

Meeting Date: Tuesday 28 February 2023
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde and Online
Time: 6.00pm

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.

Statement of Ethical Obligations
Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act 1993 and their obligation under Council's Code of Conduct to disclose and appropriately manage Conflicts of Interest.

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LATE COUNCIL REPORTS

19 EXCHANGE OR SURRENDER OF INTERESTS IN LAND

Report prepared by: Executive Manager - City Infrastructure
File No.: GRP/23/11 - BP23/72

REPORT SUMMARY

Council has recently received requests from property owners to surrender or exchange registered interests on their land that benefit the Council.

These requests have been made for a variety of reasons, including, but not limited to, the need to address Council's redundant or incorrectly located stormwater infrastructure on private land.

Section 377(h) of the Local Government Act 1993 does not allow Council to delegate authority to the Chief Executive Officer for, amongst other things, the exchange or surrender of those interests. However, the need to report each matter to Council when the majority of the requests relate to minor issues that may also be time sensitive, is not efficient. Accordingly, a recommendation for a standing resolution to authorise the exchange or surrender of certain interests in land under specific situations is sought to make the process more efficient.

RECOMMENDATION:

- (a) That Council authorises the exchange or surrender of interests in land (as the case may be) to which Council is the beneficiary, but only if the exchange or surrender of the interest:
 - (i) relates to an easement, right of carriageway, covenant, restriction as to user and the like; and
 - (ii) Is at no cost to Council (excluding any costs for physical works undertaken by Council or other direct administrative costs to be borne by Council); and
 - (iii) Is not contrary to the interests of Council.
- (b) That Council delegate authority to the Chief Executive Officer to execute all necessary documentation on behalf of Council to effect resolution (a) above, as required.
- (c) That a report be brought to Council meeting on an annual basis advising on any interests that have been surrendered or exchanged in accordance with resolution (a) above.

ATTACHMENTS

There are no attachments for this report.

ITEM 19 (continued)

Report Prepared By:

Charles Mahfoud
Executive Manager - City Infrastructure

Report Approved By:

Mark Eady
General Manager - Business and Operations

ITEM 19 (continued)**Discussion**

Council has recently received requests from various property owners (including owners of residential allotments) to extinguish (surrender) or vary (exchange) a variety of registered interests on their land, where Council is the beneficiary of those interests.

The current requests relate to 57 Samuel Street, Ryde, 1 Abuklea Road, Marsfield and 17-23 Talavera Road, Macquarie Park.

A brief summary of these specific requests are as follows.

The owners of 57 Samuel Street, Ryde were granted approval to construct a new dwelling house on the property. In the course of constructing the dwelling house, it became evident that a stormwater drainage pipe owned by Council had been partly constructed outside the line of an existing easement on the site.

The location of the relevant portion of the pipe was unknowingly located within the footprint of the approved dwelling house. The existing easement is now required to be extinguished (surrendered) and a new easement (exchanged) is to be created over new stormwater drainage pipes within a part of the property not affected by the new dwelling house.

The owners of 1 Abuklea Road, Marsfield requested that Council extinguish a redundant stormwater drainage easement from the title of their property. The request is considered to be valid and is not contrary to the interests of Council. If anything, the retention of the redundant easement on the title of the land would be unreasonable under the circumstances given that Council has no need for the relevant stormwater drainage pipe.

The tenant of 17-23 Talavera Road, Macquarie Park, is a data centre operator that has lodged a DA with the NSW Government to expand its data centre on the property. The expansion of the data centre seeks to build over an existing stormwater drainage easement that contains one of Council's major trunk stormwater drainage pipes that services Macquarie Park. The Council, tenant and owner of the property are in discussions to relocate the easement at the sole cost of the tenant.

The requests have therefore been made for various practical reasons including but not limited to, the presence of redundant Council stormwater systems on the land, the incorrect positioning of stormwater pipes, the need to relocate an easement due to the redevelopment of the land and the like.

Pursuant to Section 377(h) of the Local Government Act 1993 (Act), Council cannot delegate to the Chief Executive Officer a delegation for the [emphasis in bold]:

*“compulsory acquisition, purchase, sale, **exchange or surrender of any land** or other property (but not including the sale of items of plant or equipment),...”*

ITEM 19 (continued)

For the purpose of this provision of the Act, 'land' not only relates to the physical property in question but also any registered interests on the title of a property of which Council is the beneficiary. Those interests include easements, rights of carriageway, covenants, restrictions as to user and the like (collectively known as "**Interests**").

