

19 MAY 2011

NOTICE OF MEETING

You are advised that the

Ordinary Meeting of Council

will be held in the

Council Chambers, Level 6, on

TUESDAY 24 MAY 2011 AT 7.30PM.

Council Meeting**AGENDA NO. 7/11**

Meeting Date: Tuesday 24 May 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.*

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1 CONFIRMATION OF MINUTES - Council Meeting held on 10 May 2011**File No.:** GRP/11/5/4/6 - BP11/91

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 6/11, held on Tuesday 10 May 2011, be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 10 May 2011

ITEM 1 (continued)**ATTACHMENT 1**

City of Ryde

Council Meeting**MINUTES OF MEETING NO. 6/11**

Meeting Date: Tuesday 10 May 2011
Location: Council Chambers, Level 6
Time: 7.30pm

Councillors Present: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Pickering and Yedelian OAM.

Apologies: Councillors Butterworth, Campbell, Li, Petch, Salvestro-Martin and Tagg.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Manager - Governance, Media & Community Relations Officer and Meeting Support Coordinator.

PRAYER

Reverend Mal York of the West Ryde Anglican Church was present and offered prayer prior to the commencement of the meeting.

ADJOURNMENT

In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 7.45pm. The Council Meeting was adjourned to:

Tuesday, 17 May 2011 at 7.30pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Pickering and Yedelian OAM.

Apologies had been received from Councillors Butterworth, Campbell, Li, Petch, Salvestro-Martin and Tagg.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 17 May 2011 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

ITEM 1 (continued)**ATTACHMENT 1**

The following Councillors were present:

The Mayor, Councillor Etmekdjian, Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

Apologies had been received from Councillor Perram.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Topic
1	Mr Tom Geroulas	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES
2	Mr Douglas Sun	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES
3	Mr Alan Patrick	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES Notice of Motion 5 – DEVELOPMENT OF A WEB PAGE TO DISPLAY DETAILS OF PREMISES CONFIRMED TO BE OPERATING AS ILLEGAL BOARDING HOUSES
4	Mr James Yuen	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES Notice of Motion 5 – DEVELOPMENT OF A WEB PAGE TO DISPLAY DETAILS OF PREMISES CONFIRMED TO BE OPERATING AS ILLEGAL BOARDING HOUSES
5	Mr Ryan Ho	Rescission Motion – BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Standing Orders be suspended to allow consideration of a Matter of Urgency relating to Development Applications by Utilities, the time being 7.54pm.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Pickering and Yedelian OAM

Against the Motion: Councillors Petch, Salvestro-Martin and Tagg

ITEM 1 (continued)**ATTACHMENT 1****MATTER OF URGENCY – DEVELOPMENT APPLICATIONS BY UTILITIES**

Note: Mr Ian Zaknich addressed the meeting in relation to this Matter of Urgency.

Note: Councillor Maggio tabled a petition signed by 8 residents in relation to this Matter of Urgency.

RESOLUTION: (Moved by Councillors Maggio and Petch)

- (a) That all referral notifications by utilities be reported to Councillors through the Councillors Information Bulletin.
- (b) That Council write to Ausgrid expressing concern regarding the lack of appropriate community consultation in respect to the substation in Watson Street, Putney.
- (c) That Council organise a mediation meeting between Ausgrid and the residents of Watson Street with regard to the proposed substation.
- (d) That Council write to the Minister of Energy and Resources requesting a review of the consultation process.

Record of Voting:

For the Motion: Unanimous

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Standing Orders be resumed, the time being 8.19pm.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 12 April 2011**

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That the Minutes of the Council Meeting 5/11, held on Tuesday 12 April 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE - Meeting 5/11 held on 3 May 2011**

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council determine Item 3 of the Planning and Environment Committee report, noting that Items 1, 2 and 4 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 76 EPPING ROAD, NORTH RYDE. LOT 2 DP 505422. Local Development Application for alterations and change of use of existing dwelling house to a boarding house containing eight (8) bedrooms. LDA2010/0112.

MOTION: (Moved by Councillors Yedelian OAM and Maggio)

That this application be refused on the basis of the following reasons:

1. The applicant has a history of failing to comply with Council directions in relation to the erection of numerous illegal structures.
2. The current illegal structure contains additional rooms (and residents) beyond that even acceptable to the SEPP that most likely will be reconstituted if approval is forced on Council by the Land and Environment Court (particularly given the character and contempt already shown to Council by the landlord).
3. Slum-like conditions prevail in this boarding house, and there exists a history of failure to keep the premises including a swimming pool, in a clean and fit state for human use or habitation. *Rusted Real Estate signs are even used as awnings.
4. Council is concerned for the safety of tenants given the makeshift arrangements in place, and given that Council has limited ability to properly police such premises.
5. This boarding house will/is having a major negative impact on the amenity of the local area with reports by at least one neighbour of vermin breeding on the property and escaping into neighbouring residences, and problems with noise, smell, and general upkeep.
6. This boarding house is totally inconsistent with the character of the locality in a low density, family suburb.

ITEM 1 (continued)**ATTACHMENT 1**

7. This boarding house facility fronts a major road and has limited on-site parking except for the front yard which further destroys the amenity of the neighbourhood with several vehicles already regularly parking on site.
8. This boarding house would never have been approved under Council's previous DCP conditions, prior to the SEPP imposed on Local Government by the former NSW Government.
9. The Land and Environment Court has previously rejected boarding house applications similar to this application (HBM Cronulla Pty Ltd v Sutherland Shire Council [2009] NSWLEC 1011 (15 January 2009)) on the basis of lack of car parking, impact on local residential amenity and Council DCP regulations.
10. Approval of the proposed boarding house and rewarding the complete disregard shown by the applicant towards Council is not in the public interest.

The Motion was put and LOST there being five (5) votes For and six (6) votes Against.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch, Pickering and Yedelian OAM

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

The Matter was then AT LARGE.

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

- (a) That Local Development Application No. 2010/112 at 76 Epping Road North Ryde being Lot 2 DP 505422 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That this matter be referred to Manager Health & Building for appropriate enforcement action regarding the illegal internal alterations to the premises.
- (c) That the persons who made submissions be advised of Council's decision.

The Motion was put and CARRIED there being six (6) votes For and five (5) votes Against.

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

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

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch, Pickering and Yedelian OAM

Note: A Rescission Motion signed by Councillors Maggio, Pickering and Yedelian OAM was lodged after the meeting in relation to this Item and will be considered at the Council Meeting to be held on 24 May 2011.

3 REPORT OF WORKS AND COMMUNITY COMMITTEE - Meeting 6/11 held on 19 April 2011

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council determine Items 2, 3, 4, 5 and 7 of the Works and Community Committee report, noting that Items 1 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 TREE MANAGEMENT REVIEW - 69 Ford Street, North Ryde

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the one (1) *Eucalyptus saligna* (Sydney Blue Gum) located on the property of 69 Ford Street, North Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree of a similar species that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Campbell

3 TREE MANAGEMENT REVIEW - 2-8 Belmore Street, Ryde

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the twelve (12) *Casuarina cunninghamiana* (River She-oak), seven (7) *Callistemon viminalis* (Bottlebrush), one (1) *Celtis australis* (European

ITEM 1 (continued)**ATTACHMENT 1**

Hackberry/Nettle Tree) and one (1) *Pittosporum undulatum* (Sweet Pittosporum) located on the property of 2-8 Belmore Street, Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 10 trees that are 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Campbell

4 TREE MANAGEMENT REVIEW - 124 Ryde Road, Gladesville

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the one (1) *Corymbia maculata* (Spotted Gum) located on the property of 124 Ryde Road, Gladesville be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Campbell

5 TREE MANAGEMENT REVIEW - 3 Zanco Road, Marsfield

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the one (1) *Eucalyptus elata* (River Peppermint) located on the property of 3 Zanco Road, Marsfield be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM

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

ITEM 1 (continued)**ATTACHMENT 1****7 PUBLIC PRIVATE PARTNERSHIP - Bevillesta & City of Ryde - Signage Rights, Southern Pedestrian Bridge, North Face - Status Report.**

RESOLUTION: (Moved by Councillors Petch and Tagg)

That a further report be submitted to Council once the Expression of Interest process has been completed.

Record of Voting:

For the Motion: Unanimous

4 REPORT OF WORKS AND COMMUNITY COMMITTEE - Meeting 7/11 held on 3 May 2011

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council determine Items 2 and 5 of the Works and Community Committee report, noting that Items 1, 3, 4 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 TREE MANAGEMENT REVIEW - 43 Cecil Street, Denistone East

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the application to remove one (1) *Eucalyptus saligna* (Sydney Blue Gum) located on the property of 43 Cecil Street, Denistone East be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Campbell

5 TREE MANAGEMENT REVIEW - 27 Wood Street, Eastwood

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the application to remove one (1) *Washingtonia filifera* (Cotton Palm) located on the property of 27 Wood Street, Eastwood be conditionally

ITEM 1 (continued)**ATTACHMENT 1**

approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and, Councillors Li, Maggio, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM

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

5 REGISTERS - State Environmental Planning Policy No. 1 & Variations Under Clause 4.6 (LEP 2010)

RESOLUTION: (Moved by Councillors Maggio and Butterworth)

That the report of the Manager Assessment dated 30 March 2011 on REGISTERS - State Environmental Planning Policy No. 1 & Variations under Clause 4.6 (LEP 2010) be received and noted.

Record of Voting

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: Councillor O'Donnell

6 ENDORSEMENT OF THE OUR HARBOUR AGREEMENT

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

- (a) That Council endorse in principle the revised Our Harbour Agreement as attached to this report.
- (b) That a copy of Council's resolution endorsing the revised Our Harbour Agreement be forwarded to Sydney Harbour Councils.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

ITEM 1 (continued)**ATTACHMENT 1****7 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS POLICY - REVIEW AND PUBLIC EXHIBITION**

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.
- (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.
- (c) That recommendations (a) and (b) be endorsed subject to the following addenda to part (a):
 - (i) That Clause 23 (c) be amended to allow business cards to be provided in a format as agreed by each individual Councillor.
 - (ii) That Clause 32 (a) be amended to allow business cards to be provided in a format as agreed by the Mayor.

Record of Voting:

For the Motion: Unanimous

8 REPORT ON OUTSTANDING RESOLUTIONS

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the report on Outstanding Resolutions be endorsed.

Record of Voting:

For the Motion: Unanimous

9 TENDER EVALUATION REPORT FOR COR-RFT-05/11 - SUPPLY OF GAS TO THE RYDE AQUATIC LEISURE CENTRE

RESOLUTION: (Moved by Councillors Petch and Campbell)

That Council declines to accept the offer submitted by TRUenergy Pty Ltd and delegates authority to Council's General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

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

For the Motion: Unanimous

10 CREATION OF A CITY OF RYDE PROPERTY TRUST**11 GLADESVILLE TOWN CENTRE – Possible Road Closure and Sale****12 ADVICE ON COURT ACTIONS**

Note: Items 10, 11 and 12 were considered by Council during Closed Session.

SUPPLEMENTARY ITEMS**13 ADVISORY COMMITTEE - Crime Prevention Advisory Committee 21 April 2011**

RESOLUTION: (Moved by Councillors Maggio and Li)

- (a) That Council write to NSW Police requesting advice on possible CCTV in Eastwood and a statistical context for Eastwood (including crime trends and comparison data on town centres where CCTV has been installed). The letter will also request the introduction of bilingual English/Korean speaking police officers at the station.
- (b) That Council write to the Rotary Club of Ryde requesting an update on the Graffiti Free Zone (Ryde) initiative.

Record of Voting:

For the Motion: Unanimous

14 PLANNING FOR COMMUNITY OUTCOMES CONFERENCE - 2 June 2011

RESOLUTION: (Moved by Councillors Petch and Maggio)

That Councillors wishing to attend the Planning for Community Outcomes Conference: A Results Based Accountability 1 Day Conference with Mark Friedman held on 2 June 2011 express their interest to the General Manager.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****RECOMMITTAL OF ITEM 14**

RESOLUTION: (Moved by Councillors Petch and Maggio)

That Item 14 – PLANNING FOR COMMUNITY OUTCOMES CONFERENCE - 2 June 2011 be recommitted and the matter be considered in seriatim.

Record of Voting:

For the Motion: Unanimous

14 PLANNING FOR COMMUNITY OUTCOMES CONFERENCE – 2 June 2011

RESOLUTION: (Moved by Councillors Petch and Maggio)

- (a) That Councillors wishing to attend the Planning for Community Outcomes Conference: A Results Based Accountability 1 Day Conference with Mark Friedman held on 2 June 2011 express their interest to the General Manager.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (b) That Council endorse Councillor Campbell's attendance at the 2011 National General Assembly in addition to the other delegates from Council.

Record of Voting:

For the Motion: Unanimous

15 PROJECTED COSTS FOR THE REPLACEMENT OF AIR HANDLING UNITS AT THE RYDE AQUATIC LEISURE CENTRE

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

- (a) That Council notes the costs as detailed in the report.
- (b) That Council tenders for the supply only of the preferred air handling units and project manage the installation of the units internally.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****16 PARKING DEVELOPMENT CONTROL PLAN REVIEW**

RESOLUTION: (Moved by Councillors Li and Petch)

That this matter be deferred to allow the conduct of a Workshop regarding the draft Development Control Plan.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration

ORDER OF BUSINESS

Note: Councillor Salvestro-Martin left the meeting at 10.01pm and was not present for consideration of this Item.

RESOLUTION: (Moved By Councillors Petch and Tagg)

That Council, the time being 10.03pm, now consider Rescission Motion 1 - BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT - Item 8, Committee of the Whole 3 May 2011

Record of Voting:

For the Motion: Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM

Against the Motion: The Mayor, Councillor Etmekdjian.

Note: Councillor Salvestro-Martin returned to the meeting at 10.04pm.

NOTICES OF RESCISSION

- 1 BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT - Item 8, Committee of the Whole 3 May 2011 - Councillor Sarkis Yedelian OAM, Councillor Roy Maggio, Councillor Bill Pickering**

Note: Mr Ryan Ho addressed the meeting in relation to this item.

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council rescind the previous resolution in relation to Item 8, passed at the Committee of the Whole Meeting held on 3 May 2011, namely:

ITEM 1 (continued)**ATTACHMENT 1****8 DEFERRED REPORT - BOARDING HOUSE - ENFORCEMENT AND EDUCATION PROJECT**

- (a) That Council note the report “City of Ryde Integrated Enforcement Project – Boarding Houses” (**attached**) prepared by Ethics and Integrity Research.
- (b) That Council staff develop a factual information sheet targeting students, landlords, developers and residents on what constitutes an unauthorised boarding house. The information sheet be placed on the City of Ryde’s website. The information be written in Cantonese, Mandarin, Korean and English.
- (c) That Council work with the University to pursue adequate provision of on-site student accommodation and that the University accepts a duty of care in terms of the accommodation choices made by it’s international students.
- (d) That Council staff continue to work with Government agencies in the regulation of boarding houses as required.
- (e) That Council works with the Local Member to strengthen the ability to regulate illegal boarding houses and ensure legal boarding houses match the existing neighbourhood character.
- (f) That Council staff develop a Ryde Boarding House Policy which:
 - 1. Defines what a boarding house is in Ryde; and
 - 2. Identifies development controls for the assessment of boarding houses in keeping with relevant legislation; and
 - 3. Mandates Plans of Management for boarding houses; and
 - 4. Introduces mandatory inspection of approved boarding houses on a fee-for-service basis; and
 - 5. Provides clarity for the enforcement process of illegal boarding houses; and
 - 6. Ensures Council observes its duty of care to the tenants of illegal boarding houses.
- (g) That the General Manager report to Council regarding the development of a webpage to display details of premises that have been confirmed to be operating as illegal boarding houses or have illegal internal modifications consistent with that use. The webpage is to show the address of the property and the name and address of the registered owner with all entries to remain for at least a 12 month period.
- (h) That the General Manager investigate any breach of confidential material relating to this matter and that a confidential report be provided back to Council on the findings of this investigation.

ITEM 1 (continued)**ATTACHMENT 1**

On being put to the meeting the Rescission Motion was LOST there being four (4) votes For and seven (7) votes Against.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Pickering and Yedelian OAM

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

NOTICES OF MOTION**1 NATIONAL WALK TO SCHOOL DAY - 20 MAY 2011 - Councillor Roy Maggio**

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council, for 2012, in partnership with the Pedestrian Council of Australia and the Ryde Hornsby Health Promotion Unit, encourage local schools, P&C and local business to participate in walk to school safely programs. That Council also approach the Ryde school principal's liaison committee to seek their endorsement for promoting the National Walk to School Day, at our local primary schools. This will further build on Council's current support for Go Active to School Initiatives in which 6 Ryde based primary schools participate.
- (b) That to support this initiative the Council seeks the school principal's agreement to host a healthy breakfast (utilising their P&C's and local sponsors) at each participating school at their expense for National Walk to School Day for 2012.
- (c) That Council promotes the benefits of walking to school and healthy eating in our media outlets such as the Mayor's column and the City View as part of our on going commitment to becoming a city of wellbeing.

Record of Voting:

For the Motion: Unanimous

2 SPEED CAMERAS IN THE CITY OF RYDE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council write to the NSW Premier, Barry O'Farrell MP endorsing the initiatives of the current State Government in relation to the review of the placement of speed cameras.

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

For the Motion: Unanimous

3 CHARGES FOR FACILITY HIRE FOR "NOT FOR PROFIT" COMMUNITY GROUPS - Councillor Jeff Salvestro-Martin

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

That the General Manager investigate and report the availability of CoR owned facility space for "Not for Profit" Community Groups. That the report review current charges for facility hire and make recommendations in respect of potential for facilitating the availability of space for Community Groups that can provide acceptable proof of their "Not for Profit" status.

Record of Voting:

For the Motion: Unanimous

4 REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES - Councillor Bill Pickering

Note: Mr Tom Geroulas, Mr Douglas Sun, Mr Alan Patrick and Mr James Yuen addressed the meeting in relation to this item.

