28 August 2013.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 BreastScreen NSW Thank you for Support 2013 (from Meredith Kay to Roy Newsome, Acting GM)

Report Prepared By:

Roxanne Thornton
Executive Assistant to the General Manager

Report Approved By:

Roy Newsome
Acting General Manager

PRECIS OF CORRESPONDENCE 3 (continued)

ATTACHMENT 1



Mr Roy Newsome
General Manager
City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1670

Friday 6th September, 2013

Dear Mr Newsome

I am writing to thank you for the support of the City of Ryde in hosting and extending the BreastScreen Mobile Van at Top Ryde Civic Centre. The support has been greatly appreciated, not only by BreastScreen NSW, but also by local women who take advantage of being able to have their screening mammograms in a convenient location. Convenience and ease of access are important considerations for many women when making the decision to have a screening mammogram.

This has been another successful visit to Ryde for BreastScreen, 21st May to 28th August 2013. During this visit, we provided screening for 1854 women, this is an increase of 27% compared to our visit in 2011. On average, this is just over 26 women per day. During the visit 386 (21%) women used our service for the first time which is 6% above target expectations.

As you are aware, Ryde LGA has a high percentage of women from culturally and linguistically diverse background. Sixty three Chinese women, with low English proficiency, attended for a breast screen during 9 sessions that were Chinese interpreter-assisted. We also delivered several seminars about the importance of breast screening with Chinese interpreters targeting migrant women and many local groups.

Other strategies to maximise this visit included operating on Saturdays and rostering two radiographers onto the mobile unit when possible.

I have attached some Screening Summary Reports for your further information. BreastScreen re-invites women every two years for screening. Therefore, we use data from two years previous, in this case 2011, for comparison and monitoring. I am happy to discuss any aspect of this information further.

We appreciate the support we received from City of Ryde and look forward to the next visit in 2014. I would particularly like to thank Steven Smith and Roxanne Thornton for their help and support during our visit. Thank you for working with us in our efforts to further reduce the mortality from breast cancer on women who live in the Ryde LGA.

Yours sincerely

Meredith Kay
Director
BreastScreen – Northern Sydney and Central Coast

Phone: 94629630 or 0434 182 555



BreastScreen NSW • Bookings: 13 20 50 • www.bsnsw.org.au

PO Box 208 St Leonards NSW 1590 • Northern Sydney - Enquiries: (02) 9462 9600 • Fax: (02) 9438 5537
Central Coast - Enquiries: (02) 4320 5678 • Fax: (02) 4320 5677

PRECIS OF CORRESPONDENCE 3 (continued)

ATTACHMENT 1

BreastScreen NSW - Screening Summary Report

Note: Counts completed screens

Period: 21-May-2013 to 28-Aug-2013

SAS: Northern Sydney Central Coast

Venue: Ryde (M)

Client Language: All languages

Round: All rounds

Indigenous Status: All Ethnicity

Mammogram Status: All mammogram status

Visit type: Screening

Screens by Round (All)		40-49	50-69	70+ years	TOTAL
NSCC	Ryde (M)	170	1564	120	1854
	Total NSCC	170	1564	120	1854
TOTAL		170	1564	120	1854

Screens by Round (Initial and Rescreen)			40-49	50-69	70+ years	TOTAL
NSCC	Ryde (M)	Initial	115	270	1	386
		Rescreen	55	1294	119	1468
	Total NSCC		170	1564	120	1854
TOTAL			170	1564	120	1854

PRECIS OF CORRESPONDENCE 3 (continued)

ATTACHMENT 1

BreastScreen NSW - Screening Summary Report

Note: Counts completed screens

Period: 21-May-2013 to 28-Aug-2013

SAS: Northern Sydney Central Coast

Venue: Ryde (M)

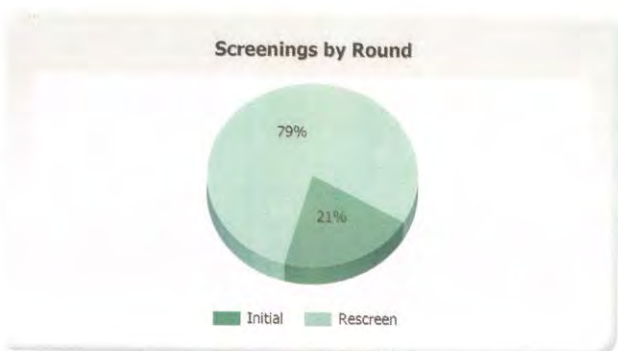
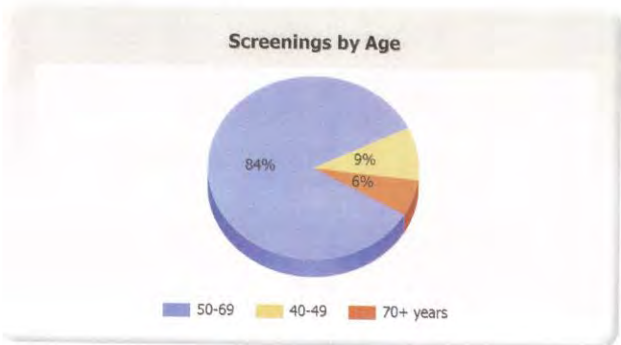
Client Language: All languages

