

Meeting Date: Tuesday 26 November 2019
Location: Civic Hall, 1 Devlin 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.

NOTICE OF BUSINESS

Item	Page
1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 29 October 2019.....	1
2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 12 November 2019.....	5
3 ITEMS PUT WITHOUT DEBATE	14
4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/19 held on 12 November 2019.....	15
5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 7/19 held on 12 November 2019.....	28
6 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 7/19 held on 12 November 2019.....	34
7 INVESTMENT REPORT AS AT 31 OCTOBER 2019	37
8 SEPTEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PROGRAM 2019-2023 AND 2019/2020 OPERATIONAL PLAN.....	48
9 2018/2019 AUDITED FINANCIAL STATEMENTS - PRESENTATION BY AUDITORS.....	55
10 2019/2020 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND GENERAL MANAGER.....	57
11 ANNUAL REPORT ON CODE OF CONDUCT COMPLAINTS STATISTICS	63
12 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014.....	68

NOTICE OF BUSINESS (CONTINUED)

Item		Page
13	LAND CLASSIFICATION REPORT - 21 AFFORDABLE HOUSING APARTMENTS ON LAND KNOWN AS 101 - 107 WATERLOO ROAD MACQUARIE PARK.....	74
14	LAND CLASSIFICATION REPORT - COMMUNITY CENTRE LAND IN PROPOSED LOT 8 IN THE PROPOSED STRATUM SUBDIVISION OF 15 HALIFAX STREET, MACQUARIE PARK (LOT 104 DP 1224238).....	85
 NOTICES OF MOTION		
1	ALTERNATE LOCATION FOR COUNCIL MEETINGS - Councillor Sarkis Yedelian OAM	96
 CONFIDENTIAL ITEMS		
15	146 BOWDEN STREET STORMWATER DRAINAGE AND ROAD WORKS - EXEMPTION FROM TENDERING.....	99
16	REQUEST FOR TENDER - COR-RFT-09/19 – KINGS PARK LANDSCAPE, CIVIL AND PLAYGROUND WORKS.....	102
17	REQUEST FOR TENDER - COR-RFT-05/19 - BANJO PATERSON PARK SEAWALL CONSTRUCTION.....	140
18	REQUEST FOR TENDER - COR-RFT-06/19 – PITTWATER ROAD UPGRADE (HIGH STREET TO FIELD OF MARS).....	197
19	DRAFT SECTION 7.11 AND 7.12 DEVELOPMENT CONTRIBUTIONS PLANS FOR CITY OF RYDE - PUBLIC EXHIBITION.....	247
20	OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM HDC PLANNING ON BEHALF OF 'UT 65 PTY LTD' TO PROVIDE MATERIAL PUBLIC BENEFITS UNDER COUNCIL'S MACQUARIE PARK INCENTIVE SCHEME IN ASSOCIATION WITH DEVELOPMENT OF 63-71 WATERLOO ROAD, MACQUARIE PARK.....	258

1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 29 October 2019

Report prepared by: Civic Services Manager
File No.: CLM/19/1/1/2 - BP19/1274

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 Extraordinary Council Meeting 13/19, held on 29 October 2019 be confirmed.

ATTACHMENTS

- 1 MINUTES - Extraordinary Council Meeting - 29 October 2019

ITEM 1 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 13/19**

Meeting Date: Tuesday 29 October 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

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

Apologies: Councillor Clifton.

Leave of Absence: Councillor Zhou.

Absent: Councillor Brown.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Executive Manager – Strategy and Innovation, Chief Financial Officer, Acting Manager – Communications and Engagement, Senior Coordinator – Financial Reporting and Operations, Communications Coordinator, Civic Services Manager and Civic Support Assistant.

PRAYER

Councillor Maggio offered prayer prior to the commencement of the meeting.

NATIONAL ANTHEM

The National Anthem was sung prior to the commencement of the meeting.

LEAVE OF ABSENCE

The Mayor, Councillor Laxale advised the meeting that Councillor Zhou had requested a Leave of Absence for the period 24 October 2019 to 25 November 2019 inclusive.

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Councillor Zhou's Leave of Absence for the period 24 October 2019 to 25 November 2019 inclusive be approved.

ITEM 1 (continued)

ATTACHMENT 1

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

Record of Voting:

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

Against the Motion: Councillor Maggio

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

COUNCIL REPORT

1 2018/2019 DRAFT FINANCIAL STATEMENTS

RESOLUTION: (Moved by Councillors Yedelian OAM and Purcell)

- (a) That the Mayor, Councillor Maggio, 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 2018/19 Draft Financial Statements.
- (b) That Council endorses the 2018/19 Draft Financial Statements to be placed on public exhibition with a view of tabling any community feedback at the 26 November 2019 Council meeting.

ITEM 1 (continued)

ATTACHMENT 1

- (c) That Council's Meeting on Tuesday, 26 November 2019 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 2019.

Record of Voting:

For the Motion: Unanimous

The meeting closed at 7.08pm.

CONFIRMED THIS 26TH DAY OF NOVEMBER 2019

Chairperson

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 12 November 2019

Report prepared by: Civic Services Manager
File No.: CLM/19/1/1/2 - BP19/1380

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 Extraordinary Council Meeting 14/19, held on 12 November 2019 be confirmed.

ATTACHMENTS

- 1 MINUTES - Extraordinary Council Meeting - 12 November 2019

ITEM 2 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 14/19**

Meeting Date: Tuesday 12 November 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.30pm

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

Apologies: Nil.

Leave of Absence: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Executive Manager – Strategy and Innovation, Manager – Communications and Engagement, Manager, Corporate Governance, Manager – Community and Ranger Services, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Communications Coordinator, Civic Services Manager and Civic Support Officer.

PRAYER

Councillor Maggio offered prayer prior to the commencement of the meeting.

NATIONAL ANTHEM

The National Anthem was sung prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 1 – Eastwood Shopping Centre for the reason that he knows the landowner, Mr Huang of the Eastwood Centre (may be former owner).

ONE MINUTE SILENCE

Councillor Kim requested that Council observe a one minute silence as a mark of respect for the bush firefighters enduring catastrophic conditions today.

Note: A one minute silence was then observed.

ITEM 2 (continued)

ATTACHMENT 1

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Eunice Dumas (representing NoIRE)	Notice of Motion 1 – Eastwood Shopping Centre
Lucy Lauria	Notice of Motion 1 – Eastwood Shopping Centre
Timothy Pinzone	Notice of Motion 1 – Eastwood Shopping Centre

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Paul Margereson (representing Denistone Conservation Action Group)	I would like to demonstrate support for the Chatham Road and Darvall Park HCA's with reasoning, from someone who has been part of the community for over 40 years and who does not want the area to be downgraded by Duplexes and other large buildings
Giri Ramachandran	Supporting Heritage Conservation Proposal by Ryde Council. As a long term owner of property at 66 Chatham Road, Denistone we want to preserve the heritage conservation street scape and character of the area. We recently developed complete sympathetic street scape and character
Philip Brown	The Heritage Conservation Area specifically the Chatham Area, Denistone
Elisha James	Wish to address the matter of the Denistone Character Area and HCA plan. I am pro conservation, pro heritage and my family and myself are residents of Denistone and are directly affected by the changes in the area
Faye Lin (representing proposed Wharf Road HCA)	Heritage Area – In relation to proposed Wharf Road HCA, Heritage Planning 2019, local residents have done a petition and a survey within the area, we would like to present it to Councillors
Tom Tsihlis	Speaking in support of the Heritage Conservation Areas proposed by Ryde Council as part of the Heritage Review 2019

ITEM 2 (continued)

ATTACHMENT 1

Name	Topic
David Hamley (representing the West Ryde Hotel)	Proposed Heritage Listings in the Ryde Council area, specifically the West Ryde Hotel
Jenny Steel	Support for the Heritage Review 2019, especially Darvall and Chatham Estates. HCA recognises their highly intact nature and historical significance to Ryde. My home is heritage listed. HCA has many benefits, allowing sympathetic property modifications while providing Council with certainty to protect the distinctive neighbourhood character
Dr Felix Lo (representing City of Ryde Chinese Community)	Community Appraisal of the Public Office of Deputy Mayor, Councillor Simon Zhou, working with Senior Citizens, Heritage Review 2019, access to services, misfortunes of the Yang Family from 2018 fire, Eastwood Neighbourhood Security Watch and Eastwood Lunar New Year Festival

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Maggio and Lane)

That the speaker who submitted a Request to Address Council on an Item after the midday deadline be allowed to address the meeting, the time being 8.25pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Frank Rayner	Notice of Motion 1 – Eastwood Shopping Centre

Note: Frank Rayner circulated a document to all Councillors and a copy is ON FILE.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Maggio and Purcell)

That an additional speaker who submitted a Request to Address Council on an Item after the midday deadline be allowed to address the meeting, the time being 8.31pm.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
George Wu	Notice of Motion 1 – Eastwood Shopping Centre

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Maggio and Lane)

Note: Councillor Lane left the meeting at 8.40pm and was not present for voting on this Item.

That a further speaker who submitted a Request to Address Council on an Item after the midday deadline be allowed to address the meeting, the time being 8.40pm.

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

Record of Voting:

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

Against the Motion: Councillors Clifton and Kim

Note: Councillor Lane returned to the meeting at 8.41pm.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Chris DeBruyne	Notice of Motion 1 – Eastwood Shopping Centre

ITEM 2 (continued)

ATTACHMENT 1

NOTICE OF MOTION

1 EASTWOOD SHOPPING CENTRE - Councillor Trenton Brown, Councillor Jordan Lane

Note: Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he knows the landowner, Mr Huang of the Eastwood Centre (may be former owner).

Note: Eunice Dumas (representing NoIRE), Lucy Lauria, Timothy Pinzone, Frank Rayner, George Wu and Christopher Debruyne addressed the meeting in relation to this Item.

Note: Councillor Lane tabled page 13 of Council's Code of Conduct – Standards of Conduct (April 2019) document in relation to this Item and a copy is ON FILE.

Note: Councillor Lane tabled page 33 of Council's Code of Conduct – Complaints Procedure (April 2019) document in relation to this Item and a copy is ON FILE.

Note: Councillor Lane tabled Council's Code of Conduct – Policy (April 2019) document in relation to this Item and a copy is ON FILE.

Note: Councillor Purcell tabled a brochure outlining Labour's achievements in Ryde and a copy is ON FILE.

MOTION: (Moved by Councillors Brown and Lane)

1. That the City of Ryde undertake the following actions:-
 - (a) Refer the allegations in the Australian Financial Review (AFR) of 30 October 2019 to the NSW Independent Commission Against Corruption (ICAC) for their full investigation and advice.
 - (b) Call upon the Mayor and Deputy Mayor to stand down from their positions in the interim, pending this investigation.
 - (c) That the Council co-operate fully with the ICAC and offer all information and assistance possible about the Yuhu Group Development Application for the Eastwood Shopping Centre.
2. That the City of Ryde write to the Northern Sydney Planning Panel and attempt to have the approval of the Eastwood Shopping Centre overturned and that its development be held in abeyance pending an investigation by the NSW ICAC.

ITEM 2 (continued)

ATTACHMENT 1

3. That the City of Ryde write to State and Federal Governments and seek the assets of the Yuhu Group at the Eastwood Shopping Centre being frozen until such time as the bona fide's of the Development Application process can be ascertained and consent given for this process and approval by the relevant authorities.

AMENDMENT: (Moved by Councillors Clifton and Purcell)

1. That the City of Ryde note that this matter has been referred to the NSW ICAC and request that the General Manager do the same.
2. That, should the ICAC decide to investigate, that the General Manager and Council Staff co-operate fully and offer all information and assistance possible about the Yuhu Development Application for the Eastwood Shopping Centre.
3. That the General Manager be delegated authority to undertake any legal action (including legal measures) to correct inaccurate media reports and public statements covering this matter.
4. That the General Manager report media organisations that fail to adequately retract and correct the record, to the Australian Press Council.

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Amendment. The voting on the Amendment was six (6) all. The Mayor used his casting vote in favour of the Amendment. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Amendment: Councillors Brown, Kim, Lane, Moujalli, Maggio and Yedelian OAM

FURTHER AMENDMENT: (Moved by Councillors Lane and Brown)

1. That the City of Ryde undertake the following actions:-
 - (a) Refer the allegations in the Australian Financial Review (AFR) of 30 October 2019 to the NSW Independent Commission Against Corruption (ICAC) for their full investigation and advice.
 - (b) Call upon the Mayor and Deputy Mayor to stand down from their positions in the interim, pending this investigation.

ITEM 2 (continued)

ATTACHMENT 1

- (c) That the Council co-operate fully with the ICAC and offer all information and assistance possible about the Yuhu Group Development Application for the Eastwood Shopping Centre.
2. That the City of Ryde write to the Northern Sydney Planning Panel and attempt to have the approval of the Eastwood Shopping Centre overturned and that its development be held in abeyance pending an investigation by the NSW ICAC.
 3. That the City of Ryde write to State and Federal Governments and seek the assets of the Yuhu Group at the Eastwood Shopping Centre being frozen until such time as the bona fide's of the Development Application process can be ascertained and consent given for this process and approval by the relevant authorities.
 4. That Council write to the President of LGNSW and the Office of Local Government encouraging them to conduct their own investigation and take or recommend appropriate disciplinary action should there be an adverse finding.

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

Record of Voting:

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

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

REQUEST FOR ITEM TO BE DEALT WITH IN SERIATIM

MOTION: (Moved by Councillors Kim and Zhou)

That this Item be dealt with in Seriatim.

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

Record of Voting:

For the Motion: Councillors Kim and Zhou

Against the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Lane, Maggio, Moujalli, Pedersen, Purcell and Yedelian OAM

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Clifton and Purcell)

1. That the City of Ryde note that this matter has been referred to the NSW ICAC and request that the General Manager do the same.
2. That, should the ICAC decide to investigate that the General Manager and Council Staff co-operate fully and offer all information and assistance possible about the Yuhu Development Application for the Eastwood Shopping Centre.
3. That the General Manager be delegated authority to undertake any legal action (including legal measures) to correct inaccurate media reports and public statements covering this matter.
4. That the General Manager report media organisations that fail to adequately retract and correct the record, to the Australian Press Council.

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Motion. The voting on the Motion was six (6) all. The Mayor used his casting vote for the Motion. The Motion was **CARRIED**.

Record of Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Kim, Lane, Moujalli, Maggio and Yedelian OAM

The meeting closed at 11.54pm.

CONFIRMED THIS 26TH DAY OF NOVEMBER 2019

Chairperson

3 ITEMS PUT WITHOUT DEBATE

Report prepared by: Civic Services Manager**File No.:** CLM/19/1/1/2 - BP19/1173

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, Council can determine those matters on the Agenda that can be adopted without the need for any discussion.

RECOMMENDATION:

That Council determine the Items on Council's Agenda that will be adopted without debate.

OR

That Council determine all Items on the Agenda.

4 **REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/19 held on 12 November 2019**

Report prepared by: Civic Services Manager

File No.: CLM/19/1/1/2 - BP19/1275

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 8/19 held on 12 November 2019. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 2, 6, 7 and 8 were dealt with by the Committee within its delegated powers.