RESOLUTION: (Moved by Councillors Pickering and Li)

That the City of Ryde Council immediately write to the NSW Premier, Barry O'Farrell, and the NSW Minister for Planning, Brad Hazzard, requesting an urgent review of the State Environment Planning Policy (SEPP) on boarding houses and social housing that has overridden local development controls previously in place in Ryde's low density suburbs.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Petch, Pickering, Tagg and Yedelian OAM

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

COMPLETION OF BUSINESS

RESOLUTION: (Moved By Councillors Yedelian OAM and Petch)

That the meeting time be extended thirty minutes to allow Council to complete the business on the agenda, the time being 10.58pm.

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

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Li, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM

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

**5 DEVELOPMENT OF A WEB PAGE TO DISPLAY DETAILS OF PREMISES
CONFIRMED TO BE OPERATING AS ILLEGAL BOARDING HOUSES -
Councillor Terry Perram**

Note: Mr Alan Patrick and Mr James Yuen addressed the meeting in relation to this item.

The Chair, upon advice from the General Manager, determined that this matter was out of order.

In accordance with Clause 3.24.1 of the Code of Meeting Practice (Section 372 of the Local Government Act) if a motion to rescind a resolution has been negated no similar motion may be brought forward within 3 months.

This Notice of Motion was identical to part (g) of Rescission Motion 1 - BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT - Item 8, Committee of the Whole 3 May 2011 which was negated earlier in the meeting.

6 CONSIDERATION OF HERITAGE ISSUES - Councillor Ivan Petch

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the General Manager report to Council on the process/procedures and consideration of heritage issues that the Public Works Group implements when undertaking works such as erection of bollards, constructing kerb/guttering and maintenance of vegetation in Heritage Conservation Areas.

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION**ITEM 10 - CREATION OF A CITY OF RYDE PROPERTY 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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or

ITEM 1 (continued)**ATTACHMENT 1**

proposes to conduct) business; AND (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property; AND (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

ITEM 11 - GLADESVILLE TOWN CENTRE - Possible Road Closure and Sale**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

ITEM 12 - ADVICE ON COURT ACTIONS**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

ITEM 1 (continued)**ATTACHMENT 1**

RESOLUTION: (Moved by Councillors Butterworth and Petch)

That 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, O'Donnell, Petch, Pickering, Salvestro-Martin and Tagg

Against the Motion: Councillor Yedelian OAM

Note: The Council closed the meeting at 11.14pm. The public and media left the chamber.

10 CREATION OF A CITY OF RYDE PROPERTY TRUST

RESOLUTION: (Moved by Councillors O'Donnell and Pickering)

- (a) That Council 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 Property Trust which would be suitable for the City of Ryde's Property Trust.
- (b) That Council authorise the General Manager to develop a model for a Property Trust (with costs shared by other participating Councils) with Council's component to be funded by the investment property reserve.
- (c) That the General Manager be delegated authority to call on expressions of interest and select a suitably qualified consultant to undertake an assessment of our current suitable operational assets, with the view to estimating the highest and best use and rate of return to Council, utilising funds from the investment property reserve.
- (d) That once recommendations (2) and (3) are implemented, a full report with a costed feasibility study for operating a City of Ryde Property Trust, be submitted to Council prior to proceeding to Phase (D) Operations: Running the Model.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: Councillors Butterworth and Li

ITEM 1 (continued)**ATTACHMENT 1****11 GLADESVILLE TOWN CENTRE - Possible Road Closure and Sale**

MOTION: (Moved by Councillors Petch and Maggio)

- (a) That Council enter into a non-binding Memorandum of Understanding with Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd and delegate authority to the General Manager to execute the MOU on behalf of Council.
- (b) That Council enter the Deed of Put and Call Option with Dragon Eye Properties Limited (ACN 137849382) and Jade Developments Pty Ltd (ACN 147 677 307) for the conditional sale of land at 136 – 140 Victoria Road and 2 – 10 Wharf Road, Gladesville being lots 1 & 2 in Deposited Plan 445440, Lot 2 in Deposited Plan 9135, Lot 1 in Deposited Plan 437223 and Lots 1 & 2 in Strata Plan 34035.
- (c) That Council enter the Deed of Put and Call Option with Xcel Pty Limited (ACN 146 533 842) for the conditional sale of land described as and depicted in the Road Closure Plan issue B1-21-09-10 attached to the Deed and being areas C,D,E,F,H and J, adjacent to 1-3 Wharf Road, Gladesville.
- (d) That the Mayor and General Manager be authorised to affix the Seal of Council to the Deeds of Put and Call Option and, upon exercise of the option, the associated Contracts for Sale of Land referred to in (b) and (c) above.
- (e) That Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd be required to undertake full consultation with the community and all stakeholders, at their cost and to Council's satisfaction, on the concept of this development prior to the lodgement of any Development Application.

AMENDMENT: (Moved by Councillors Tagg and Li)

That this matter be deferred to allow further consultation with residents regarding the potential sale of the land through local papers seeking public comment.

The Amendment was put and CARRIED, there being six (6) votes For and five (5) votes Against.

Record of Voting:

For the Amendment: Councillors Butterworth, Campbell, Li, Petch, Tagg and Yedelian OAM

Against the Amendment The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Pickering and Salvestro-Martin

ITEM 1 (continued)**ATTACHMENT 1****RECOMMITTAL OF ITEM**

RESOLUTION: (Moved by Councillors Petch and Maggio)

That the Amendment in relation Item 11 - GLADESVILLE TOWN CENTRE - Possible Road Closure and Sale be recommitted.

The Motion was put and CARRIED, there being six (6) votes For and five (5) votes Against.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

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

AMENDMENT: (Moved by Councillors Tagg and Li)

That this matter be deferred to allow further consultation with residents regarding the potential sale of the land through local papers seeking public comment.

The Amendment was put and LOST, there being five (5) For and six (6) votes. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Butterworth, Campbell, Li, Petch and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Pickering, Salvestro-Martin and Yedelian OAM

RESOLUTION: (Moved by Councillors Petch and Maggio)

- (a) That Council enter into a non-binding Memorandum of Understanding with Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd and delegate authority to the General Manager to execute the MOU on behalf of Council.
- (b) That Council enter the Deed of Put and Call Option with Dragon Eye Properties Limited (ACN 137849382) and Jade Developments Pty Ltd (ACN 147 677 307) for the conditional sale of land at 136 – 140 Victoria Road and 2 – 10 Wharf Road, Gladesville being lots 1 & 2 in Deposited Plan 445440, Lot 2 in Deposited Plan 9135, Lot 1 in Deposited Plan 437223 and Lots 1 & 2 in Strata Plan 34035.
- (c) That Council enter the Deed of Put and Call Option with Xcel Pty Limited (ACN 146 533 842) for the conditional sale of land described as and depicted in the Road Closure Plan issue B1-21-09-10 attached to the

ITEM 1 (continued)**ATTACHMENT 1**

Deed and being areas C,D,E,F,H and J, adjacent to 1-3 Wharf Road, Gladesville.

- (d) That the Mayor and General Manager be authorised to affix the Seal of Council to the Deeds of Put and Call Option and, upon exercise of the option, the associated Contracts for Sale of Land referred to in (b) and (c) above.
- (e) That Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd be required to undertake full consultation with the community and all stakeholders, at their cost and to Council's satisfaction, on the concept of this development prior to the lodgement of any Development Application.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion Councillors Butterworth, Campbell, Li, Petch and Tagg

12 ADVICE ON COURT ACTIONS

Note: This matter will be considered at the Council Meeting to be held 24 May 2011.

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Maggio)

That Council resolve itself into open Council.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

Note: Open Council resumed at 11.54pm.

RESOLUTION: (Moved by Councillors Petch and Maggio)

That the business transacted in Closed Session be received and adopted as a resolution of Council without any alteration or amendment thereto.

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

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Mr Ian Zaknich addressed the meeting in relation to the Kiosk Substation at 2 Watson Street, Putney which was considered as a Matter of Urgency earlier in the meeting.

NATIONAL ANTHEM

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

The meeting closed at 11.55 pm.

CONFIRMED THIS 24TH DAY OF MAY 2011

Chairperson

2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE - Meeting 6/11 held on 17 May 2011

File No. GRP/10/3/001/5 – BP10/706

Report Summary

Attached are the Minutes of the Planning and Environment Committee Meeting 6/11 held on 17 May 2011. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Items 1 and 3 were dealt with by the Committee within its delegated powers.

The following Committee recommendation for item 2 is 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:

- 2 10 GLENAYR AVENUE, WEST RYDE. LOTS 48 & 49 DP 19136. Local Development Application for multi dwelling housing (attached) containing 3 units including 1x4 bedroom two storey dwelling and 2x3 bedroom single storey dwellings. LDA2011/0050.**

Report: The Committee inspected the property at 10 Glenayr Avenue, West Ryde.

Note: Mr Patrick Endycott, Ms Helen Mathioudakis, Ms Monika Huempfer (objectors) and Mr Milan Samardzic (applicant) addressed the meeting in relation to this item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Local Development Application No. 2011/50 at 10 Glenayr Avenue, West Ryde, being Lots 48 and 49 DP 19136, be approved subject to the **ATTACHED** conditions (Attachment 2) with the addition of the condition listed below:-

That the attic windows in dwellings two (2) and three (3) be deleted and that the details be submitted to Council prior to release of the Construction Certificate.

- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Pickering and Yedelian OAM

Against the Motion: Councillor O'Donnell

Note: This matter will be dealt with at the Council Meeting to be held on **24 MAY 2011** as dissenting votes were recorded

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 17 May 2011**

ITEM 2 (continued)**ATTACHMENT 1**

City of Ryde

Planning and Environment Committee**MINUTES OF MEETING NO. 6/11****Meeting Date:** Tuesday 17 May 2011**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 4.03pm

Councillors Present: Councillor Pickering (Chairperson), Councillors O'Donnell and Yedelian OAM.

Apologies: Councillors Butterworth and Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Manager Assessment, Manager Environmental Health and Building, Consultant Town Planner, Team Leader – Development Engineers, Consultant Town Planner, Meeting Support Coordinator and Executive Officer.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 3 May 2011

RESOLUTION: (Moved by Councillors Yedelian OAM and O'Donnell)

That the Minutes of the Planning and Environment Committee 5/11, held on Tuesday 3 May 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 10 GLENAYR AVENUE, WEST RYDE. LOTS 48 & 49 DP 19136. Local Development Application for multi dwelling housing (attached) containing 3 units including 1x4 bedroom two storey dwelling and 2x3 bedroom single storey dwellings. LDA2011/0050.

Report: The Committee inspected the property at 10 Glenayr Avenue, West Ryde.

Note: Mr Patrick Endycott, Ms Helen Mathioudakis, Ms Monika Huempfer (objectors) and Mr Milan Samardzic (applicant) addressed the meeting in relation to this item.

ITEM 2 (continued)**ATTACHMENT 1**

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Local Development Application No. 2011/50 at 10 Glenayr Avenue, West Ryde, being Lots 48 and 49 DP 19136, be approved subject to the **ATTACHED** conditions (Attachment 2) with the addition of the condition listed below:-

That the attic windows in dwellings two (2) and three (3) be deleted and that the details be submitted to Council prior to release of the Construction Certificate.

- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Pickering and Yedelian OAM

Against the Motion: Councillor O'Donnell

Note: This matter will be dealt with at the Council Meeting to be held on **24 MAY 2011** as dissenting votes were recorded

3 90 - 92 WESTERN CRESCENT, GLADESVILLE. LOTS 22 & 23 SEC K DP 1821. Local Development Application for demolition, multi dwelling housing (attached) and strata subdivision. LDA2010/0462.

Report: The Committee inspected the property at 90-92 Western Crescent, Gladesville.

Note: A submission received from M & K Santoro on 16 May 2011 was considered in conjunction with this item and is ON FILE.

Note: Mr Bruce Williams, Mr Anthony Zaknich (objectors) and Mr Peter Hall (applicant's Architect) addressed the meeting in relation to this item.

RESOLUTION: (Moved by Councillors O'Donnell and Yedelian OAM)

- (a) That Local Development Application No. 2010/462 to erect a strata titled multi dwelling housing (attached) development at 90 – 92 Western Crescent, Gladesville, being lots 22 and 23 Section K in DP 1821, be approved subject to the **ATTACHED** conditions (**ATTACHMENT 2**) with an amendment to Condition 58 to read as follows:-

58. Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions **must** include minimising soil disturbance, use of water sprays, erecting screens to protect the neighbouring properties and the builder must not carry out dusty work during windy conditions to the satisfaction of Council and the adjoining neighbours.

- (b) That the persons who made submissions be advised of Council's decision.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 6.15pm.

CONFIRMED THIS 7TH DAY OF JUNE 2011.

Chairperson

3 REPORT OF WORKS AND COMMUNITY COMMITTEE - Meeting 8/11 held on 17 May 2011

File No. GRP/10/3/001/5 – BP10/706

Report Summary

Attached are the Minutes of the Works and Community Committee Meeting 8/11 held on 17 May 2011. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1 and 4 were dealt with by the Committee within its delegated powers.

The following Committee recommendations for items 2, 3 and 5 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:

2 TREE MANAGEMENT REVIEW - 6 Cilento Crescent, East Ryde

Note: The Committee inspected the site at 6 Cilento Crescent, East Ryde.

RECOMMENDATION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

That the one (1) Ironbark (possibly *Eucalyptus sideroxylon* - Mugga Ironbark) located on the property of 6 Cilento Crescent, East Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of one (1) tree that is 1.5 Metres in height at the time of planting and will reach a minimum height of 8 Metres at its maturity.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 24 May 2011 as substantive changes were made to the published recommendation.

3 TREE MANAGEMENT REVIEW - 51 Melba Drive, East Ryde

Note: The Committee inspected the site at 51 Melba Drive, East Ryde.

RECOMMENDATION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

That the one (1) *Jacaranda mimosifolia* (Jacaranda) located on the property of 51 Melba Drive, East Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of one (1) tree that is 1.5 Metres in height at the time of planting and will reach a minimum height of 8 Metres at maturity.

ITEM 3 (continued)**Record of Voting**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 24 May 2011 as substantive changes were made to the published recommendation.

5 WAIVER OF FEES - UTS NORTHERN SUBURBS ATHLETIC CLUB AND USE OF NORTH RYDE COMMON

RECOMMENDATION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

- (a) That the Rental Fee of \$105 be waived for the use of North Ryde Common by UTS Northern Suburbs Athletic Club for West Metropolitan Cross Country Running Series Event.
- (b) The bond of \$500 is required from the UTS Northern Suburbs Athletic Club prior to the event being conducted.
- (c) That all future waivers of the fees will be considered on their merits and that the applicant be advised of Council's preference that these types of applications be dealt under the Community Grants program.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 24 May 2011 as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 17 May 2011

ITEM 3 (continued)**ATTACHMENT 1**

City of Ryde

Works and Community Committee**MINUTES OF MEETING NO. 8/11****Meeting Date:** Tuesday 17 May 2011**Location:** Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 4.35pm

Councillors Present: The Mayor, Councillor Etmekdjian and Councillors Maggio (Chairperson) and Petch

Apologies: Councillors Campbell, Li, Perram and Tagg

Staff Present: Group Manager – Community Life, Group Manager – Public Works Manager – Open Space, Manager – Governance, Acting Recreation Coordinator, Coordinator Natural Areas, Tree Management Officer and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 3 May 2011

RESOLUTION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

That the Minutes of the Works and Community Committee 7/11, held on Tuesday 3 May 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 TREE MANAGEMENT REVIEW - 6 Cilento Crescent, East Ryde

Note: The Committee inspected the site at 6 Cilento Crescent, East Ryde.

RECOMMENDATION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

That the one (1) Ironbark (possibly *Eucalyptus sideroxylon* - Mugga Ironbark) located on the property of 6 Cilento Crescent, East Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the

ITEM 3 (continued)**ATTACHMENT 1**

replacement planting of one (1) tree that is 1.5 Metres in height at the time of planting and will reach a minimum height of 8 Metres at its maturity.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 24 May 2011 as substantive changes were made to the published recommendation.

3 TREE MANAGEMENT REVIEW - 51 Melba Drive, East Ryde

Note: The Committee inspected the site at 51 Melba Drive, East Ryde.

RECOMMENDATION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

That the one (1) *Jacaranda mimosifolia* (Jacaranda) located on the property of 51 Melba Drive, East Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of one (1) tree that is 1.5 Metres in height at the time of planting and will reach a minimum height of 8 Metres at maturity.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 24 May 2011 as substantive changes were made to the published recommendation.

4 TREE MANAGEMENT - Settlers Park tree poisoning

Note: The Committee inspected the site at Settlers Park.

RESOLUTION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

- (a) That the trees within Settlers Park continue to be monitored by staff and staff undertake measures to prevent the trees from further poisoning.
- (b) That minor pruning works be undertaken when required to minimise any safety issues that may arise from the dieback that has occurred as a result of the poisoning attempt.

Record of Voting

For the Motion: Unanimous

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

ITEM 3 (continued)**ATTACHMENT 1****5 WAIVER OF FEES - UTS NORTHERN SUBURBS ATHLETIC CLUB AND USE OF NORTH RYDE COMMON**

RECOMMENDATION: (Moved by Councillors Petch and The Mayor, Councillor Etmekdjian)

- (a) That the Rental Fee of \$105 be waived for the use of North Ryde Common by UTS Northern Suburbs Athletic Club for West Metropolitan Cross Country Running Series Event.
- (b) The bond of \$500 is required from the UTS Northern Suburbs Athletic Club prior to the event being conducted.
- (c) That all future waivers of the fees will be considered on their merits and that the applicant be advised of Council's preference that these types of applications be dealt under the Community Grants program.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 24 May 2011 as substantive changes were made to the published recommendation.

The meeting closed at 5.38pm.

CONFIRMED THIS 7TH DAY OF JUNE 2011.

