

Meeting Date: Tuesday 26 March 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

ATTACHMENTS FOR COUNCIL MEETING

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ITEM 1 (continued)

ATTACHMENT 1

Council Meeting
MINUTES OF MEETING NO. 4/13

Meeting Date: Tuesday 12 March 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm
(Please note this meeting was not completed on Tuesday, 12 March 2013 and was reconvened on Tuesday, 19 March 2013 as detailed in these Minutes)

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

Apologies: Nil.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, Manager – Communications and Media, Service Unit Manager – Urban Planning, Service Unit Manager – Customer Service and Governance, Service Unit Manager – Environmental Health & Building, Service Unit Manager – Environment, Team Leader – Building Compliance, Section Manager – Community Engagement and Social Media and Section Manager – Governance.

PRAYER

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

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 2(5) of the Report of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013 – Unauthorised Development 29 Vimiera Road Eastwood for the reason that he is aware of the applicant involved in charity community events – as an East Ward Councillor and Cox's Road Master Plan.

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction for the reason that he has a relationship with defendant, former Councillor Butterworth.

Councillor Li disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction and Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in legal proceedings.

ITEM 1 (continued)

ATTACHMENT 1

Councillor Simon disclosed a Significant Non-Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction for the reason that he has a personal relationship with defendants, specifically former Councillor Michael Butterworth.

Councillor Salvestro-Martin disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction and Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a listed party in legal proceedings.

Councillor Perram disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction and Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in incomplete Court proceedings where costs have to be determined.

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction for the reason that he is a defendant in these legal proceedings.

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Item 8 – Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in a legal matter.

The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in Item 2(5) of the Report of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013 – Unauthorised Development 29 Vimiera Road Eastwood for the reason that he knows the person named in the action.

TABLING OF PETITIONS

No Petitions were tabled.

MATTER OF URGENCY

Councillor Salvestro-Martin requested to raise a Matter of Urgency in order to table a letter dated 12 March 2013 received from the Refugee Council of Australia.

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

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

That Council consider a Matter of Urgency regarding the tabling of a letter dated 12 March 2013 received from the Refugee Council of Australia, the time being 7.49pm.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Pickering

Note: The letter dated 12 March 2013 from the Refugee Council of Australia was tabled and a copy is ON FILE.

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

That the Matter of Urgency and the tabled letter dated 12 March 2013 received from the Refugee Council of Australia be considered in conjunction with Notice of Motion 10 – Housing of Asylum Seekers at Macquarie University.

Record of Voting:

For the Motion: Unanimous

TABLING OF CORRESPONDENCE - CONFIDENTIAL

The Mayor, Councillor Petch tabled Confidential Legal Advice received from AJL Legal dated 10 March 2013 and a copy is ON FILE.

TABLING OF DOCUMENTATION

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That all other correspondence be tabled and considered in conjunction with the relevant Items.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY

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

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

ITEM 1 (continued)

ATTACHMENT 1

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

That Council consider a Matter of Urgency regarding the Planning Assessment Commission (PAC) determination of Meadowbank Shepherds Bay, the time being 7.57pm.

Record of Voting:

For the Motion: Unanimous

PLANNING ASSESSMENT COMMISSION (PAC) DETERMINATION OF MEADOWBANK SHEPHERDS BAY

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

- (a) That the Acting General Manager prepare a report on Council's options to challenge the Planning Assessment Commission (PAC) determination including a legal opinion of Meadowbank Shepherds Bay.
- (b) That the report be provided to Council within seven (7) days for further consideration.

Record of Voting:

For the Motion: Unanimous

LEAVE OF ABSENCE

Councillor Li requested a Leave of Absence from Monday, 25 March 2013 to Tuesday, 2 April 2013.

RESOLUTION: (Moved by Councillors Li and Councillor Yedelian OAM)

That Councillor Li's Leave of Absence for the period from Monday, 25 March 2013 to Tuesday, 2 April 2013 be approved.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Sherie Barton	Notice of Motion 9 – Ombudsman System
John Ward	Item 4 – Draft Ryde LEP 2011 – Open Community Workshop

ITEM 1 (continued)

ATTACHMENT 1

Kevin Bevitt (representing Harry Fellas of 15 Farm Street, Gladesville and Mr Dawborn of 1/365 Victoria Road, Gladesville)	Item 4 – Draft Ryde LEP 2011 – Open Community Workshop
Anne Doring (representing Eastwood Ryde Netball Association)	Notice of Motion 12 – Amenity Building at Meadowbank Park
Jill Hartley	Item 4 – Draft Ryde LEP 2011 – Open Community Workshop and Item 6 – Electric Vehicles Study for City of Ryde 2012
Aaron Lynch	Item 4 – Draft Ryde LEP 2011 – Open Community Workshop
Gregor Zylber (representing the owners of properties 11-15 Farm Street and 392-396 Victoria Road, Gladesville)	Item 4 – Draft Ryde LEP 2011 – Open Community Workshop
Jennie Minifie (representing Ryde Community Alliance and Ryde Environment Group)	Item 4 – Draft Ryde LEP 2011 – Open Community Workshop

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

That members of the public who had requested to address Council on Item 2(5) of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013 be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Ian Mooney	Item 2(5) – Unauthorised Development 29 Vimiera Road, Eastwood
Stephen Raymond	Item 2(5) – Unauthorised Development 29 Vimiera Road, Eastwood
Derek Raymond (representing Lina Raymond)	Item 2(5) – Unauthorised Development 29 Vimiera Road, Eastwood
Belle O’Keefe	Item 2(5) – Unauthorised Development 29 Vimiera Road, Eastwood
Lachlan Roots	Item 2(5) – Unauthorised Development 29 Vimiera Road, Eastwood

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTES

There were no Mayoral Minutes.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM

That Council now consider the following Items, the time being 8.54pm:-

- Item 4 – Draft Ryde LEP 2011 – Open Community Workshop.
- Item 6 – Electric Vehicles Study for City of Ryde 2012.
- Notice of Motion 9 – Ombudsman System.
- Notice of Motion 10 – Housing of Asylum Seekers.
- Notice of Motion 12 – Amenity Building at Meadowbank Park

Record of Voting:

For the Motion: Unanimous

4 DRAFT RYDE LEP 2011- OPEN COMMUNITY WORKSHOP

Note: John Ward, Kevin Bevitt (representing Harry Fellas of 15 Farm Street, Gladesville and Mr Dawborn of 1/365 Victoria Road, Gladesville), Jill Hartley, Aaron Lynch, Gregor Zylber (representing the owners of properties 11-15 Farm Street and 392-396 Victoria Road, Gladesville) and Jennie Minifie (representing Ryde Community Alliance and Ryde Environment Group) addressed the meeting in relation to this Item.

