

Meeting Date: Tuesday 23 October 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

*Council Meetings will be recorded on audio tape for minute-taking purposes
as authorised by the Local Government Act 1993.*

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1 CONFIRMATION OF MINUTES - Council Meeting held on 14 August 2012

Report prepared by: Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/770

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 14/12, held on 14 August 2012 be confirmed.

ATTACHMENTS

- 1** Minutes - Ordinary Council Meeting - 14 August 2012

ITEM 1 (continued)

ATTACHMENT 1

Council Meeting
MINUTES OF MEETING NO. 14/12

Meeting Date: Tuesday 14 August 2012

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: Meeting opened at 10.03pm (after the conclusion of the reconvened Council meeting of 24 July 2012)

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

Apologies: Councillors Butterworth, Li and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Service Unit Manager – Assessment, Manager – Strategy and Organisational Development, Communications and Media Manager, Manager – Community Relations & Events, Service Unit Manager - Governance and Acting Section Manager - Governance.

PRAYER

The General Manager, John Neish was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

Councillor Petch tabled a petition signed by residents of Ryde seeking *'the City of Ryde to provide Free admission for all Pensioner Concession card or Commonwealth Health Card holders to the Sauna and Spa facilities at the Ryde Aquatic Leisure Centre'*, the time being 10.07pm.

Note: The petition was tabled and a copy is ON FILE.

PRESENTATION OF KEEP AUSTRALIA BEAUTIFUL – OVERALL SUSTAINABLE COUNCIL AWARD

Dominic Johnson, Group Manager – Environment & Planning presented the Mayor, Councillor Etmekdjian with the Overall Sustainable Council (runner-up) Award by Keep Australia Beautiful. The award was the most prestigious of a series of Sustainable Cities Awards and was won for the 'Sustainable Lifestyle and Opportunities at your Doorstep' environmental plan submission.

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Denise Pendleton (representing Residents for Ryde)	Item 6 – NSW Planning System Review: Issue Paper for a New Planning System for NSW
Jill Hartley	Item 6 – NSW Planning System Review: Issue Paper for a New Planning System for NSW
Lee Cummings	Notice of Rescission 1 – Mayoral Minute MM06/12 – Staff Matter

RESOLUTION: (Moved by Councillors Campbell and Maggio)

That the members of the public who had requested to address Council on Items Not Listed on the Agenda be allowed to address the meeting, at this time.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Mrs Rose Lavery	Letter of reply received from Ryde Council

ORDER OF BUSINESS

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

That the following Items be considered at the start of the meeting:

- Notice of Rescission 1 – Mayoral Minute MM06/12 – Staff Matter
- Item 6 – NSW Planning System Review: Issue Paper for a New Planning System for NSW

Record of Voting:

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

Against the Motion: Councillors Perram, Petch and Tagg

ITEM 1 (continued)

ATTACHMENT 1

Councillors Petch, Perram and Tagg left the meeting at 10.24pm. Due to a lack of a quorum, the meeting was adjourned.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 10.24pm. The Council Meeting was adjourned to:

Tuesday, 21 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at the conclusion of the Extraordinary Council Meeting of 21 August 2012.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillors Perram, Petch and Tagg.

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

MEETING RECONVENED

The Meeting reconvened at 9.20pm on Tuesday, 21 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

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

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

Staff Present: General Manager, Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager - Communications and Media, Manager – Strategy and Organisational Development , Service Unit Manager – Assessment, Team Leader – Building & Development Advisory Service, Service Unit Manager - Governance and Acting Section Manager - Governance.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Lee Cummings addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Yedelian OAM and Petch)

That this matter be deferred until the next Council term when the investigation has come to its conclusion.

ITEM 1 (continued)

ATTACHMENT 1

Note: This Motion was not voted on by the meeting.

Councillors Li, Perram and Petch left the meeting at 9.26pm. Due to a lack of a quorum, the meeting was adjourned.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 9.26pm. The Council Meeting was adjourned to:

Tuesday, 28 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at 7.30pm.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillors Li, Perram and Petch.

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

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 28 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM.

Apologies had been received from Councillors Butterworth, Li, Perram and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Manager – Strategy and Organisational Development, Service Unit Manager – Assessment, Team Leader – Building & Development Advisory Service, Service Unit Manager – Governance and Acting Section Manager – Governance.

ORDER OF BUSINESS

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

That Notice of Rescission 1 – Mayoral Minute MM06/12 – Staff Matter be deferred to the end of the Agenda.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Pickering

6 NSW PLANNING SYSTEM REVIEW: ISSUE PAPER FOR A NEW PLANNING SYSTEM FOR NSW

Note: Denise Pendleton (representing Residents for Ryde) and Jill Hartley addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

That Council receive and note the report and endorse this submission to be made on the Green Paper on behalf of the City of Ryde to the NSW Government.

Record of Voting:

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

Against the Motion: Councillor Tagg

MAYORAL MINUTES

MM07/12 GENERAL MANAGERS PERFORMANCE REVIEW 2012

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That consideration of the Mayoral Minute be deferred to Closed Session at the end of the meeting.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 23 July 2012

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

That the Minutes of the Extraordinary Council Meeting 12/12, held on 23 July 2012 be confirmed.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
10/12 held on 7 August 2012**

RESOLUTION: (Moved by Councillors Pickering and Campbell)

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

Record of Voting:

For the Motion: Unanimous

3 498 BLAXLAND ROAD, DENISTONE. Application under Section 82A of the EP&A Act, 1979, to review Council's determination of LDA2011/0257 for construction of affordable rental housing (under the Affordable Rental Housing SEPP) on the site. APL2012/0002

RESOLUTION: (Moved by Councillors Pickering and Petch)

- (a) That Local Development Application No. 2011/0257 for 498 Blaxland Road, Denistone be refused for the following reasons:-
1. The development as proposed will be detrimental to the character of the area having regard to the proposed density in terms of number of units as it is inconsistent with the multi-dwelling housing density provisions under Clause 4.5B of the LEP 2010.
 2. The proposed two storeys for the front two dwellings is inconsistent with the character of the locality and contrary to the height control for multi-housing developments contained under Council's DCP 2010.
 3. The form of proposed development contradicts Council's Policy on the design, character and density of multi-dwelling housing.
 4. The development is an overdevelopment of the site and provides insufficient parking including no parking for visitors to the site especially given the location of the site on Blaxland Road.
 5. The development is not in the public interest as evident by the submissions made.
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillors Campbell and O'Donnell

4 252 QUARRY ROAD, RYDE. LOT 2 DP 701738. Local Development Application for Demolition and Erection of an Attached Dual Occupancy. LDA2010/439

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

- (a) That Local Development Application No 2010/439 to demolish the existing dwelling house and to erect a 2 storey attached duplex at 252 Quarry Road, Ryde, being Lot 2 DP701738, be approved subject to the conditions in **ATTACHMENT 1** with condition number 23 to read as follows:-

23. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,015.95
Open Space & Recreation Facilities	\$9,886.42
Civic & Urban Improvements	\$3,362.46
Roads & Traffic Management Facilities	\$458.57
Cycleways	\$286.50
Stormwater Management Facilities	\$910.31
Plan Administration	\$77.25
The total contribution is	\$18,997.45

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the person who made a submission be advised of Council's decision.

AMENDMENT: (Moved by Councillors Petch and Tagg)

That this matter be deferred for further investigation of the flooding issues and a report back to Council.

On being put to the Meeting, the voting on the Amendment was two (2) votes For and six (6) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Petch and Tagg

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

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

- (a) That Local Development Application No 2010/439 to demolish the existing dwelling house and to erect a 2 storey attached duplex at 252 Quarry Road, Ryde, being Lot 2 DP701738, be approved subject to the conditions in **ATTACHMENT 1** with condition number 23 to read as follows:-

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Plan Administration	\$77.25
The total contribution is	\$18,997.45

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

ITEM 1 (continued)

ATTACHMENT 1

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

- (b) That the person who made a submission be advised of Council's decision.

Record of Voting:

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

Against the Motion: Councillors Petch and Tagg

Note: A Notice of Rescission signed by Councillors Petch, Tagg and Salvestro-Martin was received on 30 August 2012 in relation to this Item and will be considered by Council at its meeting to be held on 9 October 2012.

Note: The reconvened meeting on 4 September 2012 was advised that in respect of the Notice of Rescission lodged regarding 252 Quarry Road Ryde, all the signatories had withdrawn their names. Councillor Tagg withdrew his name at 8.33pm on 3 September 2012, Councillor Salvestro-Martin withdrew his name at 9.04am on 4 September 2012 and Councillor Petch withdrew his name at 3.34pm on 4 September 2012.

Accordingly the Notice of Rescission is **WITHDRAWN**.

5 64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for alterations and additions to the existing dwelling and new cabana. LDA2011/493

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

- (a) That Council resolve to seek amended plans in relation to Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney. The amended plans and supporting information shall incorporate the following details:
- i. **Reduction of balcony/terrace.** The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing material to the lower ground floor level below and is not to be accessible.
 - ii. **Setback of proposed additions from northern boundary.** The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary).

ITEM 1 (continued)

ATTACHMENT 1

iii. Tree Management Plan – adjoining Fig Tree:

The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:

- Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree.
- Structural Plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree.
- Structural Plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree. Subfloor infill walling is not acceptable.
- Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity.
- That any proposed pruning of the Fig Tree be limited to 10% of the tree canopy as supervised by an arborist.

(b) Upon submission of satisfactory details to Council regarding the above matters, the Group Manager Environment & Planning be delegated authority to determine the DA by approval subject to appropriate conditions.

(c) That the persons who made submissions be notified of Council's decision.

Record of Voting:

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

Against the Motion: Councillors Petch and Tagg

Note: A Notice of Rescission signed by Councillors Petch, Tagg and Salvestro-Martin was received on 30 August 2012 in relation to this Item and will be considered by Council at its meeting to be held on 9 October 2012.

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 10/12 held on 7 August 2012

RESOLUTION: (Moved by Councillors Maggio and Campbell)

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

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

3 NOTICE OF MOTION – EASTWOOD FLOODING – Hillview Lane Stormwater Canal

MOTION: (Moved by Councillors Tagg and Petch)

- (a) That the Committee recommend that Council allocate \$100,000 immediately from the Stormwater Levy reserve and adjust at the quarterly review for the investigation, design and costing of the Eastwood Town Centre Drainage Augmentation Project.
- (b) That a further report (stage 2) be provided to the Works and Community Committee regarding residential flooding in the vicinity of Jim Walsh Park and the intersection of Shaftesbury Road and Glen Street Eastwood.

AMENDMENT: (Moved by Councillors Campbell and Pickering)

That the Committee recommend that Council allocate \$100,000 from the Stormwater Levy reserve and adjust at the quarterly review for the investigation, design and costing of the Eastwood Town Centre Drainage Augmentation Project.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and three (3) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

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

Against the Amendment: Councillors Maggio, Petch and Tagg

RESOLUTION: (Moved by Councillors Campbell and Pickering)

That the Committee recommend that Council allocate \$100,000 from the Stormwater Levy reserve and adjust at the quarterly review for the investigation, design and costing of the Eastwood Town Centre Drainage Augmentation Project.

Record of Voting:

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

Against the Motion: Councillors Maggio, Petch and Tagg

ITEM 1 (continued)

ATTACHMENT 1

Note: A Notice of Rescission signed by Councillors Petch, Tagg and Salvestro-Martin was received on 30 August 2012 in relation to this Item and will be considered by Council at its meeting to be held on 9 October 2012.

Note: The reconvened meeting on 4 September 2012 was advised that in respect of the Notice of Rescission lodged regarding Notice of Motion – Eastwood Flooding – Hillview Lane Stormwater Canal all the signatories had withdrawn their names. Councillor Tagg withdrew his name at 8.33pm on 3 September 2012, Councillor Salvestro-Martin withdrew his name at 9.04am on 4 September 2012 and Councillor Petch withdrew his name at 3.34pm on 4 September 2012.

Accordingly the Notice of Rescission is **WITHDRAWN**.

4 URBAN ACTIVATION PRECINCT PROGRAM

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

That Council endorse the nomination of Herring Road Macquarie Park as an Urban Activation Precinct in the NSW Government's Urban Activation Precinct Program.

Record of Voting:

For the Motion: Unanimous

5 INDEPENDENT MEMBERS OF COUNCILS AUDIT AND RISK COMMITTEE

RESOLUTION: (Moved by Councillors Campbell and Pickering)

That Council endorse the extension of the engagement of the current Independent members of the Audit Committee for a further one year period

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

6 NSW PLANNING SYSTEM REVIEW: ISSUE PAPER FOR A NEW PLANNING SYSTEM FOR NSW

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

ITEM 1 (continued)

ATTACHMENT 1

7 2012 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - Dubbo 28-31 October 2012

RESOLUTION: (Moved by Councillors Pickering and Campbell)

- (a) That Council confirm attendance at the 2012 Local Government Association Conference noting five voting Councillor delegates (of which the Mayor of the day will be one) and one Councillor to be nominated to attend the Conference as an observer following the 2012 Local Government Election.
- (b) That Council endorse the Motion for inclusion on the 2012 Local Government Association Conference business paper as set out in Attachment 4 of the Report.
- (c) That information regarding the Yes and No Vote for the One Association be forwarded to all Councillors.

Record of Voting:

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

Against the Motion: Councillors Maggio and Yedelian OAM

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 PERSONAL WATERCRAFT EXCLUSION ZONE ON SYDNEY HARBOUR

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

- (a) That the correspondence be received and noted.
- (b) That this information be conveyed in the standard Council advertisement.

Record of Voting:

For the Motion: Unanimous

2 MACQUARIE PARK TASKFORCE

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the correspondence be received and noted.
- (b) That Council write to the Minister of Finance and Services and Local Member, the Honourable Victor Dominello reaffirming its request that Councillors from the City of Ryde and representatives from the Ivanhoe Estate Tenant Group be involved in deliberations of the Macquarie Park Taskforce.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

3 STATE LIBRARY NSW

RESOLUTION: (Moved by Councillors Pickering and Petch)

- (a) That the correspondence be received and noted.
- (b) That Council congratulate Manager, Library Services and the library staff on the diversity of programs and activities undertaken throughout the City of Ryde library service.

Record of Voting:

For the Motion: Unanimous

4 CARBON TAX

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That the letter from E J Greening be received and noted.

Record of Voting:

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

Against the Motion: Councillors Campbell and O'Donnell

5 2011 LOCAL GOVERNMENT ASSOCIATION CONFERENCE

RESOLUTION: (Moved by Councillors Petch and Campbell)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Lee Cummings addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Campbell and Pickering)

That Council rescind the previous resolution in relation to Mayoral Minute MM06/12 – STAFF MATTER, passed at the Extraordinary Council Meeting held on 23 July 2012, namely:-

1. *The Council's contract with John Neish dated 14 October 2009 be terminated with immediate effect, pursuant to clauses 10.3.5 and 11.3 and Schedule C thereof, and that John Neish be thereby removed from the position of General Manager with immediate effect.*
2. *Pursuant to s336(1) of the Local Government Act 1993, Roy Newsome's appointment to act in the position of General Manager be extended, pending appointment of a new General Manager pursuant to s334 of the Act.*
3. (a) *Pursuant to clause 11.4 of his contract with the Council dated 14 October 2009, John Neish's entitlements under clause 11.3 of that contract be calculated and paid to him forthwith by direct payment to his bank account, and that payment in accordance with this resolution be delegated to the acting General Manager and that the acting General Manager be directed to implement this resolution with all deliberate speed and in any event by close of business on Wednesday, 25 July 2012.*

(b) *The acting General Manager be further directed to prepare and deliver to Mr Neish, either in hard copy or by email, all necessary papers and documentation required by law by close of business on Wednesday, 25 July 2012.*

Note: This Motion was not voted on by the meeting.

Councillors Petch and Tagg left the meeting at 10.05pm. Due to a lack of a quorum, the meeting was adjourned.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 10.05pm. The Council Meeting was adjourned to:

ITEM 1 (continued)

ATTACHMENT 1

Tuesday, 4 September 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at 7.30pm.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillors Petch and Tagg.

Apologies had been received from Councillors Butterworth, Li, Perram and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 4 September 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

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

The following Councillor was not present: Councillor Maggio.

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

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Manager – Strategy and Organisational Development, Service Unit Manager – Governance and Acting Section Manager – Governance.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 7.35pm. The Council Meeting was adjourned to:

Tuesday, 9 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at 7.30pm.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, O'Donnell, Pickering and Yedelian OAM.

The following Councillor was not present: Councillor Maggio.

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

ITEM 1 (continued)

ATTACHMENT 1

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 9 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at 7.37pm during discussion regarding the adjournment of the meeting.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Strategy and Organisational Development, Team Leader – Major Development, Service Unit Manager – Governance, Media and Community Relations Officer and Acting Section Manager – Governance.

ADJOURNMENT

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That this meeting stand adjourned until the completion of both meetings of 9 October and 28 August 2012, the time being 7.43pm.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Due to Council not completing the Agenda of 28 August 2012, this meeting stands adjourned to Tuesday, 16 October 2012 to commence following the completion of the Extraordinary Council Meeting and the Adjourned Meeting of 28 August 2012.

MEETING RECONVENED

The Meeting reconvened at 10.09pm on Tuesday, 16 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

ITEM 1 (continued)

ATTACHMENT 1

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Service Unit Manager – Governance and Acting Section Manager – Governance.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Lee Cummings addressed the meeting in relation to this Item.

Note: Councillor Salvestro-Martin left the meeting at 10.13pm and did not vote on this Item.

RESOLUTION: (Moved by Councillors Maggio and Perram)

That the Notice of Rescission be deferred to Closed Session to the exclusion of press, public and all staff with the exception of General Counsel and the Acting Section Manager – Governance, the time being 10.14pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Mrs Rose Lavery addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER

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: (a) personnel matters concerning particular individuals (other than councillors).

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTE MM07/12 – GENERAL MANAGER’S PERFORMANCE REVIEW 2012

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: (a) personnel matters concerning particular individuals (other than councillors).

Note: Councillor Salvestro-Martin was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Maggio and Perram)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 10.14pm. The public and media left the chamber.

Note: All staff with the exception of the General Counsel and Acting Section Manager – Governance, left the meeting the time being 10.14pm.

Note: Councillor Salvestro-Martin returned to the meeting at 10.15pm.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Council in Closed Session clarified the legal position with respect to the Rescission Motion, having regard to Council's undertaking given to the Court not to terminate the employment of the General Manager until notified by the Independent Commission Against Corruption that its investigations have been concluded.

Note: Councillor Salvestro-Martin left the meeting at 11.13pm and did not return.

MAYORAL MINUTE

MM07/12 GENERAL MANAGERS PERFORMANCE REVIEW 2012

Note: Council considered this Item in Seriatim.

RECOMMENDATION: (Moved by Councillors Perram and Simon)

- (a) That Council note the Performance Appraisal letter from Chadwick and Associates as **ATTACHED**.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li left the meeting at 11.21pm and did not vote on part (b) of the Item.

RECOMMENDATION: (Moved by Councillors Perram and Simon)

- (b) That Council determines that it will not make a discretionary increase to the General Manager's Annual Total Remuneration Package.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Maggio, Pendleton, Perram and Simon

Against the Motion: Councillors Etmekdjian, Pickering and Yedelian OAM

Note: Councillor Yedelian OAM abstained from voting on part (b) of this Item and accordingly his vote is recorded Against the Motion.

RECOMMENDATION: (Moved by Councillors Perram and Simon)

- (a) That Council note the Performance Appraisal letter from Chadwick and Associates as **ATTACHED**.
- (b) That Council determines that it will not make a discretionary increase to the General Manager's Annual Total Remuneration Package.

OPEN SESSION

RESOLUTION: (Moved by Councillors Simon and Laxale)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.23pm.

Note: Councillor Li returned to the meeting at 11.24pm.

ITEM 1 (continued)

ATTACHMENT 1

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Lee Cummings addressed the meeting in relation to this Item.

Note: Council considered this Item in Seriatim.

RESOLUTION: (Moved by Councillors Pendleton and Councillor Maggio)

- (a) That the Rescission Motion be deferred until such time Council is notified in writing by the Independent Commission Against Corruption that the Commission has concluded its investigations number E12/1191 and E12/1627.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Pendleton and Councillor Maggio)

- (b) That the Mayor be authorised to seek independent legal advice relating to the General Manager's ongoing employment in light of the undertaking given by Council to the Court and report back to Council.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Maggio, Pendleton, Perram and Simon

Against the Motion: Councillors Chung, Etmekdjian, Pickering and Yedelian
OAM

RESOLUTION: (Moved by Councillors Pendleton and Councillor Maggio)

- (a) That the Rescission Motion be deferred until such time Council is notified in writing by the Independent Commission Against Corruption that the Commission has concluded its investigations number E12/1191 and E12/1627.
- (b) That the Mayor be authorised to seek independent legal advice relating to the General Manager's ongoing employment in light of the undertaking given by Council to the Court and report back to Council.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 11.29pm on 16 October 2012.

CONFIRMED THIS 23RD DAY OF OCTOBER 2012

Chairperson

2 CONFIRMATION OF MINUTES - Council Meeting held on 28 August 2012

Report prepared by: Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/1038

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 16/12, held on 28 August 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 28 August 2012

ITEM 2 (continued)

ATTACHMENT 1

Council Meeting
MINUTES OF MEETING NO. 16/12

Meeting Date: Tuesday 28 August 2012

Meeting opened on Tuesday, 9 October 2012 at 11.21pm

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Simon and Yedelian OAM.

Apologies: Nil.

Absent: Councillors Pickering and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Manager – Strategy and Organisational Development, Service Unit Manager – Governance, Media and Community Relations Officer and Acting Section Manager – Governance.

COMPLETION AND ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the meeting time be extended to complete the following Items of business, the time being 11.23pm:-

- Item 5 – JUNE 2012 QUARTERLY REVIEW REPORT – 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN
- Item 6 – DRAFT 2011/2012 FINANCIAL STATEMENTS

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

5 JUNE 2012 QUARTERLY REVIEW REPORT - 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the report of the Acting Group Manager Corporate Services, dated 15 August 2012 on JUNE 2012 QUARTERLY REVIEW REPORT – 2011-2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN be received and endorsed.

