

Council Meeting**AGENDA NO. 15/11****Meeting Date: Tuesday 27 September 2011****Location: Council Chambers, Level 6****Time: 7.30pm**

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

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Council Meeting held on 13 September 2011**File No.:** GRP/11/5/4/6 - BP11/149

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 14/11, held on Tuesday 13 September 2011, be confirmed.

ATTACHMENTS

- 1** Minutes - Ordinary Council Meeting - 13 September 2011

ITEM 1 (continued)**ATTACHMENT 1**

City of Ryde

Council Meeting**MINUTES OF MEETING NO. 14/11**

Meeting Date: Tuesday 13 September 2011
Location: Council Chambers, Level 6
Time: 7.30pm

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

Apologies: Nil.

Staff Present: General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment and Planning, Group Manager - Public Works, Service Unit Manager – Governance, Service Unit Manager – Customer Service, Service Unit Manager – Community Relations and Events, Service Unit Manager – Risk and Audit, Risk and Insurance Manager, Team Leader – Assessment, Customer Service Officer, Immunisation Coordinator, Team Leader – Hand Mowing, Councillor Support Coordinator and Meeting Support Coordinator.

PRAYER

Reverend Sue Willis of St Anne's Anglican Church, Ryde was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

ROTARY PRIDE OF WORKMANSHIP AWARDS

The Mayor, Councillor Etmekdjian recognised the following City of Ryde recipients for the Rotary Pride of Workmanship Awards:-

Colin Murphy (Team Leader – Assessment) – Award presented by the Rotary Club of Eastwood.

Sharon Wood (Customer Service Officer) – Award presented by the Rotary Club of Ryde.

Jan Page (Immunisation Coordinator) – Award presented by the Rotary Club of North Ryde.

ITEM 1 (continued)**ATTACHMENT 1**

Brian Halpin (Team Leader – Hand Mowing) – Award presented by the Rotary Club of Gladesville.

PRESENTATION OF THE RISK MANAGEMENT EXCELLENCE AWARD

John Schanz (Council's Service Unit Manager – Risk and Audit) and Rafik Meleka (Council's Risk and Insurance Manager) presented the Mayor, Councillor Etmekdjian with the commendation received for the City of Ryde Business Continuity Plan at the recent Statewide Mutual Risk Management Excellence Awards presentation.

PRESENTATION OF THE LOCAL GOVERNMENT MANAGERS ASSOCIATION EXCELLENCE AWARD

Shane Sullivan (Council's Service Unit Manager – Governance) and Angela Jones-Blayney (Council's Service Unit Manager – Customer Service), both members of Council's Women's Empowerment Working Group presented the Mayor, Councillor Etmekdjian with the Local Government Managers Association Excellence Award for Diversity received by the City of Ryde at the recent Local Government Managers Association Conference. The Award was for Council's work hosting the 2010 Australian Local Government Women's Association Conference and for work by the City of Ryde with regards to gender equity.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 23 August 2011**

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That the Minutes of the Council Meeting 13/11, held on Tuesday 23 August 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 ELECTION OF MAYOR FOR ENSUING 12 MONTHS

At this stage of the meeting, the Mayor, Councillor Etmekdjian, thanked his fellow Councillors and staff for their support over the past 12 months. He then vacated the Chair and the General Manager, as Returning Officer, conducted the election of Mayor.

ITEM 1 (continued)**ATTACHMENT 1**

The General Manager, as Returning Officer, gave an overview of the election process and also invited Councillors to inspect the ballot box and canisters that would be used, if required, in the election of Mayor, Deputy Mayor or delegates.

METHOD OF VOTING FOR ELECTION OF MAYOR

The General Manager, as Returning Officer, presented the options on the method of voting for Mayor.

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (a) That the method of voting be open voting by show of hands.
- (b) That the General Manager, as Returning Officer, undertake the election of Mayor for the ensuing 12 months by announcing the nominations and then conducting the election.

Record of Voting:

For the Motion: Unanimous

As a result of the voting, THE METHOD OF VOTING FOR ELECTION OF MAYOR WAS OPEN VOTING BY SHOW OF HANDS.

The General Manager, as Returning Officer, advised that there were three (3) nominations for the Office of Mayor, namely Councillor Etmekdjian, Councillor Petch and Councillor O'Donnell.

The General Manager invited further nominations. There were no further nominations.

THE ELECTION FOR MAYOR was conducted by the General Manager, as Returning Officer, which resulted in the following voting:

Councillor Etmekdjian 4 votes

Voting in favour: Councillors Etmekdjian, Maggio, Pickering and Yedelian OAM

Councillor Petch 5 votes

Voting in favour: Councillors Butterworth, Li, Petch, Salvestro-Martin and Tagg

Councillor O'Donnell 3 votes

Voting in favour: Councillors O'Donnell, Campbell and Perram

As Councillor O'Donnell had the fewest votes she was excluded from the second ballot.

THE SECOND BALLOT FOR MAYOR was conducted by the General Manager, as Returning Officer, which resulted in the following voting:

ITEM 1 (continued)**ATTACHMENT 1****Councillor Etmekdjian 7 votes**

Voting in favour: Councillors Etmekdjian, Campbell, Maggio, Perram, Pickering, O'Donnell and Yedelian OAM

Councillor Petch 5 votes

Voting in favour: Councillors Petch, Butterworth, Li, Salvestro-Martin and Tagg

As a result of the voting, COUNCILLOR ETMEKDJIAN WAS DULY ELECTED MAYOR FOR THE ENSUING YEAR.

The Mayor, Councillor Etmekdjian then assumed the Chair of Mayor, as Chairperson of the meeting.

The Mayor, Councillor Etmekdjian gave a brief acknowledgement following his re-election.

3 DETERMINATION OF FEE FOR DEPUTY MAYOR

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

- (a) That the Deputy Mayor be paid, in addition to the Councillors' fee, a fee equivalent to 10% of the Mayor's annual fee.
- (b) That the amount of the fee be deducted from the Mayor's fee.

Record of Voting:

For the Motion: Unanimous

4 ELECTION OF DEPUTY MAYOR FOR ENSUING 12 MONTHS**METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR**

The General Manager, as Returning Officer, presented the options on the method of voting for Deputy Mayor.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the method of voting be open voting by show of hands.
- (b) That the General Manager, as Returning Officer, undertake the election of Deputy Mayor for the ensuing 12 months by announcing the nominations and then conducting the election.

Record of Voting:

For the Motion: Unanimous

As a result of the voting, THE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR WAS OPEN VOTING BY SHOW OF HANDS.

ITEM 1 (continued)**ATTACHMENT 1**

The General Manager, as Returning Officer, advised that there were three (3) nominations for the Office of Deputy Mayor, namely Councillor Pickering, Councillor Salvestro-Martin and Councillor O'Donnell.

Councillor Pickering withdrew his nomination for the Office of Deputy Mayor. The General Manager then advised that there were now two (2) nominations for the Office of the Deputy Mayor, namely Councillor Salvestro-Martin and O'Donnell.

The General Manager invited further nominations. There were no further nominations.

THE ELECTION FOR DEPUTY MAYOR was conducted by the General Manager, as Returning Officer, which resulted in the following voting:

Councillor Salvestro-Martin 5 votes

Voting in favour: Councillors Salvestro-Martin, Butterworth, Li, Petch and Tagg

Councillor O'Donnell 7 votes

Voting in favour: The Mayor, Councillor Etmekdjian and Councillors O'Donnell, Campbell, Maggio, Perram, Pickering, and Yedelian OAM.

As a result of the voting, COUNCILLOR O'DONNELL WAS DULY ELECTED DEPUTY MAYOR FOR THE ENSUING YEAR.

5 COUNCIL/COMMITTEE MEETINGS - Schedule and Appointment of Councillor Members to Standing Committees

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Council endorse its Standing Committees of Planning and Environment, Works and Community and Civic Precinct.
- (b) That Council endorse the attached draft meeting schedule for Council and Committee meetings for 2012, noting that the schedule may be amended subject to a one month transition period to allow for public notices to be given.
- (c) That the current membership of the Planning and Environment Committee remain unchanged for the ensuing 12 months.
- (d) That the current membership of the Works and Community Committee remain unchanged for the ensuing 12 months.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****6 ADVISORY COMMITTEES - Review of Committees and Terms of Reference**

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- a) That this matter be deferred for consultation to be undertaken with all Advisory Committees and a further report to Council.
- b) That in the interim the status of Advisory Committees remain.

Record of Voting:

For the Motion: Unanimous

7 ADVISORY AND EXTERNAL COMMITTEES - Appointment of Delegates

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- a) That the current Councillor delegate/s and Chairperson to the Advisory Committees remain in accordance with the Terms of Reference, for the ensuing 12 months, with the following exceptions:
 - 1) Councillor Maggio is confirmed as Chairperson of the Sport and Recreation Advisory Committee.
 - 2) Councillor Yedelian OAM is confirmed as Chairperson of the Economic Development Advisory Committee.
 - 3) Councillor Tagg is confirmed as an additional delegate of the Ryde Hunters Hill Joint Library Committee with Councillor Pickering as the alternate.
- (b) That the Mayor, Councillor Etmekdjian and Councillor Yedelian OAM remain as delegates and Councillors Petch and Tagg remain as alternates for NSROC for the 2011/2012 year.
- (c) That no formal Councillor delegate be appointed to the RTA Consultative Forum on the basis that all Councillors will be invited to attend the Forum when it is being held.
- (d) That Council's General Manager, Mr John Neish and Group Manager – Public Works, Mr Terry Dodds be confirmed as Council's delegates to the Sydney East Joint Regional Planning Panel and that Council's General Counsel, Mr Bruce McCann be confirmed as the alternate.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****8 2011 LOCAL GOVERNMENT CONFERENCE, SHOALHAVEN - 23-26 October 2011 - Confirmation of Delegates**

MOTION: (Moved by Councillors Yedelian OAM and Petch)

- (a) That Council reconfirm the attendance of five (5) Councillors, including the Mayor to attend the Annual 2011 Local Government Association Conference as Voting Delegates; and that one (1) Councillor attend as an Observer.
- (b) That Council consider the following late Motion as submitted by Councillor Maggio on 29 August 2011 as follows:

That the LGSA writes to the Premier of New South Wales seeking an amendment by the NSW Electoral Commission to the NSW Electoral Act to prohibit staff employed by a member of parliament running for the position of a Councillor or popularly elected Mayor.

AMENDMENT: (Moved by Councillors Petch and Campbell)

That Council reconfirm the attendance of five (5) Councillors, including the Mayor to attend the Annual 2011 Local Government Association Conference as Voting Delegates; and that one (1) Councillor attend as an Observer.

The Amendment was put and **CARRIED** with ten (10) votes For and two (2) votes Against, thereby becoming the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillor Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin and Yedelian OAM

Against the Amendment: Councillors Butterworth and Tagg

RESOLUTION: (Moved by Councillors Petch and Campbell)

That Council reconfirm the attendance of five (5) Councillors, including the Mayor to attend the Annual 2011 Local Government Association Conference as Voting Delegates; and that one (1) Councillor attend as an Observer.

Record of Voting:

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

Against the Motion: Councillor Tagg

ITEM 1 (continued)

ATTACHMENT 1

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

NOTICES OF MOTION

There were no Notices of Motion.

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

NATIONAL ANTHEM

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

The meeting closed at 8.45pm.

CONFIRMED THIS 27TH DAY OF SEPTEMBER 2011

Chairperson

2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 11/11 held on 6 September 2011

File No. GRP/10/3/001/5 – BP11/556

Report Summary

Attached are the Minutes of the Planning and Environment Committee Meeting 11/11 held on 6 September 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 14 HERRING ROAD, MARSFIELD. LOT 1 DP 616168. Local Development Application for alterations and change of use of existing dwelling to a boarding house containing six (6) bedrooms. LDA2011/4.

Report: The Committee inspected the property at 14 Herring Road, Marsfield.

Note: Mr Peter Hall (applicant's Architect) was available to answer questions in relation to this Item.

RECOMMENDATION: (Moved by Councillors O'Donnell and Butterworth)

- (a) That Local Development Application No. 2011/4 at 14 Herring Road Marsfield being Lot 1 DP616168 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors O'Donnell and Butterworth

Against the Motion: Councillor Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2011** as dissenting votes were recorded and Councillor Pickering requested that the matter be referred to the next Council Meeting.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 6 September 2011**

ITEM 2 (continued)**ATTACHMENT 1**

City of Ryde

Planning and Environment Committee**MINUTES OF MEETING NO. 11/11****Meeting Date:** Tuesday 6 September 2011**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 4.00pm

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

In the absence of Councillor Pickering, the Deputy Chairperson – Councillor Yedelian OAM chaired the meeting.

Apologies: Councillors Pickering and Salvestro-Martin.

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

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 16 August 2011

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

That the Minutes of the Planning and Environment Committee 10/11, held on Tuesday 16 August 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.

ITEM 2 (continued)**ATTACHMENT 1****2 14 HERRING ROAD, MARSFIELD. LOT 1 DP 616168. Local Development Application for alterations and change of use of existing dwelling to a boarding house containing six (6) bedrooms. LDA2011/4.**

Report: The Committee inspected the property at 14 Herring Road, Marsfield.

Note: Mr Peter Hall (applicant's Architect) was available to answer questions in relation to this Item.

RECOMMENDATION: (Moved by Councillors O'Donnell and Butterworth)

- (a) That Local Development Application No. 2011/4 at 14 Herring Road Marsfield being Lot 1 DP616168 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors O'Donnell and Butterworth

Against the Motion: Councillor Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2011** as dissenting votes were recorded and Councillor Pickering requested that the matter be referred to the next Council Meeting.

3 7 WAYELLA STREET, WEST RYDE. LOT L DP 24358. Local Development Application for subdivision into two lots, alterations to existing dwelling on proposed Lot A and erection of new dwelling on proposed Lot B. LDA2010/0383.

Report: The Committee inspected the property at 7 Wayella Street, West Ryde.

Note: Mr Victor Taffa (objector), Ms Andrea Cunningham (objector), Mr Paul Trout (applicant) and Mr Greg Vickas (applicant's Architect and Planning Consultant) addressed the meeting in relation to this Item.

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

- (a) That Local Development Application No. 2010/383 being Lot L, DP 243528 be approved subject to the **ATTACHED** conditions (Attachment 1) with Condition Number 23 to read as follows:-
 - 23. A Landscape Plan of the subject site, prepared by a suitably qualified Landscape Architect, and based upon the landscape concept plan prepared by the project architect, (Drawing DA-11 Revision A), shall be submitted with the **Construction Certificate** application. The Landscape Plan shall include the planting of a native tree with a mature height of at least 10.0m in the front yard of the existing dwelling, and that the neighbour at 5A Wayella Street, West Ryde is to be consulted and concur with the species to be planted on their mutual boundary.

ITEM 2 (continued)**ATTACHMENT 1**

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

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 5.27pm.

CONFIRMED THIS 4TH DAY OF OCTOBER 2011.

Chairperson

3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 12/11 held on 6 September 2011

File No. GRP/10/3/001/5 – BP11/166

Report Summary

Attached are the Minutes of the Works and Community Committee Meeting 12/11 held on 6 September 2011. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 3(2), 3(3), 3(4), 3(5), 3(6), 3(7), 3(8), 3(9) and 3(10) were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 2, 3(1), 3(11) and 4 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 ROAD HEIRARCHY

RECOMMENDATION: (Moved by Councillors Perram and Petch)

That Council designate all roads in the City of Ryde as shared user paths (SUPs) as outlined in the report, subject to consideration being made by the Ryde Local Traffic Committee and compliance with their technical advice.

Record of Voting:

For the Motion: Councillors Maggio, Perram and Petch

Against the Motion: Councillor Tagg

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as dissenting votes were recorded and Councillor Tagg requested that the matter be referred to the next Council Meeting.

3 TRAFFIC & PARKING MATTERS PRESENTED TO RYDE TRAFFIC COMMITTEE MEETING held on 11 August 2011

Note: Mr John Edwards and Ms Helena Hiltunen addressed the meeting in relation to Item 1 – Cressy Road, Ryde (Resident Parking Scheme) of this Item.

ITEM 1 CRESSY ROAD, RYDE – Resident parking Scheme

RECOMMENDATION: (Moved by Councillors Tagg and Petch)

- (a) That Council install a 2P (8.00am – 6pm, Mon- Fri) zone 9 Resident Parking Scheme along both sides of Cressy Road between Buffalo Road and Higginbotham Road.

ITEM 3 (continued)

- (b) That this item be referred to the Ryde Traffic Committee to consider other options in regard to traffic safety (speed).

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as substantive changes were made to the published recommendation

ITEM 11 PARKING AT MEADOWBANK TAFE

Note: Councillor Campbell arrived at the meeting at 5.14pm during consideration of this item.

RECOMMENDATION: (Moved by Councillors Campbell and Perram)

- (a) That Council take no further action in relation to this matter as there is an existing No Parking zone in Railway Parade with supplementary signs as "Kiss and Ride" for three car space and it be for a trial period of 5 months in order to assess other impacts.
- (b) That Council investigate the opportunity to install a Loading Zone in close proximity to the shops.
- (c) That Council investigate a further kiss and ride on the west bound side of Constitution Road/ Railway Parade.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as substantive changes were made to the published recommendation

4 CINEMA IN THE PLAZA

RECOMMENDATION: (Moved by Councillors Petch and Campbell)

- (a) That Council endorse the staging of Cinema in the Plaza at Eastwood on Friday 28 October in place of the scheduled screening in February/March 2012.
- (b) That following this, a further report be presented to Council detailing the effectiveness of this proposal.

Record of Voting

For the Motion: Unanimous

ITEM 3 (continued)

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as substantive changes were made to the published recommendation

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 6 September 2011

ITEM 3 (continued)**ATTACHMENT 1**

City of Ryde

Works and Community Committee**MINUTES OF MEETING NO. 12/11****Meeting Date:** Tuesday 6 September 2011**Location:** Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 4.31pm

Councillors Present: Councillors Maggio (Chairperson), Campbell, Perram, Petch and Tagg.

Councillor Campbell arrived at the meeting at 5.14pm during consideration of Item 3 Part 11.

Apologies: Councillor Li.

Staff Present: Acting Group Manager – Community Life, Group Manager – Public Works, Manager – Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 16 August 2011

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the Minutes of the Works and Community Committee 11/11, held on Tuesday 16 August 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 ROAD HEIRARCHY

RECOMMENDATION: (Moved by Councillors Perram and Petch)

That Council designate all roads in the City of Ryde as shared user paths (SUPs) as outlined in the report, subject to consideration being made by the Ryde Local Traffic Committee and compliance with their technical advice.

ITEM 3 (continued)**ATTACHMENT 1****Record of Voting:**

For the Motion: Councillors Maggio, Perram and Petch

Against the Motion: Councillor Tagg

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as dissenting votes were recorded and Councillor Tagg requested that the matter be referred to the next Council Meeting.

3 TRAFFIC & PARKING MATTERS PRESENTED TO RYDE TRAFFIC COMMITTEE MEETING held on 11 August 2011

Note: Mr John Edwards and Ms Helena Hiltunen addressed the meeting in relation to Item 1 – Cressy Road, Ryde (Resident Parking Scheme) of this Item.

RESOLUTION: (Moved by Councillors Tagg and Petch)

That the traffic and parking measures resulting from the Ryde Traffic Committee at its meeting on 11 August 2011 be dealt with in seriatim.

Record of Voting

For the Motion: Unanimous

ITEM 1 CRESSY ROAD, RYDE – Resident parking Scheme

RECOMMENDATION: (Moved by Councillors Tagg and Petch)

- (a) That Council install a 2P (8.00am – 6pm, Mon- Fri) zone 9 Resident Parking Scheme along both sides of Cressy Road between Buffalo Road and Higginbotham Road
- (b) That this item be referred to the Ryde Traffic Committee to consider other options in regard to traffic safety (speed).

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as substantive changes were made to the published recommendation

ITEM 2 Bright Street, Ryde – Request for Resident Parking Scheme

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That Council install a 2P (8.00am – 6pm, Mon- Fri) zone 9 Resident Parking Scheme along Bright Street; between Buffalo Road and Providence Road on one side (north/west), between property numbers 102 Buffalo Road and 25 Providence Road and that this be trialled for 6 months.

ITEM 3 (continued)**ATTACHMENT 1**

- (b) That Council contact the State Transit Authority to discuss alternate parking for its staff and that a further report be provided to the Committee for its consideration.

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 LUCKNOW ROAD, MACQUARIE PARK
 AEOLUS AVENUE, RYDE
 MORRISON ROAD, PUTNEY
 KENT ROAD, NORTH RYDE
 Request for parking restrictions and line marking**

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That in relation to parking at Lucknow Road, this matter be deferred to allow Council to undertake the following:
 - (i) An investigation of alternate designs of the site.
 - (ii) Identifying possible sources of financial contribution.And that a further report be provided to the Committee for its consideration.
- (b) That Council install centre line marking type S1 along Aeolus Avenue between Quarry Road and Wolgar Road.
- (c) That Council install centre line marking type S1 along Aeolus Avenue between Quarry Road and Wolgar Road.
- (d) That the existing full time bus zone be changed to suit 507 bus timetable along Morrison Road after consultation with Sydney Buses, being 6am to 10pm and further that Council and STA representatives undertake an on-site audit of bus zones / bus stops that could have their times of operations restricted.
- (e) That the existing unrestricted parking along Kent Road out side Kent Road Public School be sign posted as follows:
 - (i) 20 metre long No Stopping Zone from Herring Road roundabout.
 - (ii) 25 metres of bus zone.
 - (iii) 55 metres of "Kiss and Ride" zone between 8am-9.30am; 2.30pm-4pm, School Days.
 - (iv) 10 metres of No Stopping zone up to the existing Wombat crossing.

ITEM 3 (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.

ITEM 4 BELMORE STREET, RYDE – Disabled parking space

RESOLUTION: (Moved by Councillors Maggio and Tagg)

That Council install a disabled parking space next to the driveway of No. 3 Belmore Street between 9am to 5pm, Mon - Fri. along Belmore Street, Ryde.

Record of Voting

For the Motion: Unanimous

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

ITEM 5 PRINCES STREET, RYDE – Request for a Pedestrian Crossing – Marked or Signalised

RESOLUTION: (Moved by Councillors Perram and Maggio)

- (a) That a marked zebra pedestrian crossing on Princes Street at Blaxland Road not be installed as it does not meet the warrants.
- (b) That Council undertake periodic a surveillance of the intersection and if the circumstance change that is the warrant for a Pedestrian Crossing is satisfied then the matter will considered at a future RTC.
- (c) That further to the proposal, pedestrian protection be investigated and installed on the corner of Princes Street and Blaxland Road.

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****ITEM 6 MORSHEAD STREET, NORTH RYDE – Request for a Works Zone**

RESOLUTION: (Moved by Councillors Petch and Maggio)

- (a) That Council refuse the application for a work zone in front of 54 Morshead Street, North Ryde.
- (b) That Council request the applicant adopt a Plan of Management for loading and unloading at the site which does not interfere with the existing traffic conditions on Morshead Street, North Ryde.
- (c) That the applicant be advised that should they use the nature strip as a work zone, Council would agree in principle subject to a separate application to Council, which would include the standard bonds and fees and charges.

Record of Voting

For the Motion: Unanimous

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

ITEM 7 BLAXLAND ROAD AND PARKES STREET, RYDE – Temporary Bus Zone and No Parking restrictions

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Council take no further action in relation to this matter as it has already been undertaken.

Record of Voting

For the Motion: Unanimous

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

ITEM 8 REQUEST TO REINSTATE THE PEDESTRIAN CROSSING OUTSIDE THE CIVIC CENTRE

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Council take no further action in relation to this matter as it has already been undertaken.

