



3 MAY 2013

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 7 MAY 2013.

LATE ITEMS

Planning and Environment Committee Meeting No. 7/13

Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde - 5.00pm

English

If you do not understand this letter, please come to the Ryde Civic Centre, Devlin Street, Ryde, to discuss it with Council staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact Council for you. Council's phone number is 9952 8222. Council office hours are 8.30am to 4.30pm, Monday to Friday.

Arabic

إذا كنت لا تفهم محتويات هذه الرسالة، فالرجاء الاتصال بمركز مجلس بلدية رايد Ryde Civic Centre، وعنوانه: Ryde، Devlin Street، لمناقشتها مع العاملين في المجلس عن طريق مترجم، يستعين به العاملون لمساعدتك. أو يمكنك، بدلا من ذلك، أن تتصل بمكتب خدمات الترجمة TIS على الرقم 131 450 وأن تطلب من أحد المترجمين أن يتصل بالمجلس نيابة عنك. رقم تليفون المجلس هو 9952 8222، وساعات العمل هناك هي من الساعة 8.30 صباحا إلى 4.30 بعد الظهر من يوم الاثنين إلى يوم الجمعة.

Armenian

Եթէ այս նամակը չէք հասկնար, խնդրեմ եկէք՝ *Րայդ Միվիթ Սենթըր, Տելվին փողոց, Րայդ, խոսակցելու*։ Քաղաքապետարանի պաշտօնեաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել։ Կամ, կրնաք հեռաձայնել Թարգմանութեան Սպասարկութեան՝ 131 450, եւ խնդրել որ թարգմանիչ մը Քաղաքապետարանին հետ կապ հաստատէ ձեզի համար։ Քաղաքապետարի հեռաձայնի թիւն է՝ 9952 8222։ Քաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ։

Chinese

如果您看不懂這封信，請到位于 **Devlin Street, Ryde** 的禮特區市府禮堂 (**Ryde Civic Centre**)與區政廳工作人員討論，他們將會給您安排傳譯員服務。或者您自己打電話給“翻譯及傳譯服務”，電話：131 450，請他們替您與區政廳聯係。區政廳的電話號碼是：9952 8222。區政廳工作時間是：周一至周五，上午 8.30 到下午 4.30。

Farsi

اگر این نامه را نمی فهمید لطفاً به مرکز شهرداری رايد در **Devlin Street** مراجعه کنید. کارمندان شهرداری ترتیب استفاده از يك مترجم را براي شما خواهند داد. یا ميتوانيد به سرويس ترجمه کتبي و شفاهي شماره 131 450 تلفن بزويد و بخواهيد که يك مترجم از جانب شما با شهرداری تماس بگیرد. شماره تلفن شهرداری 9952 8222 و ساعات کار از 8.30 صبح تا 4.30 بعد از ظهر مي باشد.

Italian

Le persone che hanno difficoltà a capire la presente lettera, sono pregate di presentarsi al Ryde Civic Centre in Devlin Street, Ryde, e parlarne con gli impiegati municipali che provvederanno a richiedere l'intervento di un interprete. Oppure possono chiamare il Translating & Interpreting Service al 131 450 e chiedere ad uno dei loro interpreti di mettersi in contatto con il comune di Ryde. Il numero del comune è 9952 8222. Gli uffici comunali sono aperti dalle 8.30 alle 16.30, dal lunedì al venerdì.

Korean

이 편지를 이해할 수 없으시면 Ryde의 Devlin Street에 있는 Ryde Civic Centre로 오셔서 카운슬 직원과 상담하여 주십시오. 저희 직원이 통역 서비스를 연결해 드릴 것입니다. 아니면 131 450번으로 통번역 서비스(TIS)에 전화하셔서 통역사에게 대신 카운슬에 연락해 주도록 부탁하셔도 됩니다. 카운슬 전화 번호는 9952 8222번입니다. 카운슬의 업무 시간은 오전 8:30부터 오후 4:30, 월요일에서 금요일까지입니다.

Declaration of Interest Form

Name of Person declaring interest: _____

Matter in which you have an interest: _____

Item Number: _____

Meeting Date: _____

Nature of the Interest: _____

- Is this interest:
- Pecuniary (see s442 of the Local Government Act)
 - Significant Non-Pecuniary (see the Code of Conduct)
 - Less than Significant Non-Pecuniary (see the Code of Conduct)

If this is a *pecuniary interest* you must take no further part in this matter.

