

Meeting Date: Tuesday 28 November 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

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

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1 CONFIRMATION OF MINUTES - Council Meeting held on 24 October 2017

Report prepared by: Senior Coordinator - Governance**File No.:** CLM/17/1/1/2 - BP17/1143

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Council Meeting 9/17, held on 24 October 2017 be confirmed.

ATTACHMENTS

1 MINUTES - Ordinary Council Meeting - 24 October 2017

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 9/17**

Meeting Date: Tuesday 24 October 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou.

Apologies: Nil.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Risk, Audit and Governance, Manager – Community Services, Manager – Traffic, Transport and Development, Acting Manager – Human Resources, Executive Officer – Ryde Central, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Senior Coordinator – Governance and Executive Assistant to the General Manager.

PRAYER

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

DISCLOSURES OF INTEREST

The Mayor, Councillor Laxale disclosed Less than Significant Non-Pecuniary Interest in Item 4(4) – Traffic and Parking Investigations at Schools, for the reason that his children go to one of the schools mentioned.

Councillor Pedersen disclosed Less than Significant Non-Pecuniary Interest in Item 4(4) – Traffic and Parking Investigations at Schools, for the reason that her children attend two of the schools being discussed as part of the schools safety report.

Councillor Purcell disclosed Less than Significant Non-Pecuniary Interest in Item 4(4) – Traffic and Parking Investigations at Schools, for the reason that his son attends Epping Boys High School.

Councillor Brown disclosed Less than Significant Non-Pecuniary Interest in Item 4(4) – Traffic and Parking Investigations at Schools, for the reason that he has school children at Eastwood Heights Public School and Epping Boys High School.

ITEM 1 (continued)

ATTACHMENT 1

Councillor Clifton disclosed Less than Significant Non-Pecuniary Interest in Item 4(4) – Traffic and Parking Investigations at Schools, for the reason that her child attends a local school.

Councillor Kim disclosed Less than Significant Non-Pecuniary Interest in Item 4(4) – Traffic and Parking Investigations at Schools, for the reason that his son attends Ryde Secondary College.

TABLING OF PETITIONS

No Petitions were tabled.

SUSPENSION OF STANDING ORDERS

Councillor Brown requested a Suspension of Standing Orders to acknowledge the outstanding work carried out by Council staff involved in the Granny Smith Festival.

RESOLUTION: (Moved by Councillors Brown and Purcell)

That Standing Orders be Suspended to acknowledge the outstanding work carried out by Council staff involved in the Granny Smith Festival, the time being 7.07pm.

Record for the Voting:

For the Motion: Unanimous

ACKNOWLEDGEMENT OF COUNCIL STAFF FOR GRANNY SMITH FESTIVAL

RESOLUTION: (Moved by Councillor Brown and Yedelian OAM)

That the City of Ryde commend Council staff for their outstanding efforts in planning for and hosting the very successful Granny Smith Festival on Saturday, 21 October 2017.

Record for the Voting:

For the Motion: Unanimous

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Yedelian OAM and Pedersen)

That Standing Orders be Resumed, the time being 7.12pm.

ITEM 1 (continued)

ATTACHMENT 1

Record for the Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Terry Perram	Mayoral Minute 10/17 – Eastwood Traffic and Parking Study
Stephen Robilliard	Mayoral Minute 10/17 – Eastwood Traffic and Parking Study
Jong Hoon Park (representing Eastwood Korean Chamber of Commerce)	Mayoral Minute 10/17 – Eastwood Traffic and Parking Study

Note: Ben Johnson was called to address Council, however he was not present in the Chamber.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Jeff Hayes (representing Tennyson Road Community)	Objection to Proposed Development at 2-14 Tennyson Road, Gladesville
Nicole Smith	Impact on our property of proposed development at 2-14 Tennyson Road, Gladesville
Francis Fullbrook	Inaccuracies and misrepresentation in development application for 2-14 Tennyson Road, Gladesville
Fletcher Simpkins (representing Tennyson Road Community)	Against the development proposal for 2-14 Tennyson Road, Gladesville
Andrew Drewitt Smith (speaking on behalf of Michael Pezzutti who had registered to speak but was absent)	Against the development proposal for 2-14 Tennyson Road, Gladesville
Stuart McMillan (representing Tennyson Road Community)	Against the development proposal for 2-14 Tennyson Road, Gladesville

ITEM 1 (continued)

ATTACHMENT 1

SUSPENSION OF STANDING ORDERS

Councillor Maggio requested a Suspension of Standing Orders to table approximately 500 letters of objection to the proposed development at 2-14 Tennyson Road, Gladesville.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Standing Orders be Suspended to allow the tabling of over 500 letters of objection to the proposed development at 2-14 Tennyson Road, Gladesville, the time being 7.46pm.

Record for the Voting:

For the Motion: Unanimous

LETTERS OF OBJECTION – PROPOSED DEVELOPMENT AT 2-14 TENNYSON ROAD, GLADESVILLE

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council receive the letters objecting to the proposed development at 2-14 Tennyson Road, Gladesville and that all letters (over 500) be tabled and accepted as formal submissions on the development proposal.

Record for the Voting:

For the Motion: Unanimous

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Standing Orders be Resumed, the time being 7.51pm.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTES

MM10/17 EASTWOOD TRAFFIC AND PARKING STUDY - Mayor, Councillor Jerome Laxale

Note: Terry Perram, Stephen Robilliard and Jong Hoon Park (representing Eastwood Korean Chamber of Commerce) address the meeting in relation to this Item.

MOTION: (Moved by The Mayor, Councillor Laxale and Councillor Purcell)

That Council conduct a comprehensive Traffic and Parking Study of the Eastwood area and its surrounds that takes into consideration (but is not limited to) the following:

- Future Land Use
- Traffic Flow (Vehicular, Pedestrian and Cycling)
- On-street and Off-street parking needs

and that appropriate funds be allocated.

AMENDMENT: (Moved by Councillors Brown and Lane)

That Council conduct a comprehensive Traffic and Parking Study of the Eastwood area and its surrounds that takes into consideration (but is not limited to) the following:

- Future Land Use
- Traffic Flow (Vehicular, Pedestrian and Cycling)
- On-street and Off-street parking needs
- Site recommendations for Off-street parking
- Financial estimates for the various proposals
- Disruptive impacts to the small business owners, of any of these options.

and that appropriate funds be allocated.

On being put to the Meeting the voting on the Amendment was five (5) for and seven (7) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Amendment: Councillors Brown, Gordon, Lane, Moujalli and Yedelian OAM

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Kim, Maggio, Pedersen, Purcell and Zhou

RESOLUTION: (Moved by The Mayor, Councillor Laxale and Councillor Purcell)

That Council conduct a comprehensive Traffic and Parking Study of the Eastwood area and its surrounds that takes into consideration (but is not limited to) the following:

- Future Land Use
- Traffic Flow (Vehicular, Pedestrian and Cycling)
- On-street and Off-street parking needs

and that appropriate funds be allocated.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 22 August 2017

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Minutes of the Council Meeting 7/17, held on 22 August 2017 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 26 September 2017

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Minutes of the Extraordinary Council Meeting 8/17, held on 26 September 2017 be confirmed.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 7/17 held on 10 October 2017

RESOLUTION: (Moved by Councillors Gordon and Purcell)

That Council determine Items 2 and 3 of the Ryde Central Committee Meeting 7/17, held on 10 October 2017 in accordance with the Ryde Central Committee Terms of Reference, noting that Item 1 – Election of Chairperson and Deputy Chairperson is not required to be considered by Council.

Record for the Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 8 August 2017

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That the Minutes of the Ryde Central Committee 6/17, held on 8 August 2017, be confirmed.

Record of the Voting:

For the Motion: Unanimous

3 STATUS REPORT 21 - AUGUST AND SEPTEMBER 2017

Note: A Memorandum from the Acting Deputy General Manager / Director Corporate and Organisational Support Services dated 6 October 2017 containing CONFIDENTIAL additional information was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That the Committee receive and note this Status Report.

Record of the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 7/17 held on 17 October 2017

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That Council determine Items 3 and 4 of the Works and Community Committee report 7/17, held on 17 October 2017 noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

3 SMALL GRANTS PROGRAM - ALLOCATION OF FUNDING SEPTEMBER 2017

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

- (a) That Council endorse the allocation of The City of Ryde **Small Grants Category** as follows:

Organisation	Project Name	Amount
Mahbobas Promise	Afghani Youth Sports Program	\$1,000

- (b) That the successful Grant applicant be informed of the outcome of their application.
- (c) That the unsuccessful Grant applicant be provided with feedback on the reasons their application was not successful.

Record of Voting:

For the Motion: Unanimous

4 TRAFFIC AND PARKING INVESTIGATIONS AT SCHOOLS

Note: The Mayor, Councillor Laxale disclosed Less than Significant Non-Pecuniary Interest in this Item for the reason that his children go to one of the schools mentioned.

Note: Councillor Pedersen disclosed Less than Significant Non-Pecuniary Interest in this Item for the reason that her children attend two of the schools being discussed as part of the schools safety report.

Note: Councillor Purcell disclosed Less than Significant Non-Pecuniary Interest in this Item for the reason that his son attends Epping Boys High School.

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Brown disclosed Less than Significant Non-Pecuniary Interest in this Item for the reason that he has school children at Eastwood Heights Public School and Epping Boys High School.

Note: Councillor Clifton disclosed Less than Significant Non-Pecuniary Interest in this Item for the reason that her child attends a local school.

Note: Councillor Kim disclosed Less than Significant Non-Pecuniary Interest in this Item for the reason that his son attends Ryde Secondary College.

RESOLUTION: (Moved by Councillors Pedersen and Gordon)

- (a) That Council conduct information sessions at each of the schools in the Ryde LGA, inviting all concerned residents to participate.
- (b) That Council investigates changes to traffic and parking conditions at the schools in the Ryde LGA in the order detailed in the report.
- (c) That Council investigates changes to traffic and parking conditions at the following schools in conjunction with the appropriate traffic study:
 - St Charles Primary School..... (Morrison Road LATM scheme),
 - Gladesville Public School..... (Gladesville Town Centre Upgrade),
 - Holy Cross College (College Street “trial” closure), and
 - Melrose Park Public School(Northern Melrose Park Structure Plan).
- (d) That in the interest of safety, a report be presented to the Works and Community Committee regarding the funding required to expedite the program.

Record of Voting:

For the Motion: Unanimous

5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 8/17 held on 17 October 2017

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council determine Items 2, 3, 4, 5, 6 and 7 of the Finance and Governance Committee Meeting 8/17, held on 17 October 2017 in accordance with the Finance and Governance Committee Terms of Reference, noting that Item 1 – Election of Chairperson and Deputy Chairperson is not required to be considered by Council.

ITEM 1 (continued)

ATTACHMENT 1

Record for the Voting:

For the Motion: Unanimous

**2 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 15 August 2017**

RESOLUTION: (Moved by Councillors Kim and Purcell)

That the Minutes of the Finance and Governance Committee 7/17, held on 15 August 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

3 INVESTMENT REPORT AS AT 31 AUGUST 2017

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council endorse the Investment Report as at 31 August 2017.

Record of Voting:

For the Motion: Unanimous

4 INVESTMENT REPORT AS AT 30 SEPTEMBER 2017

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council endorse the Investment Report as at 30 September 2017.

Record of Voting:

For the Motion: Unanimous

5 ANNUAL DISCLOSURE OF PECUNIARY INTERESTS

RESOLUTION: (Moved by Councillors Kim and Purcell)

That the Register of Disclosure of Pecuniary Interest Returns is tabled as required under Section 450A of the *Local Government Act*, 1993.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

6 TENDER EVALUATION REPORT COR-RFT-11/17 FOR THE PROVISION OF BUS OPERATORS FOR THE SHOP RYDER COMMUNITY BUS SERVICE FOR THE PERIOD UP TO 30 JUNE 2020

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That Council accept the tender from EBS Global Pty Ltd for the provision of two bus operators for the Shop Ryder Community Bus Service for the period up to 30 June 2020 for the amount of \$240,240 excluding GST as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with EBS Global on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

7 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That consideration of this matter be deferred to Closed Confidential Session.

Record of Voting:

For the Motion: Unanimous

6 (1) GENERAL MANAGER'S DELEGATION AND (2) POLICY ON MAYOR'S OVERSIGHT OF THE GENERAL MANAGER, INCLUDING THE MAYOR'S ROLES AND RESPONSIBILITIES

RESOLUTION: (Moved by Councillors Maggio and Moujalli)

- (a) That in accordance with Section 380 of the *Local Government Act 1993*, Council confirms that the delegation (**ATTACHMENT 2**) be granted to the General Manager for the next term of office for the Council.
- (b) That Council adopt the Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor including Mayor's Roles and Responsibilities – October 2017 (**ATTACHMENT 3**).

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

7 REVISED DRAFT 2016/17 FINANCIAL STATEMENTS

RESOLUTION: (Moved by Councillors Pedersen and Moujalli)

- (a) That the Mayor, Deputy Mayor, Acting General Manager and the Responsible Accounting Officer sign the 'Statement by Councillor and Management' for both the General Purpose and Special Purpose Financial Statements as contained in the Revised Draft 2016/17 Financial Statements.
- (b) That Council's Meeting on Tuesday, 28 November 2017 be fixed as the date for the public meeting to allow Council's external auditors to present the audited financial statements and Independent Auditor's Report for the year ended 30 June 2017 as required by section 419 of the Local Government Act 1993.

Record of Voting:

For the Motion: Unanimous

8 2017/2018 CHRISTMAS / NEW YEAR ARRANGEMENTS - COUNCIL BUSINESS OPERATIONS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the changes to normal City of Ryde business operations over the 2017/2018 Christmas/New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, on Council's website, through social media and by way of notice at the front of Council's customer service centres, Council branch libraries and the Ryde Aquatic Leisure Centres.
- (c) That Council endorse the staff function, including staff update / Christmas lunch, being held at Next Generation from 12 noon on Friday, 22 December 2017.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 AUSTRALIA'S STRATEGY FOR THE PROTECTION OF CROWDED PLACES FROM TERRORISM

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 COUNCIL'S FUTURE PLAYING AND TRAINING FIELD NEEDS - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Zhou)

- (a) That as Council's Sport and Recreational Strategy (2016 – 2026) has now been adopted by Council, a report be prepared investigating Councils future playing and training field needs including synthetic playing surfaces.
- (b) That the report is to refer to the medium and long term actions identified in the strategy including the Synthetic Surface Action Plan and make recommendations to Council for possible inclusion in future delivery plans.

Record of Voting:

For the Motion: Unanimous

2 OPTIONS FOR ADDITIONAL SPORTS FACILITIES AT MORRISON BAY PARK - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Moujalli)

- (a) That, giving consideration to the adopted Sport and Recreational Strategy, the General Manager investigate the following options for additional sports facilities at Morrison Bay Park and make recommendations to Council for inclusion in the 2018-2022 Delivery Plan:-
 - An additional cricket practice net
 - New half basketball court
- (b) That the General Manager seek funding contributions for any of the above sports facility projects that progress to construction.

ITEM 1 (continued)

ATTACHMENT 1

- (c) That the investigations be reported to Council in 2018 as part of the budget process.

Record of Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

Against the Motion: Councillors Gordon, Kim, Pedersen and Purcell

3 NAMING OF ERNA ADMINISTRATION BUILDING - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Moujalli)

- (a) That the City of Ryde approve the naming of the ERNA Administration building 'The Anne Doring Building' to commemorate the long standing service to Netball in the City of Ryde.
- (b) That the Mayor and Councillors present a plaque to Anne Doring at a ceremony at Meadowbank Park Netball Courts, in liaison with the Eastwood Ryde Netball Association.

Record of Voting:

For the Motion: Unanimous

4 PERFORMING ARTS SPACE - Councillor Roy Maggio

MOTION: (Moved by Councillors Maggio and Zhou)

That a report be prepared by the General Manager and presented to the next suitable Council Meeting on the current plans and options in regards to the delivery of a performing arts space after consultation with the new Arts Advisory Committee.

AMENDMENT: (Moved by Councillors Gordon and Lane)

That the General Manager write to the Arts Advisory Committee seeking feedback on existing arts programs and facilities in the City of Ryde.

On being put to the Meeting, the voting on the Amendment was ten (10) for and two (2) against. The Amendment was **CARRIED** and then became the Motion.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Lane, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Amendment: Councillors Brown and Maggio

RESOLUTION: (Moved by Councillors Gordon and Lane)

That the General Manager write to the Arts Advisory Committee seeking feedback on existing arts programs and facilities in the City of Ryde.

Record of Voting:

For the Motion: Unanimous

5 NOTICE OF MOTION - PROPOSED MOTION FOR NSW LOCAL GOVERNMENT ANNUAL CONFERENCE - Councillor Roy Maggio

That Council endorse the following Motion to be submitted to the Local Government NSW Annual Conference to be held on 4 – 6 December 2017 at Hyatt Regency, Sydney:-

MOTION: (Moved by Councillors Maggio and Lane)

That this Conference request the Minister for Local Government to amend Section 275 of the Local Government Act 1993 to disqualify any employee of a State Government Minister from being qualified to hold Civic Office in a NSW Local Government Authority.