Record of Voting

For the Motion: Unanimous

ITEM 3 (continued)**ATTACHMENT 1**

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

ITEM 9 SIGNAGE AT CHARLES STREET OUTSIDE PUTNEY SHOPS

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Council facilitate a road safety audit (RSA) which would take into consideration potential future growth (Royal Rehab Development). Council also include traffic light sequencing in a collaborative arrangement with RTA Network Operations. This will include improvement to sight distance not only related to traffic facilities but other objects that may have been inadvertently placed in the general vicinity of the precinct.

Record of Voting

For the Motion: Unanimous

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

ITEM 10 PROPOSED G-TURN AT THE INTERSECTION OF RUTLEDGE STREET AND WEST PARADE

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council take no further action in relation to this matter as signs have been installed on 23 August 2011.

Record of Voting

For the Motion: Unanimous

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

ITEM 11 PARKING AT MEADOWBANK TAFE

Note: Councillor Campbell arrived at the meeting at 5.14pm during consideration of this item.

RECOMMENDATION: (Moved by Councillors Campbell and Perram)

- (a) That Council take no further action in relation to this matter as there is an existing No Parking zone in Railway Parade with supplementary signs as "Kiss and Ride" for three car space and it be for a trial period of 5 months in order to assess other impacts.
- (b) That Council investigate the opportunity to install a Loading Zone in close proximity to the shops.

ITEM 3 (continued)**ATTACHMENT 1**

- (c) That Council investigate a further kiss and ride on the west bound side of Constitution Road/ Railway Parade.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as substantive changes were made to the published recommendation

4 CINEMA IN THE PLAZA

RECOMMENDATION: (Moved by Councillors Petch and Campbell)

- (a) That Council endorse the staging of Cinema in the Plaza at Eastwood on Friday 28 October in place of the scheduled screening in February/March 2012.
- (b) That following this, a further report be presented to Council detailing the effectiveness of this proposal.

Record of Voting

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on 27 September 2011 as substantive changes were made to the published recommendation

The meeting closed at 5.22pm.

CONFIRMED THIS 20TH DAY OF SEPTEMBER 2011.

Chairperson

4 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 13/11 held on 20 September 2011

File No. GRP/10/3/001/5 – BP11/167

Report Summary

Attached are the Minutes of the Works and Community Committee Meeting 13/11 held on 20 September 2011. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 2, 3, 4 and 6 were dealt with by the Committee within its delegated powers.

The following Committee recommendation for Item 5 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:

5 TIDY SUBURBS

RECOMMENDATION: (Moved by Councillors Campbell and Li)

- (a) That Council continue with the current practices for dealing with private properties and nature strips where residents or owners are not undertaking maintenance.
- (b) That Council raise awareness of the importance of maintaining tidy neighbourhoods through the City View, the Website and other promotional means.
- (c) That a Councillor workshop be conducted to identify other options which can be implemented to discourage kerb side dumping and ill-kept yards.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2011** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 20 September 2011**

ITEM 4 (continued)**ATTACHMENT 1**

City of Ryde

Works and Community Committee**MINUTES OF MEETING NO. 13/11****Meeting Date:** Tuesday 20 September 2011**Location:** Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 4.32pm

Councillors Present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, Perram, Petch and Tagg.

Apologies: Nil.

Councillor Tagg arrived at the meeting at 4.37pm during consideration of Item 1 – Election of Chairperson and Deputy Chairperson.

Staff Present: General Manager, Acting Group Manager – Community Life, Group Manager – Corporate Services, Group Manager – Public Works, Manager – Governance, Open Space Planner, Meeting Support Coordinator and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Note: The Group Manager, Corporate Services was appointed by the General Manager to be the Returning Officer for conducting the election of the Chairperson and Deputy Chairperson.

The Returning Officer gave an overview of the election process in relation to the election of the Chairperson and Deputy Chairperson.

METHOD OF VOTING FOR CHAIRPERSON AND DEPUTY CHAIRPERSON

The Returning Officer presented the options on the method of voting for Chairperson and Deputy Chairperson.

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (a) That the method of voting for the election of the Chairperson and Deputy Chairperson be open voting by show of hands.

ITEM 4 (continued)**ATTACHMENT 1**

- (b) That the Returning Officer undertake the election of the Chairperson and Deputy Chairperson for the ensuing 12 months by announcing the nominations and then conducting the election.

Record of Voting:

For the Motion: Unanimous

As a result of the voting, THE METHOD OF VOTING FOR ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON WAS OPEN VOTING BY SHOW OF HANDS.

ELECTION OF CHAIRPERSON

The Returning Officer called for nominations for the position of Chairperson of the Committee and received nominations from Councillor Perram and Councillor Tagg.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Perram that he accepted the nomination.

In respect of the nomination for Councillor Tagg, he was not present at the meeting to accept the nomination. The Returning Officer allowed additional time for Councillor Tagg to arrive at the meeting. As Councillor Tagg did not arrive in this time, the Returning Officer could not accept the nomination.

As a result, COUNCILLOR PERRAM WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.

Councillor Perram assumed the Chair.

ELECTION OF DEPUTY CHAIRPERSON

The Returning Officer called for nominations for the position of Deputy Chairperson.

Note: Councillor Tagg arrived at the meeting at 4.37pm, during the calling of nominations for Deputy Chairperson.

The Returning Officer received nominations from Councillor Maggio and Councillor Tagg.

The Returning Officer confirmed with both Councillor Maggio and Councillor Tagg that they accepted their nomination.

The ELECTION FOR DEPUTY CHAIRPERSON was conducted which resulted in the following voting:

ITEM 4 (continued)**ATTACHMENT 1****Councillor Maggio 4 votes**

Voting in favour: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio and Perram

Councillor Tagg 3 votes

Voting in favour: Councillors Li, Petch and Tagg

As a result of the voting, COUNCILLOR MAGGIO WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.

2 CONFIRMATION OF MINUTES - Meeting held on 6 September 2011

RESOLUTION: (Moved by Councillors Petch and Campbell)

That the Minutes of the Works and Community Committee 12/11, held on Tuesday 6 September 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.

3 ADVISORY COMMITTEE - Access meeting 3 August 2011

RESOLUTION: (Moved by Councillors Petch and Campbell)

That Council supports the establishment of the National Disability Insurance Scheme and registers with the Every Australian Counts campaign to encourage the Federal Government commit to implement such a scheme in full.

Record of Voting:

For the Motion: Unanimous

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

4 OFFICE OF ENVIRONMENT & HERITAGE FUNDED PROJECTS

RESOLUTION: (Moved by Councillors Petch and Campbell)

That Council endorse the adjustments to the Waste and Sustainability Improvement Program as per the Office of Environment and Heritage guidelines as follows:

- \$130,000 for Kittys Creek Gross Pollutant Trap in 2011-2012.
- \$104,000 for Lyons Park Gross Pollutant Trap in 2011-2012.
- \$82,000 for Olympic Park Gross Pollutant Trap – completed.
- \$75,000 for Portius Park Gross Pollutant Trap – completed.

ITEM 4 (continued)**ATTACHMENT 1****Record of Voting:**

For the Motion: Unanimous

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

5 TIDY SUBURBS

RECOMMENDATION: (Moved by Councillors Campbell and Li)

- (a) That Council continue with the current practices for dealing with private properties and nature strips where residents or owners are not undertaking maintenance.
- (b) That Council raise awareness of the importance of maintaining tidy neighbourhoods through the City View, the Website and other promotional means.
- (c) That a Councillor workshop be conducted to identify other options which can be implemented to discourage kerb side dumping and ill-kept yards.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2011** as substantive changes were made to the published recommendation.

6 YAMBLE RESERVE INCLUSIVE PLAYGROUND - FINAL CONCEPT PLAN

RESOLUTION: (Moved by Councillors Maggio and Campbell)

- (a) That Concept Plan, dated September 2011, is approved for the Yamble Reserve inclusive playground.
- (b) That the name of the Yamble Reserve all abilities playground be known as "Livvi's Place – Yamble Reserve".

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 5.01pm.

CONFIRMED THIS 4TH DAY OF OCTOBER 2011

Chairperson

5 CODE OF MEETING PRACTICE

Report prepared by: Manager - Governance

Report dated: 29/07/2011

File No.: GRP/11/5/4 - BP11/522

Report Summary

This report presents a draft Code of Meeting Practice for Council's consideration. The draft Code reflects Council's recent determination in regard to its Council and Committee structure. The draft Code has also been reviewed to reflect City of Ryde practices and to align with the Division of Local Government's Meeting Practice Note.

It is recommended that Council adopt the **ATTACHED – CIRCULATED UNDER SEPARATE COVER** draft Code of Meeting Practice and that it be placed on public exhibition inviting submissions to be received. In addition, it is recommended that the draft be forwarded to the Division of Local Government for comment.

RECOMMENDATION:

- (a) That Council adopt the draft Code of Meeting Practice as attached to this report, for public exhibition for a period of not less than 28 days.
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice and that these submissions be accepted for a period of not less than 42 days.
- (d) That once the public submission period has closed a further report be provided to Council to consider adoption of the draft Code of Meeting Practice.

ATTACHMENTS

- 1 Code of Meeting Practice Working Document - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 5 (continued)**Background**

At its Meeting held 23 August 2011, Council adopted changes to its Council and Committee Meeting Structure and resolved as follows:

That a further report be provided to Council in September presenting a draft Code of Meeting Practice for public exhibition and which reflects Council's preferred option.

The preferred option adopted was as follows:

| Time | Week One | Week Two | Week Three | Week Four |
|--------|--------------------------|------------------------|--------------------------|------------------------|
| 4.00pm | Planning and Environment | | Planning and Environment | |
| 4.30pm | Works and Community | | Works and Community | |
| 5.30pm | | Workshop (as required) | | Workshop (as required) |
| 6.00pm | Workshop (as required) | | Workshop (as required) | |
| 6.30pm | Dinner | Dinner | Dinner | Dinner |
| 7.30pm | | Council | | Council |

At its meeting held 23 August 2011, Council was advised that a full review of the Code of Meeting Practice had been undertaken to align it with the Division of Local Government's Practice Note on Meetings and associated guidelines.

In addition, the Code of Meeting Practice has also been reviewed to reflect Council's resolution of 23 August 2011 with regard to its Council and Committee Meeting Structure.

It should be noted that the Code of meeting Practice applies to meeting of Council and Standing Committees. It does not apply to Advisory Committees.

Report

An extensive review of Council's Code of Meeting Practice has been undertaken to improve the readability of the document and to align it with the Division of Local Government's Meeting Practice Note and Guidelines. A copy of the revised Code of Meeting Practice is **ATTACHED – CIRCULATED UNDER SEPARATE COVER**.

As the format for the entire document has been reviewed and changed, it has no correlation to the previous Code and therefore it has not been possible to indicate changes within the draft.

However, the following details the changes and points of interest included in the draft Code of Meeting Practice.

ITEM 5 (continued)**1. Structure of the Code of Meeting Practice**

Councillors will observe that the structure of the draft Code of Meeting Practice has changed dramatically from the current adopted version.

Key points related to the Code's structure are:

- The structure reflects the Division of Local Government's Practice Note on Meetings and the structure of that document. It is also felt that the revised structure is more intuitive and easier to use.
- A comprehensive index has been included in the document which aims to make it a user friendly reference for Councillors, the public and staff.
- Throughout the draft document effort has been made to clearly reference information within the Code of Meeting Practice. This identifies whether references are from the Local Government Act, the Meetings Regulation, the Meetings Practice Note or other sources.
- Supplementary Provisions noted as City of Ryde provisions within the draft Code of Meeting practice have generally been drawn from the current Code of Meeting Practice.
- Guidelines have been included through the Code of Meeting Practice to provide commentary on the practice at the City of Ryde – these are identified in boxed out commentary and noted as City of Ryde Practice.
- The Code has also been reviewed to reflect the City of Ryde branding.

2. Committee of the Whole

All references to Committee of the Whole as a City of Ryde Standing Committee have been removed to reflect Council's determination in regard to this matter.

The only references to the Committee of the Whole are those that are provided within the Local Government Act and Meetings Regulation.

3. Petitions

Provision has been made within the draft Code of Meeting Practice for Councillors to table petitions at Council Meetings. This is provided within the Order of Business and in part 2.23 of the draft Code of Meeting Practice.

4. Notices of Motion

Currently, the Code of Meeting Practice provides that Notices of Motion may be submitted up until 5pm on the Thursday prior to the Council meeting.

ITEM 5 (continued)

This timeframe does not align with the distribution requirements within the Code of Meeting Practice to distribute Council Agendas on the Thursday prior to the Council meeting.

As a result, the draft Code of Meeting Practice has been revised to provide that Notices of Motion are to be received by 9am on the Wednesday prior to the Council Meeting. This will allow sufficient time for the Notices of Motion to be appropriately included in the Agenda and circulated to Councillors and the public.

5. Adjournment

Part 4.2.4 of the draft Code of Meeting Practice provides a guideline for the actions to be taken when a quorum is not present and a meeting is to be adjourned. This reflects what has been current practice at the City of Ryde.

6. Motions for Voting of Funds

An additional section has been included in the draft Code of Meeting Practice at part 5.6. The intent of this section is to reflect best practice in local government with regard to identifying sources of funding.

The section notes that Motions for the expenditure of funds on works and/or services other than those already provided for in the Budget must identify the source of funding for the expenditure. Where this is not provided the motion will be deferred pending a report from staff regarding the availability of funds for implementing the proposed motion.

7. Acts of disorder – removal of staff

In order to adequately reflect Council's duty of care to provide a workplace in which all staff are treated with respect, a City of Ryde Practice has been included in part 8.5 to reflect the General Manager's discretion with regard to the attendance of staff at meetings.

It provides that where the General Manager or their delegate determines that the situation is not safe or appropriate, they may withdraw staff from a meeting.

Consultation**Public Consultation process**

As previously reported to Council, before adopting a Code of Meeting Practice, Council must prepare a draft Code. Council is required to give public notice of the draft Code. The public exhibition period must not be less than 28 days. Council is also required to specify a period of not less than 42 days during which submissions may be made to Council.

ITEM 5 (continued)

As a result of Council's determination and any changes in relation to the **ATTACHED** document, a draft Code of Meeting Practice will be prepared for public exhibition.

The public exhibition period will be not less than 28 days. Submissions may be made to Council during this period and for an additional 14 days after. As a result there will be a period of not less than 42 days during which submissions may be made to Council.

Following the exhibition period and receipt of submissions a further report will be provided to Council for consideration of the submissions and adoption of the City of Ryde Code of Meeting practice.

It is anticipated that this report will be provided to Council in December.

It should be noted that should Council resolve to amend its draft Code as placed on public exhibition, it may publicly exhibit the amended draft again. Alternatively, if Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without further public exhibition.

Consultation in preparation of the draft Code of Meeting Practice

Internal Council business units consulted included:-

- General Counsel
- Executive Team

Internal Workshops held:-

- Nil

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- Local Government Managers Association Governance Network

In addition, it is proposed that the draft Code of Meeting Practice be provided to the Division of Local Government for comment.

Critical Dates

There are no critical dates or deadlines to be met; however it is appropriate that Council amend its Code of Meeting Practice to reflect the adopted Council and Committee Meeting Structure as soon as practicable.

It is noted that Council is required to give public notice of the draft code. The public exhibition period must not be less than 28 days. Council is also required to specify a period of not less than 42 days during which submissions may be made to Council. It is anticipated that a further report will be presented to Council in December.

ITEM 5 (continued)**Financial Impact**

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

Policy Implications

The **ATTACHED** draft Code of Meeting Practice will be placed on public exhibition reflecting Council's determination in relation to the draft Code.

The Code of Meeting Practice sets out the standards for the calling, conduct and recording of Council and Committee meetings.

Other Options

Council may wish to make further amendments to the draft Code of Meeting Practice. Any further amendments will be included in the draft Code of Meeting Practice to be placed on public exhibition.

Conclusion

A draft Code of Meeting Practice is **ATTACHED – CIRCULATED UNDER SEPARATE COVER**. The draft Code of Meeting Practice has been extensively reviewed and formatted to fully align with the Division of Local Government's Meeting Practice Note and Guidelines.

Some additional changes have been made to the draft Code to more clearly reflect the practice at the City of Ryde.

The draft Code of Meeting Practice also reflects Council's determination in relation to its revised Council and Committee Meeting structure.

It is recommended that Council adopt the draft Code of Meeting Practice to be placed on public exhibition and submissions be sought.

It is also recommended that the draft Code of Meeting Practice be forwarded to the Division of Local Government for comment.

6 CODE OF CONDUCT POLICY AND ANNUAL REPORT

Report prepared by: Manager - Governance**Report dated:** 15/08/2011**File No.:** GRP/11/5/4/6 - BP11/552

Report Summary

This report provides details of Code of Conduct complaints received over the past 12 months in accordance with Clause 33 of the Procedure – Management of Complaints relating to breaches of the Code of Conduct

In addition, it provides recommended changes to Council's adopted Code of Conduct as **ATTACHED – CIRCULATED UNDER SEPARATE COVER.**

RECOMMENDATION:

- (a) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2010 to September 2011.
- (b) That Council adopted the draft Code of Conduct as **ATTACHED.**

ATTACHMENTS

- 1 Code of Conduct - Policy September 2011 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 6 (continued)**Report****Reporting on Code of Conduct complaints**

Clause 33 of the Procedure – Management of Complaints relating to breaches of the Code of Conduct states that the General Manager must report annually to Council on Code of Conduct complaints.

From the period October 2010 to September 2011 **four** formal complaints were received with the following outcomes:

| | Nature of issue | Outcome of complaint |
|---|-----------------------------|---|
| 1 | General Conduct Obligations | Considered by Council with matters dismissed. However, associated investigation currently in progress |
| 2 | General Conduct Obligations | Complaint investigated, Dismissed |
| 3 | General Conduct Obligations | Complaint investigated and disciplinary action taken. |
| 4 | General Conduct Obligations | Considered by Council. Dismissed. |

Proposed changes to Council's Code of Conduct

Council's Code of Conduct is based, as required, on the Division of Local Government's Model Code. It should be noted that Council is unable to adopt anything less than the prescribed Model Code. There have been some additions to the Code previously, but these have been over and above the requirements that are prescribed in the Model Code.

Following the adoption of the Code of Conduct in September 2010, training was provided to all staff. As a result of this training and through the following twelve months, potential improvements to the Code of Conduct were identified.

The suggested changes are included in the **ATTACHED** draft Code of Conduct with additions shown in ***bold italic*** and deletions shown in ~~strikethrough~~.

1. Appropriate Interactions

As part of the continuous review of the Code of Conduct it has been highlighted that while inappropriate interactions are detailed at part 4.2, guidance should be provided as to what are appropriate interactions.

Staff particularly, expressed a desire to better understand the scope of appropriate interactions and as a result the following addition at part 4.2 is recommended:

Councillors or administrators:

a) can expect all staff to be courteous to councillors at all times.

ITEM 6 (continued)

b) may mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable.

c) can contact the General Manager regarding Council matters, Group Managers regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for any issue or request.

The above addition does not change current practice or expectations but aims to more clearly articulate the interactions between Councillors and staff.

The new clause (c) confirms the appropriate interactions which can be made by Councillors when making enquiries. Furthermore, the provision of the new clause confirms the Councillor HelpDesk as a point of contact for Councillor enquiries.

2. Harassment and discrimination

While the current Policy references discrimination and harassment it is appropriate for the Code of Conduct to be revised at part 1.7 to reference bullying.

3. Drugs and alcohol, Health, well being and safety

It is appropriate that the Code of Conduct reflect Council's position with regard to drugs and alcohol, health, wellbeing and safety. As a result additional clauses 1.11 and 1.12 have been included in the General Conduct Obligations

4. Statement for Gender Equity

In addition, the Code of Conduct has been revised to reflect Council's resolution of 21 September 2010 adopting the following Statement for Gender Equity:

We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.

We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decision-making environments that encourage and value a wide range of views.

This has been included as Clause 1.13 in the draft Code of Conduct, General Conduct obligations.

5. References

It has been suggested that the Code of Conduct more clearly identify relationships to existing policies and relevant legislation.

ITEM 6 (continued)

As a result, throughout the draft Code additional references have been included. Most importantly, the following references have been added:

- Local Government Act 1993
- ICAC Act 1988
- Council's EEO Management Plan
- Election Funding Act 1981
- Local Government (General) Regulation 2005
- Government Information (Public Access) Act 2009 and Regulation 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- Privacy Code of Practice for Local Government
- Protected Disclosures Act 1994
- Council's Alcohol and Other Drugs policy

6. Access to Information

Changes to the Code are suggested to correctly identify Council's Access to Information Officer as required under the Government Information (Public Access) Act 2009.

The suggested changes set out above and in the draft Code are believed to either fill gaps within the Code or strengthen its intent. They are not considered significant and the City of Ryde Code of Conduct continues to meet the requirements of the Model Code of Conduct provided by the Division of Local Government.

Consultation

Internal Council business units consulted included:-

- The Executive Team, the Manager Risk and Audit, the Manager Human Resources and General Counsel.

Following the 2010 adoption of the Code, Council engaged Mr Jeff Williams from Fraud Prevention and Governance Pty Ltd to conduct training. Following the training he provided a report to staff regarding the Code and feedback from staff during the sessions. His comments and observations have informed the proposed changes to the Code of Conduct where appropriate.

Councillors would be aware that recently comment was sought regarding a review of the Model Code of Conduct. The City of Ryde made a submission as part of this review. At this stage there have been no changes to the Model Code, but once any further information is provided, Councillors will be advised accordingly.

Critical Dates

The following deadline is required to be met:

- Section 12.33 of the Code of Conduct states that the General Manager must report annually to Council on Code of Conduct complaints.

ITEM 6 (continued)**Financial Impact**

There will be costs associated with the provision of training for Councillors and staff regarding these policies, however this training has been provided for in the 2011/12 budget.

External costs associated with undertaking the Code of Conduct investigations as detailed in this report were approximately \$15,300.

Policy Implications

Should Council endorse the proposed changes to the Code of Conduct, the Code will be amended and placed on the internet and intranet.

Other Options

Council may wish to adopt all the recommended changes to the Code of Conduct, or adopt some or none of the proposed changes.

Conclusion

This report provides details of Code of Conduct complaints received during the period from October 2010 to September 2011 as required under Section 12.33 of the Code.

In addition, this report provides a draft Code of Conduct as **ATTACHED – CIRCULATED UNDER SEPARATE COVER**. The suggested changes are included in the **ATTACHED** draft Code of Conduct with additions shown in ***bold italic*** and deletions show in ~~striketrough~~.

The suggested changes fill gaps within the Code or strengthen its intent. They are not considered significant and the City of Ryde Code of Conduct continues to meet the requirements of the Model Code of Conduct provided by the Division of Local Government.

7 PUBLIC INTEREST DISCLOSURES ACT - INTERNAL REPORTING POLICY

Report prepared by: Manager - Governance

Report dated: 15/09/2011

File No.: GRP/11/5/4/6 - BP11/473

Report Summary

Under Section 6D of the Public Interest Disclosures Act 1994, public authorities are required to have a policy and procedures for receiving, assessing and dealing with protected disclosures. The NSW Ombudsman has recently issued a model Internal Reporting Policy for Councils and the attached draft City of Ryde Policy is based upon this model.

This report recommends that Council adopt the Policy as **ATTACHED – CIRCULATED UNDER SEPARATE COVER.**

RECOMMENDATION:

That Council adopt the draft Public Interest Disclosures Internal Reporting Policy as **ATTACHED** in this report.

ATTACHMENTS

- 1 Internal Reporting Policy - Public Interest Disclosures - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 7 (continued)**Background**

This year, amendments to the Protected Disclosures Act 1994 were passed.

The Act sets out the system under which people working within the NSW public sector can make complaints about the functioning of the public sector in a way that minimises the risk of reprisal.

