

3 MARCH 2011

---

## NOTICE OF MEETING

---

You are advised that the  
Ordinary Meeting of Council  
will be held in the  
Council Chambers, Level 6, on  
**TUESDAY 8 MARCH 2011 AT 7.30PM.**

## **English**

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

## **Arabic**

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

## **Armenian**

Եթե այս նամակը չէք հասկնար, խնդրեմ եկեք՝ *Բայր Սիվիլ Սենթրը, Տելվին* փողոց, Բայր, խոսակցելու Քաղաքապետարանի պաշտօնեաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել: Կամ, կրնաք հեռաձայնել Թարգմանության Սպասարկության՝ 131 450, եւ խնդրել որ թարգմանիչ մը Քաղաքապետարանին հետ կապ հաստատի ձեզի համար: Քաղաքապետարի հեռաձայնի թիւն է՝ 9952 8222: Քաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ:

## **Chinese**

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

## **Farsi**

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

## **Italian**

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

## **Korean**

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

**Council Meeting****AGENDA NO. 3/11**

**Meeting Date:** Tuesday 8 March 2011  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

**Note:** *This meeting will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993.*

**NOTICE OF BUSINESS**

<b>Item</b>		<b>Page</b>
1	CONFIRMATION OF MINUTES - Council Meeting held on 22 February 2011 .....	1
2	REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 3/11 held on 1 March 2011.....	17
3	RYDE PLANNING AND BUSINESS CENTRE AND OPTIONS FOR EXISTING RYDE LIBRARY .....	21
4	2011 NATIONAL GENERAL ASSEMBLY - 19-22 June .....	29
5	CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - Request by the Australian Local Government Association.....	49

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

1	SYDNEY WATER CROWN DEVELOPMENT APPLICATION FOR 20 GOULDING ROAD, RYDE - LDA2010/0079 .....	59
---	--	----

**NOTICES OF MOTION**

1	AFFORDABLE HOUSING - Councillor O'Donnell. ....	63
2	NO STOPPING SIGN - CHARLES STREET - Councillor Maggio.....	63

**NOTICES OF RESCISSION**

There are no Notices of Rescission

**QUESTIONS BY COUNCILLORS AS PER POLICY**

1	QUESTIONS WITH NOTICE - Councillor Petch. ....	65
---	--	----

**CONFIDENTIAL ITEMS**

1	ADVICE ON COURT ACTIONS.....	66
---	------------------------------	----

---

**1 CONFIRMATION OF MINUTES - Council Meeting held on 22 February 2011**

**File No.:** GRP/11/5/4/6 - BP11/87

---

In accordance with Clause 3.4.4 of 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 2/11, held on Tuesday 22 February 2011, be confirmed.

**ATTACHMENTS**

- 1** Minutes - Ordinary Council Meeting - 22 February 2011

**ITEM 1 (continued)****ATTACHMENT 1**

City of Ryde

**Council Meeting****MINUTES OF MEETING NO. 2/11**

---

**Meeting Date:** Tuesday 22 February 2011  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

---

**Councillors Present:** The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Petch, Perram, Pickering, Salvestro-Martin and Tagg

**Apologies:** Councillor Yedelian OAM

**Staff Present:** General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Chief Financial Officer, General Counsel, Media & Community Relations Officer and Senior Administration Co-ordinator.

**PRAYER**

Ms Mobini-Kesheh of the Spiritual Assembly of the Baha'is of Ryde was present and offered prayer prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

No addresses were made to Council.

**MAYORAL MINUTES**

There are no Mayoral Minutes

**ITEM 1 (continued)****ATTACHMENT 1****COUNCIL REPORTS****1 CONFIRMATION OF MINUTES - Council Meeting held on 8 February 2011**

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

That the Minutes of the Council Meeting 1/11, held on Tuesday 8 February 2011, be confirmed.

**Record of Voting:**

For the Motion: Unanimous.

**2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/11 held on 15 February 2011**

**RESOLUTION:** (Moved by Councillors Pickering and Maggio)

That Council determine Item 4 – 1 Keiley Street, Marsfield, of the Planning and Environment Committee report, noting that all other items were dealt with under delegated authority.

**Record of Voting:**

For the Motion: Unanimous.

**Item 4: 1 KEILEY STREET, MARSFIELD. LOT 1 DP 227851. Local Development Application to Conduct a Day Program for Intellectually Disabled Persons. LDA 2010/0528**

**RESOLUTION:** (Moved by Councillors Pickering and Petch)

- (a) That LDA 2010/0528 to conduct a day program for intellectually disabled persons at 1 Keiley Street, Marsfield, being Lot 1 in DP227851 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous.

**ITEM 1 (continued)****ATTACHMENT 1****3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 2/11 held on 15 February 2011**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That Council determine Items 2, 3, 4 ,5, 6(a) and 6(e), noting that all other items were dealt with under delegated authority.

**Record of Voting:**

For the Motion: Unanimous.

**Item 2: MOTIONS PUT WITHOUT DEBATE**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That this item no longer appear in the agenda and that the Code of Meeting Practice be amended accordingly.

**Record of Voting:**

For the Motion: Unanimous.

**Item 3: MEADOWBANK PARK - Review of tree removal request**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the *Casuarina glauca* located within Meadowbank Park be removed and replaced with an appropriate species as recommended by Council staff.

**Record of Voting:**

For the Motion: Unanimous.

**Item 4: TREE MANAGEMENT REVIEW - 27 Federal Road (REV2010/8) West Ryde**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the *Hymenosporum flavum* (Native Frangipani) located on the property of 27 Federal Road, West Ryde be removed and replaced with a suitable species of 1.5 metres in height at time of planting and attains a minimum mature height of 8 metres.

**Record of Voting:**

For the Motion: Unanimous.

**Item 5: TREE MANAGEMENT REVIEW - 201 Waterloo Road, Marsfield**

**ITEM 1 (continued)****ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

- a) That Trees 1 to 7 be removed and replaced with a suitable species.
- b) That the Body Corporate liaise with Council staff to select appropriate replacement species.

**Record of Voting:**

For the Motion: Unanimous.

**Item 6: TRAFFIC & PARKING MATTERS PROPOSED FOR  
IMPLEMENTATION AS AGREED BY LOCAL TRAFFIC  
COMMITTEE**

Matter 1: Mars Lane and Kennedy Lane, Gladesville – Improved Access

**Motion:** (Moved by Councillors Maggio and Tagg)

- (a) That Council do not implement the No Parking restrictions on the eastern side of Mars Lane and the northern side of Kennedy Lane, west of Mars Lane where property owners indicate they have access problems, and the “No Stopping” on the northern side of Mars Lane and Kennedy Lane intersection.

**Amendment:** (Moved by Councillors Petch and Campbell)

- (a) That Council implement No Parking restrictions on the western side of Mars Lane and the northern side of Kennedy Lane, west of Mars Lane where property owners indicate they have access problems, and “No Stopping” on the northern side of Mars Lane and Kennedy Lane intersection.

**Record of Voting:**

For the Amendment: Councillor Campbell and Petch

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Maggio, O'Donnell, Perram, Pickering, Salvestro-Martin and Tagg

The Amendment was declared **LOST**, with two (2) votes for and nine (9) votes against.

**Further Amendment:** (Moved by Councillors Perram and Petch)

- (a) That Council does not implement the No Parking restrictions on the eastern side of Mars Lane
- (b) That signs be erected to indicate ‘No stopping’ within 10 metres of Mars Lane and Kennedy Lane intersection.



**ITEM 1 (continued)****ATTACHMENT 1****Record of Voting:**

For the Amendment: Councillors Perram and Petch

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Pickering, Salvestro-Martin and Tagg

The FURTHER AMENDMENT was declared **LOST** with two (2) votes for and nine (9) votes against. The MOTION was then put and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Maggio and Tagg)

- (a) That Council do not implement the No Parking restrictions on the eastern side of Mars Lane and the northern side of Kennedy Lane, west of Mars Lane where property owners indicate they have access problems, and the "No Stopping" on the northern side of Mars Lane and Kennedy Lane intersection.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Maggio, O'Donnell, Perram, Pickering, Salvestro-Martin and Tagg

Against the Motion: Councillors Campbell and Petch

Matter 6. Andrew Street, Melrose Park – Preferred Option

**RESOLUTION** (Moved by Councillors Maggio and Tagg)

- 6(e) (i) That the matter be deferred pending further consultation with the affected residents and the outcome reported back to Council.
- (ii) That Council staff communicate this outcome to residents of Andrew Street, Melrose Park.

**Record of Voting:**

For the Motion: Unanimous.

**ITEM 1 (continued)****ATTACHMENT 1****4 PARRAMATTA RIVER - RYDE SUBCATCHMENTS FLOOD STUDY AND FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

- (a) That the formation of the Parramatta River - Ryde Floodplain Risk Management Committee to oversee and guide the preparation of the *Parramatta River - Ryde Floodplain Risk Management Study & Plan* be endorsed comprising of the following members:
- Up to four (4) members of the local community, following call for expressions of interest;
  - Up to four (4) elected members of the City of Ryde, to be nominated by the Council;
  - A representative from the Department of Natural Resources;
  - Representatives from the State Emergency Service;
  - A representative from the National Parks & Wildlife Service;
  - A representative from the Department of Planning;
  - Members of the Council's Public Works and Environmental Planning Departments, being the Group Manager Public Works (Chairperson), the Manager Stormwater & Park Assets (Deputy Chairperson), and the Senior Drainage Engineer; and
  - Specialist consultants as engaged.
- (b) That the calling for tenders from suitably qualified consultants to undertake the *Parramatta River - Ryde Subcatchments Flood Study and Floodplain Risk Management Study & Plan* be endorsed.
- (c) That Council now determine the Councillor representation on the Parramatta River - Ryde Floodplain Risk Management Committee.
- (d) That Councillors Maggio, Perram, Petch and Tagg be the elected members from City of Ryde on the Parramatta River - Ryde Floodplain Risk Management Committee.

**Record of Voting:**

For the Motion: Unanimous.

**5 DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN**

**Motion:** (Moved by Councillors Petch and Maggio)

- (a) That the report of the Chief Financial Officer, dated 10 February 2011 on DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.49 million be endorsed and included in the 2010/2011 Budget.

**ITEM 1 (continued)****ATTACHMENT 1**

- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$0.448 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 10 February 2011 be endorsed.

**Amendment:** (Moved by Councillors Campbell and Salvestro-Martin)

- a) That the report of the Chief Financial Officer, dated 10 February 2011 on DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.49 million be endorsed and included in the 2010/2011 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$0.448 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 10 February 2011 be endorsed.
- (e) That the specific issues raised by Councillors in relation to the Quarterly Review be noted by staff and advice provided back to Councillors through the Councillors' Information Bulletin.
- (f) That a visual presentation with regard to future Quarterly Reports be provided to Council at the relevant Council meeting.