The need to seek separate Council resolutions each and every time situations similar to the current requests arise is not practical, given the need to resolve issues of this nature may be time sensitive and are normally not contrary to the interests of Council. Accordingly, it is considered that a standing Council resolution authorising the exchange or surrender of an Interest (where Council is the beneficiary) is appropriate, but only where the surrender or exchange of the relevant Interest:

- (i) Is at no cost to Council (excluding any costs for physical works undertaken by Council or direct administrative costs to be borne by Council); and
- (ii) Is not contrary to the interests of Council.

It is stressed that the resolution that is being sought does not apply to the surrender or exchange of land (i.e. allotment of land) but only to the extent of Interests registered on the title of land where Council is the beneficiary of those Interests.

Financial Implications

Adoption of the recommendation may have minor financial impact in that the exchange or surrender of an Interest will require some administrative costs (e.g, land title registration fees) and potential construction costs for the relocation of stormwater pipes etc. However, those costs will need to be assessed on a case by case basis and in some instances may be borne by the property owner that requests the surrender or exchange of the interest.

In the event that Council is to bear any costs (i.e., administration costs and fees) together with the costs of any physical works to be undertaken by Council, these will be drawn from existing budgets.

Legal Implications

There are no legal issues that arise should the recommended resolution be adopted.

20 INTERNATIONAL RELATIONS POLICY

Report prepared by: Executive Officer - City Economy
File No.: GRP/23/12 - BP23/81

REPORT SUMMARY

Due to a combination of the City's cultural and linguistic diversity, the presence of Macquarie University and TAFE NSW campuses, and the presence of Australian headquarters of global companies, the City of Ryde attracts considerable attention from international parties seeking to collaborate with Council and invest in the City and its people.

The economic functions of the City of Ryde, in particular Macquarie Park, are global in their outlook. Our City is also home to economically diverse and growing centres, such as Eastwood, West Ryde, Meadowbank and Gladesville.

The City of Ryde will need to take a more strategic approach to international relations to deliver the economic and social outcomes aspired within Council's *Community Strategic Plan*. The *International Relations Policy* (the Policy) has been developed to provide a foundation for this new strategic approach.

The Policy establishes the following five (5) guiding principles (further expanded upon within the Policy):-

- 1) Investment attraction,
- 2) Strategic outcomes,
- 3) Transparency,
- 4) Cooperation and collaboration, and
- 5) Deliver benefits.

These principles are reinforced by the establishment of desired policy outcomes across the themes of:-

- Encourage international economic cooperation,
- Fostering cultural exchange and understanding,
- Advancing human rights and democracy,
- Addressing global challenges, and
- Promoting international peace and security.

The Policy will be supported by new policy instruments (procedures, guidelines, templates) that will be developed in consultation with Council's Sister City Committee.

Formalising a relationship between the City of Ryde and an international partner will require a Memorandum of Understanding (MoU) to be entered into by both parties.

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Approval of an MoU will require a resolution of Council and the signature of the Mayor on Council's behalf. Council can only consider an MoU following an objective assessment, by Council staff, of the merits of the MoU against the Policy and any other applicable procedures or guidelines.

Approving the Policy will repeal the following Council policies:-

- *Protocol for International and Australian Friendships* (replaced by the Policy), and
- *Visits by International Delegations* (a procedure will be developed in consultation with the Sister Cities Committee)

Introducing this policy and repealing the above policies will not affect any existing Sister City Agreements, Friendship Agreements, or Partnership Agreements arrangements. Any changes to these existing arrangements would be subject to a separate resolution of Council.

RECOMMENDATION:

- (a) That Council adopts the International Relations Policy – February 2023.
- (b) That Council repeals the Protocol for International and Australian Friendships and the Visits by International Delegations policies.
- (c) That Council notes Council staff will work collaboratively with Councillors to implement the International Relations Policy through Council's Sister City Committee.
- (d) That Council notes that existing Sister City Agreements, Friendship Agreements, and Partnership Agreements are not affected by this policy.

ATTACHMENTS

- 1 International Relations Policy (Draft)

Report Prepared By:

Daniel Hughes
Executive Officer - City Economy

Report Approved By:

Michael Galderisi
General Manager - City Shaping

ITEM 20 (continued)**Discussion**Why is the International Relations Policy needed?

Following a Council resolution in October 2022 and a subsequent review, Council staff have identified the need to revamp Council's existing approach to international relations. In summary, this is required due to the following:-

- There is continued and growing demand for Council engagement with international partners.
- Historically, Council has not taken a holistic approach to international relations.
- Existing policy gaps create uncertainty, which can create risks for Council, particularly with regard to securing new opportunities for economics and trade.
- The existing operational approach to these policies is no longer fit for purpose.

What options were considered?