ITEM 2 (continued)

ATTACHMENT 1

- (b) That the proposed budget adjustments included in this report resulting in no change to Council's Working Capital be endorsed and included in the 2011/2012 Budget and the carryovers included in the 2012/2013 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$12.08 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 15 August 2012 be endorsed.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

6 DRAFT 2011/2012 FINANCIAL STATEMENTS

Note: A Memorandum dated 3 October 2012 from the Chief Financial Officer, Mr John Todd was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2011/2012 financial year ending 30 June 2012 and has formed an opinion, based on the advice of Council officers, that these reports:
 - i. Have been prepared in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made thereunder
 - The Australian Accounting Standards and professional pronouncements
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - ii. Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2012
 - iii. Accords with Council's accounting and other records and policies
- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

ITEM 2 (continued)

ATTACHMENT 1

- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2012 be referred for audit.
- (e) That Tuesday, 13 November 2012 be fixed for the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2012 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (f) That the following additional amounts be transferred to their respective reserves:
 - Employee Leave Entitlement Reserve - \$929,145
 - Asset Replacement Reserve - \$1,200,000
- (g) That an itemised breakdown of costs for the Civic Precinct Project be provided to Council, including what proportion was incurred from October 2011 to date.

Record of Voting:

For the Motion: Unanimous

ADJOURNMENT

The Mayor, Councillor Petch adjourned this meeting and the meeting of 14 August 2012 to Tuesday, 16 October 2012, to commence following the completion of the Extraordinary Council Meeting which commences at 8.30pm, the time being 11.37pm.

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Simon and Yedelian OAM.

The following Councillors were not present: Councillors Pickering and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 9.47pm on Tuesday, 16 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

ITEM 2 (continued)

ATTACHMENT 1

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Service Unit Manager – Governance and Acting Section Manager – Governance.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION OF PLAQUE TO THE NORTHERN DISTRICT CRICKET ASSOCIATION

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That presentation of the Plaque to the Northern District Cricket Association be deferred until the President of the Association is in attendance at the Council Meeting.

Record of Voting:

For the Motion: Unanimous

PRESENTATION OF AWARD FROM THE AUSTSWIM 2012 WATER SAFETY AWARDS

The Group Manager – Community Life, Ms Danielle Dickson presented The Mayor, Councillor Petch with an Award won by the Ryde Aquatic Leisure Centre at the Austswim 2012 Water Safety Awards. The Award was won in the category of NSW Austswim Recognised Swim Centre of the Year for excellence, commitment and innovation in the development and delivery of swimming and water safety programs.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

ITEM 2 (continued)

ATTACHMENT 1

MAYORAL MINUTES

MM08/12 REQUEST FOR IVANHOE ESTATE RESIDENT PARKING SCHEME

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That:

1. The City of Ryde assist the Ivanhoe Estate Tenant Group in negotiating the introduction of a resident parking permit policy with Housing NSW, modelled on the City of Ryde's Parking Permit Policy.
2. The City of Ryde provides practical assistance (as required) to Housing NSW so that such a scheme can be introduced.
3. That Council makes representations to the Minister for Housing and the Local State Member for Ryde to resolve this issue.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 24 July 2012

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That the Minutes of the Council Meeting 13/12, held on 24 July 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 21 August 2012

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Minutes of the Extraordinary Council Meeting 15/12, held on 21 August 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 11/12
held on 21 August 2012**

RESOLUTION: (Moved by Councillors Perram and Maggio)

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

Record of Voting:

For the Motion: Unanimous

**3 REVIEW – TREE MANAGEMENT APPLICATION – 32 PARRY STREET,
PUTNEY**

RESOLUTION: (Moved by Councillors Perram and Maggio)

That Council conditionally approve the removal of the *Eucalyptus saligna* (Sydney Blue Gum) and require the applicant to replace this tree with a suitable Australian Native Tree that will attain a minimum height of no less than 16 metres at maturity.

Record of Voting:

For the Motion: Unanimous

**4 REVIEW – TREE MANAGEMENT APPLICATION – 4 ROWELL STREET,
NORTH RYDE**

RESOLUTION: (Moved by Councillors Perram and Maggio)

That Council conditionally approve the removal of the *Araucaria heterophylla* (Norfolk Island Pine) at 4 Rowell Street, North Ryde and require the applicant to replace this tree with a suitable species that will attain a minimum height of no less than 16 metres at maturity.

Record of Voting:

For the Motion: Unanimous

**5 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL
TRAFFIC COMMITTEE MEETING held on 26 July 2012**

RESOLUTION: (Moved by Councillors Perram and Maggio)

- (e) That Council adopt the following recommendations in relation to the report titled “NORMA AVENUE AND WISHART AVENUE, EASTWOOD - Review of traffic flow” as follows:

ITEM 2 (continued)

ATTACHMENT 1

- i. That NSW Police be requested to undertake surveillance along Graham Avenue, Kingsford Avenue, Orange Street, Wishart Avenue and Norma Avenue during morning and afternoon peak periods to encourage motorist's compliance with the posted speed limit for a local road.
- ii. That staff give further consideration to potential traffic calming measures in Norma Avenue and Wishart Street and a further report to be provided to Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

4 INVESTMENT REPORT - July 2012

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council endorse the report of the Chief Financial Officer dated 6 August 2012 on Investment Report – July 2012.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

5 JUNE 2012 QUARTERLY REVIEW REPORT – 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

6 DRAFT 2011/2012 FINANCIAL STATEMENTS

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

7 RYDE 2021 COMMUNITY STRATEGIC PLAN - RESOURCING PLAN INCLUDING ASSETS MANAGEMENT PLAN, WORKFORCE PLAN AND LONG TERM FINANCIAL PLAN

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

- (a) That Council receive and note the Resourcing Plan including the Asset Management Plan, Workforce Plan and Long Term Financial Plan which has been sent to the Division of Local Government.

ITEM 2 (continued)

ATTACHMENT 1

- (b) That a series of workshops be held with the incoming Council to identify Council priorities relating to these plans for the next term of Council.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

8 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 NSW COUNCIL'S VOTE 'YES' TO FORM ONE ASSOCIATION

RESOLUTION: (Moved by Councillors Perram and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

2 SPECIAL DISCLOSURE OF PECUNIARY INTEREST FORM

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

3 CONSIDERATION OF CODE OF CONDUCT MATTERS PRIOR TO THE SEPTEMBER 2012 ELECTIONS

RESOLUTION: (Moved by Councillors Perram and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

4 SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS - Answers To Commonly Asked Questions About Pre-Election Requirements

RESOLUTION: (Moved by Councillors Perram and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

The meeting closed at 10.08pm on 16 October 2012.

CONFIRMED THIS 23RD DAY OF OCTOBER 2012

Chairperson

3 CONFIRMATION OF MINUTES - Council Meeting held on 9 October 2012

Report prepared by: Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/1136

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 18/12, held on 9 October 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 9 October 2012

ITEM 3 (continued)

ATTACHMENT 1

Council Meeting
MINUTES OF MEETING NO. 18/12

Meeting Date: Tuesday 9 October 2012

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: 7.44pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Pickering left the meeting at 11.16pm and did not return. He was not present for consideration of Item 1 or Adoption of Items considered in Closed Session.

Apologies: Nil.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Strategy and Organisational Development, Team Leader – Major Development, Service Unit Manager – Governance, Media and Community Relations Officer and Acting Section Manager – Governance.

PRAYER

The General Manager, Mr John Neish offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in Mayoral Minute 11/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that now that he is a Defendant in the proceedings.

Councillor Li disclosed a less than significant non-pecuniary interest in Mayoral Minute 11/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that he is a party to the proceedings referred to in the Mayoral Minute.

Councillor Perram disclosed a less than significant non-pecuniary interest in Mayoral Minute 11/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that he is a party to the proceedings No. 2012/249917.

ITEM 3 (continued)

ATTACHMENT 1

Councillor Salvestro-Martin disclosed a less than significant non-pecuniary interest in Mayoral Minute 11/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that he is a party referred to in the proceedings.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Graeme Cordiner (representing Gladesville Working Group)	Notice of Motion 3 – RYDE DRAFT LEP 2012
Noel Plumb	Notice of Motion 3 – RYDE DRAFT LEP 2012

MAYORAL MINUTES

MM10/12 DEATH OF JENNIFER ARMSTRONG

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

That Council offer its condolences to the family of Jennifer Armstrong and her partner Gerard.

Record of Voting:

For the Motion: Unanimous

MM11/12 SEEKING DIRECTION OF MINISTER RE DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO 2012/249917

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

That this matter be referred to Closed Session for consideration as it relates to legal matters.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

ACT OF DISORDER

MOTION: (Moved by The Mayor, Councillor Petch and Councillor Perram)

That Councillor Pickering be removed from this meeting until he apologises unreservedly to the Mayor for his disorderly conduct at Council's meeting on 25 September 2012 and at tonight's meeting.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Li, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Etmekdjian, Laxale, Maggio, Pendleton, Pickering and Salvestro-Martin

MM12/12 REVIEW OF DELEGATION – GENERAL MANAGER AND SENIOR STAFF

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

That Council direct the General Manager to table at the next Council meeting, all delegations imposed by Council and the Local Government Act 1993 (NSW) prior to 8th September 2012 on the General Manager and senior staff.

Record of Voting:

For the Motion: Unanimous

MM13/12 RYDE CIVIC PRECINCT REDEVELOPMENT – LEND LEASE

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

That:

- (a) The letter from Lend Lease be noted.
- (b) A meeting be convened with the Mayor and Deputy Mayor and representatives of Lend Lease and any Councillor who wishes to attend.
- (c) That all Councillors be advised of the date of the meeting when it is scheduled.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 25 September 2012

RESOLUTION: (Moved by Councillors Perram and Maggio)

That the Minutes of the Extraordinary Council Meeting held on 25 September 2012 be deferred to Closed Session at the end of the meeting to clarify the confidential attachment to the Minutes.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 MACQUARIE PARK TASKFORCE

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That the correspondence be received and noted.
- (b) That Council respond to the Department directly and seek further clarification on Council's previous resolution.

Record of Voting:

For the Motion: Unanimous

2 ACCELERATING COMPLETION OF THE ASSESSMENT OF TRANSITIONAL PART 3A PROJECTS NOTIFICATION AND FACT SHEET

RESOLUTION: (Moved by Councillors Perram and Pickering)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 ARGYLE THEATRE - Councillor Terry Perram

MOTION: (Moved by Councillors Perram and Salvestro-Martin)

That no further action be taken in pursuit of the proposal to establish residential units on the site of the Argyle Theatre.

ITEM 3 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Pickering and Maggio)

That this matter be deferred until a Councillor workshop is conducted on this matter.

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

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

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

That no further action be taken in pursuit of the proposal to establish residential units on the site of the Argyle Theatre.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillors Chung, Etmekdjian and Pickering

2 PROPERTY TRUST - Councillor Terry Perram

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

That no further action be taken in pursuit of the proposal to establish a property trust.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Etmekdjian, Maggio, Pickering and Yedelian OAM

3 RYDE DRAFT LEP 2012 - Councillor Terry Perram

Note: Graeme Cordiner (representing Gladesville Working Group) and Noel Plumb addressed the meeting in relation to this Item.

ITEM 3 (continued)

ATTACHMENT 1

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

That a suitable variations be developed for a Councillor workshop prior to Councils consideration of Ryde draft LEP 2012 that would alter the zoning restrictions on the Civic precinct and Argyle Theatre sites consistent with these areas of land remaining in Council ownership and on both sites:

- reducing the allowable height of development;
- permitting use of the land for open space, civic purposes or cultural purposes; and
- prohibiting residential uses.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – ADVISORY COMMITTEES

The Mayor, Councillor Petch raised the matter of Council's Advisory Committee structure and deemed the matter as urgent.

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

That Council consider a Matter of Urgency regarding the Advisory Committees, the time being 9.18pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – ADVISORY COMMITTEES

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That a workshop with Councillors be held regarding the Advisory Committees on Tuesday 16 October 2012, followed by an Extraordinary Meeting of Council to determine the matter.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

NOTICES OF RESCISSION

- 1 NOTICE OF RESCISSION: 3-5 TRELAWNEY STREET, EASTWOOD.
LDA2011/0611 - Councillor Roy Maggio, Councillor Victor Tagg, Councillor Jeff Salvestro-Martin**

MOTION: (Moved by Councillors Maggio and Salvestro-Martin)

That Council rescind the previous resolution in relation to Item 3 (Part 2) – 3-5 TRELAWNEY STREET, EASTWOOD, LDA2011/0611, passed at the Council Meeting held on 24 July 2012, namely:-

That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:

- (a) an increase in the voluntary planning agreement;*
- (b) the non-compliances as outlined in the officer's report; and*
- (c) meeting the needs of both the developer and community with regards to amenity.*

Record of Voting:

For the Motion: Councillors Maggio, Salvestro-Martin and Yedelian OAM

Against the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering and Simon

The Rescission Motion was LOST.

- 2 NOTICE OF RESCISSION: 7-9 RUTLEDGE STREET, EASTWOOD.
LDA2011/0612 - Councillor Roy Maggio, Councillor Victor Tagg, Councillor Jeff Salvestro-Martin**

MOTION: (Moved by Councillors Maggio and Salvestro-Martin)

That Council rescind the previous resolution in relation to Item 3 (Part 3) – 7-9 RUTLEDGE STREET, EASTWOOD, LDA2011/0612, passed at the Council Meeting held on 24 July 2012, namely:-

That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:

- (a) an increase in the voluntary planning agreement;*
- (b) the non-compliances as outlined in the officer's report; and*
- (c) meeting the needs of both the developer and community with regards to amenity.*

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Councillors Maggio, Salvestro-Martin and Yedelian OAM

Against the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering and Simon

The Rescission Motion was LOST.

3 NOTICE OF RESCISSION: 64 PELLISIER ROAD, PUTNEY. LDA2011/493 - Councillor Ivan Petch, Councillor Victor Tagg, Councillor Jeff Salvestro-Martin

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That Council rescind the previous resolution in relation to Item 2 (Part 5) – 64 PELLISIER ROAD, PUTNEY, LDA2011/493, passed at the Council Meeting held on 14 August 2012, namely:-

- (a) *That Council resolve to seek amended plans in relation to Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney. The amended plans and supporting information shall incorporate the following details:*
- i. **Reduction of balcony/terrace.** *The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing material to the lower ground floor level below and is not to be accessible.*
 - ii. **Setback of proposed additions from northern boundary.** *The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary).*
 - iii. **Tree Management Plan – adjoining Fig Tree:**
The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:
 - *Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree.*
 - *Structural Plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree.*

ITEM 3 (continued)

ATTACHMENT 1

- *Structural Plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree. Subfloor infill walling is not acceptable.*
 - *Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity.*
 - *That any proposed pruning of the Fig Tree be limited to 10% of the tree canopy as supervised by an arborist.*
- (b) *Upon submission of satisfactory details to Council regarding the above matters, the Group Manager Environment & Planning be delegated authority to determine the DA by approval subject to appropriate conditions.*
- (c) *That the persons who made submissions be notified of Council's decision.*

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

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

The matter was then AT LARGE.

RESOLUTION: (Moved by Councillors Perram and Simon)

That the matter be referred to the Planning and Environment Committee for further consideration.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

ITEM 3 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

CLOSED SESSION

ITEM 1 – CONFIRMATION OF MINUTES – Extraordinary Council Meeting held on 25 September 2012

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.

MAYORAL MINUTE

MM11/12 SEEKING DIRECTION OF MINISTER RE DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO 2012/249917

Confidential

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

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

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

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

ITEM 3 (continued)

ATTACHMENT 1

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

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

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin and Simon

Against the Motion: Councillor Yedelian OAM

Note: The Council closed the meeting at 10.10pm. The public and media left the chamber.

1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 25 September 2012

Note: Confidential legal advice from AJL Legal dated 9 October 2012 was tabled in relation to this Item and a copy is ON FILE.

Council in closed session clarified aspects of the confidential attachment to the Minutes from the Extraordinary Council Meeting 17/12, held on 25 September 2012.

COMPLETION OF BUSINESS

RECOMMENDATION: (Moved by Councillors Li and Perram)

That the meeting time be extended to complete all business relating to this meeting, together with the meetings of 14 August and 28 August 2012, the time being 11.00pm.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Etmekdjian, Maggio, Pickering and Yedelian OAM

MAYORAL MINUTE

MM11/12 SEEKING DIRECTION OF MINISTER RE DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO 2012/249917

Note: The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in this Item for the reason that he is a Defendant in the proceedings.

ITEM 3 (continued)

ATTACHMENT 1

Note: Councillor Li disclosed a less than significant non-pecuniary interest in this Item for the reason that he is a party to the proceedings referred to in the Mayoral Minute.

Note: Councillor Perram disclosed a less than significant non-pecuniary interest in this Item for the reason that he is a party to the proceedings No. 2012/249917.

Note: Councillor Salvestro-Martin disclosed a less than significant non-pecuniary interest in this matter for the reason that he is a party referred to in the proceedings.

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

That:

- (1) Council resolve and direct the Mayor to write to the Minister for Local Government forthwith seeking a direction from the Minister pursuant to section 458 of the Local Government Act 1993 for all members of the Council to vote on the following Mayoral Minute.

I formally move:-

“That in relation to Supreme Court proceedings 2012/249917:

- (a) the proceedings be discontinued
 - (b) the costs of the Plaintiff and Defendants be paid by Council on a full indemnity basis
 - (c) authority be delegated to the Mayor to provide, on behalf of Council, all necessary instructions to the Council's solicitor as appointed by the Mayor and to do any other thing that may be necessary or convenient, to give effect to the foregoing resolutions.
 - (d) Council acknowledges and accepts that no further action will be taken to terminate the employment of the General Manager pending advice that the Independent Commission Against Corruption (ICAC) has concluded its investigations numbered E12/1191 and E12/1267.
 - (e) Council write to ICAC to seek any written updates on any conclusions to investigations numbered E12/1191 and E12/1627, and that these be reported to Council
- (2) To delegate to the Mayor authority to provide, on behalf of Council, all necessary instructions to the Council's solicitor or Council staff as required, and to do any other thing that may be necessary or convenient, to give effect to the foregoing resolution.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

OPEN SESSION

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

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.15pm.

Note: Councillor Pickering left the meeting at 11.16pm and did not return.

1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 25 September 2012

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

- (a) That the Minutes of the Extraordinary Council Meeting 17/12, held on 25 September 2012 be confirmed.
- (b) That Council include the confidential attachment as circulated by the Mayor, Councillor Petch to be attached to the confidential section of the minutes from the meeting of 25 September 2012.
- (c) That Council note that the General Counsel's legal advice, which is a confidential attachment to the Minutes, was inadvertently placed on Council's website for a period of approximately one hour, when the Minutes were published on Thursday, 27 September 2012.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

ADOPTION OF ITEMS CONSIDERED IN CLOSED SESSION

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

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

The meeting closed at 11.20pm.

CONFIRMED THIS 23RD DAY OF OCTOBER 2012

Chairperson

4 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 16 October 2012

Report prepared by: Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/1177

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting 19/12, held on 16 October 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Extraordinary Council Meeting - 16 October 2012

ITEM 4 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 19/12**

Meeting Date: Tuesday 16 October 2012

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: 8.30pm

ADJOURNMENT

The Mayor, Councillor Petch opened the meeting at 8.30pm in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde and adjourned this meeting for a period of 30 minutes.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

MEETING RECONVENED

The Meeting reconvened at 9.05pm on Tuesday, 16 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Service Unit Manager – Governance and Acting Section Manager – Governance.

PRAYER

The General Manager, Mr John Neish offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

ITEM 4 (continued)

ATTACHMENT 1

MATTER OF URGENCY – INQUIRY INTO THE UTILISATION OF RAIL CORRIDORS

The Mayor, Councillor Petch raised a Matter of Urgency received from Councillor Salvestro-Martin regarding Inquiry into the Utilisation of Rail Corridors and deemed the matter as urgent.

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

That Council consider a Matter of Urgency relating to the Inquiry into the Utilisation of Rail Corridors, the time being 9.07pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – INQUIRY INTO THE UTILISATION OF RAIL CORRIDORS

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

- (a) That all Councillors be provided a copy of the City of Ryde submission to the NSW Government inquiry into the utilisation of rail corridors.
- (b) That Council input be sought for all future City of Ryde submissions to NSW and Federal Governments where the subject affects the strategic or economic direction of the City of Ryde.

Record of Voting:

For the Motion: Unanimous

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

There were no Mayoral Minutes.

ITEM 4 (continued)

ATTACHMENT 1

COUNCIL REPORTS

1 ADVISORY COMMITTEE STRUCTURE

Note: Council considered this Item in Seriatim.

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

(a) That the following Advisory Committees be convened for a term of 12 months, subject to a report back to Council:-

- Access.
- Audit.
- Bicycle.
- Community Harmony Reference Group.
- Country Council Partnership.
- Eastwood Events and Promotions.
- Economic Development (including Macquarie Park).
- Heritage.
- Ryde Hunters Hill Joint Library Services.
- Ryde Youth Council.
- Sport and Recreation (including Wheeled Sports).
- Status of Women.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

(b) That the General Manager together with Councillor Pendleton develop the Terms of Reference for the formation of a new Citizen Engagement Committee for adoption by Council which will develop recommendations for a framework for community involvement to encourage broader representation across the City of Ryde and across all outcomes in Council's Delivery Plan. That the Terms of Reference address the structural framework to include Climate Change and Sustainability, Bushcare and any other gaps.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

(c) That Council endorse the **ATTACHED** standard Terms of Reference for Advisory Committees, subject to the inclusion of a clause that when a member of the Committee misses three consecutive meetings without an apology, the position becomes vacant.

ITEM 4 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

- (d) That following the closure of the Expression of Interest period a report be provided to Council at its meeting on 27 November 2012, to determine the representatives on all Advisory Committees, including Councillor nominations for each Committee.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Maggio and Pickering)

- (e) That once Council confirms its Committees, that the Committees be requested to review and confirm the Terms of Reference.

Record of Voting:

For the Motion: Unanimous

RESOLUTION:

- (a) That the following Advisory Committees be convened for a term of 12 months, subject to a report back to Council:-

- Access.
- Audit.
- Bicycle.
- Community Harmony Reference Group.
- Country Council Partnership.
- Eastwood Events and Promotions.
- Economic Development (including Macquarie Park).
- Heritage.
- Ryde Hunters Hill Joint Library Services.
- Ryde Youth Council.
- Sport and Recreation (including Wheeled Sports).
- Status of Women.