On being put to the Meeting, the voting on the Motion was six (6) all. The Mayor used his casting vote Against the Motion. The Motion was **LOST**.

Record of Voting:

For the Motion: Councillors Brown, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

Against the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen and Purcell

ITEM 1 (continued)

ATTACHMENT 1

**6 SAFETY RISK TO PUBLIC HOUSING TENANTS AT 38 COONEY STREET -
Councillor Penelope Pedersen**

Note: This Notice of Motion was WITHDRAWN by Councillor Pedersen and therefore was not considered by Council.

CLOSED SESSION

ITEM 5(7) - ADVICE ON COURT ACTIONS

Confidential

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

ITEM 9 - LEGAL MATTER

Confidential

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

ITEM 10 - RECRUITMENT OF THE ROLE OF GENERAL MANAGER

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than councillors).

Note: Councillor Gordon left the meeting at 9.12pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Purcell and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

Note: The Council closed the meeting at 9.14pm. The public and media left the chamber.

Note: Councillor Gordon returned to the meeting at 9.15pm

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
8/17 held on 17 October 2017**

7 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Kim and Purcell)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Maggio

9 LEGAL MATTER

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That Council adopt the recommendation as detailed in this report and as discussed in confidential session.

Record of Voting:

For the Motion: Unanimous

Note: All staff with the exception of the Manager – Risk, Audit and Governance, Acting Manager – Human Resources and Senior Coordinator – Governance (Minute taker) left the meeting at 10.00pm.

10 RECRUITMENT OF THE ROLE OF GENERAL MANAGER

RECOMMENDATION: (Moved by The Mayor, Councillor Laxale and Councillor Yedelian OAM)

(a) That Council note and endorse the stages and estimated timeframes of the recruitment as outlined in this report.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council appoint all Councillors to the selection panel to be involved in various stages of the recruitment of the role of General Manager.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 10.17pm.

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 10.20pm.

CONFIRMED THIS 28TH DAY OF NOVEMBER 2017

Chairperson

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 7/17 held on 14 November 2017

Report prepared by: Senior Coordinator - Governance

File No.: CLM/17/1/3/2 - BP17/1144

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 7/17 held on 14 November 2017. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

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

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

3 76 MORRISON ROAD, GLADESVILLE. LOT A in DP 343167. Local Development Application for the demolition and construction of a two storey dwelling-house and a secondary dwelling. LDA2016/0377.

Note: Lee Mizens (objector) and Ivy Wang (representing Vigor Mater Pty Ltd – applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 14 November 2017 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Gordon and Pedersen)

- (a) That the application be deferred for a mediation to be undertaken between the neighbours and the applicant to look at issues of privacy.
- (b) That a further report be presented to the Planning and Environment Committee.

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Motion.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Kim

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** as dissenting votes were recorded, substantive changes were made to the published recommendation and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

ITEM 2 (continued)**4 30 FARNELL STREET, WEST RYDE. LOT 1 DP 219137. Local Development Application for construction of a multi-dwelling development containing 3 dwellings - 2 x two storey dwellings at the front and 1 x single storey dwelling at the rear and strata subdivision. LDA2016/0618**

Note: Councillor Kim disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he lives in Farnell Street, West Ryde and he knows Peter Hall who he met approximately 15 years ago and is acting on behalf of the Applicant. He left the meeting at 5.47pm and did not return and was not present for consideration or voting on this Item.

Note: Livio Panozzo (objector) and Peter Hall (representing Skycorp Properties – applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 14 November 2017 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Gordon and Pedersen)

- (a) That Local Development Application No. 2016/618 at 30 Farnell Street, West Ryde be referred back to the Acting Director - City Planning and Development.
- (b) That Amended Plans are required to be submitted to Council to increase the front setback to a minimum of 12 metres and these plans are to be notified to the objector. (Mr Panozzo).
- (c) That the application can then be approved under officers delegation, subject to the conditions in **ATTACHMENT 2** incorporating any changes required to enforce the 12 metre setback.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 MINUTES - Planning and Environment Committee Meeting - 14 November 2017

ITEM 2 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 7/17**

Meeting Date: Tuesday 14 November 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.04pm

Councillors Present: Councillors Purcell, (Chairperson), Clifton, Gordon, Kim, Pedersen, Yedelian OAM and Zhou.

Apologies: Nil.

Note: Councillor Kim left the meeting at 5.47pm and did not return. He was not present for consideration or voting on Item 4.

Staff Present: Acting General Manager, Acting Director – City Planning and Development, Director – Corporate and Organisational Support Services, Acting Director – Customer and Community Services, Acting Manager – Assessment, Senior Coordinator – Environmental Assessment, Senior Coordinator – Development Engineering Services, Assessment Officer – Town Planner, Senior Coordinator – Communications, Senior Coordinator – Governance and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

Councillor Kim disclosed a Significant Non-Pecuniary Interest in Item 4 – 30 Farnell Street, West Ryde (LDA2016/0618) for the reason that he lives in Farnell Street, West Ryde and he knows Peter Hall who he met approximately 15 years ago and is acting on behalf of the Applicant.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

The Acting General Manager, as Returning Officer, gave an overview of the election process in relation to the election of the Chairperson and Deputy Chairperson.

METHOD OF VOTING FOR CHAIRPERSON AND DEPUTY CHAIRPERSON

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

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

- (a) That the method of voting for the election of the Chairperson and Deputy Chairperson be open voting by show of hands.

ITEM 2 (continued)

ATTACHMENT 1

- (b) That the Acting General Manager, as Returning Officer, undertake the election of the Chairperson and Deputy Chairperson for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

Record of the Voting:

For the Motion: Unanimous

ELECTION OF CHAIRPERSON

The Acting General Manager, as Returning Officer called for nominations for the position of Chairperson of the Committee and received one nomination being for Councillor Purcell.

The Acting General Manager, as Returning Officer called for any further nominations. As there were none, nominations were closed.

The Acting General Manager, as Returning Officer confirmed with Councillor Purcell that he accepted the nomination.

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

ELECTION OF DEPUTY CHAIRPERSON

The Acting General Manager, as Returning Officer called for nominations for the position of Deputy Chairperson of the Committee and received one nomination being for Councillor Kim.

The Acting General Manager, as Returning Officer called for any further nominations. As there were none, nominations were closed.

The Acting General Manager, as Returning Officer confirmed with Councillor Kim that he accepted the nomination.

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

Note: The Chairperson, Councillor Purcell then assumed the Chair.

2 CONFIRMATION OF MINUTES - Meeting held on 8 August 2017

RESOLUTION: (Moved by Councillors Gordon and Kim)

That the Minutes of the Planning and Environment Committee 6/17, held on 8 August 2017, be confirmed.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

3 76 MORRISON ROAD, GLADESVILLE. LOT A in DP 343167. Local Development Application for the demolition and construction of a two storey dwelling-house and a secondary dwelling. LDA2016/0377.

Note: Lee Mizens (objector) and Ivy Wang (representing Vigor Mater Pty Ltd – applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 14 November 2017 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Gordon and Pedersen)

- (a) That the application be deferred for a mediation to be undertaken between the neighbours and the applicant to look at issues of privacy.
- (b) That a further report be presented to the Planning and Environment Committee.

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Motion.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Kim

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** as dissenting votes were recorded, substantive changes were made to the published recommendation and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

4 30 FARNELL STREET, WEST RYDE. LOT 1 DP 219137. Local Development Application for construction of a multi-dwelling development containing 3 dwellings - 2 x two storey dwellings at the front and 1 x single storey dwelling at the rear and strata subdivision. LDA2016/0618

Note: Councillor Kim disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he lives in Farnell Street, West Ryde and he knows Peter Hall who he met approximately 15 years ago and is acting on behalf of the Applicant. He left the meeting at 5.47pm and did not return and was not present for consideration or voting on this Item.

ITEM 2 (continued)

ATTACHMENT 1

Note: Livio Panozzo (objector) and Peter Hall (representing Skycorp Properties – applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 14 November 2017 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Gordon and Pedersen)

- (a) That Local Development Application No. 2016/618 at 30 Farnell Street, West Ryde be referred back to the Acting Director - City Planning and Development.
- (b) That Amended Plans are required to be submitted to Council to increase the front setback to a minimum of 12 metres and these plans are to be notified to the objector. (Mr Panozzo).
- (c) That the application can then be approved under officers delegation, subject to the conditions in **ATTACHMENT 2** incorporating any changes required to enforce the 12 metre setback.
- (d) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** as substantive changes were made to the published recommendation.

The meeting closed at 6.05pm.

CONFIRMED THIS 13TH DAY OF FEBRUARY 2018.

Chairperson

3 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 8/17 held on 14 November 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/4/2 - BP17/1145

REPORT SUMMARY

Attached are the Minutes of the Ryde Central Committee Meeting 8/17 held on 14 November 2017. The Minutes will be listed for confirmation at the next Ryde Central Committee Meeting.

The following Committee recommendations for Items 1 and 2 are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees:

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 10 October 2017

RECOMMENDATION: (Moved by Councillors Purcell and Kim)

That the Minutes of the Ryde Central Committee 7/17, held on 10 October 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

2 STATUS REPORT 22 - OCTOBER 2017

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Pedersen)

That the Committee receive and note this Status Report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS

- 1 MINUTES - Ryde Central Committee Meeting - 14 November 2017**

ITEM 3 (continued)

ATTACHMENT 1

**Ryde Central Committee
MINUTES OF MEETING NO. 8/17**

Meeting Date: Tuesday 14 November 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.08pm

Councillors Present: Councillors Gordon (Chairperson), Clifton, Kim, Pedersen, Purcell, Yedelian OAM and Zhou.

Apologies: Councillor Moujalli.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Executive Officer – Ryde Central, Senior Coordinator – Communications, Senior Coordinator – Governance and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 10 October 2017

RECOMMENDATION: (Moved by Councillors Purcell and Kim)

That the Minutes of the Ryde Central Committee 7/17, held on 10 October 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

2 STATUS REPORT 22 - OCTOBER 2017

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Pedersen)

That the Committee receive and note this Status Report.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 6.13pm.

CONFIRMED THIS 13TH DAY OF FEBRUARY 2018.

Chairperson

**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/17
held on 21 November 2017**

Report prepared by: Senior Coordinator - Governance**File No.:** CLM/17/1/2/2 - BP17/1146

REPORT SUMMARY

The Minutes of the Works and Community Committee Meeting 8/17 held on 21 November 2017 are to be circulated on Thursday, 23 November 2017 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

A report detailing Items which were dealt with by the Committee within its delegated powers, together with any Committee recommendations will be circulated at the same time as the Minutes on Thursday, 23 November 2017.

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
9/17 held on 21 November 2017**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/5/2 - BP17/1147

REPORT SUMMARY

The Minutes of the Finance and Governance Committee Meeting 9/17 held on 21 November 2017 are to be circulated on Thursday, 23 November 2017 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

In accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees, a report detailing the Committee recommendations will be circulated at the same time as the Minutes on Thursday, 23 November 2017.

6 2016/2017 AUDITED FINANCIAL STATEMENTS - PRESENTATION BY AUDITORS

Report prepared by: Team Leader - Financial Accounting
File No.: CSG/17/1/6/1 - BP17/1129

REPORT SUMMARY

This report is to bring before Council, the audited 2016/17 Financial Statements, in accordance with Section 419 of the Local Government Act, 1993.

At the Council meeting the Council's external auditors, the Audit Office and PricewaterhouseCoopers, will make a presentation to Council and answer questions in respect of the 2016/17 Financial Statements.

Members of Council's Audit and Risk Committee will also be present to answer any questions at the Council meeting.

RECOMMENDATION:

- (a) That in accordance with Section 419 of the Local Government Act 1993, Council receive and note the Auditor's Reports on the 2016/17 Annual Financial Statements for the year ended 30 June 2017.
- (b) That any public submissions on the 2016/17 Financial Reports be referred to Council's auditors, the Audit Office and PricewaterhouseCoopers.
- (c) That Council suspend standing orders to allow a presentation by the Audit Office and Pricewaterhouse Coopers, in respect of the 2016/17 Financial Statements including the Auditor's Reports.

ATTACHMENTS

- 1 2016-2017 Financial Statements FINAL – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Christine Joyce
Team Leader - Financial Accounting

Report Approved By:

Steven Kludass
Chief Financial Officer

Roy Newsome
Director - Corporate and Organisational Support Services

ITEM 6 (continued)

Discussion

Council at its meeting of 24 October 2017 resolved to endorse the revised Draft 2016/17 Financial Statements for the year ended 30 June 2017.

Council's Audit and Risk Committee initially met on 31 July 2017 to review the original Draft Financial Statements and again met earlier, prior to this Council meeting, to review the 2016/17 audited Annual Financial Statements.

Council's Auditors, the Audit Office and PricewaterhouseCoopers, have completed the audit and copies of the Auditor's Reports, received on 25 October 2017, are included in the Annual Financial Statements.

The audited Annual Financial Statements were sent to the Office of Local Government on 26 October 2017, ahead of the 31 October 2017 statutory deadline.

The Annual Financial Statements together with the Auditor's Reports are on public exhibition from 15 November 2017 to 5 December 2017.

Submissions in accordance with Section 420 of the Local Government Act 1993, from members of the public regarding any aspect of the Financial Reports or Auditor's Reports will be received up to 5 December 2017, being seven days after the date of tonight's meeting.

All submissions will be considered by Council and referred to its Auditors in accordance with the Local Government Act, 1993.

Report

Council's Financial Statements, which includes the Auditor's Reports for 2016/17 have been completed and are **CIRCULATED UNDER SEPARATE COVER**.

The statements are now formally presented to the public as required by Section 419 of the Local Government Act 1993.

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

- Ryde Aquatic Leisure Centre
- Commercial Waste Removal

No public submissions had been received at the time of writing this report.

ITEM 6 (continued)

Council's auditors, the Audit Office and PricewaterhouseCoopers, will make a presentation to the Council meeting on 28 November 2017 in respect of the 2016/17 Financial Statements including the Auditor's Reports. Council's Audit and Risk Committee will also be present at the Council meeting to provide additional comments and to answer any questions on the Financial Reports and the Auditor's Reports.

The Auditors have issued an unmodified opinion (previously known as an 'unqualified audit opinion') in the Audit Report.

The following summary of the City of Ryde's financial results and key financial performance measures for 2016/17, demonstrates Council's sound financial position;

Financial Results	2015	2016	2017
	000's	000's	000's
Operating Result Before Capital	\$10,044	\$34,356	\$13,860
Operating Result After Capital	\$41,003	\$77,934	\$39,580
Total Cash & Investments	\$137,752	\$178,043	\$186,452
External Restrictions	\$59,743	\$90,752	\$100,514
Internal Restrictions	\$73,214	\$82,913	\$83,396
Working Capital	\$4,963	\$4,517	\$5,103
Total Assets	\$1,291,552	\$1,363,574	\$1,469,782
Total Liabilities	\$36,487	\$41,361	\$40,911
Total Equity	\$1,255,065	\$1,322,213	\$1,428,871

Performance Indicators

The following key performance indicators provide further information on Council's financial performance during the 2016/17 financial year;

Financial Health Indicators	2015	2016	2017
Operating Performance (Benchmark > 0%)	8.53%	8.13%	11.47%
Own Source Operating Revenue (Benchmark > 60%)	71.44%	67.03%	75.83%
Unrestricted Current Ratio (Benchmark > 1.5 times)	5.03x	4.29x	3.44x
Debt Service Cover Ratio (Benchmark > 2 times)	20.86x	12.00x	27.65x
Rates & Annual Charges Outstanding (Benchmark < 5%)	3.84%	3.59%	3.62%
Cash Expense Cover Ratio (Benchmark > 3 months)	15.68	15.72	15.92

ITEM 6 (continued)

Asset Management Indicators	2015	2016	2017
Building & Infrastructure Renewal Ratio (Benchmark > 100%)	89%	134%	194%
Asset Maintenance Ratio (Benchmark > 100%)	108%	88%	93%
Infrastructure Backlog Ratio (Benchmark < 2%) (Total Backlog Amount)	3.4% (\$24.7m)	3.4% (\$24.3m)	2.7% (\$20.0m)

The indicators above provide an insight into Council's solid financial performance during the 2016/17 financial year and highlight a consolidation of Council's financial position as at 30 June 2017.

Working Capital Result

Whilst the 'Operating Result' (derived from the Income Statement) is important, it is worth noting that it does not present a complete picture in itself. For example, the Net Operating Result does not reflect any capital expenditure. All capital expenditure is directly charged to the Statement of Financial Position (Balance Sheet) as an 'asset'.

Council allocates a budget for both operating and capital income and expenditure. By calculating the Working Capital Result we gain a greater understanding of our financial position and performance. In essence, Working Capital is a mix of 'Income Statement' and 'Statement of Financial Position' (Balance Sheet) items.