**Record of Voting:**

For the Amendment: Councillors Butterworth, Campbell, Li, O'Donnell, Salvestro-Martin and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram, Pickering and Petch

The AMENDMENT was PUT and **CARRIED**, with six (6) votes for and five (5) votes against. The AMENDMENT therefore became the MOTION, which was then PUT and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Campbell and Salvestro-Martin)

- a) That the report of the Chief Financial Officer, dated 10 February 2011 on DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.49 million be endorsed and included in the 2010/2011 Budget.

**ITEM 1 (continued)****ATTACHMENT 1**

- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$0.448 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 10 February 2011 be endorsed.
- (e) That the specific issues raised by Councillors in relation to the Quarterly Review be noted by staff and advice provided back to Councillors through the Councillors' Information Bulletin.
- (f) That a visual presentation with regard to future Quarterly Reports be provided to Council at the relevant Council meeting.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Tagg

Against the Motion: Councillor Pickering

**6 INVESTMENT REPORT - January 2011**

**RESOLUTION:** (Moved by Councillors Petch and Maggio)

- (a) That the report of the Chief Financial Officer, dated 10/02/2011 on INVESTMENT REPORT – January 2011, be endorsed.
- (b) That Council tender for its Investment Advisory Service for a three year period from 1<sup>st</sup> July 2011, on the basis of one year with two one year options for renewal.

**Record of Voting:**

For the Motion: Unanimous.

**7 REPORT ON OUTSTANDING RESOLUTIONS**

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

That the report on Outstanding Resolutions be endorsed.

**Record of Voting:**

For the Motion: Unanimous.

**ITEM 1 (continued)****ATTACHMENT 1****8 CREATION OF A RYDE TRUST**

**RESOLUTION:** (Moved by Councillors Petch and Salvestro-Martin)

That consideration of this matter be dealt with in Closed Session at the end of the meeting.

**Record of Voting:**

For the Motion: Unanimous.

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

There are no Precis of Correspondence for Consideration

**NOTICES OF MOTION****1 TRANSFATS - Councillor Perram**

**RESOLUTION:** (Moved by Councillors Perram and Maggio)

That the General Manager report to Council on measures Council can take to urge commercial food preparation premises in the City of Ryde to avoid use of trans fats and to increase community awareness of trans fats in commercially prepared food.

**Record of Voting:**

For the Motion: Unanimous.

**2 GLOBAL CENTENARY OF INTERNATIONAL WOMEN'S DAY -  
8 March 2011 - Councillor Campbell**

**Motion:** (Moved by Councillors Campbell and Petch)

That Council recognises the significance of the Global Centenary of International Women's Day on 8 March 2011 through promotion in the Mayoral Column, on the Council website and via media release. International Women's Day is celebrated by women, men and children in countries all over the world and highlights the economic, political and social achievements of women past, present and future. On the 100th Anniversary of International Women's Day it is fitting that Council re-affirms its strong commitment to continue to work together as a community to eliminate barriers to women's participation in our society and through Council's example, work to embody the principles of gender equity into all facets of our community. In thinking globally and acting locally Council will take a leadership role in ensuring a fair, safe, bright and rewarding future for women and girls.

**ITEM 1 (continued)****ATTACHMENT 1**

**Amendment:** (Moved by Councillors Perram and Pickering)

That Council recognises the significance of the Global Centenary of International Women's Day on 8 March 2011 through promotion in the Mayoral Column, on the Council website and via media release.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Perram, Pickering and Maggio

Against the Amendment: Councillors Butterworth, Campbell, Li, O'Donnell, Petch, Salvestro-Martin and Tagg

The AMENDMENT was **LOST** with four (4) votes for and seven (7) against.

The MOTION was then PUT and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Campbell and Petch)

That Council recognises the significance of the Global Centenary of International Women's Day on 8 March 2011 through promotion in the Mayoral Column, on the Council website and via media release. International Women's Day is celebrated by women, men and children in countries all over the world and highlights the economic, political and social achievements of women past, present and future. On the 100th Anniversary of International Women's Day it is fitting that Council re-affirms its strong commitment to continue to work together as a community to eliminate barriers to women's participation in our society and through Council's example, work to embody the principles of gender equity into all facets of our community. In thinking globally and acting locally Council will take a leadership role in ensuring a fair, safe, bright and rewarding future for women and girls.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Tagg

Against the Motion: Councillor Pickering

**ITEM 1 (continued)****ATTACHMENT 1****3 INCREASES IN RATES, ENERGY AND ELECTRICITY CHARGES -  
Councillor Petch**

**Motion:** (Moved by Councillors Petch and Pickering)

1. That Council write to the Director of IPART suggesting that in a similar manner to their edict that Councils require the support of ratepayers before any rate increase be approved, that all increases in energy and electricity charges also receive the support of consumers prior to any increased charges being implemented.
2. That the support of local members of Parliament be sought to remove the authority of IPART to regulate Council rates .

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Petch and Pickering

Against the Motion: Councillors Butterworth, Campbell, Li, Salvestro-Martin and Tagg

**RECOMMITTAL OF ITEM**

**RESOLUTION:** (Moved by Councillors O'Donnell and Campbell)

That Notice of Motion 3 – Increases in Rates, Energy And Electricity Charges, be recommitted.

**Record of Voting:**

For the Motion: Councillors Butterworth, Campbell, O'Donnell, Salvestro-Martin and Tagg

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Perram, Petch and Pickering

The MOTION for RECOMMITTAL of Notice of Motion 3 was **LOST** with five (5) votes for and six (6) votes against.

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

1. That Council write to the Director of IPART suggesting that in a similar manner to their edict that Councils require the support of ratepayers before any rate increase be approved, that all increases in energy and electricity charges also receive the support of consumers prior to any increased charges being implemented.
2. That the support of local members of Parliament be sought to remove the authority of IPART to regulate Council rates .

**Record of Voting:**

**ITEM 1 (continued)****ATTACHMENT 1**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Petch, Pickering.

Against the Motion: Councillors Butterworth, Campbell, Li, Salvestro-Martin and Tagg

Note: Councillor Salvestro-Martin left the meeting at 10.05pm, and took no further part in the proceedings of the meeting.

**NOTICES OF RESCISSION**

There are no Notices of Rescission

**QUESTIONS BY COUNCILLORS AS PER POLICY****1 QUESTIONS WITH NOTICE - - Councillor Butterworth**Question:

1. When was the bitumen laid in Mars Lane Gladesville?

Answer:

The two coat flush seal bitumen was laid in Mars Lane in February 2003.

Question:

2. On whose request or authority was the work undertaken?

Answer:

The work was undertaken following the Resolution of Council at its meeting on 11 June 2002

*" that a two coat flush seal be applied in Mars Lane from Kennedy Lane to part way across the rear of No. 15 Kennedy Street, Gladesville, at an estimated cost of \$7,000 to be funded from the Roads Maintenance Vote"*

Question:

3. When was approval for this work sought from all Councillors?

Answer:

Dr Scoppa requested surfacing of Mars Lane at an interview with the Public Facilities and Services Committee on 21 May 2002. The Committee inspected the location on 4 June 2002 and the matter was considered by all Councillors at the Council Meeting on 11 June 2002

Question:

4. What was the total cost?

Answer:

The cost of the work was \$7,000.

**PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.



**ITEM 1 (continued)**  
**CLOSED SESSION****ATTACHMENT 1****ITEM 8 - CREATION OF A RYDE TRUST****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: (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.

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.

**RESOLUTION:** (Moved by Councillors Perram and Petch)

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

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, Perram, Petch, Pickering and Tagg

Against the Motion: Councillor O'Donnell

Note: The Council closed the meeting at 10.12pm. The public and media left the chamber.

**8 CREATION OF A RYDE TRUST**

**Motion:** (Moved by Councillors Petch and Pickering)

- (a) That Council notes the progress of the Property Trust Project and authorises the General Manager to seek other local government partners to complete investigations into the most appropriate legal model and share costs for the creation of a Ryde Property Trust.
- (b) That once legal costs are known to establish the property trust (which will depend on the number of willing local government partners) a further report be brought to Council seeking their agreement to proceed.
- (c) That the General Manager be given delegated authority to call on expressions of interest and select a suitably qualified consultant to undertake an assessment of our current commercial assets with the view to estimate this highest and best use and rate of return to Council utilising

**ITEM 1 (continued)****ATTACHMENT 1**

funds from the investment property reserve.

- (d) That once all investigations have been completed this matter be referred to a Councillor workshop for consideration, prior to the report being submitted to Council for determination.

**Amendment:** (Moved by Councillors Tagg and Butterworth)

That this matter be deferred and resubmitted to Council following the State Government election.

**Record of Voting:**

For the Amendment: Councillors Butterworth, Campbell, Li, O'Donnell, Perram and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch and Pickering

The AMENDMENT was **CARRIED** with six (6) votes for and four (4) votes against. The MOTION was then PUT and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Tagg and Butterworth)

That this matter be deferred and resubmitted to Council following the State Government election.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Petch and Tagg

Against the Motion: Councillor Perram and Pickering

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors Butterworth and Tagg)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous.

Note: Open Council resumed at 10.47pm.

**RESOLUTION:** (Moved by Councillors Tagg and Butterworth)

That the business transacted in Closed Session be received and adopted as a

**ITEM 1 (continued)****ATTACHMENT 1**

resolution of Council without any alteration or amendment thereto.

**Record of Voting:**

For the Motion: Unanimous.

**NATIONAL ANTHEM**

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

The meeting closed at 10.48pm.

CONFIRMED THIS 8<sup>TH</sup> DAY OF MARCH 2011

Chairperson

## **2 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 3/11 held on 1 March 2011**

**File No. GRP/10/3/001/5 – BP10/706**

### **Report Summary**

Attached are the Minutes of the Works and Community Committee Meeting 3/11 held on 1 March 2011. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Item one (1) was dealt with by the Committee within its delegated powers.

The following Committee recommendations are submitted to Council for determination in accordance with the delegations set out in Clause 5.3.2 of the Code of Meeting Practice relating to Charters, functions and powers of Committees:

### **Item 2 RECOGNITION OF BUSINESSES, ORGANISATIONS AND COMPANIES THAT HAVE BEEN IN LONG TERM SERVICE IN THE CITY OF RYDE**

**RECOMMENDATION:** (Moved by Councillors Petch and Perram)

- (a) That when Council is approached by community organisations including not for profit organisations, churches, sporting/leisure groups, for the celebration of either 50, 75 or 100 year anniversaries Council provide a plaque recognising the services provided to the community which includes the groups name, the celebration occasion and the names of the Mayor, 11 Councillors and the General Manager.
- (b) That community organisations are invited to attend a Council meeting to receive the recognition plaque.
- (c) That a further report be provided regarding the opportunity for local businesses and clubs to be recognised for their services.