ITEM 4 (continued)

ATTACHMENT 1

- (b) That the General Manager together with Councillor Pendleton develop the Terms of Reference for the formation of a new Citizen Engagement Committee for adoption by Council which will develop recommendations for a framework for community involvement to encourage broader representation across the City of Ryde and across all outcomes in Council's Delivery Plan. That the Terms of Reference address the structural framework to include Climate Change and Sustainability, Bushcare and any other gaps.
- (c) That Council endorse the **ATTACHED** standard Terms of Reference for Advisory Committees, subject to the inclusion of a clause that when a member of the Committee misses three consecutive meetings without an apology, the position becomes vacant.
- (d) That following the closure of the Expression of Interest period a report be provided to Council at its meeting on 27 November 2012, to determine the representatives on all Advisory Committees, including Councillor nominations for each Committee.
- (e) That once Council confirms its Committees, that the Committees be requested to review and confirm the Terms of Reference.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

The meeting closed at 9.45pm.

CONFIRMED THIS 23RD DAY OF OCTOBER 2012

Chairperson

**5 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
11/12 held on 16 October 2012**

Report prepared by: Meeting Support Coordinator

File No.: GRP/12/5/5/5 - BP12/785

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 11/12 held on 16 October 2012. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

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

The following Committee recommendations for Items 3, 4 and 5 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

**3 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local Development
Application for alterations and additions to existing dwelling.
LDA2012/0047.**

Report: The Committee inspected the property at 958 Victoria Road, West Ryde.

Note: Mr Peter Hall (on behalf of the applicant) addressed the Committee in relation to this Item.

MOTION: (Moved by Councillors Maggio

That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be approved subject to the rear being demolished and appropriate conditions of consent being provided by the Group Manager – Environment and Planning at the Council Meeting on 23 October 2012.

Note: The above Motion lapsed for want of a seconder.

RECOMMENDATION: (Moved by Councillors Salvestro-Martin and Chung)

That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be deferred to enable a mediation to occur between the applicant and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

ITEM 5 (continued)

Record of Voting:

For the Motion: Councillors Chung, Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as dissenting votes were recorded.

4 62 DARVALL ROAD, EASTWOOD. LOT 11 DP 6247. Local Development Application for demolition of existing dwelling and erection of a attached dual occupancy. LDA2011/380.

Report: The Committee inspected the property at 62 Darvall Road, Eastwood.

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he attended school with the applicant's architect/representative.

Note: Mr Jeff Brown (on behalf of objectors) and Mr Hock Chua (owner) and Mr Alex Dounis (applicant) addressed the Committee in relation to this Item.

Note: Correspondence and plans submitted by the owner, Mr Hock Chua was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

That Local Development Application No. 2011/380 at 62 Darvall Road, Eastwood being LOT 11 DP 6247 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as substantive changes were made to the published recommendation.

ITEM 5 (continued)**5 59 WHARF ROAD, GLADESVILLE. LOT D DP 342402. Local Development Application to erect a new two storey dwelling, in-ground swimming pool and front fence. LDA2012/0071.**

Report: The Committee inspected the property at 59 Wharf Road, Gladesville.

Note: Councillor Maggio disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Note: Mr Martin Liu (on behalf of the objector) and Mr James Colman (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

That Local Development Application No. 2012/71 at 59 Wharf Road, Gladesville being LOT D DP 342402 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as substantive changes were made to the published recommendation

ATTACHMENTS

1 Minutes - Planning and Environment Committee - 16 October 2012

ITEM 5 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 11/12**

Meeting Date: Tuesday 16 October 2012

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 4.00pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Maggio, Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Apologies: Nil.

Staff Present: Group Manager – Corporate Services, Group Manager – Environment & Planning, Service Unit Manager Assessment, Service Unit Manager Environmental Health & Building, Service Unit Manager – Governance, Team Leader – Assessment, Team Leader – Development Engineers, Assessment Officer, Team Leader – Strategic Planning, Business Support Coordinator – Environment & Planning, Councillor Support Coordinator and Acting Section Manager – Governance.

DISCLOSURES OF INTEREST

Councillor Chung disclosed a less than significant non-pecuniary interest in Item 4 – 62 Darvall Road, Eastwood for the reason that he attended school with the applicant's architect/representative.

Councillor Maggio disclosed a less than significant non-pecuniary interest in Item 5 – 59 Wharf Road, Gladesville for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Councillor Chung disclosed a less than significant non-pecuniary interest in Item 5 – 59 Wharf Road, Gladesville for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

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.

ITEM 5 (continued)

ATTACHMENT 1

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

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

Record of Voting:

For the Motion: Unanimous

ELECTION OF CHAIRPERSON

The Returning Officer called for nominations for the position of Chairperson of the Committee and received nominations for Councillor Yedelian OAM and Councillor Simon.

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

The Returning Officer confirmed with both Councillor Yedelian OAM and Councillor Simon that they accepted their nomination.

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

Councillor Yedelian OAM 3 votes

Voting in favour: Councillors Chung, Maggio and Yedelian OAM

Councillor Simon 4 votes

Voting in favour: The Mayor, Councillor Petch and Councillors Pendleton, Salvestro-Martin and Simon.

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

Councillor Simon assumed the Chair.

ELECTION OF DEPUTY CHAIRPERSON

The Returning Officer called for nominations for the position of Deputy Chairperson and received nominations for Councillor Chung and Councillor Pendleton.

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

The Returning Officer confirmed with both Councillor Chung and Councillor Pendleton that they accepted their nomination.

ITEM 5 (continued)

ATTACHMENT 1

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

Councillor Chung 3 votes

Voting in favour: Councillors Chung, Maggio and Yedelian OAM

Councillor Pendleton 4 votes

Voting in favour: The Mayor, Councillor Petch and Councillors Pendleton, Salvestro-Martin and Simon.

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

2 CONFIRMATION OF MINUTES - Meeting held on 7 August 2012

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

That the Minutes of the Planning and Environment Committee 10/12, held on Tuesday 7 August 2012, 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.

3 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local Development Application for alterations and additions to existing dwelling. LDA2012/0047.

Report: The Committee inspected the property at 958 Victoria Road, West Ryde.

Note: Mr Peter Hall (on behalf of the applicant) addressed the Committee in relation to this Item.

MOTION: (Moved by Councillors Maggio

That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be approved subject to the rear being demolished and appropriate conditions of consent being provided by the Group Manager – Environment and Planning at the Council Meeting on 23 October 2012.

Note: The above Motion lapsed for want of a seconder.

ITEM 5 (continued)

ATTACHMENT 1

RECOMMENDATION: (Moved by Councillors Salvestro-Martin and Chung)

That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be deferred to enable a mediation to occur between the applicant and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Councillors Chung, Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as dissenting votes were recorded.

4 62 DARVALL ROAD, EASTWOOD. LOT 11 DP 6247. Local Development Application for demolition of existing dwelling and erection of a attached dual occupancy. LDA2011/380.

Report: The Committee inspected the property at 62 Darvall Road, Eastwood.

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he attended school with the applicant's architect/representative.

Note: Mr Jeff Brown (on behalf of objectors) and Mr Hock Chua (owner) and Mr Alex Dounis (applicant) addressed the Committee in relation to this Item.

Note: Correspondence and plans submitted by the owner, Mr Hock Chua was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

That Local Development Application No. 2011/380 at 62 Darvall Road, Eastwood being LOT 11 DP 6247 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as substantive changes were made to the published recommendation.

ITEM 5 (continued)

ATTACHMENT 1

5 59 WHARF ROAD, GLADESVILLE. LOT D DP 342402. Local Development Application to erect a new two storey dwelling, in-ground swimming pool and front fence. LDA2012/0071.

Report: The Committee inspected the property at 59 Wharf Road, Gladesville.

Note: Councillor Maggio disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Note: Mr Martin Liu (on behalf of the objector) and Mr James Colman (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

That Local Development Application No. 2012/71 at 59 Wharf Road, Gladesville being LOT D DP 342402 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as substantive changes were made to the published recommendation

The meeting closed at 7.00pm.

CONFIRMED THIS 6TH DAY OF NOVEMBER 2012.

Chairperson

**6 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING
12/12 held on 16 October 2012**

Report prepared by: Meeting Support Coordinator

File No.: GRP/12/5/5/5 - BP12/1037

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 12/12 held on 16 October 2012. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

The following Committee recommendations for Items 3 and 4 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

3 BUS PRIORITY LANE AND IMPROVEMENT WORKS BY RMS - Balaclava Road, Epping Road and Agincourt Road - UPDATE

Note: Councillor Pickering was not present for consideration of this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Etmekdjian)

- (a) That Council accept the funding provided by the Roads and Maritime Services (RMS) of \$690,441 which is subject to change upon mutual agreement between Council and RMS and that the expenditure of this amount be approved.
- (b) That the budget adjustment be included in the next Quarterly Review for information.
- (c) That Council approves the removal of up to five (5) trees to facilitate intersection widening and that these trees be replaced in accordance with the DCP.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as it is outside the Committee's delegations.

4 LIVVI'S PLACE AT YAMBLE RESERVE - PROGRESS REPORT

RECOMMENDATION: (Moved by Councillors Li and Laxale)

That an adjustment of \$232,066 be included in the next quarterly review for the purpose of paying for the asbestos removal and site remediation.

ITEM 6 (continued)**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as it is outside the Committee's delegations.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 16 October 2012

ITEM 6 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 12/12**

Meeting Date: Tuesday 16 October 2012

Location: Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 4.30pm

Councillors Present: The Mayor, Councillor Petch and Councillors Laxale, Li, Etmekdjian, Perram and Pickering.

Note: Councillor Pickering arrived at the meeting at 4.40pm and was not present for Items 1, 2 and 3.

Apologies: Nil.

Staff Present: Group Manager – Corporate Services, Group Manager – Community Life, Group Manager - Public Works, Service Unit Manager – Open Space, Service Unit Manager – Governance, Acting Section Manager – Governance, Councillor Support Coordinator and Executive Assistant to the Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Note: Councillor Pickering was not present for consideration of this Item.

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 The Mayor, Councillor Petch and Councillor Laxale)

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

ITEM 6 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

ELECTION OF CHAIRPERSON

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

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.

As there was only one nomination, 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 and received a nomination for Councillor Laxale.

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

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

As there was only one nomination, COUNCILLOR LAXALE WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.

2 CONFIRMATION OF MINUTES - Meeting held on 21 August 2012

Note: Councillor Pickering was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Li and Petch)

That the Minutes of the Works and Community Committee 11/12, held on Tuesday 21 August 2012, 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 6 (continued)

ATTACHMENT 1

3 BUS PRIORITY LANE AND IMPROVEMENT WORKS BY RMS - Balaclava Road, Epping Road and Agincourt Road - UPDATE

Note: Councillor Pickering was not present for consideration of this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Etmekdjian)

- (a) That Council accept the funding provided by the Roads and Maritime Services (RMS) of \$690,441 which is subject to change upon mutual agreement between Council and RMS and that the expenditure of this amount be approved.
- (b) That the budget adjustment be included in the next Quarterly Review for information.
- (c) That Council approves the removal of up to five (5) trees to facilitate intersection widening and that these trees be replaced in accordance with the DCP.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as it is outside the Committee's delegations.

4 LIVVI'S PLACE AT YAMBLE RESERVE - PROGRESS REPORT

RECOMMENDATION: (Moved by Councillors Li and Laxale)

That an adjustment of \$232,066 be included in the next quarterly review for the purpose of paying for the asbestos removal and site remediation.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as it is outside the Committee's delegations.

The meeting closed at 4.43pm.

CONFIRMED THIS 6TH DAY OF NOVEMBER 2012.

Chairperson

7 CODE OF MEETING PRACTICE

Report prepared by: Manager - Governance

File No.: CLR/07/8/9/3 - BP12/1135

REPORT SUMMARY

This report presents a draft Code of Meeting Practice for Council's consideration. The draft Code has been reviewed to reflect City of Ryde practices and to include the addition of a General Purposes Committee. The draft Code aligns with the Division of Local Government's Meeting Practice Note.

It is recommended that Council adopt the **ATTACHED (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.

As a result of the proposed changes to the Code of Meeting Practice the **ATTACHED** revised Council and Committee Meeting structure is provided for Council's determination.

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.
- (e) That Council commence conduct of the General Purpose Committee as outlined in this report and in the draft Code of Meeting Practice in accordance with the **ATTACHED** revised Council and Committee Meeting Schedule, noting the removal of the Civic Precinct Committee.
- (f) That Council commence webcasting of the General Purpose Committee as soon as practicable.

ATTACHMENTS

- 1 Code of Meeting Practice Revision - draft
- 2 Meeting Schedule including General Purpose Committee

ITEM 7 (continued)

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 7 (continued)

Discussion

The Code of Meeting Practice governs the manner in which Council and Committee Meetings are conducted and the sets out the structure of those meetings.

The **ATTACHED (Under Separate Cover)** draft Code of Meeting Practice shows recommended additions in ***bold italics*** and any deletions in ~~striketrough~~.

Proposed Changes to the Code of Meeting Practice

Addition of General Purposes Committee

It is recommended that a General Purposes Committee be included in the Committee Meeting structure and that the Committee be held at 7.30pm on the third Tuesday of each month in Committee Rooms 2 and 3 on Level 5, Civic Centre. This Committee would address and consider items relating to the business of Council in which there is a public interest (as determined by the General Manager).

The draft Terms of Reference provide that the General Purposes Committee would consider matters and make recommendations to Council for its determination.

A Public Participation provision is included to allow a maximum of five minutes per person and fifteen minutes per group. Councillors would also be able to ask questions of the speakers. This aligns with the public participation provision of the Planning and Environment Committee and Works and Community Committee.

Civic Precinct Committee

The Civic Precinct Committee has been removed from the draft Code of Meeting Practice. It is anticipated that matters relating to the civic precinct would be considered at the General Purposes Committee and/or Council as appropriate.

Webcasting

The draft Code of Meeting Practice reflects Council's recent resolution that Council Meetings be webcast for a trial period.

It is recommended that should Council resolve to introduce a General Purposes Committee that this meeting should also be webcast. The costs associated with this are outlined under Financial Implications.

This is set out in Section 2.10.2

ITEM 7 (continued)

Completion of Business

The Practice relating to the Order of Business has been expanded at Section 1.4 Practice point 6 to state:

It is noted that the resolution is required to be passed prior to 11pm, except where the meeting is in closed session in which case the resolution is required upon the conclusion of the closed session.

Questions with Notice

The Practice relating to Questions with Notice Section 2.2.4 – Practice point 2 has been amended at point two to include a timeframe for the lodgement of questions. To reflect current City of Ryde Practice the deadline for the lodgement of questions with notice is set out as 10am on the day preceeding the meeting. The Practice also specifies that each Councillor may put a maximum of five questions to any meeting.

Caretaker Period

The draft Code of Meeting Practice has been updated at Section 2.5.3 to include the Local Government Amendment 2012 and subsequent Division of Local Government Circular relating to caretaker provisions.

Matters of Urgency

The draft Code of Meeting Practice has been amended at Section 5.8 to incorporate guidance received from the Division of Local Government regarding the Chairperson's rulings regarding Matters of Urgency and Motions of Dissent.

Rescission Motions

On 27 March 2012, Council resolved to report details of Notices of Rescission lodged after Council Meetings in the Councillor Information Bulletin and the draft Code of Meeting Practice has been amended to reflect this.

Planning and Environment Committee and Works and Community Committee

The draft Code of Meeting Practice has been amended to clearly specify that the Planning and Environment and Works and Community Committees do not have the delegated authority to change a priority of works previously adopted by Council or to approve budgets or works where budget allocations are required. This has been included in the Terms of Reference.

ITEM 7 (continued)

Public Address at Meetings

There have been several instances of Council resolving to suspend Standing Orders to deviate from the Code of Meeting Practice. This relates specifically to the Practice for Public Address in Appendix D.

Currently, the Code of Meeting Practice states that “to be fair to everyone, you can only speak once at a Meeting and you can’t speak on the same subject more than once in a 3 month period.”

Staff have endeavoured to apply this requirement consistently, however, it can be difficult to ascertain the topic to be addressed based on the information provided. As a result, it is recommended that this requirement be removed from the Code of Meeting Practice.

Items Listed on Agenda/not listed on Agenda

Currently the Code of Meeting Practice allows 30 minutes at the start of Council Meetings for addresses on Items listed on the Agenda and 15 minutes at the end of the meeting for Items not listed on the Agenda.

In practice, speakers who have registered to address Council on Items not listed on the Agenda have been allowed to speak at the start of the Meeting. As a result, the draft Code of Meeting Practice has been amended to reflect this practice.

In addition, it is recommended that the provision of 30 minutes at the start of meetings and 15 minutes at the end of meetings be removed, as in practice the time allocated for speakers is dictated by the number of registered speakers and has, on occasion, been more than the allocation within the Code of Meeting Practice.

This is reflected in Appendix D of the draft Code and the Order of Business in Section 1.4.

Time allowed for each member of the Public

The draft Code of Meeting Practice provides that each speaker has three minutes, regardless of the number of matters they wish to address. On occasion, Standing Orders have been suspended to alter this provision.

Council may wish to amend the draft Code of Meeting Practice to allow each speaker three minutes on each matter or Item. This option has not been included in the draft Code of Meeting Practice.

ITEM 7 (continued)

General

Although there is no index provided with the **ATTACHED** draft Code of Meeting Practice this will be generated following adoption of the Code of Meeting Practice by Council.

Exhibition of the draft Code of Meeting Practice

In accordance with Section 362 of the Local Government Act, after considering all submissions received, Council may decide to amend the Code or adopt the draft Code as its Code of Meeting Practice.

If Council resolves to amend the draft Code it may publicly exhibit the amended draft in accordance with the Act, or, if Council is of the opinion that the amendments are not substantial, it may adopt the amended draft Code without public exhibition as its Code of Meeting Practice.

Following adoption of the Code of Meeting Practice, a copy will be forwarded to the Division of Local Government, the Code will be placed on Council's website and copies will be available at meetings for reference.

Critical Dates

There are no critical dates or deadlines to be met.

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 at its first meeting in 2013.

Despite the public exhibition requirements, it is appropriate for Council to operate under the draft Code and adopt the **ATTACHED** revised Council and Committee Meeting structure.

Public Consultation process

Public Consultation process

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.

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.

ITEM 7 (continued)

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 February 2013.

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.

Financial Implications

Should Council resolve to webcast General Purpose Committee Meetings it will result in a financial impact of approximately \$8,000 and this can be completed within the funds allocated by Council to undertake webcasting of Council Meetings.

It should also be noted that the addition of the General Purpose Committee will require additional staff time for the preparation of Agendas, set up and minuting of the meeting. There may also be additional catering costs for dinner prior to the meeting. The cost for catering, staff time and printing are estimated at approximately \$2,800 per meeting.

ITEM 7 (continued)

ATTACHMENT 2

Date	Meeting Type	Time
23-Oct-12	COUNCIL	7.30pm
30-Oct-12	No Meetings	
06-Nov-12	Planning and Environment Committee	4.00pm
06-Nov-12	Works and Community Committee	4.30pm
13-Nov-12	COUNCIL	7.30pm
20-Nov-12	Planning and Environment Committee	4.00pm
20-Nov-12	Works and Community Committee	4.30pm
20-Nov-12	General Purpose Committee	7.30pm
27-Nov-12	COUNCIL	7.30pm
04-Dec-12	Planning and Environment Committee	4.00pm
04-Dec-12	Works and Community Committee	4.30pm
11-Dec-12	COUNCIL	7.30 pm
18-Dec-12	No Meetings	
to		
29-Jan-13		
05-Feb-13	Planning and Environment Committee	4.00pm
05-Feb-13	Works and Community Committee	4.30pm
12-Feb-13	COUNCIL	7.30pm
19-Feb-13	Planning and Environment Committee	4.00pm
19-Feb-13	Works and Community Committee	4.30pm
19-Feb-13	General Purpose Committee	7.30pm
26-Feb-13	COUNCIL	7.30pm
05-Mar-13	Planning and Environment Committee	4.00pm
05-Mar-13	Works and Community Committee	4.30pm
12-Mar-13	COUNCIL	7.30pm
19-Mar-13	Planning and Environment Committee	4.00pm
19-Mar-13	Works and Community Committee	4.30pm
19-Mar-13	General Purpose Committee	7.30pm
26-Mar-13	COUNCIL	7.30pm
02-Apr-13	Planning and Environment Committee	4.00pm
02-Apr-13	Works and Community Committee	4.30pm
09-Apr-13	COUNCIL	7.30pm
16-Apr-13	Planning and Environment Committee	4.00pm
16-Apr-13	Works and Community Committee	4.30pm
16-Apr-13	General Purpose Committee	7.30pm
23-Apr-13	COUNCIL	7.30pm
30-Apr-13	No Meetings	
07-May-13	Planning and Environment Committee	4.00 pm
07-May-13	Works and Community Committee	4.30 pm
14-May-13	COUNCIL	7.30pm
21-May-13	Planning and Environment Committee	4.00pm
21-May-13	Works and Community Committee	4.30pm
21-May-13	General Purpose Committee	7.30pm
28-May-13	COUNCIL	7.30pm
04-Jun-13	Planning and Environment Committee	4.00pm

ITEM 7 (continued)

ATTACHMENT 2

Date	Meeting Type	Time
04-Jun-13	Works and Community Committee	4.30pm
11-Jun-13	COUNCIL	7.30pm
18-Jun-13	Planning and Environment Committee	4.00pm
18-Jun-13	Works and Community Committee	4.30pm
18-Jun-13	General Purpose Committee	7.30pm
25-Jun-13	COUNCIL	7.30pm
02-Jul-13	No Meetings - Mid-year recess	
09-Jul-13	No Meetings - Mid-year recess	
16-Jul-13	Planning and Environment Committee	4.00pm
16-Jul-13	Works and Community Committee	4.30pm
16-Jul-13	General Purpose Committee	7.30pm
23-Jul-13	COUNCIL	7.30pm
30-Jul-13	No Meetings	
06-Aug-13	Planning and Environment Committee	4.00pm
06-Aug-13	Works and Community Committee	4.30pm
13-Aug-13	COUNCIL	7.30pm
20-Aug-13	Planning and Environment Committee	4.00pm
20-Aug-13	Works and Community Committee	4.30pm
20-Aug-13	General Purpose Committee	7.30pm
27-Aug-13	COUNCIL	7.30pm
03-Sep-13	Planning and Environment Committee	4.00pm
03-Sep-13	Works and Community Committee	4.30pm
10-Sep-13	COUNCIL	7.30pm
17-Sep-13	Planning and Environment Committee	4.00pm
17-Sep-13	Works and Community Committee	4.30pm
17-Sep-13	General Purpose Committee	7.30pm
24-Sep-13	COUNCIL	7.30pm
01-Oct-13	Planning and Environment Committee	4.00pm
01-Oct-13	Works and Community Committee	4.30pm
08-Oct-13	COUNCIL	7.30pm
15-Oct-13	Planning and Environment Committee	4.00pm
15-Oct-13	Works and Community Committee	4.30pm
15-Oct-13	General Purpose Committee	7.30pm
22-Oct-13	COUNCIL	7.30pm
29-Oct-13	No Meetings	
05-Nov-13	Planning and Environment Committee	4.00pm
05-Nov-13	Works and Community Committee	4.30pm
12-Nov-13	COUNCIL	7.30pm
19-Nov-13	Planning and Environment Committee	4.00pm
19-Nov-13	Works and Community Committee	4.30pm
19-Nov-13	General Purpose Committee	7.30pm
26-Nov-13	COUNCIL	7.30pm
03-Dec-13	Planning and Environment Committee	4.00pm
03-Dec-13	Works and Community Committee	4.30pm
10-Dec-13	COUNCIL	7.30pm

8 COUNCIL WORKSHOPS AND INDUCTION SESSIONS

Report prepared by: Manager - Governance

File No.: CLR/07/8/19/5 - BP12/1173

REPORT SUMMARY

This report sets out the planned schedule of workshops and induction sessions planned for Council for November and December 2012.