Council's opening Working Capital balance as at 1 July 2016 was \$4.52 million. The closing Working Capital balance as at 30 June 2017 was initially \$9.10 million, however Council resolved on 22 August 2017 to transfer \$4 million of this balance to the Property Investment Reserve, leaving an Uncommitted Working Capital balance of \$5.10 million.

Council has a policy of having a minimum of \$4 million in available, uncommitted Working Capital to assist in events such as storm, flood, fire and other unforeseen events. The balance of \$5.1 million in uncommitted Working Capital is considered adequate.

Critical Dates

Council's audited Financial Statements (including General and Special Purpose Financial Statements) were submitted to the Office of Local Government on Thursday 26 October 2017, ahead of the 31 October 2017 statutory deadline.

ITEM 6 (continued)

The timeframe for finalisation of the 2016/17 Financial Statements is as follows:

Independent Auditors Report Submitted	25 Oct 17	Complete
Submit 2016/17 Financial Statements to OLG	26 Oct 17	Complete
Advertise 2016/17 Financial Statements	15 Nov 17	Complete
Final 2016/17 Financial Statements to Council (includes presentation to Councillors by External Auditors)	28 Nov 17	
Public Submissions Closing Date	5 Dec 17	

In accordance with Section 418(2) of the Local Government Act 1993, Council has established the date (28 November 2017) for the meeting to present the audited Financial Statements and this meeting must be at least seven days after the date on which the notice is given, but not more than five weeks after the auditor's reports are given to Council. With the presentation of the Annual Financial Statements to the public at its meeting of 28 November 2017, Council will also meet this requirement.

Conclusion

Council's 2016/17 Financial Statements have now received external audit endorsement and have been submitted to the Office of Local Government.

Council remains in a solid financial position with another pleasing performance during the 2016/17 financial year. Council's financial indicators are trending positively and Council's uncommitted Working Capital balance remains well above the \$4 million minimum threshold. Whilst the 2016/17 financial results are pleasing it is critical that Council and the senior management team continue to exercise prudent financial management and couple this with ongoing improvement action plans that underpin longer term financial sustainability.

This year's external audit has been particularly challenging given Council has been effectively dealing with two audit teams (the Audit Office and PwC) who have, at times, provided conflicting guidance and direction. Looking forward, Council is confident future external audits will benefit from this experience with improved audit processes and communications.

7 NOMINATIONS FOR PARRAMATTA RIVER CATCHMENT GROUP

Report prepared by: Senior Coordinator - Environment
File No.: GRP/09/6/7 - BP17/1126

REPORT SUMMARY

This report seeks Council to endorse two delegates to the Parramatta River Catchment Group.

The City of Ryde has been a member Council of the Parramatta River Catchment Group (PRCG) since 2009. A significant part of the River's catchment area and foreshore is located within the Ryde LGA and is proximate to numerous local residential and commercial developments.

Council's previous delegates were former Councillors Perram and Pendleton who are both no longer Councillors on Council. The Mayor, Councillor Laxale is the current chair of the PRCG after nominating as a community member and being voted into the role by the PRCG members. Council's Manager, Environment, Health and Building and Senior Coordinator Environment are the current officer delegates on the PRCG.

Ryde has been an integral member Council in the Group and it is important that the City of Ryde remains active in the PRCG and its vision to 'Make the Parramatta River Swimmable Again by 2025'. Therefore as part of this report it is recommended that Council nominate two new Councillor delegates to the PRCG.

RECOMMENDATION:

That Council determine its two delegates on the Parramatta River Catchment Group.

ATTACHMENTS

1 Revised PRCG Terms of Reference - 25 August 2016

Report Prepared By:

Kylie McMahon
Senior Coordinator - Environment

Report Approved By:

Sam Cappelli
Manager - Environment, Health and Building

Liz Coad
Acting Director - City Planning and Development

ITEM 7 (continued)

History

The PRCG is an alliance of Councils, State Agencies and Community Stakeholders who share the common purpose of making the Parramatta River a living river for all to enjoy. Its mission is to make the river swimmable again by 2025.

The PRCG was formally established in 2008, and in 2009 a Memorandum of Understanding (MOU) was signed by 18 Councils and Agencies within the PRCG. The City of Ryde is a signatory to this MOU which sets out specific working arrangements between the Council members and agencies concerning coordination, sharing of information, investment in natural resource management, and the partnership arrangements.

The current Terms of Reference of PRCG are (**ATTACHED**).

The current Council membership of the PRCG consists of Blacktown City, Burwood, City of Canada Bay, City of Canterbury-Bankstown, City of Parramatta, Cumberland, City of Ryde, Hunters Hill, Inner West, Strathfield and The Hills Shire Councils. In addition, the Department of Planning and Environment, NSW Environment Protection Authority and Sydney Water are all financial members.

The Mayor, Councillor Laxale is the current Chairperson for the PRCG after nominating as a community representative. It is understood he will not be seeking re-election to this role in the upcoming year.

The full group of the PRCG currently comprises technical officers and Councillors from each financial member Council and State agency, as well as a range of associate members from other relevant State organisations and community groups. Only financial members are able to vote, but all members can contribute to discussions.

The PRCG Full Group usually meets quarterly, on the first Thursday of the month from 5:30-7:30pm (with a light supper from 5-5:30pm). Meeting locations rotate between different member agencies.

The most recent meeting of the PRCG was held on Thursday 2 November 2017 and the next 3 meetings are scheduled for:

1. Thursday 7th December 2017 on a chartered ferry on the Parramatta River
2. Thursday 1st March 2018 – location TBC
3. Thursday 7th June 2018 – location TBC

A number of sub committees have also been formed including the Parramatta River Estuary Management Committee, Biodiversity Sub-Committee and Regulatory Subcommittee. These subcommittees consist of technical officers from the relevant member organisations.

ITEM 7 (continued)

Ryde has been an integral member Council in the group and in various technical officer sub committees and it is important that the City of Ryde remains active in the PRCG and its vision to 'Make the Parramatta River Swimmable Again by 2025'

It is recommended that Council appoint two Councillor delegates to the Parramatta River Catchment Group.

Financial Implications

This work is funded by the PRCG, with annual contributions by the member organisations. The City of Ryde contribution for 2016/17 was \$16,655 and this is funded from the Council's Annual Operational Budget.

Adoption of the recommendation will have no other financial impact.

ITEM 7 (continued)

ATTACHMENT 1



Terms of Reference

Version 0.1, 25 August 2016

ITEM 7 (continued)

ATTACHMENT 1

Addenda for the period until September 2017

[last endorsed 25 August 2016]

The following underlined changes be made to the PRCG Terms of Reference for the period until September 2017:

P.2

a) Council elected representatives who include one delegate and an alternative from each member Council. Councillors represent the interests of the PRCG at Council meetings. In the absence of Council elected representatives of financial member Councils, the appointed Administrator or their delegated representative shall represent Council on the PRCG, and receive the minutes of all PRCG Full Group meetings.

P.7

"The Chairperson and/or Coordinator shall be the public representative of the Group to the community and shall act as the media spokesperson. The Chairperson shall also utilise the interests of all members to maintain focus on the Group's objectives and ensure the smooth running of the Full Group's meetings. The Chairperson and Vice Chairperson shall be an elected Councillor from a member Council, an appointed Administrator from a member council, a Council representative delegated by and given approval by the Administrator to undertake the full responsibilities of this role, including being a media spokesperson or senior official from a member State Agency."

P.8

Following "The Chairperson or in his/her absence, a Vice Chairperson shall preside at all meetings of the Group", add "In the instance that the PRCG Chair and Vice Chair are unable to attend the Full Group meeting, a temporary Chair will be elected at the commencement of the meeting for the specific purposes of Chairing that meeting.

P10

The financial contribution by each member organisation towards costs of the Group shall be apportioned on the following basis, depending on new councils and their financial availability:

An annual membership fee based on the percentage of the population in each LGA that lives within the catchment (based on member council organisations as at 11/5/16). This shall then be scaled to fit one of three categories; small, medium or large. This shall ensure an equitable and fair contribution by each council as it takes into account the population pressures placed on the catchment relative to each local government area and the inherent value of the PRCG to each council based on the size of the land where on-ground works may occur.

ITEM 7 (continued)

ATTACHMENT 1

PURPOSE OF THE GROUP

The Parramatta River Catchment Group (hereinafter, 'the Group'), is an alliance of councils, state government agencies and community groups who will use their combined resources, experience, knowledge and skills to address the complex environmental problems of the Parramatta River.

The Group's area of interest shall be the Parramatta River Catchment from Blacktown in the west; to the confluence of the Lane Cove River in the east. It shall include the Parramatta River, all its tributaries and catchment lands.

PURPOSE OF THIS DOCUMENT

These terms of reference detail the framework for collaboration between each party in relation to the operation of the Parramatta River Catchment Group (PRCG). They should be considered in conjunction with the Group's Memorandum of Understanding which provides the broader guidelines on how each party will work together for the development, delivery, operation, administration and management of the Group.

VISION, MISSION AND PURPOSE

Vision

Sydney deserves a world class river

Mission

To make Parramatta River swimmable again by 2025

Purpose

To make Parramatta River a living river

MEMBERSHIP

Membership of the Group shall consist of two types of members:

Financial members

Financial members include those member councils and state agencies that have signed the Parramatta River Catchment Group Memorandum of Understanding (MoU) and/or a Statement of Joint Intent and have made a financial contribution to the Group.

These members are entitled to vote on key decisions of the Group and are made up of:

- a) Council elected representatives who include one delegate and an alternative from each member Council. Councillors represent the interests of the PRCG at Council meetings.
- b) Staff representatives who shall be nominated by each of the Councils/Agencies to attend meetings and receive minutes of the meetings.

ITEM 7 (continued)

ATTACHMENT 1

In the absence of a councillor attending a meeting, staff representatives may vote on behalf of their council except in the election of Chairperson or Vice-Chairperson.

- c) Council and agency staff shall be able to speak for the whole-of-council/agency, and be at a level within the organisation, to either make decisions in relation to Group outcomes, or have ease of access to senior management. Depending on the issues to be addressed by the Group, additional Council and Agency staff, with areas of expertise specific to identified issues, may be requested to attend meetings.

Financial membership at the date of adoption of these Terms of Reference comprises the following councils and agencies:

Blacktown City Council
Burwood Council
City of Canada Bay Council
City of Canterbury-Bankstown Council
City of Parramatta Council
City of Ryde Council
Cumberland Council
Department of Planning and Environment
Environment Protection Authority
Hunters Hill Council
Inner West Council
Strathfield Council
Sydney Water
The Hills Shire Council

Associate members

Associate members include community representatives and landholder representatives who do not contribute financially to the Group. While these members do not have voting rights, their value to the Group is acknowledged as key to its success.

Community representatives shall be invited from community and environmental groups, including Non-Government Organisations (NGOs) active in the catchment. It is recognised that Councillors also represent the community.

The total number of community group representatives invited to attend Group meetings shall not exceed five (5) in number. These positions will be reviewed every three years with opportunities for current and new community group representatives to apply.

Community members shall actively participate and liaise between relevant stakeholder groups, participate in relevant projects and share information on regional activities with other community groups where possible.

Major landholder representatives who are not financial members shall be invited to become members of the Group or invited to attend meetings on an as needs basis.

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ATTACHMENT 1

STRUCTURE & ROLES

The Group shall operate at three levels: Full Group; Executive Management, and; Officer level.

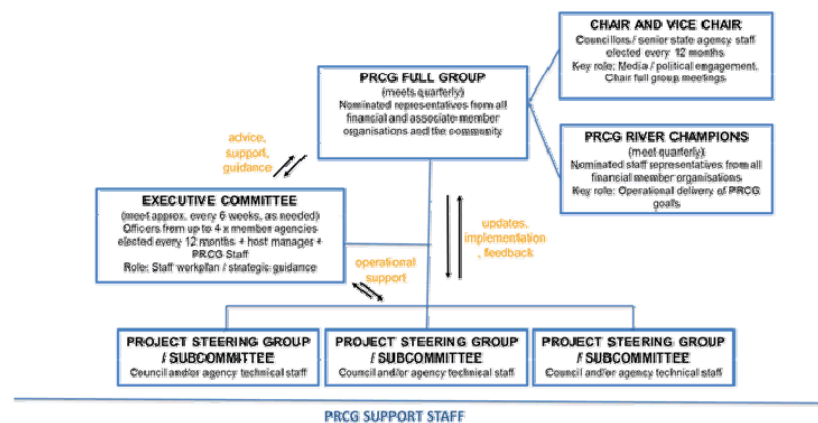


Figure 1. PRCG Organisational Structure

Full Group

The Parramatta River Catchment Group Full Group is the over-arching decision-making body. It will provide strategic direction to the Coordinator, the Executive Committee and the Working Groups.

The Full Group is made up of elected representatives from member Councils, Council/Agency staff representatives and representatives from major landholders and elected community groups that exist within the Parramatta River catchment area.

The Full Group is empowered to do all things necessary and convenient to implement its mission, aim and objectives.

The above shall not affect the right of an individual Council/Agency acting in its own right on these matters.

The control, regulation, maintenance and management of the exercise of these powers are vested in the meetings of the delegates in accordance with these terms of reference.

Executive Committee

The Executive Committee acts as the committee of management for the Group. The Executive shall assist in the delivery of the Group's objectives by supporting the Coordinator with the operational functions of the Group.

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ATTACHMENT 1

The Executive Committee shall be responsible for the following:

- a) Providing advice to the Coordinator on issues to be reported to the Group Committee/Full Group/Board;
- b) Preparing and confirming Full Group meeting agendas;
- c) Providing assistance and support to the Coordinator in performing his/her role;
- d) Applying for grants which will then be reported on to the Group;
- e) Performing any other functions as delegated by the Full Group for the effective management of the affairs of the PRCG between meetings;
- f) Monitoring the performance of the PRCG Coordinator; and
- g) Assisting with selection processes for recruitment of PRCG staff.

The Executive Committee shall consist of the following:

- Host Organisation Manager;
- Coordinator; and
- Senior representatives from minimum four (4) other member organisations.

That is preferably six (6) in total with one (1) Agency and at least two (2) Councils represented on the Committee and the Coordinator and other PRCG staff as ex-officio members. The size of the Executive may vary according to the needs and interests of the Group but shall not be less than four (4) and not more than seven (7) in total.

Executive Committee members shall be Senior Officer/Team Leader level within their jurisdiction or above and/or shall be able to approve and endorse financial and other business matters pertaining to the Group.

Nominations for the Executive Committee shall occur once a year with the date for nominations to be determined by the Executive but shall not be longer than twelve (12) months from the previous call for nominations.

Nominations shall be called by email and received no later than three (3) weeks after being called. If the minimum number of four (4) nominations is received then all shall be accepted. If more than the minimum are received the nominations shall be voted on via email by the officers of the Full Group.

It is preferred that all member organisations nominate a delegate for the Executive at some point to ensure an equal opportunity for all members to be involved in operational decisions of the Group.

The Executive Committee may authorize expenditure to the value of \$30,000 in between group committee meetings, provided this financial commitment is related to actions endorsed in the Strategic Plan. Expenditures in excess of \$30,000 must be approved by resolution of the Group Committee/Full Group/Board.

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ATTACHMENT 1

Where possible, decisions of the Executive shall be based on consensus. In the event of dissent, a vote of committee members will be taken and the majority will prevail.

The PRCG Coordinator shall forward draft minutes of each meeting to each Executive Committee member as soon as practicable after the meeting. Following adoption of the minutes, copies will be provided to all member organisations.

An Executive Committee report shall be tabled at the following ordinary meeting of the PRCG Board where it shall be considered.

Sub-Committees

The Group may appoint any number of sub-committees in connection with any work, activity or object of the Group.

The sub-committees will be formed to investigate and address specific issues, concerns and/or projects and shall consist of technical officers, or other relevant staff, from Councils and Agencies. Community members may be invited to join subcommittees where this is considered appropriate. They shall meet as required and report back to the Group at Full Group meetings.

All members shall agree, from time to time, to take the lead role on various projects, administer funds and support the Group as required.

The Group shall have power to co-opt any person to assist and/or comprise a sub-committee.

CHAIRPERSON

The Chairperson shall be the public representative of the Group to the community and shall act as the media spokesperson. The Chairperson shall also utilise the interests of all members to maintain focus on the Group's objectives and ensure the smooth running of the Full Group's meetings.

The Chairperson and Vice Chairperson shall be an elected Councillor from a member Council or a senior official from a member State Agency.

The Chairperson and Vice Chairperson shall be elected for a period of 12 months.

The Vice Chairperson may exercise any function of the Chairperson at the request of the Chairperson, or if the Chairperson is prevented by illness, absence or otherwise from exercising the function.

The Chairperson's responsibilities include:

- a) Ensuring he/she conducts all business with a high level of impartiality, firmness, tact and courtesy;
- b) Representing the organisation and being its public spokesperson, in accordance with the PRCG Media Policy (see Appendix A: PRCG Media Policy);

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- c) Guiding the Group meetings according to the agenda and time available;
- d) Encouraging and facilitating Group discussions as relevant to the meeting agenda, and;
- e) Ensuring all discussion items at meetings end with a decision, action or definite outcome.