If you are in a Council or Committee meeting you must leave the meeting room during discussion and voting on the particular matter.

If this is a *non-pecuniary interest* what action do you propose to take:

- continue to be involved in the matter as the interest will not effect my ability to act in an impartial manner
- remove myself from all involvement in the matter
- other, please specify _____

I, _____, disclose the above interest and acknowledge that I will take appropriate action as I have indicated above.	Signed:	
	Dated:	/ /

Received: _____ Trim Reference: _____

Minuted: _____

CONFLICTS OF INTEREST

A conflict of interest arises if it is likely that a private interest could conflict, or be seen to conflict, with the performance of your public or professional duties.

It is essential that members of the public, when dealing with our Council, can be confident that when making decisions staff and Councillors are free of any conflicts of interest.

Conflicts of interest can be of two types:

1. Pecuniary Interest

Is an interest that you have in a matter because of a reasonable likelihood or expectation of an appreciable financial gain or loss to you, or to another person with whom you are associated. This would include your spouse, de facto partner or a relative. (Section 442(1) Local Government Act).

2. Non-Pecuniary Interest

Is a private or personal interest, which you have, that does not pertain or relate to money. For example, a friendship, family, membership of a club, sporting or community group, society or trade union.

A conflict of interest would arise where:

- you have a personal interest that would lead you to be influenced in the way you carry out your Council work or public duties.
- you have a personal interest that could lead a fair person to think you could be influenced in the way that you carry out your Council work or public duties.
- you have knowledge that a family member, relative, friend, associate or anybody else close to you has an interest that could lead to you being influenced, or a fair person to think that you could be influenced, in a way that you carry out your Council work or public duties.

What should you do if you have a conflict of interest?

If any conflict exists between your interests and those of the Council it must always be resolved to the satisfaction of Council.

If, as a staff member, you believe that you are faced with, or could be seen to be faced with, a conflict or pecuniary interest you must advise your Group Manager or the General Manager in writing by completing this form. In the case of the General Manager, advice must be given to the Council or if this is not practical then advice must be given to the Mayor and subsequently to Council.

Depending on the nature of interest disclosed, arrangements can be made to limit your involvement in the matter or remove you from the source of the conflict (ie. By appointing an alternate staff member to manage the particular matter).

If you have any doubt as to whether you have a conflict of interest in a particular matter, you should seek assistance from your Manager/Group Manager/General Manager or obtain legal advice and act accordingly.

MATTER OF URGENCY

Councillor _____

To the Chair

I wish to raise the following Matter of Urgency:

Subject _____

Reason for Urgency _____

Proposed Motion _____

Code of Meeting Practice

(S.3.7.1) (3) Business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors

However, this can only happen if:

- (a) a motion is passed to have the business transacted at the meeting; and
- (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice.

(4) Despite clause 250 (3.18.1) only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

Meeting Date: Tuesday 7 May 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

LATE ITEM	Page
5 PART 3A - SHEPHERDS BAY - LEGAL ADVICE.....	1

5 PART 3A - SHEPHERDS BAY - LEGAL ADVICE

Report prepared by: Executive Assistant to Group Manager
File No.: COR2013/361 - BP13/659

REPORT SUMMARY

On 3 May 2013 Council received advice from the barrister Jason Lazarus in regards to our appeal prospects of the part 3A determination at Shepherds Bay. Despite Council's exhaustive effort to find mechanisms for an appeal the opinion of Jason Lazarus, our solicitor Roslyn McCulloch and the Group Manager – Environment and Planning is that the prospects of a successful appeal are low. Should Council pursue an appeal Mr Lazarus anticipates the cost to Council would not be in excess of \$100,000 however this does not include the prospect of costs being awarded to the defendant.

RECOMMENDATION:

That Council consider the attached report and advice from Jason Lazarus at the next available Council meeting.

ATTACHMENTS

- 1 Opinion from Jason Lazarus dated 3 May 2013 - Shepherds Bay Part 3A - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Sandra Warbrick
Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson
Group Manager - Environment & Planning