The purpose of this report is to seek Council's endorsement of the schedule for Workshops, Induction Sessions and site visits. It also seeks commitment from Council that should more than three Councillors indicate their inability to attend a Workshop, Induction Session or site visit that it will not be held or rescheduled.

RECOMMENDATION:

- (a) That Council endorse the Workshop, Induction and site visit schedule as set out in this report.
- (b) That Council confirm that should more than three Councillors indicate their inability to attend a Workshop, Induction Session or site visit that it will not be held or rescheduled.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 8 (continued)

Discussion

Induction Sessions

The Division of Local Government provides the following advice regarding Councillor inductions:

An induction program also provides an opportunity to set a positive tone, establish clear roles and responsibilities and to build positive working relationships from the outset. This lays the foundations for a successful term in office for new councillors. Because local government is complex and changing, all councillors, both new and experienced, should attend a council's induction program at the commencement of each term

As Councillors are aware, two Induction sessions have already been conducted with Council following the 2012 Local Government Election, as follows:

- 24 September 2012: Code of Meeting Practice
- 4 October 2012: Code of Conduct

A session on Liveable Neighbourhoods is scheduled for Thursday, 25 October 2012.

Further Induction Sessions and Workshops

As Councillors would be aware, a Councillor Induction weekend had been proposed for 22 and 23 September 2012. This was not held and it is recommended that the Councillor Induction Weekend be conducted on 1 and 2 December 2012 at a venue within the Ryde Local Government Area.

A further Councillor Weekend Workshop is recommended for 1 and 2 February 2013, for Councillors to consider the Resource Plan in depth. The Resource Plan covers the Workforce Plan, Asset Management Plan and the Long Term Financial Plan as required under the Integrated Planning and Reporting legislation. It is also recommended that this weekend workshop be conducted at a venue within the Ryde Local Government Area.

Below is a list of proposed upcoming Councillor Induction Sessions, Workshops and site visits.

For the purposes of clarity Council and Committee meetings have also been included in the listing below. The list includes a date for the General Purposes Committee which is recommended for inclusion as part of the Code of Meeting Practice report presented to Council at this meeting of 23 October 2012.

ITEM 8 (continued)

Date	Meeting Type	Time	Details
25-Oct-12	Induction Session	6.30-8.30pm	Liveable Neighbourhoods
30-Oct-12	No Meetings		
03-Nov-12	Site Visit	8.30am - 12noon	Visit of key sites and assets within the Ryde LGA
01-Nov-12	Induction Session	6.30-8.30pm	Living within our means
06-Nov-12	Planning and Environment Committee	4.00pm	Committee Meeting
06-Nov-12	Works and Community Committee	4.30pm	Committee Meeting
06-Nov-12	Workshop	7.30-8.30pm	Future of the Administration Building including changes to the LEP/Civic Precinct site
06-Nov-12	Workshop	8.30-9.30pm	Community and Culture-Community buildings projects in 12/13- (including the proposed feasibility studies for the Library and a community hub in Eastwood)
10-Nov-12	Site Visit	8.30am – 12noon	Visit of key sites and assets within the Ryde LGA
10-Nov-12	Workshop	1pm -3pm	Macquarie Park Amendment 1
13-Nov-12	Workshop	5.30-6.30pm	Cultural Survey results
13-Nov-12	COUNCIL	7.30pm	Council Meeting
15-Nov-12	Induction Session	6.30-7.30pm	Keeping in touch with our community
17-Nov-12	Site Visit	8.30am - 12noon	Visit of key sites and assets within the Ryde LGA
20-Nov-12	Planning and Environment Committee	4.00pm	Committee Meeting
20-Nov-12	Works and Community Committee	4.30pm	Committee Meeting
20-Nov-12	General Purpose Committee	7.30pm	Committee Meeting
27-Nov-12	Workshop	5.30-6.30pm	Integrated Planning and Reporting and Budget timetable
27-Nov-12	COUNCIL	7.30pm	Council Meeting
29-Nov-12	Induction Session	6.30-8.30pm	4 Year Delivery Plan

ITEM 8 (continued)

Date	Meeting Type	Time	Details
1 and 2 Dec 2012	Workshop (Note: 2 December – 3pm Community Christmas Celebration)	Weekend	Councillor Induction
04-Dec-12	Planning and Environment Committee	4.00pm	Committee Meeting
04-Dec-12	Works and Community Committee	4.30pm	Committee Meeting
11-Dec-12	Workshop	5.30-6.30pm	Macquarie Park Strategic Overview
11-Dec-12	COUNCIL	7.30 pm	Council Meeting
18-Dec-12 to 29-Jan-13	No Meetings		
1 and 2 Feb 2013	Workshop	Weekend	Resource Strategy
05-Feb-13	Planning and Environment Committee	4.00pm	Committee Meeting
05-Feb-13	Works and Community Committee	4.30pm	Committee Meeting
05-Feb-13	Workshop	7.30-8.30pm	Integrated Open Space Plan
12-Feb-13	Workshop	5.30-6.30pm	2013-17 Four Year Delivery Plan (1)
12-Feb-13	COUNCIL	7.30pm	Council Meeting

The following sites are proposed to be included in the site visits set out above with specific itineraries to be advised:

- Road and Kerb renewal – Lovell Road
- Pittwater Road
- Road Resurfacing Renewal – Khartoum Road
- Playground Upgrades – various locations TBA
- Bio-retention Basin at Stranger's Creek
- Civic Centre
- 1A Pope Street – Community Life Building
- Ryde Library and West Ryde Library
- Ryde Aquatic Leisure Centre (RALC)
- Operations Centre
- Addington House
- Memorial Park – sea wall
- Drainage – Rowe Street, Eastwood
- ELS Hall Park (including the indoor sports facility),
- Ryde Park
- Christie Park
- Brush Farm House,
- Meadowbank Park, a regional park and part of the Ryde Riverwalk program,
- West Ryde Community Centre,
- Livvi's Place as one of the playground upgrades

ITEM 8 (continued)

- Putney Park (playground upgrade)
- Glen Reserve or Irene Park (local park)

Preparations for Induction Sessions, Workshops and site visits involve a significant amount of time from Council staff and as such it is recommended that should fewer than nine Councillors indicate their willingness to attend that the Workshop or Induction session not be conducted.

Financial Implications

Adoption of this schedule of Workshops, Induction Sessions and site visits will have some financial impact. Without the inclusion of staff resources to make the necessary arrangements, there are costs associated with the provision of transport, catering, venue and facilitators. As such it is important that there is sufficient time provided where Workshops, Induction Sessions and site visits are cancelled so as to ensure there is no wasted expenditure, staff resources or Councillor time.

9 CODE OF CONDUCT ANNUAL REPORT

Report prepared by: Manager - Governance; Manager - Risk and Audit
File No.: CLR/07/8/9/8 - BP12/1102

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.

The Division of Local Government is currently reviewing the Model Code of Conduct and following completion and distribution of the Model Code a further report will be provided to Council.

RECOMMENDATION:

That Council note the General Manager's report on Code of Conduct complaints received for the period October 2011 to September 2012.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Shane Sullivan
Manager – Governance

John Schanz
Manager - Risk and Audit

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

John Neish
General Manager

ITEM 9 (continued)

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 2011 to September 2012 **five** formal complaints were received with the following outcomes:

	Nature of issue	Outcome of complaint
1	General Conduct Obligations	Preliminary review conducted and referred to external agency. Agency advised no further action.
2	General Conduct Obligations	Preliminary review conducted. Matter dismissed.
3	General Conduct Obligations	Preliminary review conducted. Matter dismissed.
4	General Conduct Obligations	Complaint investigated and disciplinary action taken.
5	General Conduct Obligations	Preliminary review conducted and matter referred for further investigation. Investigation is continuing.

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.

Financial Impact

External costs associated with undertaking the Code of Conduct investigations as detailed in this report were approximately \$17,300.

Policy Implications

In 2011, at the request of the Minister for Local Government, the Division of Local Government commenced a review of the Model Code of Conduct for Local Councils in NSW.

The review process has included extensive consultation with Councils and other stakeholders, to design a system that supports the highest standards of behaviour in local government, in a simple, clear and cost effective way.

ITEM 9 (continued)

This included:

- 1) A discussion paper to seek the views of stakeholders and any other interested persons on the operation of the current version of the Model Code and areas for improvement.

The Division received a total of 122 submissions in response to its discussion paper from a range of sources including councils, individual council officials, conduct reviewers, unions and industry bodies, Members of Parliament, NSW Government agencies such as the ICAC and the Ombudsman and members of the community.

The City of Ryde provided a submission.

- 2) A position paper on a draft reform proposal for the Model Code and the misbehaviour provisions of the Act, reflecting feedback to date. The Division received 93 submissions on the position paper from a similarly broad range of sources as those provided in response to the discussion paper.

In addition the Division held a series of workshops around the State to discuss and refine the proposal. Workshops were held in Sydney (including at the LGMA Governance network meeting), Tamworth, Dubbo, Wagga Wagga and Ballina.

City of Ryde staff participated in the consultation as part of the LGMA Governance network meeting.

Following release of the revised Model Code of Conduct by the Division a further report will be provided to Council incorporating the Model Code into the City of Ryde Code of Conduct.

10 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND OTHER COUNCILLORS

Report prepared by: Manager - Governance

File No.: CLR/07/8/9/6/2 - BP12/1106

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 **ATTACHED** revised policy as part of Council's requirements to annually review and adopt the policy.

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.
- (c) That Council approve the appropriate disposal of the Mayoral vehicle.

ATTACHMENTS

- 1 Policy - Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors 2012

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 10 (continued)

Discussion

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 2012.

The policy was last adopted by Council on 22 November 2011.

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 24 October 2012 and conclude on 21 November 2012.

Following the public exhibition, it is anticipated that the revised policy will be submitted to Council on 27 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.

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:

- Inclusion of provision of an iPad or other tablet device.
- Provision of a reimbursement for Mayoral vehicle expenses

The Mayor has advised that he does not wish to make use of the Council vehicle provided. As a result, it is recommended that the Policy be amended to provide for a reimbursement for all Council related travel expenses where the Mayor elects not to make use of the Council provided vehicle for their term.

ITEM 10 (continued)

In addition, it is recommended that the Mayoral vehicle currently held in Council's fleet be disposed of appropriately noting that the license plates will be retained.

Critical Dates

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 2012.

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~~.

ITEM 10 (continued)

ATTACHMENT 1

Scope

- (1) This Policy, and associated procedures and guidelines, may be cited as the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors and is effective from ***date to be inserted***.
- (2) In this Policy, and associated procedures and guidelines, unless otherwise stated, the expression “Councillor” refers to all Councillors of the City of Ryde, including the Mayor and Deputy Mayor.

Purpose

This Policy ensures that Councillors have access to the facilities and support required to fulfil their civic duties. It also aims to ensure that the facilities provided to Councillors to carry out their civic functions are equitable and in keeping with legislative requirements.

In addition, the purpose of this Policy, and associated procedures and guidelines, is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors.

Objectives

- (1) The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to the Councillors of the City of Ryde, the cost of which shall be met by the Council.
- (2) This Policy also aims to uphold and demonstrate the following key principles:
 - (a) Conduct: Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act.
 - (b) Participation, equity and access: The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic duties and business of Council.

- (c) Accountability and transparency: The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
- (d) Reasonable expenses: Councillors shall only be reimbursed for expenses reasonably incurred in their performance of their role as a Councillor.

ITEM 10 (continued)

ATTACHMENT 1

- (3) Only those entitlements specifically described in this Policy shall be provided by the Council.

References - Legislation

This Policy is made pursuant to Sections 252 - 254 of the Local Government Act 1993.

Review Process and Endorsement

As required by Section 252 (1) of the Act, the Policy is to be adopted by Council annually, within 5 months after the end of each year.

As required by Section 253 of the Act, public notice of at least 28 days is required to be given of Council's intention to adopt or amend the Policy. Public notice is not required if an amendment is "not substantial". The term "not substantial" shall be taken to mean minor changes to wording of the Policy or changes to monetary provisions or rates that are less than 5%. It shall also mean minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the Policy will, however, require public notice no matter how minor.

As required by Section 253 (5) of the Act, public notice of 28 days is required to be given prior to each annual adoption process, even if there is no proposed change to the Policy.

Attachments

<i>Title</i>
Procedure – Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors
Guidelines – Councillor Attendance at Conferences

ITEM 10 (continued)

ATTACHMENT 1

PROCEDURE

Related Policy

These procedures relate to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

Reporting requirements

Section 428 of the Act and clause 217 of the Local Government (General) Regulation (“the Regulation”) require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy. These sections are set out in Clause 6.

PAYMENT OF EXPENSES GENERALLY

Payment of Councillor Fees

- 1 (1) An annual fee is paid to each Councillor by the Council. The fee is the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this policy, the annual fee paid to each Councillor is intended to offset the costs involved in discharging the functions of civic office including, but not limited to, all incidental and out-of-pocket expenses relating to transport, clothing, home office expenses, home telephone and postage costs.
- (3) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Councillor holds office.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Councillors Fee.

Reimbursement and reconciliation of expenses

- 2 (1) Reimbursement of costs and expenses to Councillors under part 13 – Communication costs will only be made upon the production of appropriate receipts and tax invoices, and the completion of the “Request for Councillor Reimbursement” form. Expenses and costs incurred must be in accordance with the requirements of this Policy.
- (2) Reimbursement of other costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the “Request for Councillor Reimbursement” form. Expenses and costs incurred must be in accordance with the requirements of this Policy. Where no receipts or tax invoices are submitted, a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred. If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request.
- (3) The General Manager or one other delegated employee shall assess all such claims and if considered to be reasonable and to be legitimately payable under this Policy,

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ATTACHMENT 1

shall approve the claim for payment and payment shall be made within seven (7) days.

- (4) Should the General Manager or delegated employee decide that the claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still consider that the claim should be paid, it shall be considered that a dispute exists and the provisions of the Disputes clause of this policy shall apply. See Clause 33.

Payments in advance

- 3 (1) Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the Policy. However, Councillors must fully reconcile all expenses against the cost of the advance within one (1) week of their return, with receipts, and submit these details to the General Manager or his/her delegated employee for verification. Any unspent money is required to be returned at this time.
- (2) The maximum value of a cash advance is \$500.

ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

Monetary Limits

- 4 Monetary limits are stated in this Policy against each expense category as required. These monetary limits set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Time Limits

- 5 Reimbursement of costs and expenses to Councillors must be made within 3 months of the cost or expense being incurred.

Spouse and partner expenses

- 6 (1) In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor in the performance of his or her duties, such as attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within metropolitan Sydney.
- (2) Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person will be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function, including carer costs. Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.
- (3) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of sub-clause (2). Official receipts will be required for reimbursement under this clause.

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- (4) In recognition of the importance of a good work and family balance, spouses, partners or accompanying persons are welcome to join Councillors whilst attending events away from home. In such circumstances, Council will not require reimbursement of costs if no additional travel and accommodation expenses are incurred over and above what would have been expended by the individual Councillor. For example, if the person/s travel as a passenger in the Councillor's vehicle and are able to be accommodated in the same room already provided as standard to the Councillor, it will be considered that no additional cost has been incurred by Council.
- (5) Where a spouse, partner or accompanying persons do attend an event away from home with the Councillor, all additional costs of the person/s will not be met by Council except for attendance at official dinners or ceremonies associated with the event and for which partners are invited to attend. This provision does not extend to social outings and tours which may be provided as part of a "partners program".
- (6) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of sub-clause (5). Official receipts will be required for reimbursement under this clause.

SPECIFIC EXPENSES

Attendance at seminars, conferences and training courses

- 7 (1) Council approval is required for Councillors to attend seminars or conferences on behalf of the Council by way of a report to be included in the Council business papers. The report will include the purpose of the seminar, conference and training course, expected total costs, expected benefits for Councillors to attend and the names of Councillors who have indicated an interest to attend.
- (2) After returning from the seminar, conference or training course, the Councillor/s, or accompanying member of Council staff, shall provide a written report to Council on the aspects of the event relevant to Council business and/or the local community. No written report is required for the Annual Conferences of the Local Government Associations or for compulsory training courses or seminars required by any Government agency.
- (3) Council will pay the seminar, conference or training course registration fees charged by the organisers including the costs of related official meals and associated tours where they are relevant to the business and interests of the Council. Any time and costs incurred in undertaking activities not related to attendance at the event shall not be included in the expenses paid by Council.
- (4) Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the seminar, conference or training course, including the cost of meals (and reasonable cost of drinks) when they are not otherwise included in the fees. Each Councillor is entitled to seek reimbursement up to \$100 per meal for the purpose of this sub-clause up to a limit of 3 meals per day. Official receipts will be required for reimbursement under this clause.
- (5) Councillors shall be entitled to seek reimbursement for attendance at dinners and other non-Council functions where briefings relevant to the Council's interest are provided by key members of the community, politicians, government departments and business. Each Councillor is entitled to seek reimbursement up to \$300 per

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annum for the purposes of this sub-clause. Official receipts will be required for reimbursement under this clause.

- (6) Councillors, who are Executive Members of an organisation relevant to Council's interest by way of a Council resolution, shall be entitled to seek reimbursement and support for their attendance to the Executive Meetings held by the organisation. Council will meet the cost of the Councillor's transportation and accommodation expenses, including the cost of meals. The support provided to Councillors in their capacity as an Executive Member of an organisation shall only be valid for the period they hold such a position.
- (7) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.
- (8) When determining attendance at conferences and seminars consideration will be given to the Councillor Attendance at Conference guidelines.

Training and education expenses

- 8 (1) An induction program shall be conducted by the General Manager for Councillors upon election to Council and every subsequent re-election. This program may include the provision of resources and the attendance at training courses.
- (2) Provision for other training and education for Councillors will be made separately in Council's budget via the adopted Management Plan. All Councillors will be offered the same access to the same training in accordance with the budget allocated.

General travel and accommodation arrangements

- 9 (1) All travel by Councillors to a seminar, conference or training course shall be undertaken by utilising the most direct route and the most practical and economical mode of transport subject to any personal medical considerations or extenuating circumstances.
- (2) Economy class air travel will be provided as standard for travel within Australia. The cost of any upgrade shall be the responsibility of the Councillor. Air travel will be allowed for any overseas travel (subject to Council approval). Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- (3) Where trains are used, first class train travel will be provided, including sleeping berths where available.
- (4) Council shall also meet the cost of any transfers between a Councillor's residence and a transport interchange (ie: airport) and between the transport interchange and hotel or venue, such costs not to exceed the cost of taxi fares.
- (5) Council shall provide Councillors with taxi vouchers for travel to a seminar, conference or training course. Councillors must ensure that unused vouchers and the receipts of used vouchers are provided to Council after seven (7) days of the event.
- (6) Council shall reimburse travel expenses to a seminar, conference or training course by a Councillor whilst using their own private vehicle by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees

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necessarily incurred. The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council. Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst using their private vehicles on Council related business.

- (7) Any accommodation required by Councillors will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the Councillor. Where possible, Council will make payment of the accommodation booking prior to the date of arrival.

Local travel arrangements and expenses

- 10** (1) Under normal circumstances, Councillors are expected to provide their own transport to and from the Civic Centre and the Councillor's home and place of work for the purpose of undertaking Council business.
- (2) Transport to and from the Civic Centre and a Councillor's home and/or place of work may be provided by the Council at the discretion of the General Manager having regard to the circumstances, whenever it is not practicable for a Councillor to use his or her normal method of transport.
- (3) Council shall reimburse expenses incurred by Councillors for travel on Council related business outside a 15km radius of the Ryde Civic Centre, excluding the NSROC region. Travel expenses include use of a private vehicle, use of public transport, taxis, hire cars, travel using a Council vehicle and associated costs such as parking and road tolls. Except for the provisions of clause 16(5), actual costs will be reimbursed. Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst travelling on Council related business.
- (4) A Council vehicle (with or without a driver), a hire car, or a taxi voucher may be provided to a Councillor for the purpose of attending any Council related event at the discretion of the General Manager having regard to the circumstances.
- (5) Nothing in this Policy prevents a Councillor from travelling in a Council vehicle with a staff member who is also attending any Council related event.

Interstate or overseas travel

- 11** (1) Council approval is required for interstate or overseas travel for which reimbursement is sought by Councillors. Any travel proposals for Councillors to travel interstate or overseas requires to be included in the non-confidential business papers of Council for which due public notice has been given. Such proposals cannot be considered in a late report or Mayoral Minute.
- (2) Any application for interstate or overseas travel will require full details of the travel including itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective re-imbursement of such travel expenses so all expenses must be approved in advance.

ITEM 10 (continued)

ATTACHMENT 1

- (3) After returning from interstate or overseas travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community.

Incidental Expenses

- 12** (1) Council shall reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses incurred by Councillors.
- (2) Incidental expenses include, but are not limited to, in-house hotel television, telephone or facsimile calls, internet charges, refreshments, laundry and dry cleaning, and newspapers.
- (3) Each Councillor is entitled to seek reimbursement up to \$20 per day for the purposes of this clause.