The Chairperson or in his/her absence, a Vice Chairperson shall preside at all meetings of the Group.

STAFFING ARRANGEMENTS

The PRCG may appoint a PRCG Coordinator and other such staff, as the Group may consider appropriate in order to pursue its mission, aim and objectives.

PRCG staff positions will be appointed by fixed term contact with the host member organisation. Employment conditions including leave will be equivalent to other similar employment arrangements of the host organisation. Conditions, entitlements and rights will be detailed in the employment contract and subject to policies including codes of conduct that apply to host organisation.

The PRCG Coordinator will report operationally to a senior manager of the host organisation. The manager will provide regular performance feedback.

PRCG staff, provided that performance is satisfactory, shall remain as an employee for the term of appointment to the PRCG but not longer if the Group does not continue to exist.

Complaints concerning a member of PRCG staff shall be raised initially with the manager from the host organisation. Formal complaints will be managed in accordance with relevant organisational policies, codes or awards.

Coordinator and/or other PRCG staff, as delegated by the Coordinator

The Coordinator shall administer, support and facilitate the collaborative efforts of all members to achieve the Group's objectives and work towards the common purpose and shared responsibility of managing and improving the ecological health of the Parramatta River catchment.

The primary responsibilities of the Coordinator are:

- a) Perform all administrative functions of the Group as necessary for the effective operation of the Group including but not limited to the: coordination of meetings; preparation and maintenance of financial reports; budget recommendations; production of annual reports; and maintenance of accurate records;

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- b) Coordinate and facilitate the activities of the Group including but not limited to: overseeing the delivery of Group projects; development and implementation of a PRCG strategic plan; building partnerships with other stakeholders; seeking funding for Group projects; working as a link between members; and building capacity of members through information sharing and training opportunities.
- c) Promoting the Group's activities and projects including but not limited to: maintaining the Group's website; acting as a media contact; preparing the Chair and Vice-Chair for media inquiries; providing regular communication and information channels; circulating publicity and other promotional materials; and advocating on behalf of the Group to relevant stakeholders and authorities.

The Coordinator may authorize expenditure to the value of \$5,000, following host organisation's procurement policy, provided this financial commitment is related to actions endorsed in the Strategic Plan. Expenditures in excess of \$5,000 must be approved by resolution of the Executive Committee (up to \$30,000 as per previously stated in this document) or Full Group (above \$30,000).

Additional Staff

The PRCG Board may determine and allocate funding to additional staff positions as considered appropriate.

HOSTING AND ADMINISTRATION

One of the member organisations, with their concurrence, shall be nominated at an Annual General Meeting or Ordinary Meeting to be the Host Organisation for a minimum three year term for the purpose of employing staff, providing office accommodation, human resources, management support and administering Group funds.

FINANCE

The financial contribution by each member organisation towards costs of the Group shall be apportioned on the following basis:

An annual membership fee based on the percentage of the population in each LGA that lives within the catchment. This shall then be scaled to fit one of three categories; small, medium or large. This shall ensure an equitable and fair contribution by each council as it takes into account the population pressures placed on the catchment relative to each local government area and the inherent value of the PRCG to each council based on the size of the land where on-ground works may occur.

All funds shall be operated upon in such manner and by such persons for the purpose of and subject to these terms of reference.

A financial report shall be submitted at each quarterly meeting of the Group.

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ATTACHMENT 1

The Group shall before the end of each financial year prepare estimates for the following financial year showing:

- (a) The amount of proposed expenditure by the Group;
- (b) The amount in hand available for such expenditures;
- (c) Any additional amount required to be raised to meet such expenditure;
- (d) Proposed sources of funding for matters itemised in "c".

The estimates shall be referred to each member organisation for consideration at their Ordinary Meeting. The expenditure shall be contained within the approved budget of the Group, or in accordance with supplementary votes for funds approved by member organisations.

ANNUAL REPORT

The Group shall submit an annual report to each of the members at the Annual General Meeting or other Board meeting as deemed appropriate.

The Annual Report shall contain a summary of the activities of the Group and an accompanying financial statement for each financial year.

AMENDMENTS

The Terms of Reference shall be reviewed prior to the resigning of the Memorandum of Understanding, or as required. They may be altered to meet the current needs of all members, by agreement and resolution of the majority of members of the Group.

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ATTACHMENT 1

PRCG MEDIA POLICY

Objectives

Regular contact with the media and public communication is important in promoting a positive profile of the PRCG as an effective, pro-active organisation that is improving the social, environmental and economic health of the Parramatta River catchment.

The PRCG's communication with the media must be consistent and coordinated to ensure information is delivered correctly. All forms of public communication should aim to:

1. Promote the PRCG's role, activities and achievements;
2. Promote the PRCG as an apolitical, collegial group with membership made up of local councils, state government organisations and community groups with the shared dedication to make the Parramatta River swimmable again;
3. Be sensitive in its public position towards PRCG members, associate members or individual representatives

The PRCG Members and Associate Members are:

Ashfield Council
Auburn Council
Bankstown City Council
Blacktown Council
Burwood Council
City of Canada Bay
City of Ryde
Holroyd Council
Hunters Hill Council
Parramatta City Council
Leichhardt Municipal Council
Strathfield Council
The Hills Shire Council
Greater Sydney Local Land Services
NSW Department of Primary Industries
NSW Department of Planning and Environment
NSW Environment Protection Authority
NSW Office of Environment and Heritage
NSW Roads and Maritime Services
Parramatta Park
Sydney Water

Scope

This media policy applies to all PRCG members, financial and non-financial partners. This policy applies to all forms of communication including broadcast, electronic, print and social media.

Responsibilities and Representation

The management of the media is the responsibility of the Coordinator and/or other PRCG staff as delegated by the Coordinator (herein referred to as 'delegated staff member'), as defined in the PRCG Terms of Reference. The Coordinator or

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delegated staff member is responsible for public communication of the PRCG, including drafting and reviewing media releases referring to the PRCG and coordinating their distribution after approval.

All media inquiries associated with the PRCG must be discussed with the Coordinator or delegated staff member before commenting or committing to comment. It is reasonable to take a media inquiry on notice and indicate that a response will be provided shortly, following consultation with the PRCG Coordinator or delegated PRCG staff member. The PRCG Coordinator or delegated staff member will ensure that the media response is aligned with the objectives specified in the media policy and Terms of Reference.

This procedure applies to any response involving usage of the PRCG name, including but not limited to, if the speaker is identified as member, representative or spokesperson of the PRCG. This procedure applies to all forms of public communication, including broadcast, electronic, print and personal social media channels if referencing the PRCG.

Nominated Spokesperson

The Chairperson and/or PRCG Coordinator are the designated public faces and media spokespeople for the PRCG, as defined in the PRCG Terms of Reference. In the absence of the Chairperson, the Vice-Chairperson will assume this spokesperson role. The Chair and Vice-Chair must contact the Coordinator before committing to comment on any matters related to the PRCG.

The Coordinator or delegated staff member will prepare the Chairperson and Vice-Chairperson for public comment in accordance to the agreed objectives and guidelines outlined in this policy. This media preparation may include the development of a media brief, discussion points as well as training and practicing for the interview.

Media content

All media content shall be consistent with any documents endorsed by the PRCG Full Group (e.g. PRCG Terms of Reference, Our Living River backgrounder, PRCG Strategic Plan, Coastal Zone Management Plan, Fauna and Habitat Report). In the case where the PRCG is approached for comment on an issue that is not included in an endorsed document or has not been specifically discussed and endorsed by the PRCG Full Group, the PRCG Executive Committee shall provide interim advice to the Coordinator or delegated staff member on whether a response shall be made.



PRCG Acknowledgements and Credits

All PRCG members, financial and non-financial, are encouraged to promote their partnership with the PRCG in relevant public communication. Whenever possible, PRCG members should display either the Our Living River logo or the PRCG logo (or both), in a visible manner without cropping, distorting or overwriting the image.

Members should consult with the PRCG Coordinator or delegated staff member prior to the use of these logos.

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ATTACHMENT 1

Our Living River Logo	PRCG Logo
	
<p>Usage:</p> <p>The Our Living River initiative should be viewed as an initiative for the river and represents the interest to make the river a living waterway.</p> <p>All PRCG members are encouraged to use this logo on their own projects, events and activities related to the purpose/overall cause to make the river a clean and healthy natural resource.</p>	<p>Usage:</p> <p>The PRCG Logo is an organisational logo and represents membership or representation of the PRCG's mission, role and achievements.</p> <p>The PRCG logo should be used for projects, events and activities directly organised, associated or supported by the PRCG.</p>

Photography and Film

Any request for photography or film footage related to the PRCG must be discussed in consultation with the PRCG Coordinator or delegated staff member before providing or committing to provide the media with such material. The PRCG Coordinator or delegated staff member will endeavour to supply approved imagery or audio-visual material, or advise/authorise the capture of new photographs and film footage if needed.

Strict guidelines apply to the use of imagery including children and minors. PRCG members are never permitted to distribute or use any material including children and minors in any form of communication, both internal and external, unless authorised by the PRCG Coordinator or delegated staff member. The Coordinator or delegated staff member will ensure that the necessary media consent has been obtained by the child and parent or guardian.

Media Opportunities

All PRCG members have a role to identify events or activities that can potentially promote the PRCG through media coverage. In circumstances where there is an opportunity for a positive news story or upcoming event to share with the media, please contact the PRCG Coordinator. The PRCG Coordinator or delegated staff member will advise if and how the news media should be contacted.

Monitoring and Reporting

All media occurrences will be recorded and reported to the PRCG Full Group at their quarterly meetings. PRCG members will have the opportunity to review these occurrences, bring to attention any future media opportunities and reassess this Media Policy for its effectiveness and continued relevance.

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ATTACHMENT 1

Attachment B – CODE OF MEETING PRACTICE

Preamble

The object of this Code is to provide for the convening and orderly conduct of meetings of the Parramatta River Catchment Group and any Committees of this Group.

All meetings of the Group shall be conducted in accordance with this Code.

This Code shall be amended from time to time to meet the current needs of all members, by agreement and resolution of the majority of members of the Group.

Meeting Principles and Protocols

In adopting this Code of Meeting Practice, the members of the Parramatta River Catchment Group commit to the following principles:

- a) Meetings should be orderly and efficient and held in an environment which facilitates respect shown for the views of others and regard for reasonableness and fairness.
- b) All members have an obligation to conduct themselves at meetings to accepted standards of behaviour and make positive contributions to the issues being considered.

Definitions

Member Organisation - either a Council or Agency, which is party to the Memorandum of Understanding (MoU) and/or is a financial contributor.

Delegate – representative of a member organisation.

Voting delegate – representative of a financial member organisation with the right to cast a vote on behalf of their organisation.

PRCG Board – The PRCG Board structure and role is set out in the PRCG Terms of Reference. The Board includes representatives of financial member organisations (Councils and Agencies), major landholders and community group representatives.

PRCG Coordinator – a paid staff member of the PRCG who administers, supports and facilitates the collaborative efforts of all members to achieve the PRCG's objectives and work towards the common purpose and shared responsibility of managing and improving the ecological health of the Parramatta River catchment.

PRCG Executive Committee – The PRCG Executive Committee structure and role is set out in the PRCG Terms of Reference. The Executive Committee includes senior officers of five financial member organisations, including the Host Organisation Manager and the PRCG Coordinator.

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ATTACHMENT 1

PRCG Associate Members – non-financial members such as landholders or community group representatives who may attend meetings but do not have voting rights.

PART A – PRCG BOARD MEETINGS

Convening of Meetings

Frequency of Meeting

Ordinary Meetings of the PRCG Board shall be held quarterly each year. One of those meetings shall be the Annual General Meeting.

Location of Meetings

Meetings shall be held at a member organisation office as decided by the PRCG Board. The hosting of each meeting shall be rotated amongst the member organisations.

The meeting host will provide refreshments for the meeting.

Meeting times

Ordinary Meetings of the Group will take place in the early evening, commencing at 6pm and finishing at 7.30pm unless otherwise agreed prior to the meeting. Supper shall be provided before commencement of the meeting.

Officer Meetings will be held at 4.45pm where scheduled and will finish by 5.30pm.

Notice of Meeting

The PRCG Coordinator shall notify each member organisation notice of meeting time, date and location and the nature of the business to be dealt with at the meeting not less than two (2) weeks before each meeting.

In the case of Extraordinary Meetings, generally two (2) weeks notice will apply, however in cases of emergency, a minimum of forty-eight (48) hours notice must be given to all member organisations.

Calling of Extraordinary Meeting

An Extraordinary Meeting of the PRCG Board may be convened by the PRCG Co-ordinator only, in consultation with the Chair where required.

Representation at Meetings

General Managers/Senior Agency Official and/or their delegate will ensure that appropriate member organisation representation is provided at PRCG meetings to ensure that interests and issues of all member organisations is represented.

An Extraordinary Meeting of the Group may be convened as and when required, in accordance with this Code of Meeting Practice.

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ATTACHMENT 1

Apologies for Non-Attendance

Where a delegate of a member organisation is unable to attend a meeting of the Group, the member organisation may be represented by another person appointed as alternate delegate (a proxy). The alternate delegate may, during the absence of a delegate of his/her member organisation act in his/her place and be subject to vacation of office in the same way as a delegate.

Where a delegate has missed three (3) meetings without notification, the Group shall write to the member organisation seeking an alternate delegate.

Records of meeting attendance shall be published in the PRCG Annual Report. Where possible a delegate shall submit an apology for non-attendance at any meeting of the Group.

Conflicts of interests

Any delegate who may have a conflict of interest, that being where their private interests conflict with their public role and responsibilities, should ensure that this interest is declared at the relevant PRCG meeting (eg Board, Executive Committee or sub-committee) as soon as a conflict arises. This may involve action such as removing him/herself from the decision making process, leaving the room when a matter is discussed etc. Delegates are expected to manage conflicts of interests to mitigate or avoid real or public perception of bias from their representation to the PRCG.

What Constitutes a Decision of the Group?

A decision of the PRCG Board requires either a consensus of all members present at a meeting or a majority of votes at a meeting which meets quorum.

A decision may be made outside of ordinary or extraordinary meetings using any technique or technology that gives the members as a whole a reasonable opportunity to participate. A record of the process used to make a decision using techniques or technologies must be accurately documented.

All decisions made by the Group shall be accurately minuted in accordance with this Code.

Addressing the Meeting

With the consent of the delegates at a meeting, leave may be granted for any person to address that meeting.

Chairperson

Chairperson

At every meeting of the Group, the Chairperson shall preside, or if her/she is not present, a Vice Chairperson shall preside, or if he/she is not present, the delegates present shall elect a Chairperson to preside at that meeting.

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ATTACHMENT 1

Quorum

Quorum for a Meeting

Business must not be transacted at a meeting unless a quorum, that is the majority of voting delegates from each member organisation, is present.

Each member organisation is entitled to one voting delegate.

If quorum is not present the meeting may continue but only to discuss the items on the original agenda. A meeting without quorum may not make decisions which are binding on the PRCG.

If after one hour of the time designated for the holding of the meeting, the meeting may be:

(a) Adjourned to another time and another day, and a place to be determined by the PRCG Coordinator in consultation with the Chair; or

(b) Cancelled by the PRCG Coordinator in consultation with the Chair and all major decisions to be made at the meeting will be sought using any technique or technology that gives the members as a whole a reasonable opportunity to participate without attending an adjourned meeting.

Agenda

Agenda and Business Papers for Ordinary Meetings

An agenda outlining the matters to be dealt with at the meeting, business papers detailing specific items of business and minutes of the previous meeting shall be circulated preferably with the meeting notification or as soon as practicable before the meeting but no less than seven (7) days prior to the meeting.

A member organisation may propose agenda items. These shall be submitted to the Coordinator at least three (3) weeks prior to the date of the meeting.

The Financial Statements and Annual Report of the Group for the financial year ending June 30 shall be submitted to a meeting of the Group to be held not later than 30 November each year.

Agenda for Extraordinary Meeting

In the case of an Extraordinary Meeting, the agenda shall deal only with the matters stated in the notice of the meeting.

Business at Meetings

Business of Meetings

The business conducted at a meeting of the Group shall consist of:

(a) Matters presented by the PRCG Coordinator

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ATTACHMENT 1

(b) Matters of which notice has been given by member organisations, either via staff representatives or from elected delegates;

(c) Matters which the Chairperson thinks fit to submit to the meetings;

(d) Consideration of any recommendation or report by any committee of the Group;

(e) Consideration of any recommendation or report by any community group;

and otherwise as the Group decides.

Decisions/Resolutions

Making a Resolution

An objective of the PRCG Board is to achieve consensus on decisions made by the Board. When determining if consensus has been reached the Chairperson shall call for any voting delegate to voice his/her dissent for the decision in question. If no dissent is raised the Chairperson may declare the motion "carried" by the Group.