Chairperson

4 MARCH 2011 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN

Report prepared by: Chief Financial Officer

Report dated: 11/05/2011

File No.: GRP/10/3/001/6 - BP11/381

Report Summary

Council's Management Plan and Budget for 2010-2014 sets out the strategic and financial objectives for the year. These documents set out the goals and various performance measures for Council's four key outcome areas and details the services and projects that Council planned to deliver in 2010/2011.

The Quarterly Report includes details for each of the four key outcome areas detailing the targets adopted by Council and how we have performed in achieving these targets to 31 March 2011. Also shown, is a financial performance summary for each key outcome area and a status report on all Capital and Non-Capital Projects by Outcome Area and Service Unit, that are to be undertaken in 2010/2011 with information on how each Project is progressing.

As a result of this Review, Council's Available Working Capital is projected to increase by \$0.26 million to approximately \$3.40 million as at 30 June 2011, back above the original budgeted levels in the 2010-2014 Management Plan.

In summary, the key reason for this movement is an increase in Investment Income.

RECOMMENDATION:

- (a) That the report of the Chief Financial Officer, dated 11 May 2011 on MARCH 2011 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.26 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 \$0.456 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 11 May 2011 be endorsed.

ATTACHMENTS

- 1 Responsible Accounting Officer's Certificate - 31 March 2011
- 2 Quarterly Report on Management Plan 2010-2014 Jan - Mar 2011 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

John Todd
Chief Financial Officer

ITEM 4 (continued)

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 4 (continued)**Background**

As required under section 407 of the Local Government Act, 1993 the quarterly review of the Management Plan as at 30 June 2011 is presented to Council.

This Quarterly Review reports on the performance of Council in undertaking its Principal Activities in terms of its stated objectives and financial position. The following sections are included in the document, *Quarterly Review Report Management Plan 2010-2014, Quarter Three* that has been **CIRCULATED UNDER SEPARATE COVER:-**

- General Manager's Overview, Financial Management and Corporate Performance Overview - provides a 'snapshot' of Council's performance in the quarter relative to several high profile activities.
- Outcome Area Reports – including overview, operational indicators, financial outcome and graphical representation of performance measures.
- Capital Projects Quarterly Status Report – provides comments regarding the status of all of Council's Non-Capital and Capital Expenditure projects.
Appendix A
- Non-Capital Projects Quarterly Status Report – provides comments regarding the status of all of Council's Non-Capital and Capital Expenditure projects.
Appendix B
- Base Budget Quarterly Status Report. **Appendix C**
- Reserves Listing Report – outlines the opening balance, approved budgeted transfers to/from reserves and proposed additional transfers to/from reserves, with a projected balance as at 30 June 2011. **Appendix D**
- Quarterly Changes Report – provides comments and details of those budget items that are proposed to be increased or decreased in the 2010/2011 budget.
Appendix E
- Consolidated Income & Expenditure Estimates 2010/2011 – summary of the budget in one page, showing original budget and quarterly changes. **Appendix F**

Report

The March 2011 Quarterly Review has been completed and is submitted to Council for endorsement.

The key points to note that are included in this Review are:-

- \$0.76 million additional Investment Income
- \$0.43 million additional road restoration income
- \$0.22 million additional Rates & User Charges

ITEM 4 (continued)

- \$0.20 million additional fine income from additional patrols of car parks
- \$0.15 million grant for Yamble Reserve All Abilities Playground
- \$0.19 million additional funds to meet increase in legal costs mainly related to Planning Appeals (Boarding Houses) \$0.09 million and Anti-Discrimination and Human Rights Commission, \$0.05 million.
- Base Budget expenses are 13.67% favourable of the year to date budgeted amounts.
- Council's Capital Works program is on track and within budget, excluding contributing assets which will be brought to account as at 30 June 2011.

Working Capital Summary

In the adopted Management Plan for 2010/2014 Council's forecasted available Working Capital position was \$3.28 million with this original budgeted figure being adjusted to \$3.14 million, as a result of a review of the original calculations within the transfers to/from reserves.

Following the March 2010 Quarterly Review, the proposed budget adjustments will result in an increase of \$0.26 million to Council's Working Capital as at 30 June 2011 to \$3.40 million.

Overview of March Review

As detailed above, Council's available Working Capital is projected to increase to \$3.40 million as a result of this review. The following are the major changes to be made, with a complete listing provided in the circulated document, and more detailed explanations in each Outcome area of that document.

Contributed Assets

Part of this review details the removal of certain contributed assets that were budgeted to be received this financial year. Their removal is due to two factors, the first being that two of them, West Ryde Community facility & Mick Lardelli Park, Putney will not be received by Council prior to 30 June 2011, and therefore should appear in next year's budget.

The other factor is that one of the assets, the Northern Pedestrian Bridge, which links the Western side of Devlin St to the Top Ryde City shopping centre, is the subject of a lease, but the asset will not become Council's until the end of the lease period. This has been checked and verified by our external Auditors.

Council has brought to account previously \$43.67 million of contributed assets associated with the Top Ryde City development and these will need to be reviewed and the bulk of them unrecognised. That will mean that the Operating Surplus that as part of this review is forecast to reduce to \$21.59 million will be impacted by the

ITEM 4 (continued)

removal of those assets and will create a deficit up to \$22.08 million. This does not affect the Operating Result Before Capital, which is one of the financial indicators that are taken into account by IPART.

Operating Budget

- It is projected to decrease Council's operating income over budget by \$22.25 million (16.58%). This result is mainly attributable to:
 - Reduction in Contributed Assets
 - \$23.36 million reduction of contributions of assets that will not be received prior to 30th June
 - Net increase in other Operating/Capital income as detailed below:
 - \$0.76 million additional Investment Income
 - \$0.43 million additional road restoration income
 - \$0.22 million additional Rates & User Charges
 - \$0.20 million additional fine income from additional patrols of car parks
 - \$0.15 million grant for Yamble Reserve All Abilities Playground
 - \$0.13 million additional income from other revenue sources
 - \$0.11 million additional for Fuel Tax Subsidy
 - \$0.10 million reduction of income from Health & Building fees, due to competition within the industry
 - \$0.06 million reduction of grant income for Multicultural Community Development Officer not approved.
 - \$0.46 million decrease in RALC income, this is offset by a reduction in transfers to reserve
 - \$0.15 million decrease in VPA Income, offset by a decrease of transfer to reserve
 - \$0.09 million reduction of grants not approved
- It is projected to increase Council's operating expenses over budget by \$0.05 million (0.07%) with the main areas being as follows:
 - \$0.50 million for additional interest on security deposits
 - \$0.39 million additional cost of road restorations, offset by additional income
 - \$0.19 million for additional legal costs including Anti Discrimination (Pendleton \$20k) and Human Rights Commission (Kirk \$15k & Hong \$15k)
 - \$2.19 million for recognition of Plant Running Costs for Materials & Contracts
 - \$0.53 million for recognition of Plant Running Costs for employee costs
 - \$3.05 million reduction of costs relating to the Internal Plant Hire charges, not previously recognised in the budget

In total, a projected decrease in Operating Surplus of \$22.30 million, most of which relates to the reduction of contributed assets that will not be received before 30 June 2011.

ITEM 4 (continued)Capital Budget

- It is projected to decrease Council's capital expenses over budget by \$23.01 million (30.05%). This result is mainly attributable to:
 - Reduction in Contributed Assets
 - \$23.36 million reduction of contributed assets that will not be received prior to 30th June
 - Net increase in other Capital Expenses as detailed below:
 - \$0.16 million for Ryde Community & Sport Centre – ELS Hall Park
 - \$0.15 million for Yamble Reserve All Abilities Playground, funded from a Grant
 - \$0.10 million for the Corporate Performance Reporting system, funded from Asset Replacement Reserve
 - \$0.10 million for a Budgeting & Reporting software to enhance budget processes, funded from Asset Replacement Reserve
 - \$0.05 million for Princes Street kerb extension, funded from other savings
 - \$0.03 million for Eastwood Library Toilet Block
 - \$0.02 million for InfoCouncil upgrade, funded from Asset Replacement Reserve
 - \$0.01 million for VIP Case management module for CRM, funded from Asset Replacement Reserve

Reserve Movements

- It is projected to increase its transfers from reserves over budget by \$0.26 million (0.65%), the main areas being as follows:
 - \$0.24 million from Asset Replacement Reserve for Projects
 - \$0.13 million unexpended grant for works in 2009/2010 funded out of working capital
 - Adjustments to balance Plant Fund, Domestic Waste and RALC reserves to negate use of General Revenue
- It is projected to increase its transfers to reserves over budget by \$0.71 million (2.53%), the main areas being as follows:
 - \$0.15 million decrease in transfer to VPA reserve, offset the decrease in VPA income
 - \$0.17 million increase in transfer to Financial Security Reserve, proceeds and interest on written down CDOs.
 - Adjustments to balance Plant Fund, Domestic Waste and RALC reserves to negate use of General Revenue

The complete details are contained within the separately circulated document.

ITEM 4 (continued)**Consultation**

Internal Council business units consulted included:-

- Strategy, Innovation and Reporting Service Unit in relation to the format of the Quarterly Report.
- All Service Units in relation to budget changes.

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- Not Applicable

Comments

Service Unit Managers have reviewed their Unit's budget at the end of the March 2011 quarter to declare any variations to budget that will impact on the Council's financial position.

Critical Dates

The following deadlines are required to be met:

- In accordance with Section 407 of the Local Government Act 1993, the General Manager must report to the Council within 2 months after the end of each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.
- The Chief Financial Officer as Council's Responsible Accounting Officer, in accordance with the Part 2 Clause 7 of the Local Government (Financial Management) Regulation 1999 is required to certify whether the Council's financial position is satisfactory having regard to the original estimates of income and expenditure.

Financial Impact

Council's available Working Capital is projected to increase by \$0.26 million to \$3.40 million as at 30 June 2011.

Council's Operating Result before depreciation is projected to decrease by \$22.30 million to \$40.09 million, which is mainly attributable to the adjustment for contributed assets.

Council's Capital Works Program is projected to decrease by \$23.01 million as a result of removal of the contributed assets that will not be received before 30 June 2011.

Policy Implications

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

ITEM 4 (continued)**Other Options**

Council could decide not to approve some or all of the March 2011 Quarter Budget Revisions or to revote the funds to other projects. This would impact the projected Working Capital as at 30 June 2011 and future Capital Works program for future years.

Conclusion

The adoption of the recommended adjustments to Council's 2010/2011 budget as detailed within this report will result in a projected Available Working Capital as at 30 June 2011 of \$3.40 million.

While this is a sound position, the City of Ryde has an accumulated outstanding liability of \$79 million, in bringing its infrastructure up to a satisfactory standard. In the formulation of the 2011/2015 Delivery Plan, Council will be constraining its operating expenditure whilst seeking to increase its revenue base in maximising the funds available to allocate to the asset renewal of the City's existing infrastructure.

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

In accordance with the Local Government (Financial Management) Regulation 1999, Part 2, Clause 7, I report that the financial position of the Council was satisfactory as at 31 March 2011, having regard to the original estimates of income and expenditure. Variations in total income, operating and capital expenditure as at 31 March 2011 are of a quantum and nature that overall end of year financial targets will be achieved.



John Todd
Chief Financial Officer
Responsible Accounting Officer

11 May 2011

5 MANAGING UNREASONABLE COMPLAINANT CONDUCT POLICY

Report prepared by: Manager - Governance

Report dated: 12/05/2011

File No.: GRP/11/5/4/6 - BP11/388

Report Summary

This report is provided for Council to consider adopting the **ATTACHED** Managing Unreasonable Complainant Conduct Policy (the Policy).

The Policy reflects feedback received from the Department of Local Government (Division of the Department of Premier and Cabinet) and the NSW Ombudsman's Office.

This Policy is not intended as a quick solution to deal with complainants who are difficult. The Policy is intended to apply to the rare cases where unreasonable complainant conduct is an issue.

RECOMMENDATION:

That Council adopt the Managing Unreasonable Complainant Conduct Policy as **ATTACHED** to this report.

ATTACHMENTS

1 Managing Unreasonable Complainant Conduct Policy - Council Policy

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 5 (continued)**Background**

In rare instances, public sector organisations see complainants who are angry, aggressive and abusive towards their staff, who threaten harm, are dishonest or intentionally provide misleading information about themselves and their personal circumstances. Sometimes, these complainants insist on outcomes that are often inappropriate or clearly impracticable and are pursuing their complaints for much longer periods of time, often when it is not warranted.

In response, Council should have a policy for managing unreasonable complainant conduct to ensure our ability to use and allocate our resources fairly, effectively and efficiently.

Report

In March 2011, Council officers sent a draft Managing Unreasonable Conduct Policy to the NSW Ombudsman and the Department of Local Government seeking comment. Both agencies provided feedback and this has been incorporated in to the **ATTACHED** Policy.

The Policy fully adheres to the draft Model Managing Unreasonable Complainant Conduct Policy provided to Council by the NSW Ombudsman's Office in April 2011.

Unreasonable complainant conduct is behaviour which because of its nature or frequency raises substantial health, safety, resource or equity issues for the parties to a complaint.

The key aspects of the Policy are:

- The focus is on the conduct of the complainant rather than on the complainant as a 'difficult' person.
- The General Manager will decide when to impose alternative service arrangements that will restrict a complainant's ability to interact with staff.
- Councillors will be informed of a decision to limit a customer's access to Council's services.
- A review of alternative service arrangements imposed will be undertaken no less than 6 months and no more than 12 months after any such restriction is imposed, except in exceptional cases.

The aim of this policy is to provide a framework for managing unreasonable customer conduct. It will only be enforced in the rare instances where unreasonable conduct is impacting upon our ability to use our resources fairly, effectively and efficiently.

The fact that a complainant may be persistent, may make demands or may be angry does not mean that their conduct is unreasonable. At the City of Ryde, this Policy will be supported by Council's complaint management procedures and customer relationship management processes to ensure that a complainant who is *legitimately* difficult or 'unreasonable' is not treated unfairly.

ITEM 5 (continued)**Consultation**

Internal Council business units consulted included:-

- The Policy was endorsed by the Executive Team.
- General Counsel
- Manager, Customer Service

Internal Workshops held:-

- Nil

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- The Department of Local Government
- NSW Ombudsman's Office

Critical Dates

There are no critical dates or deadlines to be met.

Financial Impact

Adoption of the option(s) outlined in this report will have no financial impact.

Policy Implications

Should Council adopt the Policy it will be implemented immediately. The Policy will be available on our website.

Other Options

Council may consider changes to the Policy. However, this is not recommended as the draft Policy follows the model provided by the NSW Ombudsman.

Council may resolve to place the Policy on public exhibition seeking comment. This is not recommended as the draft Policy follows the model provided by the NSW Ombudsman.

Conclusion

ATTACHED is a draft Managing Unreasonable Complainant Conduct Policy. The Policy reflects feedback received from the Department of Local Government (Division of the Department of Premier and Cabinet) and the NSW Ombudsman's Office and it is recommended for adoption.

ITEM 5 (continued)

ATTACHMENT 1



Managing Unreasonable Complainant Conduct - Policy

Scope

This policy applies to all dealings with customers by the City of Ryde staff and acknowledges that the management of complainant expectations is fundamental in the way we do business.

Purpose

The City of Ryde is committed to being accessible and responsive to all complainants who make contact with Council. At the same time, the ability of Council to provide services depends on our ability to use and allocate our resources fairly, effectively and efficiently across all complaints and complainants.

Council is therefore committed to ensuring that all complaints are dealt with equitably and that all of our staff members are aware of their roles and responsibilities, have the skills to appropriately manage complainant conduct, including unreasonable conduct, and are adequately supported by senior management to take action to deal with such conduct.

Context

This policy has been developed to assist staff to better manage complainants who display unreasonable behaviours in their interactions with us. It identifies the specific authority vested in all staff members to take action to manage unreasonable complainant conduct (UCC) and also identifies the processes and procedures that staff should follow when dealing with such conduct. Staff members who use and follow this policy and procedure can be confident that they will be supported by senior management.

It is important to note that this policy is not and should never be seen as a quick solution to deal with complainants who are difficult to deal with or who we want to avoid. It is intended to be applied to cases where unreasonable complainant conduct is an issue – as described above and elsewhere in this document – and will likely only be used in a very small minority of cases.

Defining Unreasonable Complainant Conduct

Unreasonable complainant conduct is behaviour by a complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the parties to a complaint. Examples of behaviours that can be characterised as unreasonable include:

Unreasonable persistence

- persisting with a complaint even though it has been comprehensively considered by the organisation, and where all avenues of review have been exhausted
- reframing a complaint in an attempt to get it taken up again
- showing an inability to accept the final decision by repeatedly raising the issue after reasonable attempts have been made to provide a reasoned and rational explanation

ITEM 5 (continued)**ATTACHMENT 1**

- persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly
- persisting in wanting to know where to go next when it has been explained that there is nowhere else to go
- demanding a review because it is available but not arguing a case for a review
- making an issue out of anything
- getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having such contact.

Unreasonable demands

- insisting on outcomes that are unattainable (is a not-in-jurisdiction issue, wants the department shut down or someone fired from their job, prosecution of individuals)
- insisting on a 'moral' outcomes, e.g. justice in the community interest, when really a personal interest is at stake
- demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exists
- wanting revenge or retribution
- wanting what is not possible or appropriate, e.g. copies of sensitive documents, names/contact details staff, other complainants or whistleblowers, etc.
- issuing instructions and making demands as to how a complaint should be handled
- providing supporting details that are extraordinarily detailed when such detail is not relevant to the complaint
- making unreasonable resource demands, expecting resources in excess of or out of proportion to the seriousness of issue, e.g. wanting us to seek expert opinion.
- wanting regular and lengthy phone contact where this is not warranted
- showing reactions or demand for action that are out of proportion to the significance of the issue
- moving the goal posts — changing the desired outcome
- shopping for a sympathetic ear in the office — demanding to talk to a supervisor or the General Manager personally
- placing us on an extensive email copy list and expecting responses to numerous emails
- consistently creating complexity where there is none.
- presenting as overly needy or dependent (e.g. wanting to transfer responsibility for their wellbeing to the organisation).

