

17 JUNE 2020

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 23 JUNE 2020.

Meeting of Council Meeting No. 9/20

Online Audio Visual Meeting - 7.00pm

English

If you do not understand this letter, please come to the 1 Pope Street, Ryde (within Top Ryde Shopping Centre), Ryde, to discuss it with Council Staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact you. Council's phone number is 9952 8222. Council office hours are 8:30am to 5:00pm, Monday to Friday.

Arabic

إذا لم تفهم محتوى هذه الرسالة، يرجى الحضور إلى 1 Pope Street، Ryde (في Top Ryde Shopping Centre)، Ryde، لمناقشتها مع موظفي المجلس الذين سوف يرتبون للاستعانة بمترجم شفهي. أو قد يمكنك الاتصال بخدمة الترجمة التحريرية والشفهية على الرقم 131 450 لتتطلب من المترجم الاتصال بك. رقم هاتف المجلس هو 9952 8222. ساعات عمل المجلس هي 8:30 صباحاً حتى 5:00 مساءً، من الاثنين إلى الجمعة.

Armenian

Եթե դուք չեք հասկանում սույն նամակի բովանդակությունը, խնդրում ենք այցելել 1 Pope Street, Ryde (որը գտնվում է Top Ryde Shopping Centre-ի մեջ), Ryde, քննարկելու այն Քաղաքային Խորհրդի անձնակազմի հետ, ովքեր ձեզ համար կապահովեն թարգմանչական ծառայություն: Կամ կարող եք զանգահարել Թարգմանչական Ծառայություն 131 450 հեռախոսահամարով և խնդրել, որ թարգմանիչը ձեզ զանգահարի: Խորհրդի հեռախոսահամարն է 9952 8222: Խորհրդի աշխատանքային ժամերն են առավոտյան ժամը 8:30-ից մինչև երեկոյան ժամը 5:00, երկուշաբթիից մինչև ուրբաթ:

Chinese

如果你不明白这封信的内容，敬请前往1 Pope Street, Ryde（位于Top Ryde Shopping Centre内），向市政府工作人员咨询，他们会为您安排口译服务。此外，您也可以拨打131 450联络翻译和口译服务，要求口译员与您联系。市政府电话号码为9952 8222。市政府办公时间为周一至周五上午8:30至下午5:00。

Farsi

لطفاً اگر نمی توانید مندرجات این نامه را درک کنید، به نشانی 1 Pope Street، Ryde (در Top Ryde Shopping Centre) مراجعه کنید تا با استفاده از یک مترجم در این باره با یکی از کارکنان شورای شهر گفتگو کنید. یا آنکه می توانید با خدمات ترجمه کتبی و شفاهی به شماره 131 450 تماس گرفته و بخواهید که به یک مترجم ارتباط داده شوید. شماره تماس شورای شهر 9952 8222 و ساعات کاری آن از 8:30 صبح تا 5:00 بعد از ظهر روزهای دوشنبه تا جمعه است.

Italian

Se avete difficoltà a comprendere questa lettera, venite in 1 Pope Street, Ryde (dentro al Top Ryde Shopping Centre), Ryde, per discutere con il personale del Comune che organizzerà un servizio di interpretariato. Potete anche contattare il Servizio di Traduzione e Interpretariato al 131 450 per chiedere a un interprete di contattarvi. Il numero di telefono del Comune è il 9952 8222. Gli orari di ufficio del Comune sono dalle 8.30 alle 17 dal lunedì al venerdì.

Korean

이 서신을 이해할 수 없을 경우, 1 Pope Street, Ryde (Top Ryde Shopping Centre 내)에 오셔서 통역사 서비스를 주선할 시의회 직원과 논의하십시오. 혹은 통번역서비스에 131 450으로 전화하셔서 통역사가 여러분에게 연락하도록 요청하십시오. 시의회의 전화번호는 9952 8222입니다. 시의회 사무실 업무시간은 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지입니다.

Meeting Date: Tuesday 23 June 2020
Location: Online Audio Visual Meeting
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 ITEMS PUT WITHOUT DEBATE	1
2 CONFIRMATION OF MINUTES - Council Meeting held on 26 May 2020	2
3 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 26 May 2020	21
4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/20 held on 9 June 2020.....	25
5 INVESTMENT REPORT AS AT 31 MAY 2020	38
6 FOUR YEAR DELIVERY PROGRAM 2020-2024 INCLUDING ONE YEAR OPERATIONAL PLAN 2020/2021	48
7 DRAFT PROCUREMENT POLICY	60
8 COUNCIL / COMMITTEE MEETINGS - Schedule of Proposed Meeting Dates.....	67
9 GIFTS AND BENEFITS POLICY.....	73
10 OUTDOOR DINING POLICY	109
11 REPORTS DUE TO COUNCIL	153

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: COUNCILLORS, MAYOR AND EXECUTIVE PAY REDUCTION DURING THE COVID-19 CRISIS - Councillor Dr Peter Kim.....	154
2 DEFERRED MOTICE OF MOTION: CITY OF RYDE COMMUNITY SUPPORT PLAN DURING THE COVID-19 AND RECOVERY PLAN FROM COVID-19 - Councillor Dr Peter Kim.....	154

QUESTIONS BY COUNCILLORS AS PER POLICY

1 DEFERRED ITEM: QUESTIONS WITH NOTICE - Councillor Trenton Brown.....	155
---------------------------------------------------------------------------	-----

CONFIDENTIAL ITEMS

12 DEFERRED REPORT: ADVICE ON COURT ACTIONS	158
13 REQUEST FOR TENDER - NSROC RFT 2022 - ROAD SURFACING, PATCHING AND ASSOCIATED WORKS.....	166
14 EXPRESSION OF INTEREST FOR THE PROVISION OF LEGAL SERVICES 2020	322
15 ADVICE ON COURT ACTIONS.....	360

1 ITEMS PUT WITHOUT DEBATE

Report prepared by: Civic Services Manager**File No.:** CLM/20/1/1/2 - BP20/480

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.

2 CONFIRMATION OF MINUTES - Council Meeting held on 26 May 2020

Report prepared by: Civic Services Manager**File No.:** CLM/20/1/1/2 - BP20/481

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 7/20, held on 26 May 2020 be confirmed.

ATTACHMENTS

1 MINUTES - Ordinary Council Meeting - 26 May 2020

ITEM 2 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 7/20**

Meeting Date: Tuesday 26 May 2020
Location: Online Audio Visual Meeting
Time: 7.14pm

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

Apologies: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Chief Financial Officer, Manager – Communications and Engagement, Manager – Corporate Governance, Manager – Community and Ranger Services, Manager – Strategic Property, Manager – Parks, Senior Coordinator – Community Engagement, Civic Services Manager and Civic Support Officer.

PRAYER

The Mayor, Councillor Laxale 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 Kim disclosed a Less than Significant Non-Pecuniary Interest in Item 3(3) – Dog Recreation Needs Study 2020 for the reason that he is a dog owner.

Councillor Kim disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 4 – Ryde Relief Small Business Grant for the reason that he is a small business owner in Ryde.

Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in Item 3(3) – Dog Recreation Needs Study 2020 for the reason that she owns a dog.

Councillor Gordon disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 4 - Ryde Relief Small Business Grant for the reason that both he and his wife have small businesses in the Ryde LGA.

ITEM 2 (continued)

ATTACHMENT 1

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No written submissions were made to Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No written submissions were made to Council.

COUNCIL REPORTS

1 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That Council adopt Item 2 and Item 3 on the Council Agenda as per the recommendations in the reports.

Record of Voting:

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

Against the Motion: Councillor Lane

COUNCIL REPORTS

2 CONFIRMATION OF MINUTES - Council Meeting held on 28 April 2020

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That the Minutes of the Council Meeting 6/20, held on 28 April 2020 be confirmed.

Record of Voting:

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

Against the Motion: Councillor Lane

ITEM 2 (continued)

ATTACHMENT 1

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/20 held on 12 May 2020

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That Council determine Items 1, 3 and 4 of the Works and Community Committee report 4/20, held on 12 May 2020 noting that Item 2 was dealt with by the Committee within its delegated powers.

Record of Voting:

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

Against the Motion: Councillor Lane

2 CONFIRMATION OF MINUTES - Council Meeting held on 28 April 2020

Note: This matter was dealt with earlier in the meeting as detailed in these Minutes.

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/20 held on 12 May 2020

Note: This matter was dealt with earlier in the meeting as detailed in these Minutes.

1 CONFIRMATION OF MINUTES - Works and Community Committee Meeting held on 14 April 2020

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That the Minutes of the Works and Community Committee Meeting 3/20, held on 14 April 2020, be confirmed.

Record of Voting:

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

Against the Motion: Councillor Lane

ITEM 2 (continued)

ATTACHMENT 1

MATTER OF URGENCY

Councillor Lane advised the meeting that he wished to raise a Matter of Urgency regarding the Federal Government's \$500 million Local Roads and Community Infrastructure Program.

The Mayor, Councillor Laxale accepted this matter as an Urgent Item.

RESOLUTION: (Moved by Councillors Lane and Yedelian OAM)

That Council consider a Matter of Urgency, raised by Councillor Lane, regarding the Federal Government's \$500 million Local Roads and Community Infrastructure Program, the time being 7.34pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – FEDERAL GOVERNMENT'S \$500 MILLION LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

RESOLUTION: (Moved by Councillors Lane and Yedelian OAM)

That Council engage directly with the Federal Member for Bennelong, John Alexander MP OAM, to identify eligible projects for funding under the Federal Government's \$500 million Local Roads and Community Infrastructure Program (LRCI). Among these projects, Council should specifically explore opportunities to install safety structure (such as bollards, or other aesthetically pleasing alternatives) at commercial precincts where car parking sits adjacent to public thoroughfares and walkways.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTE

MM6/20 WORKS AND COMMUNITY COMMITTEE – ADDITION TO COUNCILLOR MEMBERSHIP – The Mayor, Councillor Laxale

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

That Council endorse Councillor Maggio as a member of the Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

COUNCIL REPORTS

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/20
held on 12 May 2020**

3 DOG RECREATION NEEDS STUDY 2020

Note: Councillor Kim disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a dog owner.

Note: Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she owns a dog.

MOTION: (Moved by Councillors Pedersen and Purcell)

- (a) That the report be deferred for further consultation with staff and Councillors to discuss alternative off leash dog sites.
- (b) That as a result of that consultation inform affected local residents of those alternative off leash dog sites.

AMENDMENT: (Moved by Councillors Maggio and Kim)

- (a) That the draft "Dog Recreation Needs Study" be endorsed and Council implement the proposed trial site including Marsfield Park for the 6 months subject to residents surrounding the proposed off leash areas be consulted and that general consensus be gained otherwise a report be brought back to Council detailing the issues raised.
- (b) That a report be brought back to Council at the completion of the 6 month trial outlining the community feedback received.
- (c) That Council proceed with the staged improvement of existing off-leash areas in accordance with the core projects identified in the attached report as funding is identified through the development of Council's Delivery Plans.
- (d) That the future operation of the Olympic Park off-leash area be removed following community engagement as part of any expansion of the RALC Masterplan.

On being put to the Meeting, the voting on the Amendment was seven (7) For and five (5) Against. The Amendment was **CARRIED** and then became the Motion.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

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

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

RESOLUTION: (Moved by Councillor Maggio and Kim)

- (a) That the draft "Dog Recreation Needs Study" be endorsed and Council implement the proposed trial site including Marsfield Park for the 6 months subject to residents surrounding the proposed off leash areas be consulted and that general consensus be gained otherwise a report be brought back to Council detailing the issues raised.
- (b) That a report be brought back to Council at the completion of the 6 month trial outlining the community feedback received.
- (c) That Council proceed with the staged improvement of existing off-leash areas in accordance with the core projects identified in the attached report as funding is identified through the development of Council's Delivery Plans.
- (d) That the future operation of the Olympic Park off-leash area be removed following community engagement as part of any expansion of the RALC Masterplan.

Record of Voting:

For the Motion: Unanimous

4 TRAFFIC AND PARKING MATTERS APPROVED BY THE RYDE TRAFFIC COMMITTEE MEETING

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That Council endorses the following Ryde Traffic Committee recommendations:

A. SEE STREET, MEADOWBANK – Parking Restrictions

Relocation of the existing 1/4P 8AM-5:30PM Mon-Fri (outside the Meadowbank TAFE Children's Centre on See Street) to a location near the intersection of Constitution Road and See Street by converting 5 unrestricted parking spaces to 1/4P 8AM-5:30PM Mon-Fri and conversion of the existing 1/4P zone to an unrestricted parking zone.

ITEM 2 (continued)

ATTACHMENT 1

B. 38-40 ANTHONY ROAD, DENISTONE – Parking Restrictions

Extension of the existing statutory 'NO STOPPING' from 10m to 12.5m outside 38 Anthony Road and installation of 'NO PARKING 5AM-11AM WED' restriction covering the frontage of 40 Anthony Road, Denistone.

C. 195 COXS ROAD, NORTH RYDE – Parking Restrictions

1/4P 8am-9.30am & 2.30-4.00pm Mon-Fri;

1P 9.30am-2.30pm Mon-Fri and 8.30am-12.30pm Sat

Record of Voting:

For the Motion: Unanimous

4 INVESTMENT REPORT AS AT 30 APRIL 2020

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That Council endorse the Investment Report as at 30 April 2020.

Record of Voting:

For the Motion: Unanimous

5 MARCH QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PROGRAM 2019-2023 AND 2019/2020 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Purcell and Gordon)

- (a) That the report of the March 2020 Quarterly Review Statement - Four Year Delivery Program 2019 - 2023 and One Year 2019/2020 Operational Plan, *Quarter Three, January – March 2020* 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.
- (c) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over, as detailed in the Report.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillors Kim, Maggio and Yedelian OAM

6 SMALL BUSINESS SUPPORT - INITIATIVES TO ASSIST SMALL BUSINESS TO CONTINUE AND RECOVER FROM THE COVID-19 EVENT - REPORT ON PUBLIC SUBMISSIONS

MOTION: (Moved by Councillors Purcell and Gordon)

That Council notes the public submissions made in this regard and now adopts and implements its Small Business Support package generally in line with the financial assistance measures previously resolved by Council and in accordance with National Cabinet obligations.

MOTION OF DISSENT

MOTION: (Moved by Councillors Kim and Maggio)

That a Motion of Dissent be moved against the Mayor, Councillor Laxale's ruling on "relevance" under Part 15 of Council's adopted Code of Meeting Practice.

On being put to the Meeting, Councillor Zhou abstained from voting and accordingly his vote was recorded Against the Motion. The voting on the Motion was five (5) For and seven (7) Against. The Motion was **LOST**.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That Council notes the public submissions made in this regard and now adopts and implements its Small Business Support package generally in line with the financial assistance measures previously resolved by Council and in accordance with National Cabinet obligations.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

NOTICE OF MOTION

1 DEPARTMENT OF PLANNING'S "PLANNING SYSTEM ACCELERATION PROGRAM" AND RELATED ANNOUNCEMENTS - Councillor Christopher Gordon

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That Council:-

1. (a) Writes to the Minister for Planning and Public Spaces the Hon Rob Stokes MP and the Premier Gladys Berejiklian to express its opposition to the recent changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils.
- (b) Recognises that planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents.
2. (a) Seek assurance from the Minister for Planning, Rob Stokes MP, that Council's ability to conduct due diligence in line with community expectations will not be impeded by the recently announced Planning System Acceleration Program to fast-track assessments of State Significant Developments, rezonings and development applications (DAs), with more decisions to be made by the Minister if required.
- (b) Advise the Minister for Planning that in order to ensure community confidence in the Program, a plan to promote a high level of community engagement must be included in the additional support the Minister will need to provide to councils and planning panels to fast-track locally and regionally significant DAs.
- (c) Seek confirmation from the Planning Minister that Planning Proposals for amendments to Local Environment Plans (LEPs) currently in progress and/or already before the Department of Planning are finalised before the approvals of "any expanded list of works that may be carried out without the need for planning approval or under the fast-tracked complying development pathway."

ITEM 2 (continued)

ATTACHMENT 1

- (d) Alert the Minister for Planning that many of the proposals included in Urban Taskforce's list of so-called 'shovel-ready' projects that "are caught up in any area of the planning system" have already been refused by local councils and/or Local or Regional Planning Panels for valid planning, social or environmental reasons or because of insufficiency of community infrastructure funding needed to maintain liveability standards for the resulting population growth, particularly in green field and brown field sites and targeted population growth areas.
- (e) Advise the Minister for Planning of concerns that the COVID-19 related amendments to the EP&A Act, which allow the Minister "to authorise development to be carried out on land without the need for any approval under the Act or consent from any person" could potentially be applied to developments other than hospitals, ICUs, morgues, or other directly COVID-19 related works, because of the ambiguity of the wording of clause 10.17(5)(b) regarding works "necessary to protect the health, safety and welfare of members of the public".
- (f) Advise the Minister for Planning that the Department of Planning's directive to councils to no longer publish development applications in local newspapers will disadvantage the elderly and residents who do not have access to the internet. The subsequent advertising loss of revenue will likely also undermine the viability of local newspapers, many of which are already struggling to survive. Directive should only be for the duration of the pandemic or 6 months, whichever is shorter, at which time alternative notification strategies may be considered if necessary.
- (g) Advise the Minister for Planning that the Department of Planning's temporary directive to councils that certain documents related to development proposals/applications will no longer be required for physical inspection in their offices disadvantages residents who do not have access to computers and could lead to copyright issues with architects/developers regarding the publication of certain plans.
- (h) Request that in light of the growing level of complaints from neighbouring residents (including those on compulsory work from home and home schooling arrangements) about ongoing disturbances, the Minister for Planning reconsiders the permission granted to the construction industry to operate every day including public holidays.

On being put to the meeting, the voting on the Motion was six (6) All. The Mayor, Councillor Laxale used his casting vote For the Motion. The Motion was **CARRIED**.

ITEM 2 (continued)

ATTACHMENT 1

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, Maggio, Moujalli and Yedelian OAM

ADJOURNMENT

The Mayor, Councillor Laxale adjourned the online audio visual Council Meeting to enable the Extraordinary Council Meeting to commence, the time being 9.59pm. The Council Meeting was adjourned to:

Tuesday, 26 May 2020 to reconvene at the conclusion of the Extraordinary Meeting.

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

Apologies: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Chief Financial Officer, Manager – Communications and Engagement, Manager – Corporate Governance, Manager – Community and Ranger Services, Manager – Strategic Property, Manager – Parks, Senior Coordinator – Community Engagement, Civic Services Manager and Civic Support Officer.

MEETING RECONVENED

The Mayor, Councillor Laxale reconvened the online audio visual Council Meeting at 10.45pm on Tuesday, 26 May 2020.

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

Apologies: Nil.

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

ITEM 2 (continued)

ATTACHMENT 1

NOTICES OF MOTION

2 RACISM DURING THE COVID-19 PANDEMIC - Councillor Jordan Lane

MOTION: (Moved by Councillors Lane and Brown)

That Council:-

- (a) Recognise that the City of Ryde is one of the most diverse communities in Sydney;
- (b) Condemns increased xenophobia and racism levelled at our Australian-Chinese, and, broader multicultural community during the COVID-19 pandemic;
- (c) Reinforces our support for local residents who are experiencing increased discrimination at this time, and our commitment to Australia and it's welcoming traditions;
- (d) Notes that the Chinese Communist Party is not representative of the fair minded, hardworking Chinese-Australian's that form an important part of our local community;
- (e) Arrange, at the next physical meeting of Council, a photo of all Councillors who support this motion in the Council chambers for distribution on Councils various media outlets; and
- (f) Incorporate this campaign as part of our 'Racism Stops With Me' messaging during the 2020 Granny Smith-replacement festivities, and at future community events.

EXTENSION OF TIME

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Zhou)

That the Meeting time be extended to allow consideration of all remaining Items on the Agenda, the time being 11.19pm.

Record of Voting:

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

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

ITEM 2 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Pedersen and Gordon)

That Council:-

- (a) Recognise that the City of Ryde is one of the most diverse communities in Sydney;
- (b) Condemns increased xenophobia and racism levelled at our Australian-Asian, and, broader multicultural community during the COVID-19 pandemic;
- (c) Reinforces our support for local residents who are experiencing increased discrimination at this time, and our commitment to Australia and it's welcoming traditions;
- (d) Notes that no foreign government is representative of the fair minded, hardworking Asian-Australians that form an important part of our local community;
- (e) Arrange, at the next physical meeting of Council, a photo of all Councillors who support this motion in the Council chambers for distribution on Councils various media outlets; and
- (f) Incorporate this campaign as part of our 'Racism Stops With Me' messaging during the 2020 Granny Smith-replacement festivities, and at future community events.

On being put to the Meeting, Councillor Maggio abstained from voting and accordingly his vote was recorded Against the Amendment. The voting on the Amendment was six (6) All. The Mayor, Councillor Laxale used his casting vote For 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, Maggio, Moujalli and Yedelian OAM

Note: Councillor Kim attempted to move the following Further Amendment in relation to this Item. The Mayor, Councillor Laxale ruled that the Further Amendment was out of order in accordance with Clause 17.5 of Council's adopted Code of Meeting Practice.

ITEM 2 (continued)

ATTACHMENT 1

FURTHER AMENDMENT: (Moved by Councillor Kim and

That Council:-

- (a) Recognise that the City of Ryde is one of the most diverse communities in Sydney;
- (b) Condemns increased xenophobia and racism levelled at our Australian-Chinese, and, broader multicultural community during the COVID-19 pandemic;
- (c) Reinforces our support for local residents who are experiencing increased discrimination at this time, and our commitment to Australia and it's welcoming traditions;
- (d) Note that Ryde loves and welcomes Chinese Australians and multicultural community but we oppose Chinese Communist Party. Notes that the Chinese Communist Party is not representative of the fair minded, hardworking Chinese-Australian's that form an important part of our local community;
- (e) Arrange, at the next physical meeting of Council, a photo of all Councillors who support this motion in the Council chambers for distribution on Councils various media outlets; and
- (f) Incorporate this campaign as part of our 'Racism Stops With Me' messaging during the 2020 Granny Smith-replacement festivities, and at future community events.

MOTION OF DISSENT

MOTION: (Moved by Councillors Kim and Maggio)

That a Motion of Dissent be moved against the Mayor, Councillor Laxale's ruling in accordance with Clause 17.5 of Council's adopted Code of Meeting Practice.

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

Record of Voting:

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

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

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pedersen and Gordon)

That Council:-

- (a) Recognise that the City of Ryde is one of the most diverse communities in Sydney;
- (b) Condemns increased xenophobia and racism levelled at our Australian-Asian, and, broader multicultural community during the COVID-19 pandemic;
- (c) Reinforces our support for local residents who are experiencing increased discrimination at this time, and our commitment to Australia and it's welcoming traditions;
- (d) Notes that no foreign government is representative of the fair minded, hardworking Asian-Australians that form an important part of our local community;
- (e) Arrange, at the next physical meeting of Council, a photo of all Councillors who support this motion in the Council chambers for distribution on Councils various media outlets; and
- (f) Incorporate this campaign as part of our 'Racism Stops With Me' messaging during the 2020 Granny Smith-replacement festivities, and at future community events.

Record of Voting:

For the Motion: Unanimous

3 AFFECTS DUE TO COVID - ASSISTING SPORTING CLUBS AND ASSOCIATIONS - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the General Manager provide a report to the next Works and Community Committee Meeting on the financial implications and funding options resulting from waiving ground hire and lighting fees for the rest of 2020 for all sports when training and match fixtures have commenced.
- (b) That Council provide 100 lux to all sports grounds that have the increased lux capacity to cater for weekday night games, where permissible, to assist the interrupted winter season to be completed due to COVID-19.
- (c) That a media release be issued through all media channels informing of Council's decision once it is made.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

4 RYDE RELIEF SMALL BUSINESS GRANT - Councillor Roy Maggio

Note: Councillor Kim disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a small business owner in Ryde.

Note: Councillor Gordon disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that both he and his wife have small businesses in the Ryde LGA.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the establishment of a Ryde Relief Small Business Grant be deferred pending a report from the General Manager identifying appropriate funding sources and other options for small business support.

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

Record of Voting:

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

Against the Motion: Councillor Kim

5 TREE INSPECTIONS - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

(a) That Council conducts tree inspections with Council officers, interested Councillors at the various locations listed below:-

- 6 Moncrieff Drive, East Ryde
- 44-46 Berippa Close, East Ryde
- 6 Jetty Road, Putney
- 8 Jetty Road, Putney
- 11 Stanley Street, Putney
- 27 Goodwin Avenue, West Ryde
- 32 Osborne Street, Putney
- 296 Morrison Road, Putney
- 84 Melba Drive, East Ryde
- 4 Sandra Street, Putney

ITEM 2 (continued)

ATTACHMENT 1

- (b) That the resident be notified of the time and date of the inspection.
- (c) That Council meets after the tree inspections to provide suitable recommendations.
- (d) That the resident be invited to the meeting.

Record of Voting:

For the Motion: Unanimous

PROCEDURAL MOTION

RESOLUTION: (Moved by Councillor Moujalli and the Mayor, Councillor Laxale)

That Council defer consideration of all remaining Items on the Agenda to the Council Meeting to be held on Tuesday, 23 June 2020, the time being 1.09am on Wednesday, 27 May 2020.

Record of Voting:

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

Against the Motion: Councillor Kim

NOTICES OF MOTION

6 COUNCILLORS, MAYOR AND EXECUTIVE PAY REDUCTION DURING THE COVID-19 CRISIS - Councillor Dr Peter Kim

Note: This Item has been deferred to the Council Meeting to be held on 23 June 2020.

7 CITY OF RYDE COMMUNITY SUPPORT PLAN DURING THE COVID-19 AND RECOVERY PLAN FROM COVID-19 - Councillor Dr Peter Kim

Note: This Item has been deferred to the Council Meeting to be held on 23 June 2020.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Trenton Brown

Note: This Item has been deferred to the Council Meeting to be held on 23 June 2020.

ITEM 2 (continued)

ATTACHMENT 1

COUNCIL REPORT

7 ADVICE ON COURT ACTIONS

Note: This Item has been deferred to the Council Meeting to be held on 23 June 2020.

The meeting closed at 1.10am on Wednesday, 27 May 2020

CONFIRMED THIS 23RD DAY OF JUNE 2020

Chairperson

3 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 26 May 2020

Report prepared by: Civic Services Manager**File No.:** CLM/20/1/1/2 - BP20/482

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 8/20, held on 26 May 2020 be confirmed.

ATTACHMENTS

- 1 MINUTES - Extraordinary Council Meeting - 26 May 2020

ITEM 3 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 8/20**

Meeting Date: Tuesday 26 May 2020
Location: Online Audio Visual Meeting
Time: 9.59pm

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

Apologies: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Chief Financial Officer, Manager – Communications and Engagement, Manager – Corporate Governance, Manager – Community and Rangers Services, Senior Coordinator – Community Engagement, Civic Services Manager and Civic Support Officer.

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 written submissions were made to Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No written submissions were made to Council.

ITEM 3 (continued)

ATTACHMENT 1

SUSPENSION OF STANDING ORDERS

Note: Councillor Kim requested to move a Suspension of Standing Orders. The Mayor, Councillor Laxale advised that Suspension of Standing Orders was not permissible as it was not in the Code of Meeting Practice. Councillor Kim requested that it be noted in the Minutes that he had requested to move a Suspension of Standing Orders.

CLOSED SESSION

NOTICE OF MOTION 1 - DISCUSSION REGARDING THE IMMEDIATE DEFERRAL OF ALL MAJOR CAPITAL EXPENDITURES UNTIL COVID-19 ECONOMIC CRISIS IS UNDER CONTROL

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property; AND (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.

NOTICE OF MOTION

1 DISCUSSION REGARDING THE IMMEDIATE DEFERRAL OF ALL MAJOR CAPITAL EXPENDITURES UNTIL COVID-19 ECONOMIC CRISIS IS UNDER CONTROL - Councillor Dr Peter Kim, Councillor Sarkis Yedelian OAM

MOTION: (Moved by Councillors Yedelian OAM and Kim)

That Council discuss the immediate deferral of all major capital expenditures until COVID-19 economic crisis is under control.

PROCEDURAL MOTION

MOTION: (Moved by Councillors Kim and Maggio)

That Council resolve into Open Council to discuss this Item, the time being 10.07pm.