Note: A Memorandum from the Group Manager – Environment and Planning dated 12 March 2013 was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Metroplan, Town Planning & Development Consultants dated 7 March 2013 was tabled in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Chung and Etmekdjian)

- (a) That Council amend Draft Ryde LEP 2011 in accordance with the changes identified in *Table 1 – Amendments to LEP 2011* attached to this report, subject to the removal of Items 1 and 2 (Farm Street properties and Our Lady Queen of Peace) and that these be placed into Table 2.
- (b) That Council forward to the Department of Planning and Infrastructure draft LEP 2011 as amended with a Section 68 report requesting that the Minister make the Plan.

ITEM 1 (continued)

ATTACHMENT 1

- (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.
- (d) That a Master plan be undertaken for the area in Meadowbank Urban Village bounded by Railway Rd, Constitution Rd, Bowden Street and the Water Point development in the south.
- (e) That \$150 000 be allocated in the draft Delivery Plan to undertake the Master Plan for Meadowbank Urban Village and that it be part of the work programme for Environment and Planning for 2013/2014.
- (f) That prior to finalisation of the Bushland Plan of Management an Open Community Workshop be held.
- (g) That Council resolve to remove linear separation for dual occupancy (attached) and multi dwelling housing from Draft Development Control Plan 2011.
- (h) That Planning Proposals be accepted for consideration by Council for the properties:
- 12A, 14 Epping Rd/86 Blenheim Rd North Ryde
 - 2-14 Tennyson Rd Gladesville
 - 2 College St/10 Monash Rd Gladesville
 - Bulky goods premises as an additional land use in the IN2 zone Gladesville
 - 44-48 Eltham Street, Gladesville
- (i) That Council continue expressing its preferred planning outcomes regarding development of land within the North Ryde Station Precinct and surrounding areas, in particular the retention of the Tennis World site and land adjoining Bundarra Reserve as recreational/bushland with State Government agencies to ensure the best and most appropriate outcomes for the area.
- (j) That a Section 96 application in relation to 6 Clare St Gladesville be brought to the Planning and Environment Committee and that Council commits to maintaining Cottonwood Crescent and Peachtree Rd as roads.
- (k) That 100 Rowe Street Eastwood be rezoned to B4 Mixed Use and deleted from Ryde LEP 2011 Land Reservation Acquisition Map subject to agreement of the owner to enter into a legal agreement with Council to allow for stormwater works and a permanent easement to allow ongoing access to the resulting stormwater infrastructure at a timing of Council's choosing.
- (l) That Table 2 be amended to include the following the Torrens titling of current dual occupancy developments be permitted under DLEP 2011 for properties approximating a minimum of 800sqm to 1000sqm.

ITEM 1 (continued)

ATTACHMENT 1

(m) That during consideration of the items in Table 2 a community workshop be held prior to the planning proposal being considered by Council.

RESOLUTION: (Moved by councillors Maggio and Yedelian OAM)

That this matter be dealt with in Seriatim.

Record of Voting:

For the Motion: Unanimous

AMENDMENT: (Moved by Councillors Maggio and Yedelian OAM)

(a) That Council amend Draft Ryde LEP 2011 in accordance with the changes identified in *Table 1 – Amendments to LEP 2011* attached to this report, subject to the proposed B4 zoning and development standards (FSR 1.5:1 and height of 12m) of 11-15 Farm Street, Gladesville be retained in the draft LEP 2011 and be submitted to the Department of Environment and Planning for gazettal.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and eight (8) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Maggio, Li, Pickering and Salvestro-Martin

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

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(a) That Council amend Draft Ryde LEP 2011 in accordance with the changes identified in *Table 1 – Amendments to LEP 2011* attached to this report, subject to the removal of Items 1 and 2 (Farm Street properties and Our Lady Queen of Peace) and that these be placed into Table 2.

Record of Voting:

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

Against the Motion: Councillor Maggio

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(b) That Council forward to the Department of Planning and Infrastructure draft LEP 2011 as amended with a Section 68 report requesting that the Minister make the Plan.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(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.

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

Against the Motion: Councillor Maggio

AMENDMENT: (Moved by Councillors Salvestro-Martin and Simon)

(d) That a Master plan be undertaken for the area in Meadowbank Urban Village bounded by Railway Rd, Constitution Rd, Bowden Street and the Water Point development in the south and consideration be given to similar transit oriented development opportunities adjacent transport interchanges where there is not already a Master Plan.

On being put to the Meeting, the voting on the Amendment was six (6) votes For and six (6) votes Against. The Mayor used his casting vote for the Amendment. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pickering, Salvestro-Martin and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Maggio, Pendleton, Perram and Yedelian OAM

ITEM 1 (continued)

ATTACHMENT 1

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

(d) That a Master plan be undertaken for the area in Meadowbank Urban Village bounded by Railway Rd, Constitution Rd, Bowden Street and the Water Point development in the south and consideration be given to similar transit oriented development opportunities adjacent transport interchanges where there is not already a Master Plan.

Record of Voting:

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

Against the Motion: Councillors Maggio, Pendleton, Perram and Yedelian OAM
For the Amendment:

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(e) That \$150 000 be allocated in the draft Delivery Plan to undertake the Master Plan for Meadowbank Urban Village and that it be part of the work programme for Environment and Planning for 2013/2014.

Record of Voting:

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

Against the Motion: Councillors Maggio and Yedelian OAM

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(f) That prior to finalisation of the Bushland Plan of Management an Open Community Workshop be held.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(g) That Council resolve to remove linear separation for dual occupancy (attached) and multi dwelling housing from Draft Development Control Plan 2011.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillors Pendleton and Perram

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(h) That Planning Proposals be accepted for consideration by Council for the properties:

- 12A, 14 Epping Rd/86 Blenheim Rd North Ryde
- 2-14 Tennyson Rd Gladesville
- 2 College St/10 Monash Rd Gladesville
- Bulky goods premises as an additional land use in the IN2 zone Gladesville
- 44-48 Eltham Street, Gladesville

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(i) That Council continue expressing its preferred planning outcomes regarding development of land within the North Ryde Station Precinct and surrounding areas, in particular the retention of the Tennis World site and land adjoining Bundarra Reserve as recreational/bushland with State Government agencies to ensure the best and most appropriate outcomes for the area.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

(j) That a Section 96 application in relation to 6 Clare St Gladesville be brought to the Planning and Environment Committee and that Council commits to maintaining Cottonwood Crescent and Peachtree Rd as roads.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

- (k) That 100 Rowe Street Eastwood be rezoned to B4 Mixed Use and deleted from Ryde LEP 2011 Land Reservation Acquisition Map subject to agreement of the owner to enter into a legal agreement with Council to allow for stormwater works and a permanent easement to allow ongoing access to the resulting stormwater infrastructure at a timing of Council's choosing.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

- (l) That Table 2 be amended to include the following the Torrens titling of current dual occupancy developments be permitted under DLEP 2011 for properties approximating a minimum of 800sqm to 1000sqm.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

- (m) That during consideration of the items in Table 2 a community workshop be held prior to the planning proposal being considered by Council.