As of 3 March 2011, the following changes came into effect:

- The name of the act changed to Public Interest Disclosures Act 1994, but disclosures made in accordance with the Act will still be known as protected disclosures.
- Protected disclosures are now able to be made internally about a failure to properly fulfil functions under the Government Information (Public Access) Act 2009, as well as to the Information Commissioner.

On 1 July 2011, public authorities had three months to develop a policy and procedures for receiving, assessing and dealing with protected disclosures. Council's were required to have regard to the Ombudsman's guidelines in formulating their policies.

In addition, on 1 July 2011, the following provisions came into effect (*source: NSW Ombudsman Fact Sheet*):

- The threshold test for protection changed. A disclosure is now protected by the Act if it is information that the person making it honestly believes, on reasonable grounds, shows or tends to show one of the types of conduct that disclosures can be made about.
- Individuals who are engaged as contractors by a public authority are included in the new definition of a public official who can make a protected disclosure or be the subject of one.
- New provisions relating to retribution are now included as detailed below:
 - If a person takes detrimental action against someone for making a protected disclosure, this will not only be a criminal offence but also constitute misconduct that justifies the taking of disciplinary action. This also applies to a situation where a person takes retribution against a person whom they mistakenly believe made the protected disclosure.
 - Any person who takes detrimental action is liable in damages for any loss suffered by a person who made the protected disclosure.
 - An investigating authority, or public authority with the consent of the Attorney-General, may apply to the Supreme Court for an injunction to prevent detrimental action being carried out.

ITEM 7 (continued)

- If a person is convicted of the offence of detrimental action, the maximum penalty has doubled to 100 penalty units or two years gaol.
- Public authorities must refer to the Director of Public Prosecutions evidence of detrimental action taken in reprisal for a disclosure.
- A public authority can no longer decline to investigate a protected disclosure solely on the grounds that it was made frivolously or vexatiously.
- The NSW Ombudsman's new oversight role commenced.

It should be noted that Council currently has a Policy regarding the Reporting of Protected Disclosures however this Policy has now been reviewed and updated to reflect the Ombudsman's Guidelines and Model Policy.

Report

A draft Public Interest Disclosures Internal Reporting Policy is **ATTACHED – CIRCULATED UNDER SEPARATE COVER**. This draft Policy reflects the model Policy provided by the NSW Ombudsman.

It is recommended that Council adopt the draft Policy.

Following adoption of the Policy training will be arranged with the NSW Ombudsman's Office for Council's disclosure officers. In addition, information sessions will be provided for all staff and Councillors outlining the provisions of the Policy.

The Policy will be made available on Council's website and on the intranet for staff.

Consultation

Internal Council business units consulted included:-

- The Executive Team endorsed the attached draft Policy.
- A copy of the draft Policy has been circulated to Council's disclosure officers for comment and information.

External public consultation included:-

- Key Council staff attended a briefing session conducted by the NSW Ombudsman regarding the changes to the Act.

Critical Dates

The following deadlines are required to be met:

- Council is required under the Act to adopt a Policy for receiving, assessing and dealing with protected disclosures by 30 September 2011.

Financial Impact

Adoption of the option(s) outlined in this report will have no financial impact. The NSW Ombudsman's Office have indicated that they will provide training at no cost.

ITEM 7 (continued)**Policy Implications**

Should Council adopt the attached draft Policy it will replace Council's current Internal Reporting Policy.

Other Options

Council is required to adopt a Policy by 30 September 2011. It is recommended that the attached Policy be adopted as it reflects the Ombudsman's Model Policy for local government.

Conclusion

Under Section 6D of the Public Interest Disclosures Act 1994, public authorities are required to have a policy and procedures for receiving, assessing and dealing with protected disclosures. The NSW Ombudsman has issued a model Internal Reporting Policy for Councils and the attached draft City of Ryde Policy is based upon this model.

It is recommended that Council adopt the Policy as **ATTACHED – CIRCULATED UNDER SEPARATE COVER.**

8 PUBLIC EXHIBITION OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS POLICY

Report prepared by: Councillor Support Coordinator

Report dated: 31/08/2011

File No.: CLR/07/8/9/6/1 - BP11/584

Report Summary

The Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy allows for the Mayor and Councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties.

This report is presented to Council to endorse the public exhibition of the revised policy as part of Council's requirements to annually review and adopt the policy. The policy has been reviewed in consideration of Council's resolution from its meeting on 26 July 2011 and some further changes are proposed for Council's endorsement prior to the exhibition.

RECOMMENDATION:

- (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.

ATTACHMENTS

- 1 Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Sheron Chand
Councillor Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 8 (continued)**Background**

The Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy must comply with the Local Government Act 1993 (the Act). It ensures that there is accountability and transparency in the facilities provided to Councillors and the reimbursement of expenses incurred by Councillors in carrying out their civic duties.

In accordance with the requirements of the Division of Local Government (the Division) and the Act, Council is required to annually adopt the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy.

Section 253 (5) of the Act requires Council to give public notice to amend or adopt this policy and allow up to 28 days for public submissions. After Council has adopted the policy, Council will be required to submit the policy, a copy of the public notice and attach any submissions received; to the Director-General prior to 30 November 2011.

The policy was last adopted by Council on 26 July 2011 as part of its 2010 annual review.

Report*Reporting timeframe of the draft policy*

In accordance with the requirements set by the Division, Council is required to publicly exhibit the draft policy for a minimum of 28 days. If Council endorses the public exhibition of the draft policy, it is proposed that the exhibition commence on 5 October 2011 and conclude on 2 November 2011.

Following the public exhibition, it is anticipated that the revised policy will be submitted to Council on 22 November 2011 for final adoption. The report to Council will include any submissions received during the exhibition of the draft policy. At this meeting, Council can resolve to make further amendments to the policy. However, if the amendments are considered to be significant, Council would be required to place the policy on public exhibition again for a period of 28 days, before it can be adopted.

Entitlements on Reimbursements

At its meeting on 26 July 2011, Council adopted the 2010 annual review of the policy with the following additional resolutions:

- (c) *That Council investigate the option of streamlining the reimbursement process including providing Councillors with an alternative to accept a monthly base rate of 70%, without providing any documentation.*
- (d) *That Councillors be allowed to surrender any part of their entitlement should they choose, with an option to donate it to a charity.*

ITEM 8 (continued)

In reviewing the draft policy, staff have researched and enquired on the possibility of incorporating the above clauses in the policy. The findings of the investigation are outlined below.

- *Findings from research/enquiries on the provision of a monthly base rate – without supporting documentation*

The Division in October 2009 published the “Guidelines for the payment of expenses and the provision of facilities for the Mayor and Councillors in NSW”. The Guidelines provide that Council’s Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy must:

- Adequately provide for Councillors to be *reimbursed* for actual expenses incurred, or to be incurred, in the performance of their civic duties.

AND

- Not include provisions for a general expenses allowance.

A general expense allowance is defined as a sum of money paid by Council to Councillors to expend on an item or service where a receipt is not required for reconciliation. This provision is also contained in Clause 403 of the Local Government (General) Regulation 2005.

Council contacted the Division on 25 August 2011 to seek advice on the legality and viability of incorporating clause (c) in the policy. The Division advised that the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005 do not allow for Council to provide Councillors with a monthly base rate. Furthermore, the Division stated that the Act and Regulation do not allow for Council to reimburse Councillors without the receipt of appropriate supporting documentation showing the expense incurred.

Therefore, monthly base rates cannot be offered to Councillors. As a result, there is no provision for monthly base rates in the policy **ATTACHED – CIRCULATED UNDER SEPARATE COVER.**

The Division explained that any payment made to Councillors by Council without the presentation of appropriate documents showing expenses constitutes a “disbursement”. The Division advised that this practice is to be discouraged by Councils. Correspondingly, the Division clarified that a “reimbursement” is an entitlement provided to Councillors after they have incurred an expense. Reimbursements are to be provided to Councillors only upon receipt of appropriate supporting documentation showing the expense incurred.

The policy therefore does not provide for reimbursements to Councillors without the receipt of supporting documentation.

ITEM 8 (continued)*- Councillors to surrender/donate Councillor entitlements*

The Division has advised Council that the payment of expenses incurred by Councillors is an entitlement and is distinct to the provision of Councillor fees set out by the Local Government Remuneration Tribunal of NSW. Council does not have the capacity to “surrender” Councillor entitlements (clause (d) above); and therefore, does not have the ability to donate the entitlements to a charity. However, Section 404 of the Local Government (General) Regulation 2005 provides that Councillors can agree to a “non-payment or reduction” in their Councillor fees. The Division confirmed this on 25 August 2011 and stated that Councillors have an option to donate all or part of their Councillor fees to a charity organisation.

Proposed changes to the Policy

Additions to the policy are noted in ***bold italics*** and any deletions are noted with a ~~strikethrough~~. The proposed changes to the policy are as follows:

1. Additional part 5 to clause 1 – Payment of Councillor Fees

As a result of the advice received from the Division on 25 August 2011, this clause has been added to confirm that Councillors may donate all or part of their Councillor fees to a charity organisation.

It should be noted that the decision to do so is a private matter for Councillors. Council may resolve that the additional clause not be included in the policy.

2. Amendment to part 1 of clause 7 – Attendance at seminars, conferences and training courses

It is proposed that this part be amended to delete the requirement for Councillors to submit an application detailing the purpose, costs and expected benefits for any conference, seminar or training they wish to attend.

In its place, an additional sentence is proposed which requires Council Officers to include these details in the report to Council for their consideration of Councillor attendance at conference, seminars and training courses.

3. Amendment to part 2 of clause 9 – General travel and accommodation arrangements

It is proposed that this clause be amended to align with the Division’s Guidelines which specifies that “Councillors should not obtain private benefit ... from travel bonuses such as ‘frequent flyer’ schemes or any other loyalty programs while on Council business”.

ITEM 8 (continued)

4. Additional part 5 to clause 9 – General travel and accommodation arrangements

This addition formally confirms the current practice of issuing taxi vouchers to Councillors for their travel to a seminar, conference or training course and the requirement to return used and unused vouchers back to Council staff.

5. Amendment to part 7 of clause 9 – General travel and accommodation arrangements

An additional sentence has been included to this part to confirm that where possible, Council will make payment of accommodation expenses prior to arrival at the conference venue.

6. Amendment to part 1 of clause 16 – Insurance provisions and expenses

It is recommended that values of the public liability insurance and professional indemnity coverage be deleted as these values change from time to time. Currently, the public liability insurance has increased from \$300 million to \$400 million and the professional indemnity coverage has increased from \$200 million to \$300 million.

7. Additional part 4 to clause 17 – Legal assistance provision and expenses

This additional part is included to meet the requirement of the Division's Guidelines which states that "A council must not meet the legal costs of legal proceedings initiated *by* a councillor under any circumstance". It is recommended this requirement be included in this policy to affirm that Council is not liable for meeting costs of legal proceedings initiated by a Councillor.

8. Additional Clause 28 – Council Meeting Chamber

It is proposed that a provision be made in the policy which permits Councillors to use and access the Council Chambers for Council related business. This includes but is not limited to conducting meetings with members of the public in the Chamber.

Consultation

Internal Council business units consulted included:-

- The Executive Team, the Manager for Risk and Insurance and General Counsel.

Other consultation undertaken:

- A notice was placed on the Councillors' Information Bulletin dated 18 August 2011 inviting Councillors to comment on the current policy. Councillors were requested to submit their comments to the Councillors' HelpDesk by 26 August 2011.
- Enquiries were made to the Division seeking advice on the provision of Councillor reimbursement entitlements.

ITEM 8 (continued)

- Council conducted a research on the payment of expenses and provision of facilities provided to Councillors at other Sydney Metropolitan Centre Councils. The purpose of the research was to compare the provisions of the policy with those offered by other Metropolitan Centre Councils.

Critical Dates

The following deadlines are required to be met:

- Public exhibition of the draft policy commence on 5 October 2011 and conclude on 2 November 2011.
- Report submitted to Council at its meeting on 22 November 2011 for final adoption of the policy.
- Council will be required to submit the policy, a copy of the public notice and attach any submissions received; to the Director-General prior to 30 November 2011.

Financial Impact

There are no financial or budget implications as a result of the recommendations detailed in this report. However, should Council resolve to increase the amount of the entitlements currently offered to Councillors, it may impact Council's current budget provisions.

Policy Implications

The draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy will be placed on public exhibition for a period of 28 days prior to it being considered by Council for adoption. Additions to the policy are noted in ***bold italics*** and any deletions are noted with a ~~strike through~~.

Other Options

Council can resolve to:

1. Not adopt the proposed amendments to the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and proceed with the exhibition of this policy; OR
2. Adopt some of the proposed amendments to the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and proceed with the exhibition of this policy.

Council can also resolve to make further amendments to the policy not detailed in this report; however, consideration should be given to the Division's Guidelines.

Conclusion

In accordance with the requirements of the Division, Council is required to annually adopt the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy. The Division also requires Council to give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

ITEM 8 (continued)

The report details the proposed amendments to the Policy and gives clarification on reimbursement entitlements offered to Councillors as provided in the Local Government Act 1993 and the Local Government (General) Regulation 2005.

9 2012 LOCAL GOVERNMENT ELECTIONS

Report prepared by: Manager - Governance**Report dated:** 12/09/2011**File No.:** GRP/11/5/4 - BP11/603

Report Summary

This report is provided to Council following advice from the Division of Local Government concerning the following with regard to the 2012 Local Government Election:

- Reduction in the number of Councillors, without a constitutional referendum; and
- Abolition of wards, without a constitutional referendum.

The purpose of this report is for Council to make a determination as to whether it proposes to seek Ministerial approval for the abolition of wards and/or a reduction in the number of Councillors without a Constitutional Referendum.

If Council proposes to resolve to seek Ministerial approval for the abolition of wards and/or a reduction in the number of Councillors without a Constitutional Referendum, a public notice process will commence with a further report being provided to Council on 22 November 2011.

In addition, information is provided in this report regarding the conduct of the 2012 Local Government Election and seminars to be conducted for potential candidates.

RECOMMENDATION:

- (a) That Council determine whether it proposes to resolve to apply to the Minister for approval to abolish wards and/or reduce the number of Councillors.
- (b) That three seminars be conducted prior to the 2012 local government election as set out in this report.

ATTACHMENTS

- 1 Attachments to Council report 27 September 2011

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 9 (continued)**Background**

On 27 June 2011, the Local Government (Amendment) Elections Act 2011 was passed.

The changes made to the legislation:

- Enable Councils, in certain circumstances to make an application to the Minister for Local Government for approval to reduce the number of their councillors without the need for approval at a constitutional referendum.
- Enable Councils in certain circumstances, to make an application to the Minister for approval to abolish all wards in their areas without the need for approval at a constitutional referendum.
- Provide that Council elections (and constitutional referendums and polls) are to be administered by the General Manager of the Council concerned.
- Allow a Council to enter into a contract or make arrangements with the Electoral Commissioner for the NSW Electoral Commission to administer all elections for the Council (other than the elections of Mayors and Deputy mayors by Councillors).

In addition to the provisions of the Amending Act, the Local Government Act (1993) provides that a constitutional referendum is required for Council to:

- Change the basis on which the Mayor attains office (that is, by election by the electors); or
- Increase the number of Councillors.

ATTACHED for the information of Councillors are the following:

- Division of Local Government Circular to Councils 11/11 (29 June 2011).
- Division of Local Government Circular to Councils 11/12 amended (29 June 2011).
- Division of Local Government Circular to Councils 11/22 (9 September 2011).
- Letter from the Local Government Association (29 August 2011).

The City of Ryde local government area is divided into three wards: West, Central and East. At 18 April 2011, each ward had the following population:

| | |
|--------------|--------|
| West Ward | 22,693 |
| Central Ward | 22,525 |
| East Ward | 21,861 |

There are four Councillors representing each ward. The Mayor is elected each year in September by the Councillors.

ITEM 9 (continued)**Report**

The purpose of this report is for Council to make a determination as to whether it proposes to seek Ministerial approval for the abolition of wards and/or a reduction in the number of Councillors without a Constitutional Referendum.

1. Ministerial approvals for abolition of wards without a Constitutional Referendum

The Act now provides a one time opportunity for Council to make application to the Minister for approval to abolish wards in the City of Ryde.

In order to do so, Council must give not less than 42 days public notice of any proposal.

As a result the options for Council are:

- To take no action with regard to abolishing wards.
- Propose to make application to the Minister to abolish wards.

2. Ministerial approvals for reduction in number of Councillors without a Constitutional Referendum

The Act now provides a limited opportunity for Council to make application to the Minister for approval to reduce the number of Councillors without the need for approval at a Constitutional Referendum.

In order to do so, Council must give not less than 42 days public notice of any proposal.

It is still required that any reduction must not result in Council having fewer than five Councillors. In addition, where a Council is divided into wards, the reduction may not result in the number of Councillors for each ward being fewer than three.

At the City of Ryde, there are three wards. As a result the Act now provides an opportunity for Council to make application to the Minister to reduce the number of Councillors to nine.

As a result the options for Council are:

- To take no action with regard to reducing the number of Councillors.
- Propose to make application to the Minister to reduce the number of Councillors to nine (three per ward).

ITEM 9 (continued)**3. Abolish Wards and Reduce the number of Councillors**

As a result of the Amending Act, Council may:

- Make application to the Minister to abolish wards and reduce the number of Councillors to no fewer than five.

4. Consultation

The procedure for public consultation with regard to this matter is set out in the attached Division of Local Government Circular 11/12.

In summary, the process is as follows:

- (a) Council must give 42 days public notice of its proposal to resolve to apply to the Minister for approval.
- (b) The public notice must state when and where the public may inspect the proposed resolution and invite public submissions.
- (c) Council must bring the matter to the attention of as many people as possible. This would be done through advertising in local media, exhibiting public notices in public areas and making the information available on Council's website.
- (d) Following the 42 days public notice period a report would be provided to Council to determine whether Ministerial approval will be sought for the abolition of wards and/or a reduction in the number of Councillors without a Constitutional Referendum.

At this time, Council is only able to propose to seek Ministerial approval and commence a public notice process. Council is not able to resolve to seek Ministerial approval for the abolition of wards and/or a reduction in the number of Councillors until after the public notice process.

Following the public notice period, a further report would be provided to Council on 22 November 2011.

It is at that time that Council may resolve to seek Ministerial approval for the abolition of wards and/or a reduction in the number of Councillors without a Constitutional Referendum.

5. Decision regarding the conduct of the 2012 Local Government Election

Council is also required to resolve, before 30 November 2010, if it wishes to retain the Electoral Commissioner to administer its elections (other than the elections of Mayors and Deputy Mayors by Councillors, constitutional referendums and polls) until the conclusion of the 2012 ordinary election for Councillors.

ITEM 9 (continued)

The Local Government and Shires Association has requested that Council make no determination in regard to this matter until advice is received following their meeting with the NSW Premier which is planned for 19 September 2011.

It is proposed that a report be provided to Council as soon as practicable following receipt of that advice and, in any case, prior to the 30 November 2011 deadline.

6. Seminars for potential candidates

In 2008, Council organised and conducted three information sessions for prospective candidates, one in each ward.

For 2012 it is proposed that three information sessions again be conducted. These sessions will be for the entire local government area. One will be held in the near future, a second six months from the election and the third session three months from the election.

At its meeting held 21 September 2010, Council adopted the following Statement for Gender Equity:

We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.

We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decision-making environments that encourage and value a wide range of views.

We will be embracing the intent of this resolution in the conduct of these seminars.

Consultation

Internal Council business units consulted included:-

- Nil

Internal Workshops held:-

- Nil

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External consultation:

- Staff have attended meetings with representatives from the Electoral Commission, NSROC Councils and the Local Government and Shires Association in relation to the conduct of the 2012 Local Government Election.

ITEM 9 (continued)**Critical Dates**Decision to reduce the number of Councillors and/or abolish wards

The following deadlines are required to be met:

- A Council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to reduce its Councillor numbers.
- A Council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for the abolition of wards.
- If Council were to resolve to propose the reduction in the number of Councillors and/or the abolition of wards public notice would commence Friday, 30 September 2011.
- The public notice period would close on Friday 11 November 2011.
- A further report would be provided to Council on Tuesday, 22 November 2011
- Applications to the Minister must be made no later than Monday, 28 November 2011.

Decision regarding the conduct of the 2012 Local Government Election

Council is also required to resolve, before 30 November 2011, if it wishes to retain the Electoral Commissioner to administer its elections (other than the elections of Mayors and Deputy Mayors by Councillors) constitutional referendums and polls until the conclusion of the 2012 ordinary election for Councillors.

Financial Impact

The conduct of the 2008 Local Government Election cost \$400,700. The Australian Electoral Commission has advised that the cost in 2012 is forecasted to increase the 2008 cost by the CPI to a total of at least \$441,828.

Funds have been provided for this purpose in Council's four year delivery plan and budget.

Policy Implications

There are no policy implications through adoption of the recommendation.

Other Options

The following options are presented in this report for Council's consideration:

- That Council take no action with regard to abolishing wards.
- That Council take no action with regard to reducing the number of Councillors.
- That Council proposes to make application to the Minister to abolish wards.
- That Council proposes to make application to the Minister to reduce the number of Councillors to nine (three per ward).

ITEM 9 (continued)

- That Council proposes to make application to the Minister to abolish wards and reduce the number of Councillors to no fewer than five.

Should Council propose to make application to the Minister to abolish wards and/or reduce the number of Councillors, a public notice period is required and the following process would be required to be followed and reflected in Council's resolution on this matter:

- That Council gives not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to abolish wards and/or reduce the number of Councillors.
- That a further report be provided to Council at its meeting to be held on 22 November 2011 to allow Council to determine whether it resolves to apply to the Minister for approval to abolish wards and/or reduce the number of Councillors.
- That this further report provide details of submissions received during the public notices period of not less than 42 days.

Conclusion

This report is provides details of the recent changes to the Local Government Elections Act 2011 and has been submitted to Council to consider the following with regard to the 2012 Local Government Election:

- Reduction in the number of Councillors, without a constitutional referendum; and
- Abolition of wards, without a constitutional referendum.

The purpose of this report is for Council to make a determination as to whether it proposes to seek Ministerial approval for the abolition of wards and/or a reduction in the number of Councillors without a Constitutional Referendum.

If Council proposes to resolve to seek Ministerial approval for the abolition of wards and/or a reduction in the number of Councillors without a Constitutional Referendum, a public notice process will commence with a further report being provided to Council on 22 November 2011.

ITEM 9 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-12
Date 29 June 2011
Doc ID. A249154 (B)

Contact David Rolls
02 4428 4210
david.rolls@dlg.nsw.gov.au

CONSTITUTIONAL ARRANGEMENTS FOR COUNCILS – AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

The NSW Parliament has passed the *Local Government (Amendment) Elections Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date. The purpose of this circular is to advise councils of the resulting changes to the *Local Government Act 1993* (the Act) concerning constitutional arrangements for councils.

A copy of the Amending Act can be found on the NSW Parliamentary Counsel's Office legislation website at www.legislation.nsw.gov.au.

The *Local Government Act 1993* now:

1. enables councils, in certain circumstances, to make an application to the Minister for Local Government for approval to reduce the number of their councillors without the need for approval at a constitutional referendum
2. enables councils, in certain circumstances, to make an application to the Minister for approval to abolish all wards in their areas without the need for approval at a constitutional referendum
3. provides that a by-election need not be held to fill a casual vacancy in the office of a councillor (but not a mayor elected by the electors) if a constitutional referendum has approved a reduction in the number of councillors for the council area but the reduction has not yet taken effect
4. enables councils to apply to the Minister for an order dispensing with the requirement to hold a by-election where a casual vacancy in the office of a councillor (including a mayor elected by the electors of an area) occurs within 18 months before an ordinary election, and
5. contains provisions of a consequential, savings and transitional nature.