On being put to the Meeting, Councillor Zhou abstained from voting and accordingly his vote was recorded against the Motion. The voting on the Motion was six (6) All. The Mayor, Councillor Laxale used his casting vote Against the Motion. The Motion was **LOST**.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

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

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

MOTION: (Moved by Councillors Yedelian OAM and Kim)

That Council discuss the immediate deferral of all major capital expenditures until COVID-19 economic crisis is under control.

On being put to the Meeting, the voting on the Motion was five (5) For and seven (7) Against. The Motion was **LOST**.

Record of Voting:

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

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

The meeting closed at 10.35pm.

CONFIRMED THIS 23RD DAY OF JUNE 2020

Chairperson

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/20 held on 9 June 2020

Report prepared by: Civic Services Manager

File No.: CLM/20/1/1/2 - BP20/537

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 5/20 held on 9 June 2020. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

The following Committee recommendations for Items 3, 4, 5, 6 and 8 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 1, 2020

RECOMMENDATION: (Moved by Councillors Maggio and Kim)

- (a) That Council endorse funding to the following organisations in Round 1 of the 2020 Small Grants as follows.

	Ref	Organisation	Project	Funding Requested	Funding Granted	Project Description
1	01	Italian Leisure Group	Italian Seniors Social Support Group Project	\$2,000	\$2,000	Weekly social support group for Italian seniors.
2	04	Eastwood Ryde Netball Association	Initial coaching skills	\$2,000	\$2,000	Introduction training session for parents and others to develop netball coach skills.
3	07	Ample Abilities Inc.	Serendipitous Me- A Care for Carers Project	\$2,000	\$2,000	Establishment of a carers support group with professional speakers and self-care activities.
4	09	KLAP- Australia	KLAP- Ryde Project	\$1990	\$1990	Connects primary school students (via an online platform) with secondary school students, as reading mentors.
5	14	Reach Community Initiatives Inc.	Provision of Emergency Food Parcels	\$1,746	\$1,746	Temporary food relief for families experiencing hardship during COVID-19 crisis.
6	15	Side By Side Advocacy Inc.	Side By Side Cocktail Party	\$2,000	\$2,000	An event for people with a disability to celebrate UN International Day for People with a Disability.
7	16	Streetwork Australia Ltd.	PRIDE Empowerment Program	\$2,000	\$2,000	8 week empowerment program for youth at risk including 44 mentoring sessions.

ITEM 4 (continued)

8	17	Italo-Australian Senior Citizens Group	Italo-Australian Senior Citizens Group	\$2,000	\$1,500 <i>Funding for hall hire is not eligible and cost for catering has been reduced.</i>	Social support group for Ryde residents of Italian background. Two meetings held per month.
9	18	The Shepherd Centre	Talk Together- an educational and support program for parents of children with a hearing loss in Ryde.	\$2,000	\$2,000	Group program for parents of children with hearing loss (may be delivered on-line if meeting restrictions continue)
10	22	Community Migrant Resource Centre	Online artist development project.	\$2,000	\$2,000	Upskilling of CALD artists recently arrived in Australia, so they can use online platforms to promote and distribute their art. Response to COVID-19 restrictions in the arts sector.
11	28	Young Life Ryde	Youth Lead and Connect.	\$1,930	\$1,930	Aims to socially connect young people post COVID-19 by supporting Year 12 school leavers to promote and run events for teens in Ryde.

- (b) That the recommended applications totaling \$21,166 are funded from the Community Grants budget for Round 1 of the 2020 Small Grants. \$10,000 is available within this budget. That additional funding from the Community Grants Reserve budget be used to cover the remaining amount.
- (c) That Council does not endorse the following applications.

	Ref	Organisation	Project	Amount Requested	Description
1	3	Australian Association of Cancer Care Incorporated	Continuation of cancer care and nursing home entertainment. One hour monthly concert at Sydney nursing homes.	\$2,000	Not eligible as nursing homes receive Commonwealth funding for entertainment for residents.
2	19	GCM One Pty. Ltd.	2020 second quarter marketing campaign.	\$2,000	Not eligible, as for profit business.
3	25	Easy Care Gardening	Purchase of gardening tools for volunteers.	\$2,000	Purchase of equipment is not eligible in this category. (The applicant has been contacted and will apply for a grant under the Facilities and Equipment category)
4	26	Cerebral Palsy Alliance	Purchase of devices for people living in group homes.	\$1,875	Purchase of equipment is not eligible in this category. (The applicant has been contacted and will apply for a grant under the Facilities and Equipment category)
5	23	Riverside Business Chamber	Boost business online presence by purchase of equipment, apps and engagement of consultants.	\$2,000	Purchase of equipment and items which contribute to the day to day operational expenses e.g. IT licences not eligible in this category. (The applicant has been contacted and will apply for a grant under the Facilities and Equipment category)

ITEM 4 (continued)

- (d) That the successful and unsuccessful grant applicants be informed in writing of the outcomes of the grant applications.
- (e) That future grant applications to be advertised in all media channels ie; all local newspapers, rate notices, Council's website and social media.
- (f) That a report come back including costings regarding future grant applications to be advertised in Cultural Newspapers.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as substantive changes were made to the published recommendation and it is outside the Committee's delegations.

4 CITY OF RYDE RECONCILIATION ACTION PLAN

RECOMMENDATION: (Moved by Councillors Pedersen and Purcell)

- (a) That Council endorse the City of Ryde Reflect Reconciliation Action Plan.
- (b) That the City of Ryde Reflect RAP be forwarded to Reconciliation Australia for final endorsement.
- (c) That Council adopt the Terms of Reference for the Reconciliation Action Working Group noting the following:
 - i. That all interested Councillors be invited to join the group noting that no less than half of the delegates on the Working Group be Indigenous delegates.
 - ii. That the Chairperson, be an Indigenous Delegate to be nominated by the Working Group.
- (d) That the General Manager calls for nominations to join the Reconciliation Action Working Group from surrounding and local Indigenous and non-Indigenous groups and individuals.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Maggio, Pedersen, and Purcell

Against the Motion: Councillor Kim

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ITEM 4 (continued)**5 WAIVER OF FEES - SWIM SCHOOLS AND CARNIVALS, SPORTSGROUNDS AND PARKS, LIBRARY FINES AND NOTICE PERIOD FOR VENUES**

Note: Councillor Kim left the meeting at 8.07pm and was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council adopts the resolution to waive the cancellation fee specified in Council's adopted "Fees and Charges" for swim schools and swimming carnivals for the period 01 April to 30 June 2020 inclusive; and
- (b) That Council adopts the resolution to waive the cancellation fee specified in Council's adopted "Fees and Charges" for sporting fields or parks for the period 01 March to 30 June 2020; and
- (c) That Council adopts the resolution to waive the notice period required under Council's Venue Hire Application, for cancellations for the period 01 April to 30 June 2020 inclusive; and
- (d) That Council adopts the resolution to waive the following library fines associated with the late return or loss of items for the period 1 April to 30 June 2020, as outlined in Council's *Fees and Charges 2019-2020*.
 - (a) Daily overdue charge.
 - (b) "Fast Reads" overdue charge.
 - (c) Replacement processing charge.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Pedersen and Purcell

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded.

6 INDOOR SPORTS FACILITIES REVIEW

Note: Councillor Kim returned to the meeting at 8.12pm.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That, the Future Facilities Direction detailed in the report be adopted as Council's planning framework for the future detailed planning of indoor sports courts within the City.

ITEM 4 (continued)

- (i) Not only ensure that all future indoor sport's facilities meet regulation accessibility but to consult widely with all abilities sports organisers, on what features might encourage an increased uptake of these sports in Ryde.
 - (ii) That the identified design features be adopted into future works.
- (b) That Council note funding for these projects is identified within Council's Section 7.11 Plan and delivery of any works be identified in future draft Four Year Delivery Plans.

Record of Voting:

For the Motion: Councillors Pedersen, Clifton, Gordon, and Purcell

Against the Motion: Councillors Kim and Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded and substantive changes were made to the published recommendation.

8 AFFECTS DUE TO COVID 19 - ASSISTING SPORTING CLUBS AND ASSOCIATIONS

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council continues to apply the fees for use of sportsgrounds and associated infrastructure as outlined in its current and draft 2020/21, Fees and Charges schedule.
- (b) That Council provide 100 lux to all sports grounds that have the increased lux capacity to cater for weekday night games, where permissible, to assist the interrupted winter season to be completed due to COVID-19.
- (c) That the General Manager be authorised to negotiate with any clubs, who formally identify that they have difficulty in paying any fees, in arranging deferrals or other hardship measures as appropriate.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Pedersen and Purcell

Against the Motion: Councillors Kim and Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 MINUTES - Works and Community Committee Meeting - 9 June 2020**

ITEM 4 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 5/20**

Meeting Date: Tuesday 9 June 2020
Location: Online Audio Visual Meeting
Time: 6.07pm

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

Apologies: Nil.

Absent: Councillor Zhou.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Acting Director – City Planning and Environment, Director – City Works, Manager – Community and Ranger Services, Manager – Parks, Senior Coordinator – Community Services, Team Leader – Community Services, Senior Network Engineer, Civic Services Manager and Civic Support Officer.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Works and Community Committee
Meeting held on 12 May 2020**

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That the Minutes of the Works and Community Committee Meeting 4/20, held on 12 May 2020, 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 Maggio and Purcell)

That the Committee determine all Items on the Agenda.

Record of Voting:

For the Motion: Unanimous

ITEM 4 (continued)

ATTACHMENT 1

3 SMALL GRANTS, ALLOCATION OF FUNDING, ROUND 1, 2020

RECOMMENDATION: (Moved by Councillors Maggio and Kim)

- (a) That Council endorse funding to the following organisations in Round 1 of the 2020 Small Grants as follows.

	Ref	Organisation	Project	Funding Requested	Funding Granted	Project Description
1	01	Italian Leisure Group	Italian Seniors Social Support Group Project	\$2,000	\$2,000	Weekly social support group for Italian seniors.
2	04	Eastwood Ryde Netball Association	Initial coaching skills	\$2,000	\$2,000	Introduction training session for parents and others to develop netball coach skills.
3	07	Ample Abilities Inc.	Serendipitous Me- A Care for Carers Project	\$2,000	\$2,000	Establishment of a carers support group with professional speakers and self-care activities.
4	09	KLAP- Australia	KLAP- Ryde Project	\$1990	\$1990	Connects primary school students (via an online platform) with secondary school students, as reading mentors.
5	14	Reach Community Initiatives Inc.	Provision of Emergency Food Parcels	\$1,746	\$1,746	Temporary food relief for families experiencing hardship during COVID-19 crisis.
6	15	Side By Side Advocacy Inc.	Side By Side Cocktail Party	\$2,000	\$2,000	An event for people with a disability to celebrate UN International Day for People with a Disability.
7	16	Streetwork Australia Ltd.	PRIDE Empowerment Program	\$2,000	\$2,000	8 week empowerment program for youth at risk including 44 mentoring sessions.
8	17	Italo-Australian Senior Citizens Group	Italo-Australian Senior Citizens Group	\$2,000	\$1,500 <i>Funding for hall hire is not eligible and cost for catering has been reduced.</i>	Social support group for Ryde residents of Italian background. Two meetings held per month.
9	18	The Shepherd Centre	Talk Together- an educational and support program for parents of children with a hearing loss in Ryde.	\$2,000	\$2,000	Group program for parents of children with hearing loss (may be delivered on-line if meeting restrictions continue)
10	22	Community Migrant Resource Centre	Online artist development project.	\$2,000	\$2,000	Upskilling of CALD artists recently arrived in Australia, so they can use online platforms to promote and distribute their art. Response to COVID-19 restrictions in the arts sector.
11	28	Young Life Ryde	Youth Lead and Connect.	\$1,930	\$1,930	Aims to socially connect young people post COVID-19 by supporting Year 12 school leavers to promote and run events for teens in Ryde.

ITEM 4 (continued)

ATTACHMENT 1

- (b) That the recommended applications totaling \$21,166 are funded from the Community Grants budget for Round 1 of the 2020 Small Grants. \$10,000 is available within this budget. That additional funding from the Community Grants Reserve budget be used to cover the remaining amount.
- (c) That Council does not endorse the following applications.

	Ref	Organisation	Project	Amount Requested	Description
1	3	Australian Association of Cancer Care Incorporated	Continuation of cancer care and nursing home entertainment. One hour monthly concert at Sydney nursing homes.	\$2,000	Not eligible as nursing homes receive Commonwealth funding for entertainment for residents.
2	19	GCM One Pty. Ltd.	2020 second quarter marketing campaign.	\$2,000	Not eligible, as for profit business.
3	25	Easy Care Gardening	Purchase of gardening tools for volunteers.	\$2,000	Purchase of equipment is not eligible in this category. (The applicant has been contacted and will apply for a grant under the Facilities and Equipment category)
4	26	Cerebral Palsy Alliance	Purchase of devices for people living in group homes.	\$1,875	Purchase of equipment is not eligible in this category. (The applicant has been contacted and will apply for a grant under the Facilities and Equipment category)
5	23	Riverside Business Chamber	Boost business online presence by purchase of equipment, apps and engagement of consultants.	\$2,000	Purchase of equipment and items which contribute to the day to day operational expenses e.g. IT licences not eligible in this category. (The applicant has been contacted and will apply for a grant under the Facilities and Equipment category)

- (d) That the successful and unsuccessful grant applicants be informed in writing of the outcomes of the grant applications.
- (e) That future grant applications to be advertised in all media channels ie; all local newspapers, rate notices, Council's website and social media.
- (f) That a report come back including costings regarding future grant applications to be advertised in Cultural Newspapers.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as substantive changes were made to the published recommendation and it is outside the Committee's delegations.

ITEM 4 (continued)

ATTACHMENT 1

4 CITY OF RYDE RECONCILIATION ACTION PLAN

RECOMMENDATION: (Moved by Councillors Pedersen and Purcell)

- (a) That Council endorse the City of Ryde Reflect Reconciliation Action Plan.
- (b) That the City of Ryde Reflect RAP be forwarded to Reconciliation Australia for final endorsement.
- (c) That Council adopt the Terms of Reference for the Reconciliation Action Working Group noting the following:
 - i. That all interested Councillors be invited to join the group noting that no less than half of the delegates on the Working Group be Indigenous delegates.
 - ii. That the Chairperson, be an Indigenous Delegate to be nominated by the Working Group.
- (d) That the General Manager calls for nominations to join the Reconciliation Action Working Group from surrounding and local Indigenous and non-Indigenous groups and individuals.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Maggio, Pedersen, and Purcell

Against the Motion: Councillor Kim

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ADJOURNMENT

The Chair, Councillor Pedersen requested that the Committee consider adjourning the online audio visual Meeting to enable a workshop presentation to be provided to Councillors, the time being 7.19pm.

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That the Meeting be adjourned and reconvene at the conclusion of the workshop presentation.

Record of Voting:

For the Motion: Unanimous

ITEM 4 (continued)

ATTACHMENT 1

The Committee Meeting was therefore adjourned to:

Tuesday, 9 June 2020 to reconvene at the conclusion of the workshop presentation.

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

Apologies: Nil.

Absent: Councillor Zhou.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Acting Director – City Planning and Environment, Director – City Works, Manager – Community and Ranger Services, Manager – Parks, Senior Network Engineer, Civic Services Manager and Civic Support Officer.

MEETING RECONVENED

The Chair, Councillor Pedersen reconvened the online audio visual Committee Meeting at 8.06pm on Tuesday, 9 June 2020.

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

Apologies: Nil.

Absent: Councillor Zhou.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Works, Manager – Communications and Engagement, Manager – Community and Ranger Services, Manager – Parks, Civic Services Manager and Civic Support Officer.

5 WAIVER OF FEES - SWIM SCHOOLS AND CARNIVALS, SPORTSGROUNDS AND PARKS, LIBRARY FINES AND NOTICE PERIOD FOR VENUES

Note: Councillor Kim left the meeting at 8.07pm and was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council adopts the resolution to waive the cancellation fee specified in Council's adopted "Fees and Charges" for swim schools and swimming carnivals for the period 01 April to 30 June 2020 inclusive; and

ITEM 4 (continued)

ATTACHMENT 1

- (b) That Council adopts the resolution to waive the cancellation fee specified in Council's adopted "Fees and Charges" for sporting fields or parks for the period 01 March to 30 June 2020; and
- (c) That Council adopts the resolution to waive the notice period required under Council's Venue Hire Application, for cancellations for the period 01 April to 30 June 2020 inclusive; and
- (d) That Council adopts the resolution to waive the following library fines associated with the late return or loss of items for the period 1 April to 30 June 2020, as outlined in Council's *Fees and Charges 2019-2020*.
 - (a) Daily overdue charge.
 - (b) "Fast Reads" overdue charge.
 - (c) Replacement processing charge.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Pedersen and Purcell

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded.

6 INDOOR SPORTS FACILITIES REVIEW

Note: Councillor Kim returned to the meeting at 8.12pm.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That, the Future Facilities Direction detailed in the report be adopted as Council's planning framework for the future detailed planning of indoor sports courts within the City.
 - (i) Not only ensure that all future indoor sport's facilities meet regulation accessibility but to consult widely with all abilities sports organisers, on what features might encourage an increased uptake of these sports in Ryde.
 - (ii) That the identified design features be adopted into future works.
- (b) That Council note funding for these projects is identified within Council's Section 7.11 Plan and delivery of any works be identified in future draft Four Year Delivery Plans.

ITEM 4 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Councillors Pedersen, Clifton, Gordon, and Purcell

Against the Motion: Councillors Kim and Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded and substantive changes were made to the published recommendation.

7 TRAFFIC AND PARKING MATTERS APPROVED BY THE RYDE TRAFFIC COMMITTEE MEETING

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That Council endorses the following Ryde Traffic Committee recommendations:

A. VARIOUS STREETS IN NORTH RYDE, MARSFIELD & GLADESVILLE – Parking Restrictions - Conversion of Temporary Resident Parking Schemes to Permanent Resident Parking Schemes

1. That the temporary resident parking schemes be made permanent in the following streets, with the scheme to be in operation on one side of the street only. The streets in question being – Collins Street, Marshal Place and Truscott Street - all of which are located in North Ryde, with Karalee Close and Katoa Place both of which are located in Marsfield.
2. That Lyndhurst Street, Gladesville be made a permanent resident parking scheme, with the scheme to be in operation on both sides of the road.
3. Signposting of the resident parking schemes as 2P 8am-6pm Mon–Fri Permit Holders Excepted in both instances.

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

8 AFFECTS DUE TO COVID 19 - ASSISTING SPORTING CLUBS AND ASSOCIATIONS

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council continues to apply the fees for use of sportsgrounds and associated infrastructure as outlined in its current and draft 2020/21, Fees and Charges schedule.
- (b) That Council provide 100 lux to all sports grounds that have the increased lux capacity to cater for weekday night games, where permissible, to assist the interrupted winter season to be completed due to COVID-19.
- (c) That the General Manager be authorised to negotiate with any clubs, who formally identify that they have difficulty in paying any fees, in arranging deferrals or other hardship measures as appropriate.

Record of Voting:

For the Motion: Councillors Clifton, Gordon, Pedersen and Purcell

Against the Motion: Councillors Kim and Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 JUNE 2020** as dissenting votes were recorded and substantive changes were made to the published recommendation.

The meeting closed at 8.22pm.

CONFIRMED THIS 11TH DAY OF AUGUST 2020.

Chairperson

5 INVESTMENT REPORT AS AT 31 MAY 2020

Report prepared by: Chief Financial Officer**File No.:** COR2019/82 - BP20/513

REPORT SUMMARY

This report details Council's performance of its investment portfolio as at 31 May 2020 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 2.07%, which is 1.07% above the benchmark figure of 1.0%.

Income from interest on investments and proceeds from sale of investments totals \$5.22M for the financial year to date, which is \$256K above the 2019/20 year-to-date adopted budget of \$4.97M.

RECOMMENDATION:

That Council endorse the Investment Report as at 31 May 2020.

ATTACHMENTS

1 Investment Report Attachment

Report Prepared By:

Pav Kuzmanovski
Chief Financial Officer

Report Approved By:

Steven Kludass
Director - Corporate Services

ITEM 5 (continued)

Discussion

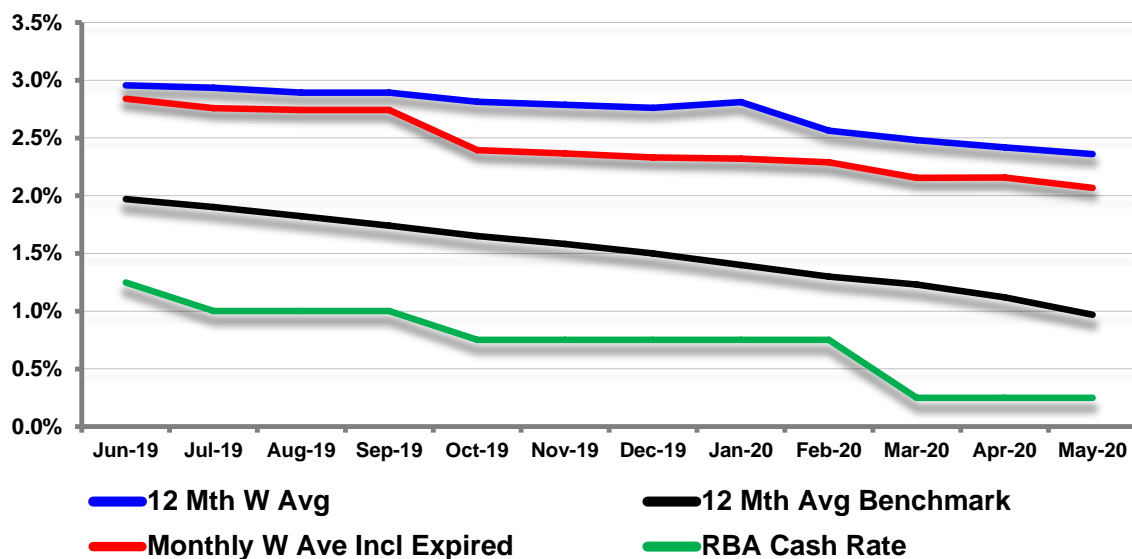
Council's Responsible Accounting Officer is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the Local Government Act.

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for May 2020 and the past 12 months are as follows:

	May	12 Mth	FYTD
Council Return	2.07	2.36	2.33
Benchmark	1.00	0.97	0.91
Variance	1.07	1.39	1.42

Performance - All Investments



Council's investment portfolio as at 31 May 2020 was as follows:

Cash/Term Deposits	\$130.0M	56.9%
Floating Rate Notes	\$48.3M	21.2%
Fixed Bonds	\$50.1M	21.9%
Total Investments	\$228.4M	

ITEM 5 (continued)

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.

Loan Liability

Council's loan liability as at 31 May was \$1.37 million which represents the balance of two loans which 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 5 (continued)

INVESTMENT SUMMARY AS AT 31 MAY 2020

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-May-20 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2019	% of Total Invested	Maturity	Tenor
Bank of Queensland	1. BoQ FRN Covered	AAA	Y	1,200	1.17	1.17	1.17	0.53	14/05/2025	1826
NAB	2. NAB Covered Bond	AAA	Y	3,743	3.10	3.11	3.11	1.64	16/03/2023	1826
Suncorp-Metway	3. Suncorp FRN (Covered)	AAA	Y	4,000	1.58	2.07	2.01	1.75	22/06/2021	1826
Suncorp-Metway	4. Suncorp FRN 4	AAA	Y	1,200	1.24	1.24	1.24	0.53	24/04/2025	1823
ANZ	5. ANZ Fixed Bond	AA-	Y	1,499	3.16	3.14	3.14	0.66	18/01/2023	1826
ANZ	6. ANZ Fixed Bond	AA-	Y	1,999	1.56	1.54	1.54	0.88	29/08/2024	1827
ANZ	7. ANZ Fixed Bond	AA-	Y	1,991	1.67	1.65	1.65	0.87	29/08/2024	1805
ANZ	8. ANZ MTN 6	AA-	Y	1,997	1.69	1.69	1.69	0.87	16/01/2025	1827
ANZ	9. ANZ Fixed Bond	AA-	Y	2,972	1.80	1.80	1.80	1.30	29/08/2024	1612
ANZ	10. ANZ FRN	AA-	Y	4,000	1.42	2.13	2.05	1.75	7/04/2021	1826
ANZ	11. ANZ FRN	AA-	Y	1,500	0.90	1.74	1.67	0.66	18/01/2023	1826
ANZ	12. ANZ FRN	AA-	Y	2,000	1.27	1.94	1.89	0.88	9/05/2023	1826
ANZ	13. ANZ Fixed Bond	AA-	Y	2,999	3.13	3.12	3.11	1.31	8/02/2024	1826
ANZ	14. ANZ Floating TD	AA-	Y	4,000	1.87	2.55	2.49	1.75	10/11/2022	2557
ANZ	15. ANZ Flexi TD	AA-	Y	4,000	2.06	2.48	2.43	1.75	15/12/2022	2557
CBA	16. CBA At Call Deposit	AA-	Y	12,539	0.57	0.60	0.56	5.49		
CBA	17. CBA Fixed Bond	AA-	Y	3,987	3.41	3.38	3.38	1.75	25/04/2023	1916
CBA	18. CBA MTN	AA-	Y	3,495	3.28	3.27	3.26	1.53	16/08/2023	1826
CBA	19. CBA Fixed Bond	AA-	Y	3,479	3.23	3.21	3.21	1.52	11/01/2024	1826
CBA	20. CBA FRN	AA-	Y	2,000	1.03	1.81	1.70	0.88	17/07/2020	1827
CBA	21. CBA FRN	AA-	Y	1,999	1.28	2.11	2.04	0.88	17/07/2020	1613
NAB	22. NAB Fixed Bond	AA-	Y	2,997	3.20	3.16	3.16	1.31	12/05/2021	1826
NAB	23. NAB Fixed Bond	AA-	Y	3,995	3.08	3.09	3.09	1.75	10/02/2023	1918
NAB	24. NAB Fixed Bond	AA-	Y	2,997	2.95	2.95	2.95	1.31	26/02/2024	1826
NAB	25. NAB Floating Rate Note	AA-	Y	2,000	1.29	2.09	2.03	0.88	5/11/2020	1827
NAB	26. NAB FRN	AA-	Y	4,000	1.44	1.95	1.89	1.75	16/05/2023	1826
NAB	27. NAB FRN	AA-	Y	2,000	1.58	1.89	1.88	0.88	19/06/2024	1827
NAB	28. NAB Term Deposit	AA-	Y	4,000	0.98	1.89	1.81	1.75	18/02/2021	265
NAB	29. NAB Term Deposit	AA-	Y	2,500	1.43	1.65	1.43	1.09	29/01/2021	336
NAB	30. NAB Term Deposit	AA-	Y	4,000	1.35	1.62	1.62	1.75	17/09/2020	177
NAB	31. NAB TD	AA-	Y	4,000	0.98	1.88	1.81	1.75	16/02/2021	263
NAB	32. NAB Term Deposit	AA-	Y	4,000	1.71	1.96	1.89	1.75	23/06/2020	280
NAB	33. NAB Term Deposit	AA-	Y	4,000	1.45	1.45	1.45	1.75	16/10/2020	233
NAB	34. NAB TD	AA-	Y	4,000	1.43	1.54	1.43	1.75	19/01/2021	326
NAB	35. NAB TD	AA-	Y	4,000	3.35	3.35	3.35	1.75	18/09/2023	1827
Westpac	36. Westpac At Call	AA-	Y	13	0.05	0.13	0.11	0.01		
Westpac	37. Westpac FRN	AA-	Y	1,000	1.02	1.87	1.82	0.44	28/07/2020	1827
Westpac	38. Westpac Fixed Bond	AA-	Y	2,481	3.25	3.24	3.24	1.09	24/04/2024	1917
Westpac	39. Westpac Term Deposit 2	AA-	Y	2,000	1.66	1.66	1.66	0.88	22/09/2020	378
Westpac	40. Westpac Term Deposit	AA-	Y	4,000	3.55	3.55	3.55	1.75	22/02/2022	1825
Westpac	41. Westpac Term Deposit	AA-	Y	4,000	3.32	3.32	3.32	1.75	9/08/2022	1813
Westpac	42. Westpac Term Deposit	AA-	Y	2,000	3.38	3.38	3.38	0.88	18/08/2022	1815
Westpac	43. WBC Floating TD	AA-	Y	4,000	1.75	2.25	2.20	1.75	17/02/2022	1826
Westpac	44. Westpac TD	AA-	Y	4,000	3.14	3.14	3.14	1.75	2/11/2021	1461
Macquarie Bank	45. Macquarie Bank Fixed Bond	A+	Y	3,999	1.71	1.71	1.71	1.75	12/02/2025	1827
Macquarie Bank	46. Macquarie Bank Term Deposit	A+	Y	2,000	1.70	1.75	1.75	0.88	1/04/2021	364
Suncorp-Metway	47. Suncorp FRN	A+	Y	800	1.38	2.24	2.17	0.35	20/10/2020	1827
Suncorp-Metway	48. Suncorp FRN	A+	Y	1,000	1.52	2.02	1.97	0.44	16/08/2022	1826
AMP	49. AMP Business Saver	BBB+	Y	394	0.00	1.06	1.00	0.17		
AMP	50. AMP Floating Rate Note	BBB+	Y	1,999	1.69	1.96	1.96	0.88	10/09/2021	729
AMP	51. AMP Floating Rate Note	BBB+	Y	994	1.80	2.21	2.21	0.44	30/03/2022	917
AMP	52. AMP TD	BBB+	Y	1,000	2.25	2.32	2.25	0.44	30/07/2020	366
AMP	53. AMP TD	BBB+	Y	2,000	1.81	1.81	1.81	0.88	18/06/2020	251
Australian Unity Bank	54. Aus Unity Bank TD	BBB+	?	2,000	1.55	1.97	1.89	0.88	30/07/2020	275
Australian Unity Bank	55. Australian Unity TD	BBB+	?	2,000	1.70	1.70	1.70	0.88	11/02/2021	364
Bank of Queensland	56. Bank of Queensland Fixed Bond	BBB+	Y	1,990	3.46	3.38	3.38	0.87	16/11/2021	1267
Bank of Queensland	57. Bank of Queensland TD	BBB+	Y	2,000	2.55	2.55	2.55	0.88	13/06/2024	1827
Bank of Queensland	58. Bank of Queensland TD	BBB+	Y	4,000	3.10	3.10	3.10	1.75	17/12/2020	1071
Bank of Queensland	59. Bank of Queensland TD	BBB+	Y	2,000	3.55	3.55	3.55	0.88	12/11/2020	1827
Bank of Queensland	60. Bank of Queensland TD	BBB+	Y	2,000	3.75	3.75	3.75	0.88	9/12/2021	1823
Bank of Queensland	61. BoQ Term Deposit	BBB+	Y	4,000	3.50	3.50	3.50	1.75	15/11/2022	1804