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

3 SMALL GRANTS – ALLOCATION OF FUNDING ROUND 2, 2019

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council endorse funding to the following organisations in round 2 of the 2019 Small Grants as follows:

Organisation	Project	Funding Requested	Funding Granted	Project Description
Scout Association of Australia NSW Branch	District Rally 2020	\$250	\$250	An annual get together for the Ryde district scout group youth members.
Stryder Incorporated	Service promotion to CALD groups	\$1,500	\$1,500	Translated promotional content and service information for the Korean, Chinese and Farsi communities.
North Ryde Christian Church	Carols in the Park	\$2,000	\$2,000	Outdoor Christmas carols event for local families.
The Shepherd Centre for Deaf Children	Confident Kids	\$2,000	\$2,000	A social skills group therapy program for children in Ryde with hearing impairments.
TOTAL		\$5,750	\$5,750	

- (b) That funding of \$17,000 is available within the Community and Ranger Services Community Grants budget for round 2 of the 2019 Small Grants to fund the recommended applications totaling \$5,750. The remaining funds of \$11,250 be allocated to round 1 of the 2020 Community Grants.

- (c) That the successful grant applicants be informed in writing of the outcome of their applications.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** as it is outside the Committee's delegations.

ITEM 4 (continued)**4 RYDE YOUTH COUNCIL TERMS OF REFERENCE**

Note: Cosmin Luca addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

That consideration of this Item be deferred to the Works and Community Committee Meeting to be held on Tuesday, 11 February 2020.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** as substantive changes were made to the published recommendation.

5 ADOPTION OF THE MEADOWBANK AND MEMORIAL PARK MASTERPLAN AND PUBLIC EXHIBITION OF MEADOWBANK PARK PLAN OF MANAGEMENT

Note: Philip Mundy (representing NDJCA) and Mark Lockie (representing North West Sydney Football) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council adopts the Meadowbank Park and Memorial Park Masterplan, as prepared by Aspect Studios and dated July 2019.
- (b) That Council refer the draft Meadowbank Park Plan of Management dated July 2019 to the Minister for Lands and Forestry for approval to place on public exhibition as per the requirements of the Crown Lands Act (2016). Once approved the document be placed on exhibition and that submissions be received for a period of 42 days.
- (c) That a subsequent report be brought back to Council at the conclusion of the Meadowbank Park Plan of Management public exhibition period.
- (d) That Council write to thank the residents that participated in the development of the Master Plan and Plan of Management and inform them of this resolution.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** as Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

ATTACHMENTS

- 1 MINUTES - Works and Community Committee Meeting - 12 November 2019

ITEM 4 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 8/19**

Meeting Date: Tuesday 12 November 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.14pm

Councillors Present: Councillors Pedersen (Chairperson), Gordon and Purcell.

Apologies: Councillor Clifton.

Leave of Absence: Councillor Zhou.

Absent: Councillor Kim.

Staff Present: Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Manager Environment, Health and Building, Manager – Parks, Manager – RALC, Manager – Community and Ranger Services, Biosecurity Weeds Officer and Civic Support Officer.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Cosmin Luca	Item 4 – Ryde Youth Council Terms of Reference
Philip Mundy (representing NDJCA)	Item 5 – Adoption of the Meadowbank and Memorial Park Masterplan and Public Exhibition of Meadowbank Park Plan of Management
Mark Lockie (representing North West Sydney Football)	Item 5 – Adoption of the Meadowbank and Memorial Park Masterplan and Public Exhibition of Meadowbank Park Plan of Management

ITEM 4 (continued)

ATTACHMENT 1

1 CONFIRMATION OF MINUTES - Meeting held on 8 October 2019

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That the Minutes of the Works and Community Committee Meeting 7/19, held on 8 October 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That the Committee adopts Items 3, 6 and 7 on the Agenda as per the recommendations in the reports.

Record of Voting:

For the Motion: Unanimous

3 SMALL GRANTS – ALLOCATION OF FUNDING ROUND 2, 2019

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council endorse funding to the following organisations in round 2 of the 2019 Small Grants as follows:

Organisation	Project	Funding Requested	Funding Granted	Project Description
Scout Association of Australia NSW Branch	District Rally 2020	\$250	\$250	An annual get together for the Ryde district scout group youth members.
Stryder Incorporated	Service promotion to CALD groups	\$1,500	\$1,500	Translated promotional content and service information for the Korean, Chinese and Farsi communities.
North Ryde Christian Church	Carols in the Park	\$2,000	\$2,000	Outdoor Christmas carols event for local families.
The Shepherd Centre for Deaf Children	Confident Kids	\$2,000	\$2,000	A social skills group therapy program for children in Ryde with hearing impairments.
TOTAL		\$5,750	\$5,750	

- (b) That funding of \$17,000 is available within the Community and Ranger Services Community Grants budget for round 2 of the 2019 Small Grants to fund the recommended applications totaling \$5,750. The remaining funds of \$11,250 be allocated to round 1 of the 2020 Community Grants.

ITEM 4 (continued)

ATTACHMENT 1

- (c) That the successful grant applicants be informed in writing of the outcome of their applications.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** as it is outside the Committee's delegations.

6 BIOSECURITY WEEDS POLICY AND LOCAL PRIORITY WEEDS MANAGEMENT PLAN

RESOLUTION: (Moved by Councillors Purcell and Gordon)

- (a) That the Draft Biosecurity Weeds Policy and Draft Local Priority Weeds Management Plan be put on public exhibition for at least 28 days.
- (b) That on the completion of the public exhibition period, a further report be submitted to Council for determination.

Record of Voting:

For the Motion: Unanimous

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

7 CITY OF RYDE - DRAFT OPEN SPACE LIGHTING POLICY

RESOLUTION: (Moved by Councillors Purcell and Gordon)

- (a) That the draft "Open Space Lighting Policy" be placed on public exhibition inviting comment for a period of not less than twenty-eight (28) days.
- (b) That a further report be provided to Council should any objections be received during the consultation period.
- (c) That, if no objections are received during the consultation period, the Policy becomes adopted by Council.

Record of Voting:

For the Motion: Unanimous

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

ITEM 4 (continued)

ATTACHMENT 1

3 SMALL GRANTS – ALLOCATION OF FUNDING ROUND 2, 2019

Note: This Item was dealt with earlier in the meeting as set out in these Minutes.

4 RYDE YOUTH COUNCIL TERMS OF REFERENCE

Note: Cosmin Luca addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

That consideration of this Item be deferred to the Works and Community Committee Meeting to be held on Tuesday, 11 February 2020.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** as substantive changes were made to the published recommendation.

**5 ADOPTION OF THE MEADOWBANK AND MEMORIAL PARK
MASTERPLAN AND PUBLIC EXHIBITION OF MEADOWBANK PARK PLAN
OF MANAGEMENT**

Note: Philip Mundy (representing NDJCA) and Mark Lockie (representing North West Sydney Football) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council adopts the Meadowbank Park and Memorial Park Masterplan, as prepared by Aspect Studios and dated July 2019.
- (b) That Council refer the draft Meadowbank Park Plan of Management dated July 2019 to the Minister for Lands and Forestry for approval to place on public exhibition as per the requirements of the Crown Lands Act (2016). Once approved the document be placed on exhibition and that submissions be received for a period of 42 days.
- (c) That a subsequent report be brought back to Council at the conclusion of the Meadowbank Park Plan of Management public exhibition period.
- (d) That Council write to thank the residents that participated in the development of the Master Plan and Plan of Management and inform them of this resolution.

ITEM 4 (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 **26 NOVEMBER 2019** as Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

6 BIOSECURITY WEEDS POLICY AND LOCAL PRIORITY WEEDS MANAGEMENT PLAN

Note: This Item was dealt with earlier in the meeting as set out in these Minutes.

7 CITY OF RYDE - DRAFT OPEN SPACE LIGHTING POLICY

Note: This Item was dealt with earlier in the meeting as set out in these Minutes.

8 TRAFFIC AND PARKING MATTERS TABLED AT THE RYDE TRAFFIC COMMITTEE MEETING HELD ON 10 OCTOBER 2019

RESOLUTION: (Moved by Councillors Purcell and Gordon)

- (a) That subject to the availability of funds, Council implement the following recommendations:
1. The existing children's crossing on Cooney Street be removed.
 2. A Kiss and Ride zone be created on Marilyn Street along the Holy Spirit Catholic Primary School frontage.
 3. Access to the laneway that adjoins Holy Spirit Catholic Primary School property leading to Marilyn Street be provided by the school.
 4. Give way signage and line marking be provided at the following intersections:
 - a. intersection of Avon Road / Cooney Street
 - b. intersection of Avon Road / Marilyn Street
 - c. intersection of Pamela Street / Marilyn Street
 - d. intersection of Pamela Street / Amelia Street
 - e. intersection of Cooney Street / Wicks Road

ITEM 4 (continued)

ATTACHMENT 1

5. 5m of double barrier lines be marked at the following locations:
 - a. on Pamela Street at Marilyn Road
 - b. on Marilyn Street at Avon Road
 - c. on Amelia Street at Marilyn Road
 - d. on Cooney Street at Wicks Road
 6. Driveway delineation lines be marked at all driveways on Marilyn Street between Amelia Street and Avon Road.
 7. Roads and Maritime Services requested us to provide full red arrow protection at the signalised intersection of Wicks Road and Coxs Road during school hours times.
- (b) That subject to the availability of funds, Council implement the following recommendations:
1. The width of the kerb ramps at the pedestrian crossing on Kings Road at Brabyn Street is non-standard and needs to be widened to 3.6m. The pedestrian fencing at this location is also non-standard and needs replacement.
 2. Installation of pedestrian fencing in the vicinity of the pedestrian crossing on Brabyn Street to prevent parents from dropping their children on the approaches to the crossing.
 3. Driveway delineation lines be marked on driveways where the street has a school frontage.
 4. Centreline line marking on Kings Road be installed to counteract current visual misalignment.
 5. No Stopping restrictions, Give Way signage and delineation and centre line double barrier lines:
 - a. Intersection of Brabyn Street / Kings Road
 - b. Intersection of Brabyn Street / Boronia Lane
 - c. Intersection of Kings Road / Salter Crescent
 - d. Intersection of Boronia Lane / Lovell Road
 - e. Intersection of Henderson Street / Kings Road
 - f. Intersection of Henderson Street / Boronia Lane
 6. The access and egress driveways to the internal 'Kiss and Ride' zone on Brabyn Street to be clearly signposted.

ITEM 4 (continued)

ATTACHMENT 1

7. *No Right Turn* signage to be installed at the egress driveway on Brabyn Street
8. The afternoon *No Stopping* restrictions on Brabyn Street, east of the egress driveway be converted to include the morning drop off time period.
9. Residents be canvassed as to whether the boom gates on Brabyn Street should be closed between the hours of 9am – 4pm School Days Only.
10. Should one-way operation be considered the safest option, residents be canvassed as to whether Boronia Lane should be made one way in the southerly direction between Lovell Road and Brabyn Street.
11. Funding be provided in a future year program for modifications to the kerb alignment preceding the western boom gate to facilitate a turnaround facility for parents and carers utilising the kiss and drop zone, for the benefit of parents and carers utilising the Kiss and Drop zone when the western boom gate is closed.

Note: This proposal is not to proceed if the boom gate is to be opened at any time during school drop off/ pick up times

(c) That subject to the availability of funds, Council implement the following recommendations:

1. The existing children's crossing on Bennett Street be converted to a pedestrian crossing, with the design of the new crossing to comply with RMS technical directions. It will be relocated from its existing position and stepped back from the intersection with Mons Avenue, with pedestrian fencing to be installed to direct all pedestrians to use this new upgraded crossing.
2. It is proposed that the No Stopping restrictions associated with the raised pedestrian crossing on Mons Avenue be reduced in length to comply with statutory requirements and that the additional area be included in the existing Kiss and Ride zone that operates along the Mons Avenue school frontage.
3. It is proposed that 1/4P Mon-Fri 8am-6pm parking be installed along the Endeavour Street school frontage and 1/4P Mon-Fri 4pm-6pm parking be installed along the Mons Avenue school frontage.
4. The hours of operation of the part time bus zone on Endeavour Street at Bennett Street will be modified such that this will now become a full time bus zone between 8:30am – 3:30pm (to facilitate school excursions). This bus zone then becomes a ¼ P parking zone until 6.00pm to service the OOSC community.

ITEM 4 (continued)

ATTACHMENT 1

5. Residential driveways on streets that have a direct school frontage have driveway delineation lines marked to assist parents in parking appropriately. Where the distance between driveways is less than 5.4m then this area to be cross hatched to denote that it is illegal to park at this location.
 6. The School's Mons Avenue side frontage to be converted to a temporary bus zone when major school excursions occur. The School will be required to give Council 2 weeks advance notice, with Council to install the temporary bus zone signage. The School must indicate when and how many buses are expected to arrive in the morning and afternoon.
 7. Give way signage and delineation with 5m of BB line marking and statutory No Stopping lines be marked at the following intersections:
 - a. Intersection of Endeavour Street / Bennett Street
 - b. Intersection of Bennett Street / Mons Avenue
 8. Zig zag line marking be marked on both approaches to the at grade pedestrian crossing on Adelaide Street.
- (e) That Council installs 'No Parking' across the driveway of Our Lady Queen of Peace Primary School on Westminster Road, Gladesville.
- (f) That Council installs a 'No Stopping' zone at the end of Rothesay Avenue, Ryde to facilitate a turnaround area.
- (g)
1. That the Traffic Management Plan for the 2020 Lunar New Year Event, as provided by Traffic Plan Professionals, dated 26/9/19 for Saturday 8 February 2020 between 11am to 11:30pm be endorsed by the Ryde Traffic Committee, in accordance with the provisions provided under the Roads Act 1993, prior to being referred to the Works and Community Committee for final approval;
 2. That the traffic management plan detailed in 1 above be used for future Lunar New Year events for the same section of West Parade, Eastwood under delegated authority from City of Ryde Council, subject to similar arrangements being employed.
- (h) That Council installs a 'No Parking Saturday – April to August' zone from 6 Yangalla Street to 22 Yangalla Street, Marsfield.
- (j) That Council installs a "No Parking" zone on the northern side of Cobham Lane, Melrose Park.

ITEM 4 (continued)

ATTACHMENT 1

- (k) That Council installs a No Parking Zone across the access driveways serving 72-74 Agincourt Road, Marsfield, with a Mail Zone signposted from the access driveway serving 72 Agincourt Road to the property boundary of 70 and 72 Agincourt Road, Marsfield.
- (l) That Council installs a “No Stopping 8-9:30am & 2:30-4pm School Days Only” zone on northern side of Myra Avenue, Ryde along the school frontage immediately south of the access from Northcross Christian School.
- (m) That subject to the availability of funds, Council implement the following recommendations:
1. Provide a raised splitter island in the Rothesay Avenue approach to the roundabout. The island should be as wide as the swept path envelopes will allow. This is appreciating that the island is not likely to achieve the minimum 2.0m wide profile as a pedestrian refuge. Rather, any increase in width would be an improvement for pedestrian safety.
 2. Re-profile the northern island of the median refuge in the Belmore Street southern leg to resemble a splitter island to a roundabout. This should force more deflection in the northbound approach traffic stream as well as the southbound departing traffic stream.
 3. Convert the painted splitter island in the Belmore Street northern leg to a raised island. This should also take a wider profile to effect more deflection, especially for the southbound approach traffic.
 4. Convert the painted blister on the eastern side of Belmore Street in its approach to the roundabout to a raised island. This is to force a more deflected approach for southbound traffic.
 5. Extend the central island of the roundabout even if it no longer maintains a circular shape. The island would remain fully traversable so should not affect turning paths of longer vehicles.
 6. Prune the overhanging tree foliage on the north-western corner of the roundabout, to improve the sight line from eastbound drivers on Rothesay Avenue to the R1-3 ROUNDABOUT GIVE WAY sign.
 7. Prune the overhanging tree foliage on the eastern side of the roundabout, to improve the sight line from southbound drivers on Belmore Street to the R1-3 ROUNDABOUT GIVE WAY sign.
 8. Install a second R1-3 ROUNDABOUT GIVE WAY sign on the raised median in the Rothesay Avenue leg.
 9. Install a second R1-3 ROUNDABOUT GIVE WAY sign on the raised median in the Belmore Street North leg.