Ministerial approvals for reduction in number of councillors without constitutional referendum

Section 224A of the Act now provides councils with a further limited opportunity to make application to the Minister for approval to reduce their councillor numbers without the need for approval at a constitutional referendum.

Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

Division of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

ITEM 9 (continued)**ATTACHMENT 1**

2

Section 224A now requires a council to give not less than 42 days public notice of its proposal to resolve to apply to the Minister for Local Government for approval to reduce its councillor numbers. Formerly, not less than 21 days notice was required. In all other respects the procedure for making an application remains the same.

The procedure can now be summarised as follows:

- A council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to reduce its councillor numbers
- The public notice must:
 - state the place at which, the dates on which, and the times during which the public may inspect the proposed resolution, and
 - invite public submissions on the proposal
- The council must bring the notice to the attention of as many people in its area as possible. This is commonly done by doing all of the following:
 - advertising in a newspaper regularly circulating in the council area
 - exhibiting the notice in public areas such as community centres, libraries and public notices boards, and
 - posting the notice on the council's website
- After passing the resolution the council must forward to the Minister:
 - a copy of the resolution
 - a summary of any submissions received by it, and
 - its comments concerning those submissions.

Councils are reminded that section 224A still prevents such applications being made where:

- the reduction would result in the council having less than 5 councillors
- the council is divided into wards and the reduction would result in the number of councillors for each ward being fewer than 3.

Further, as was the case before the amendment:

- where a council receives approval to reduce the number of councillors, the reduction will not take place until the next ordinary elections, however
- by reason of section 294A of the Act, any casual vacancies that occur during this period will not be required to be filled unless the number of councillors on the council would become less than the reduced number approved by the Minister.

Ministerial approvals for abolition of wards without constitutional referendum

Section 210B of the Act allows councils a one-off opportunity to resolve to apply to the Minister to approve the abolition of all wards of their council areas.

ITEM 9 (continued)**ATTACHMENT 1**

3

Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

The steps in the application process are generally the same as those required for the application to reduce councillor numbers as noted above.

Casual vacancies need not to be filled where approval has been obtained at a constitutional referendum to reduce councillor numbers

Section 294B of the Act provides that a by-election is not to be held to fill a casual vacancy in the office of a councillor (but not a mayor elected by the electors) if a constitutional referendum has approved a reduction in the number of councillors for the council area but the reduction has not yet taken effect.

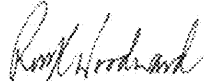
Increase of period before an ordinary election during which by-elections may be dispensed with

Section 294 of the Act now provides that a council may apply to the Minister to dispense with the requirement to hold a by-election for a casual vacancy in the office of a councillor (including a mayor elected by the electors of an area) that has occurred during the 18 months immediately before an ordinary election of the councillors.

Previously, such applications could only be made during the 12 months immediately before an ordinary election of the councillors.

Other amendments concerning the administration of elections

The Amending Act has made councils responsible for the administration of their elections, constitutional referendums and polls. Details of these amendments are provided in Circular to Councils No 11-11.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

ITEM 9 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-11
Date 29 June 2011
Doc ID. A249154 (A)

Contact Helen Damaschin
02 4428 4212
helen.damaschin@dlg.nsw.gov.au

CONDUCT OF ELECTIONS BY COUNCILS – AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

The NSW Parliament has passed the *Local Government Amendment (Elections) Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date. The purpose of this circular is to advise councils of the resulting changes to the *Local Government Act 1993* (the Act) concerning the conduct of council elections.

A copy of the Amending Act can be found on the NSW Parliamentary Counsel's Office legislation website at www.legislation.nsw.gov.au.

Section 296 of the Act now provides that council elections (and, by operation of section 18 of the Act, constitutional referendums and polls) are to be administered by the general manager of the council concerned.

However, a council may, within 12 months after an ordinary election of councillors for the area, resolve that the council is to enter into a contract or make arrangements with the Electoral Commissioner for the NSW Electoral Commission to administer all elections for the council (other than elections of mayors and deputy mayors by councillors). If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections, constitutional referendums and polls of the council until the conclusion of the following ordinary election for councillors.

Section 55(3) of the Act now provides that a council need not invite tenders before entering into a contract with the Electoral Commissioner for the administration of the council's elections, constitutional referendums and polls.

Where a council decides to conduct its own elections, constitutional referendums and polls, section 296 of the Act makes it clear that the general manager is responsible for their conduct.

Section 296A of the Act provides that the responsibilities of the general manager include appointing a suitably qualified independent returning officer and a substitute returning officer for the council's area, appointing the polling places and determining the fees payable to the returning officer, substitute returning officer and electoral officials. The returning officer is to appoint one or more electoral officials.

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ITEM 9 (continued)**ATTACHMENT 1**

2

Importantly, section 296A provides that an employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.

Section 296A also provides that a general manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.

The general manager will also be responsible for managing the relevant election costs and preparing a report for the Minister for Local Government on the conduct of each election. The report must disclose, among other things, full and transparent costings for that election. It is already the practice of the Electoral Commissioner to report to the NSW Government on the outcome of council ordinary elections.

While the latter requirement is not included in the Act, it is intended that it will form part of the new regulation and guidelines to be released by the Division of Local Government.

The guidelines will assist councils in understanding the level of service and accountability required of them so that they can make an informed choice whether to conduct their elections.

It is vitally important that councils do not make a final decision on who is to conduct their 2012 ordinary elections until they have considered the new regulation and guidelines.

For the purposes of the conduct of the September 2012 ordinary elections, Schedule 8 of the Act provides that a council may resolve, before 31 October 2011 (or such later date as may be prescribed by the regulation), ~~to retain the~~ Electoral Commissioner to administer its elections (other than elections of mayors and deputy mayors by councillors), constitutional referendums and polls until the conclusion of the 2012 ordinary election for councillors.

If a later date is prescribed, the Division will advise councils forthwith.

The Division is presently developing the necessary regulation and guidelines to complement these amendments. Councils will be notified as soon as the regulation and guidelines have been issued.

Section 434B of the Act provides that the Director General of the Department of Premier and Cabinet may recover the reasonable expenses incurred by the Director General in, or in respect of, the preparation of a Departmental representative's report under Division 1 (Inquiries and reviews) of Part 5 (Inquiries, reviews and surcharging) of Chapter 13 (How are councils made accountable for their actions?) of the Act that relates to the administration of an election by a general manager, including investigation expenses of the Director General or the Departmental representative.

Note: The later date of 30 November 2011 has now been prescribed by the Local Government (General) Amendment (Electoral Commissioner) Regulation 2011

ITEM 9 (continued)**ATTACHMENT 1**

3

It should be noted that the conduct of the Wollongong City Council and Shellharbour City Council fresh elections on 3 September 2011 are not affected by these changes.

Finally, the Amending Act has also made certain changes affecting councils' constitutional arrangements. Details of these changes are provided in Circular to Councils No 11-12.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

ITEM 9 (continued)

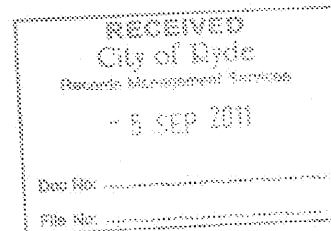
ATTACHMENT 1

Local Government
Association of NSW



29 August 2011

Mr John Neish
General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670



Dear Mr Neish,

A number of Councils met with representatives from the Australian Election Company (Richard Kidd 1800 224 420) in Sydney this morning to hear their presentation about offering their services so that Councils could consider having them conduct their Local Government elections in September 2012.

They provided a very detailed and straightforward presentation covering all aspects of either a Council completely running its own Local Government elections, or assisting Councils to run their own elections guided by the Australian Election Company staff and materials.

They assured the meeting that they can provide Councils with a legally defensible and very efficient and cost effective package to assist with the elections. They also assured Councils that they have the software which would enable above the line voting.

Following a number of meetings that representatives from the NSWEC have had with Councils, feedback has indicated that no assistance will be given to Councils who choose not to have the NSWEC run their elections. They are also unable to give an accurate final cost prior to Councils having to make a decision as to who will run their elections. This contravenes the spirit and the intent of the legislation passed by the NSW Government to give Councils the choice.

Before making any final decision Councils should be aware that the Shires Association President and I have a meeting scheduled with the Premier on 19 September to urgently discuss the intent of the legislation being eroded by the lack of cooperation from the NSWEC. We therefore strongly suggest that Councils refrain from taking any final decision about this issue until after this meeting with the Premier. We will also be requesting that the final date for Councils to make a decision regarding who runs their elections be pushed back further than the end of November.

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ITEM 9 (continued)**ATTACHMENT 1**

The Associations are also awaiting the Guidelines promised by the end of August by the DLG. Councils cannot be expected to make any final decision about the elections until they have seen these Guidelines.

The Associations would appreciate any other comments or feedback regarding this issue prior to our meeting with the Premier.

Yours sincerely,



Keith Rhoades AFSM
President

ITEM 9 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-22
Date 9 September 2011
Doc ID. A257813

Contact Marie Swain
02 4428 4186
marie.swain@dlg.nsw.gov.au

GUIDELINES FOR COUNCIL ADMINISTERED ELECTIONS 2012

Councils will be aware that the *Local Government Act 1993* has been amended to return responsibility for administering elections, constitutional referendums and polls to general purpose councils. If councils prefer, they can engage the services of the New South Wales Electoral Commission (NSWEC) to administer the September 2012 elections on their behalf. A resolution to this effect must be made by 30 November 2011.

Further details of the arrangements arising from the legislative amendments made to return the administration of elections, constitutional referendums and polls can be found in Circulars to Councils Nos 11-11 and 11-12.

The purpose of this Circular is to advise that the Division of Local Government has issued Guidelines under section 23A of the *Local Government Act 1993* to assist councils understand the level of service and accountability that will be required of them if they administer their own elections, constitutional referendums and polls in 2012. These are available on the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.

As the Guidelines have been issued under section 23A of the *Local Government Act*, councils must take the Guidelines into consideration when determining whether to administer the elections themselves or to engage the NSWEC.

Amendments to the *Local Government (General) Regulation 2005* have also been made to give regulatory force to certain mandatory provisions contained in the Guidelines. The term 'election manager' has also been introduced to ensure procedural requirements can be met by either the General Manager or the NSWEC depending on who is administering the elections.

A copy of the *Local Government (General) Amendment (Elections) Regulation 2011* is expected to be published on the Parliamentary Counsel's Office legislation website at www.legislation.nsw.gov.au on 9 September 2011.

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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10 INVESTMENT REPORT - August 2011

Report prepared by: Chief Financial Officer**Report dated:** 6/09/2011**File No.:** GRP/09/6/1/7 - BP11/594

Report Summary

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

Council's financial year to date return is 5.99%, 0.90% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$688K, which is \$188K above budget projections.

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 has a balance of \$1.005M.

Council continues to invest in term deposits to take advantage of the Federal Government's guarantee. The guarantee was recently varied to lower the cap to \$250k from 1 February 2012.

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 6 September 2011 on INVESTMENT REPORT – August 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 10 (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 investments are now outside the Minister's Order:

| Investment | Rating | Maturity |
|--------------------------------------|---------------|-----------------|
| • Alpha CDO * | B- | 20/03/2012 |
| • 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 |
| • Oasis CDO * | CC | 04/09/2014 |
| • Camelotfund | AA | 01/03/2012 |
| • FOCUS Note | AA | 20/12/2012 |
| • Global Protected Property Note VII | AA+ | 20/09/2011 |

(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 August:

- 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.

Investment Performance Commentary

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

| | Aug 2011 | 12 Mth | Fin YTD |
|-----------------------|-----------------|---------------|----------------|
| Council Return | 5.97 | 5.90 | 5.99 |
| Benchmark | 5.14 | 5.00 | 5.09 |
| Variance | 0.83 | 0.90 | 0.90 |

Council's year to date return has outperformed the benchmark and at 5.99% is 0.90% above benchmark.

ITEM 10 (continued)

Council's investment portfolio as at 31 August was as follows:

| | | |
|----------------------------|---------|-------|
| Cash/Term Deposits | \$61.0M | 67.4% |
| Floating Rate Notes | \$12.0M | 13.2% |
| Managed Funds | \$0.5M | 0.5% |
| Other Financial Products | \$2.0M | 2.2% |
| Total Cash Investments | \$75.5M | |
| Property | \$15.1M | 16.7% |
| Total Investment Portfolio | \$90.6M | |

Council continues to utilise the Federal Government's current guarantee (\$1m) 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.

The Federal Government has announced that a new guarantee cap will come into force from 1 February 2012 of \$250k. Existing term deposits continue to be covered at the current level from now until 31 December 2012, or until the deposit matures, whichever occurs sooner. This arrangement will apply to term deposits which existed on 10 September 2011. If such a term deposit matures before 1 February 2012 and is rolled over, then the new \$250k cap will apply from 1 February 2012. If such a term deposit matures after 1 February 2012 and is rolled over, then the new \$250k cap will apply from the rollover date.

A meeting is planned with Oakvale Capital Limited to discuss the best way of managing the reduced guarantee level. The outcome of that meeting will be reported back to Council in the next investment report.

Staff take this into account when making or renewing investments. To this end, more investments have been placed with the four (4) major banks for up to five years to provide Council with sound investment returns over this period plus improve the balance in the term of its portfolio.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$1M as at 31 August 2011 as detailed below:

| | |
|--|-----------------|
| Financial Security Reserve | (\$'000) |
| Balance 1 July 2011 | 1,005 |
| Interest on Written Down CDO's ⁽¹⁾ | - |
| Proceeds from Sales & Maturities ⁽²⁾ of Written Down CDO's | - |
| Balance of Financial Security Reserve | 1,005 |

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

(2) There have been no sales to date in 2011/2012.

ITEM 10 (continued)**Economic Commentary**

S&P downgraded US sovereign debt, from AAA to AA+ and brought to light the divided nature of the US Congress and that sovereign default of the world's largest economy was possible. This caused stock market turbulence, with markets dropping some 11% over 3 days – over \$100B on the Australian markets alone. The sharemarket has continued to remain volatile with the US public debt now exceeding 100% of GDP. It joins Greece, Ireland, Italy and Japan.

Europe's economic system is slowly collapsing with the Eurozone, as a whole, struggling in the face of tighter fiscal policy and austerity measures. Greece, with a budget deficit estimated to be 8.5% this year is under extreme pressure. Portugal is in a similar situation, with the end result not looking positive for the Eurozone, or the global economy in general.

In Australia, the RBA left rates on hold, with the investment boom continuing in the mining sector, against a backdrop of very subdued demand in the rest of the economy. Local housing data showed a clear deterioration through the months of June and July, with new home sales dropping 8.7%, and 8% respectively, and the Rismark house price index which showed that house prices fell for the seventh straight month. House prices are now down 3.2% over the last 12 months, and are actually outpacing the initial falls experienced in the US after prices peaked.

Legal Issues

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. Further discussions with Council's legal advisor Piper Alderman, confirm that these proceedings are still continuing with no formal update at this stage. Council staff have requested to be provided with an update as soon as practicable. A further update will be reported to Council, once there is a change in the current circumstances.

Investment Advisory Service

Oakvale Capital Limited were selected to provide investment advice to Council for the next 12 months from 1 October 2011, with two one year options as originally tendered.

Council's Property Investment Portfolio

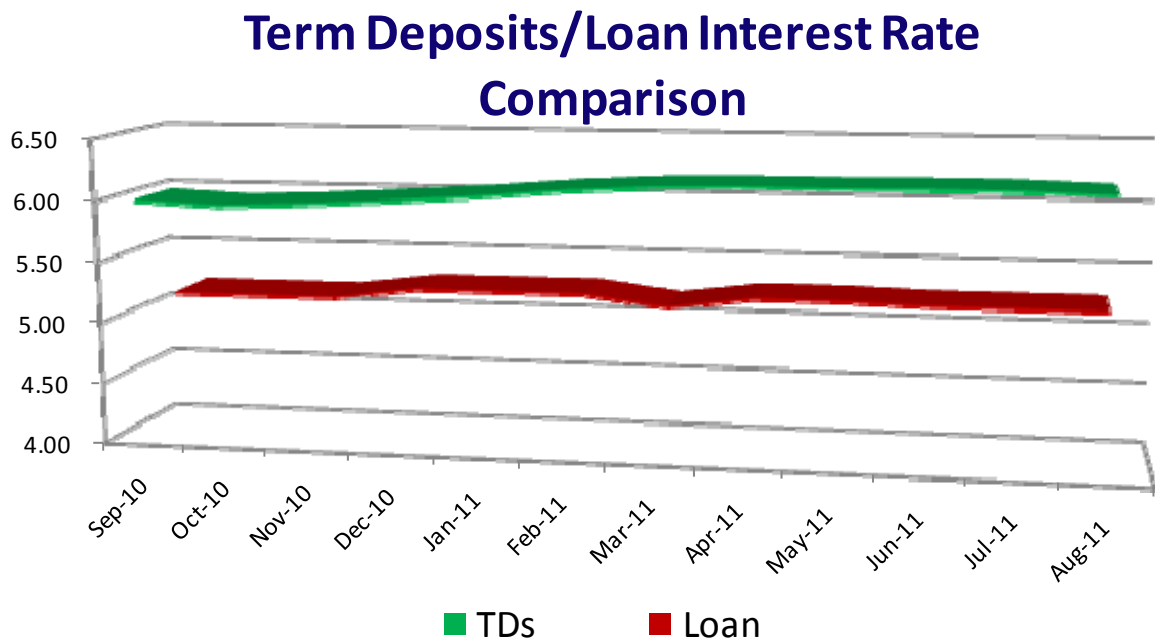
The following properties were held as part of Council's Property Investment portfolio:

- 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 10 (continued)**Loan Liability**

Council's loan liability as at 31 August 2011 was \$4.2 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 | 5.20% |
|-----------------------|-------|

Term Deposit

| | |
|-------------------------------|-------|
| Current average interest rate | 6.20% |
|-------------------------------|-------|

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 10 (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 10 (continued)**Certificate of the Chief Finance Officer****INVESTMENT SUMMARY AS AT 31 AUGUST 2011**

| Issuer | Investment Name | Investment Rating | Invested at 31-Aug-11 \$000's | Annualised Period Return (%) | 12 Month Average Return on Current Investments | Return since 01 July 2011 | % of Total Invested | Indicative Market Value ** \$000's | % Market Value |
|---------------------------------|---------------------------------------|-------------------|-------------------------------|------------------------------|--|---------------------------|---------------------|------------------------------------|----------------|
| Alpha Financial Products | 1. Alpha | B- | 0 | 0.00 | 0.60 | 0.00 | 0.00 | 0 | 0.00% |
| Helix Capital | 2. OASIS | CC | 0 | 6.92 | 6.82 | 6.92 | 0.00 | 0 | 0.00% |
| Westpac | 3. Focus | AA | 500 | 0.00 | 0.00 | 0.00 | 0.66 | 479 | 95.83% |
| Westpac | 4. Camelotfund | AA | 500 | 0.00 | 0.00 | 0.00 | 0.66 | 493 | 98.55% |
| Grange | 5. Grange IMP | Unrated | 500 | 9.84 | 15.07 | 9.84 | 0.66 | 500 | 100.00% |
| AB Svensk Exportkredit | 6. Global Protected Property Note VII | AA+ | 1,000 | 0.00 | 0.00 | 0.00 | 1.32 | 974 | 97.40% |
| Westpac | 7. Westpac At Call | AA | 9,059 | 4.79 | 4.80 | 4.73 | 12.00 | 9,059 | 100.00% |
| CBA | 8. CBA TCD 5 Yr (Floating) | AAA | 1,000 | 6.33 | 6.23 | 6.33 | 1.32 | 1,024 | 102.44% |
| Bank of Queensland | 9. Bank of Queensland TD | AAA | 1,000 | 6.41 | 6.46 | 6.41 | 1.32 | 1,000 | 100.00% |
| Bankwest | 10. Bankwest Term Deposit | AA | 1,000 | 6.11 | 6.13 | 6.11 | 1.32 | 1,000 | 100.00% |
| NAB | 11. NAB Term Deposit | AA | 1,000 | 6.60 | 6.60 | 6.60 | 1.32 | 1,000 | 100.00% |
| MyState CU | 12. MyState CU TD | AAA | 1,000 | 6.25 | 6.15 | 6.25 | 1.32 | 1,000 | 100.00% |
| Police & Nurses Credit Union | 13. Police & Nurses Credit Union | AAA | 1,000 | 6.21 | 6.11 | 6.21 | 1.32 | 1,000 | 100.00% |
| Bankwest | 14. Bankwest Term Deposit | AA | 1,000 | 5.94 | 6.07 | 6.09 | 1.32 | 1,000 | 100.00% |
| Bankwest | 15. Bankwest TD | AA | 1,000 | 6.09 | 6.09 | 6.09 | 1.32 | 1,000 | 100.00% |
| Bankwest | 16. Bankwest TD | AA | 1,000 | 6.09 | 6.02 | 6.09 | 1.32 | 1,000 | 100.00% |
| Bankwest | 17. Bankwest Term Deposit | AA | 1,000 | 6.19 | 6.15 | 6.19 | 1.32 | 1,000 | 100.00% |
| NAB | 18. NAB Term Deposit | AA | 1,000 | 5.99 | 6.24 | 6.14 | 1.32 | 1,000 | 100.00% |
| DefCredit | 19. Defence Credit Union TD | AAA | 1,000 | 6.29 | 6.08 | 6.29 | 1.32 | 1,000 | 100.00% |
| Railways CU | 20. Railways CU | AAA | 1,000 | 6.30 | 6.08 | 6.30 | 1.32 | 1,000 | 100.00% |
| New England Credit Union | 21. Community Mutual Group TD | AAA | 1,000 | 6.30 | 6.25 | 6.30 | 1.32 | 1,000 | 100.00% |
| Bendigo and Adelaide Bank CUA | 22. Bendigo Bank TD | AAA | 1,000 | 6.14 | 6.11 | 6.14 | 1.32 | 1,000 | 100.00% |
| | 23. Credit Union Australia TD | AAA | 1,000 | 6.28 | 6.28 | 6.28 | 1.32 | 1,000 | 100.00% |
| Peoples Choice CU | 24. Peoples Choice CU | AAA | 1,000 | 6.26 | 6.30 | 6.26 | 1.32 | 1,000 | 100.00% |
| Bank of Cyprus (Aust) | 25. Bank of Cyprus (Aust) TD | AAA | 1,000 | 7.12 | 7.12 | 7.12 | 1.32 | 1,000 | 100.00% |
| Australian Defence Credit Union | 26. Australian Defence CU TD | AAA | 1,000 | 6.36 | 6.19 | 6.36 | 1.32 | 1,000 | 100.00% |
| Banana Coast CU | 27. Banana Coast CU TD | AAA | 1,030 | 6.40 | 6.33 | 6.40 | 1.36 | 1,030 | 100.00% |
| Southern Cross CU | 28. Southern Cross CU TD | AAA | 1,000 | 6.24 | 6.28 | 6.24 | 1.32 | 1,000 | 100.00% |
| SGE CU | 29. SGE Credit Union TD | AAA | 1,000 | 6.04 | 6.01 | 6.04 | 1.32 | 1,000 | 100.00% |
| B&E Ltd | 30. B & E Building Soc TD | AAA | 1,000 | 6.24 | 6.15 | 6.24 | 1.32 | 1,000 | 100.00% |
| Victoria Teachers CU | 31. Victoria Teachers CU | AAA | 1,000 | 6.24 | 6.22 | 6.24 | 1.32 | 1,000 | 100.00% |
| Me Bank | 32. ME Bank TD | AAA | 1,000 | 6.26 | 6.25 | 6.26 | 1.32 | 1,000 | 100.00% |
| Bankwest | 33. Bankwest Term Deposit | AA | 1,000 | 7.00 | 6.57 | 7.00 | 1.32 | 1,000 | 100.00% |
| IMB | 34. IMB TD | AAA | 1,000 | 6.19 | 6.14 | 6.12 | 1.32 | 1,000 | 100.00% |
| Sutherland CU | 35. Sutherland CU TD | AAA | 1,000 | 6.19 | 6.12 | 6.19 | 1.32 | 1,000 | 100.00% |
| Summerland CU | 36. Summerland CU TD | AAA | 1,000 | 6.04 | 6.11 | 6.04 | 1.32 | 1,000 | 100.00% |
| Wide Bay CU | 37. Wide Bay CU TD | AAA | 1,000 | 6.24 | 6.17 | 6.24 | 1.32 | 1,000 | 100.00% |
| Northern Beaches CU | 38. Northern Beaches CU TD | AAA | 1,000 | 6.51 | 6.47 | 6.51 | 1.32 | 1,000 | 100.00% |
| Queenslanders CU | 39. Queenslanders CU TD | AAA | 1,000 | 6.21 | 6.27 | 6.21 | 1.32 | 1,000 | 100.00% |
| AMP | 40. AMP eASYSaver | AAA | 985 | 5.71 | 5.80 | 5.83 | 1.30 | 985 | 100.00% |
| South West CU | 41. South West CU TD | AAA | 1,000 | 6.24 | 6.15 | 6.24 | 1.32 | 1,000 | 100.00% |