ITEM 5 (continued)

INVESTMENT SUMMARY AS AT 31 MAY 2020

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-May-20 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2019	% of Total Invested	Maturity	Tenor
Bendigo and Adelaide Bank	62. Bendigo Fixed MTN	BBB+	N	2,000	3.54	3.50	3.50	0.88	25/01/2023	1826
Bendigo and Adelaide Bank	63. Bendigo Bank FRN	BBB+	N	1,000	1.65	2.15	2.10	0.44	18/08/2020	1827
Bendigo and Adelaide Bank	64. Bendigo and Adelaide Bank FRN	BBB+	N	1,997	1.22	2.07	2.01	0.87	25/01/2023	1532
Heritage Bank	65. Heritage Bank FRN	BBB+	N	1,400	1.63	2.23	2.16	0.61	29/03/2021	1096
Heritage Bank	66. Heritage Bank FRN	BBB+	N	2,001	1.19	1.69	1.69	0.88	12/08/2022	1085
MyState Bank	67. MyState TD	BBB+	N	2,000	1.65	2.09	1.90	0.88	2/01/2021	291
Newcastle Perm Bldg Soc	68. Newcastle Perm Bldg Soc	BBB+	N	2,000	3.05	3.05	3.05	0.88	27/01/2022	1092
Newcastle Perm Bldg Soc	69. Newcastle Perm Bldg Soc TD	BBB+	N	2,000	3.05	3.05	3.05	0.88	10/02/2022	1095
Bank Australia	70. Bank Australia FRN	BBB	N	1,000	2.05	2.33	2.29	0.44	30/08/2021	1096
Bank Australia	71. Bank Australia FRN	BBB	N	2,000	1.48	1.64	1.64	0.88	2/12/2022	1096
CUA	72. CUA FRN	BBB	N	1,000	1.24	1.89	1.89	0.44	24/10/2024	1827
CUA	73. CUA TD	BBB	N	2,000	3.00	3.00	3.00	0.88	3/12/2020	728
Defence Bank	74. Defence Bank TD	BBB	N	2,000	1.65	1.65	1.65	0.88	9/02/2021	349
Me Bank	75. ME Bank At Call Account	BBB	N	5,514	0.76	1.19	1.07	2.41		
Me Bank	76. ME Bank FRN	BBB	N	1,500	1.62	2.29	2.23	0.66	9/11/2020	1096
Me Bank	77. ME Bank FRN	BBB	N	1,600	1.42	2.24	2.17	0.70	16/04/2021	1095
Me Bank	78. ME Bank TD	BBB	N	2,000	1.58	1.92	1.87	0.88	4/08/2020	271
P&N Bank	79. P&N Bank	BBB	N	1,000	3.50	3.50	3.50	0.44	2/11/2023	1821
Queensland Country Bank	80. Queensland Country Bank TD	BBB	?	1,000	1.60	2.46	2.44	0.44	16/03/2021	371
Teachers Mutual Bank	81. Teachers Mutual Bank FRN	BBB	N	1,400	1.68	2.33	2.26	0.61	2/07/2021	1096
Auswide Bank	82. Auswide Bank FRN	BBB-	N	1,500	1.05	1.05	1.05	0.66	17/03/2023	1095
Auswide Bank	83. Auswide Bank TD	BBB-	N	2,000	1.69	1.69	1.69	0.88	15/02/2022	715
QBank	84. QBank FRN	BBB-	N	1,000	1.89	2.38	2.32	0.44	22/03/2021	1098
QBank	85. QBank FRN	BBB-	N	750	2.11	2.53	2.48	0.33	14/12/2021	1096
QBank	86. Qbank Term Deposit	BBB-	N	1,000	1.70	2.26	2.20	0.44	8/12/2020	362
QBank	87. QBank TD	BBB-	N	1,000	1.65	2.48	2.47	0.44	6/05/2021	364
QBank	88. QBank TD	BBB-	N	1,000	1.65	2.13	2.07	0.44	1/10/2020	329
Bank of Sydney	89. Bank of Sydney TD	Unrated	?	1,000	1.62	2.00	1.93	0.44	2/07/2020	261
Bank of us	90. Bank of us TD	Unrated	?	1,000	1.76	1.98	1.96	0.44	16/06/2020	189
Coastline CU	91. Coastline Credit Union TD	Unrated	?	1,000	1.80	2.38	2.32	0.44	10/12/2020	357
Police CU (SA)	92. Police CU - SA Term Deposit	Unrated	?	1,000	1.65	2.17	2.10	0.44	8/10/2020	331
Police CU (SA)	93. Police CU - SA	Unrated	?	1,000	1.75	2.23	2.17	0.44	21/10/2020	349
Regional Australia Bank	94. Regional Australia Bank TD	Unrated	N	2,000	3.10	3.10	3.10	0.88	13/08/2020	1093
Summerland CU	95. Summerland CU TD	Unrated	N	1,000	1.86	2.42	2.37	0.44	16/06/2020	189
Warwick CU	96. Warwick CU TD	Unrated	?	1,000	1.90	2.46	2.40	0.44	10/12/2020	357
WaW CU	97. WAW CU Coop	Unrated	N	2,000	1.80	2.02	2.01	0.88	8/12/2020	362
				228,420	2.07	2.39	2.36	100		

*Monthly returns when annualised can appear to exaggerate performance

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

Return including Matured/Traded Investments

Weighted Average Return

Benchmark Return: AusBond Bank Bill Index (%)

Variance From Benchmark (%)

	May	12 Mth	FYTD
Weighted Average Return	2.07	2.36	2.33
Benchmark Return: AusBond Bank Bill Index (%)	0.10	0.97	0.91
Variance From Benchmark (%)	1.97	1.39	1.42

Investment Income

\$000's

This Period

Financial Year To Date

Budget Profile

Variance from Budget - \$

Legal Settlements YTD

401

5,225

4,969

256

1,268

Fossil Fuel Free (000's)

Yes

No

Unknown

48,662

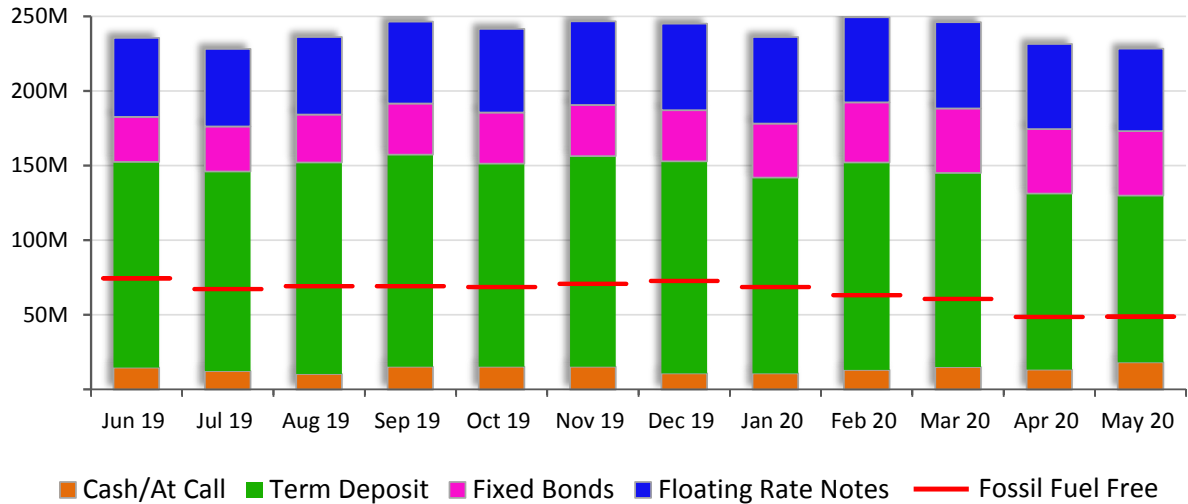
168,758

11,000

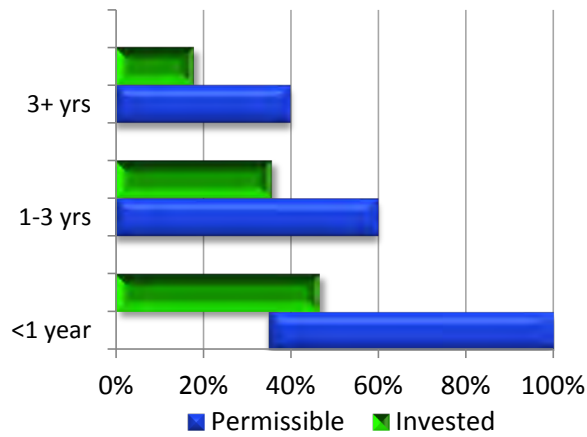
ITEM 5 (continued)

Analysis of investments

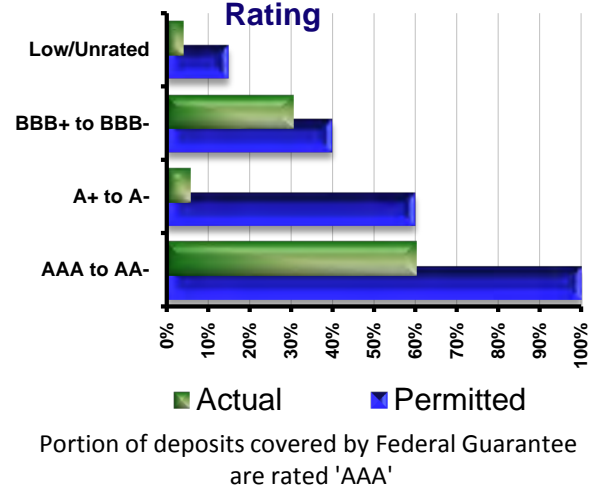
Total Funds Invested



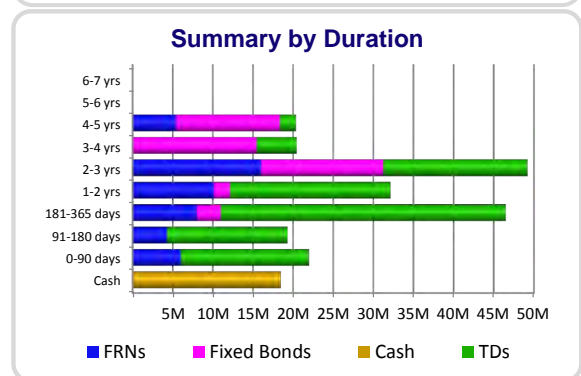
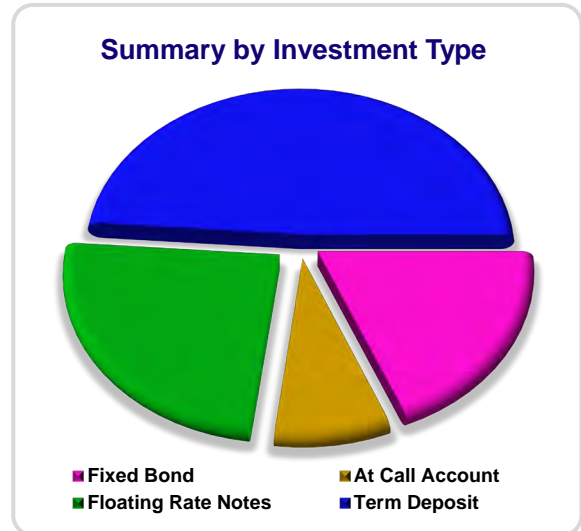
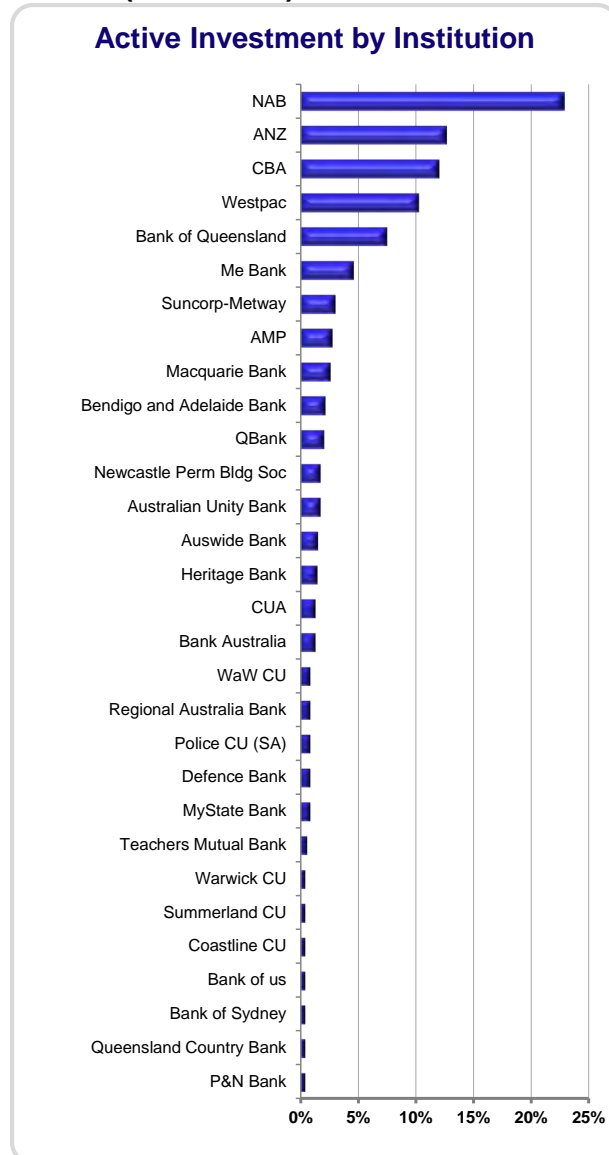
Policy Limits on Maturities



Investment Summary by Rating



ITEM 5 (continued)



	<365 days	>365 days
Cash/TDs	\$85.0M	\$45.0M
FRNs	\$18.3M	\$30.0M
Fixed Bonds	\$3.0M	\$47.1M
	\$106.3M	\$122.2M

Divestment of Fossil Fuel Aligned Financial Institutions

As at 31 May 2020, Council had a total amount of \$48.7 million (21.3% of Council’s total investment portfolio) invested in non-fossil fuel aligned financial institutions. A further \$13.5 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 \$59.7 million (26.1% 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 5 (continued)**Financial Implications**

Council's return for the reporting period is 2.07%, which is 1.07% above the benchmark figure of 1.00%. Income from interest on investments and proceeds from sales of investments totals \$5.22M for the period ending 31 May 2020 and is \$256K above the 2019/20 year-to-date adopted Budget of \$4.97M.

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 5 (continued)

ATTACHMENT 1

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.

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 5 (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

6 FOUR YEAR DELIVERY PROGRAM 2020-2024 INCLUDING ONE YEAR OPERATIONAL PLAN 2020/2021

Report prepared by: Chief Financial Officer
File No.: FIM/19/516 - BP20/511

REPORT SUMMARY

The purpose of this report is to ensure that Council meets its legislative requirements in adopting a Delivery Program and Operational Plan and ensuring it is able to make and levy Rates and Charges in accordance with the Local Government Act 1993 for the 2020/21 financial year. The report includes the proposed 2020-2024 Four Year Delivery Program including the 2020/2021 One Year Operational Plan (with proposed amendments outlined in the report) and proposed 2020/21 Fees and Charges Schedule for adoption as provided for in **ATTACHMENT - CIRCULATED UNDER SEPARATE COVER**.

Also included is a response to the one public submission received whilst the draft plans were on public exhibition from 1 May 2020 – 29 May 2020.

After the proposed amendments, Council will maintain a Working Capital balance of \$4.50 million as at 30 June 2021. The four year Delivery Program 2020-2024, including 2020/21 one year Operational Plan for 2020/21, as amended, is recommended for Council's adoption.

RECOMMENDATION:

- (a) That Council consider the one public submission received during the public exhibition period and the response to that submission.
- (b) That in accordance with Section's 404 and 405 of the Local Government Act (1993), Council adopts the draft Four Year Delivery Program 2020-2024 including the One year Operational Plan for 2020/2021, incorporating the following:
 - 1. All proposed COVID-19 related budget adjustments included in this report;
 - 2. Proposed budget adjustments relating to the Westminster Park Master Plan Project;
 - 3. The amendments to the 2020/21 Fees and Charges incorporating all fee waivers endorsed by Council during the public exhibition period;
 - 4. That Council, via a public exhibition process, add a new fee to its 2020/21 Fees and Charges Schedule of \$14.65 p/hr for City of Ryde Based Clubs and \$29.30 for non-City of Ryde based clubs for use of Dunbar Park for athletic activities.

ITEM 6 (continued)

5. In accordance with the provisions of Section 356 and as outlined in Council's Revenue Policy, provide a one-off \$400 rate rebate for all eligible Jobseeker and Jobkeeper applicants to be offset against the November 2020 Rate Instalment and funded from the Domestic Waste Management Reserve.
- (c) That Council makes and levies the Rates and Charges for the 2020/21 financial year, as detailed in the Four Year Delivery Program 2020-2024 including One Year Operational Plan 2020/2021 in accordance with the Local Government Act 1993.
 - (d) That Council sets the rate of interest payable in respect of rates and charges that remain unpaid after they become due as follows:
 - Zero percent (0.0%) from 1 July 2020 to 31 December 2020
 - Seven percent (7.0%) from 1 January 2021 to 30 June 2021

ATTACHMENTS

- 1 Four Year Delivery Program 2020-2024 including One Year Operational Plan 2020/2021 – CIRCULATED UNDER SEPARATE COVER
- 2 Fees and Charges 2020/21 – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Pav Kuzmanovski
Chief Financial Officer

Report Approved By:

Steven Kludass
Director - Corporate Services

ITEM 6 (continued)

Background

Council resolved, at its Ordinary Meeting on 28 April 2020, to place the "Draft Four Year Delivery Program 2020-2024 including One Year Operational Plan 2020/2021" on public exhibition for 28 days from 1 May 2020 to 29 May 2020. It was proposed that the public submissions and final plans be considered and adopted by Council at its 23 June 2020 meeting.

Ryde 2028 Community Strategic Plan

In formulating the Four Year Delivery Program 2020-2024 including One Year Operational Plan 2020/2021, consideration has been given to Council's adopted Ryde 2028 Community Strategic Plan. A summary of the proposed expenditure allocations for each of the Outcome areas in the Four-Year Delivery Program 2020-2024 is outlined below:

2028 Community Strategic Plan Outcome	Base \$m	Projects \$m	Total \$m
Our Connected and Accessible City	90.9	77.0	167.9
Our Natural and Sustainable City	119.2	21.6	140.8
Our Diverse and Inclusive City	28.1	1.0	29.1
Our Vibrant and Liveable City	48.9	6.2	55.1
Our Open and Progressive City	151.7	146.6	298.3
Our Smart and Innovative City	7.0	11.2	18.2
Our Active and Health City	97.5	58.5	156.0
Total	543.3	322.1	865.4

Key Aspects of the Four Year Delivery Plan 2020-2024 including One Year Operational Plan 2020/21

- The total operating expenditure budget for 2020/21 is \$111.7 million, including \$2.42 million for one-off Operating Projects;
- The Operating Result for 2020/21 is projected to be a surplus of \$14.3 million, including Capital Grants and Contributions and a \$1.46 million surplus without Capital Grants and Contributions;
- Capital Expenditure in 2020/21 is budgeted at \$80.64 million, funded primarily by Internal Reserves, Section 7.11 Contributions, Grants and other external sources of income.

ITEM 6 (continued)

- Assistance to ratepayers who may be experiencing financial hardship during the current COVID-10 pandemic, including:
 - Access to a \$400 rate rebate for all eligible Pensioners;
 - Access to a \$400 rate rebate for recipients of the Jobkeeper or Jobseeker allowance;
 - Access to defer rates associated with the August 2020 rate instalment notice without interest or legal penalty
 - Financial relief for those individuals and organisations who owe monies to Council via a mutually acceptable payment arrangement.

A summary of Council's proposed 2020/21 Project expenditure by Program is outlined below.

Program	Capital Project \$M	Non-Capital Project \$M	Total Project \$M
Catchment Program	4.05	0.30	4.35
Centres and Neighbourhood Program	4.03	0.10	4.13
Community and Cultural Program	0.80	0.25	1.05
Customer and Community Relations Program	-	0.11	0.11
Environmental Program	0.10	0.08	0.18
Foreshore Program	1.48		1.48
Governance and Civic Program	-	0.16	0.16
Internal Corporate Services Program	5.55	0.35	5.90
Land Use Planning Program		0.03	0.03
Library Program	0.33	-	0.33
Open Space, Sport & Recreation Program	10.80	0.50	11.30
Paths and Cycleways Program	1.78		1.78
Property Portfolio Program	35.94	-	35.94
Risk Management Program	-	0.03	0.03
Roads Program	6.76	-	6.76
Strategic City Program	0.24	-	0.24
Traffic & Transport Program	7.98	-	7.98
Waste and Recycling Program	0.80	0.51	1.31
Total	80.64	2.42	83.06

ITEM 6 (continued)
COVID-19 Financial Impact on the 2020/21 Budget

The net financial impact of COVID-19 on the 2020/21 Budget is estimated to be \$7.65 million. The areas that are impacted the greatest include:

- Ryde Aquatic Leisure Centre – \$2.76 million net financial impact
- Parking Control Income - \$2.50 million net financial impact
- Community and Commercial Lease Income - \$0.45 million net financial impact
- Interest on Investments Income - \$0.40 million net financial impact
- Parks and Sportingfields - \$0.32 million net financial impact
- Fees & Charges frozen until 1 January 2021 - \$0.25 million net financial impact
- Environmental Health Income - \$0.20 million net financial impact
- COVID-19 Compliance Cleaning and WHS - \$0.15 million net financial impact

In order to balance the budget, it is necessary to develop a funding strategy whereby appropriate measures can be taken within the context of continuing to deliver a wide range of services and programs to the community in a financially responsible manner. A key objective of the funding strategy was to minimise the cancellation of projects or programs and focus on those that could instead be deferred for up to 12 months without a discernable impact on the community.

The following is a summary of the Projects and Programs earmarked for deferral, together with other proposed adjustments to the 2020/21 Budget to offset the \$7.65 million financial impact of COVID-19:

Project/Program	Deferral	Reduction
Road Resurfacing Renewal Program	\$6.62m	
Salaries and Wages		\$0.50m
Community Grants Reserve		\$0.15m
Night-time Economy Project		\$0.10m
Community Buildings Renewal Program	\$0.05m	\$0.04m
Solar My Schools Project		\$0.05m
Libraries Renewal Program	\$0.04m	
LEP Review Project		\$0.04m
Ryde Heritage Information Centre Project		\$0.02m
Cool Places / Cool Spaces Project	\$0.02m	
Ryde World Environmental Day Project		\$0.01m
Home a Hive Project		\$0.01m
TOTAL	\$6.73m	\$0.92m
GRAND TOTAL		\$7.65m

ITEM 6 (continued)

Importantly, the 2020 September Quarterly Budget Review presents an opportunity to review the financial impacts of COVID-19. There is the real prospect that if restrictions continue to ease, the estimated impacts on income will not be as significant as currently envisaged. This may mean, for example, if the financial outlook improves there may be merit in re-instating some of the Projects or Programs that have been earmarked for deferral in the 2020/21 Budget.

More detailed information on each of the proposed 2020/21 budget adjustments is provided below:

Road Resurfacing Renewal Program

Projects identified within the 2020/21 Road Resurfacing Renewal Program are proposed to be deferred until the 2021/22 financial year.

An allocation of \$6.62 million, funded from the Asset Replacement Reserve, had originally been earmarked for inclusion in the 2020/21 Budget. By not proceeding with these Projects in 2020/21, the funds allocated in the Asset Replacement Reserve can be released and redirected to fund the vast majority of the \$7.65 million shortfall in the 2020/21 Budget.

The Roads Resurfacing Program is part of Council's annual \$28 million investment in asset renewal across the Local Government area. Despite the proposed deferral of 2020/21 projects within the Road Resurfacing Program, the average annual investment in asset renewal over the next 4 years (\$30.3 million) will still be greater than the actual average annual spend on asset renewal over the past 4 years (\$28.2 million).

Council's infrastructure asset backlog continues to track well against local government benchmarks. The proposed 12 month deferral of Road Resurfacing Projects will not have a discernible impact on Council's infrastructure asset backlog ratio which currently stands at 1.59% (the benchmark is less than 2.00%).

It is also important to note that Council is updating its infrastructure asset condition data which will be loaded into a new Asset Management System in the coming months. Given this major undertaking, it is prudent to temporarily 'pause' asset renewal investment decisions (particularly as they relate to roads renewal) until such time as the new asset condition data is validated and modelled. The product of this exercise will be a more strategic approach to investment decision making based on current data and information.

Council should also bear in mind the magnitude of Projects already included in the 2020/21 Budget (in excess of \$80 million) and the estimated \$16.2 million of carryover works from the 2019/20 Budget that needs to be added to the 2020/21 Budget when considering the proposed deferral of \$6.62 million within this Program.

ITEM 6 (continued)**Salaries and Wages**

The organisational salaries and wages budget for 2020/21 has been reviewed in light of the new 'Award' which will come into effect 1 July 2020. A \$500,000 reduction can be accommodated within the 2020/21 Budget without impacting on Council's staff establishment.

Community Grants Reserve

Over a number of years, Council has accumulated a significant Internal Reserve balance comprising unspent monies from each year's Annual Community Grants Program. This Internal Reserve currently has a balance in excess of \$200,000. There is opportunity to reduce this balance by \$150,000 which would still leave sufficient discretionary funds in the Reserve to allow Council to fund worthwhile projects each year where funding might not otherwise be available.

Night Time Economy Implementation Project

Funding of \$100,000 for this project is no longer required as business assistance has been re-structured to address the impacts of the COVID-19 pandemic. The restructured assistance will still deliver projects that assist Night Time Economy in other cost-effective ways.

Community Buildings Renewal Program

Goulding Hill Preschool Project \$50,000 (proposed deferral until 2021/22):

Council's Community Buildings Renewal Budget has allocated expenditure over the next 4 years to upgrade and improve a number of buildings that provide space for not-for-profit community based preschools. The proposed work at Goulding Hill Preschool is not urgent and can be undertaken in the 2021/22 financial year.