Unreasonable lack of cooperation

- presenting a large quantity of information which is not organised, sorted, classified, summarised, where the complainant is clearly capable of doing this
- presenting information in dribs and drabs — refusing to present all information at the outset
- refusing to define issues of complaint ('the attached speaks for itself' — usually a large quantity of information) where the complainant is clearly capable of doing this
- focusing on principles rather than substantive issues
- changing the complaint, raising new issues in the process of our consideration
- displaying unhelpful behaviour, e.g. withholding information, dishonesty, misquoting others, swamping organisation with documents.

ITEM 5 (continued)**ATTACHMENT 1***Unreasonable arguments*

- holding irrational beliefs, e.g. seeing cause and effect links where there are clearly none – is it unreasonable to hold an irrational belief or is it the resulting demands/behaviours that are?
- holding what is clearly a conspiracy theory unsupported by any evidence
- insisting that a particular solution is the correct one in the face of valid contrary or alternative arguments
- interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.
- insisting on the importance of an issue that is clearly trivial.

Unreasonable behaviour

- displaying confronting behaviour, e.g. rudeness, aggression, threats.
- sending rude, confronting, threatening letters
- making threats of self harm
- making threats of harm to others.
- displaying manipulative behaviour (overly ingratiating, tears, veiled threats).

Policy

The decision to impose an alternative service arrangement, most importantly one that restricts a complainant's ability to interact with our staff or access our services will only be made by the General Manager.

The Complaints Management Coordinator will be responsible for ensuring the recording, monitoring and reviewing of all cases where this policy is used to ensure that it is applied consistently and appropriately and to ensure transparency and accountability for all decisions made under this policy.

Councillors will be informed of a decision to limit a customer's access to Council in any of the ways set out in the related procedure. Where appropriate, such advice will also be provided to the ICAC, Division of Local Government and/or the NSW Ombudsman for information.

A review of alternative services arrangements imposed will be undertaken no less than 6 months and no more than 12 months after any such restriction is imposed, except in exceptional cases.

Alternative service arrangements are alternative forms of service delivery that vary from the usual methods used by the City of Ryde. Council may impose an alternative service arrangement to vary or restrict the type of interaction or access that a complainant has with it and its staff to manage the impacts of his/her conduct, particular when it is characterised as 'unreasonable'. Where complainant conduct falls into more than one of the categories listed above the alternative service arrangements will reflect this.

The parties to a complaint can include the organisation that is responsible for handling the complaint, the organisation or person that is the subject of the complaint, the complainant, other service users and members of the general public.

The Managing Unreasonable Complainant Conduct Procedure sets out the process for implementing this policy.

ITEM 5 (continued)**ATTACHMENT 1**

Key References

This policy is supported by the strategies set out in the *Managing Unreasonable Complainant Conduct Procedure*. Staff should refer to the procedure for further information.

In addition, there is a *Managing Unreasonable Complainant Conduct Practice Manual* available at www.ombo.nsw.gov.au.

Other references

- Customer Feedback Policy (including complaint management procedures)
- NSW Ombudsman Publication – “Dealing with Difficult Complainants” June 2009
- NSW Ombudsman Publication – “Managing Unreasonable Complainant Conduct Practice Manual” May 2009 and draft manual April 2011.

Review Process and Endorsement

This Policy will be reviewed by the Governance Unit as required and at least every two years. This Policy requires endorsement by Council.

Managing Unreasonable Complainant Conduct		
Owner: Governance	Accountability: Complaints management development	Issue: Date
Trim Reference: D11/37759	Policy: Managing Unreasonable Complainant Conduct	Council Resolution:

6 COUNCILLOR FEES AND MAYORAL FEE - Determination of the Local Government Remuneration Tribunal - 28 April 2011

Report prepared by: Councillor Support Coordinator**Report dated:** 9/05/2011**File No.:** CLR/07/8/3/14 - BP11/370

Report Summary

This report is presented to Council to advise of the recent determination made by the Local Government Remuneration Tribunal with respect to Councillor and Mayoral fees.

In determining the Councillor and Mayoral fee increase, the Tribunal has determined that the City of Ryde remain in the "Metropolitan Centre" category.

The report recommends that Council endorse the maximum Councillor and Mayoral fees and confirms that there are sufficient funds in the 2011-2012 budget for this increase.

RECOMMENDATION:

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2011:

- (a) 4.18% increase to Councillor fees (total fee payment of \$21,170 per annum).
- (b) 4.21% increase to Mayoral fees (total fee payment of \$56,250 per annum), noting that 10% of the Mayoral fee is paid to the Deputy Mayor.

ATTACHMENTS

- 1 Report and Determination of the Local Government Remuneration Tribunal - 28 April 2011

Report Prepared By:

Sheron Chand
Councillor Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 6 (continued)**Background**

Section 241 of the Local Government Act 1993 (the Act) states that the Local Government Remuneration Tribunal will determine the category of each Council and the fees to be paid to Councillors and the Mayor. The Tribunal reviews and determines the fees annually.

At its meeting on 22 June 2010, Council resolved to adopt the maximum fees payable to Councillors for the period of 2010 – 2011.

Report

The “*Report and Determination of the Local Government Remuneration Tribunal under Sections 239 and 241 of the Local Government Act 1993*” dated 28 April 2011 is **ATTACHED**.

The Tribunal did not change the category of any Council. The next review of Council categories will take place in 2012. The City of Ryde is categorised as a “Metropolitan Centre” Council.

Under this category, the Tribunal has determined a 4.18% increase to Councillors fees and 4.21% increase to Mayoral fees.

Tribunal Fee Range for 2011 - 2012

	Minimum Fee Determined by the Tribunal	Maximum Fee Determined by the Tribunal	CoR 2010/11 Current Annual Fee
Councillor fee (per annum)	\$11,340	\$21,170	\$20,320
Mayoral additional fee (per annum)	\$24,100	\$56,250	\$53,980

The Mayor receives a Mayoral fee in addition to the Councillors fees. Currently, the Deputy Mayor receives 10% of the Mayoral fee in addition to the Councillor fees.

In previous years, Council resolved to endorse the maximum fees payable to Councillors and the Mayor.

Based on the table above, the total cost of paying the maximum Councillor and Mayoral fees will be \$310,290. There is provision for this in the 2011-2012 Base Budget.

Consultation

Internal Council business units consulted included:-

- Financial Services Unit

Critical Dates

The following deadlines are required to be met:

- New fees are payable as at 1 July 2011.

Financial Impact

There is adequate provision in the 2011/12 Budget to fund the maximum fees.

ITEM 6 (continued)**Policy Implications**

Under Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal determines the category of each Council and the fee range for Councillors and the Mayor. Council determines the fee within that range which will be paid.

Options

The following options are available:

1. That Council adopt no fee increase to the Councillors fee and Mayoral fee (noting that 10% is currently paid to the Deputy Mayor).
2. That Council adopt a partial fee increase to the Councillors fee and Mayoral fee (noting that 10% is currently paid to the Deputy Mayor).
3. That Council adopt a fee reduction to the Councillor and Mayoral fees (noting that 10% is currently paid to the Deputy Mayor).
4. That Council adopt the full fee increase to the Councillors fee and Mayoral fee (noting that 10% is currently paid to the Deputy Mayor)

Conclusion

The Local Government Remuneration Tribunal has categorised the City of Ryde as a "Metropolitan Centre" Council. The Tribunal has determined the fee range for Councillors and the Mayor.

Based on Council's previous resolution on this matter, this report recommends that Council endorse the maximum Councillor and Mayoral fees noting that there are sufficient funds in the 2011/12 Budget.

ITEM 6 (continued)

ATTACHMENT 1

REPORT

and

DETERMINATION

of

THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL

under

SECTIONS 239 AND 241

of the

LOCAL GOVERNMENT ACT 1993

28 April 2011

ITEM 6 (continued)**ATTACHMENT 1****LOCAL GOVERNMENT REMUNERATION TRIBUNAL****2011 ANNUAL REVIEW****REPORT**

BACKGROUND

1. Pursuant to Section 241 of the *Local Government Act* 1993 (the Act) the Local Government Remuneration Tribunal hereby determines in each category of council, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
2. On 8 November 2010 the Tribunal wrote to all mayors advising of the commencement of the 2011 annual review. In respect of this review the Tribunal advised councils that it would be undertaking a review of the minimum and maximum fee levels for each category but would not be reviewing the categories at this time. In accordance with Section 239 of the Act the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. The next review of categories is scheduled to take place during the 2012 review.
3. The Tribunal also wrote to the Presidents of the Local Government and Shires Associations (LGSA) in similar terms, and subsequently met with the Presidents. The Tribunal wishes to place on record its appreciation to the Presidents for making time to see the Tribunal

2011 REVIEW

4. The LGSA provided a submission on fees and related matters. As in previous years, the LGSA has recommended that fees be set as a percentage of the annual salary paid to NSW Members of Parliament. The LGSA has also provided an overview of the various factors contributing to the role and

ITEM 6 (continued)**ATTACHMENT 1**

workload of councillors including training and development, financial sustainability, impact of climate change, cost shifting and increased accountability and transparency in decision making.

5. The Tribunal also received 16 submissions from individual councils. The majority of those submissions supported an increase in the fees payable to councillors and mayors. The submissions also addressed the following issues:
 - workload
 - complexity of issues
 - training and development
 - expenses
 - categorisation
6. The Tribunal has had regard to the submissions received and to comments made by the Associations in regard to the level of fees. Suggestions that fees be set as a percentage of the salary of a Member of Parliament are not supported for reasons stated in previous reports. Should there be significant change to or restructure of local government in NSW the Tribunal would comprehensively review the fee structure at that time.
7. A number of submissions have raised the increasing complexity of council work, in particular responsibilities associated with integrated planning and reporting and planning and development reform. It is argued that these, and other functions, add to the workload of councillors and thereby warrant an increase in remuneration. The Tribunal confirms its remarks previously made several times to the effect that that an increase in workload does not in itself reflect a change in the roles and responsibilities of councillors, which is the test for considering whether any increase in remuneration is warranted. Additional planning and reporting requirements, for example, are reflective of changed modes of work rather than a fundamental shift in the role and responsibilities of office.

ITEM 6 (continued)**ATTACHMENT 1**

8. The role of a councillor is outlined in section 232 of the Act. That is:

As a member of the governing body of the council, a councillor's duties include:

- *to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program*
- *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
- *to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.*

As an elected person, the role of a councillor includes:

- *to represent the interests of the residents and ratepayers*
- *to provide leadership and guidance to the community*
- *to facilitate communication between the community and the council.*

9. Ongoing training is essential to ensure councillors have timely access to the information necessary to perform their roles and responsibilities effectively. The Tribunal is pleased that both the Division of Local Government in the Department of Premier and Cabinet and the Local Government and Shires Association offer professional development opportunities for both new and existing councillors and mayors. Since the last election in September 2008 1,061 or 83% of councillors have attended a councillor information seminar provided under the NSW Government's Councillor Development Strategy. These seminars covered roles and responsibilities, code of conduct and meeting practice. A further 26 seminars were held in 2010 and 2011 covering financial reporting, recruitment and oversight of general managers and an update of the code of conduct. Professional development is also provided through the Associations' Learning Solutions Unit which conducted twenty-one councillor workshops from January to June 2010 with courses including *Financial Skills for Councillors* and *Integrated Planning and Reporting*. Councillors and mayors should avail themselves of professional development opportunities to ensure they have a clear understanding of their roles and responsibilities and have the necessary skills to perform effectively.

ITEM 6 (continued)**ATTACHMENT 1**

10. The Tribunal has also received advice that there is an expectation in some councils that councillors are to pay for some or all of their expenses from their annual fee. Expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations. The policy in regard to the payment of expenses is outlined in the Division of Local Government's publication *"Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, October 2009"*. In accordance with that policy, councillor expenses and facilities policies should set levels of expenses and facilities to realistically account for costs incurred by councillors independent of the level of their annual fees.
11. The Tribunal is aware that councils play a pivotal role in developing and sustaining local communities. The Tribunal acknowledges that significant work has already been done in the area of long term strategic planning by councils. Part of this planning involves the rationalisation of common activities to the benefit of local communities. The Tribunal has been made aware of recent initiatives in collaborative arrangements between councils, including the sharing of waste removal, library and corporate services between councils. The Division of Local Government has advised that councils have reported over 800 collaborative arrangements, an increase from 403 reported in 2007. The Division is also working with the Local Government and Shires Associations of New South Wales, Local Government Managers Australia, and the Strategic Alliance Network to develop ways to share this information, build relevant skills, and promote further council collaboration.
12. The Tribunal will continue to monitor local government initiatives and inform itself of the new State Government's direction for local government. The Tribunal notes that the newly elected Coalition Government has announced changes to the Environmental Planning and Assessment Act which will return some planning responsibilities back to local councils. The Tribunal will review these changes when the legislation is amended and will monitor the impact on councillor and mayor responsibilities.

ITEM 6 (continued)**ATTACHMENT 1**

13. The Tribunal acknowledges the valuable contribution councillors and mayors make to our communities and has determined an appropriate increase. Having regard to the factors discussed in the report, and after considering key economic indicators, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 4.2 per cent in the fees for councillors and mayors is appropriate and so determines.

2012 REVIEW OF CATEGORIES

14. The Tribunal has received two submissions from councils seeking categorisation to another category or the creation of a new category. The Tribunal last undertook a fundamental review of categories during the 2009 review. That review found that there was no strong case to significantly alter the current categories of councillor and mayoral offices or to move individual councils between categories. The Tribunal did however apply descriptive titles for each of the categories to more accurately reflect the nature of differences between the different groups.
15. In accordance with Section 239 of the Act the Tribunal is required to determine the categories for councils and mayoral offices for the purpose of determining fees at least once every three years. Accordingly the Tribunal will again review the categories in 2012.
16. Section 240 of the Act requires the Tribunal to determine categories according to the following matters:

"240 (1)

- *the size of areas*
- *the physical terrain of areas*
- *the population of areas and the distribution of the population*
- *the nature and volume of business dealt with by each Council*
- *the nature and extent of the development of areas*
- *the diversity of communities served*
- *the regional, national and international significance of the Council*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*

ITEM 6 (continued)**ATTACHMENT 1**

- *such other matters as may be prescribed by the regulations.”*

17. To ensure there is sufficient time to consider the relevant issues and undertake consultation the Tribunal will commence the 2012 review earlier than usual. Councils will be asked to consider the existing categories and where appropriate suggest alternative models of categorisation.

18. It is expected that the Tribunal will write to all councils and the associations in September inviting submissions for the 2012 review of categories.

Local Government Remuneration Tribunal

Helen Wright
Dated: 28 April 2011

ITEM 6 (continued)**ATTACHMENT 1****DETERMINATION PURSUANT TO SECTION 239 OF CATEGORIES OF COUNCILS AND COUNTY COUNCILS EFFECTIVE FROM 1 JULY 2011****Category - Principal City (1)**

Sydney

Category - Major City (3)

Newcastle
Parramatta
Wollongong

Category - Metropolitan Major (2)

Blacktown
Penrith

Category - Metropolitan Centre (16)

Bankstown	Liverpool
Campbelltown	North Sydney
Fairfield	Randwick
Gosford	Ryde
The Hills	Sutherland
Hornsby	Warringah
Hurstville	Willoughby
Lake Macquarie	Wyong

Category – Metropolitan (21)

Ashfield	Lane Cove
Auburn	Leichhardt
Botany	Manly
Burwood	Marrickville
Camden	Mosman
Canada Bay	Pittwater
Canterbury	Rockdale
Holroyd	Strathfield
Hunters Hill	Waverley
Kogarah	Woollahra
Ku-ring-gai	

ITEM 6 (continued)**ATTACHMENT 1****Category - Regional Rural (32)**

Albury	Greater Taree
Armidale Dumaresq	Griffith
Ballina	Hawkesbury
Bathurst	Kempsey
Bega Valley	Lismore
Blue Mountains	Maitland
Broken Hill	Orange
Byron	Port Macquarie-Hastings
Cessnock	Port Stephens
Clarence Valley	Shellharbour
Coffs Harbour	Shoalhaven
Dubbo	Tamworth
Eurobodalla	Tweed
Great Lakes	Wagga Wagga
Goulburn Mulwaree	Wingecarribee
Queanbeyan	Wollondilly

Category - Rural (77)

Balranald	Gloucester	Narromine
Bellingen	Greater Hume	Palerang
Berrigan	Gundagai	Parkes
Bland	Gunnedah	Oberon
Blayney	Guyra	Richmond Valley
Bogan	Gwydir	Singleton
Bombala	Harden	Snowy River
Boorowa	Hay	Temora
Bourke	Inverell	Tenterfield
Brewarrina	Jerilderie	Tumbarumba
Cabonne	June	Tumut
Carrathool	Kiama	Upper Hunter
Central Darling	Kyogle	Upper Lachlan
Cobar	Lachlan	Uralla
Conargo	Leeton	Urana
Coolamon	Lithgow	Wakool
Cooma-Monaro	Liverpool Plains	Walcha
Coonamble	Lockhart	Walgett
Cootamundra	Mid-Western	Warren
Corowa	Moree Plains	Warrumbungle
Cowra	Murray	Weddin
Deniliquin	Murrumbidgee	Wellington
Dungog	Muswellbrook	Wentworth
Forbes	Nambucca	Yass Valley
Gilgandra	Narrabri	Young
Glen Innes Severn	Narrandera	

TOTAL GENERAL PURPOSE COUNCILS**152**

ITEM 6 (continued)**ATTACHMENT 1****Category - County Councils Water (5)**

Central Tablelands	Riverina Water
Goldenfields Water	Rous
MidCoast	

Category - County Councils Other (9)

Castlereagh – Macquarie	Richmond River
Central Murray	Southern Slopes
Far North Coast	Upper Hunter
Hawkesbury River	Upper Macquarie
New England Tablelands	

TOTAL COUNTY COUNCILS 14

ITEM 6 (continued)**ATTACHMENT 1****DETERMINATION PURSUANT TO SECTION 241 OF FEES FOR COUNCILLORS AND MAYORS**

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to councillors, mayors, members and chairpersons of county councils effective on and from 1 July 2011 are determined as follows:

	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	22,680	33,270	138,780	182,610
Major City	15,110	24,960	32,140	72,710
Metropolitan Major	15,110	24,960	32,140	72,710
Metropolitan Centre	11,340	21,170	24,100	56,250
Metropolitan	7,550	16,640	16,080	36,320
Regional Rural	7,550	16,640	16,080	36,320
Rural	7,550	9,970	8,020	21,770
County Council – Water	1,500	8,320	3,220	13,660
County Council - Other	1,500	4,980	3,220	9,080

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Local Government Remuneration Tribunal

Helen Wright
Dated: 28 April 2011

7 ADVISORY COMMITTEE - Access Minutes for 6 April 2011

Report prepared by: Access and Equity Coordinator**Report dated:** 29/04/2011**File No.:** GRP/11/4/3 - BP11/322

Report Summary

The Access Advisory Committee met on 6 April 2011. There were two recommendations of the committee which are submitted in the Minutes for Council's review. This report advises Council that two members of the committee have resigned and recommends filling the resulting two casual vacancies.