ITEM 10 (continued)

| Issuer | Investment Name | Investment Rating | Invested at 31-Aug-11 \$000's | Annualised Period Return (%) | 12 Month Average Return on Current Investments | Return since 01 July 2011 | % of Total Invested | Indicative Market Value ** \$000's | % Market Value |
|---------------------------|-----------------------------|-------------------|-------------------------------|------------------------------|--|---------------------------|---------------------|------------------------------------|----------------|
| Big Sky CU | 42. Big Sky CU TD | AAA | 1,000 | 6.14 | 6.10 | 6.14 | 1.32 | 1,000 | 100.00% |
| Gateway CU | 43. Gateway CU TD | AAA | 1,000 | 6.35 | 6.41 | 6.35 | 1.32 | 1,000 | 100.00% |
| Suncorp-Metway | 44. Suncorp-Metway TD | AAA | 1,000 | 6.21 | 6.29 | 6.21 | 1.32 | 1,000 | 100.00% |
| Newcastle Perm Bldg Soc | 45. Newcastle Perm Bldg Soc | AAA | 1,000 | 6.19 | 6.13 | 6.19 | 1.32 | 1,000 | 100.00% |
| ING | 46. ING TD | AAA | 1,000 | 6.62 | 6.55 | 6.62 | 1.32 | 1,000 | 100.00% |
| Greater Bldg Soc | 47. Greater Bldg Soc TD | AAA | 1,000 | 6.30 | 6.28 | 6.30 | 1.32 | 1,000 | 100.00% |
| Holidaycoast CU | 48. Holidaycoast CU TD | AAA | 1,000 | 6.35 | 6.27 | 6.35 | 1.32 | 1,000 | 100.00% |
| Police CU (SA) | 49. Police CU - SA | AAA | 1,000 | 6.36 | 6.32 | 6.36 | 1.32 | 1,000 | 100.00% |
| Bank of Queensland | 50. BoQ FRN | BBB+ | 2,000 | 6.42 | 6.53 | 6.51 | 2.65 | 2,000 | 100.00% |
| Suncorp-Metway | 51. Suncorp Metway FRN | A+ | 1,001 | 6.19 | 6.18 | 6.19 | 1.33 | 1,001 | 100.00% |
| Intech CU | 52. Intech CU TD | AAA | 1,000 | 5.98 | 6.03 | 5.98 | 1.32 | 1,000 | 100.00% |
| Laiki Bank (Aust) | 53. Laiki Bank TD | AAA | 1,000 | 6.30 | 6.27 | 6.30 | 1.32 | 1,000 | 100.00% |
| AMP | 54. AMP TD | A | 1,000 | 7.14 | 7.14 | 7.14 | 1.32 | 1,000 | 100.00% |
| Esso Employees CU | 55. Esso Employees CU TD | AAA | 1,000 | 6.40 | 6.40 | 6.40 | 1.32 | 1,000 | 100.00% |
| Rabobank | 56. Rabobank TD | AAA | 1,000 | 6.50 | 6.50 | 6.50 | 1.32 | 1,000 | 100.00% |
| Bendigo and Adelaide Bank | 57. Adelaide Bank | BBB+ | 1,000 | 6.57 | 6.53 | 6.57 | 1.32 | 1,000 | 100.00% |
| WaW CU | 58. WAW CU Coop | AAA | 1,000 | 6.25 | 6.25 | 6.25 | 1.32 | 1,000 | 100.00% |
| Community First CU | 59. Community First CU TD | AAA | 1,000 | 6.19 | 6.19 | 6.19 | 1.32 | 1,000 | 100.00% |
| HBS | 60. Heritage Bldg Soc | AAA | 1,000 | 6.35 | 6.35 | 6.35 | 1.32 | 1,000 | 100.00% |
| NSW Teachers CU | 61. NSW Teachers CU TD | AAA | 1,000 | 6.36 | 6.36 | 6.36 | 1.32 | 1,000 | 100.00% |
| Rabobank | 62. Rabodirect At-call | AAA | 964 | 5.75 | 5.75 | 5.75 | 1.28 | 964 | 100.00% |
| Me Bank | 63. ME Bank At Call Account | BBB | 964 | 5.75 | 5.75 | 5.75 | 1.28 | 964 | 100.00% |
| NAB | 64. NAB FRN | AA | 1,001 | 6.28 | 6.28 | 6.28 | 1.33 | 994 | 99.26% |
| NAB | 65. NAB FRN | AA | 997 | 6.34 | 6.34 | 6.34 | 1.32 | 990 | 99.26% |
| CBA | 66. CBA FRN | AA | 999 | 6.35 | 6.35 | 6.35 | 1.32 | 991 | 99.24% |
| Westpac | 67. Westpac FRN | AA | 996 | 6.42 | 6.42 | 6.42 | 1.32 | 995 | 99.92% |
| CBA | 68. CBA FRN | AA | 997 | 6.41 | 6.41 | 6.41 | 1.32 | 989 | 99.24% |
| CBA | 69. CBA FRN | AA | 998 | 6.12 | 6.12 | 6.12 | 1.32 | 999 | 100.10% |
| NAB | 70. NAB FRN | AA | 990 | 6.45 | 6.45 | 6.45 | 1.31 | 983 | 99.25% |
| | | | 75,481 | 5.96 | 5.99 | 5.98 | 100 | 75,414 | |

*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 | 5.97 | 5.90 | 5.99 |
| Benchmark Return: UBSA 1 Year Bank Bill Index (%) | 5.14 | 5.00 | 5.09 |
| Variance From Benchmark (%) | 0.83 | 0.90 | 0.90 |

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 | | CC |
| ALPHA CDO | | B- |



John Todd Date: 4/08/2011

ITEM 10 (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. This investment has now been regraded to B-. 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 CC):** 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

ITEM 10 (continued)

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.

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> | |
|-----------------------------------|-----------------|------------|
| Torquay CDO * | 20/06/2013 | |
| Merimbula CDO | 20/06/2013 | |
| Scarborough CDO * | 23/06/2014 | |
| AAA (Berryl) 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

ITEM 10 (continued)

invested in as a result of a swap out of the earlier 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. **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.
8. **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.
9. **Bank of Queensland Term Deposit (AAA):** This investment is a 181 day term deposit paying 6.25% (6.41% annualised) and matures on 24 February 2012.
10. **Bankwest Term Deposit (AA):** This investment is a 150 day term deposit, paying 6.00% (6.11% annualised), and matures on 29 September 2011.
11. **NAB Term Deposit (AA):** This investment is a 3 year term deposit, paying 6.60% p.a., and matures 4 April 2014.
12. **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.
13. **Police & Nurses Credit Union (AAA):** This investment is a 153 day term deposit, paying 6.10% (6.21% annualised) and matures on 3 October 2011.
14. **Bankwest Term Deposit (AA):** This investment is a 61 day term deposit paying 5.80% (5.94% annualised) and matures on 10 October 2011.
15. **Bankwest Term Deposit (AA):** This investment is a 182 day term deposit paying 6.00% (6.09% annualised) and matures on 28 October 2011.
16. **Bankwest Term Deposit (AA):** This investment is a 184 day term deposit paying 6.00% (6.09% annualised) and matures on 15 September 2011.
17. **Bankwest Term Deposit (AA):** This investment is a 180 day term deposit paying 6.10% (6.19% annualised) and matures on 6 December 2011.
18. **NAB Term Deposit (AA):** This investment is a 91 day term deposit paying 5.86% (5.99% annualised) and matures on 14 November 2011.
19. **Defence Credit Union Term Deposit (AAA):** This investment is a 90 day term deposit paying 6.15% (6.29% annualised) and matures on 13 September 2011.
20. **Railways CU (AAA):** This investment is a 182 day term deposit paying 6.20% (6.30% annualised) and matures on 5 December 2011.

ITEM 10 (continued)

- 21. 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.
- 22. 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.
- 23. Credit Union Australia Term Deposit (AAA):** This investment is a 179 day term deposit paying 6.18% (6.28% annualised) and matures on 23 January 2011.
- 24. Peoples Choice Credit Union Term Deposit (AAA):** This investment is a 120 day term deposit paying 6.13% (6.26% annualised) and matures on 27 September 2011.
- 25. 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.
- 26. Australian Defence Force CU Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.26% (6.36% annualised) and matures on 5 December 2011.
- 27. 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.
- 28. Southern Cross CU Term Deposit (AAA):** This investment is a 183 day term deposit paying 6.15% (6.24% annualised) and matures on 14 December 2011.
- 29. 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.
- 30. 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.
- 31. 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.
- 32. Members Equity Bank Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.16% (6.26% annualised) and matures on 31 October 2011.
- 33. Bankwest TD (AA):** This investment is a 4 year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 34. 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.
- 35. 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.

ITEM 10 (continued)

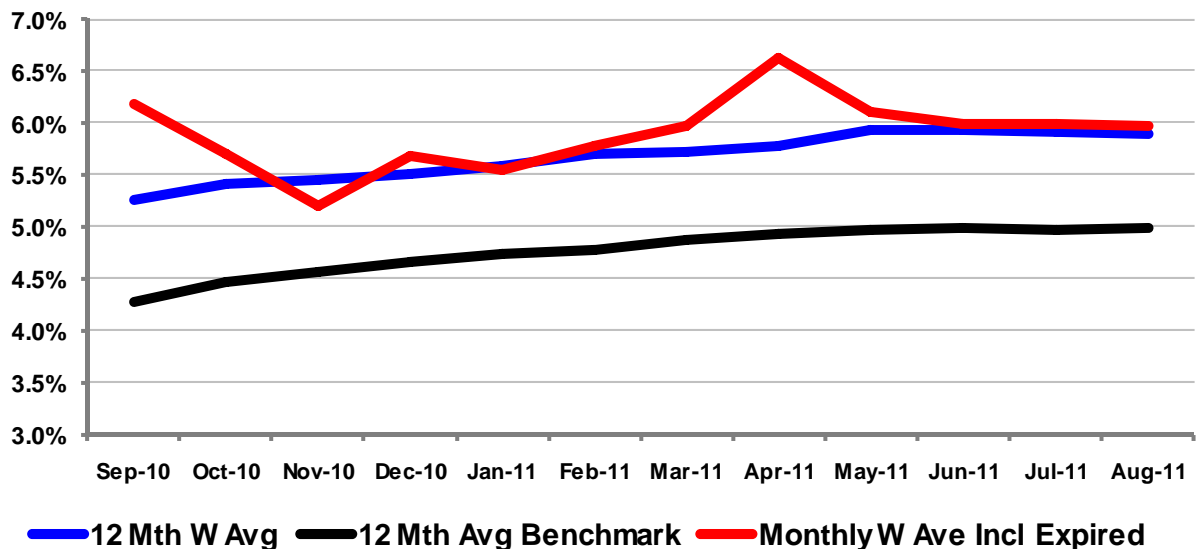
- 36. Summerland Credit Union Term Deposit (AAA):** This investment is a 183 day term deposit paying 5.95% (6.04% annualised) and matures on 11 October 2011.
- 37. Wide Bay Credit Union Term Deposit (AAA):** This investment is a 183 day term deposit paying 6.15% (6.24% annualised) and matures on 11 October 2011.
- 38. 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.
- 39. 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.
- 40. 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.
- 41. South West Credit Union Term Deposit (AAA):** This investment is a 120 day term deposit paying 6.11% (6.24% annualised) and matures on 20 September 2011.
- 42. 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.
- 43. Gateway Credit Union Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.25% (6.35% annualised) and matures on 16 December 2011.
- 44. 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.
- 45. Newcastle Permanent Building Society (AAA):** This investment is a 182 day term deposit paying 6.10% (6.19% annualised) and matures on 31 October 2011.
- 46. ING Term Deposit (AAA):** This investment is a 2 year term deposit paying 6.84% (6.62% annualised) and matures on 18 February 2013.
- 47. Greater Building Society (AAA):** This investment is a 182 day term deposit paying 6.20% (6.30% annualised) and matures on 12 September 2011.
- 48. Holidaycoast Credit Union (AAA):** This investment is a 180 day term deposit paying 6.25% (6.35% annualised) and matures on 12 September 2011.
- 49. Police Credit Union – SA Term Deposit (AAA):** This investment is a 156 day term deposit paying 6.25% (6.36% annualised) and matures on 12 October 2011.
- 50. 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.

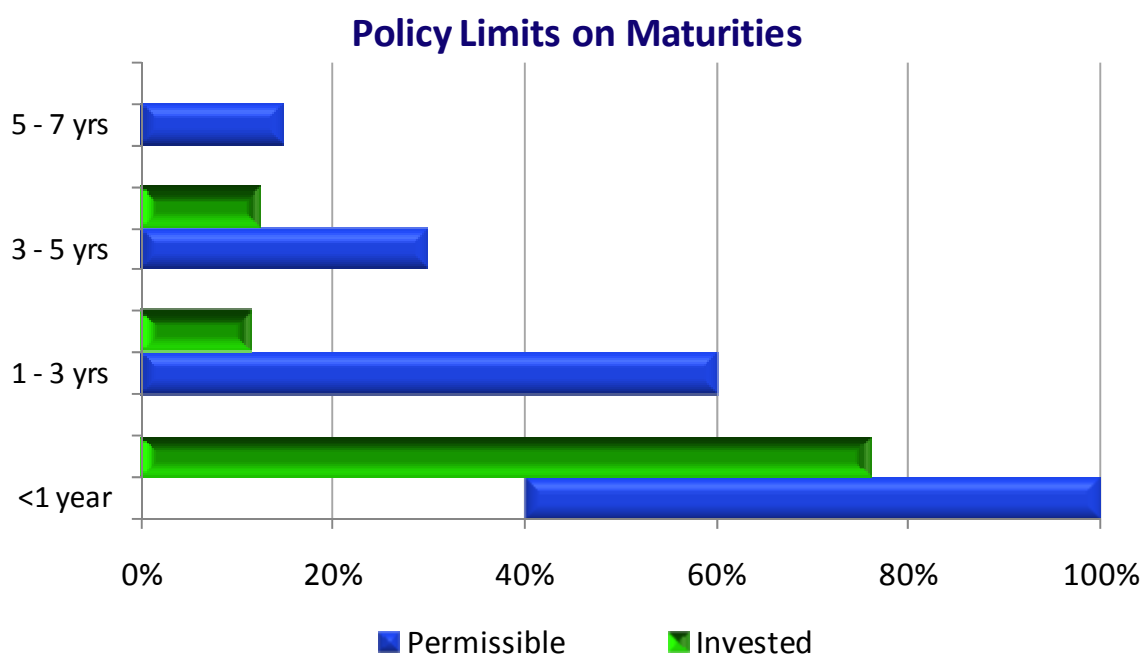
ITEM 10 (continued)

- 51. 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.
- 52. Intech CU Term Deposit (AAA):** This investment is a 90 day term deposit paying 5.85% (5.98% annualised) and matures on 12 September 2011.
- 53. 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.
- 54. AMP Term Deposit (A):** This investment is a 4 year term deposit paying 7.14% (7.14% annualised) and matures on 16 February 2015.
- 55. 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.
- 56. Rabobank Term Deposit (AAA):** This investment is a 180 day term deposit paying 6.40% (6.50% annualised) and matures on 7 September 2011.
- 57. 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.
- 58. 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.
- 59. 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.
- 60. 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.
- 61. NSW Teachers Credit Union Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.25% (6.35% annualised), and matures on 10 October 2011.
- 62. Rabodirect At-Call (AAA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 63. Members Equity Bank At-Call Account (BBB):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 64. National Australia Bank Floating Rate Note (AA):** This investment is a senior, unsecured floating rate note paying 115 above BBSW. This investment matures 21 June 2016.

ITEM 10 (continued)

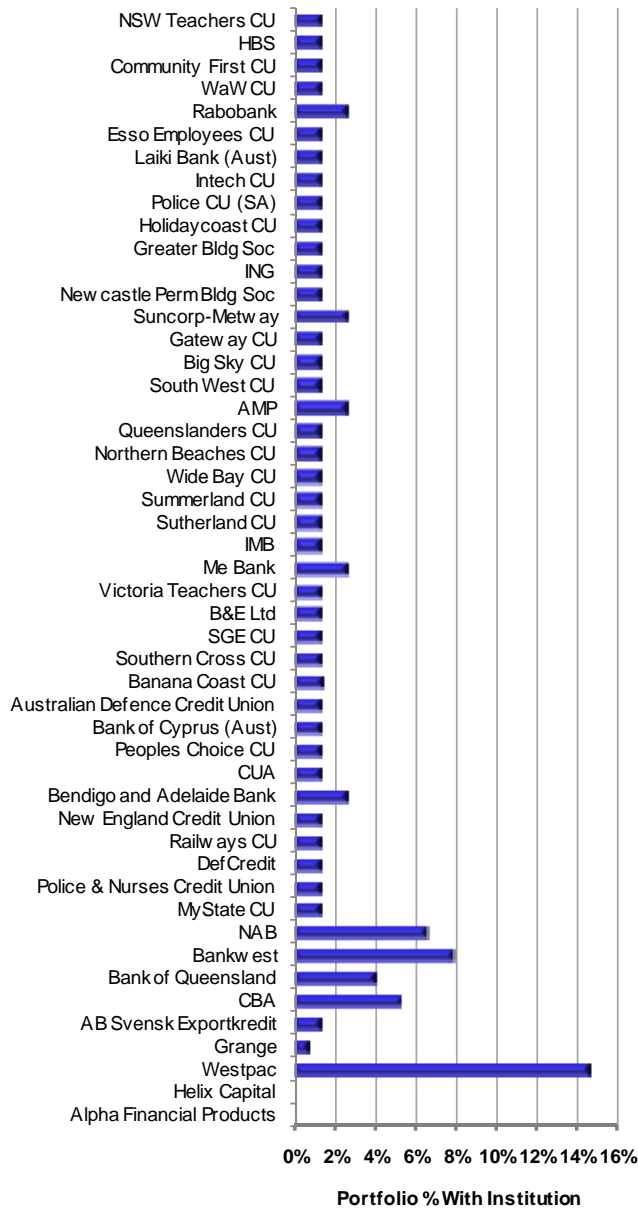
- 65. National Australia Bank Floating Rate Note (AA):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 21 June 2016.
- 66. CBA Floating Rate Note (AA):** This investment is a senior, unsecured floating rate note paying 120 above BBSW. This investment matures 2 August 2016.
- 67. Westpac Floating Rate Note (AA):** This investment is a senior, unsecured floating rate note paying 123 above BBSW. This investment matures 9 May 2016.
- 68. CBA Floating Rate Note (AA):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 2 August 2016.
- 69. CBA Floating Rate Note (AA):** This investment is a senior, unsecured floating rate note paying 110 above BBSW. This investment matures 21 July 2015.
- 70. National Australia Bank Floating Rate Note (AA):** This investment is a senior, unsecured floating rate note paying 142 above BBSW. This investment matures 21 June 2016.

Performance - All Investments

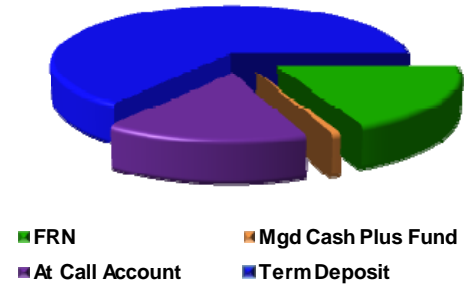
ITEM 10 (continued)

ITEM 10 (continued)

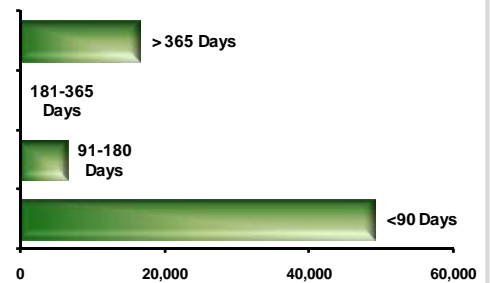
Active Investment by Institution



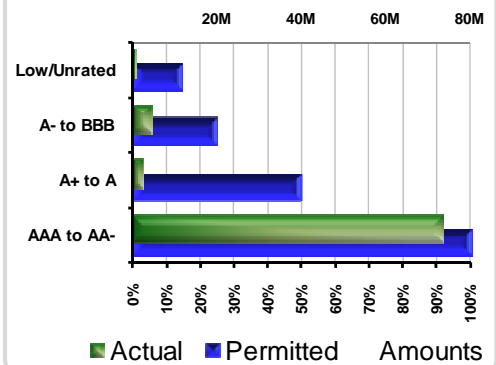
Summary by Investment Type

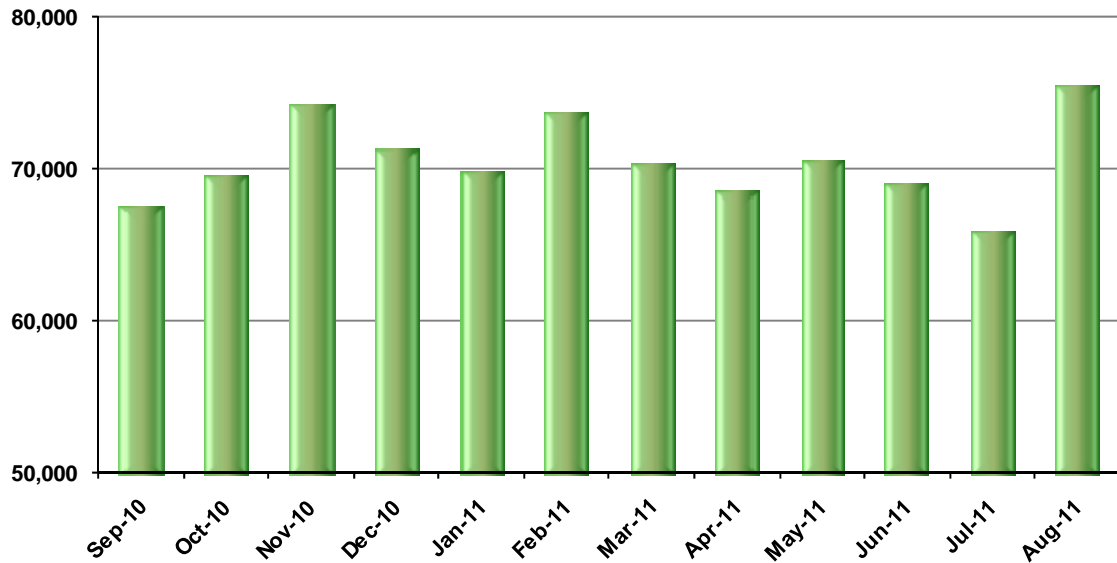


Summary by Duration



Investment Summary by Rating



ITEM 10 (continued)**Total Funds Invested****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 \$688K, being \$188K above budget projections as per the Delivery and Operational Plan.