Forward Planning \$40,000 (proposed reduction):

Planning is already well advanced for a number of projects in the 2021/22 financial and, as such, these funds can be removed from the 2020/21 Budget.

Solar My Schools Project

The \$50,000 funding for this Project can be removed due to potential Department of Education changes to grants supporting solar and the low take up rate.

ITEM 6 (continued)**Libraries Renewal Program**

An amount of \$40,000 was allocated to upgrade the accessibility of Gladesville Library in line with current standards, replace the airconditioning unit and increase security vision within the library. The proposed deferral of these works to the 2021/22 financial year will not bring any immediate disadvantage.

This decision takes into consideration the air conditioning unit underwent a repair in 2020 which has extended its life. Upgrading the CCTV was to replace aging cameras and improve recording quality. However, what we have currently will be adequate for the short term. The upgrade to the Library access was to increase the doorway width in line with current accessibility building codes. There is no requirement to retro fit but it is an action of the DIAP plan to gradually do so when appropriate.

To date the Library Service has not received any negative feedback about accessibility to Gladesville Library despite several members of the community accessing the library weekly using mobility devices.

Local Environmental Plan Review Project

Funds provided by the Accelerated LEP grant will be utilised to complete the LEP Program for 20/21. As such, the \$40,000 allocated to this project can be removed.

Ryde Heritage Information Centre Project

Pending finalisation of Council's Heritage Planning Proposal, the rollout of the expanded Heritage Grant Scheme and consultation on changes to the DCP will be required rather than this more general consultation project. As such, the \$20,000 allocated to this Project can be removed.

Cool Places Cool Spaces - Urban Heat Project

This project (\$20,000) can be deferred to 2021/22 without compromising council's ability to meet relevant commitments in the LSPS and Resilience Plan.

Ryde World Environment Day Project

The \$10,000 funding for this Project can be removed. Alternate cost-effective promotion opportunities will be explored such as Council's website and Mayor's Column.

Home A Hive Project

This biodiversity support project (\$10,000) can be removed from the 2020/21 Budget and reconsidered as part of the 2021/22 Budget preparation process.

ITEM 6 (continued)**Other Proposed Budget Adjustments**Westminster Park Master Plan

At its meeting on 25 February 2020, in relation to the adoption of the Westminster Park Master Plan Council resolved in part.

- (b) *That Council implement phase 1 from Section 7.11 and other sources of funding, identified works in the Master Plan 2020-21 design stormwater mitigation, access improvements paths and stairs.*
- (i) *2021 – 22 Synthetic sports field upgrade associated lighting works, fencing, water station, tree planting, passive park improvements and any ancillary works.*
 - (ii) *2022 – 23 Upgrade to amenities building, new community hall which should also allow provision for indoor sports and a pedestrian safety program.*

There is currently no funding available to enable Council to enact this resolution, either in the Stormwater Renewal Works Program (as the Stormwater Levy Fund is fully committed to other projects across the life of the Delivery Program) or in the adopted Section 7.12 Plan, as those funds are also fully committed.

The cost of mitigating the stormwater issue at Westminster Park is estimated at \$800,000 to make the existing flooding impact on the downstream properties no worse following the installation of a synthetic field, to \$3.6 million to fully resolve the flooding issue on the properties.

As outlined in the report to Council in February it is not recommended to construct a synthetic field before addressing the stormwater issues at Westminster Park. This is due to the high costs that would be associated with retrofitting any stormwater infrastructure on the site following the completion of a synthetic surface.

Additionally, there is no funding identified in the draft Four Year Delivery Program for a community hall that incorporates the provision for indoor sports. It is estimated that the cost of such a facility could be in the order of \$8-12 million (subject to design specifications) including the provision of car parking. The draft indoor sports facilities review reported to Council at the June 9 Works Committee meeting does not identify an indoor sports facility at this site.

Should one be constructed on this site it would likely cannibalise use of the RALC, impacting on the financial viability of that facility.

ITEM 6 (continued)

As such, the draft Four Year Delivery Program has been prepared without the inclusion of these projects. The \$2.35 million identified for the installation of a Synthetic Field has been reduced to \$500,000 to allow for the renewal of the turf field to improve the quality of that surface until such time as the funding can be identified for the mitigation of the Stormwater Works on the site. At that time, should the need be identified for the installation of a synthetic field on the site, it would occur following the completion of the stormwater works.

Public Notification/Consultation

In accordance with Council's resolution at its meeting on 28 April 2020, the Draft Four Year Delivery Program 2020-2024 including One Year Operational Plan 2020/2021 was advertised on 1 May 2020 seeking feedback from our community. The following means of engagement were used to inform the community of opportunities to provide feedback during the 28 day period:

- Formal public advertising of the Draft Four Year Delivery Program and Draft One Year Operational Plan featured in a local newspaper (TWT) and the draft plans were available on Council's "Have your Say" website;
- A news item was placed on Council's website advising the community it was on public exhibition
- The "Have Your Say" portal was available for the community to provide feedback via Council's website.

Public Submissions

Council received one (1) public submission concerning the Four year Delivery Program and One Year Operational Plan. The submission was received concerning the proposed Fees and Charges.

- Ryde Athletics request Council amend the wording of Ground Hire – Sporting Fields b) Athletics – Dunbar Park from seasonal hire to annual hire, without any change to the proposed fee amount.

It is noted that currently the City of Ryde has 2 fees for use of Dunbar Park for athletics activities. A seasonal fee which is applied for use over the peak summer period and a daily casual use hire. The Ryde Athletics Centre undertakes minimal training activities during the winter period (up to 6 hours per week) and to cater for this it is recommended to introduce an hourly hire fee for use of Dunbar Park for athletics activities. The recommended fee is consistent with those charged by other NSROC Council for comparable facilities. The current proposed seasonal hire fee and daily fee would remain unchanged.

ITEM 6 (continued)

Recommendation:

That Council add a new fee to its 2020/21 Fees and Charges Schedule of \$14.65 p/hr for City of Ryde Based Clubs and \$29.30 for non-City of Ryde based clubs for use of Dunbar Park for athletic activities.

Proposed Rating Table

The following rating table outlines the various rating categories and associated yields for the 2020/21 financial year.

Rate Type	Category / Sub category	Base Charge \$	Minimum \$	Ad Valorem (cents in \$)	Rate Yield \$
Ordinary	Residential – Minimum		582.15		17,947,102
Ordinary	Residential – Ad Valorem			0.0722610	15,681,225
Ordinary	Business – Minimum		582.15		289,329
Ordinary	Business – Ad Valorem			0.5962520	17,326,073
Ordinary	Business- Major Retail Centre - Macquarie Park			0.4501140	1,710,432
Ordinary	Business- Major Retail Centre - Top Ryde			0.4501140	214,362
TOTAL YIELD	ORDINARY RATES				53,168,523
Special	Macquarie Park Corridor– Ad Valorem			0.0948920	1,583,905
Special	Special Infrastructure Renewal - Base Charge	123.00			6,465,126
Special	Special Infrastructure Renewal - Ad Valorem			0.0198560	6,511,399
Special	Environmental Management - Base Charge	57.60			3,027,571
Special	Environmental Management - Ad Valorem			0.0141630	4,644,624
TOTAL YIELD	SPECIAL RATES				22,232,625
TOTAL YIELD	ORDINARY & SPECIAL RATES				75,401,147

Note: During the public exhibition period, the Minister for Local Government determined the maximum interest rate to charge on overdue rates was set at:

- 0.0% from 1 July 2020 to 31 December 2020
- 7.0% from 1 January 2021 to 30 June 2021

This determination has been updated in Council's Revenue Policy.

Fees and Charges Schedule

Council resolved certain fees and charges to be waived until 23 September 2020. Details are included in the attached Fees and Charges Schedules for the period 1 July 2020 to 30 June 2021.

ITEM 6 (continued)**Financial Implications**

The proposed financial changes have been outlined in this report. Overall, Council's Uncommitted Working Capital is forecast to remain at \$4.50 million as at 30 June 2021.

Conclusion

The Draft 2020-24 Delivery Program and 2020/21 Operational Plan, as amended, is presented to Council for adoption, following public exhibition.

7 DRAFT PROCUREMENT POLICY

Report prepared by: Director - Corporate Services
File No.: GRP/09/5/15 - BP20/524

REPORT SUMMARY

The Draft Procurement Policy provides a framework to ensure all City of Ryde procurement practices are conducted with clear objectives in mind, have regard for the legislative context in which goods and services are procured, and are underpinned by fundamental principles including:

- Conducting all procurement processes and business relationships with honesty, fairness and probity.
- Ensuring that procurement processes are open, clear, fully documented, and defensible.
- Ensuring that all participants in procurement processes are treated consistently.
- Not engaging in anti-competitive or collusive practices.
- Encouraging business relationships based on open and effective communication, respect and trust.

The Draft Procurement Policy which is provided in **ATTACHMENT 1** references the following:

1. Policy Scope – to whom and where the policy applies
2. Policy Objectives – legislation, regulations and guidelines, standards of behaviour and ethical principles, value for money and sustainable practices
3. Related policies – a list of related policies and their links to the procurement of goods and services
4. Policy Implementation – the role of the Procurement Department in procuring goods and services

An internal Procurement Manual accompanies the Draft Procurement Policy. This Manual, supported by automated systems, provides procedural direction and guidance for staff on how the Procurement Policy is to be implemented.

RECOMMENDATION:

That Council endorse the Draft Procurement Policy.

ATTACHMENTS

- 1 Draft Procurement Policy

Report Prepared and Approved By:

Steven Kludass
Director - Corporate Services

ITEM 7 (continued)**Discussion**

The Draft Procurement Policy which is provided in **ATTACHMENT 1** provides a framework for guiding the procurement of goods and services. Included in the Draft Policy is the following:

- An introduction outlining the key objectives of the Policy;
- A scope defining what the Policy entails and to whom it applies;
- References to relevant Legislation and Guidelines;
- Reference to relevant Standards of Behaviour and Ethical Principles;
- An introduction to the value for money proposition;
- References to Sustainable practices;
- References to related policies; and
- The role of the Procurement Department in implementing policy

Specific reference is made to Council and its commitment to promoting economically, socially, and environmentally sustainable practices. Procurement processes will seek to understand suppliers' commitments to environmental protection and ecologically sustainable development, and how these impact the products and services that they offer.

Sustainable practices acknowledge Council's pursuit towards improved sustainable outcomes and includes initiatives such as the reduction of procurement impact on the environment, including waste and recyclables and products that lower environmental impact, as well as encouraging suppliers and contractors to adopt cleaner technologies.

An internal Procurement Manual accompanies the Draft Procurement Policy. This Manual is a procedural document, supported by automated systems, which provides procedural direction and guidance to staff on how the Procurement Policy is to be implemented.

Financial Implications

Adoption of the recommendation will have no financial impact.

ITEM 7 (continued)

ATTACHMENT 1

Procurement Policy

1. Introduction

The Council of City of Ryde is committed to demonstrating the highest levels of integrity in the procurement of all goods and services that are used to meet community needs.

The objectives of this policy are to ensure that Council's procurement processes:

- comply with relevant legislation, regulations, and guidelines.
- adhere to appropriate standards of behaviour and ethical principles.
- obtain the best value for money.
- promote sustainable practices.
- include the provisions of other related Council Policies.

This document confirms the scope of the policy, provides detail regarding the objectives, and sets out how the policy is to be implemented.

The policy is supported by a CoR Procurement Manual which documents the guidelines, procedures, processes and templates associated with CoR procurement activities.

2. Scope

This policy applies to any person undertaking procurement on behalf of Council, including staff (permanent, contract or temporary), councillors, consultants, and contractors.

Procurement is the process of finding, selecting and contracting suppliers (or other third parties) to:

- provide goods and/or services to Council.
- lease or licence land and/or buildings from Council.
- dispose of Council property.

The procurement process typically includes requesting quotations, expressions of interest or tenders and issuing a formal commitment from Council to suppliers (or other third parties) using a Purchase Order or other form of agreement.

City of Ryde Procurement Policy		
Owner: Procurement Department	Accountability:	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date:	Endorsed: Date and Authority

ITEM 7 (continued)

ATTACHMENT 1

3. Policy Objectives

3.1. Legislation, Regulations, and Guidelines

All procurement activities must be carried out in accordance with relevant legislation, regulations, and guidelines, including:

- The Local Government Act 1993 (LG Act)
- The Local Government (General) Regulation 2005 (LG Regulation)
- The Tendering Guidelines for NSW Local Government (October 2009) (Tendering Guidelines)
- Government Information (Public Access) Act 2009 (GIPA)
- WH&S Act 2011, NSW

Typically, procurement involving an estimated expenditure or receipt of an amount equal to or greater than \$250,000 (incl. GST) will be subject to the provisions of section 55 of the LG Act. All other expenditure (not subject to the provisions of the LG Act) is subject to provisions included in the CoR Procurement Manual.

3.2. Standards of Behaviour and Ethical Principles

Any person undertaking procurement on behalf of Council must promote Council's core values of safety, teamwork, ethics and professionalism and adhere to the standards of behaviour and ethical principles set out in Section 1.2 of the Tendering Guidelines.

These principles include:

- Conducting all procurement processes and business relationships with honesty, fairness and probity.
- Ensuring that procurement processes are open, clear, fully documented, and defensible.
- Ensuring that all participants in procurement processes are treated consistently.
- Identifying and managing any conflicts of interest without delay.
- Not engaging in anti-competitive or collusive practices.
- Not inviting quotes or tenders without a firm intention and capacity to proceed with a Purchase Order (or other form of contract).
- Encouraging business relationships based on open and effective communication, respect and trust.
- Adopting a non-adversarial approach to dispute resolution.

City of Ryde Procurement Policy		
Owner: Procurement Department	Accountability:	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date:	Endorsed: Date and Authority

ITEM 7 (continued)

ATTACHMENT 1

Relevant Independent Commission Against Corruption (ICAC) publications must be followed when undertaking procurement activities such as negotiations.

Council Officers must not use CoR suppliers to procure goods or services for their personal use or for use by any organisation other than Council.

3.3. Value for Money

Best value for money is the combination of supply quality and Lifetime Cost that is most advantageous to Council. Lowest price is not necessarily an indicator of value for money.

Council's procurement processes will promote value for money outcomes by:

- considering the value, complexity, risk, and resource skills when determining the most appropriate procurement process that is to be followed.
- ensuring that the requirements set out in tenders and quotes accurately reflect Council's needs.
- providing transparency of the consideration that led to each value for money decision, including recognition of the Lifetime Cost associated with the procurement.

3.4. Sustainable Practices

Council is committed to promoting economically, socially, and environmentally sustainable practices. Procurement processes will seek to understand suppliers' commitments to environmental protection and ecologically sustainable development, and how these impact the products and services that they offer. Sustainable practices acknowledge Council's pursuit towards improved sustainable outcomes and includes initiatives such as the reduction of procurement impact on the environment, including waste and recyclables and products that lower environmental impact.

3.5. Other related Council Policies

Any person undertaking procurement on behalf of Council must adhere to the relevant provisions of other related Council Policies including:

Policy	Link to Procurement
Delegations	Release of Purchase Orders and execution of contracts.
Asset Disposal	Support for the disposal of assets (other than IT assets).
CSI006G2 IT Asset – Use and Disposal Guideline	Support for the disposal of IT assets.

City of Ryde Procurement Policy		
Owner: Procurement Department	Accountability:	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date:	Endorsed: Date and Authority

ITEM 7 (continued)

ATTACHMENT 1

Policy	Link to Procurement
Work Health and Safety Policy	WH&S practices of suppliers.
Statement of Business Ethics	Business behaviours of suppliers.
Code of Conduct Policy	Conduct of supplier personnel.
Sustainability/Resilience	Inclusion of sustainability/resilience considerations.
Corporate Credit Card Policy	Compliance of purchases made using a corporate credit card with Procurement Policy.
CSI001 Information Policy	Retention of documents related to procurement events.
Legal Services and General Counsel Protocol and Procedures	Use of legal services to support procurement events.
Community Buildings Licensing Policy	Procurement support for events that licence community buildings.

4. Policy Implementation

4.1. Procurement Direction

In implementing this policy, the Procurement Department will:

- Act as a single point of structural control over all Council procurement activity.
- Maintain a CoR Procurement Manual setting out the procedures, processes, and templates to be followed for key procurement processes.
- Promote the use of existing supply contracts and panels (as established by Council or other prescribed entities).
- Be responsive to the unique demands of critical procurement events (e.g. by developing event specific processes or Procurement Plans where appropriate).
- Use absolute scoring mechanisms in the evaluation of quote and tender responses.
- Enable suitably skilled operational resources to retain accountability and responsibility for procurement activity.

City of Ryde Procurement Policy		
Owner: Procurement Department	Accountability:	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date:	Endorsed: Date and Authority

ITEM 7 (continued)

ATTACHMENT 1

4.2. Consultation with the Procurement Department

Procurement valued at less than \$75,000 (excl. GST) may be carried out by without consulting the Procurement Department by following a standard procurement process to obtain a minimum number of quotes.

For all other procurement, a member of the Procurement Department, or another representative authorised by the Manager Procurement, must be consulted to confirm the most appropriate procurement process and the level of formal specialist procurement support required.

4.3. Supplier Commitments

With the exception of Emergency Procurement, procurement using a Purchase Card and procurement from suppliers included on the Authority to Pay List, a Purchase Order (PO) must be raised for every procurement event before a commitment can be made to a supplier (even when there is an existing contract).

5. Definitions

- **Emergency Procurement** - any situation or event where there is a risk of injury if maintenance/repair is not carried out or where major works cannot be completed due to breakage in an essential piece of equipment. (Poor planning does not constitute an emergency).
- **Lifetime Cost** – the sum of the direct and the indirect costs associated with a supply over the whole period that the supply is providing Council's requirements. Where the procurement is for the leasing/licencing of land or buildings, or the disposal of assets cost is substituted by monies received.
- **Procurement Plan** - A plan established by the Procurement Department that defines procurement processes that require to be followed for a specific type of procurement spend or when procuring from an existing supply contract or panel.

6. Review Process and Endorsement

This policy will be reviewed every two years and any changes approved by Council Resolution.

City of Ryde Procurement Policy		
Owner: Procurement Department	Accountability:	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date:	Endorsed: Date and Authority

8 COUNCIL / COMMITTEE MEETINGS - Schedule of Proposed Meeting Dates

Report prepared by: Civic Services Manager

File No.: CLM/20/1/1/2 - BP20/289

REPORT SUMMARY

Due to the Coronavirus (COVID-19), the Minister for Local Government has postponed the September 2020 Local Government Elections for a period of 12 months to September 2021.

It should be noted that at its meeting held on 23 July 2019, Council confirmed the schedule of meeting dates up to the end of August 2020.

This report provides a schedule of proposed Council and Committee meetings for the remainder of 2020 and up to the next Local Government Election in September 2021 and seeks Council's endorsement of the **ATTACHED** schedule.

RECOMMENDATION:

- (a) That Council endorse the meeting schedule for Committee and Council meetings for the remainder of 2020 and up to the next Local Government Election in September 2021, noting that the schedule may be amended at any time, subject to one month transition period to allow for public notices to be given.
- (b) That Council note that the Council meeting to be held on Tuesday, 24 November 2020 has been moved to Wednesday, 25 November 2020 (due to Councillor attendance at the Local Government NSW Conference on 22 to 24 November 2020).
- (c) That Council note that there will be no Committee meetings held in December 2020 and endorse that a Council meeting be held on the second Tuesday of December, being 8 December 2020.
- (d) That Council note that no Committee meetings will be held on Tuesday, 13 July 2021 due to the mid-year recess.

ATTACHMENTS

- 1 Schedule of Meeting Dates for 2020 and up to the next Local Government Election in 2021

Report Prepared By:

Amanda Janvrin
Civic Services Manager

Report Approved By:

George Dedes
General Manager

ITEM 8 (continued)

Discussion

Council has previously endorsed the following three (3) Standing Committees:-

- Works and Community Committee;
- Finance and Governance Committee;
- Ryde Central Committee;

Council's Code of Meeting Practice allows for the three (3) Standing Committee meetings to be held on the second Tuesday of the months February to December inclusive.

The Code allows for Council meetings to be held on the fourth Tuesday of the months February to December inclusive.

Due to the Coronavirus (COVID-19), the Minister for Local Government has postponed the September 2020 Local Government Elections for a period of 12 months to September 2021. Accordingly, a schedule of meeting dates for the remainder of 2020 and up to the Local Government Election in September 2021 is provided for in **ATTACHMENT 1** for Council's consideration. The calendar may be amended at any time if Council resolves to alter the meeting day or to adjust the Council/Committee structure, although at least one month transition period is required in order for public notices to be amended.

The proposed schedule has taken into account public holidays such as Easter, Anzac Day and a July mid-year recess.

The schedule has followed normal procedure for the majority of the year, however slight amendments are recommended as follows:-

Local Government NSW Conference - 2020

The 2020 Local Government NSW Conference will be held on 22 November 2020 to 24 November 2020. As the last day of the conference falls on the same day as the Council meeting, it is therefore recommended that the Council meeting be moved to Wednesday, 25 November 2020 (due to Councillor attendance at the LGNSW Conference).

Schedule of Meetings for December 2020

As previously resolved by Council, Council meetings are scheduled to be held on the fourth Tuesday of the month. Councillors should note that the December Council meeting is scheduled for 22 December 2020.

ITEM 8 (continued)

Having regard to this, it is proposed to cancel all Committee meetings (Works and Community, Finance and Governance and Ryde Central) scheduled for the second Tuesday of the month (8 December 2020) and just hold a Council meeting in December 2020, to be held on the second Tuesday on the month being 8 December 2020.

Mid-Year Recess – July 2021

Although Council's mid-year recess does not coincide with School Holidays from Monday, 28 June 2021 to Friday, 9 July 2021, it is still recommended that no Committee meetings be held on Tuesday, 13 July 2021.

Financial Implications

Adoption of the recommendations outlined in this report will have no financial impact as there is provision for the conduct of meetings allocated in the adopted 2020/2021 budget.

ITEM 8 (continued)

ATTACHMENT 1

REMAINDER OF 2020 MEETING SCHEDULE

DATE	MEETING TYPE	COMMENTS
SEPTEMBER		
01-Sep-20	No Meetings	
08-Sep-20	Works and Community Committee Meeting	Commencing at 6.00pm
08-Sep-20	Finance and Governance Committee Meeting	Commencing at 6.45pm
08-Sep-20	Ryde Central Committee Meeting	Commencing at 7.15pm
15-Sep-20	No Meetings	
22-Sep-20	Council Meeting	Commencing at 7.00pm
29-Sep-20	No Meetings	5th Tuesday
OCTOBER		
06-Oct-20	No Meetings	
13-Oct-20	Works and Community Committee Meeting	Commencing at 6.00pm
13-Oct-20	Finance and Governance Committee Meeting	Commencing at 6.45pm
13-Oct-20	Ryde Central Committee Meeting	Commencing at 7.15pm
20-Oct-20	No Meetings	
27-Oct-20	Council Meeting	Commencing at 7.00pm
NOVEMBER		
03-Nov-20	No Meetings	
10-Nov-20	Works and Community Committee Meeting	Commencing at 6.00pm
10-Nov-20	Finance and Governance Committee Meeting	Commencing at 6.45pm
10-Nov-20	Ryde Central Committee Meeting	Commencing at 7.15pm
17-Nov-20	No Meetings	
24-Nov-20	No Council Meeting (move to 25 November 2020)	Local Government Conference
25-Nov-20	Council Meeting	Commencing at 7.00pm
DECEMBER		
01-Dec-20	No Meetings	
08-Dec-20	No Works and Community Committee Meeting	Council Meeting to be Held
08-Dec-20	No Finance and Governance Committee Meeting	Council Meeting to be Held
08-Dec-20	No Ryde Central Committee Meeting	Council Meeting to be Held
08-Dec-20	Council Meeting	Commencing at 7.00pm

ITEM 8 (continued)

ATTACHMENT 1

**2021 MEETING SCHEDULE UP TO THE LOCAL GOVERNMENT
ELECTION IN 2021**

DATE	MEETING TYPE	COMMENTS
FEBRUARY		
02-Feb-21	No Meetings	
09-Feb-21	Works and Community Committee Meeting	Commencing at 6.00pm
09-Feb-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
09-Feb-21	Ryde Central Committee Meeting	Commencing at 7.15pm
16-Feb-21	No Meetings	
23-Feb-21	Council Meeting	Commencing at 7.00pm
MARCH		
02-Mar-21	No Meetings	
09-Mar-21	Works and Community Committee Meeting	Commencing at 6.00pm
09-Mar-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
09-Mar-21	Ryde Central Committee Meeting	Commencing at 7.15pm
16-Mar-21	No Meetings	
23-Mar-21	Council Meeting	Commencing at 7.00pm
30-Mar-21	No Meetings	5th Tuesday
APRIL		
06-Apr-21	No Meetings	
13-Apr-21	Works and Community Committee Meeting	Commencing at 6.00pm
13-Apr-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
13-Apr-21	Ryde Central Committee Meeting	Commencing at 7.15pm
20-Apr-21	No Meetings	
27-Apr-21	Council Meeting	Commencing at 7.00pm
MAY		
04-May-21	No Meetings	
11-May-21	Works and Community Committee Meeting	Commencing at 6.00pm
11-May-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
11-May-21	Ryde Central Committee Meeting	Commencing at 7.15pm
18-May-21	No Meetings	
25-May-21	Council Meeting	Commencing at 7.00pm
JUNE		
01-Jun-21	No Meetings	
08-Jun-21	Works and Community Committee Meeting	Commencing at 6.00pm
08-Jun-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
08-Jun-21	Ryde Central Committee Meeting	Commencing at 7.15pm
15-Jun-21	No Meetings	
22-Jun-21	Council Meeting	Commencing at 7.00pm
29-Jun-21	No Meetings	5th Tuesday

ITEM 8 (continued)

ATTACHMENT 1

**2021 MEETING SCHEDULE UP TO THE LOCAL GOVERNMENT
 ELECTION IN 2021 (continued)**

JULY		
06-Jul-21	No Meetings	
13-Jul-21	No Works and Community Committee Meeting	Mid-year recess
13-Jul-21	No Finance and Governance Committee Meeting	Mid-year recess
13-Jul-21	No Ryde Central Committee Meeting	Mid-year recess
20-Jul-21	No Meetings	
27-Jul-21	Council Meeting	Commencing at 7.00pm
AUGUST		
03-Aug-21	No Meetings	
10-Aug-21	Works and Community Committee Meeting	Commencing at 6.00pm
10-Aug-21	Finance and Governance Committee Meeting	Commencing at 6.45pm
10-Aug-21	Ryde Central Committee Meeting	Commencing at 7.15pm
17-Aug-21	No Meetings	
24-Aug-21	Council Meeting	Commencing at 7.00pm
31-Aug-21	No Meetings	5th Tuesday
SEPTEMBER		
07-Sep-21	No Meetings	

9 GIFTS AND BENEFITS POLICY

Report prepared by: Policy and Research Assistant
File No.: CLR/07/8/9/7/3 - BP20/370

REPORT SUMMARY

Council's Gifts and Benefits Policy is part of the Corporate Governance suite of policies that have been subject to review and update over the past year. The policy is closely aligned to the Council's Code of Conduct – Standards of Conduct which was revised, updated and endorsed by Council in April 2019.

Council's Code of Conduct and the existing Gifts and Benefits procedures are based upon the premise adopted by Council in 2013 of *"No Gifts – Thank You is Enough"*.

Council last adopted the Gifts and Benefits Policy and associated Guideline on 24 September 2013.

As a result of amendments made to the Council's Code of Conduct – Standards of Conduct in 2019 there are consequential flow on amendments required to be made to the Council's Gifts and Benefits Policy to ensure that these are consistent and compatible with the Code.

RECOMMENDATION:

That Council endorse the Gifts and Benefits Policy.

ATTACHMENTS

- 1 Draft - Gifts and Benefits Policy - February 2020
- 2 Gifts and Benefits Policy - adopted 24 September 2013

Report Prepared By:

Elena Killiakova
Policy and Research Assistant

Report Approved By:

John Schanz
Manager - Corporate Governance

Steven Kludass
Director - Corporate Services

ITEM 9 (continued)

Discussion

Council's Gifts and Benefits Policy is part of the Corporate Governance suite of policies that have been subject to review and update over the past year. The policy is closely aligned to the Council's Code of Conduct – Standards of Conduct which was revised, updated and endorsed by Council in April 2019.