RECOMMENDATION:

- (a) That Council appoint the two individuals from those who expressed interest in 2008 to fill the two casual vacancies created on the Access Advisory Committee.
- (b) That Council consider expansion of the membership of the committee when the review of all advisory committees takes place in September 2011.

ATTACHMENTS

- 1 Access Advisory Committee minutes for 6 April 2011 8 Pages
- 2 Filling of Casual Vacancy – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL 1 Page

Report Prepared By:

William Davies
Access and Equity Coordinator

Report Approved By:

Baharak Sahebekhtiari
Manager - Community and Culture

Simone Schwarz
Group Manager - Community Life

ITEM 7 (continued)**Background**

At its Meeting on 20 April 2010 Council resolved the following process for filling of casual vacancies for all advisory committee meetings. This process has been incorporated in the Terms of Reference.

A casual vacancy caused by the resignation or death of a Member will be filled by undertaking the following process:

- (i) Where a casual vacancy occurs, the Committee Facilitator will report this matter to the next Advisory Committee meeting and record it appropriately in the Minutes, and highlight it in the report to the next available Council or Committee of the Whole Meeting.*
- (ii) The Committee Facilitator will provide a report to the next available Council or Committee of the Whole Meeting regarding the proposed replacement that will give consideration to the following options;*
 - (a) If the Member was nominated as the representative of an organisation it will be recommended that the organisation be invited to nominate a replacement representative (if no alternate member has previously been nominated).*
 - (b) If the Member was nominated as an individual, the Committee Facilitator will review the original expressions of interest received and will confirm if any of those individuals who previously nominated, are still prepared to be considered as a member of the respective committee for the Committee.*
 - (c) Where, due to either no other previous nominations, or those nominations not being current, an expression of interest will be called for in replacing member/s, for appointment by Council.*
 - (d) Where a vacancy occurs within 9 months of the end of the term of the current Council, the vacancy will not be filled*
- (iii) Once endorsed by Council, a Member filling a casual vacancy will hold office for the remainder of the term of the Member he/she has replaced.*

Report

1. The minutes of the meeting on 6 April 2011 are provided in **ATTACHMENT 1**.
2. The Access Advisory Committee has a community representative membership of 12. Two of these 12 members; Brett Edwards and Lilly Wicks, have resigned.

In November 2008, when the expressions of interest were called for all advisory committees, Council received a total of 17 Expressions of Interest (EOI) for this committee. Twelve of the applicants were appointed to the Access Committee.

In 2010 Council resolved to fill two casual vacancies by revisiting the five remaining EOI. At this time one of the remaining applicants indicated that they were no longer available.

ITEM 7 (continued)

Two of the EOI remain to be revisited. Both applicants have indicated that they are now prepared to be considered for membership of the committee.

The information provided by the applicants in 2008 is **CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL** for consideration and determination by Council, following the process as set out in clause (ii) b above.

3. The committee suggested that Council expand the membership of the committee to 16 members and fill the resulting vacancies by the process given in the Terms of Reference. Council may wish to consider expansion when all advisory committees are reviewed in September 2011.

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

There are no critical dates or deadlines to be met.

Financial Impact

Adoption of the option(s) outlined in this report will have no financial impact.

Policy Implications

There are no policy implications through adoption of the recommendation.

Other Options

Council may choose not to fill these casual vacancies.

Conclusion

Two casual vacancies exist on the Access Advisory Committee which may be filled in accordance with the Committee's Terms of Reference. The two vacancies may be filled by the remaining applicants who expressed interest in joining this committee in 2008 and confirmed their interest recently.

ITEM 7 (continued)**ATTACHMENT 1**

Subject:	Access Committee – Minutes of Meeting
File No:	COR2008/738
Document Ref:	D11/27458
Venue:	Committee Room 2, Level 5 Civic Centre
Date:	Wednesday 6 April 2011
Time:	4.00pm
Chair:	Councillor O'Donnell
Meeting Support (MS):	Shane Sullivan
Staff Convenor:	William Davies, Access & Equity Co-ordinator

Participants

Present	Apology	Name	Position Title	Organisation
X		Jenny Armstrong (JA)	Community representative	
	X	Brian Bernard (BB)	Community representative	
	X	Doris Carrall (DC)	Community representative	
	resigned	Brett Edwards (BE)	Community representative	
X		Greg McClure (GM)	Community representative	
X		Neita MATTHEWS OAM (NM)	Community representative	
X		Hazel MYERS (HM)	Community representative	
	X	Sue Slattery (SS)	Community representative	
	X	Barbara Stannard (B Stannard)	Community representative	
	resigned	Lilly Wicks (LW)	Community representative	
	X	Martin Z'Graggen (MZ)	Community representative	
X		Robert Zoa Manga (RZM)	Community representative	
X		Gabrielle O'Donnell (GO)	Councillor - CHAIRPERSON	CoR
X		Baharak Sahebekhtiari (BS)	Manager Community Services and Culture	CoR
	X	William Davies (WD)	Access & Equity Coordinator	CoR
	X	Anthony Ogle (AO)	Manager Access	CoR
X		Scott Cox (SC)	Manager Environmental Health and Building	CoR
X		Persis Koo (PK)	Volunteer Service Coordinator	CoR

ITEM 7 (continued)**ATTACHMENT 1****Details****Action**

1	<p>Present and Apologies</p> <p>Scott Cox, City of Ryde Manager Environmental Health and Building joined the committee.</p> <p>Councillor O'Donnell welcomed everyone and read through the team agreement highlighting that she would begin each meeting by referring to this protocol.</p>	Noted
2	<p>Resignations</p> <p>Lilly Wicks and Brett Edwards have resigned from the committee.</p> <p>The meeting noted that letters of thanks have been sent.</p> <p>The committee discussed the number of community representatives and decided to request that the Terms of Reference be amended to increase the number to 16.</p>	<p>Resignations to be reported to Council and casual vacancies filled in accordance with the Terms of Reference</p> <p>Terms of reference to be amended to increase the number of community representatives to 16 and for the additional positions to be filled appropriately.</p>
3	<p>Confirmation of the Minutes – 1 December 2010</p> <p>Matters Arising:</p> <p>Item 2.2 <u>Installation of hand rails in the toilets at Top Ryde City</u></p> <p>Council staff have considered the committee's advice concerning fitting toilets designed for people with ambulant difficulties at the new library at Top Ryde City. Unfortunately it is not possible to do this without major redesign. However there is an accessible toilet in the Library for public use which can be used by those needing to use grab rails.</p>	<p>Minutes confirmed.</p> <p>Jenny Armstrong is to be provided with an appropriate update on this matter (BS)</p>
3	<p>Matters Arising (cont)</p> <p>Item 4.3 <u>West Ryde Urban Village Project</u></p> <p>Newsletters and updates have been circulated to the committee.</p> <p>It was noted that the increase in communication as a result of the involvement of Peter Nguyen (CoR) has been valuable.</p> <p>The committee acknowledged Hazel Myers' involvement in this matter and thanked her for raising the issues.</p>	

ITEM 7 (continued)**ATTACHMENT 1****Details****Action**

4	<p>Outcomes of Training Workshop</p> <p>Tina Monk has produced notes on the outcomes from the training on 9 February. She suggests the meeting protocol developed is displayed at each meeting. The protocol was available at the meeting for signature. The notes replace the minutes as this was not a formal meeting.</p>	<p>The committee endorsed the protocol and agreed to sign it. It will again be available for signature at the next meeting.</p>
5	<p>New Premises Standards</p> <p>Scott Cox gave the committee a presentation on the new premises standards.</p> <p>The committee asked whether the new standards will impact upon sporting venues and the like.</p>	<p>Scott Cox to provide clarification</p>
6	<p>Disability Access Improvement Program</p> <p>Moxon, Green and Associates conducted an access audit of various Council Buildings in 2004 which identified items not complying with access standards. At the meeting on 5 August 2009 I informed the committee "in the revised capital works program, \$35K has been allocated and approved for the Disability Access Improvement Program. This is for handrails, tactile indicators, stair nosings and similar fittings for Eastwood and Gladesville Libraries."</p> <p>Due to the effect of the global financial crisis on Council's budget, further capital works will be spread over the next few years to complete the program. These will include an upgrade to the Argyle Centre addressing like issues.</p> <p>The committee asked for clarification regarding the implementation of this audit to date.</p>	<p>Progress implementation report to be provided (BS)</p>
7	<p>Access Audit of Council Open Space</p> <p>A proposal has been included in next year's budget for two years funding of \$50,000 a year for this project. If endorsed, the project will scope future access improvements for parks and open spaces.</p>	<p>Noted</p>
8	<p>Draft Work Plan 2011</p> <p>A revised work plan is being developed for 2011/2 carrying over incomplete items from 2010. This will be discussed at the June meeting.</p>	<p>To be listed on Agenda for June Meeting (BS)</p>

ITEM 7 (continued)**ATTACHMENT 1****Details****Action**

9	<p>National Disability Strategy launched</p> <p>The National Disability Strategy was endorsed by the Council of Australian Governments (COAG) on 13 February 2011 and launched on 18 March. All governments are committed to a national approach to supporting people with disability to maximise their potential and participate as equal citizens in Australian society.</p> <p>The development of this National Disability Strategy is the first time in Australia's history that all governments have committed to a unified, national approach to improving the lives of people with disability, their families and carers, and to providing leadership for a community-wide shift in attitudes.</p> <p>Accessible Communities Program - Council has applied for funding for Yamble Reserve this year. Grants totalling \$5 million in 2010-11 of up to \$100,000 are available to local governments with matched funding to make local buildings and public spaces more accessible for people with disability so they can fully participate in the community.</p>	Noted
10	<p>Draft Report of Productivity Commission – Disability Care and Support</p> <p>The draft was released on 28 February: There will be a public hearing in Surrey Hills on 13 April 2011. Registration details were provided in the briefing papers.</p>	Noted

ITEM 7 (continued)**ATTACHMENT 1****Details****Action**

11	<p>Launch of Second Phase of Stronger Together on 3 December 2010</p> <p>Substantial changes will take place in disability services in the next five years.</p> <p>Key state government changes being introduced include:</p> <ul style="list-style-type: none"> • ensuring that people with a disability are at the forefront of decision making and choices that affect their lives, through the expansion of person-centred approaches and individualised funding models across the services sector. • the option for anyone receiving disability services to receive an individual portable funding package by the end of 2013/14 • a lifespan approach to guide new service investments so as to give families more certainty and the capacity to engage in life-long planning. <p>Concern was raised regarding the indemnity issues for carers providing services in a person's home. It was requested that clarification be sought in regard to this.</p>	<p>Clarification to be sought (BS)</p>
12	<p>Proposal for low interest loans to business for access improvement</p> <p>At the meeting on 7 April 2010 the committee requested information about funding for access improvement. Staff were unable to find any sources.</p> <p>However, in the Report <i>Shut Out: The Experience of People with Disabilities and their Families in Australia</i> they found a proposal (page 44) for establishing a National Access Infrastructure Fund so such changes can be made with a low interest loans.</p> <p>It was noted that businesses making improvements to accessibility should be recognised. This can be done through local small business recognition awards.</p>	

ITEM 7 (continued)**ATTACHMENT 1**

Details	Action
General Business	
<p>(a) DCP and the committee's involvement</p> <p>As a result of discussion above it was noted that there is a shortage of accessible housing in Ryde.</p> <p>It was noted that by making changes to the DCP it may be possible to increase the amount of accessible housing stock. For example, the standard width of a doorway should become 90cm.</p> <p>It was noted that the committee should be involved in the consultation process in developing/revising the DCP.</p>	<p>That Council staff consider these matters as part of the DCP review process.</p> <p>That the Access Committee be consulted as part of the DCP review process.</p>
<p>(b) DCP – Accessible Parking</p> <p>It was noted that in some apartment developments accessible parking spaces are simply marked standard spaces.</p> <p>As part of the DCP it was recommended that such developments be require to have conforming accessible parking lot sizes in appropriate locations (giving consideration to accessible paths of travel).</p>	<p>That Council staff consider these matters as part of the DCP review process.</p>
<p>(c) Kerb ramp lips</p> <p>There were discussions about curved kerb ramp lips used in some developments. These lips are hazardous to those using walking sticks or wheelchairs. It was requested that consideration be given to requirements in relation to such lips.</p>	<p>That Council staff consider these matters as part of the DCP review process.</p>
<p>(d) Access issues – Civic Centre – 1 Devlin Street</p> <p>It was discussed that the tables in the meeting rooms are not accessible.</p> <p>In addition, there was a request that consideration be given to improved access to the Council Chamber which is currently not accessible.</p>	<p>Possible improvements to be followed up (BS)</p>
<p>(e) Bus Parking at Top Ryde</p> <p>Previously concerns were raised regarding the inadequate bus parking provisions at Top Ryde.</p>	<p>An update on this issue is to be provided (BS)</p>

ITEM 7 (continued)**ATTACHMENT 1****Details****Action**

(f)	Agenda Items for future Meetings It was requested that committee members be given the opportunity to suggest Items to be listed on the meeting agenda as per usual committee procedures. BS advised that the functions of advisory committees are driven by their specific terms of reference and highlighted that members could always email requests to staff.	The Manager Community and Culture to investigate the best option to accommodate this request.
(g)	Volunteer Recognition Awards It was noted that nominations remain open and the committee was encouraged to consider nominations.	Reminder email to be sent (PK)
(h)	Council Committees to consider Access issues There was discussion about the raising of awareness of access issues among other Advisory Committees.	

The Meeting closed at 6.00pm.

Next Meeting

Wednesday, 1 June 2011 4.00 – 6.00pm

8 GOODS AND SERVICES TAX - COMPLIANCE

Report prepared by: Chief Financial Officer**Report dated:** 10/05/2011**File No.:** GRP/11/7/1/6 - BP11/376

Report Summary

To recommend that a certificate of compliance in relation to Goods and Services Tax (GST) be lodged with the Department of Local Government (DLG) for the period 1 May 2010 to 30 April 2011.

RECOMMENDATION:

- (a) That the report of the Financial Accountant, dated 10 May 2011 on Goods and Services Tax – Compliance, be endorsed.
- (b) That the Goods and Services Tax Certificate be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer.
- (c) That the Goods and Services Tax Certificate be submitted to the Department of Local Government.

ATTACHMENTS

- 1 Goods and Services Tax Certificate for the period 1 May 2010 to 30 April 2011

Report Prepared By:

John Todd

Chief Financial Officer

Report Approved By:

Roy Newsome

Group Manager - Corporate Services

ITEM 8 (continued)**Background**

Following the introduction of GST, Councils were required to have an independent GST review undertaken and a GST Audit Review Report prepared by an auditor and lodged with the Department each year.

In June 2005, the Department of Local Government issued a circular to Councils (Circular Number 05/26) advising of the requirement to issue a certificate of GST compliance to the Department in place of the Audit Review Report.

The requirement commenced from the 2004/05 financial year. Certificates thereafter are for the period 1 May to 30 April each year. The relevant period of compliance for this report is 1 May 2010 to 30 April 2011.

Report

The City of Ryde has an information system that effectively supports GST processing. Transactions are actively monitored and all new transactions or business activities are reviewed to ensure their GST positions are accurate. Internal controls confirm transactions for GST purposes are valid and complete. Legislative changes are reviewed and new/amended rulings are monitored by Council's finance team.

Management arrangements ensure that exception reports on GST transactions are produced each month to ensure the accounting system accurately captures GST related data. Procedures also exist so that valid tax invoices are obtained for all payments made, before the input tax credit claim is made. An appropriate level of documentation exists to assist in the event of a GST audit. This is supported by the fact that Council's auditors in the past have reviewed our information system and have not raised any concerns.

During the certificate period, Council completed twelve (12) monthly Business Activity Statements (BAS) and they were all submitted by the due date. The value of GST collected (and remitted to the ATO) was \$1,429,882. The value of GST refunded from the ATO was \$4,759,097, resulting in a net refund to Council of \$3,329,215.

The City of Ryde has met all of its requirements in respect of GST as detailed below:

- GST has been paid by the City of Ryde for the period 1 May 2010 to 30 April 2011.
- Adequate management arrangements and internal controls were in place to enable the City of Ryde to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the City of Ryde were identified or raised with the Australian Tax Office.

It is therefore recommended, in accordance with the Department of Local Government requirements, that the Goods and Services Tax Certificate for the period 1 May 2010 to 30 April 2011 (**ATTACHED**) be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer, and that the Certificate is supplied to the Department of Local Government.

ITEM 8 (continued)**Consultation**

Internal Council business units consulted included:-

- There is no consultation required as a result of the adoption of the recommendation.

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- There is no consultation required as a result of the adoption of the recommendation.

Comments**Critical Dates**

The following deadlines are required to be met:

- 31 May 2011 – Certificate must be lodged with the Department of Local Government.