Record of Voting:

For the Motion: Unanimous

RESOLUTION:

- (a) That Council amend Draft Ryde LEP 2011 in accordance with the changes identified in *Table 1 – Amendments to LEP 2011* attached to this report, subject to the removal of Items 1 and 2 (Farm Street properties and Our Lady Queen of Peace) and that these be placed into Table 2.
- (b) That Council forward to the Department of Planning and Infrastructure draft LEP 2011 as amended with a Section 68 report requesting that the Minister make the Plan.

ITEM 1 (continued)

ATTACHMENT 1

- (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.
- (d) That a Master plan be undertaken for the area in Meadowbank Urban Village bounded by Railway Rd, Constitution Rd, Bowden Street and the Water Point development in the south and consideration be given to similar transit oriented development opportunities adjacent transport interchanges where there is not already a Master Plan.
- (e) That \$150 000 be allocated in the draft Delivery Plan to undertake the Master Plan for Meadowbank Urban Village and that it be part of the work programme for Environment and Planning for 2013/2014.
- (f) That prior to finalisation of the Bushland Plan of Management an Open Community Workshop be held.
- (g) That Council resolve to remove linear separation for dual occupancy (attached) and multi dwelling housing from Draft Development Control Plan 2011.
- (h) That Planning Proposals be accepted for consideration by Council for the properties:
 - 12A, 14 Epping Rd/86 Blenheim Rd North Ryde
 - 2-14 Tennyson Rd Gladesville
 - 2 College St/10 Monash Rd Gladesville
 - Bulky goods premises as an additional land use in the IN2 zone Gladesville
 - 44-48 Eltham Street, Gladesville
- (i) That Council continue expressing its preferred planning outcomes regarding development of land within the North Ryde Station Precinct and surrounding areas, in particular the retention of the Tennis World site and land adjoining Bundarra Reserve as recreational/bushland with State Government agencies to ensure the best and most appropriate outcomes for the area.
- (j) That a Section 96 application in relation to 6 Clare St Gladesville be brought to the Planning and Environment Committee and that Council commits to maintaining Cottonwood Crescent and Peachtree Rd as roads.
- (k) That 100 Rowe Street Eastwood be rezoned to B4 Mixed Use and deleted from Ryde LEP 2011 Land Reservation Acquisition Map subject to agreement of the owner to enter into a legal agreement with Council to allow for stormwater works and a permanent easement to allow ongoing access to the resulting stormwater infrastructure at a timing of Council's choosing.

ITEM 1 (continued)

ATTACHMENT 1

- (l) That Table 2 be amended to include the following the Torrens titling of current dual occupancy developments be permitted under DLEP 2011 for properties approximating a minimum of 800sqm to 1000sqm.
- (m) That during consideration of the items in Table 2 a community workshop be held prior to the planning proposal being considered by Council.

6 ELECTRIC VEHICLES STUDY FOR CITY OF RYDE 2012

Note: Jill Hartley addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Perram and Laxale)

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

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

9 OMBUDSMAN SYSTEM - Councillor Denise Pendleton

Note: Sherie Barton addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pendleton and Perram)

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

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

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

ITEM 1 (continued)

ATTACHMENT 1

- ensure learnings from complaints and feedback are utilised for continuous improvement in Council systems and processes.

Record of Voting:

For the Motion: Unanimous

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

Note: Councillor Salvestro-Martin's Matter of Urgency was dealt with in conjunction with this Item.

Note: A letter dated 12 March 2013 received from the Refugee Council of Australia which was tabled earlier in the meeting by Councillor Salvestro-Martin was considered in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Pickering and Etmekdjian)

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

AMENDMENT: (Moved by Councillors Laxale and Simon)

- (a) That the City of Ryde welcomes the contribution that refugees, asylum seekers and immigrants have made to the City of Ryde.
- (b) That the City of Ryde continue to promote and protect cultural diversity.
- (c) That the Acting General Manager arrange a meeting between the Mayor, interested Councillors and the Refugee Council of Australia as outlined in correspondence tabled tonight.

On being put to the Meeting, the voting on the Amendment was eight (8) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Amendment: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Amendment: Councillors Etmekdjian, Maggio, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Laxale and Simon)

- (a) That the City of Ryde welcomes the contribution that refugees, asylum seekers and immigrants have made to the City of Ryde.
- (b) That the City of Ryde continue to promote and protect cultural diversity.
- (c) That the Acting General Manager arrange a meeting between the Mayor, interested Councillors and the Refugee Council of Australia as outlined in correspondence tabled tonight.

Record of Voting:

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

Against the Motion: Councillor Pickering

12 AMENITY BUILDING AT MEADOWBANK PARK - Councillor Roy Maggio

Note: Anne Doring (representing Eastwood Ryde Netball Association) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council undertake to re-paint the exterior and interior of the amenity building at Meadowbank Park that is used by ERNA in time for the start of the netball season and prior the ceremony of the newly named Norma Woods Netball Courts.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

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

That John Gude (representing AMP Capital Investors) be permitted to address the meeting at this time regarding Item 11 – Night Works Permit – Macquarie Shopping Centre Development, the time being 11.00pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person then addressed the Council:-

John Gude (representing AMP Capital Investors)	Item 11 – Night Works Permit – Macquarie Shopping Centre Development
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ORDER OF BUSINESS

Note: At this point in the meeting, the Mayor, Councillor Petch recommended that Council consider Item 11.

LATE ITEM

11 NIGHT WORKS PERMIT - Macquarie Shopping Centre Development

Note: John Gude (representing AMP Capital Investors) addressed the meeting in relation to this Item.

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

- (a) That the application for approval to carry out night works from Thursday, 14 March 2013 to Friday, 12 April 2013 be approved subject to the following conditions:
1. This approval commences on Thursday, 14 March 2013 and expires on Friday, 12 April 2013, unless sooner suspended or revoked.
 2. The scope of works are limited to the works listed below and detailed in the Acoustic Report submitted with the application for approval:
 - Limited services diversions
 - Removal of facades
 - Limited preparation works for bored piers
 - Limited construction of bored piers
 - Limited construction of pier caps
 - Installation of preliminary steelwork.
 - Demolition of overhead concrete structures.