Round: All rounds

Indigenous Status: All Ethnicity

Mammogram Status: All mammogram status

Visit type: Screening



PRECIS OF CORRESPONDENCE 3 (continued)

ATTACHMENT 1

BreastScreen NSW - Screening Summary Report

Note: Counts completed screens

Period: 01-May-2011 to 28-Aug-2011

SAS: Northern Sydney Central Coast

Venue: Ryde (M)

Client Language: All languages

Round: All rounds

Indigenous Status: All Ethnicity

Mammogram Status: All mammogram status

Visit type: Screening

Screens by Round (All)		40-49	50-69	70+ years	TOTAL
	Total	0	0	0	0
NSCC	Ryde (M)	155	1197	108	1460
	Total NSCC	155	1197	108	1460
TOTAL		155	1197	108	1460

Screens by Round (Initial and Rescreen)			40-49	50-69	70+ years	TOTAL
	Total		0	0	0	0
NSCC	Ryde (M)	Initial	110	128	5	243
		Rescreen	45	1069	103	1217
	Total NSCC		155	1197	108	1460
TOTAL			155	1197	108	1460

PRECIS OF CORRESPONDENCE 3 (continued)

ATTACHMENT 1

BreastScreen NSW - Screening Summary Report

Note: Counts completed screens

Period: 01-May-2011 to 28-Aug-2011

SAS: Northern Sydney Central Coast

Venue: Ryde (M)

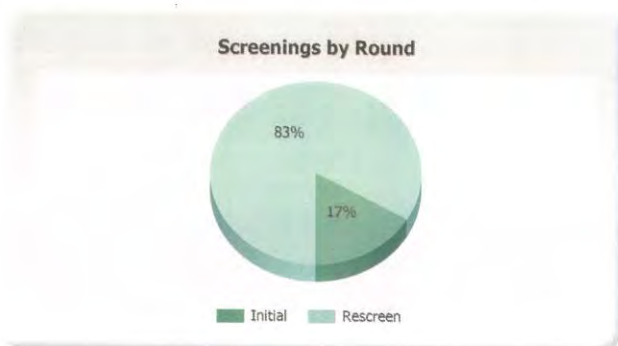
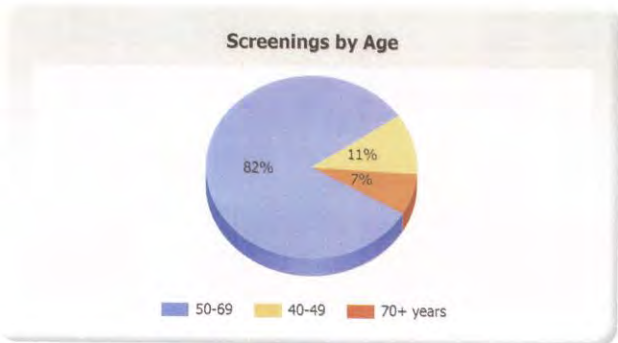
Client Language: All languages

Round: All rounds

Indigenous Status: All Ethnicity

Mammogram Status: All mammogram status

Visit type: Screening



NOTICES OF MOTION**1 WEST RYDE URBAN VILLAGE DEVELOPMENT: THREE MISSING PEDESTRIAN CROSSINGS - The Mayor, Councillor Maggio, Councillor Salvestro-Martin, Councillor Yedelian OAM****File Number: CLM/13/1/4/6 - BP13/1307**

MOTION:

That:

City of Ryde Council calls for the prompt installation of West Ryde Urban Village Pedestrian Crossings and strongly communicates this request to the RMS and through the Ryde Traffic Committee.