Note: This matter will be dealt with at the Council Meeting to be held on **8 MARCH 2011** as substantive changes were made to the published recommendation

### **Item 3 ESTABLISHMENT OF MARKET IN CHURCH STREET TOP RYDE**

**RECOMMENDATION:** (Moved by Councillors Petch and Perram)

- (a) That Council include the establishment of a market/fair in Church Street Top Ryde, on a trial basis, for consideration in the 2011/12 Management Plan and that Council staff to begin assisting the Chamber of Commerce in developing a project plan for the logistics to commence conducting the market/fair.

**ITEM 2 (continued)**

- (b) That the Project Plan be reported back to Council.

Note: This matter will be dealt with at the Council Meeting to be held on **8 MARCH 2011** as dissenting votes were recorded and substantive changes were made to the published recommendation

**ATTACHMENTS**

- 1 Minutes - Works and Community Committee - 1 March 2011

**ITEM 2 (continued)****ATTACHMENT 1**

City of Ryde

**Works and Community Committee****MINUTES OF MEETING NO. 3/11****Meeting Date:** Tuesday 1 March 2011**Location:** Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 4.35pm**Councillors Present:** Councillors Maggio (Chair), Perram, Petch and Tagg**Apologies:** Councillors Campbell and Li**Staff Present:** Group Manager – Community Life, Group Manager - Public Works, Manager Community Relations & Events, Manager Governance, and Councillor Support Coordinator.**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 15 February 2011****RESOLUTION:** (Moved by Councillors Perram and Petch)

That the Minutes of the Works and Community Committee 02/11, held on Tuesday 15 February 2011, 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 RECOGNITION OF BUSINESSES, ORGANISATIONS AND COMPANIES THAT HAVE BEEN IN LONG TERM SERVICE IN THE CITY OF RYDE****RECOMMENDATION:** (Moved by Councillors Petch and Perram)

- (a) That when Council is approached by community organisations including not for profit organisations, churches, sporting/leisure groups, for the celebration of either 50, 75 or 100 year anniversaries Council provide a plaque recognising the services provided to the community which includes the groups name, the celebration occasion and the names of the Mayor, 11 Councillors and the General Manager.

**ITEM 2 (continued)****ATTACHMENT 1**

- (b) That community organisations are invited to attend a Council meeting to receive the recognition plaque.
- (c) That a further report be provided regarding the opportunity for local businesses and clubs to be recognised for their services.

**Record of Voting**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **8 MARCH 2011** as substantive changes were made to the published recommendation

**3 ESTABLISHMENT OF MARKET IN CHURCH STREET TOP RYDE**

**RECOMMENDATION:** (Moved by Councillors Petch and Perram)

- (a) That Council include the establishment of a market/fair in Church Street Top Ryde, on a trial basis, for consideration in the 2011/12 Management Plan and that Council staff to begin assisting the Chamber of Commerce in developing a project plan for the logistics to commence conducting the market/fair.
- (b) That the Project Plan be reported back to Council.

**Record of Voting**

For the Motion: Councillors Maggio, Perram and Petch

Against the Motion: Councillor Tagg

Note: This matter will be dealt with at the Council Meeting to be held on **8 MARCH 2011** as dissenting votes were recorded and substantive changes were made to the published recommendation

The meeting closed at 4.54pm.

CONFIRMED THIS 15<sup>th</sup> DAY OF MARCH 2011

Chairperson

### **3 RYDE PLANNING AND BUSINESS CENTRE AND OPTIONS FOR EXISTING RYDE LIBRARY**

---

**Report prepared by:** Group Manager Environment & Planning

**Report dated:** 17/02/2011

**File No.:** GRP/11/6/3/6 - BP11/99

---

#### **Report Summary**

On 8 February 2011 Council resolved that the General Manager report on the full costs of establishing the new Planning and Business Centre in the Top Ryde City complex. The report responds to that request also detailing the operational cost of the centre and noting that these costs have been included in Council's draft Base Budget for 2011/12.

This report also outlines the proposed works and costs for the use of the existing Ryde Library space once this building is vacated following the opening of the new library at the Top Ryde City shopping centre, later this year.

#### **RECOMMENDATION:**

- (a) That the information provided in this report relating to the full costs of establishing the new Planning and Business Centre in the Top Ryde City complex be noted.
- (b) That Council endorse the proposed works as detailed in this report, for the existing Ryde library following the opening of new library at the Top Ryde City shopping centre later this year.

#### **ATTACHMENTS**

- 1 Chronology of Council Reports for the City of Ryde Centre

Report Prepared By:

**Dominic Johnson**  
**Group Manager Environment & Planning**

Report Approved By:

**John Neish**  
**General Manager**



**ITEM 3 (continued)****Background**

For a number of years Ryde Council has intended to open a new library as part of the Public-Private Partnership (PPP) at the Top Ryde Shopping Centre. This matter has been considered by Council on a number of previous occasions. (see Chronology - **ATTACHMENT 1**).

**Report**

On 23 November 2010 Council unanimously approved the contract for the provision of the fit-out of the City of Ryde Centre to a value of \$1,317,422 following a competitive tendering process. The tender comprised a component for the fit-out of the library and a component for the fit-out of the Planning and Business Centre (to be designed by Glasgowhart Pty Ltd).

In addition to the fit-out costs, further costs have been included as a proportionment of the overall security, project management, electrical design, and preliminaries based on floor area.

Specific items for IT (a queuing and customer data system, computers and electronic whiteboard/projector for the meeting room), and specific initial design work have been identified separately.

**Costs of Establishing Ryde Planning & Business Centre****Quatram Building Services Tendered Cost Plan**

Partitioning, doors, hardware, glazing frames	29904
Special ceiling	3850
Painting	5335
Floor coverings	7135
Raised floor (to permit services distribution)	22000
Joinery	35431
Loose furniture i.e chairs, tables & lounges	38500
Electrical services	19525
Specialist lighting	11000
Fire systems	3938
Mechanical services	9059
Architectural design & documentation	11550
	197227
Prelims (5% of 101,900)	5095

<b>202322</b>
---------------

**Security**

(5% of 104,300)	5215
(33% of 17,358)	867

<b>6082</b>
-------------

**Project Management**

(5% of 37900+9014)	2345
5% Bal of Hays PO	2181

<b>4526</b>
-------------

**Electrical Design for Tender**

(5% of 7500)	375
--------------	-----

<b>375</b>
------------

**ITEM 3 (continued)****Costs of Establishing Ryde Planning & Business Centre**

<b>IT</b>	
Budget	59000
<b>Waiting Area</b>	
Equipment	5500
<b>Graham Bakewell Design for Tender</b>	
As per Purchase Order	2300
<b>TOTAL – Fit Out Costs</b>	<b>280106</b>

Aside from the costs identified above, the other major cost that may be attributed to the project is staff time. This is hard to quantify as it has not been logged or formally recorded however a number of staff have spent significant time in liaising with the designers and preparing information, procedures and consultation strategies in preparation of the opening of both the library and the Planning and Business Centre.

It should be noted that should the space occupied by the Planning and Business Centre have been dedicated to some other use by Council staff, a similar degree of staff time would have been required to ensure it was designed and commissioned appropriately.

**Recurrent Budget**

The recurrent cost of the Ryde Planning and Business Centre is estimated at \$34,200 and has been incorporated in Council's draft Base Budget. This covers items such as cleaning, security, insurance, electricity etc.

The staffing of the Ryde Planning and Business Centre is provided from Council's existing staff establishment which is incorporated in the current draft Base Budget consisting of four (4) Customer Service Officers and one (1) Planner. Included in these staff numbers is one (1) additional temporary position that has been allowed to support the new Centre's operations and to ensure the operations of Council's Customer Service operations continues to operate effectively and to successfully operate the new Centre. This position has been funded from corporate savings in 2010/11. Based on the volume and demand for services in the new Centre, this position will be reviewed as part of the 6 month review process.

Therefore the total additional operational costs for Council in operating the Centre are:

- Operational costs (as detailed above)	\$34,200
- Additional Labour Costs*	\$55,700
	<u>\$89,900</u>

\*Note: This is subject to 6 month review and funded from the existing base budget.

**ITEM 3 (continued)**

It should be noted that the above projected operational costs for the total Centre would have been significantly greater had Council not amended the functions to be delivered from this Centre.

**Existing Ryde Library – Options**

Council at its meeting on 8 February 2011 considered a Notice of Motion from Councillor O'Donnell on the options for use of the Civic Centre Library space and resolved as follows;

“That the General Manager prepare a report to Council on the options for the use of the library space on the Civic Centre site once the new library has opened. All options are to include financial implications.”

It is advised that there are no plans to use the Civic Centre Library space, apart from undertaking minimal work to provide a breastfeeding room for Council's staff in response to Council's resolution at its meeting on 10 August 2010. This resolution was a result of a Notice of Motion from Councillor Campbell in making Ryde Council a breastfeeding friendly workplace. The resolution from this meeting was as follows:

**“RYDE COUNCIL AS A BREASTFEEDING FRIENDLY WORKPLACE –  
Councillor Campbell****RESOLUTION:** (Moved by Councillors Campbell and O'Donnell)

That, as a legacy initiative of the Year of Women in Local Government, the General Manager initiates processes to ensure that Ryde Council becomes a breastfeeding friendly workplace with appropriate facilities provided for expressing and storing breast milk and implementation of lactation breaks for women employees to express their milk.

**Record of Voting:**

For the Motion: Unanimous”

It is proposed to modify the current staff work area in the Library by partitioning it from the balance of the building and creating a separate breastfeeding room, a separate first aid room for staff with the balance of this area being for general staff use.

The works will require no additional modification to the building's air conditioning and are estimated at \$20,000. The funds for this work are included in the Corporate Buildings renewal project that are included in the draft Projects budget for 2011/12.

**Consultation**

Internal Council business units consulted included:-

- Not applicable.

**ITEM 3 (continued)**

Internal Workshops held:-

- Not applicable.

External public consultation included:-

- Not applicable.

**Critical Dates**

There are no critical dates or deadlines to be met.

**Financial Impact**

The report details the cost of establishing the Ryde Planning and Business Centre and its operational costs. The report also details the estimated cost of proposed modification to the existing Ryde Library once vacated.

All costs have been incorporated into both Council's current Budget and the draft Base Budget for 2011/12.

**Policy Implications**

There are no policy implications through the adoption of the recommendation.

**Other Options**

As this report seeks information only, no other options have been considered.

**Conclusion**Ryde Planning and Business Centre

Council on three separate occasions (2007, 2009, and 2010) has delegated to the General Manager the authority to enact the Voluntary Planning Agreement with Bevillesta and finalise the design, fit-out and development of the City of Ryde Centre in the Top Ryde City Complex. Council has specifically endorsed the revision of the lobby originally proposed on the ground into a Development and Customer Service Lounge (March 2010) and then the Planning and Business Centre (February 2011). The acceptance of the tender by Council in November 2010 for the fit-out of the Planning and Business Centre (the design of which was delegated to the General Manager) has committed Council to a design specification to fulfil this purpose. This report details the costs associated with enacting that delegation and the acceptance of that tender. The report also details the operational costs for the Centre.