ITEM 1 (continued)

ATTACHMENT 1

3. All feasible and reasonable practices must be implemented to control the emission of noise.
4. Unless otherwise approved, the work may be carried out on Monday to Thursday nights between 7.00pm and 7.00am the following day.
5. The demolition of the overhead concrete structures may be carried out between 7.00pm -11.00pm on Monday 18 March 2013, Tuesday 19 March 2013, Tuesday 2 April 2013 and Wednesday 3 April 2013
6. Unless otherwise approved, the noise level (Leq, 15 minute) from the demolition and construction work must not exceed the following noise level limits at the most noise affected residential premises in the vicinity:
 - (a) evening period (7.00pm - 11.00pm): 62dB(A)
 - (b) night-time period (11.00pm - 7.00am): 51dB(A)
7. The noise level (Leq, 15 minute) from the demolition of the overhead concrete structures must not exceed 69dB(A) at the most affected residential premises in the vicinity.
8. All potentially affected residents must be notified of the proposed works at least 48 hours before the works begin.
9. A manned 24 hour telephone contact line must be provided for affected residents to report noise problems.
10. A noise logger must be installed to continuously monitor the noise level at 16 Cottonwood Cres, North Ryde.
11. A suitably qualified acoustical consultant must be employed to carry out attended noise measurements for each construction activity undertaken, and when complaints are received about the level of noise, to ensure compliance with the noise level limits.
12. Where the noise exceeds the noise level limits, appropriate remedial action must be taken or the work must cease as soon as it is safe to do so.
13. Council must be notified in writing within 24 hours if the noise level limits are exceeded or any noise complaints are received.
14. Weekly noise monitoring reports must be submitted to Council before close of business on the Friday of the following week.
15. The weekly noise monitoring reports must include the following information:
 - The type of monitoring conducted (eg. routine monitoring of construction activities or following complaints) and a brief statement

ITEM 1 (continued)

ATTACHMENT 1

of the measurement method.

- The noise limits specified in the approval.
- A description of the nearest affected residences or, in the case of complaints, a description of the complainant location and complaint.
- A plan or diagram showing the location of the noise generating works and monitoring locations.
- A description of the instrumentation used.
- The name and qualifications of the personnel carrying out the monitoring.
- The weather conditions during monitoring.
- The dates, times and durations of monitoring.
- A clear description of the construction activities taking place during the monitoring.
- The results of the monitoring at each monitoring location, including a comparison with the relevant noise limits.
- A clear statement outlining the projects compliance or non-compliance with the approval conditions.
- The reasons for any non-compliance and details of any remedial action taken or strategies proposed to minimise the noise.

16. Council may suspend or revoke this approval for failure to comply with the conditions of approval or if significant numbers of complaints are received.

- (b) That the Group Manager - Environment and Planning be given delegated authority to determine future applications to carry out night works unless a direction is received from Council to the contrary.
- (c) That the Group Manager - Environment and Planning be given delegated authority to suspend or revoke any night works approval granted.

Record of Voting:

For the Motion: Unanimous

LEAVE OF ABSENCE

Councillor Perram requested a Leave of Absence from Saturday, 16 March 2013 to Saturday, 23 March 2013.

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

That Councillor Perram's Leave of Absence for the period from Saturday, 16 March 2013 to Saturday, 23 March 2013 be approved.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Chung and Pendleton)

That Council now consider Item 2(5) of the Planning and Environment Committee Meeting 3/13 held on 5 March 2013 – Unauthorised Development 29 Vimiera Road, Eastwood, the time being 11.10pm.

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION

ITEM 2(5) OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/13 HELD ON 5 MARCH 2013 – UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD, EASTWOOD

Confidential

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

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 11.11pm. The public and media left the chamber.

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

5 UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD EASTWOOD

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the applicant involved in charity community events – as an East Ward Councillor and Cox's Road Master Plan.

ITEM 1 (continued)

ATTACHMENT 1

Note: The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he knows the person named in the action.

Note: Ian Mooney, Stephen Raymond, Derek Raymond (representing Lina Raymond), Belle O'Keefe and Lachlan Roots addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Laxale)

- (a) That Council prosecute Alramon Pty Limited in the Local Court via a Court Attendance Notice for failing to cease unauthorised construction work at No. 29 Vimiera Road, Eastwood when directed by Council staff.
- (b) That Council prosecute Alramon Pty Limited in the Local Court via a Court Attendance Notice for carrying out unauthorised development at No. 29 Vimiera Road, Eastwood; and
- (c) That a further report be forwarded to Council for consideration on the merits of the building certificate application for the unauthorised work.
- (d) That if the building certificate is not issued, then Council note its intent to pursue the demolition of the unapproved structure.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

OPEN SESSION

RESOLUTION: (Moved by Councillors Pickering and Simon)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.25pm.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Simon)

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

Record of Voting:

For the Motion: Unanimous

ADJOURNMENT

The Mayor, Councillor Petch adjourned this meeting to Tuesday, 19 March 2013, to commence at 7.30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde, the time being 11.27pm.

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 19 March 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

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

Note: Councillor Pickering was removed from the meeting at 10.07pm as a result of an Act of Disorder, as detailed in these Minutes and did not return. He was not present for consideration or voting on Precis of Correspondence 2, Notice of Motion 1, Notice of Motion 2, Notice of Motion 3, Notice of Motion 4, Notice of Motion 5, Notice of Motion 6, Notice of Motion 7, Notice of Motion 8, Notice of Motion 11 and Item 8.

Note: Councillor Li left the meeting at 10.53pm and did not return. He was not present for consideration or voting on Item 8.

Note: Councillor Salvestro-Martin left the meeting at 10.53pm and did not return. He was not present for consideration or voting on Item 8.

Apologies: Simon.

Leave of Absence: Councillor Perram.

ITEM 1 (continued)

ATTACHMENT 1

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media, Service Unit Manager – Environment, Coordinator – Commissioning, Section Manager – Community Engagement and Social Media, Section Manager – Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no further Disclosures of Interest.

LEAVE OF ABSENCE

Councillor Chung requested a Leave of Absence from Wednesday, 10 April 2013 to Friday, 26 April 2013.