Financial Impact

Council seeks to maximise its cashflow by timing the BAS lodgement submission earlier than the due date when a refund is payable to Council.

Adoption of the recommendation outlined in this report will have no financial impact.

Policy Implications

The recommendation is consistent with compliance of Section 114 of the Commonwealth Constitution.

Other Options

Not applicable.

Conclusion

The City of Ryde's preparedness and internal controls relating to Council's activities, comply with the requirements of the GST legislation.

Lodgement of the Goods and Services Tax Certificate for the period 1 May 2010 to 30 April 2011 will ensure compliance with the Department of Local Government.

ITEM 8 (continued)**ATTACHMENT 1**

City of Ryde

GOODS AND SERVICES TAX CERTIFICATE**Payment of Voluntary GST from 1 May 2010 to 30 April 2011**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by City of Ryde for the period 1 May 2010 to 30 April 2011.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on 24/05/2011.

.....
Cr Artin Etmekdjian
MAYOR

.....
Cr Ivan Petch
DEPUTY MAYOR

.....
John Neish
GENERAL MANAGER

.....
John Todd
RESPONSIBLE ACCOUNTING OFFICER

9 INVESTMENT REPORT - April 2011

Report prepared by: Chief Financial Officer**Report dated:** 9/05/2011**File No.:** GRP/09/7/1/7 - BP11/368

Report Summary

This report provides details of Council's performance of its investment portfolio for the month of April 2011 and compares it against key benchmarks.

Council's financial year to date return is 5.87%, 0.90% above benchmark. Income from interest on investments totals \$4.13M, which is \$554K above budget projections, of which \$115K relates to written down investments and will be transferred to the Financial Security Reserve.

To date, the funds from the sale of the Flinders, Glenelg, and the maturity of the Quartz CDO's as part of the Lehman/Grange IMP, have been transferred to the Financial Security Reserve. The Financial Security Reserve, following this transfer of additional funds will have a balance of \$971K.

Council continues to invest in term deposits to take advantage of the Federal Government's guarantee which expires in October 2011.

The report includes the estimated market valuation of Council's investment portfolio with a commentary on significant events in the global financial markets. The report also details Council's current loan liability with the average return on Council's term deposits being greater than the current interest rate applying to Council's loans.

RECOMMENDATION:

That the report of the Chief Financial Officer, dated 9 May 2011 on INVESTMENT REPORT – April 2011, be endorsed.

ATTACHMENTS

There are no attachments to this report

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 9 (continued)**Report**

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

All Council's investments complied with the Minister for Local Government's Investment Order dated 12 January 2011 and Council's Investment Policy when acquired, however the following investment's credit ratings are now below the Minister's Order:

Investment	Rating	Maturity
• Grange IMP - Merimbula CDO	N/R	20/06/2013
- Torquay CDO	CCC-	20/06/2013
- Scarborough CDO	D	23/06/2014
- Global Bank Note CDO	N/R	20/09/2014
• Alpha CDO *	CCC-	20/03/2012
• Oasis CDO *	CCC-	04/09/2014

(Note * Council at its meeting of 25 May 2010 wrote down/ impaired the Alpha, Covent Garden and Oasis CDO's to a nominal value and this was funded from the Financial Security Reserve.)

Under the Minister's Order, Council is required to divest itself of these investments as soon as practicable. With the exception of the investments in the Grange IMP, these investments were purchased with the intention of holding them to maturity.

The following points should be noted in respect of Council's investment portfolio for April:

- As detailed in previous reports, Council Officers have been looking for opportunities to sell certain capital protected and structured investments where prices are competitive and advantageous to Council. Based on the review undertaken by staff, a transferable certificate deposit (TCD) issued by the Commonwealth Bank Australia that was paying 5.92% p.a. (annualised) was sold at a capital profit, and been reinvested in a Term Deposit with the National Australia Bank (investment 13) paying 6.60% p.a. over a similar timeframe.
- It should be noted that Council's remaining CDOs (Alpha and Oasis) are still performing and paying interest as it becomes due. These amounts are transferred to the Financial Security Reserve as and when they are received.
- It is anticipated that income from interest and proceeds on investments for 2010/11 will be approximately \$4.2M.

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for the month of April 2011 and the financial year to date are as follows:

ITEM 9 (continued)

	Apr 2011	12 Month	FY2011
Council Return	6.64	5.79	5.87
Benchmark	5.01	4.93	4.98
Variance	1.63	0.86	0.90

Council's year to date return has outperformed the benchmark and at 5.87% is 0.90% above benchmark.

Council's investment portfolio as at 30 April was as follows:

Cash/Term Deposits	\$60.0M	71.8%
Floating Rate Notes	\$5.0M	6.0%
Managed Funds	\$0.5M	0.6%
Other Financial Products	\$3.0M	3.6%
Total Cash Investments	<u>\$68.5M</u>	
Property	<u>\$15.1M</u>	18.1%
Total Investment Portfolio	<u>\$83.6M</u>	

Council continues to utilise the Federal Government's guarantee investing in Term Deposits with a range of Approved Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 6 months maturity) where more competitive rates are available.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$971K as at 30 April 2011

Financial Security Reserve	(\$'000)
Initial Transfer to Reserve	8,000
Losses on defaults	(3,910)
Write Downs	(4,000)
Interest on Written Down CDO's ⁽¹⁾	210
Proceeds from Sales & Maturities ⁽²⁾ of written down investments	671
Balance of Financial Security Reserve	<u>971</u>

(1) Council continues to receive interest on the written down CDO investments.

(2) Includes sale of Flinders CDO, maturity of Quartz CDO and sale of Glenelg CDO.

Economic Commentary

In Europe, interest rates were raised by 25 bps to 1.25%, the first rise in almost 2 years, to tame rising prices, with inflation currently sitting above its target level of less than 2%. Chief among their difficulties is managing a two speed economy, with larger states such as France and Germany going quite well, and others, such as Greece and Portugal, suffering from significant woes.

The credit crisis of 2007-08 continued to develop into the sovereign debt crisis of 2010-11, with news that Portugal is seeking financial aid and unconfirmed reports that Greece have responded to their growing debt woes by threatening to leave the European Union.

ITEM 9 (continued)

Domestically, the latest housing loan figures released suggest there may be more to the current weakness than just the impact of the floods. Housing loan figures released for February showed a decline of 5.6%, and revised January figures showed a decline of 6.3%. There are also over 350,000 houses unsold on the market, almost 50% more than a year ago. NSW was the worst performing state, with the number of loans dropping 10.1%, with the value of the loans dropping 8%. House prices have been generally flat for the last 6 months. Flat house prices, a fall in the value of loans, and a new found enthusiasm by the Australian consumer for saving (retail sales fell by 0.5% in March) is some cause for concern. Perhaps of more concern is that much of our big banks capital is tied up in housing loans, typically up to 60% of their asset values tied up in housing loans. Any significant drop in housing values would have a negative impact on bank balance sheets.

The AUD hit a new post float high of 1.12 to the USD, but has since come back to around 1.07.

S&P lowered its outlook on US sovereign debt from stable to negative, and stated there was a 1 in 3 chance of them lowering the credit rating of the US within the next 2 years. Over the last few years, the US has amassed debts that approach 100% of GDP, and future obligations now approach a massive 500% of GDP (\$70T). S&P's revised rating reflects the reality that it's unlikely the US economy can grow its way out of that level of debt, and certainly not in any short span of time.

Investment Advisory Services

Council's agreement with Oakvale Capital Ltd expired on 31 December 2010. Arrangements have been put in place for Oakvale to continue to provide investment advisory services to Council on a month to month basis to June 2011.

Tenders were called for Investment Advisory Services and closed on 19 April 2011 for a report to Council by June 2011. Two responses were received and these are currently being evaluated.

Legal Issues

Key matters, the LGFS Rembrandt Investment and the Lehman's Investments, are currently before the Courts. When an outcome is known for these matters it will be reported to Council.

Council's Property Investment Portfolio

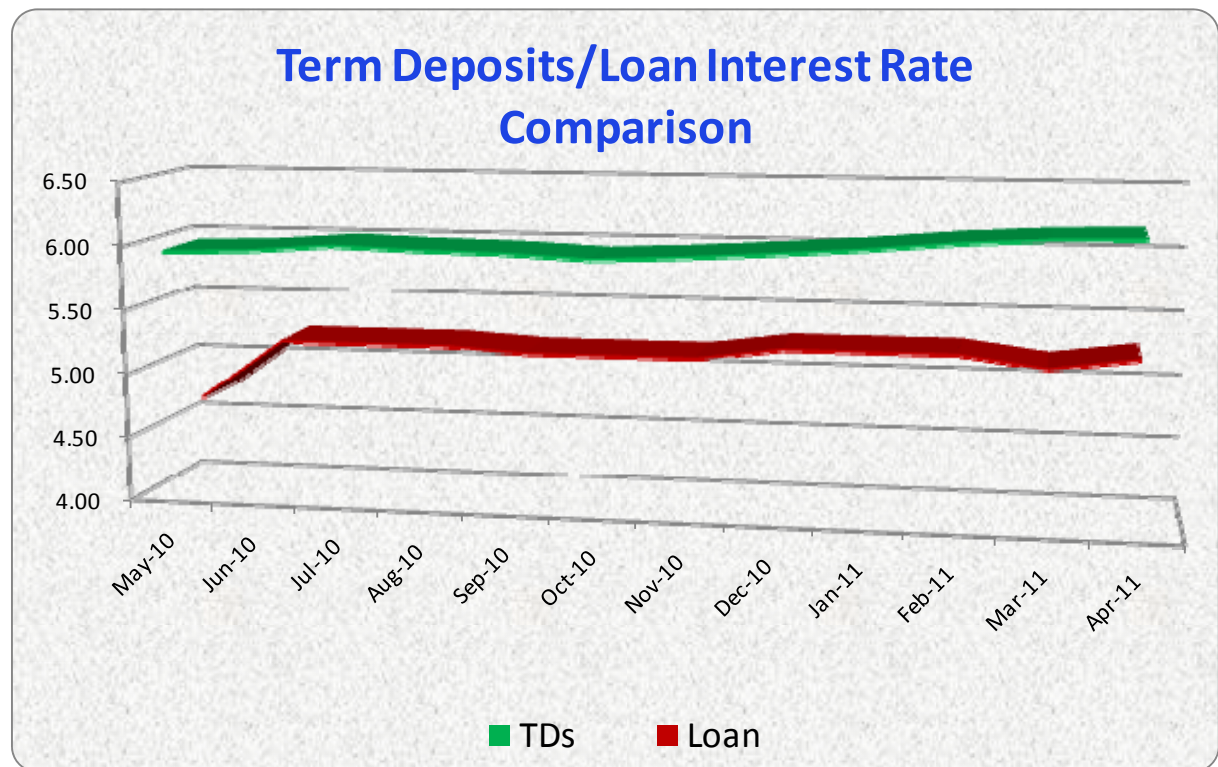
The following properties were held as part of Council's Property Investment portfolio:

- 2 Dickson Avenue, West Ryde
- 1a Station St, West Ryde
- 8 Chatham Road, West Ryde
- 202 Rowe St, Eastwood (commercial)
- 226 Victoria Rd, Gladesville (commercial)
- West Ryde Car Park Site
- Herring Road Air Space Rights

ITEM 9 (continued)**Loan Liability**

Council's loan liability as at 30 April 2011 was \$4.3 million which represents the balance of one (1) loan taken out in 2004 for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. This loan was for 15 years and was negotiated at a very attractive rate for Council at 90 Day BBSW + 20 basis points and is reset every quarter.

The following graph shows the average interest rate earned on Council term deposits compared to the interest rate applying to this loan.

**Comparative Financial Data****Council Loan Current interest rate**

Current interest rate	5.22%
-----------------------	-------

Term Deposit

Current average interest rate	6.21%
-------------------------------	-------

Debt Service Ratio

Category 3 Councils 2008/09	3.03%
City of Ryde 2009/10	0.80%

Due to the favourable terms negotiated with this loan, and the current economic climate, Council is earning a higher rate of return in investing these funds than it is paying as loan interest – i.e. it produces a positive cash inflow to Council.

ITEM 9 (continued)

On this basis, there is no advantage to Council in changing these arrangements or repaying this loan earlier than planned.

Types of Investments:

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

A **Floating Rate Note (FRN)** is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made quarterly, and are tied to a certain money market index such as the Bank Bill Swap Rate.

A **Floating Rate CDO** or **Collateralised Debt Obligation (CDO)** is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Credit ratings are assigned to these investments as detailed in the portfolio.

Credit Rating Information

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

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

AAA:	the best quality companies, reliable and stable
AA:	quality companies, a bit higher risk than AAA
A:	economic situation can affect finance
BBB:	medium class companies, which are satisfactory at the moment
BB:	more prone to changes in the economy
B:	financial situation varies noticeably
CCC:	currently vulnerable and dependent on favourable economic conditions to meet its commitments
CC:	highly vulnerable, very speculative bonds
C:	highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations
D:	has defaulted on obligations and it is believed that it will generally default on most or all obligations

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

A "p" after the rating is a commonly used shorthand method of indicating that the investment principal is given a rating, but the interest is not. This is most commonly used for capital protected products, where the income stream is derived from a number of factors and/or variables which are unable to be reliably estimated, such as share prices.

ITEM 9 (continued)**Certificate of the Chief Finance Officer****INVESTMENT SUMMARY AS AT 30 APRIL 2011**

Issuer	Investment Name	Investment Rating	Invested at 30-Apr-11 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2010	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Alpha Financial Products	1. Alpha	CCC	0	0.98	1.20	1.13	0.00	0	0.00%
Helix Capital	2. OASIS	CCC-	0	6.89	6.59	6.70	0.00	0	0.00%
Westpac	3. Focus	AA	500	0.00	0.00	0.00	0.73	466	93.15%
Westpac	4. Camelotfund	AA	500	0.00	0.00	0.00	0.73	484	96.83%
Grange	5. Grange IMP	Unrated	500	10.18	9.96	18.30	0.73	500	100.00%
AB Svensk Exportkredit	6. Global Protected Property Note VII	AA+	1,000	0.00	0.00	0.00	1.46	953	95.30%
Credit Suisse First	7. Trident	A+	1,000	37.25	11.89	17.63	1.46	1,098	109.78%
Westpac	8. Westpac At Call	AA	2,008	4.85	4.74	4.79	2.93	2,008	100.00%
CBA	9. CBA TCD 5 Yr (Floating)	AAA	1,000	6.17	6.13	6.21	1.46	1,027	102.65%
BoQ	10. Bank of Queensland TD	AAA	1,000	6.59	6.10	6.41	1.46	1,000	100.00%
Bankwest	11. Bankwest Term Deposit	AA	1,000	5.93	6.17	6.17	1.46	1,000	100.00%
NAB	12. NAB Term Deposit	AA	1,000	6.21	6.19	6.19	1.46	1,000	100.00%
NAB	13. NAB Term Deposit	AA	1,000	6.60	6.60	6.60	1.46	1,000	100.00%
MyState CU	14. MyState CU TD	AAA	1,000	6.25	6.03	6.03	1.46	1,000	100.00%
NAB	15. NAB Term Deposit	AA	1,000	6.24	6.24	6.24	1.46	1,000	100.00%
Police & Nurses Credit Union	16. Police & Nurses Credit Union	AAA	1,000	6.11	6.09	6.06	1.46	1,000	100.00%
NSW Teachers CU	17. NSW Teachers CU TD	AAA	1,000	6.19	6.00	5.99	1.46	1,000	100.00%
Bankwest	18. Bankwest TD	AA	1,000	6.09	6.09	6.09	1.46	1,000	100.00%
Bankwest	19. Bankwest TD	AA	1,000	6.09	5.96	5.96	1.46	1,000	100.00%
Bankwest	20. Bankwest Term Deposit	AA	1,000	5.94	6.12	6.18	1.46	1,000	100.00%
NAB	21. NAB Term Deposit	AA	1,000	6.28	6.28	6.28	1.46	1,000	100.00%
DefCredit	22. Defence Credit Union TD	AAA	1,000	6.21	6.09	6.03	1.46	1,000	100.00%
Railways CU	23. Railways CU	AAA	1,000	6.04	6.01	5.98	1.46	1,000	100.00%
New England Credit Union	24. Community Mutual Group (New England) TD	AAA	1,000	6.30	6.17	6.19	1.46	1,000	100.00%
Qld Police CU	25. Qld Police CU TD	AAA	1,000	6.35	6.19	6.20	1.46	1,000	100.00%
Qld Country CU	26. Qld Country Credit Union	AAA	1,000	6.32	6.13	6.14	1.46	1,000	100.00%
Bendigo and Adelaide Bank	27. Bendigo Bank TD	AAA	1,000	6.14	6.16	6.11	1.46	1,000	100.00%
CUA	28. Credit Union Australia TD	AAA	1,000	6.30	6.23	6.26	1.46	1,000	100.00%
Coastline CU	29. Coastline Credit Union TD	AAA	1,000	6.30	6.30	6.30	1.46	1,000	100.00%
Australian Central Savings & Loans CU	30. Australian Central Savings & Loans CU	AAA	1,000	6.40	6.30	6.29	1.46	1,000	100.00%
Bank of Cyprus (Aust)	31. Bank of Cyprus (Aust) TD	AAA	1,000	7.12	7.12	7.12	1.46	1,000	100.00%
Australian Defence Credit Union	32. Australian Defence CU TD	AAA	1,000	6.32	6.07	6.07	1.46	1,000	100.00%
Banana Coast CU	33. Banana Coast CU TD	AAA	1,030	6.40	6.33	6.30	1.50	1,030	100.00%
Qantas Staff CU	34. Qantas Staff CU TD	AAA	1,000	6.01	6.10	6.09	1.46	1,000	100.00%
Southern Cross CU	35. Southern Cross CU TD	AAA	1,000	6.45	6.17	6.22	1.46	1,000	100.00%
SGE CU	36. SGE Credit Union TD	AAA	1,000	6.04	5.95	6.00	1.46	1,000	100.00%
B&E Ltd	37. B & E Building Soc TD	AAA	1,000	6.24	6.07	6.08	1.46	1,000	100.00%
Victoria Teachers CU	38. Victoria Teachers CU	AAA	1,000	6.24	6.29	6.25	1.46	1,000	100.00%
Me Bank	39. ME Bank TD	AAA	1,000	6.24	6.21	6.23	1.46	1,000	100.00%
Bankwest	40. Bankwest Term Deposit	AA	1,000	7.00	6.19	6.24	1.46	1,000	100.00%
IMB	41. IMB TD	AAA	1,000	6.05	6.18	6.18	1.46	1,000	100.00%
Sutherland CU	42. Sutherland CU TD	AAA	1,000	6.19	6.19	6.15	1.46	1,000	100.00%
Summerland CU	43. Summerland CU TD	AAA	1,000	6.04	6.20	6.18	1.46	1,000	100.00%