Existing Ryde Library

The report also outlines the proposed works to be undertaken on the existing Ryde Library, once library staff vacate the building. The works proposed are minor alternations to provide for a separate Breastfeeding room and First Aid Room for staff.

**ITEM 3 (continued)****ATTACHMENT 1****CHRONOLOGY OF COUNCIL REPORTS FOR THE CITY OF RYDE CENTRE**

In 2003/2004 Council had agreed to advance the planning of a new Community facility adjacent to Council's Civic Centre that would provide a new Library, new customer service centre and some additional office space for staff. Council borrowed \$4.5m for this facility. However, this did not progress and the \$4.5m was held in Council's Civic Precinct Reserve.

**Committee of the Whole Meeting No. 12/04 - 7 December 2004**

Delegated authority to the General Manager to commence negotiations with Beville Group with the intention of developing a draft memorandum of Understanding/ Commercial Agreement for the city of Ryde to obtain space in the proposed redevelopment of the Top Ryde Shopping Centre for Council's offices, library and Civic plaza.

**Committee of the Whole Meeting No. 06/05 – 3 May 2005**

Advised Council of the current status in respect of the negotiations with the Beville Group in providing Council with space in their redevelopment and also provided details on an alternate proposal that the Beville Group provided to Council and resolved that authority be provided to the General Manager to negotiate a formal agreement as outlined in the General Manager's letter dated 27 April 2005

**Committee of the Whole Meeting No.16/05 – 4 October, 2005**

Advised Council of the status of Local Environment Plan 143 which include the requirement for the Town Core Precinct to include 2500m<sup>2</sup> net usable floor area for civic and community uses, in a prominent position with access to street frontage and plaza, facing north.

**Council Meeting 4 May 2007, Item 3, General Manager's Report No.07/07**

This report presented the two development applications for the redevelopment of Top Ryde Shopping Centre, DA's 671/2206 and 672/2006 and the assessment of the applications by an independent consultancy together with the report of IHAP upon the assessment and applications recommending that both applications be approved subject to the recommended conditions of consent. Council endorsed this recommendation together with the Voluntary Planning Agreement proposed by Bevillesta Pty Limited (a sub of the Beville Group) stating that the General Manager be authorised to take the necessary steps to give effect to the VPA decision.

**Committee of the Whole, Item 4, 2 February 2009**

On 2 February 2009 Council considered a report regarding the Developed Design proposed by Bevillesta to increase the size of the City of Ryde Centre to be located in Top Ryde. The plans which accompanied the report and which were included in the Voluntary Planning Agreement with Bevillesta identified the 200 square metres on the ground floor as a lobby for the library. Council considered the report and resolved:

**ITEM 3 (continued)****ATTACHMENT 1**

*That Council accept the Developed Design proposal by Bevillesta to increase the GFA of the City of Ryde centre to 3,880m<sup>2</sup> and the NFA to 3,341m<sup>2</sup> and that the General Manager be delegated to enter an agreement to finalise the detailed design and **financial** arrangements...*

**Workshop – City of Ryde Centre, 23 February 2010**

A workshop was held with Councillors to discuss the need for the new library, the possibility of leasing out office space and the need to change the use of the ground floor for customer service functions.

**Committee of the Whole, Item 4, 2 March 2010**

On 2 March 2010 Council considered a subsequent report which identified options for the 'use, fit-out and occupation' of the City of Ryde Centre' and identified that the option of relocating staff to the City of Ryde Centre was worthy of review due to concerns over 'fracturing the business' prior to overall relocation when the Civic Centre site gets redeveloped, the limited nature of the space available and 'the need to address the pressure that Council's current development services place on the existing customer service operations in the Civic Centre'.

Accordingly it was recommended to create a Development and Customer Service Lounge on the ground floor of the CoRC and lease Level 1A. The Development and Customer Service Lounge was to achieve the following:

- Provide a customer focused space for those seeking to lodge a development or attend a pre-lodgement;
- Provide access to simple and high demand council services;
- Modern design to promote a relaxed, streamlined and service orientated atmosphere;
- Utilise new technology – eg self-service kiosks, e-services;
- Dedicated lounge, coffee cart and reading area to provide a 'break away' space and inviting gateway to library;
- Integrated exhibition space for promotion of Council and community services; and
- Serviced by customer service and planning staff.

Council unanimously agreed to endorse the revision of the CoRC design to include a Ground Level CoR Development and Customer Service Lounge and also delegated to the General Manager the authority to vary the scope of the 'warm shell' fit out with Defined Development to achieve it.

**Handover Ceremony and Walkthrough, on 18 August 2010**

On 18 August 2010 all Councillors were invited to, and a number of Councillors attended, a 'walk through' of the incomplete City of Ryde Centre as part of the handover, and discussed the progress and use of the site, including concerns relating to the size and use of the customer service centre for the relocation of staff. At this site visit Councillors were appraised of the changes to the customer service centre.

**ITEM 3 (continued)****ATTACHMENT 1****Council Meeting, Item 9, 23 November 2010**

On 23 November 2010 Council agreed to accept a tender from Quatram Building Services Pty Ltd and Glasgowhart Pty Ltd for \$1,317,422 for the provision of the fit-out of the City of Ryde Centre and also unanimously resolved as follows:

*That Council delegates authority to the General Manager the authority to appoint the tenderer and finalise the development and fit-out of the City of Ryde Centre.*

**Committee of the Whole, Item 5, 1 February 2011**

Finally on 1 February 2011 Council considered a report which sought to clarify the function of the Planning and Business Centre. Specifically the report sought Council's endorsement of establishing the new Ryde Planning and Business Centre in providing an enhanced customer service delivery for all planning related and business related matters within the City of Ryde. The report detailed the proposed functions to be delivered by the Centre, its hours of operation and the supporting communication and marketing initiatives that will be taken for the Centre (in conjunction with the new library), in informing all key stakeholders and the broader City of Ryde community on the Centre's operations.

Council resolved the following:

*a) That Council endorse the establishment of the Ryde Planning and Business Centre as detailed in this report.*

*(b) That Council review the operations of both Centres after 6 months by conducting surveys and that a further report be prepared for Council's consideration.*

.



---

**4 2011 NATIONAL GENERAL ASSEMBLY - 19-22 June**

---

**Report prepared by:** Councillor Support Coordinator**Report dated:** 23/02/2011**File No.:** CLR/07/8/20/16 - BP11/111

---

**Report Summary**

This report is presented to Council for its consideration in confirming the Mayor (or his nominee) and Councillors to attend the National General Assembly of Local Government to be held in Canberra between Sunday, 19 June to Wednesday, 22 June 2011. The General Manager (or his nominee) is also proposed to be attending this conference.

This report also relates to Item 5 on Constitutional Recognition of Local Government on this Agenda, as this matter will be discussed at the National General Assembly.

**RECOMMENDATION:**

- (a) That the Mayor (or his nominee), other Councillors as determined by Council and the General Manager (or his nominee) be authorised to attend the National General Assembly of Local Government to be held in Canberra from Sunday, 19 June to Wednesday, 22 June 2011.
- (b) That if the Australian Council of Local Government meeting is scheduled to be held, the Mayor be authorised to attend.
- (c) That a further report be prepared for the Council meeting on 12 April 2011, for the consideration of any proposed motions to be included on the National General Assembly business paper.

**ATTACHMENTS**

- 1 Draft 2011 National General Assembly Program
- 2 Call for Motions - Discussion Paper
- 3 Councillor Attendance at Conference Guidelines

Report Prepared By:

**Sheron Chand**  
**Councillor Support Coordinator**

Report Approved By:

**Roy Newsome**  
**Group Manager - Corporate Services**



**ITEM 4 (continued)****Background**

The National General Assembly of Local Government (NGA) is convened by the Australian Local Government Association (ALGA) for local councils across Australia.

The aim of the NGA is to develop and express a united voice on the core issues affecting local government and their communities. The NGA also aims to provide a platform to showcase local government to decision-makers of the federal government, at both the political and departmental levels.

The NGA has previously been followed by the Australian Council of Local Government meeting for Mayors only; held the day after the NGA has concluded. There has been no advice received from the Office of the Federal Minister for Local Government on whether this meeting will occur this year. It is expected that notice of whether this meeting will be held will be released from the Minister's Office three weeks before the NGA meeting.

Previously, the Mayor and General Manager, or his nominee, have attended the National General Assembly. In 2010, the Mayor Councillor Butterworth and Councillors Maggio, Pickering and Tagg together with the Group Manager Corporate Services (on behalf of the General Manager) attended the National General Assembly. Councillor Butterworth as the Mayor, also attended the Australian Council of Local Government meeting.

**Report****(a) Conference**

The program for the National General Assembly of Local Government to be held in Canberra from Sunday, 19 June to Wednesday, 22 June 2011 is **ATTACHED**.

**(b) Motions**

The Australian Local Government Association (ALGA) encourages Councils to submit motions for the 2011 National General Assembly. This year's theme is "Growing with our Community – Partnership, Place and Position."

The Australian Local Government Association (ALGA) Board is now calling for motions to be included on the business paper. Motions for inclusion on the business paper must be relevant to the theme and to the work of local government nationally. Motions must also complement or build on the policy objectives of state or territory associations.

To assist Councillors in preparing motions, **ATTACHED** is a discussion paper provided by the ALGA, which provides a further elaboration of the theme. This can also be accessed from the ALGA website at [www.nga.alga.asn.au](http://www.nga.alga.asn.au)

Motions for inclusion on the NGA Business Paper are due to the Association on Friday, 22 April 2011. Motions that are carried by the National General Assembly

**ITEM 4 (continued)**

become Resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.

It is proposed for a report to be prepared for Council's meeting on Tuesday, 12 April 2011 to ensure Council's motions meet the deadline and are included in the business paper.

Therefore, Councillors are requested to review the attached discussion paper and submit any proposed motions to the Councillors' HelpDesk by Friday, 18 March 2011. The Executive Team will also be reviewing and incorporating any proposed motions into the report, for Council's consideration.

At the 2011 National General Assembly, one of the topics to be addressed at the end of the Conference will be on Constitutional Recognition of Local Government. A separate item (Item 5) on this Agenda, has been prepared for Council's consideration.

**Consultation**

Internal Council business units consulted included:-

- Nil

Internal Workshops held:-

- Nil

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- Nil

**Critical Dates**

In order to receive the Early Bird Registration discount, payment must be received by 29 April 2011.

Councillors are requested to submit motions to Councillors' HelpDesk by 5pm Friday 18 March 2011.

**Financial Impact**

Registration costs for the conference is \$880 per person. It is estimated that 3 nights accommodation and travel expenses will be approximately \$998.

Total costs for attending this conference would be approximately \$1,878 per attendee.

**ITEM 4 (continued)**

Currently there is an allocation of \$30,000 in the 2010-2011 budget for Councillor attendance at conferences. The table below outlines an estimation of the balance remaining.