ITEM 4 (continued)

ATTACHMENT 1

10. Upgrade the kerb ramp on the southern side of Rothesay Avenue at the pedestrian refuge.
 11. Consider pedestrian fences on the north-western kerb return and the eastern side of Belmore Street to prevent pedestrian entry to the roadway, due to the lack of pedestrian crossing aid on this leg. This would be especially critical if the raised islands in items 3 and 4 are not provided.
 12. Provide a consistent and level, concrete-paved connection between the kerb crossing on the south-western corner of the intersection to the shared path through the parkland. Also improve the vertical profile of the shared path near its interface with the cobble-stone paved footpath. Provide a small R1-3 ROUNDABOUT GIVE WAY sign for the outbound direction from the parkland shared path at its interface with the roundabout. This is to force entering cyclists to adhere to the roundabout priority rule.
- (n) That Council holds the 2020 regular meetings of the Ryde Traffic Committee at 10am on the following dates (Meeting rooms to be confirmed):
- 20 January 2020
 - 20 February 2020
 - 19 March 2020
 - 16 April 2020
 - 11 May 2020
 - 12 June 2020
 - 10 July 2020
 - 13 August 2020
 - 10 September 2020
 - 8 October 2020
 - 5 November 2020
 - 7 December 2020
- (o) That Council installs 'No Stopping All other times' at the two existing 'No Parking 5am – 10am Tuesday' zones on the western side of Gerard Lane north of Gerard Street, Gladesville.
- (p) That Council installs a 5.4 metre long No Parking zone preceding the No Stopping zone outside 1 Hepburn Avenue, Gladesville.
- (q) That Council replaces existing 'Give Way' signs with a 'Stop' control on both approaches of Sewell Street at its intersection with Shepherd Street, Ryde.

ITEM 4 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 6.36pm.

CONFIRMED THIS 11TH DAY OF FEBRUARY 2020

Chairperson

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
7/19 held on 12 November 2019**

Report prepared by: Civic Services Manager
File No.: CLM/19/1/1/2 - BP19/1289

REPORT SUMMARY

Attached are the Minutes of the Finance and Governance Committee Meeting 7/19 held on 12 November 2019. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

The following Committee recommendations for Items 1, 3 and 4 are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees:

**1 CONFIRMATION OF MINUTES - Finance and Governance Committee
Meeting held on 8 October 2019**

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the Minutes of the Finance and Governance Committee 6/19, held on 8 October 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

**3 COR-RFT-04-19 AIR HANDLING UNITS FOR THE COMPETITION POOL AT
THE RALC**

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

- (a) Pursuant to clause 178 (1) (a) of the Local Government (General) Regulations 2005, Council accept the tender from ARA Mechanical, trading as Air Conditioning Engineering Services (ACES) Pty Ltd for the supply, install and commission of air handling units at the Ryde Aquatic Leisure Centre to the amount of \$825,800 (excluding GST).
- (b) That Council delegate to the General Manager the authority to enter into a contract with ARA Mechanical, trading as Air Conditioning Engineering Services (ACES) Pty Ltd 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.

ITEM 5 (continued)

(c) That Council advise all the respondents 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 **26 NOVEMBER 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

4 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

ATTACHMENTS

1 MINUTES - Finance and Governance Committee Meeting - 12 November 2019

ITEM 5 (continued)

ATTACHMENT 1

**Finance and Governance Committee
MINUTES OF MEETING NO. 7/19**

Meeting Date: Tuesday 12 November 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.47pm

Councillors Present: Councillors Clifton (Chairperson), Gordon, Pedersen and Purcell.

Apologies: Nil.

Absent: Councillor Kim.

Staff Present: Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Manager – RALC, Civic Services Manager and Civic Support Officer.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Finance and Governance Committee
Meeting held on 8 October 2019**

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the Minutes of the Finance and Governance Committee 6/19, held on 8 October 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Pedersen and Gordon)

That the Committee determine all Items on the Agenda.

ITEM 5 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION

ITEM 3 - COR-RFT-04-19 AIR HANDLING UNITS FOR THE COMPETITION POOL AT THE RALC

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.

ITEM 4 - 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.

RESOLUTION: (Moved by Councillors Purcell and Pedersen)

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

Record of Voting:

For the Motion: Unanimous

Note: The Committee closed the meeting at 6.50pm. The public and media left the chamber.

ITEM 5 (continued)

ATTACHMENT 1

3 COR-RFT-04-19 AIR HANDLING UNITS FOR THE COMPETITION POOL AT THE RALC

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

- (a) Pursuant to clause 178 (1) (a) of the Local Government (General) Regulations 2005, Council accept the tender from ARA Mechanical, trading as Air Conditioning Engineering Services (ACES) Pty Ltd for the supply, install and commission of air handling units at the Ryde Aquatic Leisure Centre to the amount of \$825,800 (excluding GST).
- (b) That Council delegate to the General Manager the authority to enter into a contract with ARA Mechanical, trading as Air Conditioning Engineering Services (ACES) Pty Ltd 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

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

4 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

ITEM 5 (continued)

ATTACHMENT 1

OPEN SESSION

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That the Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 6.58pm.

The meeting closed at 6.58pm.

CONFIRMED THIS 11TH DAY OF FEBRUARY 2020

Chairperson

6 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 7/19 held on 12 November 2019

Report prepared by: Civic Services Manager
File No.: CLM/19/1/1/2 - BP19/1290

REPORT SUMMARY

Attached are the Minutes of the Ryde Central Committee Meeting 7/19 held on 12 November 2019. The Minutes will be listed for confirmation at the next Ryde Central Committee Meeting.

The following Committee recommendations for Items 1 and 3 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 8 October 2019

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the Minutes of the Ryde Central Committee Meeting 6/19, held on 8 October 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

3 RYDE CENTRAL PROJECT UPDATE

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That Council receives and notes this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS**1 MINUTES - Ryde Central Committee Meeting - 12 November 2019**

ITEM 6 (continued)

ATTACHMENT 1

**Ryde Central Committee Meeting
MINUTES OF MEETING NO. 7/19**

Meeting Date: Tuesday 12 November 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.15pm

Councillors Present: Councillors Gordon (Chairperson), Pedersen and Purcell.

Apologies: Councillor Clifton.

Absent: Councillor Kim.

Staff Present: Director – Customer and Community Services, Director – Corporate Services, Director – City Works and Civic Services Manager.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 8 October 2019

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That the Minutes of the Ryde Central Committee Meeting 6/19, held on 8 October 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Purcell and Pedersen)

That the Committee determine all Items on the Agenda.

Record of Voting:

For the Motion: Unanimous

ITEM 6 (continued)

ATTACHMENT 1

3 RYDE CENTRAL PROJECT UPDATE

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

That Council receives and notes this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 NOVEMBER 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 7.22pm.

CONFIRMED THIS 11TH DAY OF FEBRUARY 2020

Chairperson

7 INVESTMENT REPORT AS AT 31 OCTOBER 2019

Report prepared by: Chief Financial Officer**File No.:** COR2019/82 - BP19/1344

REPORT SUMMARY

This report details Council's performance of its investment portfolio as at 31 October 2019 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio and loan liabilities.

Council's return for the reporting period is 2.39%, which is 1.44% above the benchmark figure of 0.95%.

Income from interest on investments and proceeds from sale of investments totals \$2,087K for the financial year to date, which is \$256K above the 2019/20 year-to-date adopted budget of \$1,831K.

RECOMMENDATION:

That Council endorse the Investment Report as at 31 October 2019.

ATTACHMENTS

1 Investment Report Attachment – October 2019

Report Prepared By:

Pav Kuzmanovski
Chief Financial Officer

Report Approved By:

Steven Kludass
Director - Corporate Services

ITEM 7 (continued)

Discussion

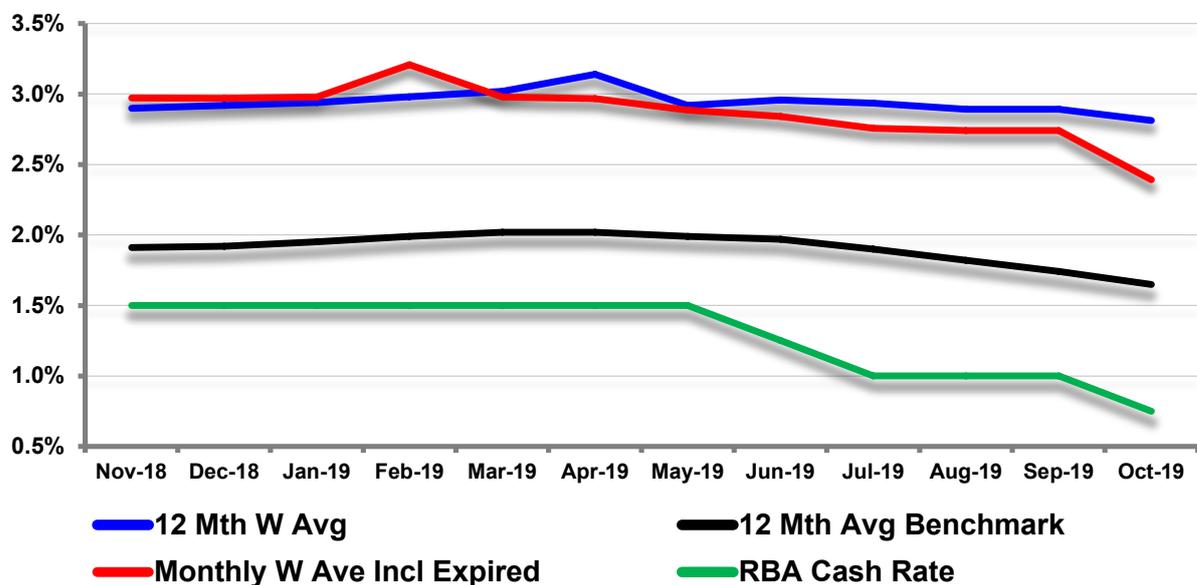
Council's Responsible Accounting Officer, is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the Local Government Act.

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for October 2019 and the past 12 months are as follows:

	Oct	12 Mth	FYTD
Council Return	2.39	2.81	2.59
Benchmark	0.95	1.65	1.10
Variance	1.44	1.16	1.49

Performance - All Investments



ITEM 7 (continued)

Council's investment portfolio as at 31 October 2019 was as follows:

Cash/Term Deposits	\$151.5M	62.7%
Floating Rate Notes	\$50.5M	20.9%
Fixed Bonds	\$39.6M	16.4%
Total Cash Investments	\$241.6M	
Investment Properties	\$156.8M	
Total Investments	\$398.4M	

Council's Investment Properties, valued as at 30 June 2019, are provided for in **ATTACHMENT 1**.

The valuations listed have been undertaken in accordance with the revaluation process to 'best use' by an independent valuer, in compliance with the Australian Accounting Standards.

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 180 days maturity) where more competitive rates are available.

Whilst Council has moved some of its investment portfolio out to longer terms to lock in future returns, it should be noted that there is approximately \$98.6 million of Council's funds held in Internal Reserves (as at 30 June 2019).

Council's income from investments continues to exceed budgeted expectations, primarily due to Council's cash reserves balances being higher than anticipated. These funds have been allocated as a part of the Delivery Program and will be utilised over the life of the program.

Loan Liability

Council's loan liability as at 31 October 2019 was \$1.44 million which represents the balance of two loans were established under the Local Infrastructure Renewal Scheme (LIRS). Council receives a 3% interest subsidy payment from the OLG twice a year.

1. A \$1.5M 10 year loan drawn down 31 January 2014 at 180 day BBSW +175 basis points for the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 2. The interest rate for this loan is reset every six months;
2. A \$1.5M 10 year loan drawn down 1 September 2014 at 4.95% for Phase 2 of the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 3.

ITEM 7 (continued)