Council's Code of Conduct and the existing Gifts and Benefits procedures are based upon the premise adopted by Council in 2013 of *"No Gifts – Thank You is Enough"*.

As a result of amendments made to the Council's Code of Conduct – Standards of Conduct in 2019 there are consequential flow on amendments required to be made to the Council's Gifts and Benefits Policy to ensure that these are consistent and compatible with the Code.

This review has also provided Council's Corporate Governance staff with an opportunity to review and revise the format and content of the procedures with a view to bringing these more into alignment with the Office of Local Government suggested templates and other best practice approaches across the sector. This has seen the length of the publication decrease with corresponding improvements in the readability.

Key updates to the policy are:

- Changes to reflect 2019 City of Ryde Code of Conduct definitions and provisions relating to gifts and benefits
- To apply the policy to contractors, members of wholly advisory committees and volunteers consistent with the 2019 City of Ryde Code of Conduct
- Clearly states that Council officials should not personally benefit from reward points programs when purchasing on behalf of the council – consistent with 2019 City of Ryde Code of Conduct
- Update position titles, where appropriate.

Structural changes to document:

- More concise document (formerly 19 pages of text, now 7 pages of text plus a form and flowcharts totalling a further 4 pages)
- Simple and easy to understand messaging
- Clearer explanations of who must do what
- Inclusion of Key Principles
- Inclusion of flowcharts to assist in the understanding of the process and reporting requirements
- Inclusion of Frequently Asked Questions.

ITEM 9 (continued)

The Draft 2020 Gifts and Benefits Policy is provided for as **ATTACHMENT 1**. Please note the Draft Policy is marked up to highlight new content. **Yellow** highlights indicate new text and **Green** highlights indicates the origin of the new content.

The previous Gifts and Benefits Policy is attached for reference and is provided as **ATTACHMENT 2**.

Financial Implications

Adoption of the recommendation will have no financial impact.

Conclusion

A review of Council's Gifts and Benefits Policy has been undertaken to align it with Council's Code of Conduct provisions, the Office of Local Government's suggested templates and other best practice approaches adopted across the local government sector.



Lifestyle and opportunity @ your doorstep



Gifts and Benefits Policy

February 2020

ITEM 9 (continued)

ATTACHMENT 1

Contents

Purpose.....	2
Who does the Gifts and Benefits Policy apply to?	2
Key points	2
Responsibilities	3
What is a gift?	4
Cash-like gifts	4
<u>What is a benefit?</u>	4
What is not a gift?	4
Procedure.....	5
Perceptions of accepting a gift and/or benefit	5
Purchase Incentive Schemes.....	5
Hospitality and work-related functions.....	6
Gifts or benefits to immediate family members	6
Gifts associated with sister city activities.....	6
How are offers of gifts and benefits to be dealt with?	6
Breaches of the Gifts and Benefits Policy	7
Frequently Asked Questions	7
Document Version Control	9
Attachment 1 – Gifts and Benefits Declaration Form.....	11
Attachment 2 – Gifts and Benefits – Flowchart for Councillors.....	12
Attachment 3 – Gifts and Benefits – Flowchart for Staff and Contractors.....	13
Attachment 4 – Gifts and Benefits – Flowchart for other Council officials	14

ITEM 9 (continued)

ATTACHMENT 1

Purpose

The objective of this policy is to:

- clearly define the behaviour required of Council officials in relation to gifts and benefits, and
- provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in the City of Ryde.

Any gift or benefit offered or accepted shall be subject to the provisions of this policy.

The policy is intended to complement the Council's Code of Conduct – Standards of Conduct and should be read in conjunction with Part 6 of the Code dealing with Personal Benefit.

Who does the Gifts and Benefits Policy apply to?

The document applies to:

- Councillors
- members of staff of Council
- administrators
- Council committee members
- conduct reviewers
- delegates of Council
- members of wholly advisory committees of council
- contractors, and
- volunteers.

[consistent with the Code of Conduct]

Key points

The Council has taken a strong position in its Code of Conduct that in normal circumstances all gifts and benefits offered should be politely refused,

recorded in writing and entered in the Gifts Register. In September 2013 the Council adopted the position that no gifts should be accepted and established the message that "Thanks is Enough" in relation to the acceptance of gifts and benefits.

All offers of gifts or benefits are to be declared, whether accepted or refused, using the Gifts and Benefits Declaration Form (see Attachment 1).

Council Officials must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

Council Officials must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Key considerations for Council Officials in respect of this Policy are:

1. If a Council official is offered a bribe, the incident must immediately be reported to the General Manager, the ICAC and where relevant, the police.
2. Soliciting personal gifts or benefits is prohibited under all circumstances. If a Council Official becomes aware of another Council Official soliciting gifts or benefits they should report it immediately to the relevant Director, General Manager and/or the Mayor.
3. Where it is suspected that a gift has been offered for the purposes of influencing the behaviour of a Council Official in their official capacity, the gift must be declined and it should be reported immediately to the relevant Director, the General Manager and/or the Mayor.

ITEM 9 (continued)

ATTACHMENT 1

4. Accepting gifts of money is prohibited. 'Money' includes any form of credit or cash-like gift such as, but not limited to, cash, cheques, money orders, bank deposits, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts, regardless of the amount or value. This situation includes offers of money to cover expenses for trips to view samples of work, or to expedite the work of Council.
5. If a Council official is offered a gift of 'money', it is to be refused and the incident reported immediately to the relevant Director, the General Manager and/or the Mayor. It must be declared in accordance with this policy. Any such gift that is received without the recipient's knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.
6. In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined. No gift or benefit should be personally retained by a Council official. Any offer of a gift of money is to be refused and reported to the relevant Director and the General Manager and/ or the Mayor in writing.
7. Notwithstanding the above, there are provisions for special circumstances:
 - situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and the like,
 - hospitality associated with events and functions hosted by community based (not-for-profit) organisations, attendance at which is consistent with the Council official's role – in particular the statutory role of a Councillor, and
 - insignificant gifts/benefits associated with hospitality, promotional materials and other situations described in this policy.
8. Should a Council Official receive a gift or prize as the result of entering a competition while engaging in official duties, the gift or prize will become the property of the City of Ryde.
9. Any gifts or benefits received as a result of a purchase incentive scheme will become the property of the City of Ryde. For example, if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift will become the property of the City of Ryde.
10. Council officials should not personally benefit from reward points programs when purchasing on behalf of the council including: [Code of Conduct], [Policy on Expenses and Facilities for the Mayor and Councillors]
 - Booking corporate travel and receiving personal frequent flyer points
 - Making purchases on a corporate card and receiving shopping points, rewards, docketts, discount petrol or school vouchers.
11. All gifts offered are to be formally declared and entered into Council's Gifts and Benefits Register.

The following information provides details of officers' responsibilities and the steps to be taken including the registering of gifts or benefits and reporting any alleged breaches of the Policy.

Responsibilities

The General Manager is responsible for ensuring that Council has a framework for registering gifts or benefits and appropriate procedure to manage this process.

ITEM 9 (continued)

ATTACHMENT 1

The General Manager is responsible for reporting allegations of bribery or corruption to ICAC and the NSW Police, as appropriate.

The relevant Director (or General Manager for Councillors and Directors, and the Mayor and / or the Corporate Governance Manager for the General Manager) is responsible for determining the action to be taken in respect of each completed Gifts and Benefit Declaration of a gift or benefit that requires determination under this Policy.

The Manager Corporate Governance is responsible for:

- The implementation and monitoring of this policy;
- Maintenance of the Gifts and Benefits Register;
- Managing the determination of declarations of gifts and benefits.

Directors, Department Managers, Senior Coordinators, Team Leaders, Supervisors, Coordinators and other supervising staff are responsible for ensuring that their staff are aware of this policy, its intent and be available to give advice on its interpretation. If in doubt, refer to the Manager Corporate Governance.

All Council officials are to be aware of this policy and to be available for appropriate training.

What is a gift?

A gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

[Source: Model Code]

In a business context, gifts and benefits are frequently given to facilitate an ongoing working relationship and to establish patterns of loyalty to the giver. The sense of obligation that business gifts instil is the main difference between private gifts and business gifts.

Some common examples of gifts that may be offered in the course of work include:

- alcohol
- clothes
- products
- tickets
- gift vouchers
- office or business accessories

“Cash-like gifts”

“Cash-like” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayment such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

[Source: Model Code]

What is a benefit?

Benefits are different to gifts in that they are generally non-tangible. Benefits may still have financial value however, particularly to their recipients. In terms of managing them, gifts and benefits should be considered interchangeable.

Some common examples of benefits are:

- access to private spectator boxes at events
- a new job or promotion
- preferential treatment (such as queue jumping)

ITEM 9 (continued)

- access to confidential information
- a relationship with a Council contractor that provides a discount for private work.

What is not a gift?

[Source: Model Code]

- A political donation for the purposes of the *Electoral Funding Act 2018*;
- A gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them;
- Attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
- Free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - The discussion of official business;
 - Work-related events such as Council-sponsored or community events, training, education sessions or workshops;
 - Conferences;
 - Council functions or events;
 - Social functions organised by groups, such as Council committees and community organisations.

Procedure

ATTACHMENT 1

The flowcharts (Attachments 2, 3, and 4) show what to do if you receive an offer of gift or benefit.

If a Council official receives an offer of a gift and /or a benefit, even if refused, they must complete a Gifts and Benefits Declaration Form (see attachment 1). This includes gifts of a token nature. The details of **all** gifts received shall be entered into the Gifts Register by the immediate completion of a Gifts and Benefits Disclosure form by the employee or Councillor.

All forms from staff are referred to the Director for determination of appropriate action and signing.

All forms from Councillors or Directors are forwarded to the General Manager for determination of appropriate action and signing.

All forms from the General Manager are to be forwarded to the Manager Corporate Governance or the Mayor for determination of appropriate action and signing.

Completed and signed forms must be forwarded to the Corporate Governance Team who will enter the details in the Gifts and Benefits Register and advise the employee / Councillor of the outcome.

The Governance Coordinator shall provide a report to the General Manager and the Corporate Governance Manager at the end of each financial year, setting out the number of completed Gift and Benefit Declaration Forms, the types of offers of gifts and benefits declared by Council officials, and any significant trends associated with offers of gifts and benefits. This shall be presented at the next Audit, Risk and Improvement Committee).

A Councillor may refer any entry in the Gifts and Benefits Register to a Council Meeting for review by the Council.

ITEM 9 (continued)

ATTACHMENT 1

Perceptions of accepting a gift and/or benefit

Perceptions are very important in relation to gifts and benefits. There is often a perception that the offer of a gift could influence the intended recipient's performance of his or her functions, despite the fact that such perceptions alone may not indicate an actual inappropriate influence. Perceptions can be affected by a variety of factors including:-

- The relationship between the giver and the Council official;
- The transparency and openness of how the gift was offered; and
- The value of the gift, i.e. an expensive gift is more likely to be perceived as gifts to win favours.

Purchase Incentive Schemes

[Content reduced. First sentence from Code of Conduct]

You must not personally benefit from reward points programs when purchasing on behalf of the council (purchase incentive scheme).

If you are offered a free item for your personal use for purchasing a certain quantity of product, you must refuse the gift/benefit and complete a Gifts and Benefits Declaration Form. Incentives include additional points for frequent travel.

Hospitality and work-related functions

[Content reduced]

A Council Official may be offered a range of hospitality including:

- External meetings – refreshments such as tea, coffee and a modest lunch are acceptable;

- Conferences, seminars etc. – it is appropriate to accept modest hospitality, subject to the attendance being at the event being previously approved by the Council official's Supervisor. It is not appropriate to accept hospitality where the City of Ryde is the only invited guest. Council officials should be mindful of public perception where an event is being held out of business hours.

Gifts or benefits to immediate family members

Council officials must take all reasonable steps to ensure that business colleagues and family members do not receive gifts and / or benefits that could give rise to the appearance of being an attempt to secure favourable treatment. Attempts by suppliers to provide gifts to family members should be reported by a Council official to their relevant Director by completing a Gift and Benefits Declaration Form.

Gifts associated with sister city activities

Sister city gifts for the Council (normally presented to the Mayor or General Manager) are quite often non token/ceremonial gifts such as a plaque, work of art or craft or other items of significance that relate to a specific occasion. They may be of a reasonable monetary value and given with the intention to express welcome or gratitude to the receiving organisation as a whole, rather than to an individual.

All gifts associated with sister city activities are to be declared and acted on accordingly. The determination by the General Manager (or Mayor if it is received by the General Manager) will often include a stipulation that such gifts be displayed in an appropriate location within Council.

ITEM 9 (continued)

Sometimes, gifts may also be presented to individual Council officials within Council's delegation. These gifts should be respectfully declined, unless the acceptance of such is otherwise determined because of exceptional circumstances.

How are offers of gifts and benefits to be dealt with?

Council officials must not:

- seek or accept a bribe or other improper inducement
- seek gifts or benefits of any kind
- accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
- accept an offer of cash or a cash-like gift regardless of the amount
- participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
- personally benefit from reward points programs when purchasing on behalf of the council.

Gifts of Token Value

Source [Code of Conduct]

The 2018 Model Code of Conduct for Local Councils in NSW defines Gifts and benefits of token value as 'one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, have a value of \$50 or more'. The City of Ryde's Gifts and Benefits Policy takes a stronger position – that all gifts and benefits should be refused, where possible, with the exception of items listed at Clause 6.2 of the Council's Code of Conduct –

ATTACHMENT 1

Standards of Conduct. All gifts and benefits, and all offers of gifts and benefits, even if refused, must be declared. Gifts must be surrendered to Council, unless this is impractical.

Breaches of the Gifts and Benefits Policy

Each Councillor, member of staff of Council, contractor, volunteer, Council committee member, conduct reviewer and delegate of Council is obliged to comply with this policy. Sanctions may be applied if the policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General Manager) to the General Manager in writing.

Any person may report an alleged breach of this policy by a Councillor or the General Manager to the Mayor in writing.

The General Manager or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

Disposal of Gifts

The disposal of gifts will be dictated by the nature of the gift. The gift receiver can nominate or suggest a disposal method on the Gifts and Benefits Declaration Disclosure Form, however the Director, General Manager, Manager Corporate Governance or Mayor (as appropriate) will determine the action to be taken.

In determining this action the following will be considered:

ITEM 9 (continued)

1. Gifts received from visiting delegations or gifts personalised to the City of Ryde will usually be kept at the City of Ryde for display or storage.
2. Perishable gifts such as flowers may be displayed in public areas such as customer service counters, libraries etc.
3. Perishable food items may be shared amongst staff in the work location.
4. The General Manager may nominate a charity or charities to which surrendered gifts will be donated.
5. Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
6. Where practical, gifts should usually be returned.

The decision regarding disposal of a gift will be noted on the Gifts and Benefits Disclosure Form and Register.

Frequently Asked Questions

What do I do if I refuse a gift/benefit?

If you have been offered a gift/benefit which you refused, you still need to complete the Gifts and Benefits Declaration Form which is available on the Infonet and Trim (D18/98271).

What do I do if I accept a gift/benefit because it would be rude to refuse?

If you have been offered a gift/benefit and accepted it, you must complete the Gifts and Benefits Declaration Form (D18/98271).

After completion, the form should be signed by the Director or General Manager (in the case of Directors and Councillors) who will review and determine the appropriate action to take regarding the gift/benefit.

ATTACHMENT 1

The completed and endorsed form and the gift received should be then sent to the Corporate Governance Team to be recorded on the Gifts and Benefits Register.

What is the limit for Gifts & Benefits at the City of Ryde?

Zero. Under the City of Ryde *Gifts and Benefits Policy* all gifts and benefits should be refused and declared, no matter what the value is.

What if a gift has been sent to me by post?

If a gift has been sent to you by post, you still need to complete the Gifts and Benefits Declaration Form (D18/98271).

Where do I find the Gifts and Benefits Declaration Form?

The Gifts and Benefits Declaration Form which is available on the Infonet and Trim (D18/98271).

What are the consequences for not managing gifts and benefits appropriately?

The consequences for an individual Council official may be:

- embarrassment
- disciplinary action
- being the subject of an internal or external inquiry
- loss of employment
- criminal prosecution.

Who do I contact if I need some information?

Council's Corporate Governance Team:
Governance@ryde.nsw.gov.au

ITEM 9 (continued)

ATTACHMENT 1

Document Version Control

Document Name:	Gift and Benefits Policy
Document TRIM Ref.:	D19/149178
Document Status:	Adopted by Council on XX Month 2020
Version Number:	Version 1.2
Date:	XX Month 2020
Author:	
Authorised by:	Council on XX Month 2020
Distribution:	Staff and Councillors via the Infonet.

Change history

Version	Author	Issue Date	Endorsed by	Trim Ref.	Reason for change
1.1	Shane Sullivan	24/09/2013	Council	D13/64134	
1.2	Governance	XX Month 2020	Council	D19/149178	<p>Update policy to reflect 2018 Model Code of Conduct definitions and provisions and 2019 City of Ryde Code of Conduct provisions including applying policy to contractors, volunteers and members of wholly advisory committees.</p> <p>Update to reflect changes in position title (Director).</p> <p>Include more details on who does what.</p> <p>Change policy to reflect actual practice - Director determines action for staff gifts and signs form, rather than General Manager. Manager Corporate Governance sometimes</p>

ITEM 9 (continued)

ATTACHMENT 1

				<p>determines action and signs form for GM gifts.</p> <p>Include new process of Governance providing annual report regarding gifts and benefits to General Manager and ARIC.</p> <p>Add the updated Gifts and Benefits Declaration Form and Gifts and Benefits Flowcharts for Councillors, Staff and Contractors, and other Council Officials.</p> <p>Add the document version control and change history tables.</p> <p>Reduce length of document and reduce repetition.</p> <p>Introduction of a 2 column template to make policy easier to read.</p>
--	--	--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ITEM 9 (continued)

ATTACHMENT 1

Attachment 1 – Gifts and Benefits Declaration Form

**GIFTS AND BENEFITS
DECLARATION FORM**

If you are a Councillor, please send your completed form to Councillors' Helpdesk: helpdesk@ryde.nsw.gov.au
If you are a staff member, contractor, volunteer or advisory committee member please send your completed form to the Corporate Governance team: governance@ryde.nsw.gov.au

1 Gift/benefit offered to

NAME POSITION

2 Details of the Gift, Benefit or Hospitality

Date offered / / Estimated Value \$

Description

Reason for Gift/Benefit: (Description of the context in which the gift was offered and/or received)

3 Gift/benefit offered by

NAME ORGANISATION

Relationship to Council

4 Was the gift accepted? Yes No (If no, go to Section 5)

If yes, please explain why you accepted it

Proposed action/use of the gift /benefit

5 Declaration made by

NAME POSITION

Signature Date / /

6 Authorising Signature Director or General Manager

Date / / TRIM Ref.

ITEM 9 (continued)

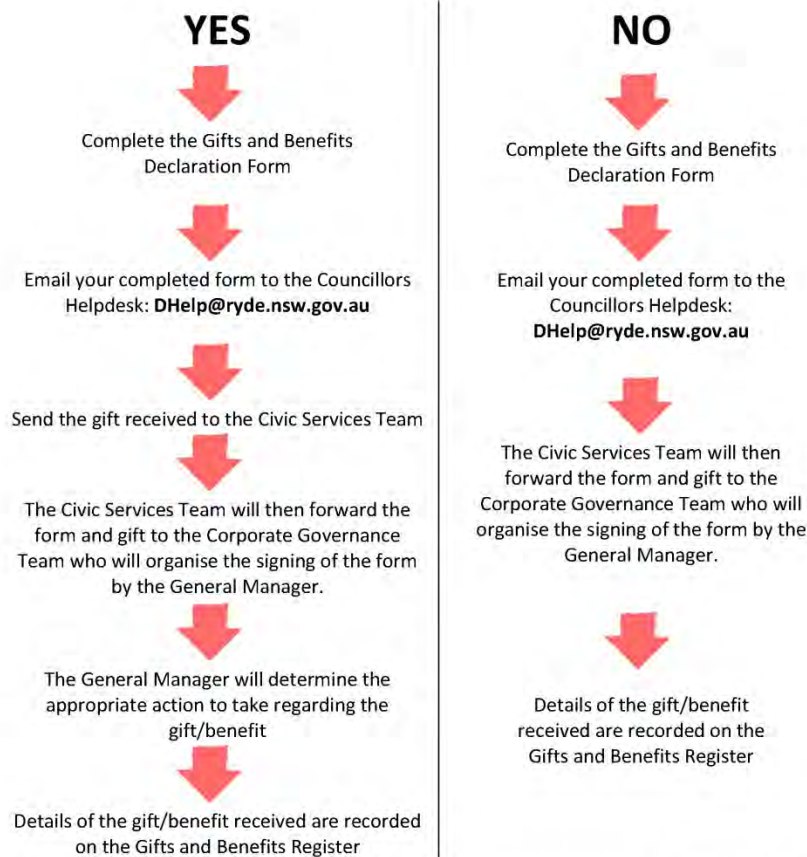
ATTACHMENT 1

Attachment 2 – Gifts and Benefits – Flowchart for Councillors



COUNCILLORS

Was the gift/benefit accepted?



Was there a gift/benefit totalling over \$500 from one entity/donor that were received/offered at any time during the return period?

If yes, include in an annual return (disclosure of pecuniary interests and other matters form).

If you have any questions contact the Corporate Governance Team governance@ryde.nsw.gov.au

ITEM 9 (continued)

ATTACHMENT 1

Attachment 3 – Gifts and Benefits – Flowchart for Staff and Contractors



STAFF & CONTRACTORS

Was the gift/benefit accepted?

YES



Complete the Gifts and Benefits Declaration Form (D18/98271)



Get the form signed/endorsed by your Director (or by the General Manager if you are a Director)



Send completed and endorsed form to the Corporate Governance Team along with the gift received.



Details of the Gift/Benefit received are recorded on the Gifts and Benefits Register.

NO



Complete the Gifts and Benefits Declaration Form (D18/98271)



Get the form signed/endorsed by your Director (or by the General Manager if you are a Director)



Send completed and endorsed form to the Corporate Governance Team: governance@ryde.nsw.gov.au



Details of the Gift/Benefit received are recorded on the Gifts and Benefits Register.

Was there a gift/benefit totalling over \$500 from one entity/donor that were received/offered at any time during the return period?

If yes, include in an annual return (disclosure of pecuniary interests and other matters form).

If you have any questions contact the Corporate Governance Team
governance@ryde.nsw.gov.au

ITEM 9 (continued)

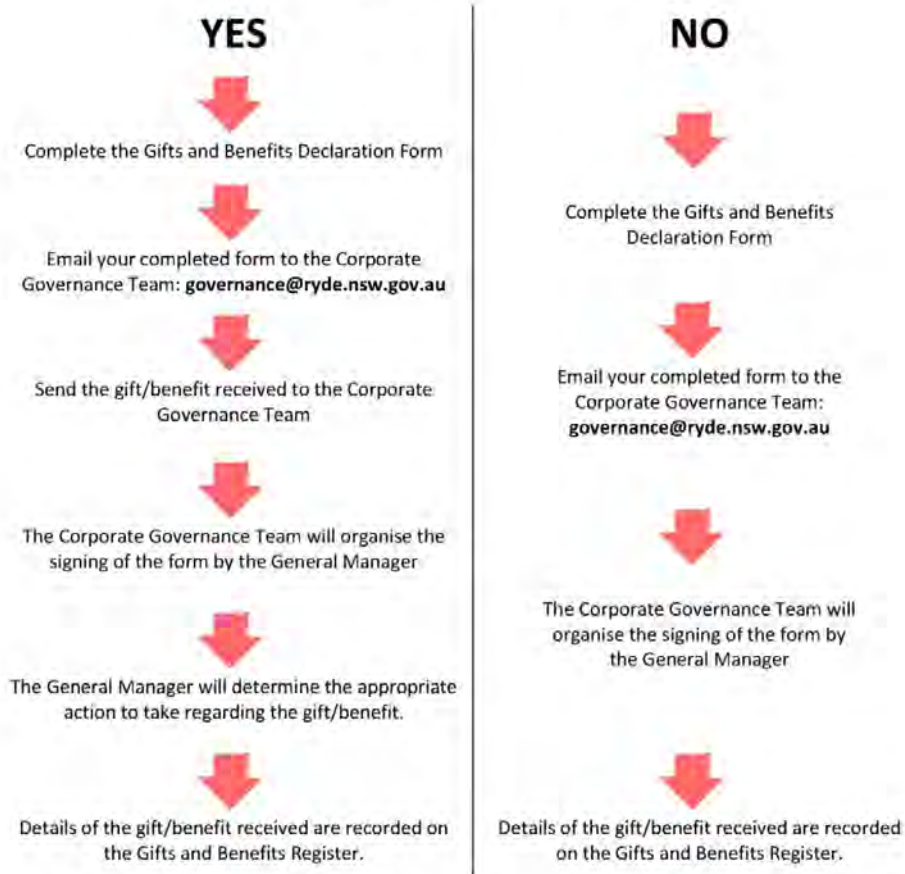
ATTACHMENT 1

Attachment 4 – Gifts and Benefits – Flowchart for other Council officials



OTHER COUNCIL OFFICIALS
(e.g. Advisory Committee members, etc.)

Was the gift/benefit accepted?



Was there a gift/benefit totalling over \$500 from one entity/donor that were received/offered at any time during the return period?

If yes, include in an annual return (disclosure of pecuniary interests and other matters form).

If you have any questions contact the Corporate Governance Team
governance@ryde.nsw.gov.au

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy



Scope

This policy applies to all Councillors and employees and delegates of the City of Ryde.

The term Council Official is used within this policy and guidelines, and is defined in accordance with the Code of Conduct as "councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council".

This policy is to be applied in conjunction with provisions in Council's Code of Conduct.

Purpose

The objective of this policy is to:

- clearly define the behaviour required of Council officials in relation to gifts and benefits, and
- provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in the City of Ryde.

Any gift offered or accepted shall be subject to the provisions of this policy.

General

Council Officials must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

Council Officials must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Key considerations for Council Officials in respect of this Policy are:

- 1 If a Council official is offered a bribe, the incident must immediately be reported to the General Manager, the ICAC and where relevant, the police.
- 2 Soliciting personal gifts or benefits is prohibited under all circumstances. If a Council Official becomes aware of another Council Official soliciting gifts or benefits they should report it immediately to the relevant Group Manager, General Manager and/or the Mayor.
- 3 Where it is suspected that a gift has been offered for the purposes of influencing the behaviour of a Council Official in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.

Gifts and Benefits - Policy		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Policy Number: CSG003
Trim Reference: D13/64134	Review date: September 2016	Endorsed: Council – 24 September 2013

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy

- 4 Accepting gifts of money is prohibited. 'Money' includes any form of credit or cash-like gift such as, but not limited to, cash, cheques, money orders, bank deposits, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts, regardless of the amount or value. This situation includes offers of money to cover expenses for trips to view samples of work, or to expedite the work of Council.
- 5 If a Council official is offered a gift of 'money', it is to be refused and the incident reported immediately to the relevant Group Manager, the General Manager and/or the Mayor. It must be declared in accordance with this policy. Any such gift that is received without the recipient's knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.
- 6 In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined. No gift or benefit should be personally retained by a Council official.
- 7 Notwithstanding the above, there are provisions for special circumstances:
 - situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and the like,
 - hospitality associated with events and functions hosted by community based (not-for-profit) organisations, attendance at which is consistent with the Council official's role – in particular the statutory role of a Councillor, and
 - insignificant gifts/benefits associated with hospitality, promotional materials and other situations described in this policy.
- 8 Should a Council Official receive a gift or prize as the result of entering a competition while engaging in official duties, the gift or prize will become the property of the City of Ryde.
- 9 Any gifts or benefits received as a result of a purchase incentive scheme will become the property of the City of Ryde. For example, if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift will become the property of the City of Ryde.
- 10 All gifts offered are to be formally declared and entered into Council's Gifts and Benefits Register.

The related Guidelines give details of the steps to be taken to implement this policy, including the registering of gifts and breaches of this policy.

References - Legislation

This policy does not remove any other obligations under the *Local Government Act, 1993*, any other legislation, or relevant codes and policies regarding the disclosure of any interests.

Gifts and Benefits - Policy		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Policy Number: CSG003
Trim Reference: D13/64134	Review date: September 2016	Endorsed: Council – 24 September 2013

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy

This Gifts and Benefits Policy is based upon the Managing Gifts and Benefits in the Public Sector Toolkit issued by the Independent Commission Against Corruption (ICAC) in 2006. It also considers the recommendations made in the Audit Office of NSW Performance Audit: Managing gifts and benefits, March 2013.