If objection is signified, discussion will proceed in accordance with this Code and the Chairperson shall again submit the motion to the meeting. If consensus cannot be reached at this point, issues may be determined by a majority vote.

Altering Resolutions of the Group

Any dissent on any decision made after a meeting of the Group shall be raised at the Executive Committee for discussion and clarification.

Voting

Voting Entitlements of Delegates

At meetings of the PRCG Board only voting delegates of member organisations that are financial contributors and in attendance may vote.

Each financially contributing member organisation shall have one vote.

Voting

Voting shall be conducted as a show of hands where the Chairperson shall call for those voting delegates who are in favour to raise their hands.

In the event of equality of votes the Chair has a casting vote.

The PRCG Board may hold a postal/electronic ballot to determine any issue or proposal. A postal/electronic ballot is to be conducted in accordance with this Code of Meeting Practice.

Minutes

Minutes of Meetings

PRCG Terms of Reference May 2016

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ATTACHMENT 1

The Group shall ensure that full and accurate minutes are kept of the proceedings of a meeting of the Group and are available for all members via the members' only section of the Group's website.

The Coordinator shall forward minutes of each meeting to each member organisation and delegate as soon as practicable after the meeting but no later than two (2) weeks after a meeting. Each member organisation shall note the minutes of each meeting.

Where a decision at the meeting is required to go to a vote, the voting result shall be recorded in the minutes by declaring the names of those delegates voting in favour (through a raising of hands) and the recording all other delegates present as having voted against the matter.

Annual General Meeting

Conduct of business

The Annual General Meeting will be held each year and may occur as part of an Ordinary Meeting as determined by the Coordinator and the Executive Committee.

The following business will be conducted at the Annual General Meeting:

1. Election of Chairperson and Vice-Chairperson
2. Presentation of financial statements
3. Presentation of Annual PRCG Report

Election of Chairperson and Vice Chairperson

Members of the Group shall elect a Chairperson and Vice Chairperson at the Annual General Meeting. The term of office is for one year.

The following positions are eligible to nominate and vote:

- a) Councillors representing a member Council.
- b) A senior official from a member State Agency.

The following are not eligible to nominate and vote:

- a) Council staff are not eligible to stand for Chairperson or Vice-Chairperson.
- b) PRCG Associate members.

The PRCG Coordinator will act as returning officer for the election.

The PRCG Coordinator will call for nominations for the positions of Chairperson and Vice-Chairperson no later than two (2) weeks prior to the AGM and advise the date and time of closure for nominations.

In the event that the number of nominations equals the number of positions and the positions of Chairperson and Vice-Chairperson are filled by different people, the positions will be filled and a result declared.

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ATTACHMENT 1

In the event that more than one nomination is received for either or both positions, the PRCG Coordinator will issue ballots to eligible voting delegates and notify time and date of closure of ballot.

The position of Chairperson will be determined first and the person with the highest number of votes will be declared elected. If the elected Chair nominated for the position of Vice-Chairperson, their nomination will be considered to have lapsed.

In the event, there are multiple nominations for the position of Vice-Chairperson, the person with the highest number of votes will be declared elected.

The elected Chair and Vice-Chairperson will be notified at the Annual General Meeting.

PART B – EXECUTIVE COMMITTEE

Executive Committee Meetings

Frequency of Meetings

Meetings of the Executive Committee shall be held bi-monthly, or as required, to ensure the effective operation of the Executive.

Location of Meetings

Meetings shall be held at the Host Organisation office or other such place as decided by the Executive Committee.

The Executive may hold a meeting of members at two or more venues using any technology that gives the Committee members as a whole a reasonable opportunity to participate.

Notice of Meeting

The PRCG Coordinator shall notify each member of the Committee of meetings and of the nature of the business to be dealt with at the meeting not less than seven (7) days before each meeting (or such other period as may be unanimously agreed upon by the members of the Executive).

Calling of Meetings

Meetings are called by the PRCG Coordinator. However, a meeting may be requested by a member of the Executive Committee. The PRCG Coordinator will notify other Committee Members of the request and the meeting will proceed if the majority of the Committee are in agreement.

Chairperson

At a meeting of the Executive the members present will determine who will chair meetings.

Quorum

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No quorum is required by the Committee.

Decisions of the Executive

Where possible, decisions of the Executive shall be based on consensus. In the event of dissent, a vote of committee members will be taken and the majority will prevail.

8 CITY OF RYDE SUBMISSION ON DRAFT MODEL CODE OF CONDUCT

Report prepared by: Governance Coordinator**File No.:** CLR/07/8/9/8/4 - BP17/1122

REPORT SUMMARY

On 23 October 2017, the Office of Local Government (OLG) issued for consultation, drafts of a revised Model Code of Conduct and revised Procedures for the Administration of the Model Code of Conduct.

Both publications are now on public exhibition and the OLG are inviting Councils and other stakeholders to make submissions on these documents by 4 December 2017.

Upon consideration of the submissions, these documents will be finalised and Councils will be given a six month transitional period in which to adopt the new Model Code and Procedures, and to update their systems to align with the new requirements.

There are a large number of changes to the existing Model Code. The majority of these changes are as a result of the enactment of the Local Government Amendment (Governance and Planning) Act 2016 in September 2016. A major change is the inclusion of Part 4 of the new Model Code which deals with pecuniary interests (formally part of the Local Government Act 1993) and Part 5 which enhances the management of non-pecuniary conflicts of interest. Other changes aim to consolidate the ethical standards for Council officials into a single statutory instrument.

Information on the new Code, procedures and the draft submission points compiled by Council officers has been distributed to Councillors previously under separate cover with comments invited. The proposed submission from Council is attached to this report, with the report outlining the significant changes to the Model Code of Conduct and Procedures for Council's information and consideration.

The report recommends Council endorse the submission to be made in respect of the Draft Model Code of Conduct and Draft Procedures for the Administration of the Model Code of Conduct.

RECOMMENDATION:

- (a) That Council receive and note the report;
- (b) That Council endorse the City of Ryde submission in respect of the Draft Model Code of Conduct and Draft Procedures as detailed in this report.

ITEM 8 (continued)**ATTACHMENTS**

- 1 OLG Circular 17-30 Consultation on drafts of the new Model Code of Conduct
23 October 2017
- 2 Draft Model Code of Conduct - October 2017 - CIRCULATED UNDER
SEPARATE COVER
- 3 Draft Procedures for the Model Code of Conduct - October 2017 -
CIRCULATED UNDER SEPARATE COVER
- 4 Submission on Draft Code of Conduct - 14 November 2017

Report Prepared By:

Lorie Parkinson
Governance Coordinator

Report Approved By:

John Schanz
Manager - Risk, Audit and Governance

Roy Newsome
Director - Corporate and Organisational Support Services

ITEM 8 (continued)

Discussion

On 3 November 2016, the Office of Local Government (OLG) issued Circular 16-42 Review of the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct. This review of the Model Code was part of the process to implement the Phase 1 changes to the Local Government Act, 1993. The City of Ryde made a submission to the OLG request on 2 December 2016.

The next step was for the OLG to redraft the Model Code, and on 23 October 2017 the OLG issued Circular 17-30 Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated procedures (**ATTACHMENT 1**).

These consultation drafts are in the form of two documents:

- (1) The Model Code of Conduct for Local Councils in NSW - October 2017 (**ATTACHMENT 2 – CIRCULATED UNDER SEPARATE COVER**); and
- (2) Procedures for the Administration of the Model Code of Conduct – October 2017 (**ATTACHMENT 3 – CIRCULATED UNDER SEPARATE COVER**).

There are significant changes proposed to the Code. These amendments are designed to update, clarify and enhance prescribed ethical standards, provide improved transparency and accountability, and address issues identified in the four years the current versions of the Model Code of Conduct and Procedures have been in force and to improve their operation.

In regard to the draft Model Code of Conduct, the most significant changes are outlined below:

- Removal from the Local Government Act 1993 of the provisions dealing with pecuniary interests and the fact that these are now incorporated into Part 4 of the revised Code. Part 5 on non-pecuniary conflicts of interests has also been enhanced;
- The concept of conduct in good faith and that as long as the conduct has been conducted in good faith it will not constitute a breach of the fairness and equity provisions (cl 3.5);
- New bullying provisions (cl 3.8 and 3.11)
- New standards requiring compliance with Work, Health and Safety standards (cl 3.12)
- New standards requiring disclosure of records of meetings and other communications with applicants and objectors to planning applications at the meeting at which the application is determined (cl 3.15)

ITEM 8 (continued)

- Restating obligations in relation to meetings (cl 3.21)
- Reinforcing the importance of perceptions (Part 5);
- Clarification on not participating in competitions where eligibility is based on Council being in a customer-supplier relationship (cl 6.3);
- Banning gifts/benefits in excess of \$50 and mandatory reporting of all gifts/benefits received (cl 6.6). It should be noted that the City of Ryde has introduced a *Thanks is Enough* strategy, which requires under normal circumstances for all Gifts to be refused, and that whether accepted or refused all gifts must be declared;
- Banning access to Council information where Councillors have a pecuniary interest or a significant non-pecuniary conflict of interest unless the information is available to members of the public, or the Council has determined to make the information available under the GIPA Act (cl 8.6);
- Access and disclosure of confidential information (cl 8.11(a) and (g));
- New standards regarding internet access and the use of social media (cl 8.20);
- Reinforcing that all information received in your official capacity is a Council record and must be kept in accordance with approved practice and policy (cl 8.22 and 8.23); and
- Reinforcing provisions pertaining to Councillor access to Council buildings (cl 8.24 and 8.26).

The changes given in the draft procedures for the Administration of the Code are designed to strengthen various steps within the Code of Conduct complaints process. The most significant changes are outlined below:

- Clarification as to when complaints are not considered “code of conduct complaints” (cl 4.2);
- Clarification that complaints about the General Manager may be made to external agencies (cl 4.11);
- Discretion for a General Manager or Mayor to delegate functions under Part 5 of the Code’s Procedures to a member of staff or persons external to Council (cl 5.1);
- Clarification on when the Mayor or General Manager may decline to deal with a complaint at the outset (cl 5.2);

ITEM 8 (continued)

- Greater clarification about dealing with Code of Conduct complaints about staff (cl 5.3- 5.7);
- A new provision providing a procedure for dealing with a complaint about both the General Manager and Mayor (cl 5.33);
- Greater clarification on information to be provided to conduct reviewers including information about previous proven complaints (cl 6.7);
- Provision of criteria for the conduct reviewer to consider in determining if a matter is sufficiently serious to warrant investigation (cl 6.22);
- Additional complaints assessment criteria to be considered by a conduct reviewer(including a voluntary apology) in the preliminary assessment of a complaint (cl 6.30);
- Additional sanctions which an investigator may recommend be imposed by a Council if it is determined that conduct investigated constitutes a breach of the Code of Conduct (cl 7.36);
- Conduct reviewer to consult with OLG in certain circumstances before finalising their report (cl 7.39);
- A prohibition against council inviting submissions from persons other than the person the subject of an investigation when considering a final investigation report and the sanctions to be imposed on that person (cl 7.52);
- A requirement for a report to OLG to be given if Council does not adopt the sanctions in the investigation report (cl 7.60 – 7.62); and
- A discretion for the General Manager to refuse to provide further information about a code of conduct complaint (with the consent of the OLG) if a complainant has publicly disclosed information about a code of conduct complaint that they have made or purported to make (cl 12.2).

Council Officers have prepared a draft submission (**ATTACHMENT 4**) on these Consultation drafts as provided by the OLG on 23 October 2017. The closing date for submissions is 4 December 2017.

Council's draft submission covers the following areas which are detailed in **ATTACHMENT 4**;

- Expansion of Coverage of the Code to include Volunteers, Independent Contractors and Temporary Agency Staff (Code Part 2 Definitions);
- Guidelines for Councils in determining "Designated Persons" (Code Clause 4.8);

ITEM 8 (continued)

- Changes to Publication and Access to Pecuniary Interest Returns (Code Clauses 4.27 and 4.28);
- Removal of Requirements to seek Approval from the General Manager to participate in private employment or contract work (Code Part 5);
- Personal Benefits – Gifts and Benefits (Code Clause 6.6);
- Councillor and Administrator Access to Information (Code Clause 8.6);
- Councillor Interaction with the Media (Code – new Clause Part 8);
- Referral of Code of Conduct Complaints to External Agencies (Procedures Clause 5.35);
- Consideration of Final Investigation Report (Procedures Clause 7.5);
- Model Code Procedure Flow Chart.

Council should note that amendments proposed by the OLG that Council officers consider reasonable, are not addressed within the submission.

The OLG has advised that once finalised, Councils will be given a six month transitional period in which to adopt the new Model Code of Conduct and Procedures and to update their systems to align with the new requirements.

Consultation

The revised draft Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct and proposed draft submission were distributed to Councillors and Council's Executive Team for their information and comment on Tuesday 14 November 2017.

Financial Implications

Adoption of the recommendation will have no financial impact.

ITEM 8 (continued)

ATTACHMENT 1

Strengthening local government



Circular to Councils

Circular Details	Circular No 17-30 / 23 October 2017 / A565071
Previous Circular	16-42 Review of the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct – 3 November 2016
Who should read this	Councillors / General Managers / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance Team – (02) 4428 4100
Action required	Response to OLG

Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures

What's new or changing

- The Office of Local Government (OLG) is consulting with councils and other stakeholders on changes to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures).
- The Phase 1 amendments made to the *Local Government Act 1993* (the Act) last year will see the pecuniary interest provisions of the Act and the *Local Government (General) Regulation 2005* incorporated into the Model Code of Conduct.
- Once commenced, these reforms will consolidate the prescription of all ethical standards for council officials into a single statutory instrument. They will also mean that breaches of pecuniary interest obligations by councillors are treated as misconduct under the Act and will be subject to the “three strikes” misconduct rules.
- As part of the process of implementing the Phase 1 amendments, OLG has undertaken a review of the Model Code of Conduct and the Procedures. In doing so, OLG has sought the views of councils and other stakeholders on the ethical standards prescribed under the Model Code of Conduct, the operation of the Procedures and the current regime for disclosure of interests under section 449 of the Act.
- Having considered submissions, OLG has prepared consultation drafts of the new Model Code of Conduct and Procedures. OLG is seeking the views of councils and other stakeholders on the consultation drafts prior to finalising the new Model Code of Conduct and Procedures.
- The proposed amendments to the Model Code of Conduct and Procedures are highlighted in **bold type** in the consultation drafts. These amendments are designed to update, clarify and enhance prescribed ethical standards, to address issues identified in the four years the current versions of the Model Code of Conduct and Procedures have been in force and to improve their operation.
- The new Model Code of Conduct and Procedures will also contain new provisions that are designed to improve ethical standards, more effectively deter non-compliance and lead to improved transparency and accountability.

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ITEM 8 (continued)

ATTACHMENT 1

2

- Once finalised, councils will be given a 6-month transitional period in which to adopt the new Model Code of Conduct and Procedures and to update their systems to align with the new requirements.

What this will mean for your council

- OLG is inviting submissions from councils and other stakeholders on the consultation drafts of the new Model Code of Conduct and Procedures.
- Submissions may be made by email to olg@olg.nsw.gov.au.
- Submissions should be labelled "*Code of Conduct Consultation*" and marked to the attention of OLG's Council Governance Team.
- Council complaints coordinators should bring this circular to the attention of their council's conduct reviewers so that they may make submissions.
- Submissions should be made before **Monday 4 December 2017**.

Key points

- The consultation drafts are available on OLG's website at www.olg.nsw.gov.au.
- The proposed amendments have been highlighted in **bold font**.

Where to go for further information

- For further information, contact OLG's Council Governance Team on (02) 4428 4100.



Tim Hurst
Acting Chief Executive

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ITEM 8 (continued)

ATTACHMENT 4

DRAFT CITY OF RYDE SUBMISSION REGARDING THE CONSULTATION DRAFTS OF THE MODEL CODE OF CONDUCT AND ADMINISTRATION PROCEDURES

The City of Ryde makes the following submission in respect of the Draft Model Code of Conduct and Administration Procedures.

1. Expansion of coverage of the Code to include volunteers, independent contractors and temporary agency staff etc. (Code Part 2 – Definitions)

Council recommends that the coverage of the Code of Conduct be expanded to ensure that all parties engaged to positions or appointed to act on behalf of Council, or having access to Council facilities and information etc should be required to have the same obligations on them, and therefore be covered by Council's Code of Conduct.

City of Ryde recommends the inclusion of the following statement which is drawn from the Brisbane City Council Code of Conduct.

([https://www.brisbane.qld.gov.au/sites/default/files/20150212 - code of conduct.doc](https://www.brisbane.qld.gov.au/sites/default/files/20150212_-_code_of_conduct.doc))

All City of Ryde Council workers, regardless of their employment status, role or position must be familiar with and follow the spirit and content of the Code of Conduct.