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 has a balance of \$1.005M.

ITEM 10 (continued)**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 August 2011 is 5.99%, 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.

With the change in the guarantee, down to \$250k from 1 February, a proportion of Council's investments have been placed into longer term (4-5 years) senior debt in the form of Floating Rate Notes (FRN's) with the major Australian Banks. This is in accordance with Council's Investment Policy and will ensure the best longer term rates of return for Council.

A meeting is planned with Oakvale Capital Limited to discuss the best way of managing the reduced guarantee level. The outcome of that meeting will be reported back to Council in the next investment report.

11 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2011 - EXHIBITION

Report prepared by: Strategic Planner**Report dated:** 9/05/2011**File No.:** LEP2008/22/007 - BP11/369

Report Summary

This report recommends that Council proceeds with the exhibition of Draft Ryde Local Environmental Plan 2011 as required under *Section 66 Public exhibition of draft local environmental plan* of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This report covers information on the differences between the Plan as lodged with the Department of Planning and Infrastructure (DoPI) on 23 December 2010 and the Plan approved to be exhibited. The following identifies the two reasons for the changes and the key changes that have occurred under each:

Gazetted amendments to the Standard Instrument—Principal Local Environmental Plan (the standard LEP) that came into place on 25 February 2011

- Amendments to the objectives of some zones and the mandatory land uses within zones
- Amendments to clauses to conform with changes in legislation including the Heritage Act and State Environmental Planning Policies (SEPPs) made subsequent to the SI order and
- Amendments to existing land use terms so they do not overlap and to ensure a clear relationship between land use terms. This has been achieved through the inclusion of new terms, amendments to existing terms, deleting some terms and changing the composition of land uses in group terms and sub group terms.

Changes based on conditions attached to the Section 65 Certificate issued by the DoPI on 5 September 2011

Written document

- **Condition 4 - Delete Clause 4.1A Minimum subdivision requirements in certain residential zones.** The clause sets out in detail the minimum area, road frontage, width of lot and access requirements for residential subdivision. DoPI has advised that the Lot Size Map is the control for minimum area requirements for the subdivision of land and all other controls should be held within a DCP.
- **Condition 4 - Delete Clause 4.4B Centres – floor space ratio.** The clause provided a floor space incentive for developments that could achieve environmental excellence in design. DoPI has advised that the clause was not acceptable in its present form and to be included in the LEP new FSR and height controls that include the proposed incentive would need to be indicated on the FSR and Height of Building Maps – resulting in an overall increase in FSR and height for all Centres.

ITEM 11 (continued)

- **Condition 4** – *Delete Clause 4.5B(5) Macquarie Park Corridor – Serviced apartments in Zone B3 Commercial Core.* The clause specifies that to carry out a serviced apartment in the B3 zone the development must comprise at least 2 dwellings, be on the same lot of land (not separate strata or other title) not be a boarding house, hospital or hotel or motel accommodation. Serviced apartments are the only type of residential development permitted in the B3 zone. By deleting the clause serviced apartments can now be strata subdivided and as such may become a more desirable form of development in the zone.
- **Condition 4** – *Delete Clauses 6.4 Planning controls for Ryde Town Centre, 6.4.1 Precinct 1 – civic and mixed, 6.4.2 Precinct 2 – Town Core.* The clauses provided maximum floor space areas for Precincts 1 and 2 and listed a series of development requirements. DoPI has advised that the development requirements in the clauses should be included in a DCP. (As a result of this clause being deleted Council was requested to provide FSR figures for Precinct 1 and 2 within Ryde Town Centre for inclusion on the Floor Space Ratio Map.)

Maps

Condition 12a – *Rezone Porters Creek site (Lots 11 & 12 DP841065 and Lots 540 & 543 DP1005833) at Wicks Road from RE1 Public Recreation to IN2 Light Industrial.*

The subject land is owned by the State Government and zoned RE1 Public Recreation under LEP 2010 and draft LEP 2011. The S65 Certificate requires that the land be rezoned IN2 Light Industrial. The land adjoins 160 – 162 Wicks Road Macquarie Park which is owned by Council and known as the Porters Creek site. Council resolved on the 24 August 2010 to rezone 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial under draft LEP 2011.

Condition 12b – *Rezone Cudal Reserve at 22 Henry Street Ryde from SP2 to R2 Low Density Residential.*

Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.

On 7 June 2011, the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MLA, wrote to Council advising that he has put a stay on the request of the Director-General of DoPI to issue a consent for the development application submitted by Sydney Water to subdivide the subject site. Mr Hazzard further advised that subject to review of the matter, including of Council's view, he would consider an appropriate course of action.

This matter has been previously discussed by Council at a number of Council Meetings.

Council has approached senior staff within DoPI on a number of occasions requesting reconsideration of the rezoning of Cudal Reserve and an amendment to the S65 removing Condition 12b reference to Cudal Reserve. To date DoPI has not supported any of these requests.

ITEM 11 (continued)

Condition 12 – Rezone 20 Goulding Road Ryde from SP2 WE&D to R2 Low Density Residential

Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.

The report also covers the consultation process proposed to be undertaken during the exhibition of draft LEP 2011.

RECOMMENDATION:

- (a) That Draft Ryde Local Environmental Plan 2011 be placed on exhibition and that the consultation process be undertaken in accordance with the requirements for the exhibition of the draft local environmental plans as specified by the Environmental Planning and Assessment Act 1979, be undertaken.
- (b) That in accordance with the requirements of the Environmental Planning and Assessment Act a Public Hearing be undertaken with respect to the proposed change in classification of land from Community to Operational for Kitty's Creek Reserve adjacent to 46 Jeanette Street East Ryde.
- (c) That a formal submission to DLEP 2011 be made by Council requesting the reinstatement of Clause 4.5B(5) with respect to prohibiting the subdivision of serviced apartments in the B3 Commercial Core zone.

ATTACHMENTS

- 1 Table 1 - Amendments to Draft Ryde LEP 2011 - CIRCULATED UNDER SEPARATE COVER
- 2 Section 65 Certificate - CIRCULATED UNDER SEPARATE COVER
- 3 Draft RLEP 2011 amended by Section 65 Certificate - 5 September 2011 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

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Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 11 (continued)**Background****Development of Draft LEP 2011**

Council resolved on the 11 December 2007 to prepare a comprehensive LEP in accordance with the Standard Instrument and based on the City of Ryde Local Planning Study.

Council adopted with amendments the City of Ryde Local Planning Study 2010 on the 7 December 2010 and resolved that the consultation process with Government agencies, required by Section 62 of the EP&A Act for draft Ryde LEP 2011 be carried out.

The Section 62 consultation process was carried out between 4 November and 3 December 2010. Council on 14 December 2010 resolved that:-

- details of the Section 62 consultation be submitted to the Department of Planning and Infrastructure,
- draft LEP 2011 be amended in accordance with the Section 62 consultation and required DoPI changes and
- that the Director General of the Department of Planning and Infrastructure be requested under Section 65 of the Environmental Planning and Assessment Act, 1979 to certify that the draft Plan, as amended, may be publicly exhibited.

The request for a Section 65 Certificate with all required information was forwarded to the Department on 23 December 2010. Council received a conditioned Section 65 Certificate with the approved version of draft LEP 2011 on 5 September 2011.

Community consultation of DLEP 2011

Council on the 2 November 2010 resolved the following:-

That the draft City of Ryde Local Environmental Plan and supporting documentation be submitted to the Department of Planning and Infrastructure under Section 64 and that the draft LEP be exhibited by the City of Ryde to the community for comment and public consultation.

Draft LEP 2011 was submitted to DoPI on 23 December 2010 and the draft LEP as submitted was placed on "Community Comment" on the 19 January 2011. A notice was placed in the City View and the following documents placed on Council's website:-

- Table of changes between LEP 2010 and draft LEP 2011
- Map changes between LEP 2010 and draft LEP 2011
- Land Use Matrix
- Ryde Local Environmental Plan 2010 (LEP 2010)

ITEM 11 (continued)

- City of Ryde Local Planning Study
- Department of Planning - Standard LEP
- Environmental Planning and Assessment Act
- Council reports dated 24 August 2010, 2 November 2010, and 14 December 2010
- Draft LEP 2011 written document and maps

Information on DLEP 2011 has also been provided on all 149 Certificates issued since January 2011. The information provided relates to the zoning of land and where applicable heritage and road acquisition requirements under draft LEP 2011.

As of the 12 September a total of 46 submissions have been received. Full assessment of these submissions will occur following the public exhibition of Draft LEP 2011, as required under the Act.

Report**Draft LEP 2011**

This section of the report covers information on the principal changes to the written document and maps between LEP 2011 that was submitted to the Department of Planning and Infrastructure on the 23 December 2010 with a request for a S65 Certificate and the version certified by the Minister.

Both written document and map changes to Draft LEP 2011 are identified in this report in the following categories:-

- Changes resulting from amendments to Standard Instrument (SI)
- Changes based on conditions attached to the Section 65 Certificate

Table 1 - Amendments to LEP document reviews each clause within LEP 2011, identifies changes, the reason for the change and the effect of the change is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 1).

1. Changes resulting from amendments to Standard Instrument

Draft LEP 2011 was based on the Standard Instrument (SI) that was in place at the time of the development of the Plan. The SI has been reviewed and a Standard Instrument Amendment Order 2011 (amending the SI) was gazetted on the 25 February 2011. The Department of Planning and Infrastructure (DoPI) advised that prior to the issue of a S65 Certificate it would be necessary to resubmit the draft Plan in the new SI format.

ITEM 11 (continued)

The following is a summary of key changes to the SI and as a result changes to draft LEP 2011:-

Dictionary - Changes to existing land use terms so they do not overlap and the relationship between land use terms is clearer. This has been achieved through the inclusion of new terms, amendments to existing terms and deleting some terms within the Dictionary. Examples include:-

- new terms e.g. eco tourist facility, industrial training facility, high technology industry, garden centre, landscaping material supplies, plant nursery, bee keeping, commercial premises, general industry, mooring pen, wharf or boating facilities.
- renamed terms e.g. restaurant renamed restaurant or café, timber and building supplies renamed hardware and building supplies.
- Deleted terms e.g. funeral chapel, landscape and garden supplies, pond based aquaculture.

Group Terms – Changes have been made to the composition of land uses in group and subgroup terms and new group terms have been added. Examples include:-

New Group terms

- *commercial premises* – comprises retail , business and office land uses
- *heavy industrial storage establishment* – includes hazardous storage establishment, liquid fuel depot, offensive storage establishment

Amended group terms

- *retail* now includes the additional land uses of - bulky goods premises, garden centre, hardware and building supplies , landscaping material supplies, plant nurseries, rural supplies , timber yards and vehicle sales or hire premises
- *storage premise* – now includes only self storage units and storage premises not specifically defined

New mandated land uses - The amended SI made a number of changes to the land uses that are mandatory within a zone and also added new mandated objectives for some zones. Examples of new mandated land uses now permitted with consent include:-

Zone R1 General Residential, R3 Medium Density Residential and R4 High Density Residential - *Respite day care centres*.

ITEM 11 (continued)

Zone B1 Neighbourhood Centre – *Medical centre and Respite day care centre.*

Zone B3 Commercial Core and Zone B4 Mixed Use– *Commercial premises, Medical centres, Respite day care centres and Restricted premises.*

B5 Business Development – *Bulky goods premises, Garden centres, Hardware and building supplies, Landscaping materials supplies, Respite day care centres.*

B6 Enterprise Corridor – *Garden Centre, Hardware and building supplies, Landscaping materials supply and Plant nurseries.*

New objective for B6 zone – To provide for residential uses, but only as part of a mixed use development.

B7 Business Park - *respite day care.*

IN2 Light Industrial – *Industrial training facilities.*

New objective for IN2 zone- To support and protect industrial land for industrial uses.

IN4 Working Waterfront – *Boat building and repair facilities (replacing Boat repair facilities).*

Note: Where a group term has been mandated in the SI for a zone all uses within that group term are now permitted.

Changes in dictionary terms, group terms and mandated land uses in zones has resulted in changes to the Land Use table within draft LEP 2011.

DoPI has also given specific direction to Council with respect to uses to be permitted within the Land Use Table e.g. where *Child care centres* are permitted with consent *Respite day care centres* are also required to be permitted.

Clauses and Schedules - A number of clauses and schedules have been updated to conform with changes in legislation including the Heritage Act and State Environmental Planning Policies (SEPPs) made subsequent to the SI Order e.g. *Clause 2.6 Subdivision – consent requirements, Clause 5.10 Heritage conservation and Schedule 2 Exempt development.*

With respect to *Clause 5.10 Heritage conservation* the clause has been amended to:-

- clarify the terminology to separate out Aboriginal place of heritage significance and Aboriginal object from other heritage items that need to be described in Schedule 5.
- make documentation that is required to be submitted to Council generally broader and more flexible through a heritage management document.

ITEM 11 (continued)

- provide clarification about development consent being required for non structural changes to anything inside a heritage listed item that is specified in Schedule 5.

Other clauses such as *Clause 5.9 Preservation of trees and vegetation* have been made compulsory (under LEP 2010 the clause was optional). Clause 5.9 has also been amended to include biodiversity values in the zone objective and clarifies the relationship to clause *5.10 Heritage Conservation*.

New optional clauses and sub clauses which Council can choose to incorporate into draft LEP 2011 have also been provided and include:-

- *Sub Clause 5.9 (9) Preservation of trees or vegetation – not adopted for DLEP 2011*. Under *Clause 5.9 Preservation of trees or vegetation* development consent is required to cut down, lop, remove or injure all species of trees or other vegetation that are prescribed in a Development Control Plan. Subclause 5.9 (8) (ii) states that Clause 5.9 does not apply to or in respect of the clearing of native vegetation that is other wise permitted under Division 2 or 3 of Part 3 of the Native Vegetation Act 2003.(Division 2 relates to the clearing of non protected regrowth and the clearing of native vegetation that comprises only groundcover and complies with specific criteria, Division 3 relates to routine agriculture management activities , continuation of existing farming activities and sustainable grazing).

Clause 5.9 (9) is a new optional subclause that removes the exemption under Clause 5.9 (8)(a)(ii) for land zoned E2 Environmental Conservation land. The clause enables Council to seek consent for the clearing of native vegetation in certain limited circumstances.

It is considered that the new subclause is aimed at private land which maybe zoned E2. All land in the City of Ryde zoned E2 Environmental Conservation is under the care, control or management of Council. Land identified on the Land Zoning Map as *E2 Environmental Conservation* was originally based a generic Plan of Management created a number of years ago. Areas of that Plan are currently being reviewed. It is not considered appropriate to adopt the subclause until accurate identification of E2 land has been made.

- *Clause 5.9AA Trees or vegetation not prescribed by development control plan – new compulsory clause* that identifies that the removal of trees or vegetation not prescribed by a DCP is permitted without development consent

City of Ryde Development Control Plan - Part 9.6 Tree Preservation is being reviewed to ensure compliance with Clause 5.9AA of the draft LEP. This review will be subject to a separate report to Council.

ITEM 11 (continued)**2. Changes based on conditions attached to the Section 65 Certificate**

This section outlines and discusses the changes to DLEP 2011 as a result of the conditions attached to the S65 Certificate.

Condition 1 – Amend – *Clause 1.3(1) Land to which the Plan applies* – correcting minor omission (mandated clause omitted).

Condition 2 – Amend *Land Use Table* correction of minor omissions to the Land Use Table e.g. Farm accommodation to be prohibited in the B4 zone, Timber yards to be prohibited in the B3, B7, IN2 and IN4 zones.

Condition 3 – Addition of subclause 4.1(5) *Minimum subdivision lot size*. The clause states that the minimum lot size excludes the area of any access handle associated with hatched shaped lots for the R2 Low Density Residential and R3 Medium Density Residential zones. Under LEP 2010 the Lot Size Map stated that the area of a hatched shaped lot excluded the area of the access handle. DoPI have deleted this from the Lot Size Map but maintained the requirement through the new clause.

Condition 4(a) - Delete *Clause 4.1A Minimum subdivision requirements in certain residential zones*

Clause 4.1A in Draft LEP 2011 provides detailed written controls relating to the minimum area, road frontage, width of lot and access requirements for residential subdivision. DoPI has advised that the Lot Size Map is the only control for minimum area requirements for the subdivision of land and all other written controls should be held within a DCP.

Condition 4(b) - Delete *Clause 4.4B Centres – floor space ratio*.

Under Clause 4.4B additional floor space over and above that permitted by the FSR Map (up to 10%) is available in Centres if Council is satisfied that the development can achieve environmental excellence. The same clause allows an increase in height on the same land of 3m to that shown on Height of Buildings Map to accommodate the additional FSR.

DoPI advised Council when assessing the submitted S64 report that clause 4.4B Centres – floor space was not acceptable in its present form and that to maintain such a clause in the LEP the Height of Buildings Map and Floor Space Ratio Map would need to reflect the maximum height and floor space permitted on the land based on environmental excellence having been achieved.

Concerns with the proposed amendments suggested by DoPI include:-

- The FSR and Height of Building Maps would be reflecting a FSR and height for the land which can only be achieved if certain design criteria are met. Anybody viewing the maps would generally make an assumption that the amounts shown are the amounts available regardless of any design criteria - as per everywhere else in the City of Ryde.
- There will be no FSR or Height specified for developments that do not wish to adopt higher levels of design excellence.

ITEM 11 (continued)

- The intention was that Council would determine a percentage increase up to 10% based on the level of design excellence proposed within the development - a graduated increase in FSR as a result of levels of design excellence will be more difficult to achieve once a maximum FSR and height figure is set on the relevant maps.
- If the increased development permitted when environmental excellence is achieved is specified on the FSR and Height Maps it will be more difficult for Council to argue that such development levels are not acceptable under other circumstances.

Based on the above it was considered that the amended DoPI clauses should not be used and if the clause as proposed by Council was not acceptable - Clause 4.4B - floor space should be deleted from DLEP 2011. It should be noted that Council can vary development standards under *Clause 4.6 Exemptions to development standards* to allow benefit for developments that achieve design excellence.

Condition 4(c) – Delete Clause 4.5B(5) Serviced apartments in Zone B3 Commercial Core

Clause 4.5B(5) specifies that to carry out a serviced apartment in the B3 zone the development must comprise at least 2 dwellings, be on the same lot of land (not separate strata or other title) not be a boarding house, hospital or hotel or motel accommodation.

Under the Standard Instrument (SI) a *Serviced apartment* is defined as a building containing self contained tourist and visitor accommodation. *Serviced apartments* are the only type of residential development permitted in the B3 zone. By deleting clause 4.5B(5) *Serviced apartments* can now be strata subdivided.

This is considered undesirable for the Macquarie Park Corridor as by permitting the separate ownership of dwellings, *Serviced apartments* will become a more desirable development type in the zone. As Council does not have sufficient resources to ensure such developments are in compliance with the SI definition this will inevitably result in such dwellings being used as permanent residences. This may result in undermining the vision for the Corridor.

It is considered that Council should make a formal submission to DLEP 2011 once on exhibition requesting the reinstatement of Clause 4.5B(5) with respect to prohibiting the subdivision of such developments.

Conditions 4 (d), (e), (f) – Delete Clauses 6.4 Planning controls for Ryde Town Centre, 6.4.1 Precinct 1 – Civic and mixed, 6.4.2 Precinct 2 – Town Core

The clauses provide detailed information on floor space areas permitted and requirements for approval. DoPI has advised that the clauses should be included in a DCP. As a result of these clauses being deleted Council was requested to provide FSR figures for Precincts 1 and 2 within Ryde Town Centre for inclusion on the Floor Space Ratio Map.

ITEM 11 (continued)

Under LEP 2010 Precinct 1 has a nett usable floor area of 100 000sqm and Precinct 2 has a nett usable floor area of 150 000sqm. As the FSR Map is a reflection of gross floor area a 10% increase in FSR to accommodate the differences between the definitions and outcomes of nett and gross has been provided to both Precincts.

Based on the above the following floor space ratios have been applied to the FSR Maps:-

Precinct 1 - 5.6:1 (based on site area 19,541m² and gross floor area of 110,000m²).
Precinct 2 - 5:1 (based on site area 32,845m² and gross floor area of 165,000m²).

The removal of the other provisions from the LEP into the DCP are considered acceptable as

- Precinct 1 is the subject to a master planning process which is under development and
- Precinct 2 concept plan for development is in place, the development is 75% completed with the DA to develop residential towers already approved.

Condition 5 – Amend Clause 4.1B Dual occupancy (attached) – subdivision by deleting “or duplex building” under subclause (1) and delete definition of duplex building.

By defining and referencing the term duplex building in Clause 4.1B Council was aiming to reduce confusion with respect to approvals that had been given under previous planning instruments. It is considered that an amendment to DCP 2011 - Part 3.3 Dwelling house and Dual occupancy (attached) that defines duplex building and states that a reference to dual occupancy (attached) is a reference to a duplex building will achieve the same outcome.

Condition 6 – Amend Clause 6.3(3)(h) Foreshore building line – correction of minor typographical error (part of clause omitted)

Condition 7 – Amend Clause 6.5 Ground floor development on land within Zone B6 Enterprise Corridor – a definition of commercial activities added to the clause.

Condition 8 – Replace Clause 6.8 Stormwater Quality

Clause 6.8 that was submitted to DoPI applied to developments of 6 or more dwellings, of 4 storeys or more and /or floor space of more than 2000sqm. The new clause which was developed by DoPI applies to all land zoned residential business and industrial, requires development to be designed to maximize the use of water permeable surfaces, to include where practicable on site stormwater retention for uses as an alternative supply to mains water and to avoid/minimize impacts of stormwater runoff.

Condition 9 – Deleted (reference to original S65 issued June 2011) *Note:* A S65 Certificate was issued by DoPI on 23 June 2011 for DLEP 2011. A number of errors existed in the Certificate and as such DoPI decided to withdraw and amend the S65 Certificate. The Certificate issued by DoPI on the 5 September 2011 is an amendment to that original Certificate.

ITEM 11 (continued)**Condition 10 – Amend Schedule 2 Exempt development with respect to Footpath Activity and Outdoor dining (associated with food and drink premises)**

The condition removes reference to the external documents *Footpath Activity Controls Council Policy* and *Outdoor Dining Policy* and inserts controls that reflect the contents of the two policies.

Condition 11 – Amend Schedule 5 Environmental heritage. Amendments to correct minor errors relating to State significance listings and item names.

Condition 12a –Amend the Land Zoning Map for 421 - 445 Pittwater Road (Porters Creek site owned by State Government) to zone the land IN2 Light Industrial.

The subject land is presently zoned RE1 Public Recreation under LEP 2010 and draft LEP 2011. The S65 Certificate requires that the land be is required to be rezoned IN2 Light Industrial. The land adjoins 160 – 162 Wicks Road Macquarie Park which is owned by Council and known as the Porters Creek site. Council resolved on the 24 August 2010 to rezone 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial under draft LEP 2011. The change in zoning of the land to IN2 would allow an amalgamation of the land with Council's Porters Creek site.

For Council's information the land was originally owned by the City of Ryde for its operational purposes together with other land that was acquired by the NSW State Government for the purpose of construction the M2.

During construction of the M2 excavation material was dumped on the site by the RTA/Abigroup Joint Venture over the culvert area. Due to its weight this has caused risk to the area and damage to the underlying culvert which requires removal in order to minimise that impact on the culvert.

Condition 12b – Amend the Land Zoning Map for Cudal Reserve at 22 Henry Street Ryde from SP2 to R2 Low Density Residential.

Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.