<b>Date of Resolution</b>	<b>Item – including total cost</b>	<b>Cost per attendee</b>	<b>Councillors</b>	<b>Balance</b>
1 July 2010	Budget for 2010/11			\$30,000
27 July 2010	LGA Conference - \$13,800	\$2,300	Etmekdjian Campbell Maggio Yedelian OAM Petch O'Donnell	\$16,200
27 July 2010	One Convention - \$297	\$297	Yedelian OAM	\$15,903
13 August 2010	Bike Futures Conference - \$3,230	\$1,615	Maggio Perram	\$12,673
12 October 2010	2010 Australian Local Government Women's Association National Conference - \$1,000	\$500	Campbell O'Donnell	\$11,673
25 October 2010	2010 Local Government Procurement Conference - \$495	\$495	Etmekdjian	\$11,178
9 November 2010	Knowledge Cities World Summit - \$4,693.76	\$2,346	Pickering Tagg	\$6,484
*9 March 2011	7 <sup>th</sup> Annual Australian Roads Summit - \$2,495	\$2,495	Tagg	\$6,484

**Estimated Balance: \$6,484**

\* Note: Councillor Tagg has indicated that he will not be able to attend the 7<sup>th</sup> Annual Australian Roads Summit and will be replaced by the Group Manager Public Works.

If Council approves for the Mayor and more than two (2) other Councillors to attend this Conference, additional funds will be required to be included in the March Budget Quarterly Review.

**Policy Implications**

The Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors sets out the entitlements for Councillors attending such Conferences, and the Guidelines for Councillor Attendance at Conferences are **ATTACHED**.

The Guideline provides that in addition to the Local Government Association Conference and the Australian Local Government Association Conference. (National General Assembly of Local Government), every Councillor is entitled to attend a

**ITEM 4 (continued)**

conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne.

**Other Options**

Council could resolve not to attend this Conference.

**Conclusion**

It is recommended that the Mayor (or his nominee) and one (1) other Councillor be authorised to attend the National General Assembly of Local Government to be held in Canberra from Sunday, 19 June to Wednesday, 22 June 2011. It is recommended that the Mayor attend the Australian Council of Local Government meeting on Thursday 23 June 2011 if it is held. It is also recommended that the General Manager (or his nominee) attend this Conference.

If Council attends this Conference, Council's representative/s will be required to provide a report to Council on the findings and recommendations from the Conference.

**ITEM 4 (continued)****ATTACHMENT 1**

**National General Assembly of Local Government**  
**Growing with our Community – Place, Position, Partnership**  
**Sunday 19 – Wednesday 22 June 2011**  
**Provisional Program**

**Sunday 19 June**

5.00-7.00pm Welcome Reception

**Monday 20 June**

9.00-9.30am	Opening Ceremony
9.30 – 10.15am	Political Address: Prime Minister, Julia Gillard (invited)
10.15 – 10.30am	Welcome Address: President, Cr Genia McCaffery
10.30 – 11.00am	MORNING TEA
11.00-12.30pm	The Pitch – Local Government Campaign – How do we sell local government?
12.30-1.30pm	LUNCH
1.30-2.00pm	Place Speaker
2.00-3.30pm	Debate (Place)
3.30-4.00pm	AFTERNOON TEA
4.00-4.30pm	Local Government and Community Resilience – 2011 Floods
4.30-5.00pm	Political Address: Leader of the Opposition, Tony Abbott (invited)
7.00-11.00pm	Day 1 Dinner – National Convention Centre

**ITEM 4 (continued)****ATTACHMENT 1****Tuesday 21 June**

9.00-9.30am	Position Speaker
9.30-10.30am	Debate (Position)
10.30 – 11.00am	MORNING TEA
11.00-11.30am	Partnership Speaker
11.30-12.00noon	Political Address
12.00-12.30pm	Partnership Speaker
12.30-1.30pm	LUNCH
1.30-3.00pm	Concurrent Sessions
3.00-3.30pm	AFTERNOON TEA
3.30-5.00pm	Debate (Partnership)
7.00-11.00pm	Day 2 Dinner – Great Hall, Parliament House

**Wednesday 22 June**

9.00-9.30am	Constitutional Reform Update
9.30-10.00am	Constitutional Reform Keynote
10.00-10.30am	Political Address: Shadow Minister for Local Government, Barnaby Joyce (interested)
10.30 – 11.00am	MORNING TEA
11.00-11.45am	Political Address: Leader of the Greens, Bob Brown (accepted - change time)
11.45-12.30am	Political Address: Minister for Local Government, Simon Crean (invited)
12.30-1.00pm	Closing Address
1.00-2.00pm	LUNCH

**ITEM 4 (continued)**

**ATTACHMENT 2**

**2011 National General Assembly of Local  
Government**

**Discussion Paper**

**Growing with Our Community  
- Place, Position and Partnership -**

**Prepared by the Australian Local Government Association to help councils develop  
motions for the 2011 National General Assembly for Local Government.**

**ITEM 4 (continued)****ATTACHMENT 2****Preamble**

The theme for the 2011 National General Assembly for Local Government (NGA) is: 'Growing with our Communities: Places, Position and Partnership'. The issues discussed in this paper aim to assist councils to develop motions for the 2011 NGA. This paper will discuss a limited range of key policy issues that emerge from international literature and are of direct relevance to local governments in Australia. While the topics under the themes are not mutually exclusive, they are discussed separately to help focus attention on specific initiatives that could assist local government to address the challenges of meeting the growing demands of local communities. It is anticipated that motions for the 2011 NGA will outline credible ideas and policy initiatives that will strengthen local government's capacity to respond to the social, economic and environmental challenges facing Australia.

**Context**

As discussed at last year's NGA, on current trends Australia's population is expected to grow from the current 22 million to 35.9 million by 2050. Population growth will create opportunities and challenges for governments and communities. Meeting the demands of a bigger Australia will require substantial new physical infrastructure as well as the need for the economy to remain internationally competitive, innovative, more inclusive and sustainable. What we as a nation choose to invest in, how we invest and where we invest will have profound impacts on local communities across Australia and influence where and how Australians will live.

At the time of writing, the Australian Government was seeking comment on several important research, discussion and issues papers related to urban policy and the development of an Australian sustainable population strategy. These papers provide interesting background to the theme of the 2011 NGA, and insight into the challenges and opportunities the Australian Government identifies at the current time. The papers are:

1. *Our Cities – Discussion Paper 2010 A national strategy for the future of Australian cities,*
2. *Our Cities – The challenge of change, Background and research paper,* and
3. *A Sustainable Population Strategy for Australia Issues Paper.*

At the national level, reform (and, in particular, micro-economic reform) has been at the forefront of Australia's public policy debate and practice over the past twenty years. Reform has helped transform the Australian economy, and made a significant contribution to preparing the nation to meet the challenges of economic shocks such as the Global Financial Crisis (GFC). Landmark reforms include, but are not limited to: floating of the Australian dollar; national competition policy; the introduction of the Goods and Services Tax (GST); reform to Commonwealth state financial relations; health reforms; business red tape reduction; education; industrial relations; and water.

Further reform is essential if Australia is to continue to be internationally competitive as well as meet the future challenges of job creation, skills shortages, providing adequate and appropriate social support and achieving ecological sustainability.



**ITEM 4 (continued)****ATTACHMENT 2**

Managing the local and regional impacts of reform is a significant challenge for governments. All reform has the potential to impact local and regional communities including the concentration of benefits and burdens in localities such as cities, regions, or specific neighbourhoods.

Local governments are at the 'coal-face' of managing change, planning<sup>1</sup>, coordination and provision of infrastructure and services for their local communities. It is therefore essential that local governments are consulted, and their policies and plans are taken into account when national reforms are being designed and implemented. This is, in part, achieved through active participation by the Australian Local Government Association (ALGA) at important intergovernmental forums such as the Council of Australian Governments (COAG) and relevant ministerial councils, and through ongoing dialogue with the Australian Government.

At the implementation level, however, local government has for many years strongly advocated the need for new ways for governments to work together to ensure that national programs and services meet local needs and local conditions. Models advocated include the need for greater local control and whole of government collaboration and better processes to jointly develop policy, and plan and implement initiatives at the local and regional level.

The challenge is to achieve effective mechanisms for council plans and projects to be better integrated into the way state and national programs and services are planned and delivered. In summary: achieving more appropriate integration of 'top-down' and 'bottom-up' policy approaches that will shape the future of local communities and thus Australian society.

The theme of the 2011 NGA is 'Growing with our Communities - Places, Position and Partnerships'. The aim is to stimulate ideas about new ways of doing business to meet the infrastructure and service needs of local people in their local communities.

The 'Places' topic recognises that individuals and households live and work in: suburbs, neighbourhoods, farms, cities, towns, and local communities i.e. 'places'. As these places differ geographically, culturally, economically and socially, it is not surprising that services need to be tailored to local circumstances. Under this topic, delegates will be invited to discuss models for improved collaboration between governments and governance models to jointly develop policy, plan, coordinate and deliver better infrastructure and services that will meet the circumstances of a particular 'place'.

The 'Position' topic refers to the need for local government to be seen and treated as an integral part of the Australian federal system. There are more than 560 local governments in Australia, all of them democratically elected, accountable to their communities and charged with the responsibility, under state legislation, to govern in the interests of their local communities. Under this topic delegates will be invited to explore ways of ensuring that local government is properly recognised in all government structures including the Australian Constitution, as well as how local government can be better involved in shaping Commonwealth and state service delivery to better meet local needs.

The third topic is 'Partnership'. This recognises that government service provision, including regulation, is a shared responsibility. While local government provides a wide range of services and infrastructure, many of these are in partnership with other levels of government. At the national level the partnership between local government and the Australian

---

<sup>1</sup> In NSW for example local governments are required to undertake strategic land-use planning under the *Environment Planning and Assessment Act 1979 (NSW EP&A)* in addition councils are required to prepare corporate plans and monitory 10 year community strategic plan.

**ITEM 4 (continued)****ATTACHMENT 2**

Government has delivered benefits to every Australian community including through programs such as the Roads to Recovery Program (R2R) and Community Infrastructure Program (CIP). Under this theme delegates will be encouraged to identify opportunities and challenges to the development of effective partnerships to improve the delivery of services and infrastructure at the local and regional level.

**Place**

Commentators frequently describe Australia as experiencing a two (2) speed economy observing the rapid growth in the resource-rich states and comparatively slow growth in other jurisdictions. This description is used to highlight the disparity in economic performance and the associated opportunities and challenges in respective jurisdictions. For example, in a general sense, it accounts for relatively lower rates of unemployment, higher average wages, rising house prices and skills shortages in Western Australia and Queensland, and flat or comparatively higher unemployment, less pressure on average wages and flat housing prices in other states.

The annual State of the Regions Report (SOR)<sup>2</sup>, by National Economics for the Australian Local Government Association (ALGA) takes a more sophisticated approach to the analysis of Australia's economic performance. The SOR classification comprises 6 types of regions:

- Core metropolitan regions;
- Dispersed metropolitan regions;
- Lifestyle regions;
- Non-metro city regions;
- Resource regions; and
- Rural regions.