RESOLUTION: (Moved by Councillors Chung and Maggio)

That Councillor Chung's Leave of Absence for the period from Wednesday, 10 April 2013 to Friday, 26 April 2013 be approved.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION

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

That members of the public who had requested to address Council on Items Listed on the Agenda and Items Not Listed on the Agenda be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Julie Worsley (representing Allengrove Against Inappropriate Development)	Notice of Motion 13 – Planning White Paper
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ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Julie Worsley (representing Allengrove Against Inappropriate Development)	Allengrove Development
Marie Sillars (representing Ivanhoe Estate Tenant Group)	Giving an update from Ivanhoe Estate, Macquarie Park and generally updating all about the UAP on this Estate
Jasmina Mollter	Support Resident Workshop regarding North Ryde Station Development proposed

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Laxale and Maggio)

That Council now consider the following Items, the time being 7.44pm:-

- Notice of Motion 13 – Planning White Paper
- Precis of Correspondence 1 – Macquarie Park Taskforce - Cessation

Record of Voting:

For the Motion: Unanimous

13 PLANNING WHITE PAPER - Councillor Jerome Laxale

Note: Julie Worsley addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Laxale and Pendleton)

That Council resolve to:

- (a) Hold one or more community workshop(s) on the NSW Planning White Paper, following its expected release in March 2013.
- (b) Conduct any such workshop(s) within one month after the release of the White Paper, in order to inform our local community about the proposals contained within the White Paper and provide an opportunity for Council staff and Councillors to hear community views on these proposals.
- (c) That Council write to the NSW Government and the local member seeking six months of public consultation on the Planning Reform.
- (d) That Ryde Council write to the other affected Councils that have a UAP and invite them to a meeting hosted by Ryde council to develop joint initiatives to fight the proposed overdevelopment.

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Maggio and Pickering)

- (a) That Council notes the potential widespread impact on our local community of the proposed Planning Law Reform being undertaken by the NSW Government.
- (b) That Council write to the NSW Government and the local member seeking six months of public consultation on the Planning Reform White Paper when it is released this year and commits to:
 - (i) holding one or two workshops when it is released:
 - (ii) assist the community to understand the NSW Government Planning Reforms
 - (iii) discuss the implications of these Reforms for our Local Government area
- (c) Consult with the community on how to co-operate with a new system for the betterment of our Local Government area.
- (d) Gain feedback on what the Council needs to know to support their community and obtain resident views for the Council's response to the White Paper and the draft legislation.

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

Record of Voting:

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

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton and Salvestro-Martin

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

That Council resolve to:

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

ITEM 1 (continued)

ATTACHMENT 1

- (d) That Ryde Council write to the other affected Councils that have a UAP and invite them to a meeting hosted by Ryde council to develop joint initiatives to fight the proposed overdevelopment.

Record of Voting:

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

Against the Motion: Councillor Pickering

PRECIS OF CORRESPONDENCE

1 MACQUARIE PARK TASKFORCE - CESSATION

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That the correspondence be received and noted.
- (b) That Ryde Council write to the Minister for Planning and to the Honourable Victor Dominello MP, Member for Ryde, requesting that the Macquarie Park Taskforce be re-instated and that the Ivanhoe Tenants Estate Group be invited to participate in deliberations.
- (c) That in the letter to the Minister for Planning and the Local Member for Ryde, Council request that the Mayor, interested Councillors and the representatives from the Ivanhoe Estate meet with the above Ministers to seek the re-instatement of the Macquarie Park Taskforce.

Record of Voting:

For the Motion: Unanimous

TABLING OF PETITIONS

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

That Councillor Li be permitted to table a petition from users of the Civic Hall.

Record of Voting:

For the Motion: Unanimous

Note: The petition was tabled and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTES

MM5/13 GARAGE SALE TRAIL

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

That:

- (a) Council take part in the 2013 Garage Sale Trail and take all necessary actions, including using the promotion of the garage sale trail to remind residents of the appropriate disposal of waste.
- (b) Council's contribution of \$12,500.00 be funded from Council's Domestic Waste Management Reserve.
- (c) That Council advise all local State Members of its participation in the scheme.
- (d) That the Group Manager – Public Works report on a suitable venue for combined garage sale open to the members of the public.
- (e) That this initiative be promoted through the Mayoral Column and existing channels of communication.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

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

Note: Councillor Chung left the meeting at 8.37pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Pendleton)

That the Minutes of the Council Meeting 3/13, held on 26 February 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

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

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

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

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

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: Councillor Chung returned to the meeting at 8.39pm.

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

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Laxale and Pickering)

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

Record of Voting:

For the Motion: Unanimous

2 PUBLIC EXHIBITION OF MACQUARIE PARK PEDESTRIAN ACCESSIBILITY AND MOBILITY PLAN

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (a) That Council endorse in principle the exhibition of the draft Macquarie Park Pedestrian Accessibility and Mobility Plan for a period of 28 days subject to consideration of discussions at a workshop on 5th March 2013.

ITEM 1 (continued)

ATTACHMENT 1

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

Record of Voting:

For the Motion: Unanimous

3 SKATEBOARDING CLINICS IN THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Laxale and Maggio)

- (a) That Council continue to conduct skateboard clinics in the City of Ryde during the April, July and October school holiday periods.
- (b) That Council seeks sponsorship and corporate support with the aim of offsetting Council's costs to allow a flat rate of \$15 for the clinics to be incorporated into Council's Draft Fees and Charges schedule for 2013/14.
- (c) The location of these clinics in each ward to be determined by staff to ensure that the needs of the skateboarding community are best met.
- (d) One of the above clinics to be a twilight clinic at Top Ryde, subject to the agreement with the Top Ryde Shopping Centre.

Record of Voting:

For the Motion: Unanimous

5 WATERLOO PARK FLOODLIGHTING

RESOLUTION: (Moved by Councillors Laxale and Maggio)

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

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

4 DRAFT RYDE LEP 2011 – OPEN COMMUNITY WORKSHOP

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

5 SOCIAL MEDIA PRESENCE

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Council request the Acting General Manager to commence recruitment for a Coordinator Digital Communications immediately.
- (b) That Council allocate the amount of up to \$18,000 from working capital for the purpose of funding the Coordinator Digital Communications position from mid April to June 2013 and that the amount also be consolidated into the next Quarterly Review.
- (c) That Council approve the ongoing funding of this position on the basis that these additional funds are offset by salary savings, and these proposed savings are identified in the report to Council recommending adoption of the 2013/14 budget.
- (d) That the Acting General Manager separately report back to Council prior to 30 June 2013 on Council's Draft Communication and Media Strategy and progress of our social media presence.