On 7 June 2011, the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MLA, wrote to Council advising that he has put a stay on the request of the Director-General DoPI to issue a consent for the development application submitted by Sydney Water to subdivide the subject site. Mr Hazzard further advised that subject to review of the matter, including of Council's view, he would consider an appropriate course of action.

This matter has been previously discussed by Council at a number of Council Meetings.

Council has approached senior staff within DoPI on a number of occasions requesting reconsideration of the rezoning of Cudal Reserve and an amendment to the S65 removing Condition 12 reference to Cudal Reserve. To date DoPI has not supported any of these requests.

ITEM 11 (continued)

Condition 12c – Amend the Land Zoning Map at 20 Goulding Road, Ryde from SP2 to RE2 Low Density Residential.

Council should note that under LEP 2010 Clause 5.3 *Development near zone boundaries* applies to Sydney Water land at Henry Street and Goulding Road (zoned SP2). The Clause permits land to which it applies to be development for any land use permitted in an adjoining zone if the development is not inconsistent with the objectives of both zones and the carrying out of development is compatible with planning principles relating to the efficient and timely development of land.

The State Government required that Clause 5.3 be inserted into LEP 2010 and is restricted to land zoned SP2.

The clause has also be adopted for the SP2 zone under draft LEP 2011 and is consistent with the requirements of DoPI. The rezoning of the land at 22 Henry St (Cudal Reserve) or 20 Goulding Road to R2 Low Density does not alter the nature of land uses currently permitted on the land by virtue of Clause 5.3, meaning either parcel could be developed with dwelling houses or multi dwelling housing under the SP2 zone.

Condition 12d– Amend the Land Zoning Map at 390 Pittwater Road North Ryde (being lots 11 and 21 DP 1017829) to SP2 Classified Road. As a result of a drafting error the land was incorrectly zoned E2 Environmental Conservation. The land which is owned by HillsM2 is zoned SP2 Classified Road under LEP 2010. The condition reinstates that zoning.

Condition 13 – Amend the Land Reservation Acquisition Maps and Land Zoning Maps for 8 listed properties.

A confidential report to Council dated 4 May 2010 titled *Potential Property Acquisitions – S94 Funding* prepared by Manager – Building and Property outlined a process to be adopted for future acquisitions of land for open space purposes.

A total of 11 properties were identified as being of a high priority in terms of future Council acquisition and 26 properties were identified as having a low priority.

Council on the 18 May 2010 resolved the following:

That the properties noted as high priority acquisitions listed in the attachment to this report be included in the Land Reservation Acquisition Map in the comprehensive Local Environmental Plan 2011 and marked as “Local Open Space”.

The Land Reservation Acquisition Map was amended to indicate the 11 properties that were identified as being of high priority. All properties were identified as for “local open space” and in accordance with DoPI requirements zoned RE1 Public Recreation on the Land Zoning Map. The subject maps were submitted to DoPI with the request for the Section 65 Certificate.

ITEM 11 (continued)

Council on the 21 June 2011 reviewed the properties proposed to be acquired and resolved that 8 of the 11 properties previously identified as being required for open space on Draft LEP 2011 Land Reservation Acquisition Map be deleted from that map and their previous zoning be reinstated. Council further resolved that 2 new properties be identified on Draft LEP 2011 Land Reservation Map for acquisition.

Council on the 4 July 2011 requested that DoPI condition the above change as part of the S65 Certificate. This condition is in response to that request.

Conditions 14 – Amend Land Zoning Map at 209 Waterloo Road – minor drafting error to be corrected (property given a split zoning).

Condition 15 – Insert new clause – *4.1D Minimum lot size for hatched shaped lots*. This clause replaces *Clause 4.1A Minimum subdivision requirements in certain residential zones* (deleted by condition 4(a) of S65) and requires a minimum lot size of 740sqm for hatched shaped lots.

Condition 16 – Update Land Zoning Map in accordance with the Planning Proposals for 9-19 Second Avenue Eastwood and 283 – 289 Blaxland Road Ryde.

The Planning Proposal to rezone 9 – 19 Second Avenue Eastwood from RE2 Private Recreation to R2 Low Density Residential was placed on community consultation from 8 – 22 June 2011. The outcomes of that consultation will be presented to Council in a separate report.

The Planning Proposal to rezone the 283 – 289 Blaxland Road Ryde from R2 Low Density Residential to R4 High Density Residential was placed on community consultation from the 14 – 28 September 2011. A report on the outcomes of that consultation will be presented to Council in a separate report.

It should be noted that all maps have been amended to reflect the technical requirements of DoPI e.g. legend of FSR Map amended, FSR colour and symbols on map reviewed and amended where necessary, updating the M2 boundary (a request from RTA) to reflect the latest road alignment information. Some changes to the Land Reservation Acquisition Map also occurred as a result of a late submission from the RTA.

RELATED Section 65 Certificate changes

Prior to the issuing of a S65 Certificate DoPI requested Council to:-

- Review the land use table and include in the table all uses listed in the dictionary regardless of their appropriateness to the City of Ryde or to a zoning. As a result the land use table has been amended to include land uses such as Airstrips, Marinas, Port facilities and Farm buildings.

ITEM 11 (continued)

- review *Clause 6.7 Environmental Sustainability*. The clause required business and industrial developments over 1 500sqm to have issued at least a 4 Star Green Star certified rating from the Green Building Council of Australia. DoPI expressed concern over an external standard being referenced and requested that the clause be amended to specify specific standards that are required to be achieved. The amended clause was inserted in the Draft Plan prior to the Section 65 Certificate being issued.

A copy of the Section 65 Certificate is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 2).

A copy of DLEP 2011 as amended has been **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 3). It should be noted that the Standard Instrument is written in black and all local clauses (those inserted by Council) are in red.

Public Exhibition Draft LEP 2011 with Section 65 Certificate
City Wide Community engagement:-

Under the Environmental Planning and Assessment Act Council is required to place a public notice advising of the exhibition of the draft LEP at the start of the public exhibition period which must extend for a period of 28 days.

For the formal exhibition of draft Ryde LEP 2011 the following is proposed:

- Exhibition period of 6 weeks.
- A public notice of the exhibition in each Ryde City View edition during the 6 week period.
- Use of Council Kiosks in each of Council's libraries to provide internet access to both the Ryde LEP 2010 and draft LEP 2011 for information and comparison purposes. Similar computer access will be available for customers within the Civic Centre.
- Hard copies of both Ryde LEP 2010 and draft LEP 2011 on display or available for viewing depending on space availability within each library and the Civic Centre.
- A4 Information posters displayed within each library and the Civic Centre directing customers to Council Kiosk or hard copy displays.
- Brochures on the draft LEP available at all areas where the LEP is on exhibition.
- Letters to individual property owners where a change in zoning, height and floor space are to occur.

ITEM 11 (continued)

- Letters to landowners that adjoin sites where a change in zone, FSR and height is to occur, as identified in the Centres and Corridors and Small Centres Study.
- Letters to land owners whose land has been identified for acquisition.
- Letters to Chamber of Commerce and Progress Associations advising them of the draft LEP.

(It is anticipated that over 13,000 letters will be sent out covering the above three (3) areas).

- Series of informal information sessions for targeted groups e.g. persons directly affected by a zoning, FSR or height change as identified in the Centres and Corridors and Small Centres Study.
- All internal Council business units will be consulted by placing the draft LEP on the intranet and the internet and by e – mailing individual business units highlighting areas of interest and requesting that areas are checked and verified for accuracy.
- A number of internal information sessions.
- A range of City of Ryde Advisory Committees will be consulted during the exhibition period.
- External public consultation with government agencies and adjoining councils will include all adjoining council areas and those government agencies that responded to the Section 62 consultation process.

Consultation is in accordance with City of Ryde Engagement Matrix.

A consultation program with dates, times and venue of the sessions will be circulated to the councillors through the Councillor Information Bulletin.

It should be noted that Ku-ring-gai Council in a S62 submission requested that residents living in West Lindfield be notified of the exhibition and in particular the proposed rezoning of 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial . Ku-ring-gai Council has offered to provide the notification data base to carry out the notification process.

It is considered that Ku-ring-gai Council should be responsible for advising those persons they believe would have an interest in the Draft LEP. To assist the Council City of Ryde will suggest that they consult with their residents and City of Ryde will provide a draft letter.

ITEM 11 (continued)**Exhibition Material**

Explanatory material, including a brochure, will support the exhibition and include reference to changes that are proposed for example in West Ryde and Meadowbank.

Other exhibition material will comply with NSW legislation requirements and include s117 directions and a copy of the Section 65 Certificate and a plain English version of the draft Plan.

Public Hearing

DoPI Practice Note (PN) 09-003 (*Re) classification of public land through a LEP* states that where a draft LEP includes reclassification of 'community' land to 'operational' land, council must hold a public hearing into the proposal in accordance with section 68 of the EP&A Act. As such a Public meeting will be required to be undertaken for the proposed change in the status of Kitty's Creek Reserve adjacent to 46 Jeanette Street East Ryde. Where a proposal includes a re classification of 'operational' land to 'community' land a public hearing is not generally required.

The hearing will be run by an independent party. Councillors will be notified of the hearing date.

Consultation

All internal Council business units will be consulted by placing the draft LEP on the intranet and the internet and by e-mailing individual business units highlighting areas of interest and requesting that their areas are checked and verified for accuracy.

Internal Workshops held:-

- Not applicable.

All City of Ryde Advisory Committees to be consulted through an invitation to attend an information session.

External public consultation included:-

- External public consultation with government agencies and adjoining councils will include all adjoining council areas and those government agencies that responded to the Section 62 consultation process. These agencies and councils will be advised of the exhibition, provided with details of the draft plan and invited to make comment.
- Information drop in centres will be held at Eastwood, West Ryde and North Ryde libraries for all residents.
- Information sessions will be held for targeted groups e.g. property owners that adjoin sites where a change in zone, FSR and height is to occur such as Meadowbank, West Ryde and Ryde Town Centre.
- Letters will be sent out to properties directly affected or that surround an area where change is proposed such as Ryde Town Centre, West Ryde, Eastwood , Blenheim Road and Eastwood.

ITEM 11 (continued)

- Letters will be sent out advising of the exhibition of Draft LEP 2011 to Eastwood, Gladesville, Korean, Ryde, West Ryde, Ryde Business Forum and North Ryde Chambers of Commerce.
- Letters will be sent out advising of the exhibition of Draft LEP 2011 to Meadowbank West Ryde Progress Association, North Ryde Residents Group, and Putney and District progress Association.

Critical Dates

The following deadlines are required to be met:

Under State Governments timetabling for the development of a comprehensive LEP for all Council areas within NSW the Ryde LEP 2011 - a comprehensive plan for the City of Ryde was to be completed by March 2011. No formal extension to this period has been given by DoPI. The March deadline has not being met due to:-

- the delay in the gazettal of LEP 2010 (Stage 1 of the 3 Stage process towards a comprehensive LEP for the City of Ryde) by the Minister for DoPI.
- the delay in receiving the S65 Certificate for draft LEP 2011 and
- the changes to the Standard Instrument by DoPI that occurred in February 2011.

The Department is now requesting that we finalise the LEP by the end of 2011.

Financial Impact

This project is provided for in the Urban Planning budget for 2011/2012.

There will be no on-going costs of maintaining this project.

Policy Implications

The recommendation is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

Other Options

If Council has concerns about any of the proposed instruction in the Section 65 they can seek an amended Section 65 Certificate from DoPI. This process will require a formal application to the Minister and will further delay delivery of the new LEP 2011.

Conclusion

It is considered that draft Ryde LEP 2011 should be amended in accordance with the conditions of Section 65 Certificate and that the Plan should be placed on exhibition.

12 CITY OF RYDE DRAFT DEVELOPMENT CONTROL PLAN 2011

Report prepared by: Strategic Planner**Report dated:** 31/05/2011**File No.:** URB/08/1/6 - BP11/416

Report Summary

To recommend that Council resolves to prepare a Development Control Plan (DCP) in line with changes proposed in Draft Local Environmental Plan (LEP) 2011 and City of Ryde Local Planning Study and place the DCP to be known as Draft DCP 2011 on public exhibition.

This report covers information on the changes proposed between DCP 2010 (that came into effect upon the gazettal of LEP 2010) on 30 June 2010 and Draft DCP 2011 which is proposed to be exhibited with Draft LEP 2011.

The following identifies the three categories of change to DCP 2010 and the key changes that will occur under each.

Administrative changes

- Addition of amended Parts that have been recently adopted by Council or adopted for exhibition by Council. They include:-
 - Part 2.1 Notification of Development Applications – adopted by Council on the 19 July 2011,
 - Part 9.3 Parking adopted by Council for exhibition on the 19 July 2011.
- Updating technical requirements and incorporating endorsed Council changes such as:-
 - Part 4.5 Macquarie Park Corridor - the inclusion of the Space Syntax proposed Pedestrian Structure Plan and related controls - Council resolution 16 March 2010.
 - Part 8.2 Stormwater – clarification of technical standards and errors corrected.
- Deleting Parts which are no longer relevant such as Part 3.4 Residential Flat Buildings - more current and relevant controls for such developments are contained within State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

City of Ryde Local Planning Study Changes

- Part 3.3 Dwelling houses and Dual Occupancy and Part 3.5 Multi dwelling Housing - Housing Study – both Parts amended to delete Linear Separation controls with respect to dual occupancy and multi dwelling housing developments.
- Part 4.1 Eastwood Town Centre –Centres and Corridor - amended to include controls from Lakeside/Glen Street Eastwood Master Plan.

ITEM 12 (continued)

- Part 4.2 Meadowbank Urban Village (to be renamed Shepherds Bay Meadowbank)–Centres and Corridors Study - amended to incorporate the development provisions of draft DCP 2008 prepared for the area.
- Review of Part 4.3 West Ryde Urban Village – controls based on the West Ryde Master Plan (Council resolution of 7 December 2010 to prepare a DCP for West Ryde Town Centre).
- Part 4.4 Ryde Town Centre – Centres and Corridor – amended to include the land adjoining the Centre on Victoria Road and Blaxland Road.
- Added new Part – 5.4 Blenheim Road Shopping Centre – Small Centres - controls based on Blenheim Road Master Plan (Council resolution of 7 December 2010 to prepare a DCP for Blenheim Road Shopping Centre).

Draft LEP 2011 changes

- Part 3.3 Dwelling Houses and Dual Occupancy amended to include a reference to subdivision requirements for residential allotments.
- Part 4.4 Ryde Town Centre amended to include planning controls for Ryde Town Centre which have been deleted from LEP 2011.
- Added new Part – 8.6 Floodplain Management Plan – Council resolution 3 November 2009. The new part provides objectives and controls for development of land that is identified as flood affected and is part in response to clauses within draft LEP 2011.

RECOMMENDATION:

- (a) That a Development Control Plan (DCP) to be known as DCP 2011 be prepared in line with changes proposed in Draft Local Environmental Plan (LEP) 2011 and City of Ryde Local Planning Study.
- (b) That Development Control Plan (DCP) 2011 be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (c) That a report be prepared for Council's consideration following the exhibition period of draft DCP 2011.

ATTACHMENTS

- 1 Table 1 - Draft Development Control Plan (DCP) 2011 - CIRCULATED UNDER SEPARATE COVER
- 2 Draft DCP 2011 - 4.1 Eastwood Town Centre - CIRCULATED UNDER SEPARATE COVER
- 3 Draft DCP 2011 - 4.3 West Ryde Town Centre - CIRCULATED UNDER SEPARATE COVER

ITEM 12 (continued)

- 4** Draft DCP 2011 - 5.4 Blenheim Road North Ryde - CIRCULATED UNDER SEPARATE COVER
- 5** Draft DCP 2011 - 8.6 Floodplain Management - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 12 (continued)**Background**

Council on the 16 June 2009 adopted DCP 2010 which reflected the controls within LEP 2010. With the gazettal of LEP 2010 on 30 June 2010 Development Control Plan 2010 became effective and resulted in a single DCP applying to the City of Ryde.

Council resolved on the 11 December 2007 to prepare a comprehensive LEP in accordance with the Standard Instrument and based on the City of Ryde Local Planning Study.

The Local Planning Study recommends local planning provisions for a comprehensive LEP and for the City wide DCP. The City of Ryde Local Study was supported by the following studies:-

- Employment Study
- Environment and Open Space Study
- Housing Study
- Centre and Corridors Study
- Small Centres and Neighbourhood Centres Study
- Heritage Study
- Transport Study
- West Ryde Master Plan

Council resolved on the 7 December 2010 to adopt City of Ryde Local Planning Study and further resolved on the 14 December 2010 that the Director General of the Department of Planning and Infrastructure be requested under Section 65 of the Environmental Planning and Assessment Act, 1979 to certify that draft LEP 2011 may be publicly exhibited.

Ryde LEP 2011 applies to the whole of the City of Ryde with the exception of the specific deferred sites in Macquarie Park Corridor. A new DCP to support the new LEP is now required.

Report

This section of the report covers information on the principal changes proposed between DCP 2010 (that came into effect on the 30 June 2010) and DCP 2011 which will support comprehensive LEP 2011 for the City of Ryde.

Changes are identified in this report in the following categories:-

1. Administrative changes
2. City of Ryde Local Planning Study Changes
3. Draft LEP 2011 changes

Table 1 – Draft Development Control Plan 2011 reviews each Part within DCP 2010, identifies the nature of the change proposed to the Part, the impact of the change and the timing of when the change will occur is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 1).

ITEM 12 (continued)

It should be noted that this report relates to the changes that will occur to DCP 2010 to bring it into line with LEP 2011 and some of the recommended changes within City of Ryde Local Planning Study. Some Parts have been identified for significant major review which is scheduled to occur in the next 12 months. When a review is undertaken it will be addressed in a separate report to Council.

1. Administrative changes – These include:-

- Updating legislative and other plan references e.g.
 - Part 9.2 Access for People with Disabilities amended to include:-
 - references and commentary on the new Commonwealth Disability (Access to Premises – Buildings) Standards (the Premises Standards) made under the *Disability Discrimination Act 1992* (DDA) which applies to all new building work and to "affected parts" of existing buildings as from 1 May 2011
 - new requirements of the Premises Standards as contained within the Building Code of Australia (BCA).
 - details and commentary on the provisions of Part 4 of the Premises Standards as relating to unjustified hardship exemptions and concessions, including the operations in NSW of an Access Advisory Committee that can assess applications for unjustifiable hardship exemptions
- Referencing new land use terms in LEP 2011.
- Formatting changes e.g. headers, footers.
- Replacing existing Parts of the DCP with Parts which have either been recently adopted by Council as amendments to DCP 2010 or adopted for exhibition. They include:-
 - Part 2.1 Notification of Development Applications – adopted by Council on the 19 July 2011.
 - Part 9.3 Parking – adopted by Council for exhibition on the 19 July 2011 – exhibition of this document commenced on the 14 September 2011.
- Addition of Part 8.5 Public Civil Works which has had draft status for a number of years.

Council resolved a number of years ago to exhibit a DCP known as Engineering Standards which comprised a number of parts. Four of these parts, (Stormwater Management, Construction Activities, Driveways and Title Encumbrances) are already contained within DCP 2010 and will be transferred across into Draft DCP 2011. The other part, Public Civil Works is presently available for viewing on Council's internet as a draft DCP. The draft document has been consistently applied by Council since it was first exhibited. It is considered that the development of draft DCP 2011 provides an opportunity to incorporate the document into a DCP for the City of Ryde.

ITEM 12 (continued)

- Deleting Parts which are no longer relevant. They include:-
 - Part 3.4 Residential Flat Buildings – more current and relevant controls for such developments are contained within State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.
 - Part 6.2 Linton Avenue and Victoria Road West Ryde – Property under draft LEP 2011 has been rezoned and controls for the land are covered within the Part 4.3 West Ryde Town Centre
 - Part 6.5 Waterloo Road (215 – 217) Crimea Road (101) Marsfield – development has been completed.

The incorporation of Part 8.5 Public Civil Works and an amended Part 9.3 Parking into DCP 2011 will be highlighted in the public notices given of the exhibition of the draft DCP.

2. City of Ryde Local Planning Study Changes – These changes reflect recommendations adopted by Council on 7 December 2010 in the City of Ryde Local Planning Study. The changes include:-

- Part 3.3 Dwelling houses and Dual Occupancy - Housing Study – Deleting control 2.3 (a) Linear Separation.
- Part 3.5 Multi dwelling Housing (attached) - Housing Study – Deleting control 2.4 Separation of Medium Density Development in the Residential A Zone (Linear Separation).
- Part 4.2 Meadowbank Urban Village (renamed Shepherds Bay Meadowbank) – Centres and Corridors Study –Substantially amending the Part to incorporate the development provisions of draft DCP 2008 previously prepared for the area.
- Part 4.4 Ryde Town Centre – Centres and Corridors Study –Amending the Part to incorporate :-
 - development controls for the land adjoining the town centre including Ryde Ex-services Bowling Club and adjacent land , Hunter Holden and land through to the Scouts Hall along Victoria Road, 158 – 194 Blaxland Road (rear of Civic Centre).
 - Controls guiding urban form/design criteria (this includes setbacks and height controls) for development based on the incentive clauses within draft LEP 2011 for the Ryde Town Centre Master Plan.
- 4.4 Gladesville Town Centre – Centres and Corridors Study – Amending the Part to incorporate development controls for the land adjoining the town centre including, 11 – 15 Farm Street, 14 – 28 Oxford Street , 2a and 2b Westminster Road.
- 4.1 Eastwood Town Centre – Centres and Corridors- Deleting car parking controls and referencing Part 9.3 Parking to ensure a consistent set of off street parking rates in Centres.

ITEM 12 (continued)

Three additional changes are proposed to Draft DCP 2011 based on recommendations of the Local Study. They are:-

- 4.1 Eastwood Town Centre – Centres and Corridors - addition of controls for Lakeside/Glen Street Eastwood based on the Lakeside/Glen Street Master Plan.
- Addition of new Part – 5.4 Blenheim Road Shopping Centre – Small Centres - controls based on Blenheim Road Master Plan.
- Review of Part 4.3 West Ryde Urban Village (to be now known as West Ryde Town Centre).

•Part 4.1 Eastwood Town Centre & Part 5.4 Blenheim Road Shopping Centre

Under Draft LEP 2011 floor space and height incentives have been provided for both areas based on amalgamation of lots to achieve specific lot sizes. The incentives have been put in place to encourage revitalisation of the areas and development that meets modern design standards. The DCP controls developed for the two areas apply regardless of whether or not lot amalgamation occurs.

Based on the Master plan studies for the two areas the following has been developed: -

Objectives include:-

- To facilitate the coordinated development of each area;
- To reinforce each area as a retail, employment and residential location;
- To create an attractive, safe, convenient well used public domain; and
- To develop a sustainable centre that balances social, economic and environmental objectives.

Controls include:-

- Front setbacks at upper and ground levels.
- Side and rear setbacks
- Minimum floor to ceiling heights
- Locations of awnings
- Parking and access controls
- Public domain controls
- Public domain requirements

Part of draft DCP Part 4.1 containing controls on Lakeside/Glen Street and draft DCP 5.4 Blenheim Road Shopping Centre are **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachments 2 and 4).

•Part 4.3 West Ryde Urban Village (to be now known as West Ryde Town Centre)

As part of the Local Planning Study and Draft Local Environmental Plan 2011, Council adopted the master plan and draft planning controls for the West Ryde Town Centre and adjoining areas with the aim of encouraging the revitalisation of the centre. This resulted in changes to zoning, floor space and height controls within draft LEP 2011 with respect to certain properties within the subject area.

ITEM 12 (continued)

The review of DCP Part 4.3 West Ryde town centre has been undertaken by specialist consultants, Hassell.

The revised controls will help facilitate the revitalisation of West Ryde town centre and adjoining areas as a vibrant, attractive and safe urban environment with a diverse mix of commercial, residential and retail opportunities. The industrial areas adjoining the town centre are protected.