City of Ryde Workers are:

- *Employees of Council who are permanent, temporary or casual employees. This includes executives, managers, supervisors, team leaders, temporary or contract specialist and professional employees, apprentices and trainees, team members and individuals, regardless of whether they work full-time, part-time, casually or on any other employment arrangement*
- *Contractors, consultants, and labour hire workers who perform work for Council under a contract for services (commercial contract), even though they are not employees of Council*
- *Employees of other organisations or agencies who are working in Council on a secondment arrangement*
- *Students doing unpaid work experience or unpaid placements*
- *Volunteers.*

Council notes that in this Consultation Draft the definition of "council committee member" has been clarified to exclude members of "wholly advisory committees". As an outcome, members of Council's advisory committees are not "Council officials" and thus are not covered by this Code of Conduct.

The City of Ryde seeks the definition of 'council officials' in the Draft Code of Conduct to be expanded to include volunteers, contractors etc, rather than reduced.

Should the narrower definition of Council officials be implemented, it is suggested that the Office develop a model Code of Conduct for volunteers, including advisory committee members.

2. Guidelines for Councils In determining 'Designated Persons' (Code Clause 4.8)

The City of Ryde recommends that the Code provide guidance on how Councils should determine their 'designated persons'. This recommendation is made due to there being a large disparity between individual councils on the types of positions being identified as 'designated persons'.

ITEM 8 (continued)

ATTACHMENT 4

Council notes that Clause 4.8 of the Draft Model Code of Conduct – the definition of Designated Persons reflects Section 441 of the *Local Government Act, 1993*, however further guidance would facilitate consistency between Councils, while still providing the General Manager with the flexibility to make such determinations based on the local situation.

3. Changes to publication and access to pecuniary interest returns (Code Clauses 4.27 and 4.28)

In effect clause 4.27 means that disclosure of interest returns of the General Manager and Councillors are to be published on Council's website (other than information that discloses their principal place of residence).

Clause 4.28 means that information contained in returns made by designated persons other than the General Manager is not to be disclosed without an access approval following a request made under the *Government Information (Public Access) Act 2009*.

It is suggested that detail should be provided of what is the minimum period that is required, where a person is temporarily acting in the role of General Manager that then requires their Disclosure of Interest Return to be published on Council's website. For example the City of Ryde has determined that a person is only obliged to make Key Management Personnel (KMP) Related Party declarations if they have been acting in a KMP role for three months in the financial year. Similarly, it may be defined that temporary or Acting General Managers only require their return to be published on the website if they have been acting in this role for three months in the financial year.

Additionally clause 4.27 and 4.28 of the Draft Model Code appear to be inconsistent with:

- the open access provisions of the Government Information (Public Access) Act 2009;
- the IPC Guideline 1 – For local councils on the disclosure of information contained in the returns disclosing the interest of councillors and designated persons; and
- the Local Government Privacy Code of Practice (2000).

Therefore it is recommended that these inconsistencies be rectified and/or clarified within this draft Model Code of Conduct. It is also recommended that instruction be provided on the management of access to annual and initial pecuniary interest declarations of designated persons from earlier periods.

4. Removal of requirement to seek approval from the General Manager to participate in private employment of contract work (Code Part 5)

Council notes that in clause 5.25 of this Consultation Draft, staff members are required to notify, rather than seek approval from, the General Manager. The City of Ryde recommends that the requirement for approval be retained.

5. Personal Benefits – Gifts and Benefits (Code Clause 6.6)

Council advises that in November 2013, the City of Ryde adopted an updated Gifts and Benefits Policy that required under normal circumstances for all Gifts to be refused, and that whether accepted or refused all gifts must be declared. This progressive approach known locally as 'Thanks is Enough', is promoted throughout our community. Therefore a \$50 token gift limit is not applicable to Ryde.

ITEM 8 (continued)

ATTACHMENT 4

6. Councillor and Administrator access to Information (Code clause 8.6)

While Council is supportive of the intent, it does not support clause 8.6 that states *"councillors who are precluded from participating in the consideration of a matter under this code because they have a pecuniary or significant non-pecuniary conflict of interest in the matter, are not entitled to access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act"*.

It is the responsibility of an individual Councillor to determine and declare any pecuniary interest in a matter, and to determine the steps they will take to address this conflict in accordance with the *Local Government Act, 1993* and the Code of Conduct. Councillors should manage their conflicts on an ongoing basis as their situation may change, laying the responsibility on the Councillor (consistent with previous approaches), rather than on the Council organisation. Additionally any administrative process to limit a Councillor's access to information that all other Councillors are receiving, places a significant burden on the organisation to maintain. There is a possibility that this approach may breakdown due to staff turnover etc.

7. Councillor Interaction with the Media (Code – new clause Part 8)

Council recommends that an additional clause be included in Part 8: Access to Information and Council resources, titled **Councillor Interaction with the Media**, that reflects the points that:

- While Councillors have a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position, they must clearly identify the role in which they speak or write.
- If a Councillor is expressing their own opinion that is in conflict with a Council decision, it must be clear that they are speaking for themselves
- When Councillors speak "for the Council" when delegated to do so by the Mayor, they must express and support Council's entire policy on the issue at hand.

8. Referral of Code of Conduct complaints to external agencies (Procedures clause 5.35)

From Council's experience in these matters, it is recommended that Clause 5.35 be amended to delete the requirement to notify the complainant at this stage of the process as it may prejudice any investigation on the matter. This provision also needs to be consistent with Section 11 of the *Independent Commission Against Corruption Act, 1988*, in maintaining confidentiality on such matters.

9. Consideration of the final investigation report (Procedures clause 7.50)

Council supports the addition of the opportunity for a subject person to provide written comment, as well as a verbal submission (clause 7.50). However, as identified in Council's 2016 submission, while it is acknowledged that this provision is in place to allow natural justice for all parties, the requirement is open to manipulation. For example, the subject person could delay consideration of a matter by applying for a leave of absence.

It is recommended that there is a time limit imposed, for example the next available Council meeting after receipt of the final investigation report. This opportunity should be limited in all cases to a maximum of two Council meetings, which would then enable resolution even in the situation when the subject Councillor has already been granted a leave of absence.

ITEM 8 (continued)

ATTACHMENT 4

10. Model Code Procedure Flowchart

Council notes that the Model Code Procedure Flowchart from the March 2013 Procedures has been removed. This flowchart was valuable it is suggested that it be reinstated, with additions of timelines/deadlines, and further details on the investigation procedures.

9 2017/2018 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND GENERAL MANAGER

Report prepared by: Senior Coordinator - Governance
File No.: CLM/16/1/5/2 - BP16/1600

REPORT SUMMARY

This report seeks Council's endorsement to delegate any functions of Council in accordance with Section 377 of the Local Government Act 1993 to the Mayor and General Manager during the Christmas / New Year period from 13 December 2017 to 13 February 2018.

This report also seeks Council's endorsement for Liz Coad, Acting Director – City Planning and Development to act as General Manager while the incumbent Acting General Manager is on leave.

RECOMMENDATION:

- (a) That during the period 13 December 2017 to 13 February 2018, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible, in addition to a Mayoral Minute being submitted to Council's meeting on 27 February 2018, if required.
- (c) That Council endorse Liz Coad, Acting Director – City Planning and Development to act as General Manager for the period 2 January 2018 to 25 January 2018, while the incumbent Acting General Manager is away on leave.

ATTACHMENTS

- 1 Local Government Act 1993 - Section 377: General Power of the Council to delegate

Report Prepared By:

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Director - Corporate and Organisational Support Services

ITEM 9 (continued)

Report

In accordance with the Meeting Schedule endorsed by Council, the final Council meeting for the year is Tuesday, 12 December 2017. The first Committee meetings in 2018 will be held on Tuesday, 13 February 2018. If considered necessary at any time an Extraordinary Meeting can be called during this period.

As in previous years, it is necessary to grant the Mayor and General Manager the normal delegation of authority for the period of the Christmas / New Year break in between Council meetings. This power is delegated pursuant to Section 377 of the Local Government Act 1993 (**ATTACHED**).

Critical Dates

As 12 December 2017 is the final Council Meeting scheduled for 2017, it is appropriate that Council makes this determination to allow any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act 1993 to be undertaken by the Mayor and General Manager.

Financial Impact

Adoption of the option(s) outlined in this report will have no financial impact.

Policy Implications

Section 226 of the Local Government Act 1993 sets out the role of the Mayor as follows:

- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- *to exercise such other functions of the council as the council determines*
- *to preside at meetings of the council*
- *to carry out the civic and ceremonial functions of the mayoral office.*

In addition, at its meeting held 24 October 2017, Council adopted the Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor including Mayor's Roles and Responsibilities. This Policy sets out the following requirements in relation to the exercise of, in cases of necessity, the policy making functions of the governing body of the Council in between meetings of the Council:

ITEM 9 (continued)

Where in cases of necessity, the Mayor exercises the policy-making functions of the Council in between Council meetings, in accordance with Section 226 of the Local Government Act 1993, this is to be communicated to all Councillors and the General Manager as soon as possible. Any action taken is to be reported to the next available Council Meeting by way of a Mayoral Minute.

It is recommended that the Mayor liaise and seek guidance from the General Manager, and communicate the intent to exercise such functions to Councillors, prior to the taking of any action.

As a result, any policy-making functions exercised by the Mayor during the period 13 December 2017 to 13 February 2018 will be reported to the Council Meeting to be held 27 February 2018 by way of a Mayoral Minute.

The above provisions do not preclude the calling of an Extraordinary Council Meeting in accordance with Council's adopted Code of Meeting Practice and the Local Government Act.

Options

Council may resolve not to delegate to the Mayor and General Manager any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act.

It should be noted that if Council does not delegate these functions to the Mayor and General Manager, in the case of a critical situation or emergency, it will be necessary for the General Manager to call an Extraordinary Council Meeting and all Councillors will be required to attend.

Acting General Manager's Leave

To ensure continuity of day-to-day functions where the General Manager's position is vacant, or the holder of the position is sick, absent (including annual leave periods) or suspended, the Council has the ability under Section 351 of the Local Government Act to fill that position temporarily.

Section 351 states:

- (1) *If a position (including a senior staff position) within the organisation structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent:*
 - (a) *the council, in the case of the general manager's position, or*
 - (b) *the general manager, in the case of any other position, may appoint a person to the position temporarily.*

ITEM 9 (continued)

- (2) *A person who is appointed to a position temporarily may not continue in that position:*
- (a) *if the holder of the position is on parental leave-for a period of more than 24 months, or*
 - (b) *in any other case-for a period of more than 12 months.*

To ensure continuity pursuant to Section 351 of the Act, it is recommended that Council resolve for Liz Coad, Acting Director – City Planning and Development to act in the position of General Manager for the period 2 January 2018 to 25 January 2018, while the incumbent Acting General Manager is away on leave.

ITEM 9 (continued)

ATTACHMENT 1

LOCAL GOVERNMENT ACT 1993 - SECTION 377
General power of the council to delegate

377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
- (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders which are required under this Act to be invited by the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

ITEM 9 (continued)

ATTACHMENT 1

- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

10 PLANNING PROPOSAL - 112 TALAVERA ROAD MACQUARIE PARK

Report prepared by: Senior Coordinator - Strategic Planning
File No.: GRP/09/6/10 - BP17/1077

REPORT SUMMARY

In May 2016 Council received an application seeking a Planning Proposal from Meriton to amend the maximum permissible height of buildings (HOB) and floor space ratio (FSR) for 112 Talavera Road, Macquarie Park (LOT 422 DP 1153360). Additional information was requested and subsequently submitted by the applicant. The following amendments to the *Ryde Local Environment Plan 2014* (RLEP 2014) are proposed:

- An increase in the permissible height of buildings (HOB) from 45m and 60m to 18.5m, 135m and 200m
- An increase in the permissible floor space ratio (FSR) from 4.5:1 to 6.5:1 and
- Planning controls requiring design excellence.

The proposed amendments to RLEP 2014 would increase the development capacity of the site and enable an additional 39,060m². Noting that dwelling numbers are estimates only and are subject to design constraints and the mix of unit sizes, it is estimated the proposed amendments would result in approximately 390 additional dwellings, increasing the number of dwellings permissible on the site from approximately 866 dwellings under the current controls, to 1256 dwellings.

The site is located within the Macquarie University Station Precinct (formerly known as the Herring Road Urban Activation Precinct) and is zoned B4 Mixed Use, which permits a broad range of land uses including retail, community facilities, commercial and residential development. No change to the zoning or permissible uses is proposed.

The Planning Proposal is accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA) to deliver Affordable Key-Worker Housing and a monetary contribution for open space improvements.

The strategic merit and site specific merit of the property has been assessed in relation to:

- Consistency with the Department of Planning and Environment's (DPE) *Guide to Preparing Planning Proposals* and *Guide to Preparing Council Local Environment Plans*.
- Consistency with the relevant objectives and actions of state, metropolitan, regional and local planning policies and strategies.
- Potential environmental, social, traffic, and amenity impacts.

ITEM 10 (continued)

The site is located at a gateway to Macquarie Park and is in close proximity to public transport (bus and metro), retail and entertainment (Macquarie Shopping Centre), Macquarie University and Macquarie University hospital, and a range of employment opportunities. A key function of the Macquarie University Station Precinct is to provide for increased housing around the metro station to support the adjacent employment centre in Macquarie Park, and the proposal is consistent with this function. The proposal is also consistent with the *A Plan for Growing Sydney*, and the draft Greater Sydney Region and North District Plan.

While access to affordable key worker housing and open space are concerns in relation to the increased residential population that would result from the proposed changes, these are proposed to be addressed by an associated VPA that has been offered by the developer to provide affordable key worker housing and a monetary contribution for open space improvements. It is also noted the RMS has raised concern in regard to the traffic related to the wider Macquarie University Station Precinct and has requested that modeling be undertaken to inform the development of an Infrastructure List to provide network capacity and efficiency improvements. Provision can be made for this modeling to occur and for the findings to be considered prior to the finalization of the plan.

Therefore, this report recommends that Council support the planning proposal to proceed to Gateway Determination and subsequently to community consultation. It is proposed that conditions be placed on the Gateway Determination requiring consideration of the Macquarie Park Transport Management and Accessibility Plan (Traffic Model), currently under review by Roads and Maritime Services (RMS), prior to deciding whether or not the proposed LEP amendments should be brought into effect. It is also proposed that the Minister delegate Council to implement the plan, this would ensure that in considering the planning proposal after exhibition, Council may choose whether or not the proposed planning controls are brought into effect.

This report also recommends that a site specific DCP is prepared to guide the provision of parking on the site, to set the parameters for design excellence and other specific requirements. The Draft DCP would be presented to Council in the first quarter of 2018, seeking approval to proceed to community consultation with the Planning Proposal and the VPA.

The Planning Proposal is circulated **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER.**

RECOMMENDATION:

- (a) That Council submit the Planning Proposal for 112 Talavera Road (LOT 422 DP 1153360) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and request that:

ITEM 10 (continued)

- i. The Gateway Determination is subject to a condition requiring the Relevant Planning Authority to consider the outcomes of the Macquarie Park traffic model prepared by Transport for NSW, prior to finalisation of the Plan.
 - ii. That the Gateway Determination is subject to a condition requiring a design competition in accordance with the Director General's Design Excellence Guidelines.
 - iii. Council be given delegation from the Minister to implement the Plan.
- (b) That Council delegate the Acting General Manager to publicly exhibit the Planning Proposal when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979. A further report will be presented to Council following the completion of the exhibition period.
- (c) That Council authorise the preparation of a site specific Development Control Plan to give detailed guidance on design excellence, site specific parking controls, setbacks and other built form controls. The draft Development Control Plan will be presented to Council early 2018 seeking approval to publicly exhibit the Plan.

ATTACHMENTS – CIRCULATED UNDER SEPARATE COVER

- 1 Planning Proposal - 112 Talavera Road, Macquarie Park
- 2 Urban Design Report - SJB Urban
- 3 Architectural Concept - SJB Architects
- 4 Traffic Impact Assessment - ARUP
- 5 Preliminary Flood Impact Assessment - Calibre Consulting
- 6 Aviation Navigation Impact Assessment - Ambidji
- 7 Site Specific Draft DCP

Report Prepared By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Report Approved By:

Dyalan Govender
Acting Manager - City Planning

Liz Coad
Acting Director - City Planning and Development

ITEM 10 (continued)**Discussion**A summary of the Gateway Plan-Making Process

1. *Planning proposal* – is an explanation of the effect of and justification for the proposed change to the planning provisions of a site or area. It may be prepared by a landowner or developer (the proponent) or the relevant planning authority (RPA) such as Council. The RPA decides whether or not the proposal may proceed to the next stage. If the RPA decides that the planning proposal should not proceed the proponent may request a review and this is undertaken by a delegate of the Minister for Planning against established “strategic merit test” criteria.

This planning proposal is at stage 1 of the process.