INVESTMENT SUMMARY AS AT 31 OCTOBER 2019

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Oct-19 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2019	% of Total Invested	Maturity	Tenor
NAB	1. NAB Covered Bond	AAA	Y	3,742	3.10	3.11	3.11	1.55	16/03/2023	1826
Suncorp-Metway	2. Suncorp FRN (Covered)	AAA	N	4,000	2.03	2.77	2.22	1.66	22/06/2021	1826
ANZ	3. ANZ Fixed Bond	AA-	Y	1,499	3.16	3.16	3.20	0.62	18/01/2023	1826
ANZ	4. ANZ Fixed Bond	AA-	Y	1,999	1.56	1.56	1.56	0.83	29/08/2024	1827
ANZ	5. ANZ Fixed Bond	AA-	Y	1,990	1.67	1.67	1.67	0.82	29/08/2024	1805
ANZ	6. ANZ FRN	AA-	Y	4,000	2.10	2.85	2.31	1.66	7/04/2021	1826
ANZ	7. ANZ FRN	AA-	Y	1,500	1.80	2.46	1.96	0.62	18/01/2023	1826
ANZ	8. ANZ FRN	AA-	Y	2,000	1.89	2.59	2.11	0.83	9/05/2023	1826
ANZ	9. ANZ Fixed Bond	AA-	Y	2,999	3.13	3.15	3.17	1.24	8/02/2024	1826
ANZ	10. ANZ Floating TD	AA-	Y	4,000	2.48	3.20	2.72	1.66	10/11/2022	2557
ANZ	11. ANZ Flexi TD	AA-	Y	4,000	2.51	3.15	2.68	1.66	15/12/2022	2557
CBA	12. Bankwest 11am Account	AA-	Y	12,237	1.02	1.51	1.20	5.07		
CBA	13. CBA At Call Deposit	AA-	Y	2,028	0.51	1.31	0.96	0.84		
CBA	14. CBA Fixed Bond	AA-	Y	3,984	3.36	3.40	3.40	1.65	25/04/2023	1916
CBA	15. CBA MTN	AA-	Y	3,494	3.28	3.27	3.32	1.45	16/08/2023	1826
CBA	16. CBA Fixed Bond	AA-	Y	3,475	3.23	3.24	3.27	1.44	11/01/2024	1826
CBA	17. CBA FRN	AA-	Y	2,000	1.91	2.59	1.85	0.83	17/07/2020	1827
CBA	18. CBA FRN	AA-	Y	1,997	2.16	2.85	2.33	0.83	17/07/2020	1613
NAB	19. NAB Fixed Bond	AA-	Y	2,995	3.16	3.16	3.16	1.24	12/05/2021	1826
NAB	20. NAB Fixed Bond	AA-	Y	3,994	3.08	3.06	3.09	1.65	10/02/2023	1918
NAB	21. NAB Fixed Bond	AA-	Y	2,996	2.95	2.97	2.99	1.24	26/02/2024	1826
NAB	22. NAB FRN	AA-	Y	4,000	1.87	2.58	2.12	1.66	16/05/2023	1826
NAB	23. NAB FRN	AA-	Y	2,000	1.91	2.11	2.10	0.83	19/06/2024	1827
NAB	24. NAB Term Deposit	AA-	Y	4,000	1.74	1.74	1.74	1.66	30/04/2020	262
NAB	25. NAB Term Deposit	AA-	Y	4,000	1.53	2.63	2.43	1.66	28/05/2020	210
NAB	26. NAB Term Deposit	AA-	Y	4,000	1.74	1.74	1.74	1.66	24/03/2020	224
NAB	27. NAB TD	AA-	Y	4,000	1.53	2.62	2.42	1.66	28/05/2020	210
NAB	28. NAB TD	AA-	Y	4,000	1.93	1.93	1.93	1.66	14/04/2020	278
NAB	29. NAB Term Deposit	AA-	Y	4,000	1.71	2.54	2.21	1.66	23/06/2020	280
NAB	30. NAB TD	AA-	Y	4,000	3.35	3.35	3.35	1.66	18/09/2023	1827
Westpac	31. Westpac At Call	AA-	Y	13	0.14	0.32	0.16	0.01		
Westpac	32. Westpac FRN	AA-	Y	1,000	0.81	2.56	2.06	0.41	28/07/2020	1827
Westpac	33. Westpac Fixed Bond	AA-	Y	2,479	3.20	3.25	3.24	1.03	24/04/2024	1917
Westpac	34. Westpac Term Deposit 2	AA-	Y	2,000	1.66	1.73	1.66	0.83	28/09/2020	384
Westpac	35. Westpac Term Deposit	AA-	Y	4,000	3.55	3.55	3.55	1.66	22/02/2022	1825
Westpac	36. Westpac Term Deposit	AA-	Y	4,000	3.32	3.32	3.32	1.66	9/08/2022	1813
Westpac	37. Westpac Term Deposit	AA-	Y	2,000	3.38	3.38	3.38	0.83	18/08/2022	1815
Westpac	38. WBC Floating TD	AA-	Y	4,000	2.18	2.88	2.42	1.66	17/02/2022	1826
Westpac	39. Westpac TD	AA-	Y	4,000	3.14	3.14	3.14	1.66	2/11/2021	1461
Westpac	40. Westpac TD	AA-	Y	4,000	2.65	2.65	2.65	1.66	7/01/2020	365
Suncorp-Metway	41. Suncorp FRN	A+	N	800	1.08	2.96	2.49	0.33	20/10/2020	1827
Suncorp-Metway	42. Suncorp FRN	A+	N	1,000	1.94	2.66	2.20	0.41	16/08/2022	1826
Macquarie Bank	43. Macquarie Bank FRN	A	Y	750	2.08	2.76	2.31	0.31	3/03/2020	1827
Macquarie Bank	44. Macquarie Bank Term Deposit	A	Y	2,000	1.76	1.76	1.76	0.83	3/04/2020	226
AMP	45. AMP Business Saver	BBB+	Y	392	1.10	1.62	1.28	0.16		
AMP	46. AMP Floating Rate Note	BBB+	Y	1,999	2.15	2.15	2.15	0.83	10/09/2021	729
AMP	47. AMP Floating Rate Note	BBB+	Y	992	2.63	2.62	2.62	0.41	30/03/2022	917
AMP	48. AMP TD	BBB+	Y	1,000	2.25	2.83	2.25	0.41	30/07/2020	366
AMP	49. AMP TD	BBB+	Y	2,000	1.81	2.71	1.81	0.83	18/06/2020	251
Bank of Queensland	50. Bank of Queensland Fixed Bond	BBB+	Y	1,986	3.41	3.41	3.41	0.82	16/11/2021	1267
Bank of Queensland	51. Bank of Queensland TD	BBB+	Y	2,000	2.55	2.61	2.55	0.83	13/06/2024	1827
Bank of Queensland	52. Bank of Queensland TD	BBB+	Y	4,000	3.10	3.10	3.10	1.66	17/12/2020	1071
Bank of Queensland	53. Bank of Queensland TD	BBB+	Y	2,000	3.55	3.55	3.55	0.83	12/11/2020	1827
Bank of Queensland	54. Bank of Queensland TD	BBB+	Y	2,000	3.75	3.75	3.75	0.83	9/12/2021	1823
Bank of Queensland	55. BoQ Term Deposit	BBB+	Y	4,000	3.50	3.50	3.50	1.66	15/11/2022	1804
BankVic	56. BankVic	BBB+	N	2,000	1.95	2.37	1.95	0.83	14/05/2020	296
Bendigo and Adelaide Bank	57. Bendigo Fixed MTN	BBB+	N	2,000	3.54	3.52	3.54	0.83	25/01/2023	1826
Bendigo and Adelaide Bank	58. Bendigo Bank FRN	BBB+	N	1,000	2.09	2.78	2.32	0.41	18/08/2020	1827
Bendigo and Adelaide Bank	59. Bendigo and Adelaide Bank FRN	BBB+	N	1,997	2.12	2.75	2.26	0.83	25/01/2023	1532
Bendigo and Adelaide Bank	60. Rural Bank Term Deposit	BBB+	N	2,000	1.55	2.18	1.55	0.83	19/03/2020	203
Bendigo and Adelaide Bank	61. Rural Bank TD	BBB+	N	1,000	1.56	2.66	2.48	0.41	23/01/2020	91
Bendigo and Adelaide Bank	62. Bendigo Bank TD	BBB+	N	2,000	2.80	2.80	2.80	0.83	5/12/2019	728

ITEM 7 (continued)

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Oct-19 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2019	% of Total Invested	Maturity	Tenor
Heritage Bank	63. Heritage Bank FRN	BBB+	N	1,300	2.30	2.98	2.47	0.54	4/05/2020	1096
Heritage Bank	64. Heritage Bank FRN	BBB+	N	1,400	2.21	2.93	2.40	0.58	29/03/2021	1096
Heritage Bank	65. Heritage Bank FRN	BBB+	N	2,001	1.78	1.78	1.78	0.83	12/08/2022	1085
Members Banking Group	66. RACQ FRN	BBB+	?	1,500	2.09	2.80	2.32	0.62	11/05/2020	731
MyState Bank	67. MyState Bank TD	BBB+	N	2,000	1.71	2.76	2.57	0.83	13/02/2020	119
MyState Bank	68. MyState Bank TD	BBB+	N	2,000	1.60	1.60	1.60	0.83	23/04/2020	226
Newcastle Perm Bldg Soc	69. Newcastle Perm Bldg Soc FRN	BBB+	N	1,000	2.27	3.03	2.48	0.41	7/04/2020	1827
Newcastle Perm Bldg Soc	70. Newcastle Perm Bldg Soc FRN	BBB+	N	999	2.51	3.27	2.72	0.41	7/04/2020	1352
Newcastle Perm Bldg Soc	71. Newcastle Perm Bldg Soc □	BBB+	N	2,000	3.05	3.05	3.05	0.83	27/01/2022	1092
Newcastle Perm Bldg Soc	72. Newcastle Perm Bldg Soc TD	BBB+	N	2,000	3.05	3.05	3.05	0.83	10/02/2022	1095
Aus Unity	73. Aus Unity Bank TD	BBB	?	2,000	1.55	2.70	2.49	0.83	30/07/2020	275
Bank Australia	74. Bank Australia	BBB	N	1,000	2.29	2.96	2.51	0.41	30/08/2021	1096
CUA	75. CUA FRN	BBB	N	1,000	2.02	2.02	2.02	0.41	24/10/2024	1827
CUA	76. CUA TD	BBB	N	2,000	3.00	3.00	3.00	0.83	3/12/2020	728
Defence Bank	77. Defence Bank TD	BBB	N	1,000	2.80	2.77	2.80	0.41	3/03/2020	364
Greater Bank	78. Greater Bank FRN	BBB	N	1,000	2.45	3.11	2.66	0.41	24/02/2020	1095
Me Bank	79. ME Bank At Call Account	BBB	N	810	1.06	1.67	1.26	0.34		
Me Bank	80. ME Bank FRN	BBB	N	1,500	2.23	2.94	2.45	0.62	9/11/2020	1096
Me Bank	81. ME Bank FRN	BBB	N	1,600	2.28	2.97	2.46	0.66	16/04/2021	1095
Me Bank	82. ME Bank TD	BBB	N	1,000	1.76	2.51	2.02	0.41	23/01/2020	170
Me Bank	83. ME Bank TD	BBB	N	2,000	2.39	2.39	2.39	0.83	7/11/2019	182
Me Bank	84. Members Equity TD	BBB	N	2,000	2.68	2.68	2.68	0.83	21/01/2020	327
P&N Bank	85. P&N Bank	BBB	N	1,000	3.50	3.50	3.50	0.41	2/11/2023	1821
Teachers Mutual Bank	86. Teachers Mutual Bank FRN	BBB	N	1,400	2.26	3.06	2.50	0.58	2/07/2021	1096
Auswide Bank	87. Auswide Bank TD	BBB-	N	2,500	2.06	2.45	2.06	1.03	4/02/2020	222
QBank	88. QBank FRN	BBB-	N	1,000	2.34	3.09	2.53	0.41	22/03/2021	1098
QBank	89. QBank FRN	BBB-	N	750	2.56	3.16	2.73	0.31	14/12/2021	1096
QBank	90. QBank Term Deposit	BBB-	N	1,000	2.81	2.84	2.81	0.41	12/12/2019	294
QBank	91. QBank TD	BBB-	N	1,000	2.55	2.70	2.55	0.41	7/05/2020	359
QBank	92. QBank TD	BBB-	N	1,000	2.80	2.80	2.80	0.41	7/11/2019	349
Bananacoast CU	93. Bananacoast CU TD	Unrated	N	2,000	2.95	2.95	2.95	0.83	13/02/2020	364
Bank of Sydney	94. Bank of Sydney TD	Unrated	?	1,000	1.62	2.69	2.48	0.41	2/07/2020	261
Bank of us	95. Bank of us TD	Unrated	?	1,000	2.80	2.80	2.80	0.41	10/12/2019	182
Bank of us	96. Bank of us TD	Unrated	?	1,000	2.21	2.50	2.21	0.41	10/12/2019	182
Capricornia CU	97. Capricornia CU TD	Unrated	N	2,000	1.85	1.85	1.85	0.83	29/04/2020	260
Coastline CU	98. Coastline Credit Union TD	Unrated	?	1,000	2.95	2.95	2.95	0.41	19/12/2019	386
Coastline CU	99. Coastline CU TD	Unrated	?	1,000	1.61	1.61	1.61	0.41	31/03/2020	173
Goldfields Money Ltd	100. Goldfields Money Ltd TD	Unrated	?	2,000	2.80	2.77	2.80	0.83	17/03/2020	369
Hunter United Credit Union	101. Hunter United Credit Union TD	Unrated	?	1,000	2.80	2.78	2.80	0.41	12/03/2020	366
Maitland Mutual	102. Maitland Mutual Bldg Soc TD	Unrated	N	1,000	2.75	2.73	2.75	0.41	10/03/2020	364
Maitland Mutual	103. Maitland Mutual	Unrated	N	1,500	1.91	2.57	1.91	0.62	7/05/2020	239
Police CU (SA)	104. Police CU - SA Term Deposit	Unrated	?	1,000	2.90	2.90	2.90	0.41	12/11/2019	362
Police CU (SA)	105. Police CU - SA	Unrated	?	1,000	2.90	2.90	2.90	0.41	7/11/2019	365
Queensland Country CU	106. QCCU TD	Unrated	?	1,000	2.75	2.74	2.75	0.41	10/03/2020	364
Regional Australia Bank	107. Regional Australia Bank TD	Unrated	N	2,000	3.10	3.10	3.10	0.83	13/08/2020	1093
South West CU	108. South West CU TD	Unrated	?	1,000	2.41	2.62	2.41	0.41	28/01/2020	257
Summerland CU	109. Summerland CU TD	Unrated	N	1,000	2.98	2.95	2.98	0.41	10/12/2019	364
Warwick CU	110. Warwick CU TD	Unrated	?	1,000	3.01	3.01	3.01	0.41	19/12/2019	386
Warwick CU	111. Warwick CU TD	Unrated	?	500	2.80	2.80	2.80	0.21	15/01/2020	321
Warwick CU	112. Warwick CU TD	Unrated	?	500	2.80	2.80	2.80	0.21	17/01/2020	323
WaW CU	113. WAW CU Coop	Unrated	N	2,000	2.26	2.26	2.26	0.83	12/12/2019	175
NAB	114. NAB FRN	#N/A	Y	2,000	2.09	2.75	2.25	0.83	5/11/2020	1827
				241,597	2.39	2.74	2.55	100		

ITEM 7 (continued)

*Monthly returns when annualised can appear to exaggerate performance

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

Return including Matured/Traded Investments

	Oct	12 Mth	FYTD
Weighted Average Return	2.39	2.81	2.59
Benchmark Return: AusBond Bank Bill Index (%)	0.95	1.65	1.10
Variance From Benchmark (%)	1.44	1.16	1.49

Investment Income

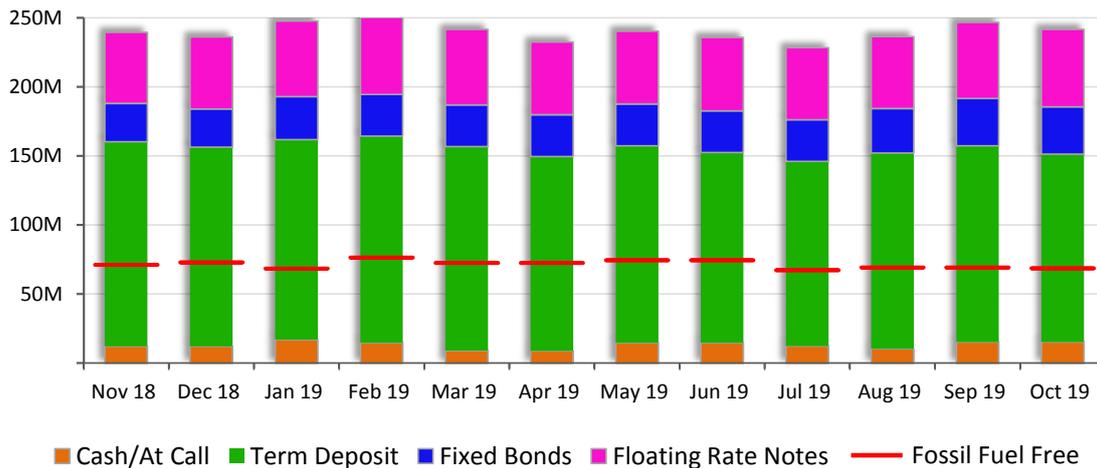
	\$000's
This Period	502
Financial Year To Date	2,087
Budget Profile	1,831
Variance from Budget - \$	<u>256</u>

Fossil Fuel Free (000's)