The draft DCP Part 4.3 provides objectives, principles and development controls to guide future development within West Ryde town centre and adjoining areas in order to achieve the vision for the area as expressed in the master plan.

The main changes between the current Part 4.3 of DCP 2010 and the proposed replacement Part 4.3 include:

- The vision for the Centre is identified through future character statements and development controls prescribed for the whole of the Centre and on a precincts basis - the precincts are:
 - Victoria Road West
 - Retail Core - the core includes parts of Chatham Road/ Anthony Road
 - Ryedale Road
 - Anzac Park
 - Victoria road Mixed use (between Hermitage and Ryedale Road)
 - Victoria Road Enterprise Corridor
- General Development Controls - built form controls have been amended to provide greater clarity and direction on elements such as setbacks, architectural characteristics, use of awnings. Provisions for housing choice/mix have been introduced.
- Controls to create active street frontages have been introduced in defined parts of the Centre – e.g. along parts of Chatham Road and Ryedale Road.
- Controls allowing a variation of the planning controls where a public benefit such as a childcare centre, open space, community facility has been removed from the DCP in accordance with the Department of Planning and Infrastructure's (DOPI) direction to remove a similar clause from DLEP 2011.
- Controls have been introduced to ensure building design and siting address the interface that occurs between the built form in the town centres and the low scale residential development surrounding the centre.
- Controls for parking and signage have been removed from the Part 4.3 as these elements are addressed in Part 9.1 Signage and Part 9.3 Parking.
- Controls relating to the public domain, access and environmental matters have been reviewed and amended to provide a comprehensive and updated set of provisions. Controls have been introduced for public art.

ITEM 12 (continued)

The draft DCP Part 4.3 West Ryde Town Centre is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 3).

The addition of these three new Parts to Draft DCP 2011 will be highlighted in the material associated with the exhibition of the draft DCP.

3 LEP 2011 changes. These changes involve referencing relevant clauses from the draft Plan and including clauses and schedules deleted by DoPI from the draft LEP.

- Part 3.3 Dwelling Houses and Dual Occupancy amended to:-
 - include a reference to subdivision requirements for residential allotments (clause removed from DLEP 2011 by Section 65 Certificate).
 - Include a note that the term duplex building can be read as dual occupancy (attached) for the purposes of the strata subdivision clauses within LEP 2011 (clause removed from DLEP 2011 by Section 65 Certificate)
 - Referencing new LEP Clauses related to strata subdivision and minimum site area and width requirements for dual occupancy
- Part 3.5 Multi dwelling housing amended to include a reference to LEP 2011 clauses relating to minimum site area and width requirements and height of dwellings.

With respect to Part 3.5 Multi dwelling housing it should be noted that the term multi dwelling housing (attached) can no longer be used in the land use table with respect to draft LEP 2011. This means that a multi dwelling development can now consist of three (3) or more dwellings that can be either attached or detached or a combination of attached and detached to each other.

- Part 4.4 Ryde Town Centre – include a reference to development requirements for Ryde Town Centre (clause removed from DLEP 2011 by S65 Certificate).
- Part 8.6 Floodplain Management Plan. Council on the 3 November 2009 reviewed the Eastwood & Terry's Creek Floodplain Risk Management Study and Plan and resolved to prepare flood management clauses to be included in LEP 2011 and to prepare a DCP for floodplain management to be included in the City Wide DCP. Part 8.6 Floodplain Management Plan provides objectives and controls for development of land that is identified as flood affected.

The draft DCP Part Floodplain Management Plan is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 5).

Part 8.6 Floodplain Management Plan will be highlighted in the material associated with the exhibition of the draft DCP.

ITEM 12 (continued)**Consultation**

Internal Council business units consulted included:-

The following internal business units have been consulted with respect to the development of the draft DCP:-

- Public Works - Access
- Community Life - Open Space
- Environment and Planning - Urban Planning
- Environment and Planning - Assessment

All internal Council business units will be consulted by placing the draft DCP on the intranet and the internet.

Internal Workshops held:-

- Not Applicable.

External public consultation included:-

None required for the preparation of the draft DCP.

As required under the Regulations to the Environmental Planning and Assessment Act the draft Plan will be required to be exhibited for a period of not less than 28 days, by notice in the local newspaper.

Council on the 14 December 2010 resolved to undertake a consultation process for draft LEP 2011 that includes:

- Exhibition period of 6 weeks.
- A public notice of the exhibition in each Ryde City View edition during the 6 week period.
- Use of Council Kiosks in each of Council's libraries to provide internet access to both the Ryde LEP 2010 and draft LEP 2011 for information and comparison purposes. Similar computer access will be available for customers within the Civic Centre.
- Hard copies of both Ryde LEP 2010 and draft LEP 2011 on display or available for viewing depending on space availability within each library and the Civic Centre.
- A4 Information posters displayed within each library and the Civic Centre directing customers to Council Kiosk or hard copy displays.
- All internal Council business units will be consulted by placing the draft LEP on the intranet and the internet and by e – mailing individual business units highlighting areas of interest and requesting that areas are checked and verified for accuracy.
- External public consultation with landowners whose land has a change in zoning, height and floor space.

ITEM 12 (continued)

- External public consultation with landowners that adjoin sites were a change in zone, FSR and height is to occur as identified in the Centres and corridors and Small Centres studies.
- External public consultation with Meadowbank West Ryde Progress Association, North Ryde Residents Group, and Putney and District progress Association.
- Consultation with the following City of Ryde Advisory Committees:
 - Climate Change and Sustainability Committee
 - Eastwood & Terry's Creek Floodplain Risk Management Committee
 - Economic Development Advisory Committee
 - Heritage Advisory Committee
 - Macquarie Park Floodplain Risk Management Committee

It is anticipated that the exhibition of draft DCP 2011 will occur during the exhibition of draft LEP 2011 and as such all of the above will also be in place for the exhibition of draft DCP 2011.

Critical Dates

Draft LEP 2011 has been with the Department of Planning and Infrastructure since December 2010 and it is anticipated that the draft LEP will be able to be exhibited in August/September of 2011.

It is considered that draft DCP 2011 should be placed on exhibition at the same time as draft LEP 2011 or within a short period of draft LEP 2011 being on exhibition to ensure a consistency of information between the two documents.

Financial Impact

To exhibit draft DCP 2011 it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1,000.

This project is provided for in the current budget for the financial year 2011/12 from the Urban Planning Budget.

Policy Implications

The recommendation is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

Under the Regulations to the Act a council may repeal a development control plan by a subsequent development control plan coming into effect.

Other Options

Not applicable.

ITEM 12 (continued)**Conclusion**

A consolidating DCP for the City of Ryde in line with the requirements of the EP&A Act and controls within draft LEP 2011 should be in place at the time of the gazettal of the draft LEP. To satisfy this requirement the development and exhibition of draft DCP 2011 is considered necessary.

**13 NSROC TENDER FOR THE SUPPLY, SUPPLY AND DELIVERY AND
SUPPLY, DELIVER AND LAYING OF TURF**

Report prepared by: Manager - Risk and Audit**Report dated:** 15/08/2011**File No.:** GRP/09/7/1/3 - BP11/554

Report Summary

This report is to advise Council of the outcomes of NSROC Tender 09/11 relating to the Supply, Supply and Delivery and Supply, Delivery and Laying of turf. It advises that the NSROC Supply Managers Group has recommended that NSROC accept submissions received from a panel of suppliers and recommends that preferred supplier agreements are entered into with these preferred suppliers.

RECOMMENDATION:

That Council accepts the submissions of Grech's Turf Supplies, Hi Quality Turf and Qualturf Pty Ltd and enters into Preferred Supplier Agreements through NSROC.

ATTACHMENTS

- 1 NSROC Tender Evaluation Report 09/11 - CIRCULATED UNDER 9 Pages
SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

John Schanz
Manager - Risk and Audit

Report Approved By:

John Neish
General Manager

ITEM 13 (continued)**Background**

The NSROC Supply Managers Group was formed to investigate and establish bulk purchase arrangements for goods and services that are utilised by participating Councils. One such area is the Supply, Supply and Delivery and Supply, Delivery and Laying of turf. This has been subject to past NSROC tenders and resultant Preferred Supplier Agreements (PSA's). The previous PSA has recently expired and the NSROC Supply managers Group has called tenders and is seeking to establish new PSA's as a result of this tender process.

Council's expenditure on turf under the current agreements is approximately \$75k per annum. It is envisaged that Council will enter into a preferred supplier arrangement for a period of two years with an optional extension for a further one year.

The NSROC Supply Management Group (SMG) publicly advertised a Tender for the Supply, Supply and deliver, and Supply, Deliver and Laying of various types of turf.

Report

The NSROC Councils participating in this tender were:

- City of Ryde
- Hornsby
- Lane Cove
- North Sydney
- Willoughby
- Ku-ring-gai
- Hunters Hill

The product specifications were established through consultation with the NSROC Supply Management Group representative from each of the participating Councils. There was also consultation at each Council level with input being sought from the current purchasers/users of the products.

Tenders were publicly invited and were advertised in the Sydney Morning Herald and on NSROC's e-tendering site (Tenderlink). The tender lodgement and administration process was coordinated through Lane Cove Council by the NSROC representative.

A total of seven companies responded to the Request for Tender. They were:

- Evergreen Turf Pty Ltd
- Hi Quality Turf
- M Collins and Sons Contractors Pty Ltd
- Millers Turf Supplies Pty Ltd
- Windsor Turf Pty Ltd (Receiver and Manager appointed)
- Grech's Turf Supplies
- Qualturf Pty Ltd

ITEM 13 (continued)

A Tender Evaluation report is **ATTACHED – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**. Tenders were evaluated using an Assessment Matrix which is included as part of the Tender Evaluation report. Pursuant to Section 10A (2)(d) of the Local Government Act 1993, these documents are listed as confidential as they contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it. Furthermore, it is considered that discussion in open meeting would, on balance, be contrary to the public interest as it could affect Councils ability to secure the preferred tenderers.

The evaluation process has recommended that the City of Ryde should appoint a panel of three preferred suppliers under a preferred supplier arrangement. The suppliers are as follows:

- Grech's Turf Supplies
- Hi Quality Turf
- Qualturf Pty Ltd

Consultation

Internal Council business units consulted included:-

- Operations Service Unit (Purchasing and Stores) and various users of products.

Internal Workshops held:-

- Not Applicable.

City of Ryde Advisory Committees consulted included:-

- Not Applicable.

External public consultation included:-

- NSROC Supply Managers Group.

Comments

The Section Manager – Store and Procurement and the main users of the products were consulted in the evaluation process conducted for the City of Ryde.

The NSROC Supply Managers Group also met on several occasions to evaluate tender submissions.

Critical Dates

There are no critical dates or deadlines to be met.

Financial Impact

It is anticipated that total expenditure under these proposed arrangement will be approximately \$75k per annum. Expenditure incurred as a result of the Preferred Supplier Agreements will be funded out of base and capital budgets.

ITEM 13 (continued)**Policy Implications**

Due to the fact that the City of Ryde is likely to incur expenditure in excess of the tendering threshold over the proposed period of the Preferred Supplier Agreement, it was felt prudent that this be reported to Council.

Conclusion

All Tender submissions were assessed in accordance with established NSROC Supply Managers Group procedures. Following this assessment, it is recommended that Council enter into Preferred Supplier Agreements with three suppliers being Grech's Turf Supplies, Hi Quality Turf and Qualturf Pty Ltd.

14 FEE ADJUSTMENT - LODGEMENT OF CERTIFICATE

Report prepared by: Manager - Health and Building**Report dated:** 5/09/2011**File No.:** GRP/11/6/3/3 - BP11/593

Report Summary

This report recommends the public exhibition of the draft fee of \$36 for the lodgement of Part 4A Certificates by Accredited Certifiers with Council.

RECOMMENDATION:

- (a) That the fee for the lodgement of Part 4A Certificates in the amount of \$36 be publicly exhibited for a period of not less than 28 days from 3 October 2011 to 31 October 2011.
- (b) That a further report be presented to Council for consideration after the advertising period addressing any submissions made.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Scott Cox**Manager - Health and Building**

Report Approved By:

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

ITEM 14 (continued)**Background**

The Environmental Planning and Assessment Act, 1979, requires an Accredited Certifier issuing Part 4A Certificates (Construction Certificates, Complying Development Certificates, Occupation Certificates and Subdivision Certificates) for development, to lodge a copy with the relevant Council. The Act also enables a Council to impose a fee to offset administration costs.

The fee for 2011/12 is currently \$31 in the City of Ryde's Management Plan (Fees and Charges). The fee for 2010/11 was \$30.

Report

From 1 July 2011, the maximum fee a Council may impose for the lodgement of Part 4A certificates increased from \$30 to \$36. Whilst this fee is based in legislation, the Act does not prescribe the fee. The Council has a discretion to set any fee to the maximum and the fee set by Council for 2011/2012 was \$31.

Since 1 July 2011, Certifiers have been lodging Part 4A Certificates accompanied by a cheque for \$36. To date, there has been approximately 160 lodgements made where a refund of the \$5 overpayment has had to occur.

It is proposed to increase the fee from \$31 to \$36 in order to align the fee with the legislated change and to also reduce the burden on staff having to refund each overpayment.

In accordance with Section 405 of the Local Government Act and Clause 201 of the Local Government Regulation, the fee has to be advertised for 28 days. A further report addressing any submissions received in relation to the fee would be presented back to Council.

15 2011/2012 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations

Report prepared by: Manager - Human Resources**Report dated:** 7 September 2011**File No.:** GRP/11/5/4 - BP11/596

Report Summary

This report seeks Council's endorsement of the proposed business operations during the 2011/2012 Christmas / New Year Period, with this report recommending that Council's operations close from noon on Friday, 23 December 2011 and recommence on Tuesday, 3 January 2012.

RECOMMENDATION:

- (a) That the changes to normal City of Ryde business operations over the 2011/2012 Christmas / New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, the Ryde City View, on Council's website and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff Christmas Party being held at the Civic Hall on Friday, 23 December 2011.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Melissa Attia

Manager - Human Resources

Report Approved By:

Roy Newsome

Group Manager - Corporate Services

ITEM 15 (continued)**Background**

In recent years, normal City of Ryde business operations, except Ryde Aquatic Leisure Centre (RALC) have ceased over the Christmas / New Year period. A skeleton staff has remained on duty supported by staff on-call to continue essential services and to respond to urgent customer requests. This report seeks Council's endorsement for the proposed arrangements for Council's operations to close from 12 noon on Friday, 23 December 2011 and recommence on Tuesday, 3 January 2012.

The Library service and the RALC will have modified hours during this period.

Report

For the upcoming Christmas / New Year period it is proposed that business operations cease at 12 noon on Friday, 23 December 2011 and recommence on Tuesday, 3 January 2012.

During the shutdown period, the following service functions will remain operational with on-duty staff:

- Cleansing operations:
 - Shopping Centres – streets, footpaths and bin collections.
 - Parks – bin collections.
 - Public Toilets.
- Urgent infrastructure repairs (public safety).
- General Parks Maintenance and mowing of Regional Parks.
- Rangers – normal patrols.
- Hall Hire – pre bookings.
- Details of the hours of operation and services in respect of the Top Ryder bus service over this period will be outlined in a further report to Council in November 2011.

The proposed RALC operation hours for this period are as follows:

| | | |
|-----------|--------|--|
| Thursday | Dec 22 | 5.30am – 8.45pm (end of normal operating hours) |
| Friday | Dec 23 | 5.30am – 5.45pm |
| Saturday | Dec 24 | 6.30am – 12 noon |
| Sunday | Dec 25 | |
| Monday | Dec 26 | 10.00am – 5.45pm (Christmas Day Holiday) |
| Tuesday | Dec 27 | 8.00am – 5.45pm (Boxing Day Holiday) |
| Wednesday | Dec 28 | 8.00am – 5.45pm |
| Thursday | Dec 29 | 8.00am – 5.45pm |
| Friday | Dec 30 | 8.00am – 5.45pm |
| Saturday | Dec 31 | 8.00am – 5.45pm |
| Sunday | Jan 01 | 10.00am – 5.45pm (New Year's Day) |
| Monday | Jan 02 | 8.00am – 5.45pm (New Year's Day Holiday) |
| Tuesday | Jan 03 | 5.30am – 8.45pm (recommencement of normal operating hours) |

ITEM 15 (continued)

The RALC returns to normal hours of operation on Tuesday, 3 January 2012.

The proposed Library operations are as follows:

| | |
|--|-----------------------------------|
| Monday, 19 December 2011 – Thursday, 22 December 2011 | Normal hours |
| Friday, 23 December 2011 | All libraries closed from 12 noon |
| Friday, 23 December 2011 (after 12.00 noon) – Monday, 2 January 2012 | All libraries closed |
| Tuesday, 3 January 2012 | Normal hours |

The Library returns to regular hours of operation from Tuesday, 3 January 2012.

The Operations Centre will be closed from 12 noon on Friday, 23 December 2011 through to Monday, 2 January 2012, returning to regular hours of operation on Tuesday, 3 January 2012.

A roster of on-call staff will be prepared for all other service units and these staff will be available to respond to urgent matters if required. This would include other functions such as information systems (IT) support and Development Application (DA) notifications. All details of on-call staff will be provided to Councillors and the Executive Team prior to the Christmas / New Year shutdown.

The normal after-hours call centre arrangements will apply during this period, whereby any customers calling Council's main phone number will speak to an operator who will then allocate the enquiry to the relevant officer for action.

The proposed changes to normal business operations for the Christmas / New Year period are proposed to be advertised in the Mayor's Column, the Ryde City View, on Council's website and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.

It is proposed that the staff Christmas Party will be held from 12 noon on Friday, 23 December 2011. Consistent with previous years, Council will provide a meal for staff, with the costs of this function included in Council's 2011/2012 Budget. Staff not attending the Christmas Party will remain on duty until the close of business.

This year it is proposed for the staff Christmas Party to be held in Council's Civic Hall and Councillors will be advised of the details once confirmed, with all Councillors welcome to attend.

Financial Impact

Adoption of the recommendation outlined in this report will have no financial impact as the funding of staff resources over the Christmas / New Year shutdown is already included into existing operational budgets.

ITEM 15 (continued)**Policy Implications**

There are no policy implications through adoption of the recommendation.

Other Options

Levels of services could be increased or decreased during this period. The arrangements proposed, however, will ensure the community is provided with appropriate levels of service throughout this period.

Conclusion

This report seeks Council's endorsement for the proposed arrangements for Council's operations to close from noon on Friday, 23 December 2011 and recommence on Tuesday, 3 January 2012.

16 REPORT ON OUTSTANDING RESOLUTIONS**Report prepared by:** Meeting Support Co-ordinator**Report dated:** 16 September 2011**File No.:** GRP/11/5/4/6 - BP11/84**REPORT SUMMARY**

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 20 September 2011.

Below is a status table showing the number of reports listed, the number completed since the last update, the number added since the last update and the percentage of those reports that were completed within the stated timeframe:

| Date | Number of listed reports | Number of reports added | Number COMPLETED in this period (to be removed) | % COMPLETED within stated timeframe |
|-------------------|--------------------------|-------------------------|---|-------------------------------------|
| 14 February 2011 | 33 | | 7 | 85% |
| 15 March 2011 | 31 | 5 | 8 | 87% |
| 2 May 2011 | 32 | 9 | 9 | 81% |
| 6 June 2011 | 31 | 8 | 5 | 80% |
| 19 July 2011 | 33 | 7 | 10 | 80% |
| 16 August 2011 | 35 | 12 | 8 | 50% |
| 20 September 2011 | 36 | 9 | 7 | 57% |

Of the 36 reports listed in the report **ATTACHED – CIRCULATED UNDER SEPARATE COVER**, seven reports are overdue against the stated timeframe.

RECOMMENDATION:

That the report on Outstanding Resolutions be endorsed.

ATTACHMENTS

- 1 Outstanding Resolutions Report as at 20 September 2011 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Amanda Janvrin
Meeting Support Co-ordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

PRECIS OF CORRESPONDENCE**1 ELECTRICITY PRICE INCREASES ANNOUNCED BY THE INDEPENDENT PRICING AND REGULATORY TRIBUNAL (IPART)**

Report dated: 25 August 2011 **File No.:** CLM/11/1/5/11 - BP11/578

Correspondence:

Submitting correspondence from The Honourable Victor Dominello MP attaching a letter from The Honourable Chris Hartcher MP, Minister for Resources and Energy, dated 15 July 2011, regarding the announcement of electricity price increases by the Independent Pricing and Regulatory Tribunal (IPART).

RECOMMENDATION

That the correspondence be received.

ATTACHMENTS

- 1** Letter from The Honourable Victor Dominello MP attaching a letter from the Honourable Chris Hartcher MP dated 15 July 2011 regarding electricity price increases announced by IPART

Precis of Correspondence (continued)

ATTACHMENT 1



Victor Dominello MP
State Member for Ryde



Friday, 29 July 2011

Mr John Neish
General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Neish, *John*

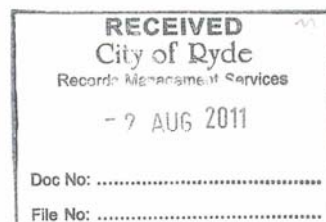
I have received a response from Minister for Resources and Energy the Honorable Chris Hartcher MP regarding energy charges. I attach a copy of this response for your records.

If you are not satisfied with this outcome or there are any further matters you would like me to raise with the Minister please contact my office.

Again, thank you for bringing this matter to my attention. Please do not hesitate to call on me if I can assist you with this or any other matter, now or in the future.

Yours sincerely

The Hon Victor Dominello MP
Member for Ryde



Precis of Correspondence (continued)

ATTACHMENT 1

**The Hon Chris Hartcher MP**Minister for Resources and Energy
Special Minister of State
Minister for the Central Coast

MF11/2227

The Hon Victor Dominello MP
Minister for Citizenship and Communities
Minister for Aboriginal Affairs
Member for Ryde
PO Box 736
RYDE NSW 1680

Dear Minister

I refer to your letter of 6 April 2011, to the Hon Don Page MP, Minister for Local Government, on behalf of Mr John Neish, General Manager, Ryde City Council, regarding energy charges. Your letter has been referred to me as the issues raised fall within my area of responsibility.

The NSW Government is very concerned at the announcement by the Independent Pricing and Regulatory Tribunal (IPART) of electricity price increases. IPART has advised that the two main reasons prices are rising are network costs and the Federal Government's Renewable Energy Target.

Under the *Electricity Supply Act 1995*, regulated retail prices are determined by IPART. In making pricing determinations, IPART undertakes an open and transparent public consultation process. IPART invites interested stakeholders to review draft proposals and submit comments and suggestions. The NSW Government also made a submission to IPART in relation to this pricing determination, which can be found at <http://www.ipart.nsw.gov.au>. These processes are independent and the NSW Government has no discretion to amend IPART's determination.

Please be assured the NSW Government recognises the burden increasing energy bills are placing on households and businesses and will continue to act to reduce the potential for rises in the future.

Thank you for bringing this matter to the Government's attention.

Yours sincerely

The Hon Chris Hartcher MP
Minister for Resources and Energy
Special Minister of State
Minister for the Central Coast

15.7.11.

Ph: 02 9228 5289 | Fax: 9228 5721 | Mail: GPO BOX 5341, SYDNEY NSW 2001 | email: office@hartcher.minister.nsw.gov.au

CONFIDENTIAL ITEMS**17 ADDINGTON - Update and Status on Lease and Asset Condition**

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.

Report prepared by: Section Manager - Properties; Manager - Business Infrastructure

Report dated: 12/09/2011

File No.: GRP/11/3/6/6 - BP11/602

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18 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, Public Officer

Report dated: 14/06/2011

File No.: GRP/11/7/1/6 - BP11/580

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