Communication costs and expenses

- 13** (1) Councillors are entitled to seek reimbursement for communications costs and expenses covering the areas of email, internet, telephone (both fixed and mobile) and postage.
- (2) Each Councillor is entitled to seek reimbursement up to \$300 per month (\$3600 per annum) for the purposes of this clause.
- (3) Where the communication costs include the provision of a communication device through a communication plan, Council shall reimburse the costs associated with the plan, including email, internet and telephone access and usage. Communication costs also include expenses incurred by a Councillor for the proportion of leasing, renting or repayment costs associated with any communication device used by a Councillor in undertaking their role as a Councillor.

Meals and refreshments

- 14** (1) Morning and afternoon tea may be provided to each Councillor when in attendance at the Civic Centre during normal office hours. A meal including drinks may be provided to each Councillor at the Civic Centre whenever the Councillor is required to attend at the Civic Centre, or leave from or return to the Civic Centre, for a Council related event.
- (2) Meals and refreshments may also be provided to Councillors when attending a local community event or festival. The General Manager, shall determine when such meals and refreshments are to be provided.
- (3) Pursuant to clauses 7(3), 7(4) and 7(5), meals and refreshments may also be provided to Councillors when attending a seminar, conference or training course.

Care and other related expenses

- 15** (1) Where a Councillor has responsibilities for the care and support of any relative, the Council may reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.

ITEM 10 (continued)

ATTACHMENT 1

- (2) The total amount paid to a Councillor in a financial year under sub-clause (1) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year.
- (3) In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Local Government Act.

Relative, in relation to a person, means any of the following:

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
 - (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a)*
- (4) Where a Councillor has a special requirement, such as disability and access needs, Council shall meet reasonable costs and expenses required in order for that Councillor to discharge the functions of civic office.
- (5) The total amount paid to a Councillor in a financial year under sub-clause (4) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year, however, Council can approve additional expenditure in extenuating circumstances.
- (6) Each application for care and support of a relative or for meeting the special requirements of a Councillor is to be made in writing to the General Manager or his/her delegated officer and will be assessed on its merits. The General Manager may use his/her discretion to refer the matter to Council for determination.

Insurance provisions and expenses

- 16** (1) In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- (2) Councillors are also provided additional liability protection by way of the Councillors and Officers Liability Policy, and personal injury protection by way of the Personal Accident Policy.
- (3) Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- (4) Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

Legal assistance provisions and expenses

- 17** (1) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - (a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
 - (b) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or

ITEM 10 (continued)

ATTACHMENT 1

- (c) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.
- (2) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- (3) Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- (4) Council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.
- (5) The provisions of this section shall not apply in respect of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, the Council itself.

ADDITIONAL MAYORAL EXPENSES

Mayoral Fee

- 18**
- (1) An annual fee is paid to the Mayor by the Council. The fee shall be the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
 - (2) Unless otherwise provided for in this Policy, the annual fee paid to the Mayor is intended to offset the additional costs involved in discharging the functions of the mayoral office over and above the costs incurred by other Councillors.
 - (3) In the event that the Council resolves to pay an annual fee to the Deputy Mayor, the amount of such annual fee shall be deducted from the amount determined to be paid to the Mayor.
 - (4) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Mayor holds office.
 - (5) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral Fee.

Civic Expenses

- 19**
- Council shall meet the cost of providing refreshments and associated expenses for civic functions, civic receptions and any other formal event hosted by the Mayor, subject to adequate funds being allocated and available in the Council's adopted Management Plan.

ITEM 10 (continued)

ATTACHMENT 1

Communication costs and expenses

- 20** Council shall reimburse up to an additional \$250 per month (\$3,000 per annum) for communication costs and expenses for the Mayor, over and above the monthly expenditure limit prescribed in clause 13.

PROVISION OF FACILITIES - GENERAL PROVISIONS

Provision of facilities generally

- 21** (1) Facilities, equipment and services shall be provided to Councillors to support them in undertaking their role as elected members of the Council.
- (2) The equipment supplied under sub-clause (1) shall be of adequate capacity and functionality to generally undertake the role of Councillor. Unless otherwise resolved by the Council, the equipment shall be provided to a Councillor only once during the term of each Council. Council remains in ownership of the equipment and will be responsible for maintenance, replacement, insurance, technology upgrades and supply of consumables, and the equipment is required to be returned at the end of the term of each Councillor. However, Councillors shall be offered the option to purchase the subject equipment that they have been in possession of, at the conclusion of their term, at current market value. Unless stated otherwise, the Councillor shall be responsible for all other costs of operation, for such equipment.

Private use of equipment and facilities

- 22** (1) Council facilities, equipment and services are not to be used for private purposes unless the use is incidental, unavoidable and of a minor nature.
- (2) Where a Councillor obtains a private benefit for the use of a facility provided by the Council, the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the benefit shall be determined by Council in non-confidential session of a Council meeting.
- (3) Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

PROVISION OF FACILITIES - SPECIFIC PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

Stationery and other items

- 23** (1) Each Councillor may receive:
- (a) 2500 sheets of plain white A4 paper per year;
 - (b) 500 plain white DLE envelopes per year;
 - (c) 500 business cards per year in a format agreed by each Councillor;

ITEM 10 (continued)

ATTACHMENT 1

the year commencing from the date of election to Council and each subsequent anniversary.

Additional supplies of the above stationery items may be provided by the General Manager if considered warranted having regard to the particular needs of any Councillor.

- (2) Each Councillor may be issued from time to time with name badges, a security access card, ties/scarves and other corporate apparel or accessories for personal use. Security access cards are required to be returned when the Councillor ceases to hold office.
- (3) Stationery is not to be used to produce election material or for any other political purposes.

Home Office and Equipment

24 The following equipment and facilities may be provided by the Council at a location nominated by the Councillor:

- a personal computer with office and related software (up to a total value of \$3,000)
- a printer which may include or have attached facilities for facsimile, scanning, photocopying and telephone answering (up to a total value of \$1,000)
- ***an iPad or other tablet device (up to a total value of \$1,000)***

All amounts stated are inclusive of GST.

Parking

25 Councillors shall be provided with allocated parking at the Civic Centre for attendance at meetings and functions in the performance of their role as a Councillor and be provided with a parking permit sticker for use when parking in the Civic Centre Car Park. No other parking concessions within the City of Ryde will be granted and Council will not indemnify Councillors for any damage to their vehicles whilst utilising this facility.

Secretarial Support

26 Secretarial support may be provided at the discretion of the General Manager for each Councillor at the Civic Centre. This may include typing, photocopying or use of a telephone. All expenses incurred including the cost of staff shall be met by the Council.

Delivery of Material

27 At least once weekly each Councillor may receive a delivery of material from Council including business papers, correspondence, newspapers, etc delivered to one property address nominated by the Councillor.

Council Meeting Chamber

28 Councillors may use the Council Meeting Chamber to conduct meetings with members of the public. The nature of the meeting must relate to Council business.

ITEM 10 (continued)

ATTACHMENT 1

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR

Mayoral Office

- 29 A furnished Mayoral Office shall be provided by the Council at the Civic Centre, including a computer with office and related software (including access to email and internet).

Secretarial Support

- 30 Secretarial support shall be provided by the Council. All necessary staff, office equipment, furnishings, printing, stationery, postage and other general office expenses shall be met by the Council, subject to adequate funds being available in the Council's adopted Management Plan.

Motor Vehicle

- 31 (1) A Toyota Camry Hybrid Level 2 (or general equivalent) shall be provided by the Council and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for private purposes by the Mayor. The cost of petrol used for private purposes shall be the responsibility of the Mayor.
- (2) A car parking space shall be allocated at the Civic Centre for the Mayoral vehicle.
- (3) ***Should the Mayor elect not to make use of the vehicle for the length of their term, it will be disposed of appropriately. The Mayor will be entitled for reimbursement for all Council related travel expenses in accordance with the rate set out in the "Councillor Reimbursement Form". Reimbursements will be made upon the production of an appropriate vehicle mileage log and the completion of a "Request for Councillor Reimbursement" form.***

Ceremonial Clothing

- 32 The Mayor shall be supplied with a suitable robe and chains of office.

Other equipment and facilities

- 33 (1) In addition to equipment and facilities already provided to the Mayor as a Councillor, the Mayor shall be entitled to the following equipment and facilities:
- (a) an additional 500 business cards per year of term in a format agreed by the Mayor,
 - (b) 200 Christmas Cards per year of term,
 - (c) corporate attire and presentation gifts for use in connection with civic and ceremonial functions eg: tie, scarfs, mementos
- (2) The General Manager shall have discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, subject to funding being made available in the adopted Management Plan and the provision of such equipment or facilities is considered reasonable for the efficient and effective performance of the Office of the Mayor. Should the General Manager exercise his/her discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy a report detailing the provision shall be presented to Council.

ITEM 10 (continued)

ATTACHMENT 1

OTHER MATTERS

Disputes

- 34** Should any Councillor consider that a dispute exists at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute and the General Manager shall submit such reports to the next meeting of the Council to have the dispute determined by a resolution of the Council having regard to this policy, the Act and any other relevant law. The decision of the Council shall be binding on all of the parties.
-

ITEM 10 (continued)

ATTACHMENT 1

LEGISLATIVE PROVISIONS

The relevant legislative provisions are set out below. In this legislation, the expression “year” means the period from 1 July to the following 30 June.

Local Government Act

252 Payment of expenses and provision of facilities

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council may from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must 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.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council’s response to the submission and the reasons for the council’s response, and*
 - (c) a copy of the notice given under subsection (1).*

ITEM 10 (continued)

ATTACHMENT 1

- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee, all the members of which are councillors, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

428(pt) Annual reports

- (1) *Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.*
- (2) *A report must contain the following:*
- (f) the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,*

Local Government (General) Regulation

217(pt) Additional information for inclusion in annual report

- (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
- (i) *the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
- (ii) *telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
- (iii) *the attendance of councillors at conferences and seminars,*
- (iv) *the training of councillors and the provision of skill development for councillors,*
- (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*

ITEM 10 (continued)

ATTACHMENT 1

- (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
- (vii) *the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
- (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,*

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Under Section 248A of the Act, Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from office or the right to be paid any fee is suspended.

Under Section 254A of the Act, Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation, a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government and Council Policy provisions

This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

- (1) Department of Local Government Circular No. 06-57, 5 September 2006, *"Guidelines for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors."*

ITEM 10 (continued)

ATTACHMENT 1

- (2) Department of Local Government Circular No. 05-08, 9 March 2005, *“Legal Assistance for Councillors and Council Employees”*
- (3) ICAC Publication *“No excuse for misuse”*, November 2002
- (4) City of Ryde *“Code of Conduct”*

ITEM 10 (continued)

ATTACHMENT 1

ATTENDANCE AT CONFERENCES

Related Policy

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

Guidelines

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

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

11 DISCLOSURE OF INTEREST RETURNS - 2011-12

Report prepared by: Governance Support Coordinator
File No.: CLR/07/8/8/5/3 - BP12/1148

REPORT SUMMARY

The *Local Government Act 1993, Section 449* requires that Councillors and designated persons lodge an annual Disclosure of Pecuniary Interests Return by 30 September each year.

The *Local Government Act 1993, Section 450A* requires the General Manager keep a register of the returns that are required to be lodged, and of those that have been lodged.

This report provides a summary of the status of all Disclosure of Pecuniary Interest Returns that were required to be lodged for the period 1 July 2011 to 30 June 2012.

RECOMMENDATION:

- (a) That the Register of Disclosure of Pecuniary Interest Returns, as required under *Section 450A* of the Local Government Act, is tabled.
- (b) That the Division of Local Government, within the NSW Department of Premier and Cabinet, is provided with a copy of this report.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 11 (continued)

Discussion

Section 449 of the *Local Government Act 1993* (the Act) requires Councillors and designated persons to lodge an annual Disclosure of Pecuniary Interests Return with the General Manager by 30 September each year.

Section 450A of the Act requires the General Manager to keep a Register of these Disclosure of Pecuniary Interest Returns and to table these returns at the first Council meeting after the lodgement date.

Council is advised that:

- 10 Councillors lodged their annual returns by the 30 September 2012 deadline.
- 158 designated persons (staff) lodged their annual returns by the 30 September 2012 deadline.
- The following Councillors did not provide their return by 30 September 2012:
 - Councillor Etmekdjian
(subsequently provided on 15 October 2012)
 - Councillor Maggio
(outstanding as at 17 October 2012)
- The following staff did not provide their return by 30 September 2012:
 - Daniel Bailey – Regulatory Services
(subsequently provided on 10 October 2012)
 - Susan Wotton – Urban Planning
(subsequently provided on 8 October 2012)
 - Stephen Candiloro – Communications and Media
(subsequently provided on 5 October 2012)
 - Bruce McCann – General Counsel
(subsequently provided on 15 October 2012)
 - Gerald Lore – Business Infrastructure
(subsequently provided on 15 October 2012)

All returns from designated staff have now been provided.

The Register of Disclosure of Pecuniary Interests Returns is tabled.

Financial Implications

Adoption of these recommendations will have no financial impact.

ITEM 11 (continued)**Critical Dates**

The following deadlines were required to be met:

Completed Disclosure of Pecuniary Interests Returns were required to be lodged with the General Manager by 30 September 2012.

12 DELEGATION - GENERAL MANAGER

Report prepared by: Manager - Governance

File No.: GRP/09/7/2/4 - BP12/1167

REPORT SUMMARY

At its meeting held 9 October 2012, Council resolved:

That Council direct the General Manager to table at the next Council meeting, all delegations imposed by Council and the Local Government Act 1993 (NSW) prior to 8th September 2012 on the General Manager and senior staff.

This report tables the General Manager's delegation noting that the delegations to senior staff are determined by the General Manager. **ATTACHED** is the delegation granted to the General Manager and the standard instrument for delegations from which all Council officer delegations are drawn.

RECOMMENDATION:

That in accordance with Section 380 of the Local Government Act 1993, Council reviews and confirms that the existing delegations and the standard instrument for delegation as **ATTACHED** be granted to the General Manager for the next term of office for the Council.

ATTACHMENTS

- 1 Delegation of the General Manager
- 2 Delegations - Standard Instrument 2012

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

John Neish
General Manager

ITEM 12 (continued)**Discussion**

Section 377 of the Local Government Act 1993 General power of the council to delegate
states :-

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

- (a) the appointment of a general manager,*
- (b) the making of a rate,*
- (c) a determination under section 549 as to the levying of a rate,*
- (d) the making of a charge,*
- (e) the fixing of a fee,*
- (f) the borrowing of money,*
- (g) the voting of money for expenditure on its works, services or operations,*
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) the acceptance of tenders which are required under this Act to be invited by the council,*
- (j) the adoption of an operational plan under section 405,*
- (k) the adoption of a financial statement included in an annual financial report,*
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),*
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) this power of delegation,*
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

ITEM 12 (continued)



Section 380 of the *Local Government Act 1993* states :-

Each council must review all its delegations during the first 12 months of each term of office.

The 12 month period expires on 8 September 2013.

Delegations are important to the efficient operation of the organisation. As can be seen in the attachments they enable a range of functions to be carried out across the organisation and enable an audit framework to ensure that they are being correctly adhered to.

Currently, the Council delegates to the General Manager all functions that it can lawfully delegate pursuant to section 377 of the Local Government Act 1993 (**ATTACHMENT 1**). The power of the General Manager to delegate throughout the organisation is covered in Section 378 of the Local Government Act 1993.

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under  **section 377**  (2).*

As a consequence of this the General Manager has sub delegated as appropriate to Group Managers, Service Unit Managers, Section Managers and other staff who require delegations to operate effectively. This is the standard instrument from which all staff delegations are drawn although amounts vary according to the role and accountability of the staff involved. These delegations are also **ATTACHED** for the information of Council.

The evidence from management literature is overwhelming and supports that teams focussed on tasks, with role and relationships defined and agreed, are both effective and successful in their endeavours. To this end it is recommended that the existing delegations remain as previously established.

ITEM 12 (continued)

ATTACHMENT 1

Instrument of Delegation

The Council of the City of Ryde pursuant to a resolution made on 19 June 2007:


1. revokes any previous delegation or sub-delegation of the functions of the Council to the General Manager of the Council;
2. delegates to the General Manager of the Council all of its functions except for those functions which must not be delegated pursuant to section 377(1) of the Local Government Act 1993 (NSW); and
3. sub-delegates to the General Manager of the Council all functions delegated to the Council except as provided in the relevant instrument of delegation to the Council.

This instrument of delegation shall take effect on 1 July 2007.

On 26th June 2007
the common seal of the Council of
the City of Ryde was affixed hereto
pursuant to a resolution of Council
on 19 June 2007 in the presence of


IVAN PETCH
MAYOR




GABRIELLE O'DONNELL
DEPUTY MAYOR

Scott Allen
[witness's name]


[witness's signature]

37 Northridge Ave, Bella Vista
[witness's address]

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
General Powers	1.1	Scope of Employment	To exercise such administrative functions (as outlined in the position description and in accordance with approved Service Unit Plans and these delegations) of the Council as the position requires for the effective day to day management of the Council.
General Powers	1.2	Staff	To direct staff that report to the position provided such directions do not contravene this instrument of delegation.
General Powers	1.3	Public Officer	To undertake the role of Public Officer under the <i>Local Government Act 1993</i> .
General Powers	1.4	Protected Disclosures Co-ordinator	To undertake the role of Protected Disclosures Co-ordinator under the <i>Protected Disclosures Act 1994</i> .
General Powers	1.5	Disclosures Co-ordinator (Child Protection)	To undertake the role of Disclosures Co-ordinator under the City of Ryde's policy No.H5/1:Child Protection – Child-related Employment Provisions
General Powers	1.6	Privacy Officer	To undertake the role of Privacy Officer under the <i>Privacy and Personal Information Protection Act 1998</i> .
General Powers	1.7	Competitive Neutrality Co-ordinator	To undertake the role of Competitive Neutrality Co-ordinator.
General Powers	1.8	Roads Act 1993	To exercise the functions of Council as the road authority under the Roads Act 1993 to carry out the requirements of the position. These functions under the Act are : Part 3 – Boundary levels Part 6 – Roadworks Part 7 – Protection of roads and traffic Part 9 – Regulate works by others Part 11 – Entry to land Part 13 – Financial assistance, cost recovery and payment for works Part 14 - provide directions and enforce the provisions of the Act

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Administration	2.1	Access to documents	<p>To exercise any function under the <i>Government Information (Public Access) Act 2009</i> including, without limitation: making "public access information" publicly available, releasing information in response to informal requests, deciding access applications and maintaining registers. To respond to formal and informal requests for access to information under The <i>Government Information (Public Access) Act 2009</i> (GIPA Act).</p> <p>To manage the proactive release of information on City of Ryde websites or in other accessible formats. Facilitate compliance with reporting requirements under <i>GIPA Act</i>.</p>
Administration	2.1(a)	Access to documents	To exercise function under the <i>Government Information (Public Access) Act 2009</i> including, making "public access information" publicly available, releasing information in response to informal requests, deciding access applications and maintaining registers.
Administration	2.2	Procurement – Goods and services, including Consultancies and Professional Services	<p>To negotiate terms, approve or execute contracts for purchase of Goods and Services - in accordance with Council's Procurement policies and procedures and within approved budgets (as documented in the Management Plan) to the value of (including GST):</p> <p>Group Manager: equal to or <\$500,000 Service Unit Manager: equal to or <\$150,000 Project Manager: equal to or <\$150,000 Section Manager: equal to or <\$50,000 Speciality Titled: equal to or <\$amount Team Manager: equal to or <\$15,000 Coordinator: equal to or <\$10,000</p>
Administration	2.3	Deleted	Deleted
Administration	2.4	Payments	To approve of payments made in accordance with financial delegation (outlined in 2.2 and 2.3) and with Council's Procurement policies and procedures and within approved budgets (as documented in the Management Plan).
Administration	2.5	Tendering	To determine the method of tendering for any contract after consultation with the positions Group Manager or General Manager where such a decision has not been made by Council resolution.

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Administration	2.6	Disposal of Assets	To dispose of assets that have an individual value less than: a) \$5,000 b) \$20,000 in accordance with Council policies and procedures.
Administration	2.7	Disposal of Assets – Plant and Fleet	To dispose of plant and fleet assets that are traded for a net positive cash flow or in accordance with a contract pursuant to a tender accepted by Council provided that the maximum practicable price is obtained and the disposal is in accordance with Council policy and ICAC guidelines.
Administration	2.8	Use and Hire of Property / Facilities	To negotiate terms, approve and execute contracts for the use of and hire of Council property and facilities subject to compliance with Council's Schedule of Approved Fees and Charges provided that such use is of a temporary nature.
Administration	2.9	Purchase Art	To purchase art pieces of local significance on behalf of Council (in conjunction with the Mayor) at the Annual City of Ryde Art Exhibition.
Administration	2.10	Councillors Payments	To administer the Council's policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors.
Administration	2.11	Emergency Management	To exercise any of Council's functions under the <i>State Emergency and Rescue Management Act 1989</i> .
Administration	2.12	Insurances	To enter into contracts of insurance to cover Council assets and any potential liabilities and exposures to claims.
Administration	2.13	Media	To make statements on behalf of Council to the media provided that there has been prior consultation with the General Manager and statements are made in conformity with any directions given by the General Manager.
Administration	2.14	Public Notices	To give public notice where required under legislation relevant to the operations of the service unit. To approve the form of public notice where no prescribed form exists.
Administration	2.15	Records	To manage, protect and dispose of Council records in accordance with the <i>State Records Act 1998</i> .

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Administration	2.16	Representation	To represent the Council before any commission, inquiry or the like for the relevant service unit and function, subject to the prior approval of the General Manager.
Administration	2.17	Seal	To maintain custody of the Seal of Council. To attest to the affixing of the Seal in conjunction with the Mayor, or in the absence of the Mayor, with any Councillor to any documents authorised to be executed under seal by a resolution of Council.
Administration	2.18	Signing – Group Manager level	To sign correspondence, including Members of Parliament or heads of Government Departments (with copies sent to the General Manager), applications, agreements, submissions, plans and any other documents that relate to the routine operation of the position's area of responsibility, except for letters: a) that commit Council to a policy; b) that are inconsistent with Council's adopted policies; c) where there is no existing policy or where Council's existing policy is unclear; d) that commit Council to expenditure not included in the budget.
Administration	2.19	Signing	To sign correspondence, applications, agreements, submissions, plans and any other documents that relate to the routine operation of the position's area of responsibility, except for letters: a) to Members of Parliament or heads of Government Departments; b) that commit Council to a policy; c) that is inconsistent with Council's adopted policies or practices; d) where there is no existing policy or where Council's existing policy is unclear; e) that commit Council to expenditure not included in the budget; f) dealing with known controversial matters.
Finance	3.1	Bonds / Deposits	To release bonds up to \$5,000 in compliance with Council's Schedule of Approved Fees and Charges and policies.
Finance	3.1(i)	Bonds / Deposits	To approve the release bonds up to \$5,000 in compliance with Council's Schedule of Approved Fees and Charges and policies and the officer's area of expertise.
Finance	3.2	Refunds	To provide refunds in accordance with Council's Schedule of Approved Fees and Charges.