In deciding the need for a new policy, Council staff considered the following options:-

- Option 1 – Revise the existing *Protocol for International and Australian Friendship Agreements*.
 - This option was not pursued as a policy revision would not adequately address the broad scope of international relations.
- Option 2 – Discontinue Council efforts in international relations.
 - This option was not pursued as there is a growing demand for Council to have a larger role in international relations to secure economic and social benefits for the City of Ryde that will underpin a sustainable economy over the long term.
- Option 3 – Develop a new International Relations Policy.
 - This option was pursued as a fit-for-purpose policy that would provide Council with the structure and agility required to address the challenges and pursue international relations opportunities.

Who was consulted in the development of the policy?

In mid-February 2023, Council staff engaged with Councillors to explore the principles and outcomes that would guide Council's approach to international relations.

Additional internal consultation has occurred with Council's governance team, City Shaping Directorate, and Executive Team.

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The policy has not been subject to external consultation; however, its development took into consideration policies and practices modelled by other Councils across Australia.

There is no obligation for this policy to be placed on public exhibition. However, it should be noted that components of Council's approach to international relations (e.g., future guidelines or procedures) will be subject to consultation with Council's Sister City Committee, which can provide advice to staff on future public consultation requirements.

What are the risks of international relations?

International relations activities require Council to have a healthy risk appetite, informed by the latest information from key agencies such as Investment NSW, the NSW Department of Premier and Cabinet, and the Department of Foreign Affairs and Trade.

Implementation of the International Relations Policy will include tools and processes that seek to address risks such as:-

- City branding / reputational risks
- Resourcing risks
- Legal and diplomatic risks
- Strategic alignment risks, and
- Governance and probity risks

To reduce risks and deliver value for money for the City of Ryde, Council activities linked to international relations will be subject to thorough risk assessments, monitoring, evaluation, and reporting. Council's evaluation activities will focus on evaluating whether international relations activities are delivering the desired outcomes and benefits for the City of Ryde.

What will happen to existing sister cities, friendship agreements, and partnership agreements?

The City of Ryde has the following existing relationships in place:-

- 1) Sister City Agreement between the City of Ryde and the City of Jiading District, China
- 2) Friendship Agreement between the City of Ryde and the City of Dongguan, China
- 3) Friendship Agreement to establish business, commercial, cultural and educational links (with the City of Jongno-Gu, Republic of Korea)
- 4) Friendship Agreement between the City of Ryde and the City of Stepanakert (Republic of Artsakh)

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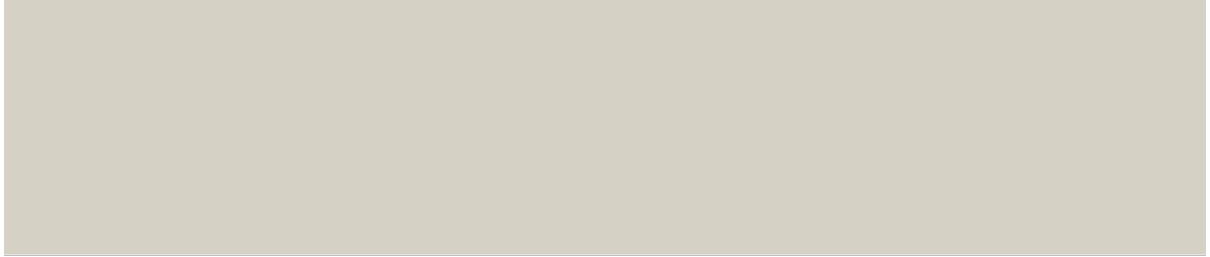
The introduction of the International Relations Policy will not impact the above agreements. Any changes to the above agreements would be subject to a separate resolution from Council.

Financial Implications

Adoption of the recommendations will have no financial impact.

ITEM 20 (continued)

ATTACHMENT 1



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**International Relations
Policy**

ITEM 20 (continued)

ATTACHMENT 1

International Relations Policy

Document Version Control

Document Name:	International Relations Policy
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CM Reference PDF:	TBC
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Change History

Version	Review Date	Author	Reason for Change
0.1	19/02/23	D. Hughes	Initial Draft
0.2	20/02/23	D. Hughes	Draft for internal consultation: Council Governance
0.3	20/02/23	D. Hughes	Draft for internal consultation: City Shaping Executive Officers
0.4	21/02/23	M. Galderisi	Draft endorsed by General Manager, City Shaping
0.5	22/03/23	W. Rylands	Final draft endorsed by Chief Executive Officer

International Relations Policy		
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International Relations Policy



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1. Scope

The policy applies to all Council representatives (Councillors, staff, and contractors). This policy covers all matters relating to international relations between the City of Ryde and international organisations, governments, and institutions (for example, Universities).