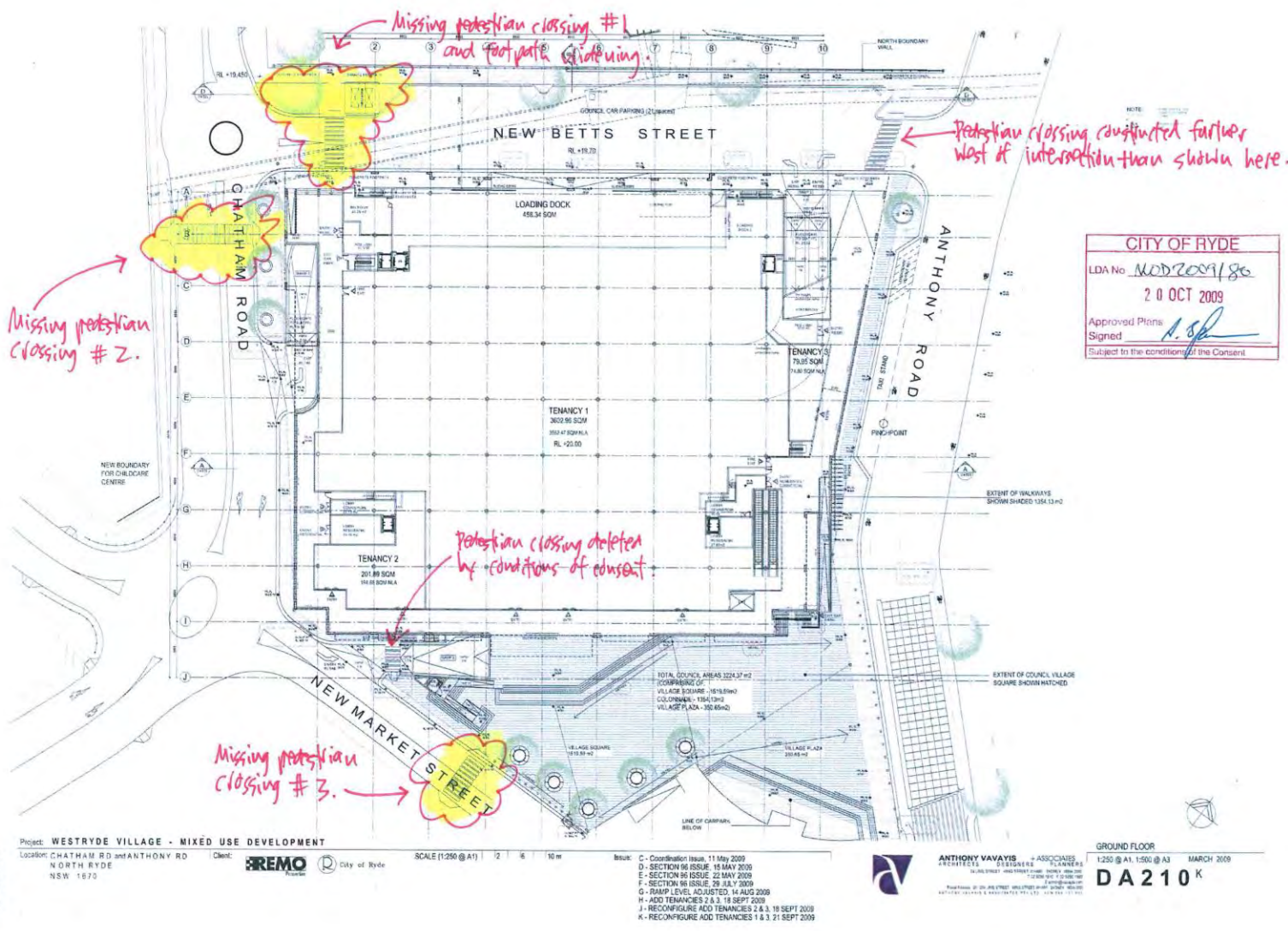
Council writes to the State Member and relevant Minister to urge support for the prompt installation of pedestrian crossings at the West Ryde Urban Village on noting the potential impact on resident and pedestrian safety.

The pedestrian crossings are:

- Explicitly shown on the approved plans (**highlighted yellow** on attached extract) and referred to in the amended condition number 150, as part of the development consent (modified Section 96 Consent dated 20 October 2009); and explicitly shown on the plans (schedule 5) in the variation to the associated 2009 Voluntary Planning Agreement between council and the developer.
- A pedestrian crossing over the western end of Betts Street (and associated footpath widening).
- A pedestrian crossing over Chatham Road just south of the intersection with Betts Street. (The existing mid-road traffic-island just south of the intended crossing location is not an acceptable substitute.)
- A pedestrian crossing over Market Street on the southern side of the town square area.

NOTICE OF MOTION 1 (continued)

ATTACHMENT 1



2 RACISM IT STOPS WITH ME - Councillor Jerome Laxale**File Number:** CLM/13/1/4/6 - BP13/1342

MOTION:

- (a) That, in light of recent examples of racism in the City of Ryde, the General Manager meets with representatives of the Australian Human Rights Commission to become a supporter of the "Racism. It stops with me" campaign.
- (b) That, upon formalising the agreement:
 - 1. Ryde Council hosts a "Racism. It stops with me" BBQ, inviting local community groups, churches and representatives of the Australian Human Rights Commission to officially launch Council's campaign; and
 - 2. Ryde Council actively promote the campaign through regular events, the City of Ryde website, the Mayoral Column, a flyer with Rates Notices and any other means.

3 SANTA ROSA PARK TOILET FACILITY - Councillor George Simon**File Number:** CLM/13/1/4/6 - BP13/1360

MOTION:

That the Santa Rosa Park toilet facility construction be referred to the works and community committee for urgent attention, including a site inspection for Councillors.

That the construction of a facility be completed in preparation for the beginning of the next winter season of the sports competition.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Deputy Mayor Justin Li

File Number: CLM/13/1/4/10 - BP13/1353

1. Why is the car park at the eastern side of Rowe St regularly dug up and closed to the public?
2. Who pays for repair of the car park lot after works are finished each time?
3. How can Council better coordinate with other State agencies to reduce wastage and disruption to the public from regularly digging up the car park?

CONFIDENTIAL ITEMS**19 NORTH RYDE STATION PRECINCT - Urban Activation Precinct Task Force**

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: Acting Team Leader - Strategic Planning
File No.: MIN2011/2 - BP13/1147