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Finance	3.3	Sponsorship	To negotiate sponsorship as income or in-kind support for projects approved by Council and in accordance with Council's policies and procedures.
Finance	3.4	Finance Certificates	To certify and issue certificates under section 603 of the <i>Local Government Act 1993</i> .
Finance	3.5	Claims	To settle insurance claims to a limit of \$10,000 against Council on fair and reasonable terms.
Finance	3.6	Debts to Council	To write-off debts up to a limit of \$5,000 in accordance with clause 213 of the <i>Local Government (General) Regulation 2005</i> .
Finance	3.7	Emergencies	To expend funds on emergency works, after consultation with the General Manager for work including but not limited to: a) Emergency pollution clean up where funding is available through any grant; b) Storm damage clean up on public areas; c) The protection of the public from obstructions in, structures/trees overhanging or unstable structures adjacent to, a public place with reimbursement of costs sought from the responsible person.
Finance	3.8	Grants – Group Managers	To apply for and accept grants appropriate to the service unit.
Finance	3.9	Grants - SUMs	To apply for and accept grants relevant to the service unit subject to no unbudgeted financial commitment being imposed upon Council.
Finance	3.10	Investments	To invest Council's funds (up to \$1 million) with accredited financial institutions in accordance with Council's investment policy subject to prior consultation with the General Manager.
Finance	3.11	Rate Abandonments	To waive or reduce rates, charges and interest in accordance section 582 of the <i>Local Government Act 1993</i> and Council's policy.
Finance	3.12	Rating Categories	To determine applications for change of rating category under section 525 of the <i>Local Government Act 1993</i> .
Finance	3.13	Rating Exemptions	To determine whether land is exempt from rates under sections 555 and 556 of the <i>Local Government Act 1993</i> .
Finance	3.14	Rates Postponed	To postpone rates for qualifying assessments under section 591 of <i>Local Government Act 1993</i> .
Finance	3.15	Rate Reductions	To reduce rates for eligible pensioners under section 575 of the <i>Local Government Act 1993</i> .

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Finance	3.16	Rate Write-offs	<p>To write-off pensioner rates, charges and interest under and in accordance with section 583 of the <i>Local Government Act 1993</i>.</p> <p>To write-off or reduce accrued interest on rates and charges for periodic payments under and in accordance with section 564 of the <i>Local Government Act 1993</i>.</p> <p>To write-off or reduce accrued interest on rates and charges for hardship under and in accordance with section 567 of the <i>Local Government Act 1993</i>.</p> <p>To write-off rates, charges and accrued interest for postponed rates under section 595 of the <i>Local Government Act 1993</i>.</p> <p>To write-off rates, charges and accrued interest for additional prescribed circumstances under section 607 of the <i>Local Government Act 1993</i>.</p>
Finance	3.16 (i)	Rate Write-offs -Team Manager	<p>To write-off pensioner rates, charges and interest under and in accordance with section 583 of the <i>Local Government Act 1993</i>.</p> <p>To write-off or reduce accrued interest (minor amounts up to the value of \$50) on rates and charges for periodic payments under and in accordance with section 564 of the <i>Local Government Act 1993</i>.</p> <p>To write-off or reduce accrued interest on rates and charges (minor amounts up to the value of \$50) for hardship under and in accordance with section 567 of the <i>Local Government Act 1993</i>.</p> <p>To write-off rates, charges and accrued interest for postponed rates under section 595 of the <i>Local Government Act 1993</i>.</p> <p>To write-off rates, charges and accrued interest (minor amounts up to the value of \$50) for additional prescribed circumstances under section 607 of the <i>Local Government Act 1993</i>.</p>
Finance	3.17	Urgent Works	To organize and pay for any work considered to be urgent at a cost not exceeding \$10,000.

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Human Resources	4.1	Disclosures of Interests	To identify positions of a designated person and committees whose members are designated persons under section 441 of the <i>Local Government Act 1993</i> .
Human Resources	4.2	Staff – Appointment and Termination	To appoint and terminate staff in accordance with the <i>Local Government Act 1993</i> , Council's Human Resources Policies, <i>Local Government State Award</i> , organisational structure and within budget parameters.
Human Resources	4.3	Staff – Negotiate contracts	To negotiate and enter into employment contracts for positions that are not graded in accordance with the <i>Local Government Act 1993</i> , Council's Human Resources Policies, organisational structure and within the Ordinary Salaries & Wages budget.
Human Resources	4.4	Staff - Transfer	To transfer permanent, part-time and casual staff in accordance with the <i>Local Government Act 1993</i> , Council's Human Resources Policies, <i>Local Government State Award</i> and within approved organisational structure, staffing budget and staff establishment.
Human Resources	4.5	Staff – Grade Positions	To grade positions in Council's organisational structure.
Human Resources	4.6	Staff – Leave and Overtime	To approve staff leave and overtime in accordance with Council's policies, <i>Local Government State Award</i> and within budget parameters.
Human Resources	4.6 (i)	Staff – Leave	To approve staff leave in accordance with Council's policies, <i>Local Government State Award</i> and within budget parameters.
Human Resources	4.7	Staff – Higher duties	To approve higher duties in accordance with Council's Human Resources policies, <i>Local Government State Award</i> and within approved organisational structure, staff establishment and within the Ordinary Salaries & Wages budget.
Human Resources	4.8	Staff – Secondary employment	To approve secondary employment in accordance with Council's Human Resources Policies.
Human Resources	4.9	Staff – Requests for staff equipment / software	To approve requests for staff equipment, software requirements in accordance with Council's policies and within approved operational budget.
Human Resources	4.10	Staff - Training	To authorise attendance at conferences and recommend training courses in accordance with Council's Training Calendar, as identified through individual training plans and within budget parameters.

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Human Resources	4.11	Staff – Performance Review	To conduct performance reviews of staff according to Council policies and procedures and make recommendations for salary increases.
Human Resources	4.12	Staff – Union Negotiations	To conduct negotiations and reach agreement with Unions, as required on behalf of City of Ryde in consultation with the General Manager.
Human Resources	4.13	Staff – Tribunals / Commissions and Courts	To appear before and settle Tribunals / Commissions or Courts in relation to industrial relations or OH&S matters on behalf of the City of Ryde in accordance with instructions from the General Manager.
Human Resources	4.14	Staff - Investigations	To conduct investigations in relation to any staff matter including the prevention of harassment, grievance and/or discipline in consultation with the General Manager.
Human Resources	4.15	Staff - Volunteers	To engage and dismiss volunteers (including work experience, placements and interns) in accordance with Council policies or Council resolutions.
Regulatory	5.1	Approvals / Refusals	<p>To determine in accordance with sections 92, 106 and 107 of the <i>Local Government Act 1993</i> any applications to which those sections relate provided that such applications conform with:</p> <ul style="list-style-type: none"> a) the provisions of the <i>Local Government (General) Regulation</i>; b) the Building Code of Australia; c) relevant Standards Association of Australia standards or codes; d) relevant Council codes and policies; e) the provisions of the Ryde Local Environment Plan; f) relevant local, Regional and State environmental planning instruments; and/or g) the provisions of the <i>Environmental Planning and Assessment Act</i>, or h) which depart from building lines, development or other numerical standards in accordance with Council's policies, practices and procedures.

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Regulatory	5.2	Development Applications (Group Manager, Environment and Planning)	<p>To determine in accordance with sections 80, 95A and 96 of the <i>Environmental Planning and Assessment Act 1979</i> applications to which those sections apply, save where:</p> <p>a) the development the subject of the application has a construction value in excess of \$20 million; or</p> <p>b) the determination is inconsistent with the recommended determination by the Manager assessment, Team leader and/or Assessing officer.</p>
Regulatory	5.3	Development Applications (Health and Building)	<p>Except where clause 5.4 applies, to determine in accordance with sections 80, 95A and 96 of the <i>Environmental Planning and Assessment Act 1979</i> any applications to which those sections apply provided that the applications and the developments to which the applications relate conform with:</p> <p>a) the Building Code of Australia;</p> <p>b) relevant Standards Association of Australian standards or codes;</p> <p>c) relevant Council codes and policies;</p> <p>d) the Ryde Local Environmental Plan;</p> <p>e) relevant Regional and State environmental planning instruments; and/or</p> <p>f) the provisions of the Environmental Planning and Assessment Act</p> <p>Save where the non-conformance relates to breach of a numerical development control in Council's codes and policies (excluding the Ordinance) up to 5% subject to concurrence by the General Manager and Group Manager - Environment and Planning.</p>
Regulatory	5.3(i)	Development Applications-Service Unit Manager (Assessments)	<p>Except where clause 5.4 applies, to determine in accordance with sections 80, 95A and 96 of the <i>Environmental Planning and Assessment Act 1979</i> any applications to which those sections apply, save where the development the subject of the application</p> <p>a) has a construction value in excess of \$10 million; or</p> <p>b) is the subject of five or more submissions that object, in whole or in part, to the development.</p>

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Regulatory	5.3(ii)	Development Applications-Team Leader	<p>Except where clause 5.4 applies, to determine in accordance with sections 80, 95A and 96 of the <i>Environmental Planning and Assessment Act 1979</i> any applications to which those sections apply, save where the development the subject of the application</p> <p>a) has a construction value in excess of \$2 million; or</p> <p>b) is the subject of three or more submissions that object, in whole or in part, to the development.</p> <p>c) requests a variation of development standards under clause 4.6 of the Ryde Local Environment Plan;</p> <p>d) proposes a payment under Section 94 of the Environmental Planning and Assessment Act 1979.</p>
Regulatory	5.4	Variation of Standards	<p>To determine in accordance with section 80 of the EPAA an application to which the section relates that is accompanied by an objection pursuant to State Environmental Planning Policy No.1, ("SEPP 1") subject to:</p> <p>a) the concurrence of the General Manager;</p> <p>b) the concurrence of the Director-General under clause 7 of SEPP 1 having been obtained or which can be assumed to have been given;</p> <p>c) the variation of the development standard to which the objection relates ("Standard") being no more than 5%;</p> <p>d) the Standard does not relate to development density;</p> <p>e) the restrictions in paragraph 5.2 being met (save for the requirement for compliance with the Ordinance as regards the Standard);</p> <p>f) no public submission being received concerning the variation of the Standard.</p>
Regulatory	5.5	Tree Applications	To determine applications made for approval under Council's Tree Preservation Order in accordance with the Order and Council's Tree Management Policy.
Regulatory	5.6	Street Trees	To approve the removal, pruning and/or replacement of street trees in compliance with Council policy.

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Regulatory	5.7	Trees on community land	<p>To approve the removal and/or pruning of trees on community land where the tree:</p> <ul style="list-style-type: none"> a) has become diseased, dying or badly distorted; b) presents a danger to life or a threat of significant property damage; c) is required to be removed for Council works and the removal has been noted in Council's approval for those works; d) is of a species that is recognized by Council as a weed.
Regulatory	5.8	Planning Certificates	<p>To issue or refuse to issue certificates under and in accordance with:</p> <ul style="list-style-type: none"> a) Part 4A of the <i>Environmental Planning and Assessment Act</i>; b) Section 149A <i>Environmental Planning and Assessment Act</i> – building certificates; c) Section 24 of the <i>Swimming Pools Act 1992</i>. <p>To issue certificates under:</p> <ul style="list-style-type: none"> d) section 121ZP <i>Environmental Planning and Assessment Act</i> – outstanding notices e) section 149 <i>Environmental Planning and Assessment Act</i> – planning certificates.
Regulatory	5.8 (i)	Planning Certificates	To issue or refuse to issue certificates in and in accordance with Part 4A of the <i>Environmental Planning and Assessment Act</i> (known collectively as "Part 4A certificates")
Regulatory	5.9	Works under Road Act	To grant consent under and in accordance with Section 138 of the <i>Roads Act 1993</i> .
Regulatory	5.10	Sign off plans	To sign off final plans for construction and maintenance works in the area of budget responsibility
Regulatory	5.11	Legal Action	<p>To commence legal action for and on behalf of the Council.</p> <p>To issue and file court attendance notices.</p> <p>To discontinue, withdraw or settle legal proceedings should the dispute the subject of the proceedings be resolved to the satisfaction of the General Counsel.</p>

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Regulatory	5.12	Legal Action	<p>To commence legal action for and on behalf of the Council.</p> <p>To issue and file court attendance notices.</p> <p>To discontinue or withdraw legal proceedings should the dispute be subject of the proceedings be resolved to the satisfaction of the General Manager and provided Council's reasonable legal costs are paid.</p> <p>To defend Council in any court elections made in response to a penalty infringement notice issued by Council in consultation with the General Counsel or relevant Group Manager.</p>
Regulatory	5.13	Powers of Entry, Inspection and Investigation	To authorise staff to enter premises and exercise powers of inspection under and in accordance with any Act or Regulation.
Regulatory	5.14	Search Warrants	To authorise staff to apply for and execute search warrants under and in accordance with any Act or Regulation.
Regulatory	5.15	Warnings and Directions	To authorise staff to issue warnings and directions under and in accordance with any Act or Regulation.
Regulatory	5.16	Powers of Seizure	To authorise staff to exercise powers of seizure under and in accordance with any Act or Regulation.
Regulatory	5.17	Abatement of Public Nuisances	To authorise staff to abate public nuisances under Section 125 of the <i>Local Government Act 1993</i> .
Regulatory	5.18	Clean-up of Pollution Nuisances	To authorise staff and contractors to take clean-up action under Section 92 of the <i>Protection of the Environment Operations Act 1997</i> .

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Regulatory	5.19	Notices and Orders	<p>To issue notices and orders in accordance with any Act or regulation, including but not limited to notices and orders under:</p> <p>a) Sections 124 and 125 of the <i>Local Government Act</i>; b) Section 121B of the <i>Environmental Planning and Assessment Act</i>; c) Section 23 of the <i>Swimming Pools Act 1992</i>; d) Sections 91, 96, 104, 192, 203(2) and 264 of the <i>Protection of the Environment Operations Act 1997</i>; e) Section 48 of the <i>Public Health Act 1991</i>; f) Section 60 of the <i>Food Act 2003</i>; g) Sections 35 and 38 of the <i>Companion Animals Act 1998</i>; h) Section 18 of the <i>Noxious Weeds Act 1993</i>.</p> <p>To hear and determine representations concerning proposed orders.</p> <p>To modify or revoke notices and orders in accordance with the relevant Act or Regulation.</p>
Regulatory	5.20	Penalty Notices	To authorise staff to issue penalty notices under and in accordance with any Act or Regulation.
Regulatory	5.21	Enforcement	To authorise staff to exercise any other power or function of an authorised person, authorised officer, enforcement officer or inspector under any Act or Regulation and subject to Council's adopted Enforcement policies.
Regulatory	5.22	Street Names and House Numbers	To approve street names and allocate and change house numbers.
Regulatory	5.23	Satisfaction of Conditions of Development Consent	To determine under and in accordance with sections 80(3) or 80A(2) of the <i>Environmental Planning and Assessment Act</i> whether relevant conditions of a development consent have been satisfied.

ITEM 12 (continued)

ATTACHMENT 2

Category	#	Function	Authority / Limitation
Regulatory	5.24	Outdoor dining - owners consent and Road Act approval	To grant approvals under section 125 of the <i>Roads Act 1993</i> provided the approval complies with Council policy. To grant approvals under section 125 of the <i>Roads Act 1993</i> in circumstances where the only non-compliance with Council policy is footpath width requirements provided disabled access over the footpath is still maintained.
Regulatory	5.25	Consent for the lodgement of DAs on Council land	To grant owners consent for the lodgement of development applications over Council land for matters approved by Council in the Management Plan, minor building works, subdivision plans or the use of footpaths for outdoor dining or displays.
Regulatory	5.26	Waive Development Application Fees	To waive Development Application Fees up to an amount of \$100,000 where applications are: a) the result of minor matters or administrative errors under Section 96.1 or 96.1(a) of the EP&A Act. b) The result of Council direction to make changes to development applications; or c) The result of a specific resolution of Council
Other Delegations	6.1	Protection of Environment	Undertake the functions of the Council as provided by the Minister for the Environment to the Director of Environmental Standards, under the provisions of the <i>Protection of the Environment Operations Act 1997</i>
Other Delegations	6.2	Public Health and Food	Undertake the functions of the Council as provided by the Minister for Health, to the Director of Environmental Standards under the provisions of the <i>Public Health Act 1991</i> and <i>Food Act 2003</i> .
Other Delegations	6.3	Execute documents	To execute any documents relating to caveats, easements, covenants, charges or other such instruments provided that executing the document will not diminish the nature or extent of Council's interest in the land or instrument to which the document relates
Other Delegations	6.4	Execute documents	To execute agreements or documents pertaining to a lease, licence, land transfer or voluntary planning agreement provided that the lease, licence, transfer or agreement has been endorsed by Council resolution and provided that executing the document accords with the terms of the lease, licence or agreement (if any).

13 INVESTMENT REPORT - August and September 2012

Report prepared by: Chief Financial Officer

File No.: GRP/09/4/1/7 - BP12/1046

REPORT SUMMARY

This report details Council's performance of its investment portfolio for the months of August and September 2012 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, an update on Council's legal action and a commentary on significant events in global financial markets.

Council's financial year to date return is 5.35%, 1.70% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$1.07M, which is \$208K above budget projections, which will improve Council's Working Capital result at 30 June 2013.

RECOMMENDATION:

That Council endorse the report of the Chief Financial Officer dated 10 October 2012 on Investment Report – August and September 2012.

ATTACHMENTS

There are no attachments for this report.

Report Prepared and Approved By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 13 (continued)

Discussion

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

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	Face Value	Book Value
• Grange IMP - Merimbula CDO	N/R	20/06/2013	\$0.20m	\$0.00m
- Global Bank Note CDO	N/R	20/09/2014	\$0.50m	\$0.00m
• Oasis CDO *	CC	04/09/2014	\$1.00m	\$0.00m
• FOCUS Note	AA	20/12/2012	\$0.50m	\$0.50m

(* Council at its meeting of 25 May 2010 wrote down/ impaired the Oasis CDO to a nominal value, this being funded from the Financial Security Reserve.)

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

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for the months of August and September 2012 and the past 12 months are as follows:

	Aug 2012	Sep 2012	12 Mth	FYTD
Council Return	5.22	5.46	5.56	5.35
Benchmark	3.58	3.88	4.36	3.65
Variance	1.64	1.58	1.20	1.70

During the month of November Council sold its holdings of \$1M NAB Floating Rate Note (FRN) which matures December 2014 at a capital gain of \$13K, and reinvested the proceeds from these sales in fixed term deposits at a higher interest rate than was expected on the FRN over the next 2 to 3 years.

Council also sold \$1M CBA FRN maturing July 2015 for a capital gain of \$7K, and reinvested those funds in CBA retail bonds at a higher yield.

ITEM 13 (continued)

Council's investment portfolio as at the end of September was as follows:

Cash/Term Deposits	\$64.9M	64.67%
Floating Rate Notes	\$17.9M	17.80%
Fixed Rate Bonds	\$2.0M	1.98%
Other Financial Products	\$0.5M	0.50%
Total Cash Investments	\$85.2M	
Property	\$15.1M	15.05%
Total Investment Portfolio	\$100.3M	

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to six months maturity) where more competitive rates are available.

This guarantee is in a transitory period, where term deposits made before 10 September 2011 continue to be covered at the current \$1 million level from now until 31 December 2012, or until the deposit matures, whichever occurs sooner. Any term deposits made after 10 September 2011 are guaranteed by the Federal Government up to \$250K.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$2.072M as at September 2012 as detailed below:

Financial Security Reserve	(\$'000)
Balance 1 July 2012	2,064
Interest on Written Down CDO's ⁽¹⁾	8
Proceeds from Sales & Maturities ⁽²⁾ of Written Down CDO's	0
Balance of Financial Security Reserve	2,072

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

(2) There have been no sales to date in 2012/2013.

Economic Commentary

The RBA cut interest rates by 0.25% in its October board meeting, flagging weaker global growth and the high exchange rate. In the accompanying statement RBA Governor Glenn Stevens said "Economic activity in Europe is contracting, while growth in the United States remains modest. The RBA also flagged the end of the mining boom, stating that "Looking ahead, the peak in resource investment is likely to occur next year, and may be at a lower level than earlier expected,"

Nationally, sales of new houses for June posted a fall dropping 5.6%, with every state bar Queensland suffering a drop. In indicators that the mining boom is slowing, with BHP announcing it was shelving indefinitely its \$20B+ plan to expand its Olympic Dam complex, with dropping commodity prices, rising capital costs and a high AUD weighing heavily on the sector.

ITEM 13 (continued)

In the US, risks that the US could slip into a double dip recession increased according to S&P, citing risks from the very much ongoing European debt crisis, along with budget tightening at year end. In the second quarter the world's largest economy grew at 1.5% annual rate and unemployment remained above 8%. However, new property sales surged ahead by 3.6% in July from June, raising hopes that, six years after the pricing bubble collapsed, this sector of the economy is finally stabilising. Despite this, nearly one in three homeowners owes more on their mortgage than their house is worth.

The Eurozone economy contracted 0.2% in the second quarter. Sources state that the ECB is considering setting target prices for bonds, where the ECB would purchase the bonds of financially troubled countries, thus setting a cap on those countries borrowing costs.

In a review of Greece's progress on meeting its bailout terms, German and French leaders presented a united front regarding the Hellenic nation, with both leaders reiterating their stance that Athens should not expect any leeway on its agreement. However, short of forcing Greece out of the European Union, an option which neither party has any appetite for given the risk of a "domino effect", they may have little choice in the matter.

China's factory output shrank at its fastest pace in 9 months in addition to unsold inventories piling up, with steel stockpiles hitting record high levels in August. In response to an economy that is cooling faster than expected, the Chinese government announced 8 trillion Yuan (\$1.2tn) of stimulus projects.

Legal Issues

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. Council at its meeting on 17 July 2012 also endorsed being a third party to an action against the CBA for the Oasis CDO investment.

The following update is provided in respect of Council's legal action in these matters due to recent developments.