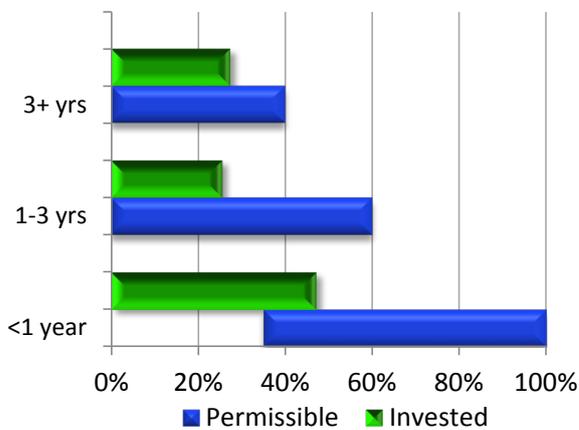
Yes	68,557
No	155,540
Unknown	17,500

Analysis of investments

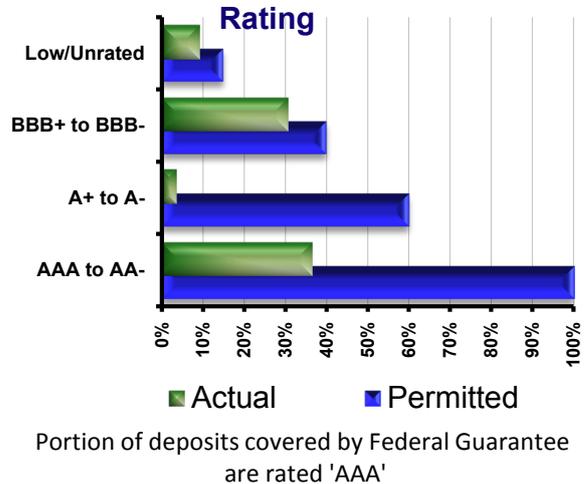
Total Funds Invested



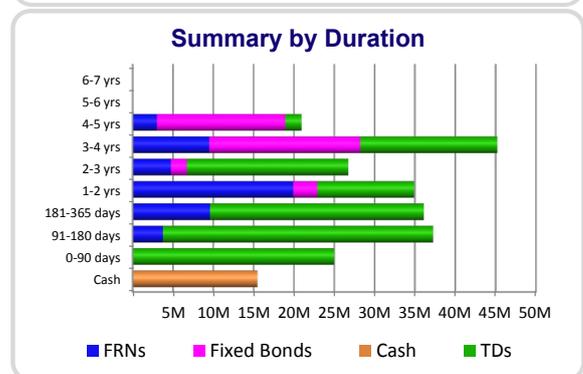
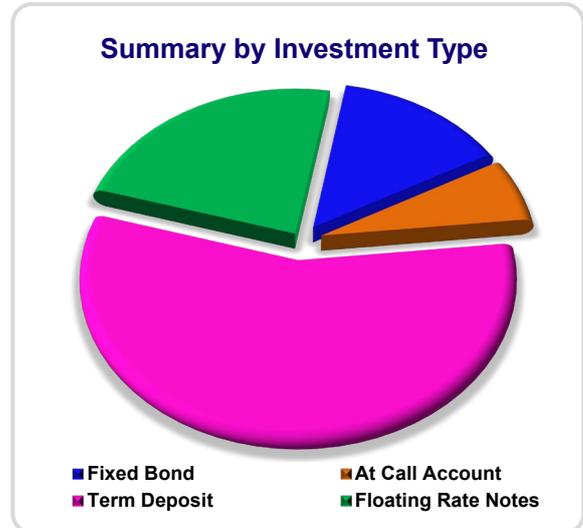
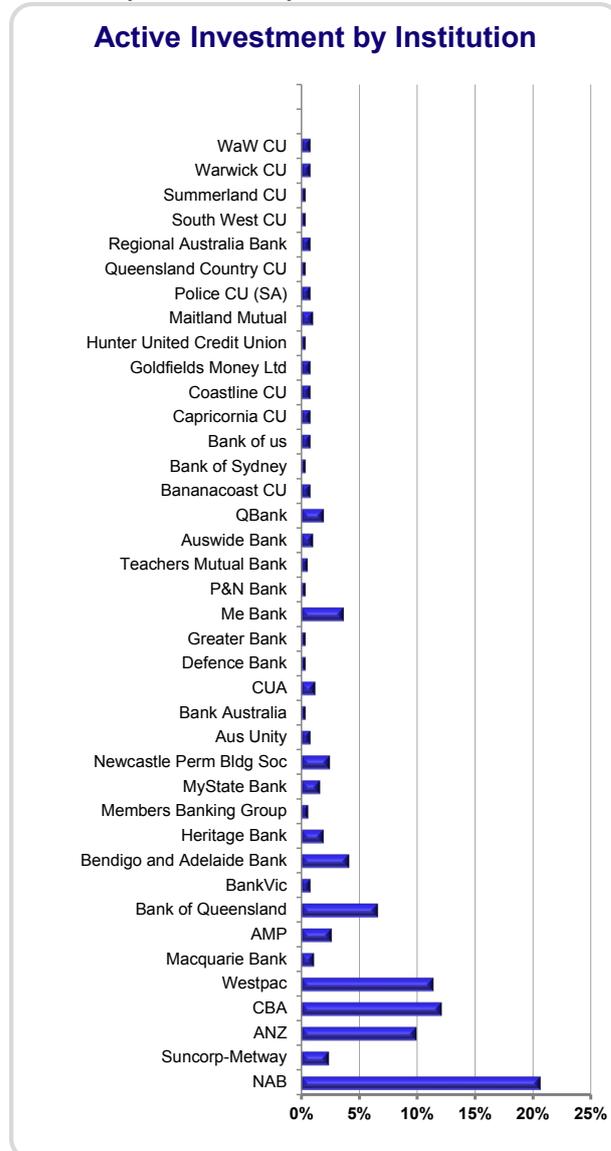
Policy Limits on Maturities



Investment Summary by Rating



ITEM 7 (continued)



	<365 days	>365 days
Cash/TDs	\$100.5M	\$51.0M
FRNs	\$13.3M	\$37.1M
Fixed Bonds	\$0.0M	\$39.6M
	\$113.8M	\$127.8M

Divestment of Fossil Fuel Aligned Financial Institutions

As at 31 October 2019, Council had a total amount of \$68.56 million (28.4% of Council’s total investment portfolio) invested in non-fossil fuel aligned financial institutions. A further \$17.5 million was invested in unrated financial institutions where their ‘alignment status’ is unclear/undetermined. It is almost certain all of these unrated financial institutions are non-fossil fuel aligned institutions as their lending profiles are almost identical to other unrated institutions. If it assumed those institutions are non-fossil fuel aligned financial institutions, then the total amount is \$86.06 million (35.6% of Council’s total investment portfolio).

By way of comparison, Council had \$50.5 million (24.5% of its total investment portfolio) invested in non-fossil fuel aligned financial institutions, as at policy inception on 31 January 2018.

ITEM 7 (continued)**Financial Implications**

Council's return for the reporting period is 2.39%, which is 1.44% above the benchmark figure of 0.95%. Income from interest on investments and proceeds from sales of investments totals \$2,087K for the 3 months ending 31 October 2019 and is \$256K above the 2019/20 year-to-date adopted Budget of \$1,831K.

Summary

Council's investment portfolio continues to perform well with returns well above benchmark. The recommendation in this report is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Councils.

Certificate of the Chief Financial Officer (Responsible Accounting Officer)

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

Pav Kuzmanovski
Chief Financial Officer

ITEM 7 (continued)

ATTACHMENT 1

Council's Property Investment Portfolio

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

Property	\$' M
1A Station St, West Ryde	0.96
2 Dickson Ave, West Ryde	1.30
8 Chatham Rd, West Ryde	1.49
202 Rowe Street, Eastwood	4.10
226 Victoria Rd, Gladesville	0.44
7 Anthony Road, West Ryde	5.23
7 Coulter Street, Coulter St Car Park, Gladesville	22.18
6-12 Glen Street, Glen Street Car Park, Eastwood	36.82
2 Pittwater Road, John Wilson Car Park, Gladesville	8.82
150 Coxs Road, Cox Rd Car Park, North Ryde	1.65
33-35 Blaxland Road, Argyle Centre, Ryde	5.63
19-21 Church Street and 16 Devlin Street, Ryde	11.00
6 Reserve Street, West Ryde	3.70
Herring Road Air Space Rights	0.55
741-747 Victoria Road, Ryde (Battery World)	7.13
53-71 Rowe Street, Eastwood	7.17
Total Investment Properties as per the Financial Statements	118.17
1 Constitution Road, Operations Centre, Ryde ⁽¹⁾	38.62
PROPERTIES HELD FOR RE-SALE	156.79

(1) The value for this is currently held in Non-Current Assets in Note 9, and once vacated by Council; it will be transferred to Investment Properties within the Financial Statements.

(2) The above figures refer to the land only as valued at "best use", and do not include the value of any structures.

Benchmark

The Bloomberg Ausbond Bank Bill index is constructed as a benchmark to represent the performance of a passively managed short-term money market portfolio. It comprises thirteen Bank Bills of equal face value, each with a maturity seven days apart. The average term to maturity is approximately 45 days.

A Bank Bill is a non-interest bearing security issued by a bank whereby the bank takes on an obligation to pay an investor a fixed amount (face value) at a fixed future date. It is sold to an investor at a discount to the face value. Bank Bills are short-term money market investments with maturities usually between 30 days and 180 days.

ITEM 7 (continued)

ATTACHMENT 1

Types of Investments

The following are the types of investments held by Council:

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

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

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

Credit Rating Information

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

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

AAA: the best quality companies, reliable and stable

AA: quality companies, a bit higher risk than AAA

A: economic situation can affect finance

BBB: medium class companies, which are satisfactory at the moment

BB: more prone to changes in the economy

B: financial situation varies noticeably

CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments

CC: highly vulnerable, very speculative bonds

C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations

D: has defaulted on obligations and it is believed that it will generally default on most or all obligations

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

ITEM 7 (continued)

ATTACHMENT 1

Council's Investment Powers

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

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

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

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

8 SEPTEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PROGRAM 2019-2023 AND 2019/2020 OPERATIONAL PLAN

Report prepared by: Team Leader - Management Accounting
File No.: FIM/07/6/2/19/1 - BP19/1356

REPORT SUMMARY

Council's Four Year Delivery Program 2019-2023 and One Year 2019/2020 Operational Plan sets out the strategic and financial objectives for the year. These plans also detail the goals and performance measures for Council's seven key outcome areas, the services and projects that Council plans to deliver in 2019/2020.

The attached report includes details for each of the seven outcome areas and the twenty one program areas, detailing the targets adopted by Council and the performance to date in achieving those targets by 30 June 2020. Also shown is a financial performance summary for each key outcome area and a progress status report on all capital and non-capital projects by program area for the 2019/2020 financial year.

The proposed September 2019 quarter adjustments will have no net impact on Council's current working capital balance of \$4.50 million. This level of working capital is considered adequate given it maintain at Council's minimum uncommitted working capital balance of \$4.50 million.

This review brings to account additional Rates income, additional RMS grants, all of which are offset by expenditure and/or transfers to reserves.

RECOMMENDATION:

- (a) That the report of the September 2019 Quarterly Review Statement - Four Year Delivery Program 2019 - 2023 and One Year 2019/2020 Operational Plan, *Quarter One, July – September 2019* be received and endorsed by Council.
- (b) That the proposed budget adjustments (including reserve movements) resulting in no net impact on Council's projected Working Capital position of \$4.50 million (as at 30 June 2020) be endorsed by Council.

ATTACHMENTS

- 1 September Quarterly Review Report – Four Year Delivery Program 2019-2023 and 2019/2020 Operational Plan – CIRCULATED UNDER SEPARATE COVER

ITEM 8 (continued)

Report Prepared By:

Jifeng Huang
Team Leader - Management Accounting

Report Approved By:

Pav Kuzmanovski
Chief Financial Officer

Steven Kludass
Director - Corporate Services

ITEM 8 (continued)

Discussion

The Local Government (General) Regulations 2005 (Clause 203) requires a quarterly budget review to be considered by Council, which shows revised estimates for income and expenditure for the financial year indicating whether Council's financial position is satisfactory and makes recommendations for remedial action where needed.

The Quarterly Budget Review Statement (QBRS) is prepared in accordance with the requirements of the Code of Accounting Practice and Financial Reporting. This report provides a comprehensive high level overview of Council's financial position as at 30 September 2019. All forecast results are projections as at 30 June 2020.

In addition to the above requirements, a number of other documents are included in the report to ensure Council is informed of Council activities and the tracking of these activities. This includes the *Quarterly Review Report, Four Year Delivery Program 2019-2023 including One Year 2019/2020 Operational Plan, Quarter One, July – September 2019* which is provided for in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER** and includes:

- General Manager's Introduction – including financial management and corporate performance overview, providing a 'snapshot' of Council's performance during the quarter.
- Outcome Summaries – including overview, operational indicators, financial summaries, performance measures and a summarised status of all of Council's capital and non-capital projects.
- Reserves Listing Report – outlines the opening balance, approved budgeted transfers to/from reserves and proposed additional transfers to/from reserves, with a projected balance as at 30 June 2020.
- Quarterly Changes Report – provides comments and details of those budget items that are proposed to be increased or decreased in the 2019/2020 budget.
- Consolidated income and expenditure estimates 2019/2020, summary of the budget in two pages, showing the original budget and quarterly review adjustments.

Budget Adjustments

The 2019 September Quarter budget adjustments are outlined below along with Council's working capital summary.

ITEM 8 (continued)
Working Capital Summary

Following the completion of the Financial Statements, Council had a Working Capital of \$5.01 million, as at 30 June 2019. In the adopted 4 Year Delivery Program and 1 Year Operational Plan 2019/2020, Council's forecasted available Working Capital position was \$4.50 million at 30 June 2020.

In the September Quarterly Review, the proposed budget adjustments will result in no changes to Council's Working Capital of a projected balance as at 30 June 2020 of \$4.50 million

Opening Working Capital	\$5.01m
2019/2020 Operational Plan	\$0.51m
Revised Working Capital	\$4.50m
September Adjustments	\$0
Closing Working Capital	\$4.50m

The following are the major changes proposed, with a complete listing provided in the circulated document and more detailed explanations in each outcome area of that document.

Working Capital Budget Reconciliation	Net Change	Item Reference
<u>Operating Revenue</u>		
Rates & Annual Charges	+\$1,065K	1
User Charges and Fees	-\$603K	2
Other Operating Revenue	+\$404K	3
Operating Grants and Contributions	-\$1,732K	4
Total Net Change in Operating Revenue	-\$866K	
<u>Operating Expenditure</u>		
Employee Costs	+\$1,113K	5
Materials and Contracts	+\$678K	6
Other Operating Revenue	+196K	7
Total Net Change in Operating Expenditure	+\$1,987K	
<u>Capital Income</u>		
Capital Grants and Contributions	+\$1,325K	8
Total Net Change in Operating Result (Including Capital Income)	-\$1,528K	

ITEM 8 (continued)

Working Capital Budget Reconciliation	Net Change	Item Reference
<u>Capital Expenditure</u>		
Capital Grants and Contributions	+\$6,732K	9
<u>Reserve Movements</u>		
Capital Grants and Contributions	+\$8,260K	10
Total Net Change in Working Capital	\$0K	

Operating Revenue

1. \$1,065K increase in Rates and Charges income forecast offset by \$505K transfer to reserve relating to restricted rates and charges revenue;
2. \$603K net reduction of overestimated Development Application and Compliance fees.
3. \$404K net increase in budget relating to legal/insurance settlements, enforcement revenue (Building and Land Program) and additional rental income not previously budgeted.
4. \$1,732K reduction in Operating Grants and Contributions reflected as follows:
 - \$1,807K reduction in Financial Assistance Grant received in 2018/19 financial year offset by a release from reserve restricted last financial year (\$1,870K)
 - \$75K increase in Library and other operating grants received for the 2019/20 financial year.