This policy should be read in conjunction with the following:

- Local Government Act 1993 (in particular Part 2 Duties of disclosure – s449)
- Local Government (General) regulation 2005 (in particular Part 8 Honesty and disclosure of interests, Clause 184 Gifts, and Schedule 3 Form of return – disclosure of interest)
- Council's Code of Conduct
- Council's Policy on the Provision of Facilities and Payment of Expenses for the Mayor and Other Councillors
- Council's Public Interest Disclosures Internal Reporting Procedure

Review Process and Endorsement

This policy may be varied by resolution of the Council. This policy should be reviewed as required but at least every four years following the conduct of the Local Government elections.

Related Documents

<i>Number</i>	<i>Title</i>
1.	Guidelines

Gifts and Benefits - Policy		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Policy Number: CSG003
Trim Reference: D13/64134	Review date: September 2016	Endorsed: Council – 24 September 2013

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Related Policy

This Guideline relates to Council's Gifts and Benefits Policy and Council's Code of Conduct.

Introduction

In the course of their duties, Council officials may encounter situations in which they are offered gifts or benefits for a variety of reasons.

Council officials must ensure:

- that they are not influenced by gifts or benefits in the performance of their duties, and
- that there can be no public perception of undue influence due to gifts and benefits

This applies whether gifts and benefits are offered and refused, offered and accepted, or there is the possibility that gifts or benefits may be offered.

Ratepayers and residents of the City of Ryde have a right to expect the business of the Council is conducted with efficiency, fairness, impartiality and integrity. Council officials have an obligation to carry out their duties conscientiously, honestly and objectively.

The purpose of these guidelines is to provide Council officials with both general information and specific processes to follow, in relation to this important issue.

Key Points

- **Never accept gifts of money**
- **Never solicit gifts and benefits**
- **Don't accept gifts and/or benefits – A THANK YOU IS ENOUGH**
- **Declare all offers**

Definitions

Gift:

In a private context, gifts are usually unsolicited, and meant to convey a feeling on behalf of the giver, for example to express congratulations or gratitude. There may be a custom of reciprocity for gifts given at birthdays and other times, but they are not generally given to create a sense of obligation in the recipient.

In a business context, however, gifts are frequently given to facilitate an ongoing working relationship and to establish patterns of loyalty to the giver. The sense of obligation that business gifts instil is the main difference between private gifts and business gifts.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 1

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

In between these two are the more complicated scenarios in which gifts may be offered as a genuine expression of appreciation or as a gesture of our goodwill, such as those given on special occasions, but in a business context.

The important issue to consider is whether the acceptance of the gift could compromise the recipient's ability to act objectively and impartially towards the giver. This is not an area with simple solutions, particularly where not just actual, but the perception of, compromise may be damaging.

Some common examples of gifts that may be offered in the course of work include:

- alcohol
- clothes
- products
- tickets
- office or business accessories

Benefit:

Benefits are different to gifts in that they are generally non-tangible. Benefits may still have financial value however, particularly to their recipients. In terms of managing them, gifts and benefits should be considered interchangeable.

Some common examples of benefits are:

- access to private spectator boxes at events
- a new job or promotion
- preferential treatment (such as queue jumping)
- access to confidential information
- a relationship with a Council contractor that provides a discount for private work

Gifts and benefits that are exchanged within the business context can be categorised as one of the following types:

Gift of influence: A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

Gift of gratitude: A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.

Token gift or benefit: A Gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories that contain the company logo. They are usually products that are mass-produced and not given as a personal gift.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 2

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Council's Code of Conduct considers a token gift as one of the following:

- a) *free or subsidised meals, beverages or refreshments provided in conjunction with: the discussion of official business, council work related events such as training, education sessions, workshops, conferences, council functions or events, social functions organised by groups, such as council committees and community organisations.*
- b) *invitations to and attendance at local social, cultural or sporting events*
- c) *gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)*
- d) *ties, scarves, coasters, tie pins, diaries, chocolates or flowers.*

The receipt of token gifts is not permitted in normal circumstance under this policy.

Ceremonial gift: An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.

Non-Gifts: The following are not defined as a gift for the purpose of this policy:

- any discounted product or service if the discount is reasonable and generally available or capable of being negotiated by others not connected with the organisation,
- any gift, benefit or hospitality received in relation to personal membership of any industrial or professional organisation, club or other association or body,
- any gift, benefit or hospitality received by a relative or associate of a Council official if the Council official did not know about it.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 3

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Perceptions

Perceptions are very important in relation to gifts and benefits. Often the intended recipient may not know the intentions of the gift giver or the intentions may be different from the public perception of the situation.

It is often the case that the perception of the gift-giving relationship is that the gift could influence the intended recipient's performance of his or her official functions, despite the fact that such perceptions alone may not indicate an actual inappropriate influence.

Perceptions can be affected by various factors:

- Relationship between the gift giver and the Council official. If the Council official is, for example, a regulator of the person offering the gift or benefit, or is about to make a decision which could affect the interests of the person offering the gift or benefit, it is more likely that the gift would be perceived as inappropriate.
- Transparency and openness. If a gift is offered to a Council official in a public forum it is less likely to be perceived as a gift of influence than if it were offered in a private context.
- Value of the gift. Expensive gifts are more likely to be perceived as gifts to win favours. In determining the value of the gift or benefit, any previous gifts given by an individual or agency to the Council official (or to colleagues performing the same functions) should be considered, when calculating their cumulative value. While the perception that one gift may not be considered sufficient to cause an employee to act outside his or her official duty, the sum of multiple gifts may be considered sufficient to do so.

Consequences

If gifts and benefits are not managed appropriately there can be a range of negative consequences for both the individual and Council.

The consequences for an individual Council official may be:

- embarrassment
- disciplinary action
- being the subject of an internal or external inquiry
- loss of employment
- criminal prosecution

The consequences for Council may be:

- embarrassment for the organisation
- loss of public trust
- being the subject of an external inquiry
- legal action

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 4

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Bribes

Offering or accepting a bribe is a special case in relation to gifts and benefits that has particularly serious consequences.

If a Council official is offered a gift of money or other gift or benefits, which he or she believes is meant to be a bribe, the official must immediately notify his or her supervisor. The General Manager and Mayor have an obligation under the ICAC Act to inform the Commission about any matter that he or she suspects on reasonable grounds concerns or may concern corrupt conduct, including bribery.

A gift or benefit offered or sought in order to influence a Council official's behaviour is a bribe and such persons may be guilty of an offence under section 249B of the Crimes Act 1900 and subject to a goal term.

Remember: Don't accept gifts and/or benefits – a thank you is enough

Typical 'gift and benefit' situations

To assist Council officials in properly identifying the extent of gifts and benefits under this policy, and the typical situations in which they may be offered, the following guidance is provided:

Token Value

Previous policies defined 'token gifts' as those whose estimated value was below a certain amount. This policy does not distinguish types of gifts by value. All gifts are to be declined under normal circumstances.

Gifts to family members and colleagues

As with gifts offered directly to the Council official, gifts given to family members and business colleagues may be viewed as affecting the official.

Council officials must take all reasonable steps to ensure that business colleagues and family members do not receive gifts and benefits that give rise to the appearance of being an attempt to secure favourable treatment. Family members ordinarily include close family connections, including those by marriage.

Council will treat gifts and benefits to family members and business colleagues in the same ways as those to the Council officials themselves.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 5

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Prizes and Gifts

On some occasions a Council official may receive a 'prize' as a result of entering a competition while engaging in official duties. For example, an individual may win a raffle or lucky door prize drawn at a meeting or win a prize that was promoted as an incentive to complete a survey.

Another example might be, those attending a specific session at a conference may enter a draw for a prize by submitting their business cards or signing up for further information about the product or service.

In such cases, since the official is representing Council, any prize should be treated as a gift or benefit and respectfully declined and declared accordingly.

In exceptional circumstances where it is inappropriate to decline the prize, the determination by the General Manager (or Mayor if the prize winner is the General Manager) of the appropriate action that follows the declaration is to consider case-by-case issues such as:

- the nature of the Council's relationship with the prize giver;
- whether Council has business dealings with the organisation that provided the prize;
- whether Council has discretionary power that could be exercised in the prize giver's favour; and whether accepting the prize may lead to perceptions of improper influence.

A determination to accept a particular prize, should ordinarily include a stipulation that it becomes the property of the Council, not the individual. This approach better manages potential negative perceptions since the prize can ultimately be of benefit to the public.

Purchase incentive schemes

Gifts and benefits may be obtained through a purchase incentive scheme. For example, a company may offer a free computer to clients after they have purchased a certain quantity of product. It is important to ensure that Council does not compromise any duty of impartiality in order to obtain such bonuses. Nor should the bonus computer bring private benefit to any one individual in Council.

As with others, these gifts or benefits should be declared and acted on accordingly. In determining the appropriate action Council may still obtain the benefit while ensuring impartiality. For the above example, a determination may include the following actions:

- Obtain a refund
- Dispose of the computer at a public auction
- Retain the computer but ensure it is only used for official purposes and its use is not restricted to the officer responsible for making the purchases.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 6

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

- Another example of a purchase incentive scheme is the accumulation of “frequent flyer” points offered by airlines and other companies. Council officials are not to seek or accept frequent flyer points from airlines or other companies in respect of official transport or other products/services purchased, to ensure that choice of airline or other company is not influenced by the availability of frequent flyer points.

Council supplier discounts to Councillors, employees and other Council officials for the personal purchase of goods and services from such suppliers must also be declined.

Hospitality and work-related functions

In the course of their duties, Council officials may attend work related functions in a representative capacity. The appropriate response to the offer of hospitality in various situations is outlined below:

External meetings

Often hospitality such as tea and coffee or a modest luncheon will be offered during meetings, functions and similar events hosted by other organisations – these offers are normally considered a courtesy rather than a gift or benefit. Such refreshments are normally the ‘standard’ type of hospitality offered to business partners when conducting official duties for reasons of sustenance and is acceptable hospitality.

Conferences seminars and launches

It is appropriate to accept modest hospitality at industry conferences, seminars, product launches and the like, at which large numbers of people from other similar organisations are also attending, subject to attendance at the event having been previously approved. It is not appropriate to accept hospitality from such hosts/organisers in circumstances such as where City of Ryde officials are the only invited guests and/or where the event is held out of business hours.

Consideration must always be given to the potential public perception and whether or not attendance at the event is relevant and of benefit to Council.

Presentations

Sometimes a Council official may be invited to give a presentation to a conference/seminar or address a meeting of industry colleagues. Subject to attendance at the event having been approved as a appropriate use of resources, it would be appropriate to accept modest hospitality and for Council to receive travel expenses to help cover the cost of attending.

In such cases, it is important the request or offer is made to the Council and not the individual Council official and it is Council that decides which official should attend. This approach reduces the possibility of individuals being compromised by accepting hospitality.

Gifts or benefits received in recognition of an individual’s presentation at a conference or seminar should be respectfully declined. If it is not appropriate to decline, the gift must be declared and is to become the property of Council.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 7

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Disproportionate hospitality

Hospitality that extends beyond courtesy, where there is not a real benefit to Council as a whole, or is disproportionate to the occasion and clearly offered in an attempt to influence a Council official's decisions, such as in relation to a procurement process or development approvals, are to be declined. Examples of such hospitality include invitations to participate in golf days, professional sporting events in a 'corporate box' and luncheons/dinners with developers outside of Council offices and/or outside of normal business hours.

Promotional material

At some functions and events, other organisations (including potential suppliers) distribute promotional material, which may include factual product/service information and other items such as inexpensive pens and stationery. It would be appropriate to receive such promotional material on the basis that it is of benefit to Council to remain abreast of industry developments and that the material is also being distributed to other individuals of similar organisations.

It would not be appropriate to also receive such items as:

- Tickets to sporting events or other entertainment
- Discounted products for personal use
- Free/discounted passes for the use of leisure facilities
- Vouchers and the like to purchase goods/services

Providing services

Some parts of Council provide services directly to the public. Such areas include, but are not limited to the library, RALC and customer service. People who have received services from such areas may show their appreciation to Council officials who have assisted them by giving gifts at the end of a year or at other times. In these circumstances, officials are to respectfully decline the gift and declare the offer.

In exceptional circumstances, if for some reason the gift cannot be returned, the appropriate determination may include the gift becoming the property of Council or disposed of in an appropriate manner (as described elsewhere) rather than being kept by the individual. In declining these gifts of gratitude, officials may suggest to potential givers that a letter of appreciation for exceptional service written to the official or Council would be more appropriate than a gift.

Procurement and disposal

A contract to supply goods or the opportunity to buy Council assets can be highly profitable to the supplier or buyer. Suppliers and tenderers may attempt to influence procurement processes by offering gifts and benefits to the Council official responsible for making the decisions. These risks can apply not only to staff responsible for procurement and disposal but also to those who have contact with suppliers or buyers as part of their jobs.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 8

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

An example of such a benefit would be a relationship between a Council official and a Council contractor who is carrying out work on an official's property and offers a discount for the work due to this relationship. In order to manage the public perception of such situations, either the contractor and/or the official should declare the circumstance in accordance with this policy, whether a discount is being offered or not.

Ideally, the roles in client relationship and tendering functions within agencies should as far as possible be segregated. However, due to the size of Council, these responsibilities will often overlap. It is therefore important that Council officials in a position to make procurement or disposal decisions need to exercise greater care when faced with offers of gifts and benefits from suppliers or buyers – all offers of such gifts and benefits are to be declined and declared.

Cultural considerations

City of Ryde residents encompass a wide range of linguistic, religious and cultural backgrounds. Some individual residents and business people may be unfamiliar with acceptable gift-giving etiquette in the context of relationships with Council officials.

The giving or exchange of gifts and hospitality plays an important role in business and professional life in many societies and may be part of established business protocols elsewhere. For example, business and government delegations from a number of countries including Japan, Korea and China customarily offer gifts to Council officials from other countries.

Conversely, in some situations gift giving traditions may be abused and lead to widespread bribery of government officials. Culture or tradition (including religious festivals) is not to be used as an excuse to accept inappropriate gifts and benefits. Dealing appropriately with offers of gifts and benefits across cultures therefore requires special care.

In normal circumstances, all gifts and benefits to individual Council officials should be respectfully declined and declared.

In exceptional circumstances, the General Manager (or Mayor) may endorse ceremonial gifts being received by Council from official delegations and the like (and similarly reciprocal giving of ceremonial gifts) and determine that such gifts be retained and/or disposed of in an appropriate manner as described elsewhere.

Refer also to "gifts associated with sister city activities" below.

Gifts associated with sister city activities

Sister city gifts for the Council (normally presented to the Mayor or head of a sister city delegation) are quite often non token/ceremonial gifts such as a plaque, work of art or craft or other items of significance that relate to a specific occasion. They may be of a reasonable monetary value and given with the intention to express welcome or gratitude to the receiving organisation as a whole, rather than to an individual.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 9

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

All gifts associated with sister city activities are to be declared and acted on accordingly. The determination by the General Manager (or Mayor if it is received by the General Manager) will often include a stipulation that such gifts be displayed in an appropriate location within Council.

Sometimes, gifts may also be presented to individual Council officials within Council's delegation. These gifts should be respectfully declined, unless the acceptance of such is otherwise determined because of exceptional circumstances.

Giving gifts to others

There may be occasions when it is appropriate for Council to give gifts or benefits to individuals from other public or private agencies. For example, it may be appropriate for Council to offer a modest lunch to a delegation visiting its workplace as part of work related activities, or to give a token of appreciation to an individual who has given a presentation to Council.

The same guidelines apply for the giving of gifts as for their acceptance, including taking into account how the offer of the gift may be perceived. Council should exercise particular caution when the proposed recipient or organisation has a continuing business relationship with Council.

Community organisations

Council officials may, in the course of their duties, be offered benefits by a community based (not for profit) organisation expressing gratitude or respect for the civic office of the official. Such benefits may include invitations to events and functions of such organisations, including complimentary attendance at performances of local community musical/drama/cultural groups, local community sporting games and the like.

In particular, Councillors, as elected representatives, may receive invitations from community organisations, which have an expectation that attendance is part of a Councillor's role. Under normal circumstances, it is appropriate for Councillors to accept such invitations as a representative of Council, particularly where the occasion provides an opportunity for Councillors to understand the interests of residents and ratepayers. It is recognised such events and functions may include incidental or modest hospitality.

It would be inappropriate for Council officials, including Councillors, to accept benefits:

- At a time when such community organisation are awaiting a Council decision on a grant application, seeking to commence/continue doing business with Council, seeking favourable use of Council facilities and/or having other similar interactions with Council
- Where the hospitality is complementary and disproportionate to the occasion.

In such circumstances it would be appropriate to either respectfully decline the invitation or seek endorsement to attend and pay for the 'ticket'. Council's 'Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors' outlines situations where Councillors can be reimbursed for the cost of attending certain non-Council functions.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 10

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

In order to manage public perception, Council officials are to be sensitive to the timing and the potential purpose of such benefits (including invitations) offered by community based (not for profit) organisations.

All offers and invitations accepted without purchase of a 'ticket' are to be declared.

Gifts that cannot be returned

There may be exceptional circumstances where the acceptance of a gift that is unacceptable under Council's policy is inadvertently accepted by an employee or may not easily be returned. Examples include:

- A wrapped gift that the recipient does not open in the presence of the gift giver
- Gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate
- Anonymous gifts received through the mail or left for the official without a return address
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment

In such circumstances, the gift, along with details of the incident, are to be declared. The determination of the action to be taken will normally include a stipulation that the gift becomes the property of the Council rather than be kept by the Council official.

Declarations by Council officials

The subsequent actions in relation to all declared gifts and benefits are to be determined by the General Manager (or the Mayor, in the case of the potential recipient being the General Manager). Apart from the exceptional circumstance where a gift or benefit is being retained, options for determinations are included in the section 'disposal of gifts'.

The details of declarations of gifts and benefits that are to be entered in the Gifts and Benefits Register are set out in the Gifts and Benefits Declaration Form.

The inclusion of any entry in the Gifts and Benefits Register does not relieve Councillors and designated persons from their obligations to make disclosures in association with Disclosure of Interest Returns (that is annual pecuniary interest returns) required under Section 449 (3) of the Local Government Act. It is also noted that the Local Government (General) regulation 2005 states:

A gift need not be included in a return if:

- (a) It did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less or*
- (b) It was a political contribution disclosed, or required to be disclosed, under Part 6*
- (c) The donor was a relative of the donee.*

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 11

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Responsibilities

The General Manager is responsible for determining the actions to be taken in respect of each declaration of a gift and benefit that requires determination under this policy.

The Service Unit Manager Customer Service and Governance is responsible for:

- The implementation of this policy including monitoring its effectiveness
- Maintenance of the Gifts and Benefits register
- Managing the determination of declarations of gifts and benefits

Group Managers, Service Unit Managers, Section Unit Managers, Team Managers, Team Leaders, Coordinators and others supervising staff are responsible to ensure that their staff are aware of this Policy, its intent and the associated procedures and to be available to give advice on its interpretation.

All Council officials are to be aware of this policy and to be available for appropriate training.

Receipt of gifts

Councillors and staff must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

Councillors and staff must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Key considerations for employees and Councillors in respect of the Policy are:

1. Soliciting personal gifts or benefits is prohibited.
2. If a Councillor or employee becomes aware of another Councillor or employee soliciting gifts or benefits they should report it immediately to the General Manager and/or the Mayor.
3. Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift is prohibited.
4. Where it is suspected that a gift has been offered for the purposes of influencing a Councillor's or employee's behaviour in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.
5. Accepting gifts of money is prohibited.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 12

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

6. Councillors and employees should not accept gifts that appear to be more than of a token nature or of more than a nominal value. This policy acknowledges that this is not always practicable and provides guidelines below. Gifts that are accepted and are of more than a token nature will become the property of the City of Ryde.
7. Councillors and employees should not accept more than two gifts in a six month period from the same person regardless of their value.
8. Should a Councillor or employee receive a gift or prize as the result of entering a competition while engaging in official duties the gift or prize will become the property of the City of Ryde.
9. Any gifts or benefits received as a result of a purchase incentive scheme will be the property of the City of Ryde. For example, where purchasing over a certain amount from a supplier results in a gift, this gift will be the property of the City of Ryde.

Accepting Gifts

It is best not to accept a gift or benefit offered that is more than of a token nature. These guidelines acknowledge that this is not always possible and set out points of consideration with regard to gifts and benefits for Councillors and employees.

1. When deciding whether to accept or decline a gift consideration should be given to not only the value of the gift but also the intent of the gift or benefit being offered.
2. Culture or tradition should never be used as an excuse to accept inappropriate gifts and benefits.
3. Christmas and other cultural or religious occasions do not represent exceptions to this policy.
4. On occasion an inappropriate gift may be accepted inadvertently. For example:
 - the gift is wrapped and not opened in the presence of the gift giver:
 - the gift is accepted for cultural, protocol or other reasons and returning it would be inappropriate.
 - anonymous gifts received through the mail or left without a return address.
 - the gift is received in a public forum and attempts to refuse or return it would cause significant embarrassment.

These gifts will become the property of the City of Ryde.

5. Where possible, any frequent flyer points accrued as a result of Council purchasing tickets will remain the property of City of Ryde and will be used to reduce future costs to Council.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 13

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Disposal of Gifts

The disposal of gifts will be dictated by the nature of the gift. The gift receiver can nominate or suggest a disposal method on the Gifts and Benefits Disclosure Form, however the General Manager or Mayor (as appropriate) will determine the action to be taken.

In determining this action the following will be considered:

1. Gifts received from visiting delegations or gifts personalised to the City of Ryde will be kept at the City of Ryde and displayed or stored appropriately.
2. Perishable gifts such as flowers can be displayed in public areas such as customer service counters, libraries etc.
3. Perishable food items may be shared amongst staff in the work location.
4. The City of Ryde will nominate a charity or charities to which surrendered gifts will be donated.
5. Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
6. Where a reasonable person could consider that there may be influence applied as a result of accepting the gift it will be returned.

The decision regarding disposal of a gift will be noted on the Gifts and Benefits Disclosure Forum.

Gift Register and forms

The details of all gifts received shall be entered into the Gifts Register by the immediate completion of a Gifts and Benefits Disclosure form by the employee or Councillor. This includes gifts of a token nature.

The Gifts Register will be available for public inspection.

The General Manager shall review all entries made by employees in the Gifts Register and determine any action that may be considered appropriate in relation to any such entry. Such action may include the giving of advice or counselling, removal of the employee from a decision making, regulatory or purchasing role or a direction that the gift be returned.

A Councillor may refer any entry in the Gifts Register to a Council Meeting for review by the Council.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 14

ITEM 9 (continued)

ATTACHMENT 2

Gifts and Benefits Policy - Guidelines

Procedure

1. All Councillors or employees who have been offered, accepted, refused or returned a gift or benefit must complete a Gifts and Benefits Disclosure Form.
2. The form is then referred to the Group Manager for noting and signing in the case of employees. In the case of Councillors and Group Managers it is forwarded to the General Manager for noting and signing. In the case of the General Manager, the form is to be forwarded to the Manager, Risk and Audit or the Mayor for noting and signing.
3. The Group Manager, General Manager, Manager Risk and Audit or the Mayor (as set out above) is then to review and determine action.
4. The completed and endorsed form is then sent to the Governance Unit to be recorded and, where appropriate, to advise the employee or Councillor of the outcome.

Breaches of this Policy

Each Councillor and employee of the City of Ryde is obliged to comply with this policy. Sanctions may be applied if this policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General Manager) to the General Manager in writing.

Any person may report an alleged breach of this policy by a Councillor or the General Manager to the Mayor in writing.

The General Manager or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

Gifts and Benefits - Procedure		
Owner: Customer Service and Governance	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG003
Trim Reference: D13/64134	Policy: Gifts and Benefits Policy	Page 15

10 OUTDOOR DINING POLICY

Report prepared by: Senior Coordinator - Integrated Asset Management
File No.: ASS/12/2/8 - BP20/496

REPORT SUMMARY

This report presents the proposed modifications to Council's existing Outdoor Dining Policy for adoption.

The Outdoor Dining Policy sets out the simple procedures and design guidelines for outdoor dining activities on any public land within the City of Ryde LGA that is owned or under the care, control and management of Council.

Council has made modifications to the existing Outdoor Dining Policy to allow for penetration into the footpath. This will allow for more stabilised fixtures such as Umbrellas. An additional security cost has been added to the existing security deposit to account for any remediation works for the areas affected.

RECOMMENDATION:

- (a) That Council pursuant to clause 165 (1) and (2) of the Local Government Act 1993, adopt the specified amendments to the existing Outdoor Dining Policy.
- (b) That Council retain the existing Outdoor Dining Policy

ATTACHMENTS

- 1 City of Ryde - Outdoor Dining Policy

Report Prepared By:

Daniel Carneiro
Senior Coordinator - Integrated Asset Management

Report Approved By:

Charles Mahfoud
Manager - Civil Infrastructure and Integration

Wayne Rylands
Director - City Works

ITEM 10 (continued)

Discussion

The City of Ryde's existing Outdoor Dining Policy does not allow for penetration into the footpath area under any circumstances.

Council has modified the existing policy which allows for (subject to approval) the installation of an in-ground socket and sleeve system which will can be used in lieu of standard weighted umbrella bases as a more permanent fixture to safely support umbrellas.

The modifications to the document have been made in the following sections:

- Section 3.5 *Umbrellas* now includes the design considerations in regards to footpath penetration which must be adhered to when applying to Council for a new Outdoor Dining Permit.
- Section 4.14 *Change of Ownership or Use* has also been modified to state that any existing policy which would like to undertake ground penetration must submit a new application.
- Section 4.15 *Restoration of Outdoor Dining Area* has been added in and details the applicable rates for a bond to be taken for any works which affect Council's footpath (this has been noted to be updated in Council's Fees and Charges next year)
- *Appendix 2: Draft Standard Conditions* item 4.1 under 'Security Deposit' has been modified to include the security bond in addition to the six months' rental to undertake any restorations works.
- General modifications to other standards and Council documents which have been updated.

This update to the policy allows Council to ensure that local businesses are able to use the appropriate infrastructure to better service the community.

Financial Implications

Council is responsible for inspection and approval of any works within the public road approved by an outdoor dining permit under the Roads Act 1993.

The costs of any remediation works associated within footpath penetration within an individual outdoor dining area will be covered by the additional security bond to be taken prior to the works being undertaken.

ITEM 10 (continued)

ATTACHMENT 1



Outdoor Dining Policy

Effective: 23 June 2020

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Policy adopted by the Council of the City of Ryde on 7 November 2006.

Policy revised as follows:

Amendment No.	Date Approved	Effective Date	Subject of Amendment
1	17 November 2009	6 January 2010	Various amendments throughout following a comprehensive review of the policy and associated processes
2	23 June 2020	23 June 2020	Various amendments to referenced documents within the policy. Allowance of ground penetration for Umbrellas with design specifications. Addition of section 4.15 relating to remediation of any damaged to Council assets.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Enquiries regarding this document should be made to:

City of Ryde, Locked Bag 2069, North Ryde NSW 1670,
Telephone (02) 9952 8222, Facsimile (02) 9952 8070,
Email cityofryde@ryde.nsw.gov.au, www.ryde.nsw.gov.au

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

TABLE OF CONTENTS

1. INTRODUCTION	5
1.1 Policy Statement.....	5
1.2 Objectives of this Policy	5
1.3 Legislative Context.....	6
1.4 How to use this Policy	7
2. LOCATION AND SITE CRITERIA	8
2.1 Site Conditions and Associated Works	8
2.2 Minimum Areas and Clearances.....	10
2.3 Unsuitable Locations	14
2.4 Limitations on the Use of Footpath Areas	14
3. FURNITURE GUIDELINES	16
3.1 Furniture Layout.....	16
3.2 Delineation of Boundaries – Barriers and Markers	17
3.3 Furniture Style	19
3.4 Enclosure.....	22
3.5 Umbrellas.....	23
3.6 Heating Devices.....	24
3.7 Storage facilities.....	24
3.8 Toilet facilities	25
3.9 Advertising and Signage.....	25
3.10 Lighting	25
4. MANAGEMENT ISSUES	26
4.1 Conditions of approval.....	26
4.2 Fees.....	26
4.3 Display of Permit	26
4.4 Maintenance and Cleaning	26
4.5 Waste Disposal	26
4.6 Furniture Storage	27
4.7 Table Service	27
4.8 No Smoking Policy.....	27
4.9 Heating Devices.....	28
4.10 Markers	28
4.11 Animals	28
4.12 Lighting	28
4.13 Insurance	28
4.14 Change of Ownership or Use.....	28
4.15 Restoration of the Outdoor Dining Area.....	29
5 APPLICATION	30
5.3 Environmental Planning and Assessment Act 1979	30
5.4 Local Government Act 1993 and Roads Act 1993	30
5.5 Other Requirements	31
5.6 Period of development consent	31
5.7 Period of approval and variation of approval	31
APPENDIX 1: DEVELOPMENT APPLICATION REQUIREMENTS	35
APPENDIX 2: DRAFT STANDARD CONDITIONS	37

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

**THIS PAGE HAS
DELIBERATELY
BEEN LEFT BLANK**

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

1 INTRODUCTION

Outdoor cafes make a significant contribution to the quality of public places and urban life. They contribute to active vibrant streets with opportunities for social interaction and leisure.