Lehman / Grange IMP

On Friday 21 September 2012, Justice Rares handed down the judgment in this matter, which was in favour of the Councils involved in this legal action.

An update has been provided by IMF, the funding organisation for the legal proceedings and is as follows;

Reasons for Judgment

1. While the Court delivered reasons for judgment on 21 September, final orders are not likely to be made until 5 November 2012. The Liquidators of Lehman Australia may appeal the decision within 28 days from the date on which final orders are made. They have not indicated whether an appeal is likely.

ITEM 13 (continued)

2. The Court's judgment and a summary of that judgment can be found at the following link: <http://www.austlii.edu.au/au/cases/cth/FCA/2012/1028.html>
3. In summary, the Court found that the Claim SCDOs did not have the characteristics promised by Grange in that the SCDOs:
 - a. Were not a secure investment;
 - b. Were not easily tradeable on a secondary market; and
 - c. Were not a suitable investment for risk averse Councils.
4. Given the Court's findings on the true character of the SCDO as an investment product, the Court found that Grange had:
 - a. Breached the IMP Agreements it held with certain Councils;
 - b. Breached fiduciary duties owed pursuant to the IMP Agreements;
 - c. Was negligent in providing the advice it did; and
 - d. Engaged in misleading and deceptive conduct.
5. Lehman's arguments that the companies providing the ratings were also liable and that the Councils contributed to the losses they suffered were rejected by the Court.
6. The Court outlined how damages should be calculated for SCDO's which had been sold, for SCDOs still held and for "Dante" series notes.
7. This judgment makes findings on the claims of the three representatives and on common issues of fact and law. These common issues bind the Liquidator of Lehman Australia to assess the claims of group members in accordance with those common issues.

Next Steps

8. Due to a range of factors, it is not presently possible to calculate the amounts to which group members will be entitled from the liquidation of Lehman Australia. These factors include:
 - a. whether or not the Liquidators of Lehman lodge an appeal;
 - b. whether the claims of group members will be assessed through a claims resolution process or through a contested adversarial process;
 - c. whether settlement of the claims of group members can be reached by agreement - with or without a claims resolution process; and
 - d. uncertainty as to the final asset and liability position in the liquidation of Lehman.
9. IMF will provide a further update once it is known whether the Liquidators of Lehman will lodge an appeal and once the process for determining the claims of group members is known.

ITEM 13 (continued)**LGFS – Rembrandt**

Legal proceedings concluded after 13 weeks. Since the conclusion, the Applicants filed further submissions on 28 May 2012. In response to this, ABN and S&P are now seeking leave of the Court to file further submissions. Given the length and complexity of these proceedings, judgement is not likely to be handed down until later in 2012.

An approach has been made by ABN AMRO to settle these proceedings, which has been responded to by the parties in this action. A further update will be provided to Council, once further developments occur in this matter.

CBA – Oasis

Council has endorsed Council being a third party to an action against CBA in relation to the Oasis CDO investment for \$1.0 million that Council has written down to zero. It is still early in this legal action being taken and no further updates have been received since last reported to Council.

While Council has written off this investment, the investment has 1 further default until it completely defaults. Council has been approached to sell this investment which currently has a market value of between \$0.15-\$0.17 cents. Council is currently considering selling this investment, if these offers can be confirmed as this offer is equivalent to three years of interest on this investment.

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

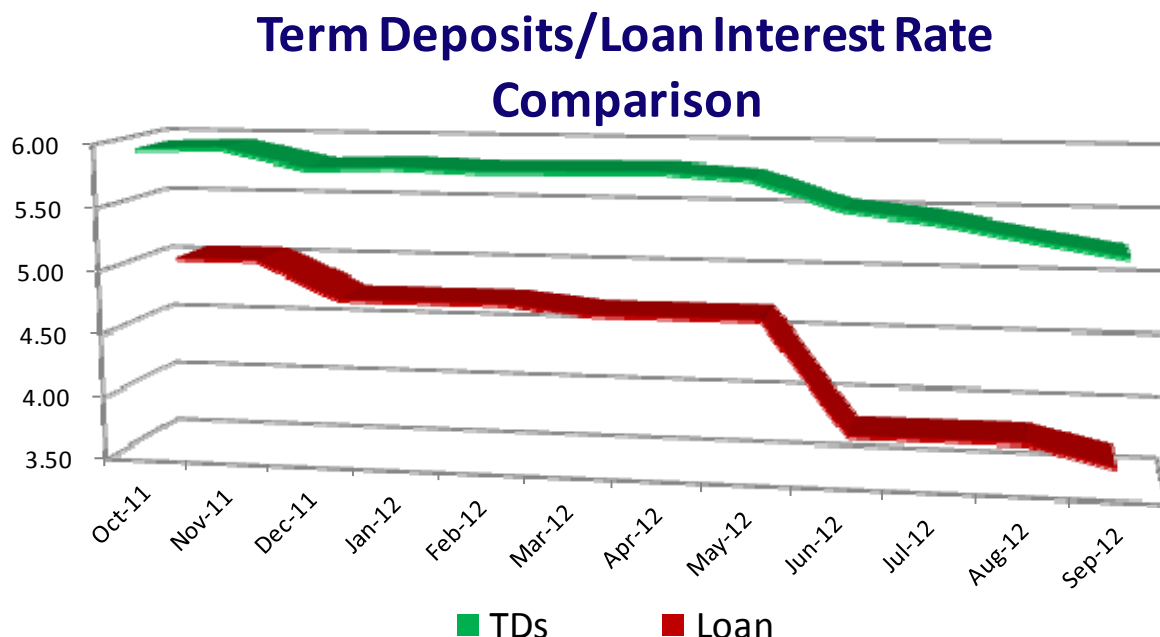
The properties within this portfolio are under review as part of the updating of the Asset Management Plans to ensure that Council clearly identifies those properties that are held as an investment, which may also include commercial properties and other operational assets that may be earmarked for future development. Once this review is complete, it will be reported to Council for consideration.

Loan Liability

Council's loan liability as at 30 September 2012 was \$3.8 million which represents the balance of one 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.

ITEM 13 (continued)

There is no advantage to Council in changing these arrangements or repaying this loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying on the loan. The following graph shows the gap between the average interest rate earned on Council's term deposits (top line) compared to the interest rate applying to this loan (bottom line).



Debt Service Ratio

It should be noted that whilst Council's debt service ratio is low, all of Council's funds are committed to operational costs and projects of a capital and non-capital nature. This means that Council does not have the capacity to take on any additional debt without a new dedicated revenue stream to fund the loan repayments or by cutting services.

Debt Service Ratio		
Category 3 Councils	2009/10	2.77%
City of Ryde**	2011/12	0.75%
**unaudited figure		

Types of Investments

The following are the types of investments held by Council:

- **At Call** refers to funds held at a financial institution, and can be recalled by Council either same day or on an overnight basis.
- A **Floating Rate Note (FRN)** is a debt security issued by a company with a variable interest rate. This can either be issued as Certificates of Deposit (CD) or as Medium Term Notes (MTN). The interest rate can be either fixed or floating, where the adjustments to the interest rate are usually made quarterly and are tied to a certain money market index such as the Bank Bill Swap Rate.

ITEM 13 (continued)

- A **Fixed Rate Bond** is a debt security issued by a company with a fixed interest rate over the term of the bond.
- A **Floating Rate 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 13 (continued)

INVESTMENT SUMMARY AS AT 31 AUGUST 2012

Issuer	Investment Name	Investment Rating	Invested at 31-Aug-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Helix Capital	1. OASIS	CC	0	5.25	6.32	5.25	0.00	0	100.00%
Westpac	2. Focus	AA-	500	0.00	0.00	0.00	0.60	499	99.80%
Grange	3. Grange IMP	Unrated	0	0.00	10.43	0.00	0.00	0	100.00%
Westpac	4. Westpac At Call	AA-	6,737	3.50	4.24	3.52	8.06	6,737	100.00%
Bank of Queensland	5. Bank of Queensland TD	BBB+	750	5.37	6.19	5.69	0.90	750	100.00%
ANZ	6. ANZ Term Deposit	AA-	1,000	5.01	5.70	5.01	1.20	1,000	100.00%
St George	7. St George Term Deposit	A+	1,000	5.63	5.63	5.63	1.20	1,000	100.00%
NAB	8. NAB Term Deposit	AA-	1,000	5.49	5.74	5.49	1.20	1,000	100.00%
Westpac	9. Westpac Term Deposit	AA-	1,000	5.15	5.15	5.15	1.20	1,000	100.00%
NAB	10. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	1.20	1,000	100.00%
AMP	11. AMP TD	A	1,000	6.08	6.08	6.08	1.20	1,000	100.00%
MyState CU	12. MyState CU TD	BBB	500	4.91	5.85	5.34	0.60	500	100.00%
NAB	13. NAB Term Deposit	AA-	1,000	5.32	5.61	5.32	1.20	1,000	100.00%
Police & Nurses Credit Union	14. Police & Nurses Credit Union	Unrated	500	5.06	5.63	4.98	0.60	500	100.00%
Bankwest	15. Bankwest TD	AA-	1,000	5.24	5.75	5.24	1.20	1,000	100.00%
Bankwest	16. Bankwest TD	AA-	1,000	5.19	5.82	5.19	1.20	1,000	100.00%
Bankwest	17. Bankwest Term Deposit	AA-	1,000	5.19	5.85	5.43	1.20	1,000	100.00%
NAB	18. NAB Term Deposit	AA-	1,000	5.73	5.78	5.73	1.20	1,000	100.00%
Defence Bank	19. Defence Bank TD	Unrated	500	5.89	6.02	5.89	0.60	500	100.00%
Railways CU	20. Railways CU	Unrated	500	5.13	5.93	5.54	0.60	500	100.00%
New England Credit Union	21. Community Mutual Group TD	Unrated	500	4.88	5.56	4.88	0.60	500	100.00%
Qld Police CU	22. Qld Police CU TD	Unrated	500	5.04	5.61	5.04	0.60	500	100.00%
Qld Country CU	23. Qld Country Credit Union	Unrated	500	5.42	5.59	5.42	0.60	500	100.00%
Community CPS	24. Community CPS TD	Unrated	500	4.96	5.78	5.13	0.60	500	100.00%
Bendigo and Adelaide Bank	25. Bendigo Bank TD	A-	1,000	4.95	5.64	4.95	1.20	1,000	100.00%
Hunter United Credit Union	26. Hunter United Credit Union TD	Unrated	500	4.90	5.33	5.21	0.60	500	100.00%
CUA	27. Credit Union Australia TD	BBB+	1,000	5.82	5.97	5.82	1.20	1,000	100.00%
Coastline CU	28. Coastline Credit Union TD	Unrated	500	5.34	5.52	5.34	0.60	500	100.00%
Peoples Choice CU	29. Peoples Choice CU	BBB+	500	4.92	5.72	4.83	0.60	500	100.00%
Australian Defence Credit Union	30. Australian Defence CU TD	Unrated	500	5.41	5.86	5.41	0.60	500	100.00%
Rural Bank	31. Rural Bank	A-	1,000	6.48	6.48	6.48	1.20	1,000	100.00%
Banana Coast CU	32. Banana Coast CU TD	Unrated	500	5.21	5.71	5.21	0.60	500	100.00%
Qantas Staff CU	33. Qantas Staff CU TD	BBB	500	4.75	5.56	4.75	0.60	500	100.00%
Southern Cross CU	34. Southern Cross CU TD	Unrated	500	5.22	5.96	5.22	0.60	500	100.00%
B&E Ltd	35. B & E Building Soc TD	Unrated	500	4.84	5.65	5.20	0.60	500	100.00%
Victoria Teachers CU	36. Victoria Teachers CU	Unrated	500	5.06	5.84	5.06	0.60	500	100.00%
CBA	37. CBA TD	AA-	2,000	5.76	5.76	5.76	2.39	2,000	100.00%
Me Bank	38. ME Bank TD	BBB	1,000	5.60	5.86	5.60	1.20	1,000	100.00%
Bankwest	39. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	1.20	1,000	100.00%
IMB	40. IMB TD	BBB	1,000	5.15	5.80	5.15	1.20	1,000	100.00%
Wide Bay CU	41. Wide Bay CU TD	BBB	500	5.03	5.89	5.56	0.60	500	100.00%
Northern Beaches CU	42. Northern Beaches CU TD	Unrated	500	5.09	6.25	5.09	0.60	500	100.00%
Queenslanders CU	43. Queenslanders CU TD	Unrated	500	5.16	5.72	5.16	0.60	500	100.00%
Warwick CU	44. Warwick CU TD	Unrated	500	5.19	5.70	5.19	0.60	500	100.00%
Maitland Mutual	45. Maitland Mutual Bldg Soc TD	Unrated	500	5.63	5.81	5.63	0.60	500	100.00%
AMP	46. AMP eASYSaver	A	933	4.43	5.13	4.31	1.12	933	100.00%
CBA	47. CBA Term Deposit	AA-	1,000	5.58	5.54	5.58	1.20	1,000	100.00%
Gateway CU	48. Gateway CU TD	Unrated	500	4.97	5.86	4.97	0.60	500	100.00%
Rabobank	49. Rabobank TD	AA	500	6.04	6.04	6.04	0.60	500	100.00%
Suncorp-Metway	50. Suncorp-Metway TD	A+	1,000	5.21	5.60	5.21	1.20	1,000	100.00%

ITEM 13 (continued)

Issuer	Investment Name	Investment Rating	Invested at 31-Aug-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Newcastle Perm Bldg Soc	51. Newcastle Perm Bldg Soc	BBB+	1,000	5.09	5.73	5.09	1.20	1,000	100.00%
QT Mutual Bank	52. QT Mutual Bank	Unrated	500	5.83	5.85	5.83	0.60	500	100.00%
ING	53. ING TD	A	1,000	6.62	6.62	6.62	1.20	1,000	100.00%
Greater Bldg Soc	54. Greater Bldg Soc TD	BBB	1,000	5.12	5.79	5.47	1.20	1,000	100.00%
Holidaycoast CU	55. Holidaycoast CU TD	Unrated	500	5.32	5.54	5.32	0.60	500	100.00%
Bank of Queensland	56. BoQ TCD	BBB+	2,000	5.22	5.90	5.28	2.39	2,002	100.10%
Suncorp-Metway	57. Suncorp Metway FRN	A+	1,000	4.62	5.51	4.62	1.20	999	99.92%
Beirut Hellenic Bank (Aust)	58. Beirut Hellenic Bank TD	Unrated	250	5.12	5.96	5.12	0.30	250	100.00%
AMP	59. AMP TD	A	1,000	7.14	7.14	7.14	1.20	1,000	100.00%
Rabobank	60. Rabobank TD	AA	500	5.88	5.95	5.88	0.60	500	100.00%
Bendigo and Adelaide Bank	61. Bendigo and Adelaide Bank FRN	A-	1,000	5.11	5.95	5.11	1.20	1,000	100.00%
Heritage Bank	62. Heritage Bank	BBB-	1,000	5.09	5.70	5.33	1.20	1,000	100.00%
CBA	63. CBA TD	AA-	1,000	5.00	5.42	4.82	1.20	1,000	100.00%
Rabobank	64. Rabodirect At-call	AA	602	4.33	4.96	4.33	0.72	602	100.00%
Me Bank	65. ME Bank At Call Account	BBB	962	4.33	5.04	4.33	1.15	962	100.00%
NAB	66. NAB FRN	AA-	1,001	4.77	5.63	4.77	1.20	1,001	100.07%
NAB	67. NAB FRN	AA-	997	4.88	5.75	4.88	1.19	1,001	100.07%
CBA	68. CBA FRN	AA-	999	4.88	5.66	5.03	1.20	1,001	100.07%
Westpac	69. Westpac FRN	AA-	997	4.99	5.68	5.02	1.19	1,000	99.96%
CBA	70. CBA FRN	AA-	998	4.93	5.72	5.08	1.19	1,001	100.07%
CBA	71. CBA FRN	AA-	999	4.68	5.60	4.93	1.20	1,003	100.26%
NAB	72. NAB FRN	AA-	992	5.07	5.95	5.07	1.19	1,001	100.07%
Westpac	73. Westpac FRN	AA-	998	4.92	5.60	4.95	1.19	1,003	100.26%
NAB	74. NAB FRN	AA-	992	5.05	5.87	5.05	1.19	1,001	100.07%
CBA	75. CBA FRN	AA-	992	5.11	5.83	5.27	1.19	1,001	100.07%
NAB	76. NAB Flexi Deposit	AA-	1,000	4.82	5.70	4.82	1.20	1,000	100.00%
ANZ	77. ANZ FRN	AA-	991	5.20	5.83	5.23	1.19	1,000	99.96%
Rabobank	78. Rabobank FRN	AA	988	5.20	5.95	5.48	1.18	987	98.66%
Police CU (SA)	79. Police CU - SA	Unrated	500	5.70	5.67	5.70	0.60	500	100.00%
NAB	80. NAB FRN	AA-	1,001	4.83	5.53	4.83	1.20	1,015	101.46%
Investec	81. Investec TD	BBB-	250	5.24	5.93	5.24	0.30	250	100.00%
Territory Insurance Office	82. TIO Term Deposit	AA+	1,000	4.75	5.63	4.75	1.20	1,000	100.00%
NAB	83. NAB Fixed MTN	AA-	993	6.40	6.31	6.35	1.19	1,056	105.56%
Bankstown City CU	84. Bankstown City CU TD	Unrated	250	4.99	5.70	5.41	0.30	250	100.00%
Westpac	85. Westpac Fixed MTN	AA-	996	6.31	6.22	6.26	1.19	1,049	104.89%
ING	86. ING Direct	A	1,000	6.22	6.22	6.22	1.20	1,000	100.00%
Macquarie Bank	87. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.60	500	100.00%
CBA	88. CBA Retail Bond	AA-	953	5.27	5.61	5.44	1.14	949	97.85%
B&E Ltd	89. B & E Building Society TD	Unrated	500	5.88	5.88	5.88	0.60	500	100.00%
Bank of Cyprus (Aust)	90. Bank of Cyprus TD	Unrated	250	6.05	6.05	6.05	0.30	250	100.00%
Rural Bank	91. Rural Bank TD	A-	1,000	5.24	5.24	5.24	1.20	1,000	100.00%
Me Bank	92. ME Bank TD	BBB	1,000	5.31	5.31	5.31	1.20	1,000	100.00%
CBA	93. CBA Retail Bonds	AA-	489	5.49	5.80	5.66	0.59	489	97.85%
CBA	94. CBA Retail Bonds	AA-	488	5.51	5.79	5.69	0.58	489	97.85%
Bank of Queensland	95. Bank of Queensland TD	BBB+	1,000	5.28	5.28	5.28	1.20	1,000	100.00%
Bank of Queensland	96. Bank of Queensland TD	BBB+	1,000	5.26	5.26	5.26	1.20	1,000	100.00%
Investec	97. Investec TD	BBB-	250	6.15	6.15	6.15	0.30	250	100.00%
IMB	98. IMB TD	BBB	500	5.15	5.15	5.15	0.60	500	100.00%
CBA	99. CBA Retail Bond	AA-	489	5.27	5.27	5.27	0.59	489	97.85%
St George	100. St George TD	AA-	1,000	5.04	5.04	5.04	1.20	1,000	100.00%
			83,587	5.21	5.68	5.27	100	83,766	

ITEM 13 (continued)

*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	5.22	5.60	5.29
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	3.58	4.44	3.54
Variance From Benchmark (%)	1.64	1.16	1.75

Investment Income

	\$000's
This Period	350
Financial Year To Date	691
Budget Profile	577
Variance from Budget - \$	114

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
	- Global Bank Note CDO	NR
Oasis CDO		CC
FOCUS Note		AA-



John Todd Date: 04/09/2012

ITEM 13 (continued)

INVESTMENT SUMMARY AS AT 30 SEPTEMBER 2012

Issuer	Investment Name	Investment Rating	Invested at 30-Sep-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Helix Capital	1. OASIS	CC	0	4.99	6.17	5.16	0.00	0	0.00%
Westpac	2. Focus	AA-	500	0.00	0.00	0.00	0.59	499	99.80%
Grange	3. Grange IMP	Unrated	0	0.00	0.00	0.00	0.00	0	0.00%
Westpac	4. Westpac At Call	AA-	2,163	3.59	4.08	3.54	2.54	2,163	100.00%
Westpac	5. Westpac Term Deposit 2	AA-	1,000	4.93	4.93	4.93	1.17	1,000	100.00%
Bank of Queensland	6. Bank of Queensland TD	BBB+	750	5.37	6.10	5.58	0.88	750	100.00%
ANZ	7. ANZ Term Deposit	AA-	1,000	5.01	5.54	5.01	1.17	1,000	100.00%
St George	8. St George Term Deposit	A+	1,000	5.63	5.63	5.63	1.17	1,000	100.00%
NAB	9. NAB Term Deposit	AA-	1,000	5.49	5.71	5.49	1.17	1,000	100.00%
Westpac	10. Westpac Term Deposit	AA-	1,000	5.15	5.15	5.15	1.17	1,000	100.00%
Westpac	11. Westpac Term Deposit	AA-	500	4.95	4.95	4.95	0.59	500	100.00%
NAB	12. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	1.17	1,000	100.00%
Westpac	13. Westpac Term Deposit	AA-	500	4.88	4.88	4.88	0.59	500	100.00%
MyState CU	14. MyState CU TD	BBB	500	4.91	5.73	5.19	0.59	500	100.00%
NAB	15. NAB Term Deposit	AA-	1,000	5.32	5.57	5.32	1.17	1,000	100.00%
Police & Nurses Credit Union	16. Police & Nurses Credit Union	Unrated	500	5.06	5.49	5.01	0.59	500	100.00%
Bankwest	17. Bankwest Term Deposit	AA-	1,000	5.19	5.76	5.35	1.17	1,000	100.00%
NAB	18. NAB Term Deposit	AA-	1,000	5.73	5.77	5.73	1.17	1,000	100.00%
Defence Bank	19. Defence Bank TD	Unrated	500	5.89	5.99	5.89	0.59	500	100.00%
Railways CU	20. Railways CU	Unrated	500	5.13	5.83	5.40	0.59	500	100.00%
New England Credit Union	21. Community Mutual Group TD	Unrated	500	4.88	5.33	4.88	0.59	500	100.00%
Qld Police CU	22. Qld Police CU TD	Unrated	500	5.04	5.55	5.04	0.59	500	100.00%
Qld Country CU	23. Qld Country Credit Union	Unrated	500	5.42	5.57	5.42	0.59	500	100.00%
Community CPS	24. Community CPS TD	Unrated	500	4.96	5.74	4.98	0.59	500	100.00%
Bendigo and Adelaide Bank	25. Bendigo Bank TD	A-	1,000	4.96	5.57	4.95	1.17	1,000	100.00%
Hunter United Credit Union	26. Hunter United Credit Union TD	Unrated	500	4.90	5.24	5.10	0.59	500	100.00%
CUA	27. Credit Union Australia TD	BBB+	1,000	5.82	5.94	5.82	1.17	1,000	100.00%
Coastline CU	28. Coastline Credit Union TD	Unrated	500	5.34	5.49	5.34	0.59	500	100.00%
Peoples Choice CU	29. Peoples Choice CU	BBB+	500	4.92	5.64	4.86	0.59	500	100.00%
Australian Defence Credit Union	30. Australian Defence CU TD	Unrated	500	4.81	5.72	5.21	0.59	500	100.00%
Rural Bank	31. Rural Bank	A-	1,000	6.48	6.48	6.48	1.17	1,000	100.00%
Banana Coast CU	32. Banana Coast CU TD	Unrated	500	5.21	5.68	5.21	0.59	500	100.00%
Qantas Staff CU	33. Qantas Staff CU TD	BBB	500	4.94	4.95	4.86	0.59	500	100.00%
Southern Cross CU	34. Southern Cross CU TD	Unrated	500	5.22	5.87	5.22	0.59	500	100.00%
B&E Ltd	35. B & E Building Soc TD	Unrated	500	4.84	5.58	5.08	0.59	500	100.00%
Victoria Teachers CU	36. Victoria Teachers CU	Unrated	500	5.06	5.73	5.06	0.59	500	100.00%
CBA	37. CBA TD	AA-	2,000	5.76	5.76	5.76	2.35	2,000	100.00%
Me Bank	38. ME Bank TD	BBB	1,000	5.07	5.76	5.42	1.17	1,000	100.00%
Macquarie Bank	39. Macquarie Bank Term Deposit	A	500	4.86	5.72	4.86	0.59	500	100.00%
Bankwest	40. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	1.17	1,000	100.00%
IMB	41. IMB TD	BBB	1,000	5.15	5.71	5.15	1.17	1,000	100.00%
Summerland CU	42. Summerland CU TD	Unrated	250	5.05	5.70	5.40	0.29	250	100.00%
Wide Bay CU	43. Wide Bay CU TD	BBB	500	5.03	5.73	5.18	0.59	500	100.00%
Northern Beaches CU	44. Northern Beaches CU TD	Unrated	500	5.09	5.97	5.09	0.59	500	100.00%
Queenslanders CU	45. Queenslanders CU TD	Unrated	500	5.16	5.65	5.16	0.59	500	100.00%