Operating Expenditure

5. \$1,113K increase in Employee costs which is primarily offset by a reduction in the Materials and Contracts budget (recognising this is where they were originally budgeted for – refer to Item 6, point 4 below - \$790K);
6. \$678K net increase in Materials and Contracts, primarily relating to the following:
 - Asset Data collection endorsed by Council at its October 2019 meeting funded by reserve (\$600K funded by Reserve).
 - Increase in DWM related disposal fees funded by reserve (\$480K)
 - Other small scale projects (ICT, Plans and Studies etc) funded by reserve (\$388K)
 - Net reduction of Materials and Contracts budget to offset Salaries and Wages increase (\$790K)
7. \$196K net increase in budget primarily relating to ICT software costs (\$140K) not originally budgeted.

ITEM 8 (continued)Capital Income

8. \$1,325K increase in Capital Grants and Contributions primarily from an additional RMS grant received relating to the Pittwater Road Shared User Path – Epping Road to Victoria Road Project (\$1,155K) and Street Tree Planting (\$150K).

Capital Expenditure

9. \$6,732K increase in Capital Expenditure relating primarily to the following projects:
- Pittwater Road Shared User Path – Epping Road to Victoria Road Project (\$2,310K) funded 50/50 by Capital Income (refer to Item 8 - \$1,155K) and Reserve (\$1,155K)
 - Cycle way Expansions Cluster funded by Reserve (\$1,561K)
 - Shrimptons Creek Corridor Embellishment Project funded by Reserve (\$700K)
 - ICT Capital projects funded by reserve (\$651K)
 - Giffnock Ave Footpath Upgrade Project funded by Reserve (\$400K)
 - Street Tree Planting project funded by Capital Grants (\$150K)
 - Other Infrastructure projects (Stormwater, Roads, Traffic, Footpath, Sportfields) funded by reserve (\$960K)

Reserves

10. \$8,260K increase in Reserve drawdown relating primarily to the following:
- Decrease in reserve drawdown with additional funds being transferred to reserve relating to additional rates income (refer to Item 1 - \$505K)
 - Increase in reserve drawdown relating to release of Financial Assistance Grant prepayment restricted in 18/19 financial year (refer to Item 4, point 1 - \$1,870K)
 - Increase in reserve drawdown relating to Asset Data Collection project (refer to Item 6, point 1 - \$600K)
 - Increase in reserve drawdown relating to increase DWM disposal costs (refer to Item 6, point 2 - \$480K)
 - Increase in reserve drawdown relating to small scale projects (refer to Item 6, point 3 - \$388K)
 - Increase in reserve drawdown relating to increase Capital Expenditure (refer to Item 9 - \$5,427K)

ITEM 8 (continued)**Financial Implications**

As a result of the September Quarterly Review, Council's available Working Capital is projected to be maintained at \$4.50 million as at 30 June 2020. There will be no net drawdown on working capital during this review.

Overall, Council's financial position and performance continues to be sound and will be continued to be monitored accordingly.

Certificate

In accordance with the Clause 203 of the Local Government (General) Regulations 2005, I report that the financial position of the Council was satisfactory as at 30 September 2019, having regard to the original estimates of income and expenditure.

Variations in total income, operating and capital expenditure as at 30 September 2019 are of a quantum and nature that overall end of year financial targets will be achieved.

Pav Kuzmanovski

Chief Financial Officer
Responsible Accounting Officer

14 November 2019

9 2018/2019 AUDITED FINANCIAL STATEMENTS - PRESENTATION BY AUDITORS

Report prepared by: Senior Coordinator - Financial Reporting and Operations
File No.: GRP/09/5/14 - BP19/1359

REPORT SUMMARY

This report is to present the audited 2018/19 Financial Statements in accordance with Section 419 of the Local Government Act, 1993.

Council's external auditors, the Audit Office of NSW will make a presentation to Council and answer questions in respect of the 2018/19 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 2018/19 Annual Financial Statements for the year ended 30 June 2019.
- (b) That any public submissions on the 2018/19 Financial Reports be referred to Council's auditors, the Audit Office of NSW.

ATTACHMENTS

1 Financial Statements – 2018/19 CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Christine Joyce
Senior Coordinator - Financial Reporting and Operations

Report Approved By:

Pav Kuzmanovski
Chief Financial Officer

Steven Kludass
Director - Corporate Services

ITEM 9 (continued)**Discussion**

Council's Financial Statements, which includes the Auditor's Reports for 2018/19 have been completed and are **CIRCULATED UNDER SEPARATE COVER**.

The Financial 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

The Auditors have issued an unqualified opinion in the Audit Report.

Council at its meeting of 29 October 2019 resolved to endorse the Draft 2018/19 Financial Statements for the year ended 30 June 2019. The Audit Office of NSW have since provided Council with their Auditor's Reports that are now included in the 2018/19 Financial Statements. These were submitted to the Office of Local Government on 30 October 2019, meeting the statutory deadline of 31 October 2019.

The Financial Statements have been placed on public exhibition since 13 November 2019 and are currently open for submissions. In accordance with Section 420 of the Local Government Act 1993, submissions relating to the Financial Statements will be received up to 3 December 2019, 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. No public submissions had been received at the time of writing this report.

10 2019/2020 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND GENERAL MANAGER

Report prepared by: Civic Services Manager**File No.:** CLM/19/1/1/2 - BP19/995

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 11 December 2019 to 11 February 2020.

This report also seeks Council's endorsement for Steven Kludass, Director – Corporate Services to act as General Manager while the incumbent General Manager is on leave.

RECOMMENDATION:

- (a) That during the period 11 December 2019 to 11 February 2020, 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 25 February 2020, if required.
- (c) That Council endorse Steven Kludass, Director – Corporate Services to act as General Manager for the period 6 January 2020 to 24 January 2020, while the incumbent General Manager is away on leave.

ATTACHMENTS

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

Report Prepared By:

Amanda Janvrin
Civic Services Manager

Report Approved By:

Joe So
Executive Manager - Strategy and Innovation

ITEM 10 (continued)

Report

In accordance with the Meeting Schedule endorsed by Council, the final Council meeting for the year is Tuesday, 10 December 2019. The first Committee meetings in 2020 will be held on Tuesday, 11 February 2020. 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 10 December 2019 is the final Council Meeting scheduled for 2019, 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:

- (a) *to be the leader of the Council and a leader in the local community,*
- (b) *to advance community cohesion and promote civic awareness,*
- (c) *to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,*
- (d) *to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,*
- (e) *to preside at meetings of the Council,*
- (f) *to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) *to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,*

ITEM 10 (continued)

- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,*
- (k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*
- (m) to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the Councillors, to lead performance appraisals of the General Manager,*
- (o) to exercise any other functions of the Council that the Council determines.*

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:

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 11 December 2019 to 11 February 2020 will be reported to the Council Meeting to be held 25 February 2020 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.

ITEM 10 (continued)**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.

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.*

- (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 Steven Kludass, Director – Corporate Services to act in the position of General Manager for the period 6 January 2020 to 24 January 2020, while the incumbent General Manager is away on leave.

ITEM 10 (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,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,

ITEM 10 (continued)

ATTACHMENT 1

- (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.

11 ANNUAL REPORT ON CODE OF CONDUCT COMPLAINTS STATISTICS

Report prepared by: Manager - Corporate Governance
File No.: GRP/09/5/14 - BP19/1304

REPORT SUMMARY

This report provides details of Code of Conduct complaints received between 1 September 2018 and 31 August 2019, in accordance with Part 11 of the City of Ryde Code of Conduct – Complaints Procedure. Part 11 also requires that these Code of Conduct statistics be provided to the Office of Local Government by 31 December 2019.

RECOMMENDATION:

- (a) That Council note the **ATTACHED** table of Code of Conduct complaints for the period from 1 September 2018 to 31 August 2019.
- (b) That Council provide these statistics to the Office of Local Government as required by the Model Code of Conduct – Complaints Procedure.

ATTACHMENTS

- 1 Code of Conduct Complaints Report - Data Collection 2018-19 Return

Report Prepared By:

John Schanz
Manager - Corporate Governance

Report Approved By:

Steven Kludass
Director - Corporate Services

ITEM 11 (continued)**Discussion**

Part 11 of Council's Code of Conduct – Complaints Procedure, requires Council's Complaints Coordinator to submit statistics relating to Code of Conduct complaints about Councillors and the General Manager to Council within 3 months of the end of September each year. This information is also to be reported to the Office of Local Government (OLG) by the same date.

This complaints procedure and reporting requirement reflects the Local Government Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2018.

The attached table of statistics follows the prescribed form, as issued by the OLG on 29 October 2019. As in previous years, the OLG has requested that these statistics be submitted by 30 November 2019.

ATTACHMENT 1 details the Code of Conduct Complaints Statistics for the period 1 September 2018 to 31 August 2019.

Financial Implications

The total cost of managing complaints made about Councillors and the General Manager during the period 1 September 2018 to 31 August 2019, as provided in the complaints statistics report, was \$28,801. This total was made up of \$5,101 for external conduct review costs, and an estimated \$23,700 relating to staff costs.

There is sufficient funding available in the base budget for these costs.

Critical Dates

In accordance with Part 11 of the Code of Conduct Complaints Procedure, these statistics are to be presented to Council by 31 December 2019. However, as in previous years, the OLG has asked that they receive these statistics by 30 November 2019.

Should Council not consider this report at the meeting of 26 November 2019, the OLG's request will be unable to be met. It is also possible that the statutory deadline of 31 December 2019 may be missed. If these timelines are not met Council will be shown on the OLG website as not submitting a response in relation to this data.

ITEM 11 (continued)

ATTACHMENT 1

Model Code of Conduct Complaints Statistics Ryde City Council			
Number of Complaints			
1	a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	4
	b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	5
Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	5
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	3
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	2
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	2
	g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h	The number of finalised complaints investigated where there was found to be no breach	1
	i	The number of finalised complaints investigated where there was found to be a breach	3
	j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	2
	k	The number of complaints being investigated that are not yet finalised	2
	l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	28,801
Preliminary Assessment Statistics			
3		The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
	a	To take no action	0
	b	To resolve the complaint by alternative and appropriate strategies	2
	c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	1

ITEM 11 (continued)

ATTACHMENT 1

d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
e	To investigate the matter	2
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0
Investigation Statistics		
4	The number of investigated complaints resulting in a determination that there was no breach, in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education	1
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures	3
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	1
c	That the subject person be counselled for their conduct	3
d	That the subject person apologise to any person or organisation affected by the breach	1
e	That findings of inappropriate conduct be made public	1
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	1
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	1
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures and clause 7.20 of the new Procedures	0
Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	1
b	Conflict of interest (FMCC Part 4) and Non-pecuniary conflict of interest (NMCC Part 5)	0
c	Personal benefit (FMCC Part 5 / NMCC Part 6)	2
d	Relationship between council officials (FMCC Part 6 / NMCC Part 7)	0
e	Access to information and resources (FMCC Part 7 / NMCC Part 8)	2

ITEM 11 (continued)

ATTACHMENT 1

Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

12 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014

Report prepared by: Manager - Development Assessment
File No.: GRP/09/6/11 - BP19/1231

REPORT SUMMARY

To ensure transparency and integrity within the planning framework, the Department of Planning, Industry and Environment requires a report to Council once a quarter in respect to all variations to development standards approved under Council Officers' delegation using Clause 4.6 of RLEP 2014.

This report details Development Applications approved in the period of 1 July to 30 September 2019 with a Clause 4.6 variation.

DA number	Address	Description of Proposal	Extent of variation & standard varied	Justification of variation	Delegation & Date of Determination
LDA2019/0162	2 Beattie Av, Denistone East	Alterations and first floor addition to existing dwelling.	1.3% (0.13m) variation to height	The proposed minor variation will allow an appropriate development and the overall height increase to 9.63m is in respect of the roof of the turret. This breach does not cause any unreasonable impacts on the adjoining properties.	Council Officers Delegated Authority 12/07/2019
LDA2019/0224	1 Lyonpark Rd, Macquarie Park	Re-development works at Optus Campus including installation of external canopies, modification to bus interchange, adjustment to car parking.	0.013% (727m ²) variation to floor space ratio to accommodate end of trip facilities and provision of air locks.	The additional floor space is within the existing building footprint and located central to the site and partly below ground level. The variation is minor. The non-compliance in FSR does not result in an exceedance in the height.	Council Officers Delegated Authority 16/08/2019

ITEM 12 (continued)

RECOMMENDATION:

That the report on the Clause 4.6 variations 1 July to 30 September 2019 be received and noted.

ATTACHMENTS

1 Circular - Clause 4.6

Report Prepared By:

Sandra Bailey
Manager - Development Assessment

Report Approved By:

Liz Coad
Director - City Planning and Environment

ITEM 12 (continued)

ATTACHMENT 1



Planning circular

PLANNING SYSTEM

Varying Development Standards

Circular	PS 18-003
Issued	21 February 2018
Related	Revokes PS17-006 (December 2017)

Variations to development standards

This circular is to advise consent authorities of arrangements for when the Secretary's concurrence to vary development standards may be assumed (including when council or its Independent Hearing and Assessment Panel are to determine applications when development standards are varied), and clarify requirements around reporting and record keeping where that concurrence has been assumed.

Overview of assumed concurrence

This circular replaces Planning Circular PS 17-006 and issues revised assumed concurrence, governance and reporting requirements for consent authorities.

All consent authorities may assume the Secretary's concurrence under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards*.

However the assumed concurrence is subject to conditions (see below).

The assumed concurrence notice takes effect immediately and applies to pending development applications.

Any existing variation agreed to by the Secretary of Planning and Environment to a previous notice will continue to have effect under the attached notice.

Assumed concurrence conditions

Lot size standards for dwellings in rural areas

The Secretary's concurrence may not be assumed for a development standard relating to the minimum lot size required for erection of a dwelling on land in one of the following land use zones, if the lot is less than 90% of the required minimum lot size:

- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition
- Zone R5 Large Lot Residential
- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living

- a land use zone that is equivalent to one of the above land use zones

This condition will only apply to local and regionally significant development.

Numerical and non-numerical development standards

The Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

This restriction does not apply to decisions made by independent hearing and assessment panels, formally known as local planning panels, who exercise consent authority functions on behalf of councils, but are not legally delegates of the council (see section 231, to be renumbered 4.8 from 1 March 2018).

The purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation.

In all other circumstances, delegates of a consent authority may assume the Secretary's concurrence in accordance with the attached written notice.

Independent hearing and assessment panels

From 1 March 2018, councils in Sydney and Wollongong will be required to have independent hearing and assessment panels that will determine development applications on behalf of councils (see section 231, to be renumbered section 4.8 from 1 March 2018).