Proposals for outdoor dining activity can range from placement of a few chairs and tables on the footpath to larger scale outdoor dining areas that include fixed awnings and barriers and many tables and chairs.



Figure 1 Examples of smaller scale and larger scale outdoor dining areas

1.1 Policy Statement

This policy applies to outdoor dining on any public land in the City of Ryde Local Government Area that is owned or under the care, control and management of Council. In particular, it applies to footpath areas adjacent to public roads situated within the town and neighbourhood centres in the City.

The purpose of this policy is to provide simple procedures and design guidelines for outdoor dining activities in plazas, closed roads, footpaths, parks and public places.

This policy may also be used as a guide for the design of outdoor dining areas on private land.

1.2 Objectives of this Policy

The objectives of this policy are:

- to encourage outdoor dining in areas that are suitable for that purpose;
- to add to the vitality to the streetscape character of centres within the city;
- to provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining;

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

- to ensure that pedestrian and traffic safety and accessibility is not compromised by outdoor dining activities;
- to ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation;
- to ensure equitable access for all including people with disabilities;
- to ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner, and remain attractive elements of the civic space.

1.3 Legislative Context

Outdoor dining proposals require some form of approval from Council. The most common location for outdoor dining is on part of the public footpath outside restaurants, cafes, and other food premises.

There are a number of safety, accessibility and amenity considerations with respect to outdoor dining proposals that aim to ensure the comfort of outdoor diners as well as the comfort of the general public accessing areas in and around outdoor dining areas.

Council has various responsibilities to meet under the following legislation:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Roads Act 1993

Part 5 of this policy outlines the requirements for applications to Council for approvals under the above three Acts.

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without the approval of Council. The Roads Act 1993 enables Council as a road authority to grant approval for limited use of the Council's footpaths, roadways and car park areas.

Sections 125, 126 and 127 and in some cases Sections 137-139 of the Roads Act 1993 allow Council to grant approval for use of a footpath in association with an adjacent restaurant (being premises in which food is regularly supplied on sale to the public for consumption on the premises), as long as this use is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other legislation.

The Roads and Maritime Services (RMS) must also give approval for outdoor dining activities on classified roads such as Victoria Road, Lane Cove Road and parts of Blaxland Road. The applicant should contact Council to determine whether or not a road is classified. Additional safety requirements may be needed for outdoor dining areas on classified roads, e.g. use of bollards and increased setbacks to road kerbs.

The Food Act 2003 also applies in relation to the operation of outdoor dining areas

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

as food premises. The Liquor Act 2007 applies if there is a proposal to serve alcohol. Provisions of other legislation, including the Companion Animals Act 1998, and the Work Health and Safety Act 2011 are also relevant.

1.4 How to use this Policy

This policy is to be read in conjunction with:

- Ryde Planning Scheme Ordinance
- City of Ryde Local Environmental Plan 2014
- City of Ryde Development Control Plan 2014 (DCP 2014)
- City of Ryde No Smoking Policy
- City of Ryde Footpath Activity Controls Policy
- City of Ryde Enforcement Policy

This policy is divided into 5 main sections:

1. Introduction

2. Location and Site Criteria

This section assists applicants with the appropriate choice for the location of outdoor dining areas.

3. Furniture Guidelines

This section provides information and guidelines regarding proposed tables, chairs and other elements of furniture and structures, both removable and fixed, associated with outdoor dining.

4. Management Issues

This section outlines the ongoing management requirements necessary to ensure outdoor dining meets relevant approvals and controls.

5. Application Requirements

This section explains what applicants need to do to apply for approval for outdoor dining.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

2 LOCATION AND SITE CRITERIA

This section provides the details on location and site criteria for outdoor dining.

The most important local conditions to be considered in locating outdoor dining areas are:

- proximity to associated approved food and drink premises;
- available area for outdoor dining – footpath width and width of public space;
- existing context including topography and footpath gradient, existing street furniture, the access points to nearby business;
- siting and design of any existing outdoor dining in the locality; and
- proximity to residential areas.

2.1 Site Conditions and Associated Works

The ground surface must be suitably constructed and sufficiently level to support a proper layout and safe use of furniture.

Minor structures and changes to the footpath may be approved to achieve a suitable gradient. In elevated locations, e.g. a change of level, and at the edge of deep water, outdoor dining is only appropriate in conjunction with a suitable safety rail, the design of which shall be to Council's satisfaction and approval.



Figure 2 Example of minor works to the footpath area ensuring a level platform for the outdoor dining area. Diners are protected from the change in level by trellis balustrading and planter boxes.

In some cases, the applicant may wish to undertake other streetscape works to accommodate an outdoor dining area. Such works may include footpath widening, paving, street tree planting, lighting, safety fencing, etc. Any such works require approval by Council.

Council's Public Domain Plans and Management Plan include provisions for Town Centre Public Domain improvements. For information about particular locations of proposed and constructed improvements contact Council's Public Works Group.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy



Figure 3 Examples of public domain upgrade works in various centres in City of Ryde

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

2.2 Minimum Areas and Clearances

2.2.1 Minimum Areas

The minimum area for any outdoor dining is 4 m² consistent with the minimum area for which charges apply under Council's Fees and Charges schedule (refer Council's website www.ryde.nsw.gov.au). This minimum area is based on a layout for 1 table with 4 chairs (or 2 small tables with 2 chairs each).

Applicants may apply for smaller outdoor dining areas, but should be aware that rental charges for public areas are based on the minimum of 4 m². The maximum number of seats allowed for outdoor dining will be calculated on the basis of one seat per 1m² (rounded up to the nearest whole number).

2.2.2 Minimum Clearances (Setbacks)

For circulation, safety, accessibility and convenience clearances are required around outdoor dining areas.

Locations on footways in business centres

An outdoor dining area may be located:

- adjacent to the respective indoor premises, or
- adjacent to the kerb/roadway.

The location will be determined considering local conditions, including the retention of a continuous accessible pedestrian corridor; the volume of pedestrian traffic; the location of existing outdoor dining areas, existing shop fronts and awnings; the location of streetscape elements including poles, signs, refuse bins; and the location of the bus stops and taxi stands, etc (refer also 2.4 Unsuitable Locations).

A clear unobstructed pedestrian corridor of 2 metres minimum must be maintained adjacent to the seating area or shop frontage (whichever is relevant) for clear passage of pedestrian traffic to allow for continuous accessible paths of travel at all times.

As illustrated in Figure 3, footpath widths and configurations can vary in centres. The diagrams in Figure 5 illustrate pedestrian clearances required for different alignments of outdoor dining areas in typical urban shopping strips on footpaths of minimum 3.6m in width.

Adjacent to shopfront

Outdoor dining areas are not to cause obstruction to any existing access points to shops, arcades and pedestrian access ways.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Adjacent to kerb/roadway

Where outdoor dining is proposed adjacent to kerbside parking, a 600mm wide clear area must be provided adjacent to the kerb to allow motor vehicle doors to open unimpeded and to permit passage of pedestrians to and from vehicles (refer Figure 5 opposite). For safety reasons, allowances for clear pedestrian passage may be increased in areas of higher pedestrian activity, and traffic speed and volumes, and where required by the RMS on classified roads. Energy-absorbing safety bollards/barriers may also be required to be installed at the expense of the applicant/approval holder and to the satisfaction of Council.

Where there is no kerbside parking, a suitable barrier must be erected to the satisfaction of Council for safety considerations including to prevent diners from walking directly onto the roadway. Installation will be at the expense of the applicant/approval holder. No minimum setback is required, however the barrier must be approved by Council. Landscape barriers (e.g. trellis with planting and energy-absorbing bollards, and open structures – refer Figure 4) are preferred to barriers which are solid and bulky in appearance (e.g brick walls).



Figure 4 Examples of suitable kerbside barriers

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

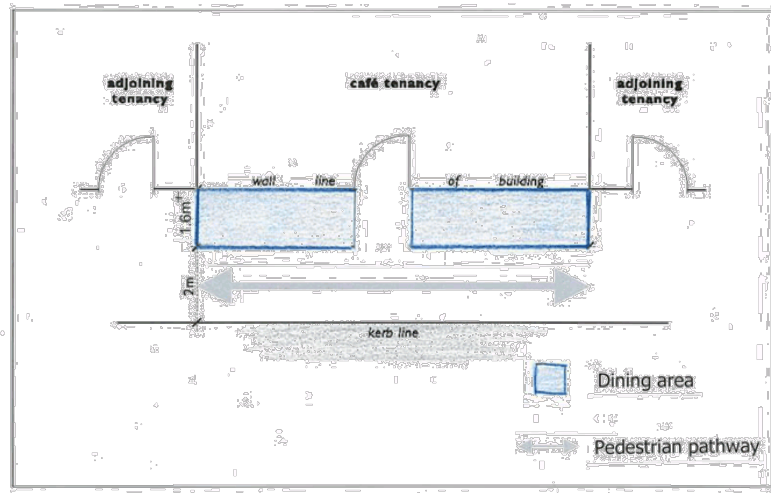
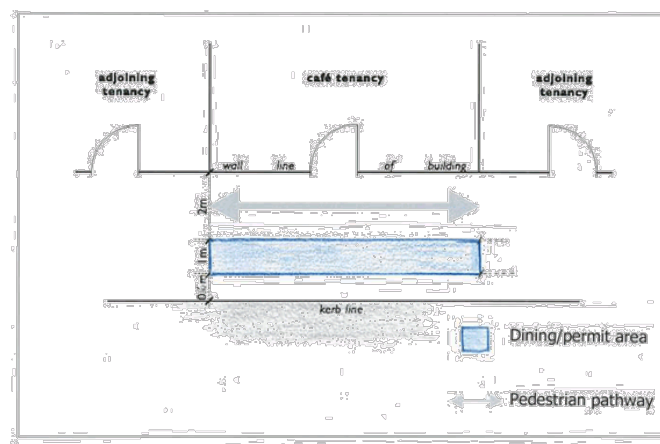


Figure 5 The above diagram shows location for a 2m wide pedestrian corridor where outdoor dining is proposed against the shopfront of the premises. The diagram below shows the location of the 2m wide pedestrian corridor where outdoor dining is proposed along the kerb line. Note the 600mm wide clearance from the kerb where there is a parking lane in the adjacent road.

Note: Equitable access is to be considered and clearances must have regard to current Access Standards including AS1428.



ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Plaza locations

Where proposed in plaza locations, the outdoor dining area may be considered in locations not directly in front of the associated business. In these circumstances it may be considered in close proximity to the respective café, restaurant or hotel, depending on:

- the design of the plaza area;
- the location of street furniture and services;
- topography of the site and surrounds;
- location of pedestrian corridors, service vehicle access, existing or planned for goods for display, street stalls; and
- other matters with respect to the design of pedestrian and shared plaza areas, including the needs of adjacent businesses.

Corner locations

At street corners, a setback of at least 2 metres measured from the building corner applies exclusive of any obstruction or street fixture e.g. bench, tree, rubbish bin, pole etc. This is required to maintain safe sight distances for both vehicles and pedestrians, as well as clear paths of travel and equitable access (refer Figure 6).

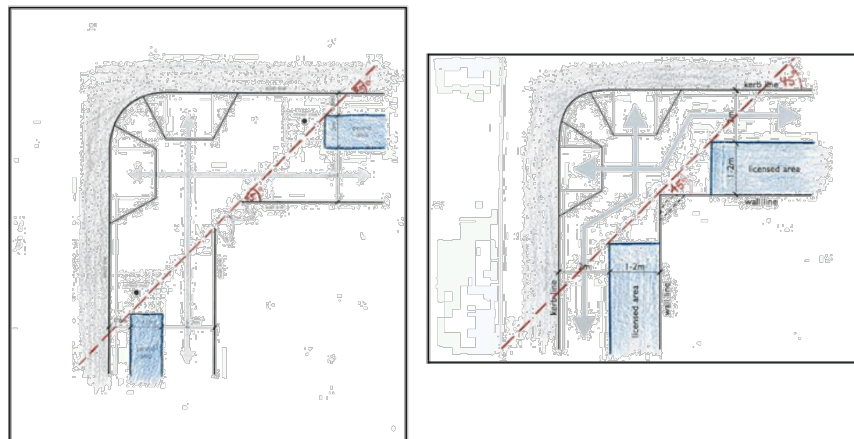


Figure 6 Outdoor dining areas are not permitted on corner locations at street intersections. The diagram identifies the clearances required for safety and access considerations.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Other Locations

In otherwise favourable locations minor modifications of the nominated clearances may be approved provided that the objectives of this policy are met.

2.3 Unsuitable Locations

Outdoor dining areas will not be considered at bus stops, taxi ranks, near pedestrian crossings, or other areas where there is concentrated pedestrian traffic or vehicular traffic safety concerns. In some locations it may also be necessary to limit outdoor dining activity to particular times of the day depending on local circumstances.

Not all footpaths are suitable for use as outdoor dining areas, or may not have sufficient width to meet pedestrian access/ vehicular access, sightlines etc.

Where a suitable pedestrian access corridor is unable to be provided, outdoor dining will not be permitted.

2.4 Limitations on the Use of Footpath Areas

The use of a footpath will, generally, be limited to the area situated directly in front of the food premises/ restaurant, which provides the base for the outdoor dining activity.

The Liquor Act 2007 may also be applicable to location of outdoor dining areas.

Extension Areas

In some circumstances, for example where an outdoor dining area is proposed outside a row of shops, consideration may be given to extending the outdoor dining into the area in front of the adjoining shop. This consideration will require the written consent of the owner and the occupier of the adjoining premises to be submitted with the application.

Any changes to the ownership or occupancy of the adjoining premises will require the approval holder to seek a new consent from the owner and occupier. If this approval is not obtained, the area approved for use of the activity will be reduced to the footpath area immediately in front of the principle dining premises.

Outdoor dining approvals will also cease upon change of use or change of ownership of the principle dining premises.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

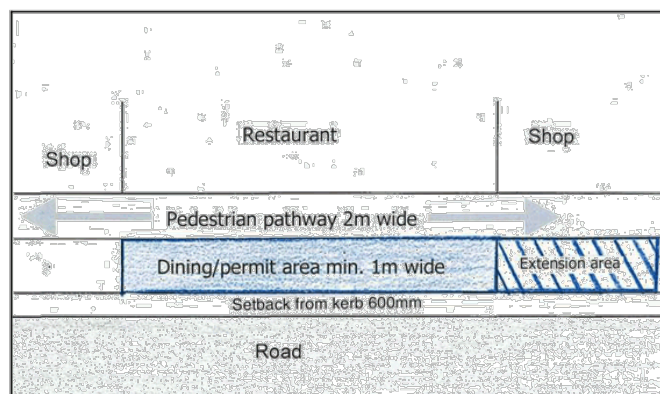


Figure 7 The diagram illustrates an example of an opportunity for extension of an outdoor dining area.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

3 FURNITURE GUIDELINES

Outdoor furniture for the purpose of this policy includes shade structures, tables, chairs, heaters, perimeter barricades. This section provides guidance on the design requirements for both removable and fixed furniture associated with outdoor dining.

3.1 Furniture Layout

The layout and orientation of furniture should be chosen according to the size and shape of the available space. The available depth of an outdoor dining area depends on the width of the footpath, however the minimum practical width for outdoor dining is 1 m.

The location of all furniture, barriers and the like, removable and fixed, must not extend beyond the boundaries of the approved outdoor dining area

The approval holder is responsible to ensure patrons maintain furniture within the boundaries of the approved seating area.

In kerbside locations, for safety reasons, the layout must be organized so that chairs must not be placed with their backs to the kerb.

Whenever possible, an outdoor dining area should visually relate to and be physically aligned with streetscape features.

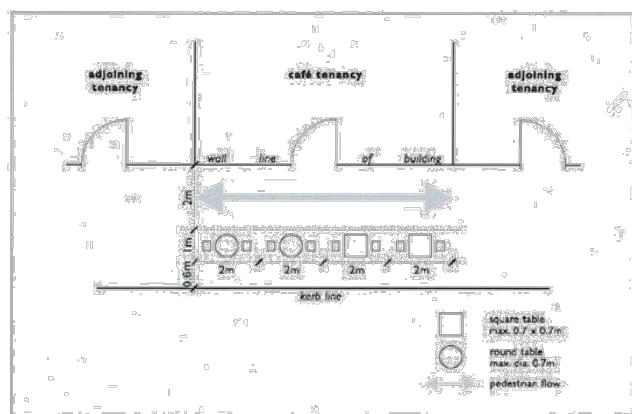


Figure 8 Example of a seating layout for a standard 3.6 m wide footpath. Chairs are sited so as not to intrude on the 2m wide pedestrian corridor.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

3.2 Delineation of Boundaries - Barriers and Markers

Council requires all boundaries of the approved outdoor dining area to be marked out on site. The methods of identifying the boundaries which may be considered acceptable include:

- markers;
- barriers/bollards – fixed or removable;
- planter boxes, seating walls and other landscape elements.

The choice of barrier will depend on the nature of the location of the outdoor dining area and will be determined by Council. The following requirements apply to barriers, bollards, markers and other suitable elements.

Markers

In most cases, corner markers will suffice. In some locations, it may be necessary to use additional markers along the boundary alignment. Where markers are to be used, Council will install on land in its ownership, at the cost of the approval holder. In paved areas, metal discs are installed flush with the paved surface. In areas with a grass, gravel, or similar surface pavement markers are not feasible and existing or new landscape elements such as trees, light poles, bollards, etc. are used instead (refer next sections on “Barriers and Bollards” and “Other”).



Figure 9 Metal discs installed by Council in pavements to mark the boundaries of outdoor dining areas.

Barriers and Bollards

The use of framed fabric barriers, may be appropriate, provided they do not become a physical or visual obstruction within the public domain and do not have a detrimental impact on pedestrians.

Barriers may be considered between adjoining outdoor dining activities to separate the dining areas. Barriers should be provided where the outdoor dining area is located 600mm from the kerb line to prevent chairs and tables creeping closer to

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

the kerb. The barriers prevent car drivers/passengers walking through the maze of tables and chairs to access the footpath. For safety purposes, barriers/bollards may be required to be designed to be energy-absorbing (refer also Section 2.2 Minimum Clearances (Setbacks)).

Barriers, must be of a colour and type that complements other furniture, such as umbrellas.

Removable barriers, placed on public land, must be free standing and of a weight that is safe, durable and supports the design. The establishment of holes, located fasteners and penetration into a pavement surface is not permitted without Council approval.

All fixed barriers/bollards require the approval of Council.



Figure 10 Examples of different barriers, including fixed and removable styles

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Other

Other barriers that may be appropriate between the outdoor dining area and kerb area are planter boxes and landscape features. The design of such elements should be discussed with Council.

All fixed elements require the approval of Council.

3.3 Furniture style

Outdoor furniture should make a positive contribution to the street environment. A furniture style that is practical, robust and attractive and complements the surrounding cityscape is encouraged. All furniture items, including umbrellas and barriers are to be approved by Council, details of which must form part of any application.

Manufacturers' details and related information are to be provided with any application to demonstrate compliance with the following criteria:

- the furniture should be strong, sturdy, durable, waterproof and weather resistant, designed for commercial outdoor use;
- the design must not contain parts that are likely to cause damage to the pavement;
- the furniture must be suitable for public safety, comfort and hygiene considerations;
 - particular care should be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to their users;
 - furniture in particular tables must be able to be cleaned and not be of a design that allows particles of food to collect;
- all removable furniture must fold or stack for storage, and be readily removed and stored within the associated indoor premises;
- furniture colour schemes must form part of any application. The design and colour should give consideration to the furniture in existing approved outdoor dining areas in the street, and access for the vision impaired (refer AS1428);
- surfaces such as table tops must be non-reflective;
- any proposed items of furniture that are to carry advertising materials (logos, brand names etc) must be detailed as part of the application.

Examples of removable and fixed furniture styles are included in Figures 11 and 12 over.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

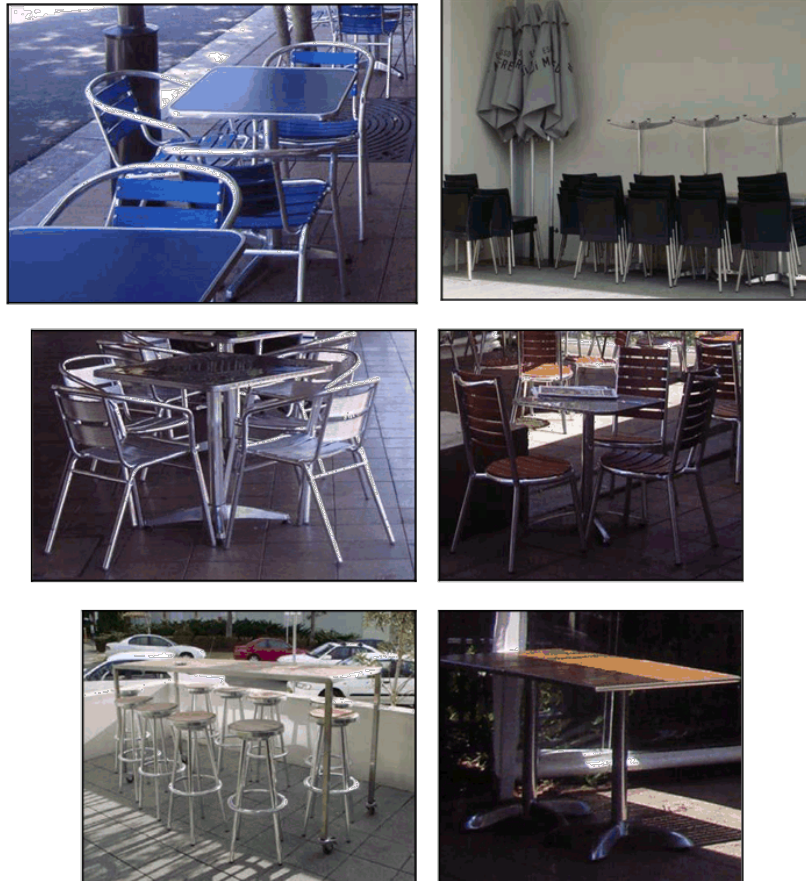


Figure 11 Examples of REMOVABLE Furniture Styles

Note: These styles are illustrative only. Requirements may vary depending on proposed location of outdoor dining area. Favourable consideration may also be given to well designed, creative, and individual alternatives. More examples may be available in Council's Public Domain Manual.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

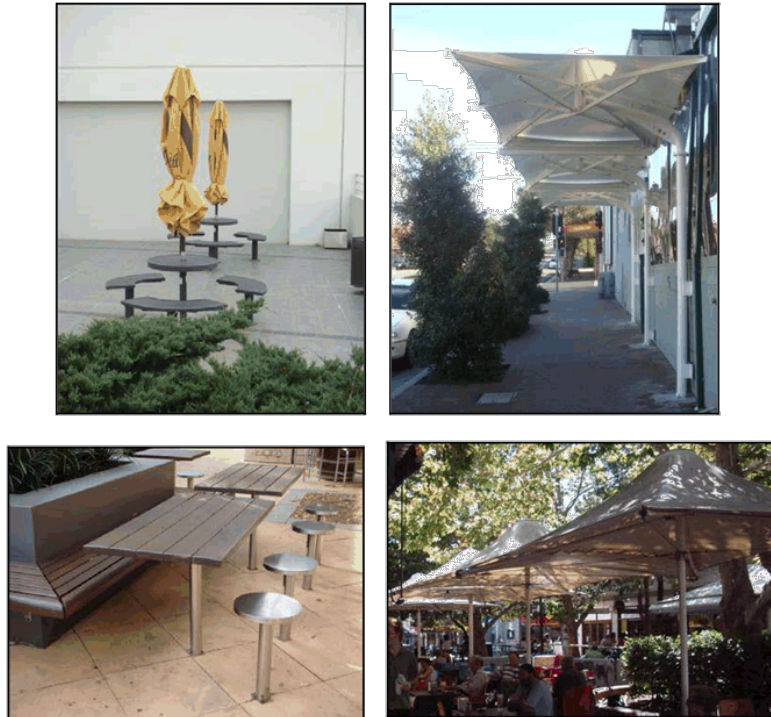


Figure 12 Examples of FIXED Furniture Styles

Note: These styles are illustrative only. Requirements may vary depending on proposed location of outdoor dining area. Favourable consideration may also be given to well designed, creative, and individual alternatives. More examples may be available in Council's Public Domain Manual.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

3.4 Enclosure

Outdoor dining areas should enrich the pedestrian experience and public life. It is therefore important that they present an open, inviting image and are easily accessible.

Full height solid screens are **not** preferred. Direct physical contact with the outdoor environment is an integral part of the experience of outdoor dining, and an amenable microclimate can be created through proper sitting and furniture layout in relation to existing buildings and streetscape elements.

Roll-up blinds and the Like

Where applicants propose the use of any form of enclosure for outdoor dining areas, such as roll-up blinds and the like, the enclosures are:

- not to be permanently rolled down (in the case of blinds) i.e. can be rolled up and down for use only in inclement conditions;
- to be used around no more than 2 sides of the outdoor dining area. In the case of a row of outdoor dining areas, should only be used on the perimeter of the entire row of outdoor dining areas so as not to work against the amenity of outdoor dining;
- not to cause any obstruction to the minimum path clearance required for public access (including access for the disabled);
- not to encroach the roadway or the approved seating area or be able to be blown into kerb edge/roadway area or pedestrian area;
- not to be located near any heating devices so as not to cause a potential fire hazard;
- to be securely fitted and installed to ensure that they withstand the effects of wind. Fixtures that penetrate or damage the pavement on Council's footpaths will not be permitted "and further that they be removed or closed in extremely windy conditions and must be removed when the outdoor seating area is not in use.";
- not undermine the strength of the structure on which they are to be fitted.
- not to be used for the display of advertising.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

3.5 Umbrellas

Umbrellas are appropriate for providing shade and shelter, however considerations with respect to safety are critical.

Umbrellas must:

- be *installed* to ensure that they are at all times securely fixed to withstand the effects of wind.
- Fixtures that penetrate or damage the pavement on Council footpaths are not permitted without prior approval from Council (for design, please see figure 13 below)
- be removed or closed in extremely windy conditions and must be removed when the outdoor seating area is not in use;
- not encroach on, or interfere with pedestrian movement, and must be at least 2.2 metres above the ground level at the lowest point;
- be manufactured from fire retardant material if adjacent to a heating device;
- be maintained in sound and aesthetically acceptable condition to the Council's satisfaction;
- not have general advertising, but may include business premises identification and advertising associated with the associated food premises (e.g. coffee brand).