For clarity, the policy does not negate or circumvent any State or National policy and legislation governing international relations.

2. Purpose

Australia, New South Wales, and the City of Ryde attract international investment across various sectors. Macquarie Park, for example, is a Nationally significant place of innovation and investment attraction. Macquarie Park's major economic functions include the following:

- Education
- Research and development
- Health services, and
- Knowledge-intensive sectors (pharmaceutical, technological, and telecommunications).

These economic functions are global in their outlook.

The City of Ryde is also home to the economically diverse and growing centres of Eastwood, West Ryde/Meadowbank, Gladesville, and North Ryde.

To deliver economic outcomes and contribute to the outcomes aspired within Council's Community Strategic Plan, the City of Ryde will need to take a more strategic approach to international relations. A strategic approach relies on clear principles and objectives.

The policy seeks to establish clear principles and objectives for Council's approach to international relations. Supporting policy instruments (for example, guidelines, procedures, and templates) will be designed to operationalise the strategic direction outlined by this policy.

3. Policy principles

The following policy principles will guide Council's approach to international relations:

1. Investment attraction – Council's international relations activities will be guided by the desire to attract and retain international investment, in particular investment into businesses and education, into the City of Ryde.
2. Strategic outcomes – Council will take a proactive and strategic approach to international relations, seeking to build relationships that lead to social and economic opportunities for the City of Ryde.
3. Transparency – Underpinned by best-practice governance protocols, Council will be transparent in its approach to international relations. Best practice includes

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monitoring, reporting, and evaluating Council's work and keeping the community informed of the efficacy of international relations activities.

4. Cooperation and collaboration – Council will seek out international partners who want to cooperate and collaborate in delivering positive outcomes for the City of Ryde. Cooperation and collaboration will be underpinned by a jurisdictional understanding of the roles and responsibilities (and thus limitations) between Council and its partners.
5. Deliver benefits – All international relations activities must deliver social, environmental, or economic benefits to the City of Ryde. These benefits need to be considered and evaluated as a part of Council's international relations activities.

General Responsibilities

Stewardship

Within the City Shaping Group, Council's City Economy team will be the stewards of this policy and take functional responsibility for Council's approach to international relations.

The policy does not prescribe delegations for individuals; however, a risk-based approach will underpin the strategic work of the City Economy Department. This approach may escalate different operational matters to the attention of the Council for consideration.

Memorandums of Understanding

The City of Ryde will use a Memorandum of Understanding (MoU) to document a formal relationship with an international party. For an MoU to take effect, Council and the international party must agree to the MoU's content. Agreement for the City of Ryde will require a resolution from Council endorsing the MoU and the Mayor signing the MoU on behalf of Council.

Council can only consider an MoU following an objective assessment of the merits of the MoU against this policy and any other applicable procedures or guidelines from Council staff.

For clarity, an MoU will be the only mechanism used by Council to formalise a relationship with an international party.

Existing sister cities, friendship agreements, and partnership agreements are not impacted by this policy.

4. Policy outcomes

Council's international relations activities and projects will include the identification of objectives that align with the principles and outcomes of this policy. The International Relations Policy has been designed to support the following outcomes:

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International Relations Policy



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Theme	Desired outcomes
Encouraging international economic cooperation	1. In line with Council's Community Strategic Plan, Council's policies and strategies should seek to encourage international economic cooperation with the City of Ryde, specifically cooperation on: <ul style="list-style-type: none"> a. economics and trade b. research and development c. tertiary and vocational education, and d. immigration and settlement
Fostering cultural exchange and understanding	2. In line with Council's Community Strategic Plan, Council's policies and strategies should seek to foster cultural exchange and understanding through: <ul style="list-style-type: none"> a. symbolic relationships with international cities and countries b. celebration of multiculturalism and diversity through social infrastructure, events, and experiences within the City of Ryde, and c. hosting and participating in international delegations
Advancing human rights and democracy	3. In line with Council's Community Strategic Plan, Council's policies and strategies should seek to: <ul style="list-style-type: none"> a) promote international peace and security b) address global challenges, and c) promote international peace and security
Addressing global challenges	
Promoting international peace and security	

5. References and Legislation

International relations as a function of local government are not governed by specific State or National legislation. However, international relations activities may be subject to State and National legislative requirements. Council must adhere to this legislation alongside applicable State and National policies, such as the *Foreign Arrangements Scheme*.

In addition to State and National legislation and policies, international relations activities must consider the impacts and implications of international laws. Timely risk assessments will be required for certain international relations activities and projects where international laws may need to be considered.

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