2. *Gateway* – determination by the Minister for Planning or delegate whether or not the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs community consultation.
3. *Community Consultation* – the proposal is publicly exhibited in accordance with the Gateway Determination (low impact proposals for 14 days, others for 28 days).
4. *Assessment* – the RPA considers public submissions and may decide to proceed as exhibited, vary the proposal, or not to proceed. Where proposals are to proceed, Parliamentary Counsel prepares the draft Local Environmental Plan – the legal instrument.
5. *Decision* – the making of the plan by the Minister or delegate.

Council is the RPA for this proposal which has been prepared by SJB Planning on behalf of the property owner, Meriton Group.

Site Description and Context

The site, LOT 422 DP 1153360, is 19,530m² and is currently accommodating commercial and warehousing uses with associated hard stand parking and driveways. It is adjacent the M2 and Macquarie University and located at what can be considered a gateway to Macquarie Park.

A portion of the site is flood affected and this may be managed by the allowance of an overland flow path and by locating habitable floor levels above the flood affection. This detail will be addressed as part of any future development application.

ITEM 10 (continued)



Figure 1: Aerial photo showing site outlined in red



Figure 2: Aerial view of site from the North West
The site is zoned B4 Mixed Use which permits a broad range of land uses including residential, business, retail and community uses. It is not proposed to amend the land use zone.

ITEM 10 (continued)



Figure 3: View of site from South-West, looking east down Talavera Rd

The Planning Proposal seeks to increase the development capacity of the site. The following amendments to the *Ryde Local Environment Plan 2014* (RLEP 2014) are proposed:

- An increase in the permissible height of buildings (HOB) from 45m and 60m to 18.5m, 135m and 200m
- An increase in the permissible floor space ratio (FSR) from 4.5:1 to 6.5:1 and
- Planning controls requiring design excellence.

Under the current planning controls a mixed use development of up to 87,885m² is permissible. Under the proposed amendments an additional 39,060m² will be permissible resulting in a total developable Gross Floor Area (GFA) of 126,945m². Noting that dwelling numbers are estimates only and are subject to design constraints and the mix of unit sizes, it is estimated the proposed amendments would result in approximately 390 additional dwellings, increasing the number of dwellings permissible on the site from approximately 866 dwellings under the current controls, to 1256 dwellings.

ITEM 10 (continued)

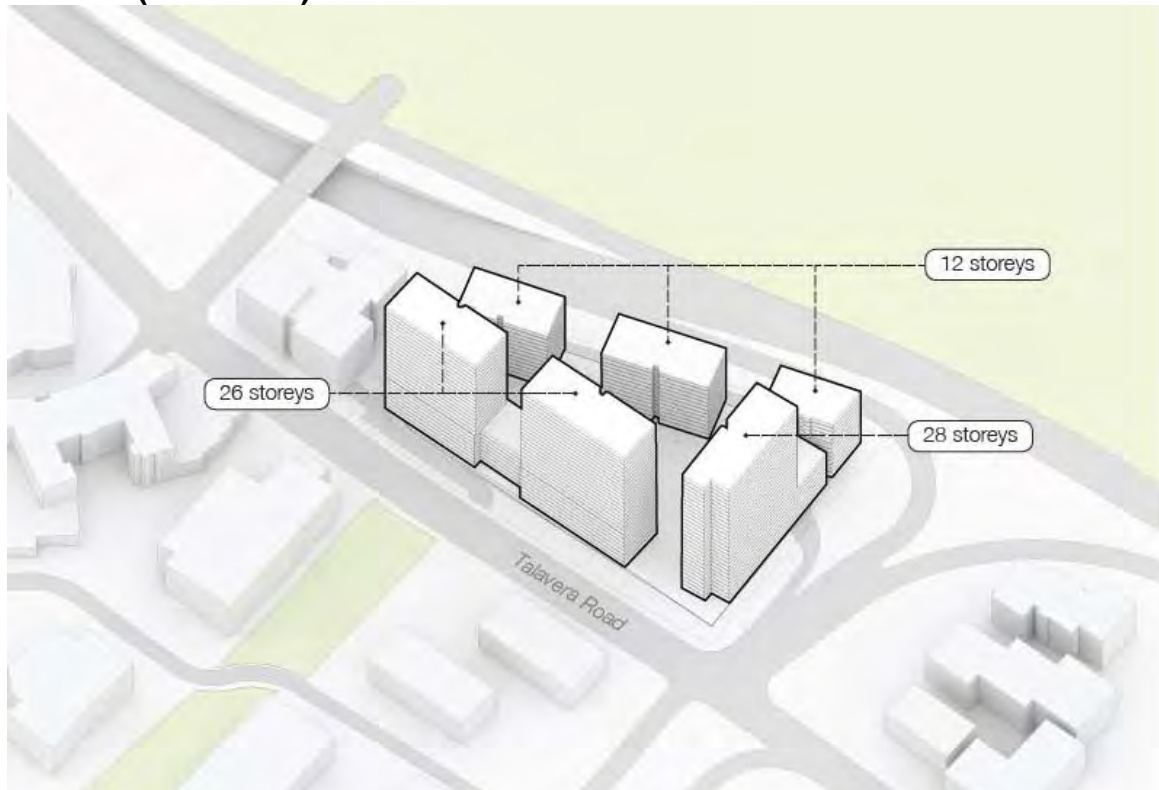


Figure 4: Scheme complaint with current controls

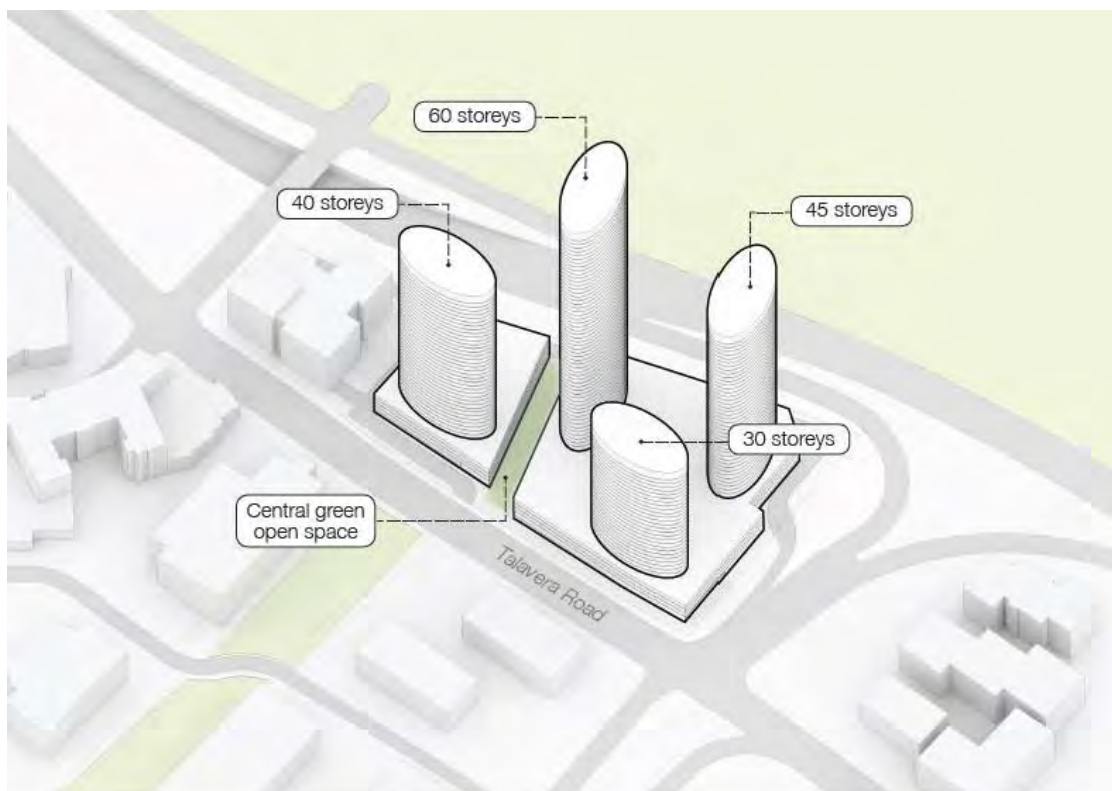


Figure 5: Concept scheme under proposed controls

ITEM 10 (continued)
Maximum Building Height (m)



Figure 6: Existing RLEP 2014 HOB map

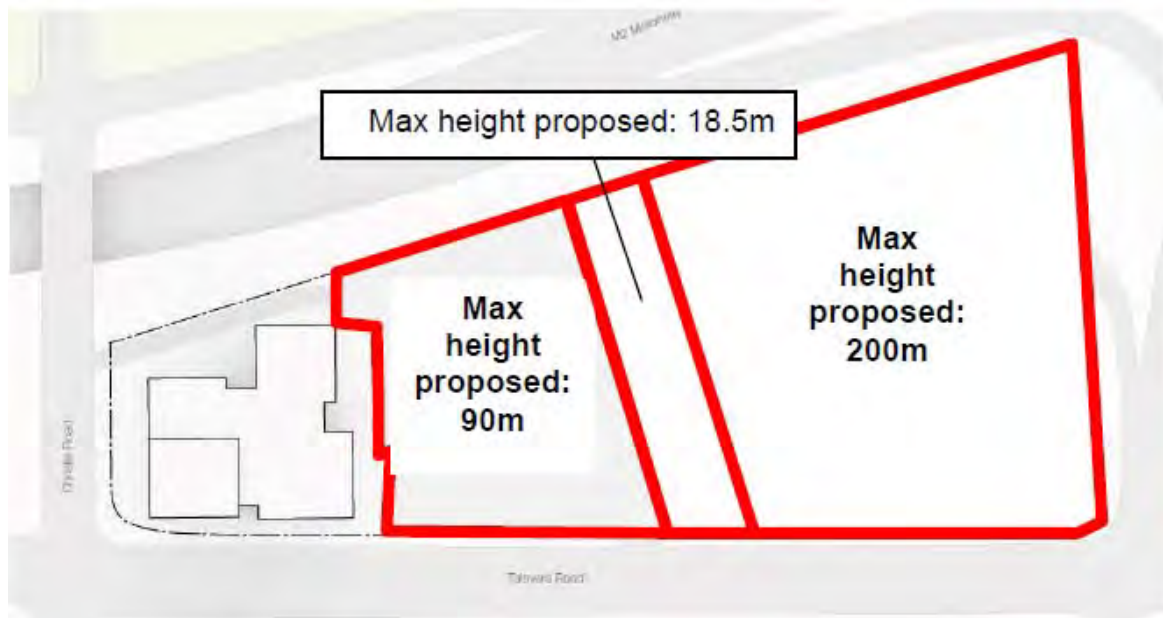


Figure 7: Proposed amended RLEP 2014 HOB

ITEM 10 (continued)

Maximum Floor Space Ratio (n:1)



Figure 8: Existing RLEP 2014 FSR map

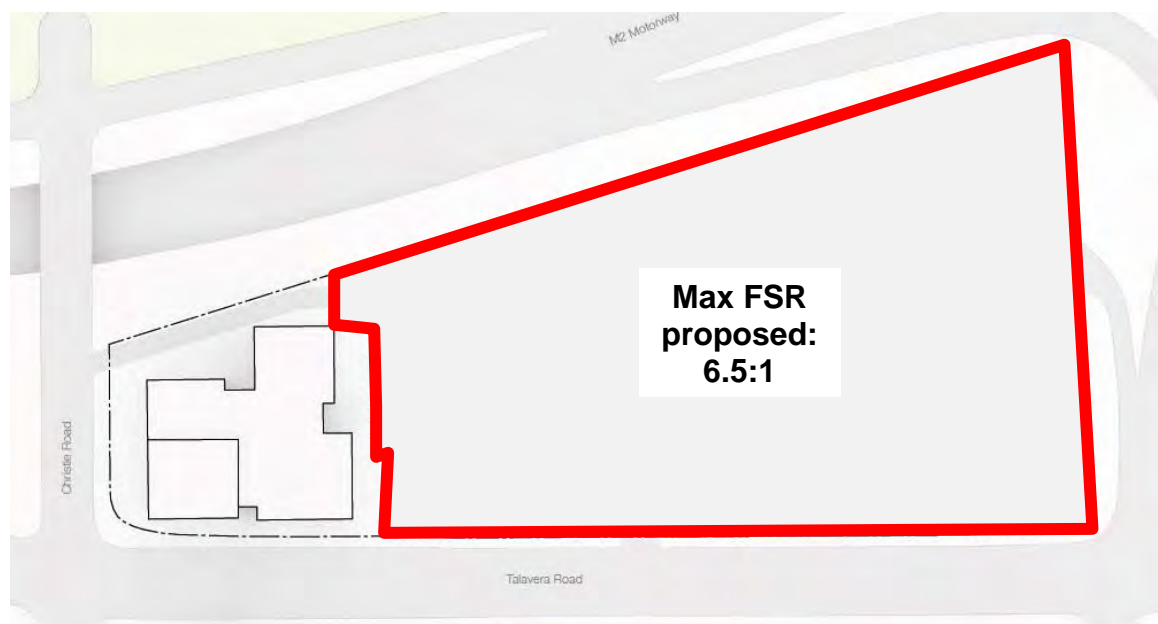


Figure 9: Proposed amended RLEP 2014 FSR Map

ITEM 10 (continued)**Assessment of Planning Proposal**

Several reports accompany and support the Planning Proposal including:

- Urban Design Report: which reinforces the Planning Proposal on the grounds that it is proximate to public transport, education and job opportunities; and that it reduces pressure to rezone valued employment lands within the Macquarie Park commercial core by increasing the development capacity of adjoining lands already zoned to permit residential development.
- Architectural Concepts: provides potential design solutions that inform the proposed planning controls. Note: a separate Development Application must be lodged and as a result it is possible that the approved designs may differ from the concept designs contained in the Planning Proposal.
- Traffic Impact Assessment and addendum Technical Note prepared in response to issues identified by Council's Traffic Unit.
- Preliminary Flood Impact Assessment: According to the Macquarie Park Floodplain Risk Management Plan the site is flood affected. In response, it is proposed to allow an overland flow path through the site which is free of built form.
- Aviation Navigation Report: The assessment considers the prescribed airspaces for Sydney and Bankstown Aerodromes and technical guidelines the Obstacles Limitation Surfaces (which limits the height of obstacles on the site to 246.8AHD) and the Radar Terrain Clearance Chart (which limits the height of buildings on the site to 244AHD). The initial height assessment provided by the applicant indicates that the proposal will not infringe the prescribed airspace of Sydney and Bankstown airports.
- Social Infrastructure Report: The planning proposal will result in an additional 390 dwellings or an added population of about 800 people. This will create additional pressure for community facilities, some of which such as increased demand for childcare and local open space can be met on site (a 90 place childcare centre is anticipated on the site, as is the provision of some open space). Some increased demand is anticipated to be met by other facilities to be provided in the vicinity such as the library and community space to be delivered in Macquarie Shopping Centre. The increased demand for regional open space is proposed to be addressed in the associated VPA, which offers a monetary contribution for improvements to Christie Park.
- Site Specific Development Control Plan (DCP): It is proposed that a draft DCP be prepared to provide site specific development guidelines and principles and ensure design excellence is achieved on the site and this will be subject of a separate report to Council in 2018.

ITEM 10 (continued)Strategic Merit Test

The planning proposal is consistent with *A Plan for Growing Sydney* and the *Draft North District Plan* as follows:

- Provision of additional housing to meet projected growth within the region and district.
- Accelerate housing supply and local housing choices.
- Accelerate new housing in designated infill areas established urban areas through Priority Precincts and Urban Growth NSW programs.
- Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.
- Deliver more opportunities for affordable housing.
- Protect and support employment and urban services land.
- Provide housing in areas with access to employment opportunities.

The planning proposal is consistent with *Ryde Local Planning Study 2010* as follows:

- Focus growth in Centres (in preference to low density residential areas) in order to provide housing, jobs and services close to public transport.
- Stimulate economic growth and local jobs by providing opportunities for a range of businesses and by protecting employment lands (such as Macquarie Park Commercial Core).
- Improve access to a range of housing types which meet needs of future residents.
- Encourage walking, cycling and public transport use by improving public domain and community safety and by improving links between residential areas and open space, schools and Macquarie University.

It is also noted that on 8 December 2015 Council adopted a series of principles to inform the Strategic Review of Macquarie Park currently underway in collaboration with Department of Environment and Planning (DPE). While the site is not located in the review area, it is noted that one of the principles adopted was to:

Allow for housing that is located in the immediate vicinity to the existing residential and mixed use areas at Macquarie University Station precinct and North Ryde Station precinct.

The Planning Proposal is consistent with this principle.

Site Specific Merit Test

The Planning Proposal has also been assessed on a site specific basis taking into account the local context, infrastructure and other potential impacts.

ITEM 10 (continued)

The planning controls for the site and its surrounds permit the tallest built form at the Macquarie University Station (120m) transitioning to lower buildings (45m) adjacent the M2 such as this site. The planning proposal seeks to amend the controls for the site to permit 18.5m, 135m and 200m buildings which will be substantially taller than neighboring sites.