Design

The following design standards are compulsory for all in-ground sockets for use in an outdoor dining setting:

- All applicants who wish to semi-fix the umbrellas within their outdoor dining area are to state this in their application. They must be installed using a socket and sleeve system shown in the diagram below.
- Be constructed to achieve a wind rating of up to 120km/h;
- Footing sockets must be designed and constructed so to not pose a hazard for pedestrians when the umbrella is not in place. This will be through an automatic closing lid.
- Stainless steel finish is to be used for all socket installations.
- Sockets must be installed in accordance with the manufacturers' specifications.
- All underground services are to be checked with a dial before you dig on www.1100.com.au.
- Where utility pits are present within the designated outdoor dining area, confirmation that no damage will occur to the utilities is required to be stated on the design. Any damage caused to utilities during the installation of an umbrella socket will be at the permit holders expense.
- At the expiration of the permit, restoration of the area is to be undertaken by the holder in line with 4.15 of this policy.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

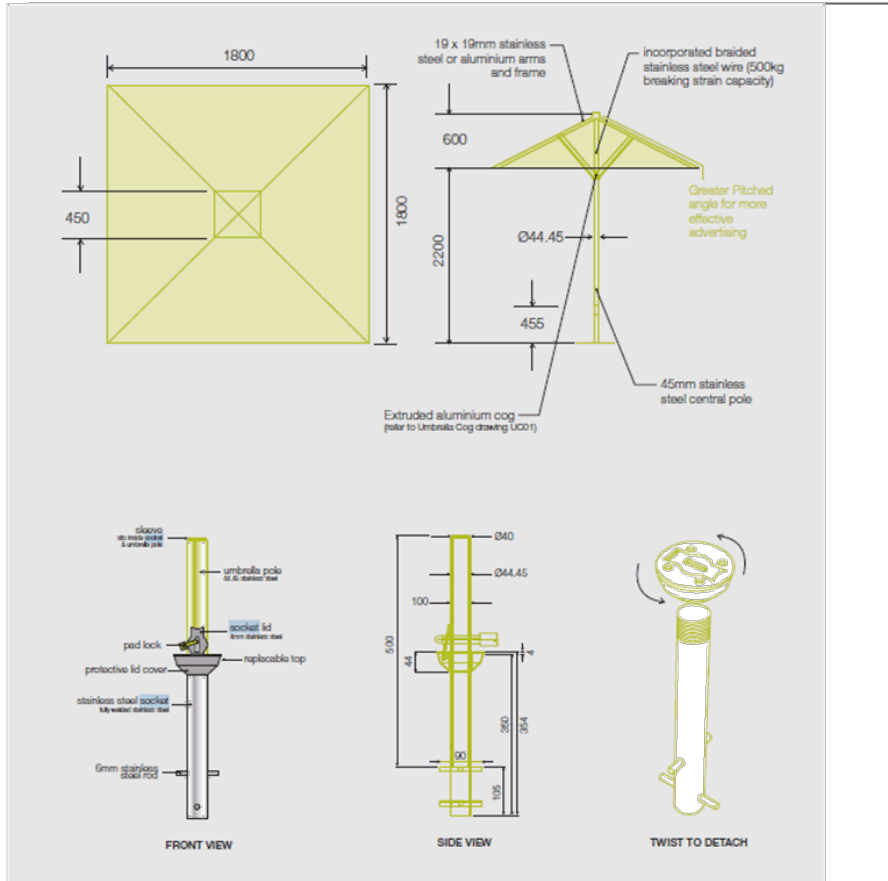


Figure 13: Design of socket and sleeve for footpath penetration

For other shade structures, contact Council for advice on whether such structures will require the consent of Council.

3.6 Heating Devices

Where the use of a heating device is proposed, details of the type, location and design must be included in the application. The design of the device and the safety of persons and property will be the main consideration. Heating devices should turn off automatically if overturned to prevent injury to patrons and property.

3.7 Storage facilities

Adequate storage facilities will be required to be provided in the associated premises or in the building containing the associated premises for tables, chairs, umbrellas, heating devices, etc, when not in use (i.e outside the hours of operation of the outdoor dining area).

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

3.8 Toilet facilities

Toilet facilities are to be made available to patrons in accordance with the requirements of the Building Code of Australia.

Toilet facilities are required to be available in the building occupied by the food and drink premises where alcohol is served or if the total seating provided, (indoors and outdoors) exceeds 19 seats.

Inclusion of outdoor seating will increase the number of seats to a food and drink premises, and such an increase may require the provision of toilet facilities. Contact Council for information on these issues.

3.9 Advertising and signage

The name of the outdoor dining premises, its business name or logo may be placed on outdoor umbrellas, and other items of furniture, only if it:

- identifies the outdoor dining premises;
- is in the nature of a corporate logo or identification;
- is of a minor and integral element of the furniture design and does not have an excessive impact on the area of the café or the streetscape.

Details of all signage and advertising must be submitted for approval as part of the application.

3.10 Lighting

Any outdoor cafe approved to operate outside daylight hours must provide adequate lighting, to Council's satisfaction, to ensure the safety and amenity of patrons and the general public.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

4 MANAGEMENT ISSUES

This section provides an understanding of the ongoing management and operational matters required of outdoor dining areas.

4.1 Conditions of approval

The approval holder will be responsible for making sure the outdoor dining area is operated in accordance with the conditions attached to the approval, and where it applies, any conditions attached to the development consent.

Non-compliance will be enforced by way of a written warning for a first offence and a fine in all other circumstances. Continual non-compliance may result in the approval being revoked or enforcement action taken.

4.2 Fees

Council will charge a fee for the use of the footpath or Council owned land as an outdoor dining area. The initial fee for new outdoor dining approvals will be based on the Schedule of Fees and Charges forming part of that year's Management Plan. The fee will be established from a valuation to be undertaken by a licensed valuer appointed by Council. For existing approvals, the fee is to be reviewed annually in accordance with the approval conditions.

4.3 Display of Permit

A copy of the Outdoor Dining approval that includes a plan of the approved area must be kept on the premises and displayed in a clear and visible position inside the front window of the associated premises and is to be produced on request by any authorised person. Permits will be issued as part of the Council approval process.

4.4 Maintenance and Cleaning

All furniture must at all times be maintained in a physically sound and aesthetically acceptable condition to the Council's satisfaction. The approval holder is responsible for cleaning the approved outdoor dining area. It must present a clean, well-maintained image as specified in the conditions of the approval and development consent (if development consent has been issued).

4.5 Waste Disposal

Street rubbish bins are not to be used for the disposal of waste and the approval holder must have suitable arrangement for commercial waste collection service. For information, refer Council's Waste and Fleet Unit.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

4.6 Furniture Storage

Outdoor furniture must be removed and stored away from all public areas outside the hours of business operation or when not in use due to bad weather etc.

4.7 Table Service

The Liquor Act 2007 may include requirements with respect to table service in the outdoor dining area where alcohol is served. Table service in outdoor dining areas is encouraged in all other circumstances. The use of disposable tableware in outdoor dining areas is not permitted.

4.8 No Smoking Policy

Smoking is prohibited in all outdoor dining areas on the footpath or on Council owned or managed land in the City of Ryde.

Non-smoking signs are required to be displayed at the entrance to or within the outdoor dining areas, with such signs to be of minimum dimensions of 300mm x 200mm and contain the words “No Smoking” along with the “No Smoking” international symbol.

Approval holders are to take all practical measures to ensure that customers do not smoke within smoke-free dining areas.



Figure 14 Examples of No Smoking signs suitable for use in outdoor dining areas.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

4.9 Heating Devices

Heating devices must be removed from public land and appropriately stored when not in use.

4.10 Markers

Council requires all boundaries of the approved seating area to be marked (refer Section 3.2 Delineation of Boundaries - Barriers and Markers). This may also be required in any event if alcohol is served (refer Liquor Act 2007).

The markers must remain in place throughout the duration of the approval, and all furniture, including umbrellas and pot plants, must be kept strictly within the boundaries of the approved seating area.

4.11 Animals

Animals, excluding assistance animals, are not permitted in outdoor dining areas under the provisions of the Food Act 2003 and in some circumstances the Companion Animals Act 1993. This requirement relates to the responsibilities attached to food handling and it is the responsibility of the approval holder to comply with the requirements of relevant legislation. (Note: Assistance animals are defined under the Disability Discrimination Act 1992.)

4.12 Lighting

Lighting provided for outdoor dining is to be maintained to ensure the safety and amenity of patrons and the general public.

4.13 Insurance

All approval holders will be required to carry and maintain public risk liability insurance to the minimum value of \$20million.

4.14 Change of Ownership or Use

Outdoor Dining approvals will cease upon change of ownership or change of use of the principle dining premises. A new Outdoor Dining application is required to be submitted to Council by the new proprietor for change in ownership of the premises, or from the existing proprietor for the change in use. Note: Addition of footpath penetrations to an existing policy will require a new outdoor dining permit application.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

4.15 Restoration of the Outdoor Dining Area

Prior to any footpath penetration works, a bond will be taken by the CoR to the value of the restoration works which will be determined by the approved drawings. This bond will be returned at the subsequent expiration of the permit granted the below restoration works are complied with. The bond will be calculated at the below rates based on the quantity of work to be undertaken:

- Remove Socket - \$100/ea
- Reinstate Concrete footpath - \$250/m² (1 Sqm per socket)
- Reinstate Asphalt footpath - \$150/m² (1 Sqm per socket)
- Reinstate Clay Paver Footpath - \$250/m² (1 Sqm per socket)
- Reinstate Granite Pavers - \$700/m² (1 Sqm per socket)

Note: these rates are indicative only, please see the current City of Ryde's Fees and Charges schedule for current rates.

Upon closure of a business or expiration of an existing permit, the permit holder must make the following restorations to the public domain:

- Removal of all outdoor dining furniture including semi-fixed and non-fixed items and reinstatement of any damaged assets (footpath etc.)
- If approval has been given for the installation of sockets and fittings within the pavement under section 3.5, the sockets must be removed and the applicable footpath material (concrete, granite pavers or clay pavers) reinstated.

The above works are required to be carried out within 14 days of cancellation or expiration of the permit and the permit holder is to cover the works at their own expense. Upon completion of the works, the City of Ryde is to be notified and an inspection is to be organized with the permit holder in order to inspect the quality of work is to Council's satisfaction.

Failure to complete the above works within the nominated timeframe (14 days) will result in the City of Ryde retaining the security bond.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

5 APPLICATION

In all cases of outdoor dining, some form of approval is required from Council to meet various legislated requirements. The nature of the approval required might relate to one, two or three Acts (or more). To assist applicants, Council has worked to make the application process as streamlined as possible. This section assists in explaining the requirements for approval in the majority of cases.

5.1 Environmental Planning and Assessment Act 1979

Outdoor Dining as Exempt Development

Outdoor Dining is considered Exempt Development as identified under Council's planning instrument. Exempt Development is development for which a development consent for the use is not required. To satisfy exempt development, the outdoor dining proposal needs to satisfy the criteria applied to exempt development including complying with the provisions of this policy.

Where outdoor dining does not satisfy the provisions of exempt development, or comply with this policy, a development application will be required to be submitted.

Application forms and advice on whether a development application is required can be obtained from the Council's Customer Service Centre, 1 Devlin Street, Ryde, telephone (02) 9952 8222. Application forms can also be obtained via Council's website: www.ryde.nsw.gov.au

Details on what is required to be submitted with a development application are outlined in Appendix 1.

5.2 Local Government Act 1993 and Roads Act 1993

Outdoor dining proposals, whether exempt from development consent or not, also need approval under the Local Government Act (where located on public land) and the Roads Act (where the activity is on a public road/footway).

Standard conditions applied to Roads Act or Local Government Act approvals for outdoor dining areas in City of Ryde are shown in Appendix 2.

Application forms for an approval under the Local Government Act or Roads Act are available from Council's Customer Service Centre, 1 Devlin Street Ryde, telephone (02) 9952 8222 or on Council's website at www.ryde.nsw.gov.au.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

5.3 Other Requirements

Any outdoor dining areas where it is intended to serve alcohol require a separate licence under the Liquor Act 2007. Further information can be obtained from Council's Customer Service Centre or the NSW Office of Liquor, Gaming and Racing.

If the application for outdoor dining is in a residential area or adjacent to a residential area and is likely to involve the consumption of alcohol, Council must consider the following matters in determining the application:

- whether the proposed use is likely to detrimentally affect the amenity of the surrounding residential area; and
- whether any objections to the proposed liquor licence are well founded.

5.4 Period of development consent

Where development consent is issued, unless otherwise specified, the period for consent will be for a maximum of 5 years and will be concurrent with the associated approval under the Roads Act or Local Government Act.

Note: Applications to extend/renew development consent should be lodged at least 6 months before expiration of the consent if continuity of use is required. Otherwise any use of the outdoor dining area must cease at the end of the 5 years and all tables, chairs, umbrellas, barriers and the like removed.

5.5 Period of approval and variation of approval

Approvals issued under the Roads Act or Local Government Act will apply for a maximum of 5 years. An approval to use a footway or public space may be varied or revoked at any time and this applies notwithstanding any associated development consent that applies.

It should be noted that pedestrian movement patterns are continuously monitored and may lead to variation or revocation of an approval at any time, should Council consider it to be in the public interest to do so. In these circumstances reasonable notice shall be given and a reasonable period of time, as set out in the approval, will be provided before the notice becomes effective. Notice periods will be abridged where there is any risk to public safety and amenity.

Roads Act and Local Government Act approvals will automatically cease upon any change of ownership or occupancy of the associated premises.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

**THIS PAGE HAS
DELIBERATELY
BEEN LEFT BLANK**

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

APPENDICES

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

**THIS PAGE HAS
DELIBERATELY
BEEN LEFT BLANK**

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Appendix 1: Development Application Requirements

If a **development application** is required, the applicant needs to provide:

1. completed development application forms with owner's consent (if the area is proposed on Council owned land or footpath, such consent needs to be given by Council);
2. colour photographs of the site and its context;
3. a set of drawings including plans, elevations and sections to scale, with levels and clear dimensions of the proposed outdoor dining area detailing :
 - the location of the outdoor dining area, in relation to the associated restaurant/ cafe and adjoining tenancies;
 - location of all existing features and permanent elements of the streetscape such as bus stops, taxi stands, traffic signs, poles, refuse bins, pedestrian lights, pavilions, bollards, planter boxes, terraces, trees, retaining walls etc in and around the proposed outdoor dining area;
 - the location of all doorways and service openings and of any other outdoor dining areas in the vicinity;
 - the identification of continuous access path/s of travel and clear opening/s to doorways to provide adequate circulation to assist accessibility (refer AS 1428);
 - the number of tables and chairs (Note: the maximum number of chairs and tables is to be calculated for the proposed area based on figures identified under 2.2.1 Minimum Areas);
 - a separate "indicative only" furniture layout.

Note: Whilst all approval holders must comply with the consent for the defined area and total (maximum) number of chairs and tables for the purpose of outdoor dining, Council recognises that the actual placement and configuration of the tables and chairs **within** the area may vary according to business needs. This is accepted as long as access paths and accessibility is maintained, and that the boundary of the "area" itself and the 2 metre corridor is strictly observed.

4. Information, including manufacturer's brochures and specifications, on the following elements demonstrating compliance with this policy (Section 3):
 - the proposed chairs and tables, other furniture, including proposed numbers to demonstrate that seating can be accommodated in the proposed area. The final number of chairs and tables, and any variations on the approved maximum, are matters for consideration in the calculation of fees for the Roads Act/Local Government Act approvals);
 - proposed temporary or permanent structures (umbrellas, awnings, heating devices, etc);
5. A Management Plan for the outdoor area addressing the following (including

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

matters covered in Section 4 of the policy):

- hours of operation,
 - the time when last orders will be taken (to allow for orders before the use of the outdoor seating is meant to cease),
 - cleaning of the furniture and footpath,
 - storage of furniture,
 - other matters affecting local amenity including any proposed music.
6. Any other details specified in the application forms or referred to in this policy.
7. Fees in accordance with Council's Schedule of Fees and Charges.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

Appendix 2: Draft Standard Conditions

Example of standard conditions attached to outdoor dining approvals under the Roads Act

CONDITIONS OF APPROVAL:

That pursuant to section 125 of the Roads Act 1993 Approval be granted to (INSERT NAME), proprietor of (INSERT NAME OF RESTAURANT) to use (INSERT AREA) m² in front of (INSERT STREET NAME, SUBURB) for outdoor dining for a period of 5 years, commencing on (INSERT DATE), subject to the following conditions of approval.

TERM

- 1.1 The approval is granted to (INSERT NAME) trading as (INSERT BUSINESS NAME) "the Approval Holder" for a term of five (5) years commencing on the (INSERT DATE), and ceasing on the (INSERT DATE).
- 1.2 On commencement of the term in clause 1.1, the approved area is to be physically delineated by Council approved discs. These discs will be installed by Council in the footpath at the applicant's expense.
 - 1.2.1 Should any fixed item such as tables, chairs, bollards, planter boxes, etc. be required they are to be supplied and installed by the Approval Holder at the Approval Holder's cost, following the Council's determination that their installation is appropriate.
 - 1.2.2 If any existing 'street furniture' requires relocation, from the approved area, that Council undertake the necessary work with the actual costs being borne by the Approval Holder.

PAYMENTS

- 2.1 During the term of the Approval the Approval Holder shall make payments in the nature of rent ("the Rental") to the Council.
- 2.2 The Rental payable for the period from (INSERT DATE) shall be \$(INSERT PER ANNUM AMOUNT) (GST Inclusive) per annum payable by monthly installments of \$(INSERT INSTALLMENT AMOUNT) in advance to the Council or as it may direct.
- 2.3 The Rental payable for the second and fourth and fifth years of the approval shall be an amount (rounded up to a full dollar amount) calculated by increasing the Rental for the year immediately preceding by a percentage equal to the total percentage increase, if any, in the Consumer Price Index figure for Sydney All groups for the then most current year in respect of which such Consumer Price Index Figure has been released. If there is no increase in such Consumer Price Index Figure, the Rental will remain the same.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

The rental payable for the third year shall be an amount in accordance with the outdoor dining fees specified in the Fees and Charges of the Management Plan for the financial year that the rental review becomes due.

GOODS AND SERVICES TAX

- 3.1 The Rental and all other moneys payable by the Approval Holder pursuant to the approval are exclusive of Goods and Services Tax or like impost (GST).
- 3.2 Liability for GST (payable in respect of any taxable supply) is additional. It is payable by the Approval Holder to the Council at the same time as Rental and other moneys are payable.

SECURITY DEPOSIT

- 4.1 The Approval Holder shall provide on the commencing date to the Council either a cash deposit (“Security Deposit”) or an unconditional bank guarantee (“Bank Guarantee”) for an amount equivalent to six (6) months’ Rental plus any security bond amounts (if applicable) as determined by Section 4.15 *Restoration of the Outdoor Dining Area* of the City of Ryde Outdoor Dining Policy.
- 4.2 The Bank Guarantee or the Security Deposit, (which shall be held in an account bearing interest), shall be held by the Council on behalf of the Approval Holder during the term of the approval as security for the performance of the conditions herein provided and the Council may from time to time apply the Security Deposit or call in any amount from the Bank Guarantee in or towards satisfaction of any amount of Rental, damages or other monies payable by the Approval Holder to Council pursuant to the Approval or which may become due and payable as a result of any breach by the Approval Holder of any of these conditions. The interest earned on the money will be used by Council in the management and administration of those funds.
- 4.3 In the event that the Security Deposit is applied by the Council or the Council requires the Approval Holder’s bank to make payment pursuant to the Bank Guarantee then the Approval Holder shall within fourteen (14) days after written notification from the Council provide the Council with an additional cash deposit or an additional bank guarantee equivalent to the amount of the Security Deposit so applied or the Bank Guarantee called upon.
- 4.4 At the cessation of the Approval and upon full compliance with these conditions the Council will account to the Approval Holder for any remaining balance of the Security Deposit or will return the Bank Guarantee.

ADDITIONAL CONDITIONS OF THE APPROVAL:

- 5.1 The Land or any part thereof shall not be used for any other purpose than as a footpath restaurant / café in accordance with these conditions.
- 5.2 No more than (INSERT NUMBER) tables and (INSERT NUMBER) chairs.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

- 5.3 Installation of any further or replacement outdoor furniture must be approved by Council and is to be of a design and construction approved by Council.
- 5.4 The Approval Holder shall remove all non-fixtures from the Land at the end of each day and store them within the restaurant / café.
- 5.5 The Approval Holder shall ensure that at no time do the tables or chairs encroach upon any part of the footpath that does not form part of the Land. A pedestrian access way of at least 2 metres wide shall be maintained at all times to assist in the provision of a continuous path of travel for those using the footpath.
- 5.6 The Council through its agents or officers may enter and view the state of repair of the Land and such fixtures as may be installed thereon at any reasonable time.
- 5.7 The Approval Holder shall indemnify the Council against all or any claims in respect of the occupation or use of the Land pursuant to the grant of approval.
- 5.8 The Approval Holder shall effect and keep effected a public risk policy of insurance with an insurance company approved by the Council against any demand claim or action in respect of injury, loss or damage to any person or property howsoever sustained arising out of the occupation or use of the Land (by the Approval Holder and / or persons claiming under it) at any time during the term of the approval in such amount as the Council may from time to time require which amount shall not be less than twenty million dollars (\$20,000,000.00). The Approval Holder shall produce such policy to the Council upon demand.
- 5.9 The Approval Holder shall maintain and renew from time to time all licences, permits and registrations required for the carrying on of the business of a footpath restaurant / café on the Land and shall observe perform and fulfill all the requirements of any statutes regulations or by - laws in so far as they may apply to the Land or to the business conducted thereon.
- 5.10 The Approval Holder will comply with provisions of the Food Act 2003, the Companion Animals Act 1998, the Work Health and Safety Act 2011, or any regulations made there under and the Approval Holder shall indemnify and keep indemnified the Council against the failure on the part of the Approval Holder and / or persons under its control to comply with this condition.
- 5.11 The Approval Holder will comply with any notices or orders which may be given by any competent authority in respect of the Approval Holders use of the Land.
- 5.12 This approval does not confer on the Approval Holder an exclusive right to possession of the Land and the Land may be used as a pedestrian access way by members of the public.

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

- 5.13 The Approval Holder will at all times display in a clear and visible position inside the shop front window an Outdoor Dining Permit issued by Council and have the permit available for inspection by Council at anytime.
- 5.14 The Approval Holder will comply at all times with the current Outdoor Dining Policy which was effective as of the (INSERT DATE OF POLICY).
- 5.15 The Approval holder must:
- Prohibit smoking on Council owned land or on footways that are being used for outdoor dining activities;
 - Display No Smoking signs at the entrance to or within outdoor dining areas with such signs to be of minimum dimensions of 300mm x 200mm and contain the words 'No Smoking' along with the 'No Smoking' international symbol,
 - Prohibit the supply and use of ashtrays within outdoor dining areas; and
 - Take all practicable measures to ensure that customers do not smoke within outdoor dining areas.

CESSATION OF APPROVAL

- 6.1 This approval shall cease upon Council giving notice thereof to the Approval Holder in the event that Rental is in arrears for a period of 7 days or more or in the event that the Approval Holder does not comply with any conditions of the Approval.
- 6.2 The Approval shall automatically cease in the event that the Approval Holder is no longer the owner, lessee or occupant of the adjoining restaurant / café or if the adjoining premises cease to be used as a restaurant / café.
- 6.3 Notwithstanding any other condition of the Approval, the Approval shall cease upon Council giving seven (7) days notice thereof to the Approval Holder and in that event the Approval Holder shall not be entitled to compensation other than reimbursement of any Rental paid in advance.
- 6.4 Upon the cessation of the Approval the Approval Holder will, at its own expense and if so requested by Council, demolish and / or remove from the Land any improvements erected or placed thereon by the Approval Holder to the satisfaction of the Council within one (1) month after receiving notice from the Council to do so. If the Approval Holder fails to demolish and / or remove the improvements, the Council may without prejudice to any of the powers vested in it by its agents or employees or contractors enter upon the Land and demolish and/or remove such improvements and do all things necessary and incidental thereto. All costs and expenses incurred by the Council in connection with the same shall be payable to the Council by the Approval Holder on demand and shall be recoverable by the Council as a liquidated debt owing to it. The Council may, if it thinks fit, sell materials resulting from the demolition and / or removal upon such terms as it thinks fit and may apply the proceeds of any sale thereof towards payment of the costs and expenses incurred by it in connection with

ITEM 10 (continued)

ATTACHMENT 1

City of Ryde – Outdoor Dining Policy

- any such demolition and / or removal and the certificate of the General Manager of the Council as to such amount shall be conclusive and binding on the Approval Holder.
- 6.5 This Approval is personal to the Approval Holder. Should the Approval Holder sell or assign its interest in the adjoining restaurant / café any prospective purchaser / assignee shall have no claim nor guarantee that the part of the footway the subject of the Approval may be used for the purpose of the restaurant / café. Any prospective purchaser/assignee will be required to make separate application to Council for approval to use the part of the footway the subject of the Approval.
- 6.6 Upon cessation of this approval, the Approval Holder agrees that Council may remove any furniture, such removal to be at the Approval Holder's own expense.
-

11 REPORTS DUE TO COUNCIL

Report prepared by: Civic Services Manager**File No.:** CLM/20/1/4/2 - BP20/292

REPORT SUMMARY

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 16 June 2020 (listing **ATTACHED – CIRCULATED UNDER SEPARATE COVER**).

It should be noted that when this report was last presented to Council on 24 March 2020, there were 74 reports listed and following consideration of that report there were 30 overdue reports due to Council.

There are currently 75 reports listed in the attachment and following consideration of this report, there will be 33 overdue reports due to Council.

RECOMMENDATION:

That the report on Outstanding Council Reports be endorsed.

ATTACHMENTS

- 1 Outstanding Reports to Council - as at 16 June 2020 - CIRCULATED UNDER SEPARATE COVER
- 2 Outstanding Reports to Council - List of Confidential Property Matters - as at 16 June 2020 – **CONFIDENTIAL (LOCATED ON THE LAST PAGE OF THIS AGENDA FOLLOWING THE CONFIDENTIAL COUNCIL REPORTS)**

Report Prepared By:

Amanda Janvrin
Civic Services Manager

Report Approved By:

George Dedes
General Manager

NOTICES OF MOTION

- 1 DEFERRED NOTICE OF MOTION: COUNCILLORS, MAYOR AND EXECUTIVE PAY REDUCTION DURING THE COVID-19 CRISIS - Councillor Dr Peter Kim**

File Number: CLM/20/1/1/6 - BP20/471

This Notice of Motion was deferred from the Council Meeting held on 26 May 2020.

MOTION:

- (a) That Council adopts a 25% fee reduction to the Councillors and Mayoral fees for a period of 12 months, effective immediately.
- (b) That Council does not increase the Councillors and Mayoral fees for 2020/2021.

- 2 DEFERRED MOTICE OF MOTION: CITY OF RYDE COMMUNITY SUPPORT PLAN DURING THE COVID-19 AND RECOVERY PLAN FROM COVID-19 - Councillor Dr Peter Kim**

File Number: CLM/20/1/1/6 - BP20/472

This Notice of Motion was deferred from the Council Meeting held on 26 May 2020.

MOTION:

- (a) That the General Manager prepare a City of Ryde Community Support Plan on how City of Ryde can support the Ryde Community to cope with the COVID-19 crisis focused on economically disadvantaged citizens. The report to be presented at the next Council meeting with recommendations for immediate implementation.
- (b) That the General Manager prepare a City of Ryde Recovery Plan, to present to Council which includes:-
 - (i) a financial recovery plan;
 - (ii) an organisational recovery plan; and
 - (iii) a community and economic recovery plan.

QUESTIONS BY COUNCILLORS AS PER POLICY**1 DEFERRED ITEM: QUESTIONS WITH NOTICE - Councillor Trenton Brown****File Number: CLM/20/1/1/10 - BP20/483**

This Item was deferred from the Council Meeting held on 26 May 2020.

As indicated at the March meeting of Ryde Council, it remains my view that the Eastwood Small Business Hardship Fund should be applied to ALL Small Businesses in the City of Ryde. This is due to the COVID-19 virus affected all small businesses in Ryde and not just those exclusively on the Eastwood Plaza.

For this reason, I intend to move a Notice of Motion at the May meeting of Ryde Council that the Eastwood Small Business Hardship Fund be expanded to include all small businesses in Ryde.

Therefore I ask the following questions:

Question 1:**What is the total number of small businesses registered in the City of Ryde?****Question 2:****What is the total dollar value estimate of the overall stimulus cost to Council of expanding this Small Business Hardship Fund to all businesses in the City, assuming that similar terms and conditions are applied?**

CONFIDENTIAL ITEMS**12 DEFERRED REPORT: 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.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel

File No.: GRP/09/5/15 - BP20/334

Page No: 158

13 REQUEST FOR TENDER - NSROC RFT 2022 - ROAD SURFACING, PATCHING AND ASSOCIATED WORKS

Report prepared by: Roads Engineer

Report approved by: Manager - Civil Infrastructure and Integration; 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 - BP20/528

Page No: 166

CONFIDENTIAL ITEMS (CONTINUED)**14 EXPRESSION OF INTEREST FOR THE PROVISION OF LEGAL SERVICES
2020**

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Report prepared by: General Counsel

File No.: GRP/09/5/15 - BP20/440

Page No: 322

15 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.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel

File No.: GRP/09/5/15 - BP20/428

Page No: 360