This analysis highlights, with greater granularity, the divergence (and / or convergence) in economic performance of Australia's regions.

There is a large and growing international body of research that shows the growing importance of place-sensitive approaches in public policy.<sup>3</sup> This research demonstrate how 'place matters' to the quality of life for all citizens and to the prosperity of nations. Place-based approaches can help to inform the development of policy initiatives to address the population and infrastructure pressures facing Australia's diverse communities. For example the challenges and opportunities of:

- large cities managing population growth; high and growing infrastructure demand; the need for greater connectivity including transport; pressure on urban amenity; concentration of social disadvantage; population diversity; social harmony; affordable and appropriate housing supply; and
- smaller communities facing population and employment decline, difficulty in attracting and retaining skilled labour, ageing infrastructure and environmental degradation.

<sup>2</sup> State of the Regions (SOR) is in its twelfth edition. The SOR methodology pays attention to internal economic interactions within regions, while drawing upon and adapting Australian Bureau of Statistics data and respecting state and local government boundaries.

<sup>3</sup> Much of the literature is expressed in terms of 'Urban Policy' recognising the importance of cities, large and small. However this should not be interpreted as purely city-metro.

**ITEM 4 (continued)****ATTACHMENT 2**

Having examined place-based approaches from North America, Europe and the United Kingdom, Bradford (2005) suggests there are two perspectives that need to be integrated into place-based policy development. The first is an 'urban perspective' which he suggests is preoccupied with physical infrastructure, and the powers and resources available to municipalities. The second is a 'community perspective' which focuses on social infrastructure, such as 'civic participation and inclusion networks'.

In Australia it should be noted, local government has a major responsibility for both these perspectives. Local government has a major role in the provision of local physical infrastructure. ALGA in partnership with state and territory local government associations has developed a strong case for additional funding for local roads and community infrastructure. Local government also has a very strong role in facilitating civic participation, community engagement, social cohesion and inclusion. Therefore local government is a critical actor in any place-based approach in Australia.

Bradford (2005)<sup>4</sup> observes that in Canada a disproportionate burden of responsibility to manage place falls to local government. '[At] present, the problem of ageing infrastructure, insufficient affordable housing, spatially-concentrated poverty, traffic congestion and lowered air quality are piling up at the doorstep of the municipal governments. However, the implications reach well beyond the boundaries of the locality and the powers [fiscally] of the municipal authority'.

This highlights the need for governments at all levels to coordinate their policies and tailor their programs to the conditions prevailing in, and the circumstances of, particular places. Bradford cites the approach by New Labour (1997 – 2000) as being instructive in this regard ... 'While not without its tension and gaps, New Labour's joined up government and partnership approach moved beyond either a 'top-down' impositions of central government priorities and a 'bottom-up' competitive scramble among localities for funds. He also notes that the national government restored some legitimacy and capacity to local government as a partner in local collaboration and integration and rewarded them for working in 'new ways'. [See also position theme in this paper.]

**Improved Intergovernmental Relations**

ALGA is a member of the Council of Australian Governments (COAG) and other ministerial councils.<sup>5</sup> Through these forums ALGA is able to fully participate in debate and is involved in meetings of heads of government, ministers and officials representing the Commonwealth and state and territory jurisdictions.

ALGA's participation in these processes is guided by ALGA policy which is determined by the ALGA Board and informed by all state and territory local government associations and the National General Assembly for Local Government.

---

<sup>4</sup> Place-based Public Policy: Towards a New Urban and Community Agenda for Canada, Research report F/51 family network, Canadian Policy Research Network. (2005)

<sup>5</sup> It should be noted that COAG is currently reviewing ministerial council arrangements and by the time of the NGA may have implemented a number of changes. ALGA will remain a member of COAG and will continue to be represented at all ministerial forums that have direct relevance to local government.

## ITEM 4 (continued)

## ATTACHMENT 2

This is a unique model of intergovernmental relations internationally where local government can be characterised as ‘...most often suffering from a ‘culture of non-recognition and neglect when it comes to the policy voice,’ Bradford (2005).

Participating at COAG and ministerial councils is very important as it provides ALGA with an opportunity to ensure that local government’s collective interest and concerns are taken into consideration in the development of intergovernmental policy arrangements. But it is important to note that much of the work of the Commonwealth, states and territories in relation to their respective program and policies is still developed and pursued unilaterally by governments. This is not unexpected given jurisdictional autonomy of all governments, constitutional responsibilities and electoral obligations.

In describing the public policy challenge, Bradford (2005) describes the notion of ‘wicked problems’. These are problems that: ‘... cannot be solved through ‘off the shelf solution’. With their inherent complexity, these problems are resistant to traditional sectoral interventions designed and delivered in a top-down fashion by individual government departments. Required instead are place-sensitive modes of policy intervention – strategies constructed with knowledge of the particular circumstances in communities, and delivered through collaborations across functional boundaries and departmental silos.’

Wicked problems frequently require inter-state and intergovernmental collaboration and coordination. It is therefore important that solutions to address wicked problems are developed collaboratively, pragmatically and are capable of achieving mutual goals.

Given local government’s knowledge and understanding of local communities, expertise in community consultation and planning, coordination and provision of infrastructure and services for local communities:

- *Is there a need to improve the level of collaboration between all levels of government at the local level to better coordinate policies and tailor programs to local circumstances?*
- *Are there any changes that could be implemented to improve the coordination and integration of policies and tailor programs to better meet the conditions prevailing and particular places?*
- *How could national funding be allocated to improve the balance between ‘top-down’ impositions of central government priorities and a ‘bottom-up’ competitive scramble among localities for funds?*

**Cities**

As previously mentioned, in December 2010 the Australian Government released 2 ‘urban policy’ papers:

- Our Cities – The challenge of change, background and research paper, and
- Our Cities – building a productive, sustainable and liveable future 2010, Discussion Paper.

## ITEM 4 (continued)

## ATTACHMENT 2

These documents show an appreciation of the value of place-based approaches, in particular in the Government's developing approach to urban policy: ... 'Urban policy is grounded in a geographic consideration of place and the people that interact with that place. It considers how policy settings and investment decisions of governments, businesses and individuals impact on, or are affected by the needs and requirements of places. Urban policy is about understanding and trying to guide the complex systems that make up our cities. The aim of urban policy is to effectively manage change in a way which supports sustainable development: to meet the needs of the current generation without compromising the ability of future generations to have their needs met, (Bruntland 1988)'.

The documents note that '.... the five largest city-regions in Australia are home to 70% of the nation's population (15 million people) and this proportion will substantially increase over the next decades'. The corollary of this is that around 30 per cent live outside these regions. Importantly the background paper acknowledges that there is a multi-faceted and wide-ranging interdependence between cities and regional Australia.<sup>6</sup>

A key issue in the context of this year's NGA and the above discussion on place-based policy is that of city governance. The Cities Discussion Paper quoting the 2010 Intergenerational Report suggests: '...The development of Australia's cities will also be central to improving productivity performance. Much of a city's capacity to accommodate population increases while supporting productivity growth is reliant on the efficacy and adequacy of its infrastructure, including its housing stock. The sustainability of Australia's cities will also be dependent on better governance in the planning and organisation of city infrastructure and more efficient use of existing infrastructure'.

The Background Paper notes that there are 157 local government entities in Australia's 18 major cities and, while acknowledging the roles and expectations of local governments have substantially broadened over time, it suggests '...yet there remains concern that the prevalence of small local governments inhibits both the efficiency of local services delivery and the effectiveness of city-wide governance'.

The Commonwealth Discussion Paper suggests '.... The coming together of communities to form larger and more effective entities, or the grouping of local government into regional coalitions, can be the foundation of planning strategies over wider city areas. Regional groupings can also produce economic benefits for constituent entities, through economies of scale, for purchasing and more effective use of capital equipment'.

■ ***If local government was to accept the premise, that the prevalence of small local governments inhibits both the efficiency of local services delivery and the effectiveness of city-wide governance:***

- ***are there any other preferred governance models that could deliver improved city governance?***

---

<sup>6</sup> ALGA supports a broadly based approach to regional development including the 6 types of regions identified in State of the Regional (SOR) ranging from core-metro to remote regions. In this sense urban policy is directly linked to a comprehensive regional policy.

**ITEM 4 (continued)****ATTACHMENT 2**

- *are there any preferred models to improve coordination and integration of strategic planning at relevant scales e.g. local government areas; a city or region; state / territory; and national?*

**Sustainable Population Policy**

As previously mentioned, in late December 2010 the Australian Government released *A Sustainable Population Strategy for Australia Issues Paper*. At the time of writing the Government is seeking submissions on the document by 1 March 2011. ALGA will be making a submission on the issues raised in the paper.

There are a range of important issues in these papers which will not be discussed in this section of the paper. However, it is important to note the Government's intention to link the development of the sustainable population strategy with other major policy initiatives and in particular the development of a National Urban Policy, commitments to regional Australia and meeting the needs of the economy. The Government also recognises the strategy will '...build on other major reforms...tackling climate change and water scarcity, service delivery reform, health reform, training and schools, productivity, infrastructure investment, food security, social inclusion and improving the lives of Indigenous Australians. Some of these issues may be considered under the 'partnership' theme where the delivery mutual objectives of programs and services will be discussed.

The purpose of raising the issues under the theme of 'place' is to consider ideas and or possible mechanisms to ensure local government plans are formally considered in the development of and implementation of a sustainable population strategy.

■ *How could council strategic plans be used effectively in the development and implementation of a sustainable population strategy?*

■ *What conditions would be required to allow practical implementation of such strategic plans*

**Position:**

As noted above, Bradford identifies the importance of national [and state / territory]<sup>7</sup> governments recognising the legitimacy and capacity of local government in local collaboration and integration in place-based approaches. The 'Position' topic explores the way in which local government can increase the level of recognition and assert its legitimacy more fully in the Australian Federation.

Building on the success of the 2008 Constitutional Summit – A Special General Assembly, considerable progress has been made over less than five years toward a referendum on the recognition of local government.

ALGA and state and territory association have developed a comprehensive constitutional reform campaign to be conducted over the coming years. ALGA welcomes the undertaking

---

<sup>7</sup> ALGA insert recognising the Australian Federal system of government.

**ITEM 4 (continued)****ATTACHMENT 2**

of the Australian Government during the 2010 election to hold a referendum by 2013 on local government recognition in the Australian Constitution.

ALGA continues to work with the Government to bring this commitment. ALGA also welcomes the funding granted in the 2010-11 Budget towards development of the case in favour of constitutional recognition.

The core of the ALGA campaign is that although the Commonwealth Government has provided direct funding to local government for many years, a recent High Court decision has highlighted its lack of power to do so. The 2009 High Court case of *Pape v Commissioner of Taxation* has found that the Commonwealth does not have power to directly fund areas such as local government. It can only spend money where it has a specific power under the Constitution.

Without Constitutional recognition, direct Commonwealth funding of local government, through programs such as Roads to Recovery, may be technically invalid. Local government needs certainty and security in funding in order to provide the range and level of services expected by the community.