ITEM 12 (continued)

ATTACHMENT 1

Department of Planning and Environment – Planning Circular PS18-003

The attached notice allows independent hearing and assessment panels to assume the Secretary's concurrence because they are exercising the council's functions as a consent authority.

Independent hearing and assessment panels established by councils before 1 March 2018 also make decisions on behalf of councils. The attached notice applies to existing panels in the same way as it will apply to panels established after 1 March 2018.

Regionally significant development

Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened.

The restriction on delegates determining applications involving numerical or non-numerical standards does not apply to all regionally significant development. This is because all regionally significant development is determined by a panel and is not delegated to council staff.

However, the restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will continue to apply to regionally significant development. The Secretary's concurrence will need to be obtained for these proposals in the same way as it would for local development.

State significant development and development where a Minister is the consent authority

Consent authorities for State significant development (SSD) may also assume the Secretary's concurrence where development standards will be contravened. This arrangement also applies to other development for which a Minister is the consent authority for the same reasons.

Any matters arising from contravening development standards will be dealt with in Departmental assessment reports.

The restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will not apply to SSD or where a Minister is the consent authority for the same reasons.

Notification of assumed concurrence

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, consent authorities are notified that they may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP (or any other provision of an environmental planning instrument to the same effect), or clause 6 of SEPP 1.

The notice takes effect on the day that it is published on the Department of Planning's website (i.e. the date of issue of this circular) and applies to pending development applications.

Procedural and reporting requirements

In order to ensure transparency and integrity in the planning framework the below Departmental monitoring and reporting measures must be followed when development standards are being varied:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted to developmentstandards@planning.nsw.gov.au within 4 weeks of the end of each quarter (ie March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council meeting at least once each quarter.

Councils are to ensure these procedures and reporting requirements are carried out on behalf of Independent Hearing and Assessment Panels and Sydney district or regional planning panels.

Audit

The Department will continue to carry out random audits to ensure the monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy.

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development.

Further information

A Guide on Varying Development Standards 2011 is available to assist applicants and councils on the procedures for managing SEPP 1 and clause 4.6 applications to vary standards.

Links to SEPP 1 and the Standard Instrument can be found on the NSW Legislation website at: www.legislation.nsw.gov.au

For further information please contact the Department of Planning and Environment's information centre on 1300 305 695.

Department of Planning and Environment circulars are available at:

ITEM 12 (continued)

ATTACHMENT 1

Department of Planning and Environment – Planning Circular PS18-003

www.planning.nsw.gov.au/circulars

Authorised by:

Carolyn McNally
Secretary

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ITEM 12 (continued)

ATTACHMENT 1

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Assumed concurrence notice

I, Carolyn McNally, Secretary of the Department of Planning and Environment, give the following notice to all consent authorities under clause 64 of the *Environmental Planning and Assessment Regulation 2000*.

Notice

All consent authorities may assume my concurrence, subject to the conditions set out in the table below, where it is required under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards*.

No.	Conditions
1	<p>Concurrence may not be assumed for a development that contravenes a development standard relating to the minimum lot size required for the erection of a dwelling on land in one of the following land use zones, if the variation is greater than 10% of the required minimum lot size:</p> <ul style="list-style-type: none"> - Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition - Zone R5 Large Lot Residential - Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living - a land use zone that is equivalent to one of the above land use zones <p>This condition does not apply to State significant development or development for which a Minister is the consent authority</p>
2	<p>Concurrence may not be assumed for the following development, if the function of determining the development application is exercised by a delegate of the consent authority:</p> <ul style="list-style-type: none"> - development that contravenes a numerical development standard by more than 10% - development that contravenes a non-numerical development standard <p>Note. Local planning panels constituted under the <i>Environmental Planning and Assessment Act 1979</i> exercise consent authority functions on behalf a council and are not delegates of the council</p> <p>This condition does not apply to State significant development, regionally significant development or development for which a Minister is the consent authority</p>

This notice takes effect on the day that it is published on the Department of Planning's website and applies to development applications made (but not determined) before it takes effect.

The previous notice to assume my concurrence contained in planning system circular PS 17-006 *Variations to development standards*, issued 15 December 2017 is revoked by this notice. However, any variation to a previous notice continues to have effect as if it were a variation to this notice.

Dated: 21 February 2018



Carolyn McNally
Secretary, Department of Planning and Environment

13 LAND CLASSIFICATION REPORT - 21 AFFORDABLE HOUSING APARTMENTS ON LAND KNOWN AS 101 - 107 WATERLOO ROAD MACQUARIE PARK

Report prepared by: Development Contributions Coordinator
File No.: VPA2016/3/6 - BP19/1235

REPORT SUMMARY

This report seeks to classify Twenty One (21) Affordable Housing Apartments that are to be transferred to Council in the near future from the mixed use development on the land known as 101-107 Waterloo Road, Macquarie Park (being LOT 4 in DP1046092) (**Site**) as operational land under the Local Government Act 1993.

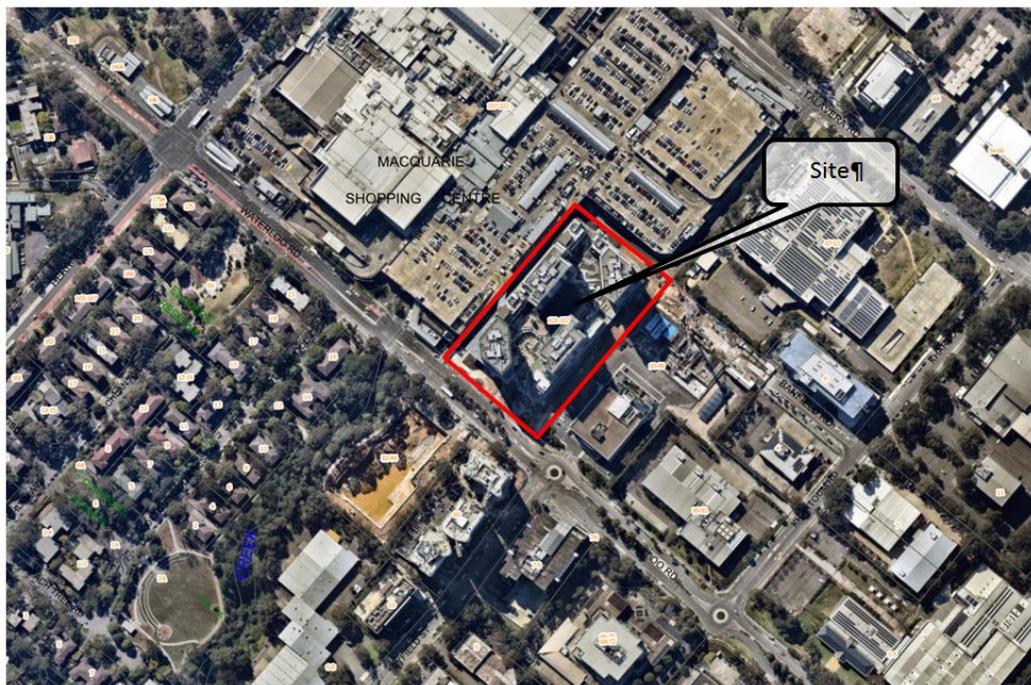


Figure 1 – Aerial of Site

The North Sydney Planning Panel approved Development Application LDA2016/567 (**DA**) on the 7 August 2017 by way of a deferred commencement for the following:

Demolition of all buildings and structure on the site and construction of a mixed use development including the following works:

- *Four towers with total rise of 23 storeys including a shared two storey podium;*
- *1,674.8m² of retail space;*
- *680 residential apartments including 177 x 1 bedroom, 447 x 2 bedroom, 49 x 3 bedroom and 7 x 4 bedroom apartments;*

ITEM 13 (continued)

- *Two basement levels & two above ground levels of car parking for a total of 688 car parking spaces;*
- *A new public road off Waterloo Road and vehicular access off this new road;*
- *Site landscaping including public domain improvements along Waterloo Road.*

The Determination and Statement of Reasons by the North Sydney Planning Panel is provided for in **ATTACHMENT 1**.

The deferred commencement conditions were satisfied and an operational consent was issued on 5 March 2018. One of the deferred commencement conditions required the developer to enter into a Voluntary Planning Agreement (VPA) with Council in respect to an offer by the applicant to provide several material public benefits in association with the development.

Part of the VPA required the dedication of 21 Affordable Housing Apartments to Council.

Council considered the VPA Offer at its meeting of the 13 December 2016 and resolved to accept the offer. The Council's resolution to accept the VPA Offer is provided for in **ATTACHMENT 2**.

Council at the date of this report is in the process of obtaining the transfer of the Affordable Housing Apartments.

Under the Local Government Act 1993 Council can classify land as operational before it acquires the land or within three months of the date of transfer of ownership, of the land or it will remain as community land.

Classification of the land as operational will allow the management of Council's Affordable Housing Apartments by Council's adopted community housing service provider, Link Housing. This is the management model envisaged by Council's Affordable Housing Policy and in-place with respect to Council's existing Affordable Housing stock.

Under the Local Government Act 1993 (Section 34) Council must advertise (for 28 days) any proposal to classify land prior to making a resolution on classification.

The proposed classification of the land to operational was advertised in the local paper and on Council's website from the 23 October 2019 – 20 November 2019. No submissions were received.

ITEM 13 (continued)

This report recommends that Council endorse making the future 21 individual strata/stratum allotments for the 21 affordable housing apartments on the Site operational land to allow the ongoing tenancy and asset management of the apartments in accordance with Council's Affordable Housing Policy.

RECOMMENDATION:

That Council endorses that future 21 individual strata/stratum allotments for the 21 affordable housing apartments on the land known as 101-107 Waterloo Road, Macquarie Park (being LOT 4 in DP1046092) be classified as operational land.

ATTACHMENTS

- 1 Determination & Statement of Reasons
- 2 Council Resolution 13 December 2016

Report Prepared By:

David Matthews
Development Contributions Coordinator

Report Approved By:

Dyalan Govender
Manager - Urban Strategy

Liz Coad
Director - City Planning and Environment

ITEM 13 (continued)**Discussion**

Under the Local Government Act 1993, public land is to be classified by Council as either “operational” or “community” land.

Where land is to be acquired by Council, Section 31(2) of the Local Government Act provides that *“before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land”*.

Under the Act, community land may only be leased or licensed if expressly authorised in an associated Plan of Management and following public notification of the proposed lease or licence is given. No such restrictions apply to operational land.

Subsequently, classification of Affordable Housing properties as operational land provides for the leasing and licensing of the properties (via Council’s adopted community housing provider, currently Link Housing), and provides flexibility in both day-to-day operational and strategic management. This is the management structure envisaged by Council’s adopted Affordable Housing Policy and in place with respect to Council’s existing Affordable Housing stock.

If land is not classified as operational land within the first 3 months, the land becomes community land, and the only method for reclassification is a Planning Proposal including a public hearing.

The Classification of Land process required under the Local Government Act involves the following:

1. Council must give public notice of a proposed resolution to classify public land as required under Section 34 of the Act. The public notice must include the terms of the proposed resolution and a description of the public land concerned. The public notice must specify a period of not less than 28 days during which submissions may be made to Council; and
2. Following public notification and consideration of submissions, if any, Council shall resolve to classify the land as either operational or community.

The proposed classification of the land to operational was advertised in the local media and on Council’s website from the 23 October 2019 – 20 November 2019.

No submissions were received.

Internal Consultation

The proposed classification was referred to Council’s Property Section; no objections were raised.

ITEM 13 (continued)**Financial Implications**

Adoption of the recommendation will have no financial impact.

Options

1. That Council does not classify the land as outlined in this report. This is not the preferred option as this would result in the land being classified as community land, thus creating a number of difficulties in the administration and ongoing management of the unit and inconsistency with Council's Affordable Housing Policy.

This option is not recommended.

2. That Council endorses that future 21 individual strata/stratum allotments for the 21 affordable housing apartments on the land known as 101-107 Waterloo Road, Macquarie Park (being LOT 4 in DP1046092) be classified as operational land.

This is the recommended option.

ITEM 13 (continued)

ATTACHMENT 1



DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Monday 7 August 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Sue Francis, Sarkis Yedellian
APOLOGIES	Bill Pickering, Roy Maggio
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 7 August 2017, opened at 11:30 am and closed at 11:35 am.

MATTER DETERMINED

2017SNH010 – Ryde – LDA2016/0567 at 101-107 Waterloo Road Macquarie Park (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The application complies with the Ryde LEP 2014 except in relation to the Floor Space Ratio. The proposal will result in a FSR of 3.3:1 which is an 11% variation over the control. The Panel accepts the Clause 4.6 variation request. It is well founded as the exceedance will result in a better planning outcome and provides sufficient environmental planning grounds for such a variation.

The proposal provides a mixed-use building that is responsive to the strategic objections of the Macquarie University Station Priority Precinct and Council's planning controls for the locality.

The issues raised in submissions include acoustic privacy, solar access, visual amenity and construction impacts. These have been adequately addressed through amendments of the application and the conditions of consent.

ITEM 13 (continued)

ATTACHMENT 1

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and updated conditions provided by Council 24 July 2017, and amendments dated 4 August 2017.

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Sue Francis	 Sarkis Yedelian

ITEM 13 (continued)

ATTACHMENT 1

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH010 – Ryde – LDA2016/0567
2	PROPOSED DEVELOPMENT	<p>Demolition of all buildings and structures on the site and construction of a mixed use development comprising the following:</p> <ul style="list-style-type: none"> • Four towers with a total rise of 23 storeys over a shared two storey podium; • 1674.8m² of retail space; • 680 residential apartments comprising of: 177 x 1 bedroom, 447 x 2 bedroom, 49 x 3 bedroom and 7 x 4 bedroom apartments; • Two basement levels & two above ground levels of car parking for a total of 688 car parking spaces; • A new public road (Road 27) off Waterloo Road running from south to north; • Pedestrian link (bridge) at the north western corner connecting to the adjacent Macquarie Shopping Centre site and • Site landscaping including public domain improvements along Waterloo Road.
3	STREET ADDRESS	101-107 Waterloo Road Macquarie Park
4	APPLICANT/OWNER	Waterloo Road Development P/L
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 19 July 2017 • Council updated conditions: 24 July 2017 and 4 August 2017 • Clause 4.6 Variation request • Written submissions during public exhibition: 2

ITEM 13 (continued)

ATTACHMENT 1

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 14 June 2017 • Final briefing meeting to discuss council's recommendation, 7 August 2017, at 10:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), John Roseth, Sue Francis, Sarkis Yedelian ○ <u>Council assessment staff</u>: Sandra McCarry, Sandra Bailey, Liz Coad, Rebecca Lockart, Daniel Pearce, Chris Gordon, Greg Lewin, Craig Redfern
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

ITEM 13 (continued)

ATTACHMENT 2

**EXTRACT FROM MINUTES OF COUNCIL MEETING
NO. 14/16 AT ITS MEETING HELD ON 13 DECEMBER 2016**

CONFIDENTIAL COUNCIL REPORTS

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

RESOLUTION: (Moved by Councillors Simon and Laxale)

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 the Voting:

For the Motion: Unanimous

8 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FOR DEVELOPMENT AT 101 WATERLOO ROAD, MACQUARIE PARK

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

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Stott)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENTS 1 to 7** dated 17 and 19 October 2016 from Urbis and Waterloo Road Development Pty Ltd to enter into a Voluntary Planning Agreement in relation to a future Development Application for a mixed use development at 101 Waterloo Road Macquarie Park. The Voluntary Planning Agreement will require the Applicant to provide a public benefit as summarised below:
- i. Road Dedication and Construction estimated construction cost at \$5.785M
 - ii. Public Plaza (Civic & Urban Improvements) estimated construction cost at \$0.5M
 - iii. Pedestrian Access to Macquarie Shopping Centre estimated at \$1.45M
 - iv. 21 Key Worker Housing Apartments (Dedicated to Council) estimated construction cost at \$9.209M
 - v. Section 94 Contributions to value of \$1,722,846.62

ITEM 13 (continued)

ATTACHMENT 2

- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENTS 1 to 7** by Urbis and Waterloo Road Development Pty Ltd, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;
- (c) That Council delegate authority to the General Manager to:
 - (i) Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 - (ii) Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (d) That Urbis and Waterloo Road Development Pty Ltd be informed of Council's decision.
- (e) That upon acquisition of the key worker housing apartments at 101 Waterloo Road, Macquarie Park, public notification of the intention to classify the land as operational, in accordance with Section 34 of the Local Government Act 1993 be undertaken.
- (f) That the key worker housing apartments at 101 Waterloo Road, Macquarie Park, be classified as operational land, subject to no objecting submissions during the notification period.