ITEM 9 (continued)

Wide Bay CU	44. Wide Bay CU TD	AAA	1,000	6.24	6.19	6.17	1.46	1,000	100.00%
Northern Beaches CU	45. Northern Beaches CU TD	AAA	1,000	6.51	6.37	6.39	1.46	1,000	100.00%
Queenslanders CU	46. Queenslanders CU TD	AAA	1,000	6.21	6.39	6.35	1.46	1,000	100.00%
AMP	47. AMP eASYSaver	AAA	966	5.78	5.72	5.74	1.41	966	100.00%
South West CU	48. South West CU TD	AAA	1,000	6.06	6.17	6.13	1.46	1,000	100.00%
Big Sky CU	49. Big Sky CU TD	AAA	1,000	6.14	6.09	6.08	1.46	1,000	100.00%
Gateway CU	50. Gateway CU TD	AAA	1,000	6.45	6.42	6.43	1.46	1,000	100.00%
Rabobank	51. Rabobank TD	AAA	1,000	6.10	6.05	6.05	1.46	1,000	100.00%
Suncorp-Metway	52. Suncorp-Metway TD	AAA	1,000	6.21	6.33	6.33	1.46	1,000	100.00%
Newcastle Perm Bldg Soc	53. Newcastle Perm Bldg Soc	AAA	1,000	6.11	6.10	6.10	1.46	1,000	100.00%
Queensland Teachers CU	54. Queensland Teachers CU	AAA	1,000	6.40	6.24	6.24	1.46	1,000	100.00%
ING	55. ING TD	AAA	1,000	6.62	6.52	6.52	1.46	1,000	100.00%
Greater Bldg Soc	56. Greater Bldg Soc TD	AAA	1,000	6.30	6.26	6.26	1.46	1,000	100.00%
Holidaycoast CU	57. Holidaycoast CU TD	AAA	1,000	6.35	6.23	6.23	1.46	1,000	100.00%
The Rock Bldg Soc	58. The Rock Bldg Soc TD	AAA	1,000	6.23	6.07	6.07	1.46	1,000	100.00%
Police CU (SA)	59. Police CU - SA	AAA	1,000	6.29	6.29	6.29	1.46	1,000	100.00%
Bank of Queensland	60. BoQ FRN	BBB+	2,000	6.45	6.52	6.52	2.92	2,000	100.00%
Suncorp-Metway	61. Suncorp Metway FRN	A+	1,001	6.05	6.21	6.21	1.46	1,001	100.00%
Intech CU	62. Intech CU TD	AAA	1,000	5.97	6.07	6.07	1.46	1,000	100.00%
Laiki Bank (Aust)	63. Laiki Bank TD	AAA	1,000	6.30	6.25	6.25	1.46	1,000	100.00%
AMP	64. AMP TD	A	1,000	7.14	7.14	7.14	1.46	1,000	100.00%
Eso Employees CU	65. Eso Employees CU TD	AAA	1,000	6.40	6.40	6.40	1.46	1,000	100.00%
Rabobank	66. Rabobank TD	AAA	1,000	6.50	6.50	6.50	1.46	1,000	100.00%
Bendigo and Adelaide Bank	67. Adelaide Bank	BBB+	1,000	6.49	6.49	6.49	1.46	1,000	100.00%
WaW CU	68. WAW CU Coop	AAA	1,000	6.25	6.25	6.25	1.46	1,000	100.00%
Community First CU	69. Community First CU TD	AAA	1,000	6.19	6.19	6.19	1.46	1,000	100.00%
HBS	70. Heritage Bldg Soc	AAA	1,000	6.35	6.35	6.35	1.46	1,000	100.00%
			68,505	6.45	6.00	6.17	100	68,532	

*Monthly returns when annualised can appear to exaggerate performance

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

Return including Matured/Traded Investments**Weighted Average Return**

6.64 5.79 5.87

Benchmark Return: UBSA 1 Year Bank Bill Index (%)

5.01 4.93 4.98

Variance From Benchmark (%)

1.63 0.86 0.90

Investment Income**\$000's**

This Period	320
Financial Year To Date	4,135
Budget Profile	3,581
Variance from Budget - \$	554

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

Grange IMP	- Merimbula CDO	NR
	- Torquay CDO	CCC-
	- Global Bank Note CDO	NR
	- Scarborough	D
Oasis CDO		CCC-
ALPHA CDO		CCC-
Longreach CPWF		NR



John Todd

Date: 9/05/2011

ITEM 9 (continued)**Council's Investment Powers**

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

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

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

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

Overview of Investments

A brief overview of all investments held by the City of Ryde is provided;

1. **FRN Alpha (Originally AA now CCC):** This is a CDO that pays 250 bps above 180 day BBSW. This investment was purchased on 11 April 2006. The investment is for 6 years and matures on 20 March 2012. The CDO containing 2 separate portfolios, a capital portfolio and an income portfolio. The 2 portfolios are managed to maintain ratings stability. The CDO was previously downgraded to A- on 25 September 2008 and has now been downgraded to BBB watch negative on 31 October 2008, downgraded to B+ on 5 February 2009, to CCC in August 2009, and subsequently to CCC- in March 2010, and subsequently to CCC in October 2010. No fees are payable by Council on this investment. Council impaired this investment to a nominal value at its meeting of 25 May 2010 with such being funded from the Financial Security Reserve.
2. **OASIS (Originally AA now CCC-):** This is a CDO that pays 140 bps above 90 day BBSW. This investment was purchased on 4 September 2006. The investment is for 8 years and matures on 4 September 2014. This is a CDO that is actively managed by Société Générale. The CDO was downgraded to BBB- on 29 September 2008 with advice being received in early April 2009 that this investment has been further downgraded to CCC-. No fees are payable by Council on this investment. Council impaired this investment to a nominal value

ITEM 9 (continued)

at its meeting of 25 May 2010 with such being funded from the Financial Security Reserve.

3. **FOCUS Note (AAp):** This investment was purchased on 20 December 2006. This is a medium to long term investment (3-7 years) and matures on 20 December 2012. The capital of the investment is guaranteed by Westpac on maturity. This investment consists of a dynamically managed portfolio comprising investments in the BT Focus Australian Share Fund, and aims to outperform the S&P/ASX 300 Accumulation Index by 5% over a 3 to 5 year horizon. Westpac receive a principal protection fee of 0.90 p.a., an upfront structuring and distribution fee of 2.50%. BT Financial Group receives a management fee of 0.60% p.a., and a performance fee of 15%. The performance fee is only paid if the performance of the fund before fees exceeds the S&P/ASX Accumulation index plus the management fee. On 28 October 2008 advice was received that the recent volatility in the global financial markets had triggered the capital protection mechanism in this investment with 100% of the portfolio now invested in a zero coupon bond. Council will not receive any further coupon payments between now and the December 2012 maturity date but will receive the full face value of the investment at maturity.
4. **Camelotfund (AAp):** This investment was purchased on 1 March 2007. The investment is for 5 years and matures 25 January 2012. This investment is in a fund that provides opportunity to diversify into a foreign exchange strategy with low correlation to other products and asset classes. Short term (i.e. monthly) returns on this note will be volatile. The SPV set up by Westpac receives a distribution fee of 2% of the note value, and the manager receives a management fee of 1% p.a., and a performance fee of 15% above 6M BBSW. Westpac receives a capital protection fee of 1% p.a. times NAV. This investment is capital protected by Westpac.
5. **Grange (Lehman Brothers) IMP:** This is a portfolio of FRNs, CDOs and Bank issued securities managed by Grange Securities on Council's behalf. Lehman Brothers have cancelled the management agreement, and this portfolio is currently static. The IMP comprises the following investments:

<i>Investment</i>	<i>Maturing</i>	<i>Call Date</i>
Torquay CDO *	20/06/2013	20/06/2009
Merimbula CDO	20/06/2013	
Scarborough CDO *	23/06/2014	23/06/2009
AAA (Berryll) Global Bank Note CDO	20/09/2014	
HSBC FRN *	22/09/2016	22/09/2011

* If not called an additional margin paid

6. **Global Protected Property Note VII (AAp+):** This investment was purchased on 13 March 2007. The investment is for 4.5 years and matures on 20 September 2011. It is a capital guaranteed investment which provides Council with a return on maturity based on the performance of three international property funds. It is anticipated that performance at the commencement of this investment will be low, with returns geared heavily towards the end life of the investment. This note was invested in as a result of a swap out of the earlier

ITEM 9 (continued)

series VI note, in which Council realised a profit of \$237K capital profit after 9 months. Capital protection fee of 1.1% to Svensk Export Kredit.

7. **Trident (Originally AA now Ap+):** This investment was purchased on 30 May 2007. The investment is for 4 years and matures on 30 May 2011. The investment which is capital protected has exposure to a basket of bond funds, with a coupon paid 6 monthly of 50% of the positive performance of the funds, with the other 50% being reinvested. There is a distribution fee charged upfront of 2%, plus a principal protection fee of 0.95% p.a. of the portfolio value, plus a leverage charge of USD 30 day LIBOR +0.50% p.a. on any leverage amount.
8. **Westpac at Call Account (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
9. **CBA TCD 5 Yr (Floating) (AAA):** This is a floating rate note issued at a margin of 120 points above 90 day BBSW, maturing 17 December 2013. Council took up the optional government guarantee on this investment at a fee of 70 basis points.
10. **Bank of Queensland Term Deposit (AAA):** This investment is a 181 day term deposit paying 6.42% (6.59% annualised) and matures on 25 July 2011.
11. **Bankwest Term Deposit (AA):** This investment is a 91 day term deposit, paying 5.80% (5.93% annualised), and matures on 2 May 2011.
12. **NAB Term Deposit (AAA):** This investment is a 150 day term deposit, paying 6.10% (6.21% annualised) and matures on 22 July 2011.
13. **NAB Term Deposit (AA):** This investment is a 3 year term deposit, paying 6.60% p.a., and matures 4 April 2014.
14. **MyState Credit Union Term Deposit (AAA):** This investment is a 180 day term deposit, paying 6.15% (6.25% annualised) and matures on 4 October 2011.
15. **NAB Term Deposit (AA):** This investment is a 182 day term deposit, paying 6.15% (6.24% annualised) and matures on 11 July 2011.
16. **Police & Nurses Credit Union (AAA):** This investment is a 180 day term deposit, paying 6.02% (6.11% annualised) and matures on 3 May 2011.
17. **NSW Teachers Credit Union Term Deposit (AAA):** This investment is a 90 day term deposit paying 6.05% (6.19% annualised) and matures on 14 June 2011.
18. **Bankwest Term Deposit (AA):** This investment is a 182 day term deposit paying 6.00% (6.09% annualised) and matures on 28 Oct 2011.
19. **Bankwest Term Deposit (AA):** This investment is a 184 day term deposit paying 6.00% (6.09% annualised) and matures on 15 Sept 2011.

ITEM 9 (continued)

- 20. Bankwest Term Deposit (AA):** This investment is a 60 day term deposit paying 5.80% (5.94% annualised) and matures on 10 June 2011.
- 21. NAB Term Deposit (AA):** This investment is a 182 day term deposit paying 6.18% (6.28% annualised) and matures on 15 August 2011.
- 22. Defence Credit Union Term Deposit (AAA):** This investment is a 90 day term deposit paying 6.07% (6.21% annualised) and matures on 8 June 2011.
- 23. Railways Credit Union Term Deposit (AAA):** This investment is a 180 day term deposit paying 5.95% (6.04% annualised) and matures on 4 May 2011.
- 24. Community Mutual Group (New England) Term Deposit (AAA):** This investment is a 180 day term deposit paying 6.20% (6.30% annualised) and matures on 5 September 2011.
- 25. Queensland Police Credit Union Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.25% (6.35% annualised) and matures on 16 August 2011.
- 26. Queensland Country Credit Union Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.22% (6.32% annualised) and matures on 15 August 2011.
- 27. Bendigo Bank Term Deposit (AAA):** This investment is a 181 day term deposit paying 6.05% (6.14% annualised) and matures on 13 September 2011.
- 28. Credit Union Australia Term Deposit (AAA):** This investment is a 179 day term deposit paying 6.20% (6.30% annualised) and matures on 8 July 2011.
- 29. Coastline Credit Union Term Deposit (AAA):** This investment is a 183 day term deposit paying 6.20% (6.30% annualised) and matures on 24 June 2011.
- 30. Australian Central Savings & Loans CU Term Deposit (AAA):** This investment is a 181 day term deposit paying 6.30% (6.40% annualised) and matures on 30 May 2011.
- 31. Bank of Cyprus (Aust) Term Deposit (AAA):** This investment is a 19 month term deposit paying 7.00% (7.12% annualised) and matures on 30 September 2011.
- 32. Australian Defence Force CU Term Deposit (AAA):** This investment is a 62 day term deposit paying 6.22% (6.32% annualised) and matures on 6 June 2011.
- 33. Banana Coast Credit Union (AAA):** This investment is a 184 day term deposit paying 6.30% (6.40% annualised) and matures on 1 September 2011.

ITEM 9 (continued)

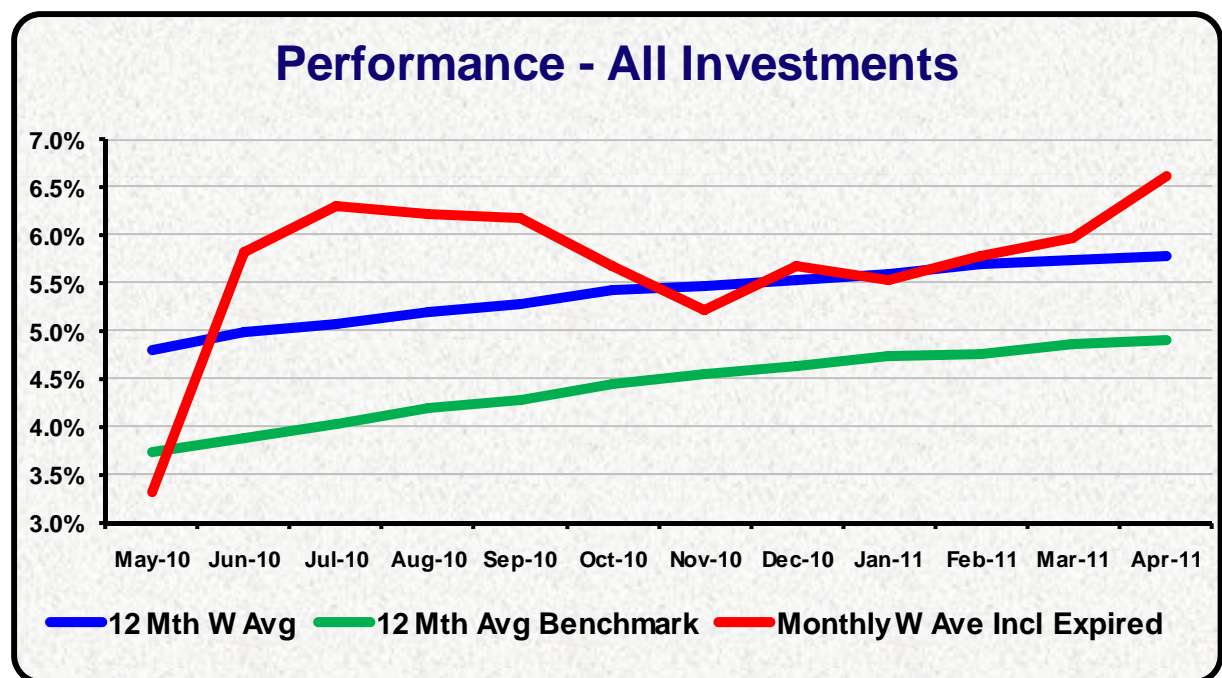
- 34. Qantas Staff CU Term Deposit (AAA):** This investment is a 120 day term deposit paying 5.89% (6.01% annualised) and matures on 9 August 2011.
- 35. Southern Cross CU Term Deposit (AAA):** This investment is a 181 day term deposit paying 6.35% (6.45% annualised) and matures on 14 June 2011.
- 36. SGE Credit Union Term Deposit (AAA):** This investment is a 90 day term deposit paying 5.95% (6.04% annualised) and matures on 18 October 2011.
- 37. B & E Ltd Building Society Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.15% (6.24% annualised) and matures on 13 September 2011.
- 38. Victoria Teachers CU Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.15% (6.24% annualised) and matures on 19 September 2011.
- 39. Members Equity Bank Term Deposit (AAA):** This investment is a 91 day term deposit paying 6.10% (6.24% annualised) and matures on 2 May 2011.
- 40. Bankwest TD (AA):** This investment is a 4 year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 41. IMB Building Society Term Deposit (AAA):** This investment is a 120 day term deposit paying 5.93% (6.05% annualised) and matures on 2 August 2011.
- 42. Sutherland Credit Union Term Deposit (AAA):** This investment is a 183 day term deposit paying 6.10% (6.19% annualised) and matures on 11 October 2011.
- 43. Summerland Credit Union Term Deposit (AAA):** This investment is a 183 day term deposit paying 5.95% (6.04% annualised) and matures on 11 October 2011.
- 44. Wide Bay Credit Union Term Deposit (AAA):** This investment is a 183 day term deposit paying 6.15% (6.24% annualised) and matures on 11 October 2011.
- 45. Northern Beaches Credit Union Term Deposit (AAA):** This investment is a 177 day term deposit paying 6.40% (6.51% annualised) and matures on 12 October 2011.
- 46. Queenslanders Credit Union Term Deposit (AAA):** This investment is a 152 day term deposit paying 6.10% (6.21% annualised) and matures on 26 September 2011.
- 47. AMP eASYsaver at call account (AAA):** This investment is an at-call account earning 5.50%. No fees are payable by Council on this investment.