A full report of progress on the campaign will be provided at the NGA.

Working with the Government to ensure that a referendum on local government is achieved in the next term of the Government is only one component of a successful campaign on constitutional recognition. The second, and equally important component, is to ensure that the referendum is successful. This is an area which ALGA is working very closely with state and territory local government associations.

To understand this task it is important to know how the Constitution can be changed. Section 128 of the Australian Constitution sets out the process needed to amend the Constitution. In summary, the Constitution can only be changed through a Bill that is passed through the House of Representatives and the Senate by an absolute majority. An absolute majority is a majority of each chamber, voting separately. So there must be 50%+1 of the membership of the House of Representatives, and 50% +1 of the membership of the Senate. This practically means that there can be no constitutional change without the support of the government of the day, as it controls the business of the parliament.

Within 4 weeks of a referendum question being passed by the Parliament, the Electoral Commissioner must publish a booklet containing the Yes and No Case. This is:

- an argument of less than 2000 words approved by: the majority of parliamentarians who voted “yes” to the proposed referendum question
- an argument of less than 2000 words approved by: the majority of parliamentarians who voted “no” to the proposed referendum question

The question must then go to a referendum. A majority of voters overall must support the measure. A majority of states must also support the measure – that is 4 out of the 6 states must vote yes (the two territories do not count for this purpose).

This is what is called the double majority.



**ITEM 4 (continued)****ATTACHMENT 2**

The voter must vote either “yes” or “no” to the question put in the ballot paper. The question is put in a very simple form to the voters along the lines of; do you agree to the Bill which Parliament has passed to amend the Constitution. Voting is compulsory and if the double majority is achieved, the Constitution is amended.

To achieve the double majority every council will need to play their part. In particular, every council must do everything they can to ensure that the electorate will vote yes to the referendum question on local government.

An important strategy to achieve a double majority is the need to strengthen the profile and standing of local government within the broader community. State and territory local government associations in all jurisdictions are working on strategies to achieve this end.

■ ***How can local councils help to increase the standing of local government across the electorate?***

■ ***What is actually required by local government to successfully implement such an initiative?***

**Cost Shifting**

Currently a key indicator of the legitimacy and level of recognition given to local government is the way local government is treated, by other levels of government in particular, when councils are involved in the delivery of services on behalf of or in partnership with other levels of government.

In April 2006, all levels of government in Australia signed the *Intergovernmental Agreement Establishing Principles Guiding Intergovernmental Relations of Local Government Matters* (the IGA). The IGA, at the highest level, is an important expression of trust and respect between all levels of governments, and a commitment to deal with each other [fairly] in accordance with the agreement when other levels of government seeks to delegate responsibilities to local government.

Part I outlines the Fundamental principles of the IGA. These are:

- All parties are committed to achieving an open and productive relationship between the three spheres of government.
- All parties acknowledge the need for services and functions to be provided to communities in an efficient and effective manner.
- All parties agree in principle that where local government is asked or required by the Commonwealth Government or a State or Territory Government to provide a service or function to the people of Australia, any consequential financial impact is to be considered within the context of the capacity of local government.

The IGA, which is due for review by 2011, outlines a set of principles designed to establish an ongoing framework to address future cost-shifting.

■ ***Are there any matters that your council believes should be taken up in the review of this high level IGA that would help to address cost shifting?***



**ITEM 4 (continued)****ATTACHMENT 2****Partnerships**

In recent years, the Commonwealth and local government have worked together to deliver community infrastructure and services to local and regional communities. Local government has often been a partner in the efficient and effective planning, funding and delivery of national policies and programs – both through the provision of targeted funding for local government, like the Roads to Recovery program, and through local government applying for specific program funding under grants programs such as the Digital Regions Initiative.

One of the most successful partnerships between the Commonwealth and local councils has been the Roads to Recovery program. Since its inception in 2001, this program has delivered on national objectives directly through local government, benefiting local communities and enhancing economic capacity, particularly in rural and regional areas. These partnerships and collaborative arrangements should be maintained whilst working on further partnerships so that:

- policies and programs are designed in a way that directly responds to local and regional community aspirations and diversity;
- policies and programs are more cost effective and avoid duplicating systems;
- policies and programs reflect community feedback and are responsive to present and future community needs; and
- the design and administration of policies and programs is more transparent.

Direct partnership between the Commonwealth and local government can achieve a number of key outcomes:

- Renewal of local infrastructure, including local sporting facilities, cultural and community venues, and roads and transport infrastructure;
- Management of emergencies and recovery, and strengthening community resilience;
- Assessment of the impacts of climate change and the delivery of local mitigation and adaptation programs to achieve national objectives at the local level;
- Implementation of water initiatives at the local level – including infrastructure projects, water conservation programs, and community education;
- Delivery of sustainable regional economic development programs;
- Security and social cohesion;
- Development and enforcement of national food standards;
- Implementation of public and environmental health strategies;
- Delivery of national objectives in the areas of children's and aged care services; and
- Delivery of community cultural development programs and the arts.

Local government seeks to expand and deepen its partnership with the Commonwealth in the delivery of mutually agreed national program and policy outcomes to local and regional communities. Meaningful partnerships between the levels of government can only improve the quality of government decision-making for all Australians, and confidence in elected representatives.

**ITEM 4 (continued)****ATTACHMENT 2**

- *How can the partnership between local government and the Australian Government be expanded and deepened to delivery of mutually agreed national program and policy outcomes to local and regional communities?*
- *What are some of the priority areas for stronger partnerships between local government and the Australian Government?*

## ITEM 4 (continued)

## ATTACHMENT 3



## Councillor Attendance at Conferences Guideline

### Related Policy

This guideline sets out the criteria to determine the attendance of Councillors at Conferences. It relates to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

### Guidelines

Council acknowledges the value of Councillor attendance at conferences to enable them to be both knowledgeable and current on issues affecting the City of Ryde. In order to ensure that attendance at Conferences is equitable, transparent and consistent, attendance will be limited as follows:

1. Local Government Association Conference – the number of voting delegates plus one. Details of the delegates and attendee to be determined by resolution of Council.
2. Australian Local Government Association Conference. (National General Assembly of Local Government)
3. In addition, to 1 and 2 above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
4. Within 2 months after the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors Information Bulletin.
5. No Councillor can attend a Conference without the prior approval of Council. Reports to Council are to include details of the Conference and an estimate of the associated costs including registration, transport and accommodation.
6. Council may resolve that a Councillor can attend more than one conference per year but this determination will be dependant on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.
7. Each year, as part of the review of the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors, Council officers will provide a full report of expenditure and Conference attendance by Councillors.

Councillor Attendance at Conferences guideline		
Owner: Governance Unit	Accountability: Mayoral and Councillor support service	
Trim Reference: D10/77193	Policy: Payment of Expenses and Provision of Facilities for the Mayor and other Councillors	One Page only

## **5 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - Request by the Australian Local Government Association**

---

**Report prepared by:** Group Manager - Corporate Services

**Report dated:** 25/02/2011

**File No.:** GRP/11/5/4/6 - BP11/124

---

### **Report Summary**

This report outlines the request from the Australian Local Government Association for Council to endorse a resolution supporting a referendum on the Constitutional Recognition of Local Government in conjunction with the 2013 Federal Election.

The report seeks Council's endorsement of this resolution which will be considered at the conclusion of the upcoming 2011 National General Assembly of Local Government on 22 June 2011.

### **RECOMMENDATION:**

- a) That the City of Ryde Council declares its support for financial recognition of local government in the Australian Constitution, so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
- b) That Council write to the Prime Minister, The Hon. Julia Gillard MP, the Leader of the Opposition, The Hon. Tony Abbott MP and all local Federal Members of Parliament, advising them of Council's resolution and seeking their support.

### **ATTACHMENTS**

- 1 Letter from Councillor Genia McCaffery on Constitutional Recognition of Local Government 1 March 2011

Report Prepared By:

**Roy Newsome**  
**Group Manager - Corporate Services**

Report Approved By:

**John Neish**  
**General Manager**

**ITEM 5 (continued)****Background**

The topic of Constitutional Recognition of Local Government has been on the agenda for a number of years at both the State Local Government Association level and at the national level through the Australian Local Government Association (ALGA). At Council's meeting on 24 June 2008, Council considered a report on the then campaign to pursue constitutional recognition of local government and resolved;

- “ (a) That information about the current consideration of Constitutional Recognition for Local Government in Australia be provided in the Ryde City View, the Mayoral Column and on Council's website and the community be invited to provide any comments or suggestions to Council by 16 July 2008.
- (b) That Macquarie University be advised of this matter and be invited to make a formal submission to Council by 16 July or otherwise contribute more directly to the work being undertaken by the ALGA in conjunction with the Federal Government.
- (c) That a further report be submitted to Council on 22 July 2008. outlining any feedback received from the process as outlined in parts (a) and (b) above, with a view to the City of Ryde making a formal submission to the LGSA by August 2008”.

At Council's meeting on 12 August 2008, Council received the feedback from the public notification process that also included feedback from both NSROC and SHOROC. Council resolved:

- “ (a) That Council endorses the joint submission of NSROC and SHOROC to the ALGA which supports the 'Symbolic Recognition' model for Constitutional Recognition of Local Government with the following wording to be considered for a referendum : Within every jurisdiction in Australia there be a system of elected local government.
- (b) That the persons who made submissions be advised of Council's decision”.

Council further considered this matter at its meeting on 11 November 2008 in response to the Australian Local Government Association's invitation to the Local Government Constitutional Summit – A Special National General Assembly on 8 – 11 December 2008.

Council endorsed the Mayor, Councillor Tagg (or his delegate) and the General Counsel to attend, with a Councillor workshop held prior to their attendance, to discuss suggestions to be put to the Summit.

Council attended the National General Assembly of Local Government in 2009 and in 2010. At the 2010 conference, Constitutional Recognition of Local Government was a key focus where all political parties gave universal support for Local Government to receive direct financial/funding recognition from the Commonwealth Government in a proposed change to the Constitution.

**ITEM 5 (continued)**

In recent advice from the ALGA, the issue of Constitutional Recognition of Local Government has recently been further discussed between the ALGA President, Councillor Genia McCaffrey and the Federal Minister for Local Government, Simon Crean.

**Report**

The President of the ALGA, Councillor Genia McCaffrey, has recently written to Council on the Constitutional Recognition of Local Government – A role for Councils. The letter is **ATTACHED**.

The letter provides in brief background of the history of this matter, however the key purpose of this letter is to seek all Councils' support in passing a standard resolution that addresses the following proposed changes to the Constitution that are to be part of a referendum question at the next Federal election in 2013;

- Change to the Constitution to allow direct funding of local government bodies by the Federal Government.
- Local Government be included in any new Preamble to the Constitution if one is proposed.

The intention of the ALGA is that a Constitutional Declaration for Councils be submitted for signature by Council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011.