Record of Voting:

For the Motion: Unanimous

6 ELECTRIC VEHICLES STUDY FOR CITY OF RYDE 2012

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

7 CODE OF MEETING PRACTICE

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

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

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

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

That consideration of this Item be deferred to the end of the meeting.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

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

Note: A document amending Attachment 2 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council endorse the Motions for submission to the 2013 National General Assembly of Local Government held in Canberra on 16 to 19 June 2013 as detailed in the report and set out in amended Attachment 2.

Record of Voting:

For the Motion: Unanimous

10 APPOINTMENT OF DELEGATES TO THE RYDE YOUTH COUNCIL ADVISORY COMMITTEE

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That Council endorse the appointment of all twenty-seven (27) young people to the Ryde Youth Council Advisory Committee.
- (b) That the Ryde Youth Council Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.
- (c) That Council notify all those who submitted Expressions of Interest of Council's determination.

ITEM 1 (continued)

ATTACHMENT 1

- (d) That Council acknowledge Janice Nicholson, Council's Community Project Officer – Young People and Leisure for her management of the Youth Council Advisory Committee.

Record of Voting:

For the Motion: Unanimous

LATE ITEMS

11 NIGHT WORKS PERMIT – Macquarie Shopping Centre Development

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

12 STAMFORD MAJOR PROJECT MODIFICATION APPLICATION - DRAFT SUBMISSION. 110-114 Herring Road, Macquarie Park. LOT 1 DP780314

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That the attached submission be forwarded to the Department of Planning and Infrastructure.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

RECOMMITTAL OF ITEM 12 – STAMFORD MAJOR PROJECT MODIFICATION APPLICATION – DRAFT SUBMISSION. 110-114 Herring Road, Macquarie Park. LOT 1 DP 780314

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

That Item 12 be recommitted.

Record of Voting:

For the Motion: Unanimous

Note: Item 12 was then recommitted.

ITEM 1 (continued)

ATTACHMENT 1

12 STAMFORD MAJOR PROJECT MODIFICATION APPLICATION - DRAFT SUBMISSION. 110-114 Herring Road, Macquarie Park. LOT 1 DP780314

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That the attached submission be forwarded to the Department of Planning and Infrastructure.

Record of Voting:

For the Motion: Unanimous

13 WEST RYDE URBAN VILLAGE – PROGRESS REPORT AND PROPOSAL FOR PARTIAL HANDOVER OF VILLAGE SQUARE

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council note the progress on the following issues proceeding the meeting held between the parties on Friday, 8 March 2013:

- (i) Recognition of the expediency exercised by Mr Greg Chubb, Coles Property Director to meet with Council to discuss the issues raised by Council in our correspondence to the Non-Executive Chairman Wesfarmers Limited.
- (ii) Commencement of the first stage of road works in the vicinity.
- (iii) Execution of the license for the shop front (Community liaison).
- (iv) The immediate establishment of a working party consisting of senior key staff from Coles, West Ryde Chamber of Commerce, City of Ryde Councillors, Acting General Manager, General Counsel and relevant staff to address key issues impacting local residents and businesses. That once the resolution of the roadworks is achieved and Council's carpark open, the scope of the working party be reviewed in consultation with Council.
- (v) Review the offer from Coles for Council to consider a partial handover of the Village Square.
- (vi) That the resolution of this project remain a key priority for the Acting General Manager.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 MACQUARIE PARK TASKFORCE - CESSATION

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

LATE PRECIS OF CORRESPONDENCE

2 LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

MOTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council writes to the Minister for Local Government requesting deferral of the legislation pending appropriate public consultation.
- (b) That Council write to its Local Member for Ryde the Honourable Victor Dominello MP seeking his support for the deferral of this legislation.

AMENDMENT: (Moved by Councillors Pickering and Etmekdjian)

That the correspondence be received and noted.

ACT OF DISORDER

The Mayor, Councillor Petch requested Councillor Pickering to apologise for inappropriate comments in relation to this matter. Upon the Mayor giving Councillor Pickering three warnings to apologise, he requested Council to consider the removal of Councillor Pickering from this meeting.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That Councillor Pickering immediately be removed from the Chamber, the time being 10.02pm.

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

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton and Salvestro-Martin

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

Note: The Mayor, Councillor Petch requested Councillor Pickering to vacate the Chamber.

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Pickering refused to vacate the Chamber and the Mayor immediately adjourned the meeting and requested the police be called to assist in the removal of Councillor Pickering from the meeting.

ADJOURNMENT

The Mayor, Councillor Petch adjourned this meeting in order for Councillor Pickering to be removed from the Chamber, the time being 10.05pm.

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Pickering, Salvestro-Martin and Yedelian OAM.

Note: Councillor Pickering left the meeting at 10.07pm and did not return.

MEETING RECONVENED

The Meeting reconvened at 10.10pm on Tuesday, 19 March 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Salvestro-Martin and Yedelian OAM.

Apologies: Simon.

Leave of Absence: Councillor Perram.

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

LATE PRECIS OF CORRESPONDENCE

2 LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

MOTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council writes to the Minister for Local Government requesting deferral of the legislation pending appropriate public consultation.
- (b) That Council write to its Local Member for Ryde the Honourable Victor Dominello MP seeking his support for the deferral of this legislation.

AMENDMENT: (Moved by Councillors Pickering and Etmekdjian)

That the correspondence be received and noted.

ITEM 1 (continued)

ATTACHMENT 1

On being put to the Meeting, the voting on the Amendment was one (1) vote For and eight (8) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillor Etmekdjian

Against the Amendment: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Maggio, Pendleton, Salvestro-Martin and Yedelian OAM

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council writes to the Minister for Local Government requesting deferral of the legislation pending appropriate public consultation.
- (b) That Council write to its Local Member for Ryde the Honourable Victor Dominello MP seeking his support for the deferral of this legislation.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

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

Note: Councillor Laxale disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he has a relationship with defendant, former Councillor Butterworth.

Note: Councillor Li disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in legal proceedings.

Note: Councillor Simon disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he has a personal relationship with defendants, specifically former Councillor Michael Butterworth.

Note: Councillor Salvestro-Martin disclosed a Pecuniary Interest in this Item for the reason that he is a listed party in legal proceedings.

Note: Councillor Perram disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in incomplete Court proceedings where costs have to be determined.

Note: The Mayor, Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in these legal proceedings.