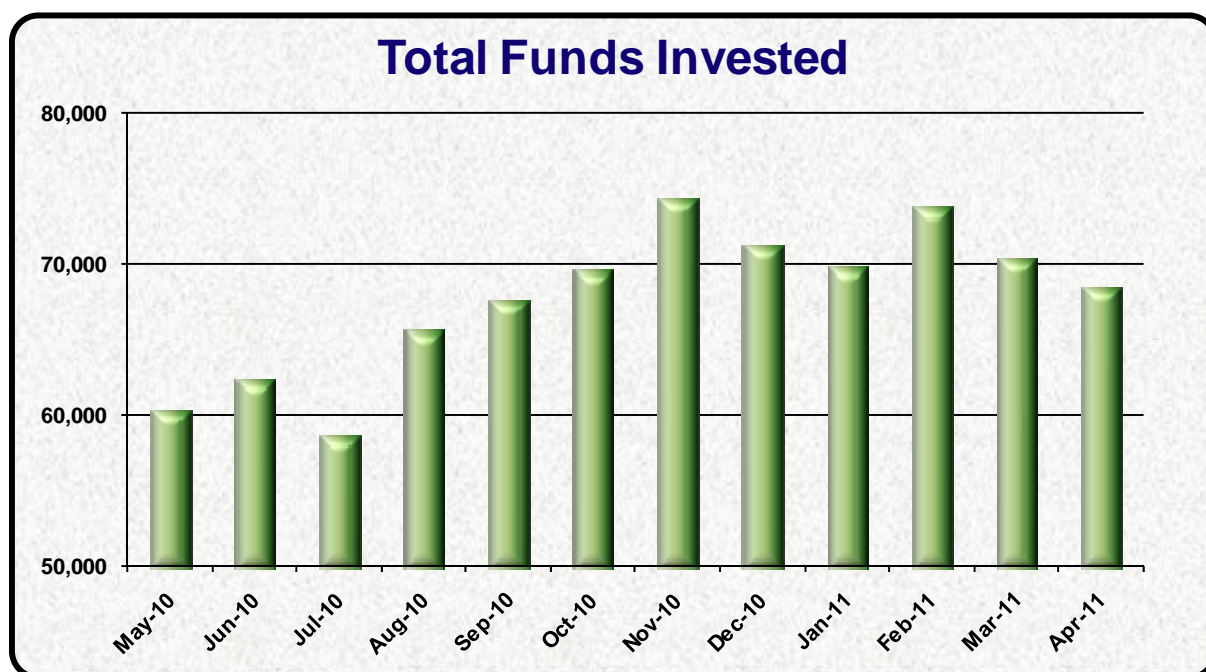
ITEM 9 (continued)

- 48. South West Credit Union Term Deposit (AAA):** This investment is a 90 day term deposit paying 5.93% (6.06% annualised) and matures on 23 May 2011.
- 49. Big Sky Credit Union Term Deposit (AAA):** This investment is a 180 day term deposit paying 6.05% (6.14% annualised) and matures on 4 October 2011.
- 50. Gateway Credit Union Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.35% (6.45% annualised) and matures on 17 June 2011.
- 51. Rabobank Term Deposit (AAA):** This investment is a 181 day term deposit paying 6.01% (6.10% annualised) and matures on 14 June 2011.
- 52. Suncorp-Metway Term Deposit (AAA):** This investment is a 152 day term deposit paying 6.10% (6.21% annualised) and matures on 26 September 2011.
- 53. Newcastle Permanent Building Society (AAA):** This investment is a 180 day term deposit paying 6.02% (6.11% annualised) and matures on 2 May 2011.
- 54. Queensland Teachers CU (AAA):** This investment is a 182 day term deposit paying 6.30% (6.40% annualised) and matures on 16 May 2011.
- 55. ING Term Deposit (AAA):** This investment is a 2 year term deposit paying 6.84% (6.62% annualised) and matures on 18 Feb 2013.
- 56. Greater Building Society (AAA):** This investment is a 182 day term deposit paying 6.20% (6.30% annualised) and matures on 12 September 2011.
- 57. Holidaycoast Credit Union (AAA):** This investment is a 180 day term deposit paying 6.25% (6.35% annualised) and matures on 12 September 2011.
- 58. The Rock Building Society Term Deposit (AAA):** This investment is a 151 day term deposit paying 6.12% (6.23% annualised) and matures on 6 June 2011.
- 59. Police Credit Union – SA Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.19% (6.29% annualised) and matures on 9 May 2011.
- 60. Bank of Queensland FRN (BBB+):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 11 November 2013.
- 61. Suncorp Metway FRN (A+):** This is a floating rate note purchased at a margin of 106 points above 90 day BBSW, maturing 18 June 2013.
- 62. Intech CU Term Deposit (AAA):** This investment is a 91 day term deposit paying 5.84% (5.97% annualised) and matures on 14 June 2011.
- 63. Laiki Bank Term Deposit (Aust) (AAA):** This investment is a 182 day term deposit paying 6.20% (6.30% annualised) and matures on 19 September 2011.

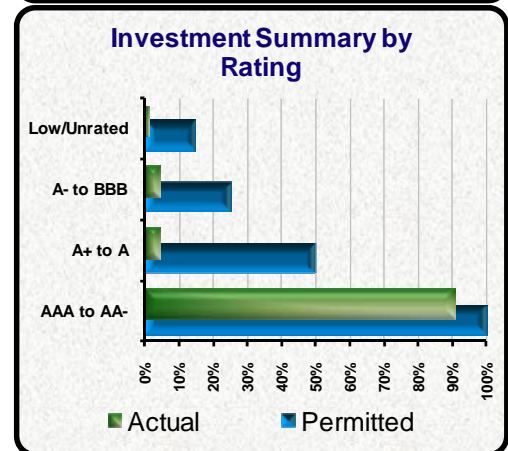
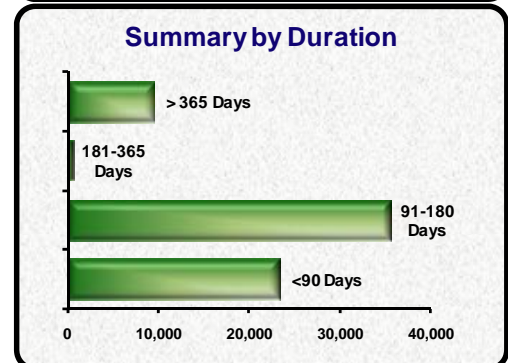
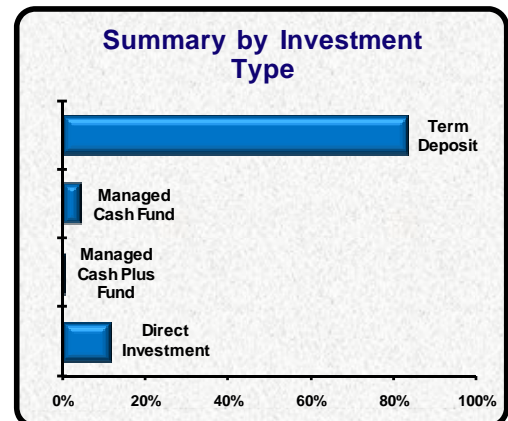
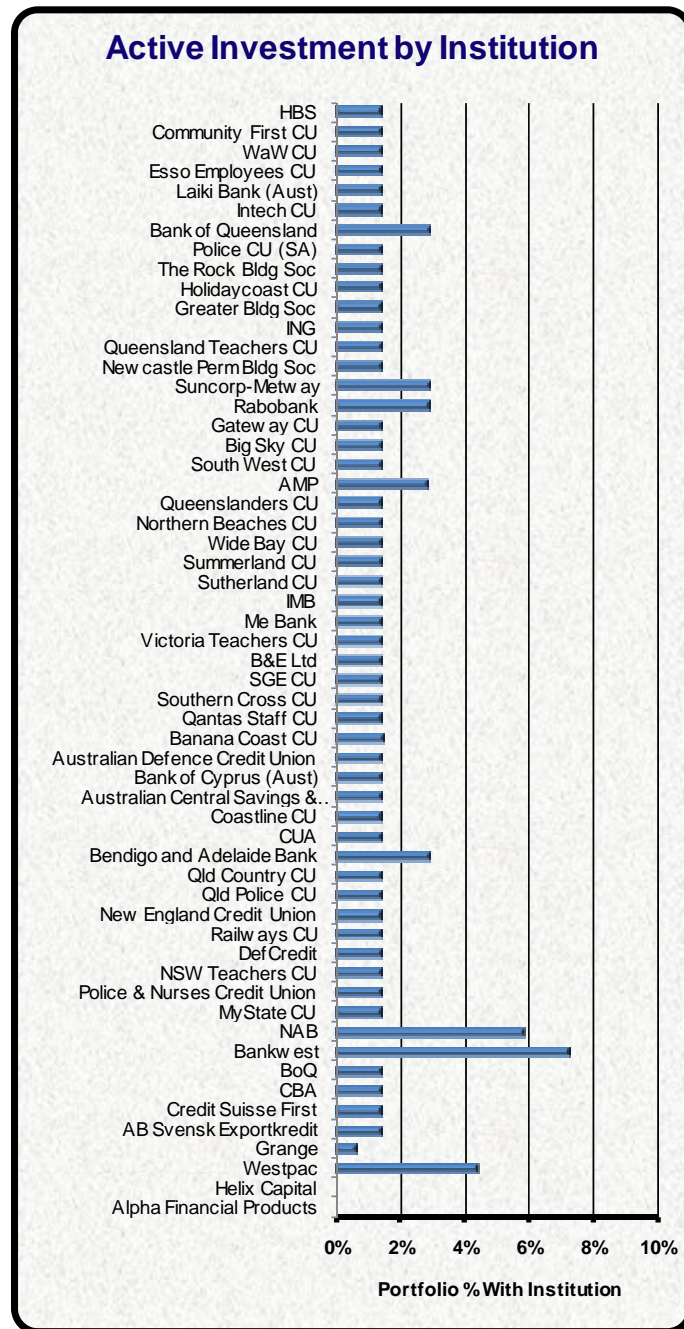
ITEM 9 (continued)

- 64. AMP Term Deposit (A):** This investment is a 4 year term deposit paying 7.14% (7.14% annualised) and matures on 16 February 2015.
- 65. Esso Employees Credit Union Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.30% (6.40% annualised) and matures on 5 September 2011.
- 66. Rabobank Term Deposit (AAA):** This investment is a 180 day term deposit paying 6.40% (6.50% annualised) and matures on 7 September 2011.
- 67. Adelaide Bank FRN (BBB+):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
- 68. WAW CU Coop Term Deposit (AAA):** This investment is a 179 day term deposit paying 6.15% (6.25% annualised), and matures on 30 September 2011.
- 69. Community First CU Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.10% (6.19% annualised), and matures on 4 October 2011.
- 70. Heritage Building Society Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.25% (6.35% annualised), and matures on 10 October 2011.

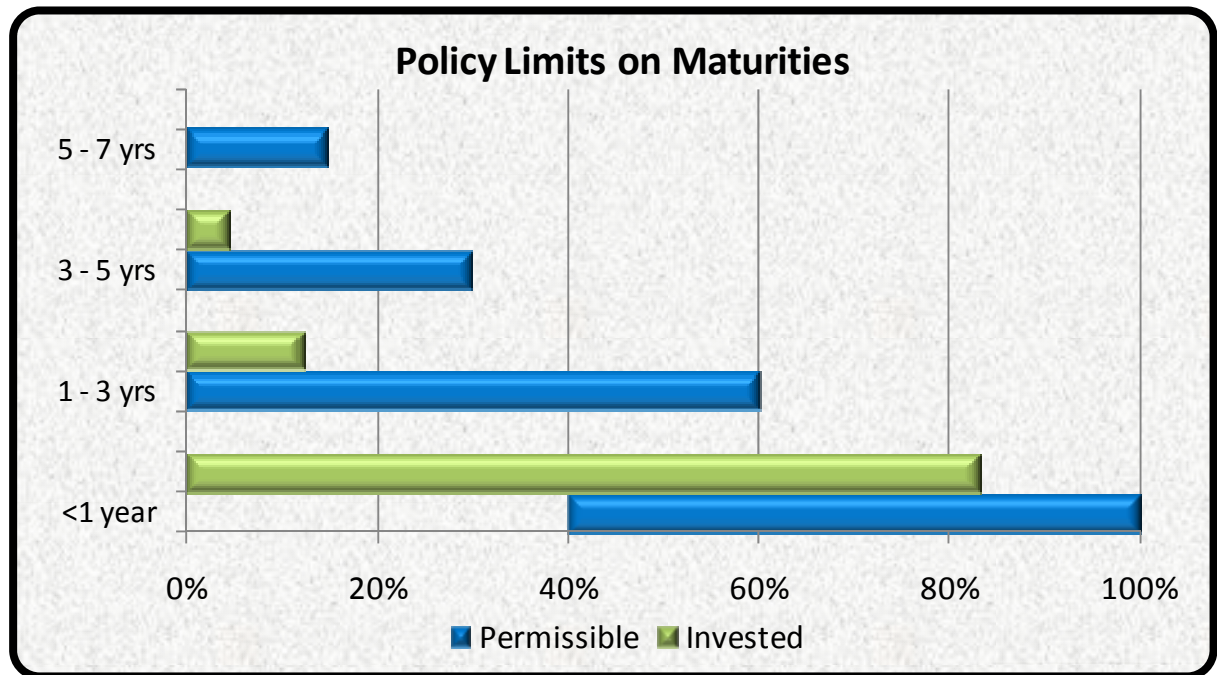


ITEM 9 (continued)

ITEM 9 (continued)



	>365 days	<365 days
Cash/TDs	\$4.0M	\$56.0M
FRN's	\$5.0M	\$0.0M
Mgd Funds	\$0.0M	\$0.5M
Other	\$0.5M	\$2.5M
CDO's	\$0.0M	\$0.0M
	\$9.5M	\$59.0M

ITEM 9 (continued)**Consultation**

Council business units consulted included:-

- Finance Unit

Internal Workshops held:-

- Nil

External public consultation included:-

- Nil

Council officers have regular discussions and meetings with Investment Issuers and Council's Investment Advisor Oakvale Capital Limited to monitor the impact of market conditions on the performance of Council's investments and the economic outlook.

Critical Dates

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

Financial Impact

Income from interest on investments and proceeds from sales of investments totals \$4.14M, being \$554K above budget projections as per the 2010-2014 Management Plan which has improved Council's financial position.

To date, the funds from the sale of the Flinders, Glenelg, and the maturity of the Quartz CDOs as part of the Lehman/Grange IMP, have been transferred to the Financial Security Reserve. The Financial Security Reserve, following this transfer of additional funds will have a balance of \$971K.

ITEM 9 (continued)

It is anticipated that income from interest and proceeds on investments for 2010/11 will be approximately \$4.2M.

Policy Implications

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

The recommendation is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Council's.

Other Options

Not applicable.

Conclusion

Council's year to date return to April 2011 is 5.87%, which is 0.90% above the benchmark.

Council continues to invest under the Federal Government's guarantee in Term Deposits with a range of Approved Deposit Taking Institutions (ADI's) for periods typically ranging from 30 days up to 6 months, to take advantage of the competitive rates that are available.

NOTICES OF MOTION**1 FLAG AND FLAGPOLE AT KISSING POINT PARK, PUTNEY - Councillor Roy Maggio****File Number:** CLM/11/1/5/6 - BP11/379

Motion:

That the City of Ryde take the following actions in relation to the flag and flagpole at Kissing Point Park at Putney as reported recently in a local newspaper:

- (a) That a report be prepared to Council for the consideration of a flagpole to be erected at Kissing Point Park, Putney;
- (b) That Council write to the Federal Member of Bennelong, John Alexander, requesting he provide a New Australian Flag; and
- (c) That a formal raising of the Flag ceremony be conducted with the Mayor and Councillors present.

NOTICES OF RESCISSION

- 1 76 EPPING ROAD, NORTH RYDE. LOT 2 DP 505422. Local Development Application for alterations and change of use of existing dwelling house to a boarding house containing eight (8) bedrooms. LDA2010/0112. - Councillor Bill Pickering, Councillor Sarkis Yedelian OAM, Councillor Roy Maggio**

File Number: GRP/11/6/3/6 - BP11/393

That Council rescind the previous resolution in relation to ITEM 2 – Report of the Planning and Environment Committee (Item 3) – Meeting 5/11 held on 3 May 2011, passed at the Council Meeting held on 10 May 2011, namely:

- 3 76 EPPING ROAD, NORTH RYDE. LOT 2 DP 505422. Local Development Application for alterations and change of use of existing dwelling house to a boarding house containing eight (8) bedrooms. LDA2010/0112.**
- (a) That Local Development Application No. 2010/112 at 76 Epping Road North Ryde being Lot 2 DP 505422 be approved subject to the **ATTACHED** conditions (Attachment 1).
 - (b) That this matter be referred to Manager Health & Building for appropriate enforcement action regarding the illegal internal alterations to the premises.
 - (c) That the persons who made submissions be advised of Council's decision.

CONFIDENTIAL ITEMS

10 DEFERRED REPORT - ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: Meeting Support Coordinator

Report dated: 18 May 2011

File No.: GRP/11/6/3/6 - BP11/392

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11 ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel, Public Officer

Report dated: 8 April 2011

File No.: GRP/11/7/1/6 - BP11/304

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