The ALGA has also requested that Council write to the Prime Minister, the Leader of the Opposition and their Local Federal Members of Parliament advising them of Council's resolution and seeking their support.

**Consultation**

Internal Council business units consulted included:-

- Not Applicable

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- Not Applicable

**Critical Dates**

The following deadlines are required to be met:

The ALGA are seeking Council's consideration of this matter as soon as possible to support the Constitutional Declaration for Councils at the up coming National General Assembly on 22 June 2011.

**ITEM 5 (continued)****Financial Impact Statement**

There are no financial implications by Council adopting the recommendations in this report.

**Policy Implications**

The recommendation is consistent with Council's previous resolutions on this matter.

**Other Options**

Council could determine to take no action in this matter.

**Conclusion**

This report is seeking Council's endorsement of the resolution proposed by the ALGA, that will allow the proposed changes to the Constitution in recognition of Local Government, to be incorporated as a referendum question at the next Federal Election in 2013.

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION



Cr Artin Etmekdjian  
Mayor  
Ryde City Council  
Locked Bag 2069  
NORTH RYDE NSW 1670

Dear Mayor Etmekdjian,

**Constitutional Recognition of Local Government -- A role for Councils**

In June last year, following the 2010 National General Assembly of Local Government, Geoff Lake wrote to you providing an update of progress on the Australian Local Government Association's (ALGA's) campaign for a referendum on the constitutional recognition of local government and providing copies of fact sheets and a brochure designed to highlight the importance of local government to local communities. I am now writing to advise you of further progress and to invite your council to become directly engaged in the campaign for constitutional recognition.

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure we have a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA's research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government's requirements and address the uncertainty highlighted by the *Pape* case.

8 Gellie Court, Deakin ACT 2600 TELEPHONE +61 2 6122 9400 FACSIMILE +61 2 6122 9401  
EMAIL [alga@alga.asn.au](mailto:alga@alga.asn.au) WEB [www.alga.asn.au](http://www.alga.asn.au) ACN 008 613 876



The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.

I am therefore writing to all councils to ask them to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed. I have attached the draft text of a possible resolution for your assistance.

It is ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011. ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

As part of local government's campaign, it also important to ensure that national political leaders are left in no doubt about our commitment to constitutional recognition. I am therefore also asking that councils write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament to advise them of councils' support for recognition after councils have passed a resolution in council chambers. I have enclosed some suggested text for such letters which you might find useful.

I will be writing to you again in the coming months with further materials which will help council in a campaign to win broad public support for constitutional recognition. While the challenge of reform is substantial, I have no doubt that by working together we can overcome any obstacles and bring about a much more sustainable and secure future for councils and local communities throughout Australia.

Yours sincerely



Cr Genia McCaffery  
President

**TEXT OF POSSIBLE COUNCIL RESOLUTION ON CONSTITUTIONAL  
RECOGNITION**

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

DRAFT LETTER TO PRIME MINISTER

The Hon Julia Gillard MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

[Insert date]

Dear Prime Minister

**Constitutional Recognition of Local Government**

The Government's announcement to hold a referendum into the constitutional recognition of local government by 2013 is welcomed by [insert name of council].

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

Council urges you to support the constitutional recognition of local government and I look forward to your response.

Yours sincerely

Mayor

DRAFT LETTER TO LEADER OF THE OPPOSITION

The Hon Tony Abbott MP  
Leader of the Opposition  
Parliament House  
CANBERRA ACT 2600

[Insert date]

Dear Mr Abbott

**Constitutional Recognition of Local Government**

Bipartisan support for a referendum proposal is essential for its success. The leaders of the Liberal Party and National Party both publicly supported the constitutional recognition of local government at the 2010 National General Assembly of Local Government. The recent announcement by the Federal Government to hold a referendum into the constitutional recognition of local government by 2013 is an important step in the process of reform.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly. This needs to be resolved once and for all.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

Council urges you to support the constitutional recognition of local government and I look forward to your response.

Yours sincerely

Mayor

DRAFT LETTER TO YOUR LOCAL MP  
Mr/Ms X, MP  
Member for [insert name of electorate]  
Parliament House  
CANBERRA ACT 2600

[Insert date]

Dear Mr/Ms X

**Constitutional Recognition of Local Government**

At the 2010 National General Assembly of Local Government, leaders of the major political parties – Labor, Liberal, National and Greens - publicly supported the constitutional recognition of local government. History has shown that bipartisan support is essential for any referendum proposal to succeed. Each parliamentarian will cast a vote on the referendum proposal and as the local Member for [insert name of electorate] I am writing to seek your support and the support of your party.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly. This needs to be resolved once and for all. Financial recognition of local government will enable the Federal Government to directly fund local government.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

Council urges you to support the constitutional recognition of local government. I am keen to discuss the issue with you further and I look forward to your response.

Yours sincerely

Mayor

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION****1 SYDNEY WATER CROWN DEVELOPMENT APPLICATION FOR 20 GOULDING ROAD, RYDE - LDA2010/0079**

---

**Report dated:** 28/02/2011**File No.:** GRP/11/6/3/6 - BP11/154

---

**Correspondence:**

Submitting correspondence from Sydney Water dated 24 February 2011, regarding 20 Goulding Road, Ryde (LDA2010/0079).

Submitting correspondence from the NSW Ombudsman dated 24 February 2011, regarding 20 Goulding Road, Ryde (LDA2010/0079).

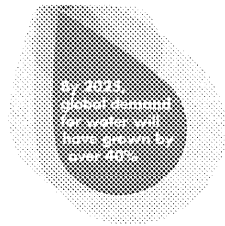
**RECOMMENDATION**

That the correspondence be received.

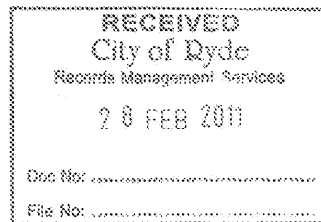
**ATTACHMENTS**

- 1** Letter from Sydney Water dated 24 February 2011 regarding 20 Goulding Road, Ryde LDA2010/0079 - Sydney Water will now apply for a Section 73 Certificate.
- 2** Letter from the NSW Ombudsman dated 24 February 2011 regarding 20 Goulding Road, Ryde - Reply regarding Council's complaint about the Minister for Planning relating to LDA2010/0079.

## ATTACHMENT 1



24 February 2011

Sydney  
**WATER**

Mr Dominic Johnson  
Group Manager -- Environment and Planning  
City of Ryde  
Locked bag 2069  
NORTH RYDE NSW 1670

Dear Mr Johnson

**Sydney Water Crown DA LDA2010/0079**

I understand that at Council's meeting on 8 February 2011, Council resolved not to issue a Notice of Determination approving Sydney Water's Crown DA LDA2010/0079 as directed by the Minister for Planning.

The Department of Planning has confirmed that as Council failed to comply with the Direction within the specified period, Council is taken to have determined the application on 14 February 2011 in accordance with Section 89(3) of the Environmental Planning and Assessment Act.

Sydney Water will now apply for a Section 73 Certificate, which is a requirement for issue of a subdivision certificate. Once the conditions relating to the issue of the Section 73 Certificate are known, Sydney Water would be pleased to meet with Council officers to discuss the requirements for complying with the Conditions of Consent attached to the Minister's Direction. I would appreciate if you could nominate the appropriate Council officers to meet with us.

In the meantime, we are continuing to assist Radio 2RRR to relocate. We trust that Council will give due consideration to 2RRR's request to occupy a portion of Byron Park.

I look forward to hearing from you and can be contacted on 8849 5387.

Yours sincerely

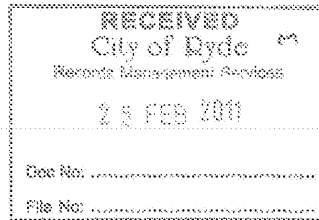
Gary Inberg  
Manager Property

## ATTACHMENT 2

Our reference: C/2011/1205  
 Your reference: D11/6510  
 Contact: Ms Veronica Brogden  
 Telephone ☎: 02 9286 0933

24 February 2011

General Manager  
 City of Ryde  
 Locked Bag 2069  
 NORTH RYDE NSW 2069



NSW Ombudsman

Level 24 580 George Street

Sydney NSW 2000

Phone 02 9286 1000

Fax 02 9283 2011

Tollfree 1800 451 524

TTY 02 9284 8850

Web [www.ombuds.nsw.gov.au](http://www.ombuds.nsw.gov.au)

ABN 76 326 886 267

Attention: Dominic Johnson, Group Manager Environment and Planning

Dear Mr Johnson

**DA 2010/79 – Your complaint about the Minister for Planning**

I refer to your letter dated 16 February 2011 in which you seek the intervention of this office on the Minister's decision to overturn the recommendation of the Sydney East Joint Regional Planning Panel.

I cannot take up your complaint because the Ombudsman has no jurisdiction in this matter.

Although this office can generally investigate the administrative conduct of NSW government agencies and local councils, there are certain matters that the *Ombudsman Act 1974* specifically prevents us from investigating. Schedule 1 to the Act sets out these exclusions, including:

**1 Conduct of:**

- (a) the Governor, whether acting with or without the advice of the Executive Council,
- (b) a Minister of the Crown, including a Minister of the Crown acting as a corporation sole, but not so as to preclude conduct of a public authority relating to a recommendation made to a Minister of the Crown,
- (c) Parliament,
- (d) the Houses of Parliament,
- (e) a committee of either House, or both Houses, of Parliament,
- (f) either House of Parliament,
- (g) a member of either House of Parliament, where acting as such,
- (h) an officer of Parliament or of either House of Parliament, where acting as such.

Page | 1





**ATTACHMENT 2**

I cannot take up your complaint as the issue you raise comes under this clause.

Yours sincerely



Veronica Brogden  
**A/Senior Investigation Officer, Local Government  
for the Ombudsman**

**NOTICES OF MOTION****1 AFFORDABLE HOUSING - Councillor Gabrielle O'Donnell****File Number: CLM/11/1/5/6 - BP11/187**

---

**Motion:**

- (a) That Council Officers discuss the affordable housing strategy being successfully pursued by Canada Bay Council.
- (b) In any future VPA affordable housing options be considered.

**2 NO STOPPING SIGN - CHARLES STREET - Councillor Roy Maggio****File Number: GRP/11/5/4/6 - BP11/186**

---

**Motion:**

That Council write to the RTA requesting that due consideration be given to re-evaluating the need to extend the existing No Stopping Sign along the western side of Charles Street on the exit side of the intersection by approximately 13 metres further north, on grounds of community and commercial needs.

**NOTICES OF RESCISSION**

**There are no Notices of Rescission**

---

**1 TOURS AT BRUSH FARM HOUSE - Councillor Ivan Petch**

**File Number:** GRP/11/7/1/6 - BP11/189

---

Question:

Has Council terminated organising the tours of Brush Farm House hosted by Brush Farm Historic Society? If so why and is this contrary to the lease arrangements with the Society?

Question:

What is the Status of the lease with Brush Farm Historical Society?