ITEM 1 (continued)

ATTACHMENT 1

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

That due to Councillor Pickering's absence this Notice of Motion be deferred to the Council Meeting when Maddocks will be briefed by Council in regards to the Supreme Court proceedings.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

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

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

That the Acting General Manager prepare a report that informs Council of the existing Preferred Supplier Lists used by Council staff including those auspiced by the State Government and Preferred Supplier Tenders.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Chung and Laxale)

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

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

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

4 CUSTOMER SERVICE CENTRES - Councillor Craig Chung

RESOLUTION: (Moved by Councillors Chung and Laxale)

That the Acting General Manager prepare a report identifying:

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

Record of Voting:

For the Motion: Unanimous

5 SMOKING IN PUBLIC PLACES - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

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

ITEM 1 (continued)

ATTACHMENT 1

- (g) That a report be issued to council outlining the new legislation through the CIB and broad vantage to all councillors.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

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

This report should include :

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

Record of Voting:

For the Motion: Unanimous

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

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

To incentivise self-regulated turnover of parking spots, Council investigates and consults with the local community and businesses on the merits and feasibility of installing boom gates at major/busy Council car parking lots which will preserve all existing free parking hours but will collect a fee for parking additional hours. The report is to consider the benefits of alleviating the need

ITEM 1 (continued)

ATTACHMENT 1

for Rangers to enforce parking time limits if such boom gates are installed, and redeploy those resources to other areas (eg illegal dumping).

Record of Voting:

For the Motion: Unanimous

8 WOMEN'S ADVISORY COMMITTEE - Councillor Denise Pendleton

RESOLUTION: (Moved by Councillors Pendleton and Maggio)

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

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

Record of Voting:

For the Motion: Unanimous

9 OMBUDSMAN SYSTEM – Councillor Denise Pendleton

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

10 HOUSING OF ASYLUM SEEKERS AT MACQUARIE UNIVERSITY – Councillor Bill Pickering

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

11 SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES - Councillor Bill Pickering

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

That due to Councillor Pickering's absence this Notice of Motion be deferred to the next Council Meeting on 26 March 2013.

Record of Voting:

For the Motion: Unanimous

12 AMENITY BUILDING AT MEADOWBANK PARK – Councillor Roy Maggio

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

ITEM 1 (continued)

ATTACHMENT 1

13 PLANNING WHITE PAPER - Councillor Jerome Laxale

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

Note: Councillor Li left the meeting at 10.53pm and did not return.

Note: Councillor Salvestro-Martin left the meeting at 10.53pm and did not return.

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

Note: Councillor Li disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in legal proceedings.

Note: Councillor Salvestro-Martin disclosed a Pecuniary Interest in this Item for the reason that he is a listed party in legal proceedings.

Note: Councillor Perram disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in incomplete Court proceedings where costs have to be determined.

Note: The Mayor, Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in a legal matter.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That consideration of this Item be deferred to the next Council Meeting on 26 March 2013.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Julie Worsley (representing Allengrove Against Inappropriate Development), Marie Sillars (representing Ivanhoe Estate Tenant Group) and Jasmina Mollter addressed the Council earlier in the meeting as set out in these Minutes.

ITEM 1 (continued)

ATTACHMENT 1

EXTRAORDINARY MEETING OF COUNCIL

Prior to the meeting closing, the Acting General Manager raised the issue of Council's independent advisor in the Supreme Court Proceedings, Maddocks Lawyers, were organised to be present at next week's Council Meeting on 26 March 2013. It was agreed by Council for the Mayor and Acting General Manager to arrange an Extraordinary Meeting of Council to allow Council to fully brief Maddocks on the Supreme Court Proceedings in addition to considering Notice of Motion 1 – Deferred Notice of Motion: Legal Costs for the Supreme Court Injunction.

(NOTE: Following the Council Meeting, the Extraordinary Meeting was set for 7.30pm on Wednesday, 27 March 2013).

NATIONAL ANTHEM

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

The meeting closed at 11.00pm on 19 March 2013.

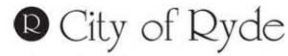
CONFIRMED THIS 26TH DAY OF MARCH 2013

Chairperson

ITEM 17 (continued)

ATTACHMENT 1

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



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Scope

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

Purpose

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

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

Objectives

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

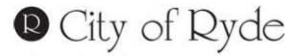
The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic duties and business of Council.

Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors		
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Trim Reference: d12/75903	Review date: Annual	Endorsed:

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- (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.
- (3) Only those entitlements specifically described in this Policy shall be provided by the Council.

References - Legislation

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

Review Process and Endorsement

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

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

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

Attachments

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

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PROCEDURE

Related Policy

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

Reporting requirements

Section 428 of the Act and clause 217 of the Local Government (General) Regulation ("the Regulation") require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy. These sections are set out in Clause 6.

PAYMENT OF EXPENSES GENERALLY

Payment of Councillor Fees

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

Reimbursement and reconciliation of expenses

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

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

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

Payments in advance

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

ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

Monetary Limits

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

Time Limits

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

Spouse and partner expenses

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

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

SPECIFIC EXPENSES

Attendance at seminars, conferences and training courses

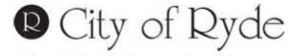
- 7 (1) Council approval is required for Councillors to attend seminars or conferences on behalf of the Council by way of a report to be included in the Council business papers. The report will include the purpose of the seminar, conference and training course, expected total costs, expected benefits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

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

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

Training and education expenses

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

General travel and accommodation arrangements

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

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

Local travel arrangements and expenses

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

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

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

Interstate or overseas travel

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

Incidental Expenses

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

Communication costs and expenses

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

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(3) Where the communication costs include the provision of a communication device through a communication plan, Council shall reimburse the costs associated with the plan, including email, internet and telephone access and usage. Communication costs also include expenses incurred by a Councillor for the proportion of leasing, renting or repayment costs associated with any communication device used by a Councillor in undertaking their role as a Councillor.

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

Meals and refreshments

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

Care and other related expenses

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

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

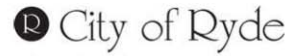
- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a)*

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- (4) Where a Councillor has a special requirement, such as disability and access needs, Council shall meet reasonable costs and expenses required in order for that Councillor to discharge the functions of civic office.
- (5) The total amount paid to a Councillor in a financial year under sub-clause (4) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year, however, Council can approve additional expenditure in extenuating circumstances.
- (6) Each application for care and support of a relative or for meeting the special requirements of a Councillor is to be made in writing to the General Manager or his/her delegated officer and will be assessed on its merits. The General Manager may use his/her discretion to refer the matter to Council for determination.

Insurance provisions and expenses

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

Legal assistance provisions and expenses

- 17 1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - (a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
 - (b) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act;
 - (c) a Councillor for proceedings before the ~~Local Government Pecuniary Interest and Disciplinary Tribunal or an~~ **appropriate** investigative **or review** body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the ~~Tribunal or~~ investigative **or review** body makes a finding substantially favourable to the Councillor.