Record of the Voting:

For the Motion: Unanimous

14 LAND CLASSIFICATION REPORT - COMMUNITY CENTRE LAND IN PROPOSED LOT 8 IN THE PROPOSED STRATUM SUBDIVISION OF 15 HALIFAX STREET, MACQUARIE PARK (LOT 104 DP 1224238)

Report prepared by: Development Contributions Coordinator
File No.: VPA2015/1/7 - BP19/1236

REPORT SUMMARY

This report seeks to classify a Community Centre Stratum Lot, including car parking, that is to be transferred to Council in the near future from the mixed use development on the land known as 15 Halifax Street, Macquarie Park (being LOT 104 in DP1224238) (**Site**) as operational land under the Local Government Act 1993.



Figure 1 – Aerial of Site

The Sydney North Planning Panel approved Development Application LDA2016/395 (**DA**) on the 29 November 2017 for the following:

Construction of a mixed use development including the following works:

- 3 levels of shared basement car parking for 891 car spaces;
- A tunnel beneath Jarvis Circuit that will link Basement Levels 00 & 01 across Lots 104 & 105;

ITEM 14 (continued)

- *A single level podium across lot 104 comprising of retail & community facilities uses;*
- *8 residential buildings comprising of 879 units ranging in height from 3 to 17 storeys;*
- *Publicly accessible open spaces;*
- *5,966m² commercial/retail floor space;*
- *A 2,500m² community facility; and*
- *Site Landscaping*

The Determination and Statement of Reasons by the North Sydney Planning Panel is provided for in **ATTACHMENT 1**.

A Voluntary Planning Agreement (VPA) on the title of the Land requires the developer (Greenland) to construct, fit out and dedicate a community facility to Council of not less than 2500m², which located with proposed Lot 8 in the Stratum Subdivision of the Site.

The Council resolution to accept the VPA Offer is provided for in **ATTACHMENT 2**.

Council at the date of this report is in the process of obtaining the transfer of the Title of proposed Lot 8.

Under the Local Government Act 1993 Council can classify land as operational before it acquires the land or within three months of the date of transfer of ownership, of the land or it will remain as community land.

Classification of the land as operational will allow the management of Community Facility by Council to be manageable and flexible as it contains a leasable space.

Under the Local Government Act 1993 (Section 34) Council must advertise (for 28 days) any proposal to classify land prior to making a resolution on the classification.

The proposed classification of the land to operational was advertised in the local paper and on Council's website from the 23 October 2019 – 20 November 2019. No submissions were received.

This reports recommends Council endorses making of Proposed Lot 8 in the Stratum Subdivision on the Site operational land to allow the ongoing tenancy and asset management of the Community Facilities.

ITEM 14 (continued)

RECOMMENDATION:

That Council endorses that future Lot 8 in Stratum Subdivision of 15 Halifax Street, Macquarie Park (LOT 104 in DP1224238) be classified as operational land.

ATTACHMENTS

- 1 Determination & Statement of Reasons
- 2 Council Resolution 14 July 2015

Report Prepared By:

David Matthews
Development Contributions Coordinator

Report Approved By:

Dyalan Govender
Manager - Urban Strategy

Liz Coad
Director - City Planning and Environment

ITEM 14 (continued)**Discussion**

Under the Local Government Act 1993, public land is to be classified by Council as either “operational” or “community” land.

Where land is to be acquired by Council, Section 31(2) of the Local Government Act provides that *“before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land”*.

Under the Act, community land may only be leased or licensed if expressly authorised in an associated Plan of Management and following public notification of the proposed lease or licence is given. No such restrictions apply to operational land.

Subsequently, classification of Community Facilities with leasable space as operational land provides for the leasing and licensing of the properties providing flexibility in both day-to-day operational and strategic management.

If land is not classified as operational land within the first 3 months, the land becomes community land, and the only method for reclassification is a Planning Proposal including a public hearing.

The Classification of Land process required under the Local Government Act involves the following:

1. Council must give public notice of a proposed resolution to classify public land as required under Section 34 of the Act. The public notice must include the terms of the proposed resolution and a description of the public land concerned. The public notice must specify a period of not less than 28 days during which submissions may be made to Council; and
2. Following public notification and consideration of submissions, if any, Council shall resolve to classify the land as either operational or community.

The proposed classification of the land to operational was advertised in the local media and on Council’s website from the 23 October 2019 – 20 November 2019.

No submissions were received.

Internal Consultation

The proposed classification was referred to Council’s Property Section; no objections were raised.

Financial Implications

Adoption of the recommendation will have no financial impact.

ITEM 14 (continued)**Options**

1. That Council does not classify the land as outlined in this report. This is not the preferred option as this would result in the land being classified as community land, thus creating a number of difficulties in the administration and ongoing management of the Community Facility and leasable spaces.

This option is not recommended.

2. That Council endorses that future Lot 8 in Stratum Subdivision of 15 Halifax Street, Macquarie Park (LOT 104 in DP1224238) be classified as operational land.

This is the recommended option.

ITEM 14 (continued)

ATTACHMENT 1



DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday 29 November 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on Select Date, opened at 2.35pm and closed at 3:40pm.

MATTER DETERMINED

2017SNH012 – Ryde – LDA2016/0395 at 25-27 Epping Road Macquarie Park (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel resolved to accept the recommendation of the assessment report to approve the application (Option 1 – improved) as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The Panel has considered all options presented to it and accepts the council's recommendation that the improved Option 1 should be approved. The Panel notes that the applicant also agrees with the choice of the preferred option, as does the objector who spoke at the public meeting on 29 November 2017.

The Panel notes the applicant has submitted a clause 4.6 variation request for additional height and floor space. In relation to the variation to height of buildings, Building J on lot 105 provides a parapet height of 58.3m and lifter overrun height of 59.9m which represents a maximum 5.1% variation (based on the 57m height limit). The proposal is compatible with the height and scale of adjacent development and the additional height does not result in additional overshadowing impacts.

In relation to the additional floor space, the variation results from additional car parking spaces for a mixed use retail centre and supports local services for the community. The variation is relatively minor (2.6% of approved GFA under SSD_5093) and does not result in any detrimental impacts. The Panel therefore accepts the requests for variation in floor space and height as they are well founded and result in a better planning outcome.

Option 1 as improved follows the heights prescribed in the Approved Concept Plan, minimises external impacts on nearby residences and achieves as much sunlight to apartments and communal open space as is possible in a development of this high density. The Panel notes that the amount of sunlight received by this development, both by the apartments and the communal open spaces, is less than required by the ADG and believes that this is the result of the inappropriately high density that was previously approved for the site by amendment to the Ryde LEP.

ITEM 14 (continued)

ATTACHMENT 1

As concerns the issue of a deferred commencement consent, the Panel notes that the parties have signed the VPA on 29 November 2017. The Panel believes that the council's objective of certainty that the VPA will be honoured can be achieved by operational Condition 2, which requires that the VPA must be lodged for registration within one month of being signed.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report subject to the following changes:

- Deferred commencement conditions are deleted. This includes the paragraphs in the shaded boxes titled "Part 1" and "Part 2".
- Condition 2 is amended by deleting the words "and that relates to the development application the subject of this consent required under deferred commencement condition 1(a)".

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Sue Francis	

ITEM 14 (continued)

ATTACHMENT 1

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH012 – Ryde – LDA2016/0395
2	PROPOSED DEVELOPMENT	<p>Construction of a mixed use development including the following works:</p> <ul style="list-style-type: none"> • 3 levels of shared basement car parking for 891 car spaces; • A tunnel beneath Jarvis Circuit that will link Basement Levels 00 & 01 across Lots 104 & 105; • A single level podium across Lot 104 comprising of retail & community facilities uses; • 8 residential buildings comprising of 879 units ranging in height from 3 to 17 storeys; • Publicly accessible open spaces; • 5,966m² commercial/retail floor space; • A 2500m² community facility; and • Site landscaping.
3	STREET ADDRESS	25-27 Epping Road, Macquarie Park (Lachlan's Line)
4	APPLICANT/OWNER	Greenland (Sydney) Lachlan's Line Macquarie Park Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 (Remediation of Land) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ State Environmental Planning Policy No. 65 –Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 ○ North Ryde Station Precinct Development Control Plan ○ Section 94 Development Contributions Plan 2007 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 28 July 2017 • Council memo: 4 August 2017 • Council supplementary report: 15 September 2017 • Applicants Response: 25 September 2017 • Council supplementary report: 17 November 2017 • Submission made by applicant: 24 November 2017

ITEM 14 (continued)

ATTACHMENT 1

		<ul style="list-style-type: none"> • Council memo: 28 November 2017 • Clause 4.6 variation request • Written submissions during public exhibition: 6 for original proposal and 26 for amended proposal • Verbal submissions at the public meeting 9 August 2017: <ul style="list-style-type: none"> ○ On behalf of the applicant – Murray Donaldson • Verbal submissions at the public meeting 27 September 2017: <ul style="list-style-type: none"> ○ On behalf of the applicant – Murray Donaldson, Tony Stoddard, Steven King • Verbal submissions at the public meeting 29 November 2017: <ul style="list-style-type: none"> ○ In objection - Jasmina Molttor ○ On behalf of the applicant – Murray Donaldson, Nick Turner, Alice Spizzo
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 22 February 2017, 9 August 2017, 27 September 2017. • Applicant briefing meeting: 15 November 2017 • Final briefing meeting to discuss council's recommendation, 29 November 2017 at 1.30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), John Roseth, Sue Francis ○ <u>Council assessment staff</u>: Sandra Baily, Tony Collier, Paul Kapeteas, Michael Dedes, Maurice Doria, Jasmin Chua
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

ITEM 14 (continued)

ATTACHMENT 2

4 NORTH RYDE M2 SITE PLANNING AGREEMENT

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

- (a) That Council resolves to accept the offer contained in the Summary of VPA Proposal, written by Lindsay Taylor Law for UrbanGrowth NSW, to enter into a Voluntary Planning Agreement in relation to the Staged Development Consent, State Significant Development application SSD 5093, within the North Ryde Urban Activation Precinct (UAP) that will require UrbanGrowth NSW as developer to make development contribution works and dedicate land to reduce the contributions payable under S94 of the EPA Act and in so doing,
- (i) Provide parks and open space, shared pathways and roads on the Land and dedicate and transfer of the land on which those works are located to Council in accordance with the Staged Consent, and
 - (ii) Install artworks in locations in accordance with the Staged Consent or otherwise as agreed between the parties, and
 - (iii) Construct and deliver a community centre on part of Lot 104 in accordance with Council's requirements to a value up to \$7.8 million within Stage 1 of the development, and
 - (iv) Maintain the open space for 5 years after completion and maintain the civil works for 2 years.
- (b) That Council resolves to delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*;
- (c) That Council resolves to delegate authority to the General Manager and General Counsel (as the case may be) following public exhibition of the draft Voluntary Planning Agreement to,
- (i) Authorise any minor changes to the draft Voluntary Planning Agreement provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above, and
 - (ii) Subsequently enter into the Voluntary Planning Agreement on behalf of Council,

ITEM 14 (continued)

ATTACHMENT 2

- (d) That Council resolves to classify any land to be dedicated to Council under the terms of the Voluntary Planning Agreement as Operational Land in accordance with the provisions of Section 31(2) of the Local Government Act 1993.

Record of Voting:

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

Against the Motion: Councillors Chung, Laxale, Maggio and Simon

NOTICES OF MOTION

1 ALTERNATE LOCATION FOR COUNCIL MEETINGS - Councillor Sarkis Yedelian OAM

File Number: CLM/19/1/1/6 - BP19/1355

MOTION:

- (a) That Council move the Chamber to an appropriate location where the public are able to freely attend Council meetings and make adequate respectful seating arrangements for former Mayors and Councillors and make appropriate acknowledgement for their presence.
- (b) That this be immediately addressed from the December meeting onwards.

CONFIDENTIAL ITEMS**15 146 BOWDEN STREET STORMWATER DRAINAGE AND ROAD WORKS - EXEMPTION FROM TENDERING**

Report prepared by: Project Manager Civil**Report approved by:** Director - City Works

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.

File No.: GRP/09/3/17 - BP19/1283**Page Number:** 99**16 REQUEST FOR TENDER - COR-RFT-09/19 – KINGS PARK LANDSCAPE, CIVIL AND PLAYGROUND WORKS**

Report prepared by: Project Manager**Report approved by:** Manager - Project Development; Director - City Works

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.

File Number: GRP/09/3/17 - BP19/1286**Page Number:** 102**17 REQUEST FOR TENDER - COR-RFT- 5/19 - BANJO PATERSON PARK SEAWALL CONSTRUCTION**

Report prepared by: Project Officer**Report approved by:** Manager - Project Development; Director - City Works

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.

File Number: GRP/09/3/17 - BP19/1284**Page Number:** 140

CONFIDENTIAL ITEMS (CONTINUED)

**18 REQUEST FOR TENDER - COR-RFT-6/19 – PITTWATER ROAD UPGRADE
(HIGH STREET TO FIELD OF MARS)**

Report prepared by: Project Officer
Report approved by: Director - City Works

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.

File No.: GRP/09/3/17 - BP19/1285

Page Number: 197

**19 DRAFT SECTION 7.11 AND 7.12 DEVELOPMENT CONTRIBUTIONS
PLANS FOR CITY OF RYDE - PUBLIC EXHIBITION**

Report prepared by: Development Contributions Coordinator
Report approved by: Director – City Planning and Environment

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.

File No.: URB/08/1/36/2 - BP19/925

Page Number: 247

**20 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM
HDC PLANNING ON BEHALF OF 'UT 65 PTY LTD' TO PROVIDE
MATERIAL PUBLIC BENEFITS UNDER COUNCIL'S MACQUARIE PARK
INCENTIVE SCHEME IN ASSOCIATION WITH DEVELOPMENT OF 63-71
WATERLOO ROAD, MACQUARIE PARK.**

Report prepared by: Development Contributions Coordinator
Report approved by: Director – City Planning and Environment

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.

File No.: VPA2019/2/4 - BP19/1210

Page Number: 258