Figure 10: Potential view of corner of Herring Rd and M2 Motorway

The proponent has argued that the site is located at a “gateway” to Macquarie Park and should therefore be appropriately identified by locational markers such as tall buildings. Whilst building height can be an appropriate response to a gateway site, design excellence is Council’s preferred response to gateway/landmark sites. It is recommended that the proposed building height is contingent upon a design competition held in accordance with the Director General’s Design Excellence Guidelines and that controls are included in a site specific DCP to guide the competition.

The site is well serviced by transport, health, education and open space infrastructure and by other services and facilities as it is less than 400m (or a 5-minute walk) from:

- Macquarie University Rail Station. (The rail Metro is to be completed mid-2019 with more frequent services and an increased catchment).
- Bus interchange (Herring Road).
- M2 motorway.
- Macquarie Centre; which provides services, entertainment and other facilities.
- Macquarie University Hospital.

ITEM 10 (continued)

- Christie Park (Council is upgrading Christie Park to include 2 synthetic sports fields, 6 Futsal courts, tiered seating, amenities and parking. An associated VPA has been offered to fund upgrades to Christie Park to address the additional demand on regional recreation facilities)
- Lane Cove National Park
- Macquarie University and Excelsia College (private university). Smalls Road primary school site is 1.8Km from the site.

The Planning Proposal is accompanied by the offer of a monetary contribution towards implementation of Council's adopted Master Plan for Christie Park, which will increase the usability and functionality of the park. As Christie Park is close to the site and likely to be used by future residents of the development, this offer will offset the demand created by future residents for recreation facilities. This community benefit offer is assessed in a separate report.

The proposal indicates that approximately 1,300m² of open space can be provided on the site in the form of a 15m wide linear open space corridor and that this could be dedicated to Council. However, this open space element on the site is considered to primarily service the residents of the development and Council would generally not seek dedication, but would rather seek the provision of an easement to ensure public access.

The proposal has been assessed by Council staff against the information required to be included in a Planning Proposal and criteria provided by the DPE (Table 1):

Table 1 Questions required to be addressed by the PP	
Proponent	Response
1. Is the Planning Proposal a result of any strategic study or report?	
Several reports accompany and support the planning proposal including: <ul style="list-style-type: none"> • Urban Design Report • Architectural Concepts • Traffic Impact Assessment and addendum Technical Note (prepared in response to issues identified by Council's Traffic Unit) • Preliminary Flood Impact Assessment • Aviation Navigation Report • Social Infrastructure Report 	The area was the subject of the Herring Road Urban Activation Precinct Master Plan which provided the basis for the current controls. The proponent argues that a departure from the planning is justified based on: <ul style="list-style-type: none"> - gateway location - acceptable impact on the local context - enhanced transport infrastructure; rail Metro; will support additional growth - other centres on the Metro line have greater FSRs than the 4.5:1 on this site including for example: <ul style="list-style-type: none"> - St Leonards 17:1 (proposed) - Parramatta 12:1 - Chatswood 7:1 to 8:1

ITEM 10 (continued)

	<ul style="list-style-type: none"> - Rhodes 9.3:1 - SOPA 8:1 to 12:1 <p>The proposal is at the lower end of FSRs at Metro rail stations. The impact on the local context of 6.5:1 is considered acceptable.</p>
<p>1.2 Strategic Merit Test</p>	
<p>Planning controls are generally expected to come to fruition in 10-20 years. As a result, newish controls are usually given time to be tested; 5 years; before changes to planning controls are considered. As the controls are less than 5 years old merit tests must be applied.</p> <p>Strategic Merit Test: whether the proposal is;</p> <ul style="list-style-type: none"> • consistent with the relevant district plan, or • consistent with a relevant local strategy, or • responding to a change in circumstances, such as new infrastructure, that have not been recognized by existing planning controls. <p>The proponent has addressed the above tests concluding that the proposal is consistent with the actions and priorities of the draft North District Plan. The proponent also notes that new infrastructure; the rail Metro; is due to open mid-2019, increasing the frequency and catchment for train services to Macquarie Park.</p>	<p>The relevant controls affecting this site were brought into effect in 2015. A planning proposal that seeks to amend controls that are less than 5 years old may only be considered where it clearly meets the Strategic Merit and the Site-Specific Merit Tests.</p> <p>The planning proposal is consistent with:</p> <ul style="list-style-type: none"> • <u><i>A Plan for Growing Sydney</i></u> and the <u><i>Draft North District Plan</i></u> as follows: <ul style="list-style-type: none"> - To meet 20 year housing supply targets. - To increase housing capacity, choice and diversity. • <u><i>Ryde Local Planning Study, 2010 as follows</i></u> <ul style="list-style-type: none"> - Focus growth in Centres (in preference to low density residential areas) in order to provide housing, jobs and services close to public transport. - Stimulate economic growth and local jobs by providing opportunities for a range of businesses and by protecting employment lands (such as Macquarie Park Commercial Core). - Improve access to a range of housing types which meet needs of future residents. - Encourage walking, cycling and public transport use by improving public domain and community safety and by improving links between residential areas and open space, schools and Macquarie University. <p>The planning proposal is consistent with the Draft North District Plan.</p>

ITEM 10 (continued)

	<p>The planning proposal is consistent with Ryde Council's strategic planning directions as the proposal focuses growth in an existing town centre in proximity to infrastructure and within an existing residential land use zone reducing pressure to convert the Macquarie Park employment lands to residential uses.</p>
1.2 Ryde Local Environmental Plan (RLEP) 2014	
<p>The Herring Road UAP master plan informed an amendment to RLEP 2014 which came into effect in 2015. The site is within this area.</p> <p>The PP departs from RLEP proposing increased building heights and floor space ratios arguing that the site is a "gateway" to Macquarie Park and should therefore be locational marker; i.e. taller.</p> <p>The proponent has also relied upon the objectives of the Herring Road UAP to support the PP.</p>	<p>The Herring Road UAP Master Plan located the tallest built forms adjacent the Macquarie University rail station (120m) transitioning to lower built forms adjacent the M2 (45m) and Epping Road.</p> <p>The urban design report submitted with the PP demonstrates that the proposed height has little adverse impact on the amenity of neighbours, with overshadowing falling predominantly on the road and university. Overshadowing does not affect low density residential areas and the National Park to the north.</p> <p>Whilst building height alone is sometimes an appropriate response to a gateway site, it is Council's preference to achieve design excellence. A recommendation of this report is that the site is subject to a design competition in accordance with the <u>Director General's Design Excellence Guidelines</u> and that this included in an RLEP clause and reflected in a Gateway Determination condition.</p>
<p>Q2. Is the PP the best means of achieving the objectives or intended outcomes, or is there a better way?</p>	<p>The proposed changes and planning mechanisms are appropriate to achieve the objectives and outcomes of the proposal.</p>
<p>Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or District Plan?</p>	<p>Yes – refer to Strategic Merit Test above</p>
<p>Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?</p>	<p>The Ryde Local Planning Study 2010 was prepared to respond to jobs and dwellings growth targets set by the NSW State Government. At the time the growth</p>

ITEM 10 (continued)

<p>The planning proposal argues that it is consistent with the Ryde Local Planning Study 2010, noting that development in Macquarie Park will exceed predicted growth due to the Herring road UAP which was unanticipated in 2010.</p>	<p>target for Ryde LGA was 12,000 new dwellings and 21,000 new jobs by 2031. Ryde's planning controls allowed for this capacity and if current trends continue the dwellings target will be achieved. However, The North District Plan requires Council to continue to support increased housing supply and capacity.</p> <p>Through consultation undertaken as part of the preparation of the 2010 Local Planning Study the Ryde community articulated a clear preference for growth to be located within existing centres in preference to change in the low density residential areas. This underpins Ryde's strategic approach to housing growth. The Local Planning Study also aimed to protect employment lands and local jobs both within Macquarie Park and elsewhere in the LGA.</p> <p>Increased housing capacity within Macquarie Park, on a site already zoned to allow residential development is therefore consistent with Ryde Council's Local Planning Study 2010; reduces pressure for change in the low density residential areas and does not impact on employment lands supply.</p>
<p>Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?</p>	<p>Yes – refer page 32-33 of the Planning Proposal for detail - CIRCULATED UNDER SEPARATE COVER</p>
<p>Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?</p>	<p>Yes – refer page 33-35 of the Planning Proposal for detail – ATTACHMENT 1 - CIRCULATED UNDER SEPARATE COVER</p>
<p>Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</p>	<p>No – The site is fully developed as a commercial office complex with associated driveways and at grade parking. The site is predominantly hard surfaces. The proposal will not impact threatened species/communities.</p>

ITEM 10 (continued)

<p>Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p>	<p>This is addressed by the preparation of a site specific Development Control Plan which will provide design guidelines to manage potential overshadowing (which will predominantly fall on adjacent roads), ensure design excellence, manage parking and so on.</p>
<p>Q9. Has the planning proposal adequately addressed any social and economic effects?</p>	<p>Yes – the Social infrastructure Statement assesses the demand created by the additional 390 dwellings and consequential population increase of approximately 800 people. This demand will be met by library and cultural facilities to be developed in the Macquarie Shopping Centre, a childcare centre to be developed on the site and the Smalls Road School. The demand for recreation facilities is offset by a monetary contribution to assist to implement Councils adopted Master Plan for enhanced facilities at Christie Park</p>
<p>Q10. Is there adequate public infrastructure for the planning proposal?</p>	<p>The key issues with respect to infrastructure in the near vicinity of the site are the provision of open space and recreation and transport.</p> <p>Open Space - The Ryde Integrated Open Space Plan identified an open space deficiency in Macquarie Park and North Ryde. In order to address the open space deficiency, the proponent has offered a monetary contribution to the upgrade of nearby Christie Park in accordance with Council's adopted Master Plan which will increase the usability and functionality of the park and enhance community access to recreation facilities. Christie Park is within 400m of the site and it is likely that future residents will use this facility.</p> <p>Transport – The site is within 400m (5 minute walk) of the Macquarie university rail Station and transport interchange and well serviced by infrastructure.</p>

ITEM 10 (continued)

1.3 Site Specific Merit Test	
<p>The proposal must have regard to:</p> <ul style="list-style-type: none"> • the natural environment (including known significant environmental values, resources or hazards); • the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and • the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<p>The site comprises a commercial development within a highly urbanized area. The site is partially flood affected and solutions including an overland flow path are proposed. The natural environment is not adversely affected by the proposal.</p> <p>The site is already zoned for mixed uses. The proposal is consistent with the likely future uses of the land whether or not the PP is supported.</p> <p>The Metro rail will open in 2019 addressing some of the public transport issues raised by Council. This PP is accompanied by a VPA, which offers a monetary contribution to support local recreation needs and the upgrade of Christie Park. This VPA is addressed in a separate report to Council.</p> <p>The redevelopment will also be required to be setback from the boundary to allow for future road widening along Talavera Road and for the M2 on/off ramp enhancing local road infrastructure.</p>

Financial Implications

The Planning Proposal was accompanied by the relevant fees. As a result there are no financial implications with respect to the recommendations of this report.

ITEM 10 (continued)**Consultation with relevant external bodies**

The Planning Proposal was referred to RMS; in their response they raised concerns regarding the cumulative traffic generation in the Macquarie Park Station Precinct as follows:

It is noted that the Planning Proposal sits within the Macquarie Park Herring Road Precinct, which is currently subject to a Land Use Infrastructure Implementation Plan (LUIIP) by the Department of Planning and Environment. It is further noted that Planning Proposals being considered by Council are seeking increased uplift above and beyond current planning controls... Roads and Maritime is of the view that the proposed increase in development uplift will require traffic modelling to assess the cumulative traffic and transport impacts on the local and regional road network. In this regard, Roads and Maritime has been in discussions with Transport for NSW and Department of Planning & Environment for an update to the Macquarie Park Aimsun model to include current Planning Proposals / Development Applications to identify the cumulative traffic impacts and development of an appropriate Special Infrastructure Contribution / Infrastructure List.

The RMS has requested that:

- Council defer consideration of the Planning Proposal until the model is complete and infrastructure upgrades can be considered; or
- Prepare planning controls to restrict parking within the development.

Council is obligated under Department of Planning and Environment guidelines to make a decision on whether or not a Planning Proposal should proceed to the next stage within 90 days. In light of this, this report recommends that the RMS concerns are addressed as follows:

- In the event that Council determines that the Planning Proposal should proceed to the next stage – a request for a Gateway Determination and subsequent community comment – this report recommends that conditions be placed on the Gateway Determination requiring that the outcomes of the traffic model are taken into account prior to determining whether or not the proposed RLEP amendments should be brought into effect.
- Site specific parking controls are prepared and incorporated into a development control plan to be prepared for the site.

This approach would ensure that the intent of RMS's request can be accommodated. Should Council defer consideration of the Planning Proposal, the proponent may write to the DPE directly to seek a Rezoning Review.

ITEM 10 (continued)**Options**

1. Resolve that the Planning proposal does not proceed. This option is not recommended for the reasons that:
 - a. The land use is not proposed to be amended.
 - b. The site is within 400m of open space, transport, education and other supporting community infrastructure.
 - c. The impact on the local context of the increased development capacity is acceptable and may be managed by DCP provisions. A DCP will be prepared and submitted to Council for approval.
 - d. Design excellence, in the form of a design competition, is proposed.
 - e. The FSRs proposed are less than those adjacent other Metro rail stations.
 - f. The concerns raised by RMS can be addressed through the Gateway Process.
2. Resolve that the Planning proposal be deferred. This option is not recommended for the reasons noted above. The proponent is likely to go direct to the DPE for a Rezoning Review.
3. Resolve that the Planning Proposal may proceed to Gateway Determination and then to community consultation. This option is recommended as the proposal meets Strategic and Site Specific Merit Tests.

NOTICES OF MOTION**1 REMOVAL OF LIMITATION OF NOTICE OF MOTIONS - Councillor Roy Maggio****File Number:** CLM/17/1/1/6 - BP17/1207

MOTION:

That the current limitation of five (5) Notices of Motion that can be raised by an individual Councillor, per Council Meeting, as detailed in Clause 2.2 of Council's current Code of Meeting Practice, be amended to allow for no limitations on the number of Notices of Motion that can be submitted by a Councillor to an Ordinary Council Meeting.

2 MARKETS WITHIN THE CITY OF RYDE - Councillor Roy Maggio**File Number:** CLM/17/1/1/6 - BP17/1208

MOTION:

- (a) That Council investigate locations to establish if a regular market is feasible within the City of Ryde and consider options similar to "Market by the River" at Kissing Point Park, Putney and different market types for example growers and artisan markets.
- (b) That the outcome of the investigations and any consultation be presented at the Councillor Workshop scheduled in 2018.

3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE - Councillor Roy Maggio**File Number:** CLM/17/1/1/6 - BP17/1209

MOTION:

- (a) That Council organise an event for the official opening of the Ryde Youth and Family Recreation Space when construction is completed at Meadowbank Park, which includes a free skateboard clinic and competition in partnership with relevant organisations.
- (b) That the Festival and Events Committee is consulted about the event.
- (c) That Council allocate \$5,000 from General Revenue to conduct the official opening of the Ryde Youth and Family Recreation Space.

NOTICES OF MOTION (CONTINUED)**4 CITY OF RYDE GATEWAY AND TOWN CENTRE SIGNAGE - Councillor Roy Maggio****File Number: CLM/17/1/1/6 - BP17/1210**

MOTION:

- (a) That Council investigate reasonably priced options for gateway signage on all major entry points to the Ryde LGA and the Town Centres.
- (b) That concept designs and preliminary costings be developed.
- (c) That a report be prepared to the Works and Community Committee outlining the options.

5 COUNCIL COMMITTEE STRUCTURE - Councillor Roy Maggio**File Number: CLM/17/1/1/6 - BP17/1211**

MOTION:

That due to the recent State Government legislation relating to the introduction of Independent Hearing and Assessment Panels (IHAPs) and that an IHAP will be implemented by the City of Ryde by March 2018, the Acting General Manager be requested to undertake a review of Council's Standing Committee Structure and present the findings and any recommendations to a Councillor Workshop in February 2018, prior to the IHAP's implementation.

6 DIVESTMENT FROM FOSSIL FUEL ALIGNED FINANCIAL INSTITUTIONS - Councillor Christopher Gordon**File Number: CLM/17/1/1/6 - BP17/1217**

MOTION:

- (a) That Council divest its term portfolio from all fossil fuel aligned financial institutions.
- (b) That as Council's current term investments expire with fossil fuel aligned financial institutions that these funds are re-invested only with non-fossil fuel aligned financial institutions with the following conditions:
 - (i) the investment is compliant with Council's investment policy,
 - (ii) the investment rate of interest is comparable or better than those offered by fossil fuel aligned financial institutions.
- (c) That a six-monthly report be provided to Council on the state of its divestment from fossil fuel aligned financial institutions.

CONFIDENTIAL ITEMS**11 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM MERITON IN RELATION TO PLANNING PROPOSAL AT 112 TALAVERA ROAD, MACQUARIE PARK**

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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Report prepared by: Development Contributions Coordinator

File No.: VPA2016/5/6 - BP17/1154

Page No.: 101