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

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

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

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

ADDITIONAL MAYORAL EXPENSES

Mayoral Fee

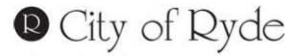
- 18 (1) An annual fee is paid to the Mayor by the Council. The fee shall be the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

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- (2) Unless otherwise provided for in this Policy, the annual fee paid to the Mayor is intended to offset the additional costs involved in discharging the functions of the mayoral office over and above the costs incurred by other Councillors.
- (3) In the event that the Council resolves to pay an annual fee to the Deputy Mayor, the amount of such annual fee shall be deducted from the amount determined to be paid to the Mayor.
- (4) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Mayor holds office.
- (5) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral Fee.

Civic Expenses

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

Communication costs and expenses

- 20 Council shall reimburse up to an additional \$250 per month (\$3,000 per annum) for communication costs and expenses for the Mayor, over and above the monthly expenditure limit prescribed in clause 13.

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PROVISION OF FACILITIES - GENERAL PROVISIONS

Provision of facilities generally

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

Private use of equipment and facilities

- 22** (1) Council facilities, equipment and services are not to be used for private purposes unless the use is incidental, unavoidable and of a minor nature.
- (2) Where a Councillor obtains a private benefit for the use of a facility provided by the Council, the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the benefit shall be determined by Council in non-confidential session of a Council meeting.
- (3) Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

PROVISION OF FACILITIES - SPECIFIC PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

Stationery and other items

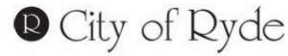
- 23** (1) Each Councillor may receive:
- (a) 2500 sheets of plain white A4 paper per year;
- (b) 500 plain white DLE envelopes per year;
- (c) 500 business cards per year in a format agreed by each Councillor;

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

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

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

Home Office and Equipment

24 The following equipment and facilities may be provided by the Council at a location nominated by the Councillor:

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

All amounts stated are inclusive of GST.

Parking

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

Secretarial Support

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

Delivery of Material

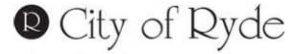
27 At least once weekly, each Councillor may receive a delivery of material from Council including business papers, correspondence, newspapers, etc delivered to one property address nominated by the Councillor.

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Council Meeting Chamber and Library Meeting Rooms

- 28 Councillors may use the Council Meeting Chamber *or access the meeting rooms at the library, as available and in accordance with the relevant booking process for the purposes of Councillors meeting with the public during operating hours and free of charge* to conduct meetings with members of the public. The nature of the meeting must relate to Council business.

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR

Mayoral Office

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

Secretarial Support

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

Motor Vehicle

- 31 (1) A Toyota Camry Hybrid Level 2 (or general equivalent) shall be provided by the Council and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for private purposes by the Mayor. The cost of petrol used for private purposes shall be the responsibility of the Mayor.
- (2) A car parking space shall be allocated at the Civic Centre for the Mayoral vehicle.
- (3) *Should the Mayor elect not to make use of the vehicle for the length of their term, it will be disposed of appropriately. The Mayor will be entitled for reimbursement for all Council related travel expenses in accordance with the rate set out in the "Councillor Reimbursement Form". Reimbursements will be made upon the production of an appropriate vehicle mileage log and the completion of a "Request for Councillor Reimbursement" form.*

Ceremonial Clothing

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

Other equipment and facilities

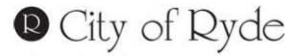
- 33 (1) In addition to equipment and facilities already provided to the Mayor as a Councillor, the Mayor shall be entitled to the following equipment and facilities:
- (a) an additional 500 business cards per year of term in a format agreed by the Mayor,

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- (b) 200 Christmas Cards per year of term,
 - (c) corporate attire and presentation gifts for use in connection with civic and ceremonial functions eg: tie, scarfs, mementos
- (2) The General Manager shall have discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, subject to funding being made available in the adopted Management Plan and the provision of such equipment or facilities is considered reasonable for the efficient and effective performance of the Office of the Mayor. Should the General Manager exercise his/her discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy a report detailing the provision shall be presented to Council.

OTHER MATTERS

Disputes

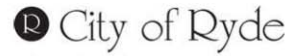
- 34** Should any Councillor consider that a dispute exists at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute and the General Manager shall submit such reports to the next meeting of the Council to have the dispute determined by a resolution of the Council having regard to this policy, the Act and any other relevant law. The decision of the Council shall be binding on all of the parties.

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LEGISLATIVE PROVISIONS

The relevant legislative provisions are set out below. In this legislation, the expression "year" means the period from 1 July to the following 30 June.

Local Government Act

252 *Payment of expenses and provision of facilities*

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

253 *Requirements before policy concerning expenses and facilities can be adopted or amended*

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*

(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and

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- (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
- (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.
- 254 Decision to be made in open meeting
- The council or a council committee, all the members of which are councillors, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.
- 428(pt) Annual reports
- (1) Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.
- (2) A report must contain the following:
- (f) the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,

Local Government (General) Regulation

- 217(pt) Additional information for inclusion in annual report
- (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
- (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
- (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,

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- (iii) *the attendance of councillors at conferences and seminars,*
- (iv) *the training of councillors and the provision of skill development for councillors,*
- (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vii) *the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
- (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,*

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

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

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

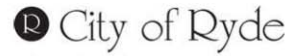
Under clause 404 of the Regulation, a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's

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entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

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

Other Government and Council Policy provisions

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

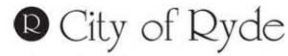
- (1) Division of Local Government Circular No. 09-36, 7 October 2009, *"Release of Revised Councillor Expenses and Facilities Guidelines"*
- (2) Division of Local Government Publication, *"Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW, October 2009"*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

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ATTENDANCE AT CONFERENCES

Related Policy

This guideline sets out the criteria to determine the attendance of Councillors at Conferences. It relates to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

Guidelines

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

1. Local Government Association Conference – the number of voting delegates plus one. Details of the delegates and attendee to be determined by resolution of Council.
2. Australian Local Government Association Conference.
3. In addition, to 1 and 2 above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
4. Within 2 months after the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors Information Bulletin.
5. No Councillor can attend a Conference without the prior approval of Council. Reports to Council are to include details of the Conference and an estimate of the associated costs including registration, transport and accommodation.
6. Council may resolve that a Councillor can attend more than one conference per year but this determination will be dependant on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.
7. Each year, as part of the review of the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors, Council officers will provide a full report of expenditure and Conference attendance by Councillors.

Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors		
Owner: Governance	Accountability: Mayoral and Councillor support service	Policy: CSG005
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