ITEM 13 (continued)

Issuer	Investment Name	Investment Rating	Invested at 30-Sep-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Warwick CU	46. Warwick CU TD	Unrated	500	5.19	5.64	5.19	0.59	500	100.00%
Maitland Mutual	47. Maitland Mutual Bldg Soc TD	Unrated	500	5.63	5.84	5.63	0.59	500	100.00%
AMP	48. AMP eASYSaver	A	936	4.44	5.04	4.35	1.10	936	100.00%
CBA	49. CBA Term Deposit	AA-	1,000	5.58	5.55	5.58	1.17	1,000	100.00%
Gateway CU	50. Gateway CU TD	Unrated	500	4.97	5.74	4.97	0.59	500	100.00%
Rabobank	51. Rabobank TD	AA	500	5.01	5.89	5.70	0.59	500	100.00%
Suncorp-Metway	52. Suncorp-Metway TD	A+	1,000	5.21	5.54	5.21	1.17	1,000	100.00%
Newcastle Perm Bldg Soc	53. Newcastle Perm Bldg Soc	BBB+	1,000	5.04	5.62	5.07	1.17	1,000	100.00%
QT Mutual Bank	54. QT Mutual Bank	Unrated	500	5.83	5.85	5.83	0.59	500	100.00%
ING	55. ING TD	A	1,000	6.62	6.62	6.62	1.17	1,000	100.00%
Greater Bldg Soc	56. Greater Bldg Soc TD	BBB	1,000	5.12	5.70	5.22	1.17	1,000	100.00%
Holidaycoast CU	57. Holidaycoast CU TD	Unrated	500	5.32	5.45	5.32	0.59	500	100.00%
Bank of Queensland	58. BoQ TCD	BBB+	2,000	5.15	5.79	5.24	2.35	2,004	100.21%
Suncorp-Metway	59. Suncorp Metway FRN	A+	1,000	4.64	5.39	4.63	1.17	1,003	100.34%
Intech CU	60. Intech CU TD	Unrated	500	5.03	5.75	5.20	0.59	500	100.00%
Beirut Hellenic Bank (Aust)	61. Beirut Hellenic Bank TD	Unrated	250	5.12	5.90	5.12	0.29	250	100.00%
AMP	62. AMP TD	A	1,000	7.14	7.14	7.14	1.17	1,000	100.00%
Rabobank	63. Rabobank TD	AA	500	5.05	5.90	5.60	0.59	500	100.00%
Bendigo and Adelaide Bank	64. Bendigo and Adelaide Bank FRN	A-	1,000	5.07	5.83	5.10	1.17	1,000	100.00%
Community First CU	65. Community First CU TD	Unrated	500	4.85	5.60	5.06	0.59	500	100.00%
Heritage Bank	66. Heritage Bank	BBB-	1,000	5.09	5.60	5.25	1.17	1,000	100.00%
CBA	67. CBA TD	AA-	1,000	5.00	5.16	4.96	1.17	1,000	100.00%
Rabobank	68. Rabodirect At-call	AA	954	4.44	4.86	4.38	1.12	954	100.00%
Me Bank	69. ME Bank At Call Account	BBB	965	4.33	4.93	4.33	1.13	965	100.00%
NAB	70. NAB FRN	AA-	1,001	4.72	5.51	4.75	1.17	1,008	100.72%
NAB	71. NAB FRN	AA-	997	4.83	5.62	4.86	1.17	1,004	100.72%
CBA	72. CBA FRN	AA-	999	4.87	5.53	4.98	1.17	1,007	100.80%
Westpac	73. Westpac FRN	AA-	997	4.96	5.58	5.00	1.17	1,004	100.66%
CBA	74. CBA FRN	AA-	998	4.93	5.59	5.03	1.17	1,006	100.80%
NAB	75. NAB FRN	AA-	992	5.02	5.82	5.05	1.16	999	100.72%
Westpac	76. Westpac FRN	AA-	998	4.89	5.51	4.93	1.17	1,005	100.75%
NAB	77. NAB FRN	AA-	993	4.99	5.80	5.03	1.17	1,000	100.72%
CBA	78. CBA FRN	AA-	992	5.10	5.77	5.21	1.16	1,000	100.80%
NAB	79. NAB Flexi Deposit	AA-	1,000	4.82	5.62	4.82	1.17	1,000	100.00%
ANZ	80. ANZ FRN	AA-	991	5.17	5.77	5.21	1.16	1,000	100.93%
Rabobank	81. Rabobank FRN	AA	988	5.20	5.88	5.38	1.16	981	99.27%
Police CU (SA)	82. Police CU - SA	Unrated	500	5.70	5.68	5.70	0.59	500	100.00%
Investec	83. Investec TD	BBB-	250	5.24	5.85	5.24	0.29	250	100.00%
Territory Insurance Office	84. TIO Term Deposit	AA+	1,000	4.67	5.32	5.08	1.17	1,000	100.00%
NAB	85. NAB Fixed MTN	AA-	993	6.30	6.31	6.33	1.17	1,064	107.16%
Bankstown City CU	86. Bankstown City CU TD	Unrated	250	4.99	5.60	5.27	0.29	250	100.00%
Westpac	87. Westpac Fixed MTN	AA-	996	6.21	6.22	6.24	1.17	1,068	107.22%
ING	88. ING Direct	A	1,000	6.22	6.22	6.22	1.17	1,000	100.00%
Macquarie Bank	89. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.59	500	100.00%
CBA	90. CBA Retail Bond	AA-	954	5.27	5.55	5.38	1.12	934	97.90%
B&E Ltd	91. B & E Building Society TD	Unrated	500	5.88	5.88	5.88	0.59	500	100.00%
Bank of Cyprus (Aust)	92. Bank of Cyprus TD	Unrated	250	6.05	6.05	6.05	0.29	250	100.00%
Rural Bank	93. Rural Bank TD	A-	1,000	5.24	5.24	5.24	1.17	1,000	100.00%
Me Bank	94. ME Bank TD	BBB	1,000	5.09	5.25	5.24	1.17	1,000	100.00%
CBA	95. CBA Retail Bonds	AA-	489	5.49	5.72	5.60	0.57	479	97.90%
CBA	96. CBA Retail Bonds	AA-	488	5.51	5.71	5.63	0.57	478	97.90%
Bank of Queensland	97. Bank of Queensland TD	BBB+	1,000	5.28	5.28	5.28	1.17	1,000	100.00%
Bank of Queensland	98. Bank of Queensland TD	BBB+	1,000	5.26	5.26	5.26	1.17	1,000	100.00%
Investec	99. Investec TD	BBB-	250	6.15	6.15	6.15	0.29	250	100.00%
IMB	100. IMB TD	BBB	500	5.15	5.15	5.15	0.59	500	100.00%

ITEM 13 (continued)

Issuer	Investment Name	Investment Rating	Invested at 30-Sep-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
CBA	101. CBA Retail Bond	AA-	489	5.44	5.42	5.42	0.57	479	97.90%
St George	102. St George TD	AA-	1,000	5.04	5.04	5.04	1.17	1,000	100.00%
CBA	103. CBA Retail Bond	AA-	490	5.36	5.36	5.36	0.58	480	97.90%
Rural Bank	104. Rural Bank TD	A-	1,000	5.06	5.06	5.06	1.17	1,000	100.00%
ING	105. ING Floating Rate TD	A	1,000	5.98	5.98	5.98	1.17	1,000	100.00%
IMB	106. IMB TD	BBB	1,000	4.88	4.88	4.88	1.17	1,000	100.00%
St George	107. St George TD	AA+	1,000	4.91	4.91	4.91	1.17	1,000	100.00%
Bank of Queensland	108. Bank of Queensland TD	BBB+	1,000	5.13	5.13	5.13	1.17	1,000	100.00%
NAB	109. NAB TD	AA-	1,000	4.80	4.80	4.80	1.17	1,000	100.00%
St George	110. St George TD	AA-	600	4.92	4.92	4.92	0.70	600	100.00%
			85,213	5.16	5.57	5.23	100	85,370	

*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	5.46	5.56	5.35
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	3.88	4.36	3.65
Variance From Benchmark (%)	1.58	1.20	1.70

Investment Income

	\$000's
This Period	382
Financial Year To Date	1,073
Budget Profile	865
Variance from Budget - \$	208

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
	- Global Bank Note CDO	NR
Oasis CDO		CC
FOCUS Note		AA-



John Todd Date: 10/10/2012

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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

An overview of all investments held by the City of Ryde as at 30 September is provided below:

1. **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 eight 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-. Defaults within the portfolio have resulted in a capital loss of approximately 35%. 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. **FOCUS Note (AA-p):** This investment was purchased on 20 December 2006. This is a medium to long term investment (three-seven 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 three to five 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

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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.

3. **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>
Merimbula CDO	20/06/2013
AAA (Berry) Global Bank Note CDO	20/09/2014

4. **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.
5. **Westpac Term Deposit (AA-):** This investment is a 212 day term deposit, paying 5.25% (5.37% annualised), and matures on 1 February 2013.
6. **Bank of Queensland TD (BBB):** This investment is a 183 day term deposit, paying 4.88% (4.93% annualised), and matures on 5 April 2013.
7. **ANZ Term Deposit (AA-):** This investment is a 180 day term deposit, paying 4.95% (5.01% annualised), and matures 20 February 2013.
8. **St George Term Deposit (AA-):** This investment is a 181 day term deposit, paying 5.55% p.a. (5.63% annualised), and matures 5 November 2012.
9. **NAB Term Deposit (AA-):** This investment is a 180 day term deposit, paying 5.42% p.a. (5.49% annualised), and matures 7 November 2012.
10. **Westpac Term Deposit (AA-):** This investment is a one year term deposit, paying 5.15% % (5.15% annualised), and matures 30 May 2013.
11. **Westpac Term Deposit (AA-):** This investment is a three year term deposit, paying 4.95% pa, and matures 21 September 2015.
12. **NAB Term Deposit (AA-):** This investment is a three year term deposit, paying 6.60% p.a., and matures 4 April 2014.
13. **Westpac Term Deposit (AA-):** This investment is a 273 day term deposit, paying 4.85% (4.88 annualised), and matures 28 June 2013.
14. **MyState CU (BBB):** This investment is a 60 day term deposit paying 4.81% (4.91% annualised) and matures 19 October 2012.

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- 15. NAB Term Deposit (AA-):** This investment is a 179 day term deposit, paying 5.25% p.a. (5.32% annualised), and matures 16 November 2012.
- 16. Police & Nurses Credit Union (Unrated):** This investment is a 184 day term deposit, paying 5.00% (5.06% annualised) and matures on 27 February 2013.
- 17. Bankwest Term Deposit (AA-):** This investment is a 105 day term deposit, paying 5.10% p.a. (5.19% annualised), and matures 22 November 2012.
- 18. NAB Term Deposit (AA-):** This investment is a 180 day term deposit, paying 5.65% p.a. (5.73% annualised), and matures 26 November 2012.
- 19. Defence Bank Term Deposit (Unrated):** This investment is a 180 day term deposit paying 5.80% (5.89% annualised) and matures on 8 October 2012.
- 20. Railways CU Term Deposit (Unrated):** This investment is a 90 day term deposit paying 5.03% (5.13% annualised) and matures on 5 November 2012.
- 21. Community Mutual Group Term Deposit (Unrated):** This investment is a 61 day term deposit paying 4.78% (4.88% annualised) and matures on 8 October 2012.
- 22. Queensland Police CU (Unrated):** This investment is a 92 day term deposit paying 4.95% (5.04% annualised) and matures on 9 October 2012.
- 23. Queensland Country Credit Union Term Deposit (Unrated):** This investment is a 182 day term deposit, paying 5.35% (5.42% annualised), and matures 19 November 2012.
- 24. Community CPS Term Deposit (Unrated):** This investment is a 90 day term deposit paying 4.87% (4.96% annualised) and matures on 26 November 2012.
- 25. Bendigo Bank Term Deposit (A-):** This investment is a 181 day term deposit paying 4.90% (4.96% annualised) and matures on 7 March 2013.
- 26. Hunter United Credit Union (Unrated):** This investment is a 61 day term deposit paying 4.80% (4.90% annualised) and matures on 15 October 2012.
- 27. Credit Union Australia Term Deposit (BBB+):** This investment is a 333 day term deposit paying 5.81% (5.82% annualised) and matures on 21 December 2012.
- 28. Coastline CU Term Deposit (Unrated):** This investment is a 122 day term deposit, paying 5.25% (5.34% annualised), and matures on 11 October 2012.
- 29. Peoples Choice Credit Union Term Deposit (Unrated):** This investment is a 60 day term deposit paying 4.82% (4.92% annualised) and matures on 23 October 2012.

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- 30. Australian Defence Credit Union Term Deposit (Unrated):** This investment is a 180 day term deposit paying 4.75% (4.81% annualised) and matures on 4 March 2013.
- 31. Rural Bank Term Deposit (A-):** This investment is a five year term deposit, paying 6.48% p.a., and matures on 21 March 2017.
- 32. Bananacoast CU Term Deposit (Unrated):** This investment is a 188 day term deposit paying 5.15% (5.21% annualised) and matures on 2 January 2013.
- 33. Qantas Staff CU Term Deposit (BBB):** This investment is a 90 day term deposit paying 4.85% (4.94% annualised) and matures on 6 December 2012.
- 34. Southern Cross CU Term Deposit (Unrated):** This investment is a 183 day term deposit paying 5.15% (5.22% annualised) and matures on 12 December 2012.
- 35. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 61 day term deposit paying 4.75% (4.84% annualised) and matures on 8 October 2012.
- 36. Victoria Teachers CU Term Deposit (Unrated):** This investment is a 180 day term deposit paying 5.00% (5.06% annualised) and matures on 12 December 2012.
- 37. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 5.76% p.a. and matures on 8 December 2014.
- 38. ME Bank Term Deposit (BBB):** This investment is a 180 day term deposit paying 5.01% (5.07% annualised) and matures on 4 March 2013.
- 39. Macquarie Bank Term Deposit (A):** This investment is a 181 day term deposit paying 4.80% (4.86% annualised) and matures on 28 March 2013.
- 40. Bankwest TD (AA-):** This investment is a four year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 41. IMB Term Deposit (BBB):** This investment is a 92 day term deposit paying 5.05% (5.15% annualised) and matures on 30 October 2012.
- 42. Summerland CU Term Deposit (Unrated):** This investment is a 3 year term deposit paying 5.05% pa and matures on 21 September 2015.
- 43. Wide Bay CU Term Deposit (BBB):** This investment is a 127 day term deposit paying 4.95% (5.03% annualised) and matures on 2 January 2013.
- 44. Northern Beaches CU Term Deposit (Unrated):** This investment is a 90 day term deposit paying 5.00% (5.09% annualised) and matures on 25 October 2012.

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- 45. Queenslanders Credit Union Term Deposit (Unrated):** This investment is a 184 day term deposit paying 5.10% (5.16% annualised) and matures on 25 January 2013.
- 46. Warwick CU Term Deposit (Unrated):** This investment is a 182 day term deposit paying 5.12% (5.19% annualised), and matures 7 January 2013.
- 47. Maitland Mutual Building Society (Unrated):** This investment is a 180 day term deposit paying 5.55% (5.63% annualised) and matures on 30 October 2012.
- 48. AMP eASysaver at call account (A):** This investment is an at-call account earning 5.60%. No fees are payable by Council on this investment.
- 49. CBA Term Deposit (AA-):** This investment is a 180 day term deposit paying 5.50% (5.58% annualised) and matures on 30 October 2012.
- 50. Gateway Credit Union Term Deposit (Unrated):** This investment is a 184 day term deposit paying 4.91% (4.97% annualised) and matures on 17 December 2012.
- 51. Rabodirect Term Deposit (AA):** This investment is a 181 day term deposit, paying 4.95% (5.01% annualised), and matures on 11 March 2013.
- 52. Suncorp Term Deposit (A+):** This investment is a 120 day term deposit, paying 5.12% (5.21% annualised), and matures on 4 October 2012.
- 53. Newcastle Permanent Building Society (BBB+):** This investment is a 90 day term deposit, paying 5.00% (5.09% annualised), and matures on 4 October 2012.
- 54. QT Mutual Bank (Unrated):** This investment is a 181 day term deposit paying 5.75% (5.83% annualised) and matures on 15 October 2012.
- 55. ING Term Deposit (A):** This investment is a two year term deposit paying 6.84% (6.62% annualised) and matures on 18 February 2013.
- 56. Greater Building Society Term Deposit (BBB):** This investment is a 157 day term deposit, paying 5.05% (5.12% annualised), and matures on 1 February 2013.
- 57. Holidaycoast CU Term Deposit (Unrated):** This investment is a 183 day term deposit, paying 5.25% (5.32% annualised), and matures on 30 November 2012.
- 58. Bank of Queensland FRN (BBB):** This is a certificate of deposit issued at a margin of 140 points above 90 day BBSW, maturing 11 November 2013.
- 59. 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.
- 60. Intech CU Term Deposit (Unrated):** This investment is a 122 day term deposit, paying 4.95% (5.03% annualised), and matures on 3 January 2013.

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- 61. Beirut Hellenic Bank Term Deposit (Unrated):** This investment is a 92 day term deposit paying 5.02% (5.12% annualised) and matures 2 October 2012.
- 62. AMP Term Deposit (A):** This investment is a four year term deposit paying 7.14% which matures on 16 February 2015.
- 63. Rabobank Term Deposit (AA):** This investment is a one year term deposit paying 5.05% pa and matures on 3 September 2013.
- 64. Bendigo & Adelaide Bank FRN (A-):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
- 65. Community First CU TD (Unrated):** This investment is a 60 day term deposit paying 4.75% (4.85% annualised) and matures on 2 November 2012.
- 66. Heritage Bank Term Deposit (BBB-):** This investment is a 91 day term deposit paying 5.00% (5.09% annualised), and matures on 5 November 2012.
- 67. CBA Term Deposit (AA-):** This investment is a 212 day term deposit paying 4.95% (5.00% annualised), and matures on 5 November 2012.
- 68. Rabodirect At-Call (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 69. 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.
- 70. 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.
- 71. 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.
- 72. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 August 2016.
- 73. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 123 above BBSW. This investment matures 9 May 2016.
- 74. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 August 2016.

ITEM 13 (continued)

- 75. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 21 June 2016.
- 76. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 117 above BBSW. This investment matures 9 November 2015.
- 77. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 21 June 2016.
- 78. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 August 2016.
- 79. NAB Flexi Deposit (AA-):** This is a one year Term deposit, paying 6.00% for the first quarter, then paying 125bps above BBSW every quarter after that. This investment matures 1 October 2012.
- 80. ANZ FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 9 May 2016.
- 81. Rabobank FRN (AA):** This investment is a senior, unsecured floating rate note purchased at a yield of 151 above BBSW. This investment matures 27 July 2016.
- 82. Police CU (SA) Term Deposit (Unrated):** This investment is a two year TD paying 5.70% (5.70% annualised) and matures 18 April 2014.
- 83. Investec Term Deposit (BBB-):** This investment is a one year TD paying 5.24% (5.24% annualised) and matures 10 July 2013.
- 84. TiO Term Deposit (AA+):** This investment is a 30 day TD paying 4.57% (4.67% annualised) and matures 25 October 2012. These funds are not covered by the Federal Government Guarantee, but are guaranteed by the NT State Government.
- 85. NAB Fixed MTN (AA-):** This is a fixed rate bond paying 6.18% (6.30% annualised) and matures 15 February 2017.
- 86. Bankstown City CU Term Deposit (Unrated):** This investment is a 91 day term deposit paying 4.90% (4.99% annualised) and matures 19 November 2012.
- 87. Westpac Fixed MTN (AA-):** This is a fixed rate bond paying 6.00% (6.14% annualised) and matures 20 February 2017.
- 88. ING Direct Term Deposit (A):** This is a 210 day term deposit paying 6.14% (6.22% annualised) and matures 22 October 2012.

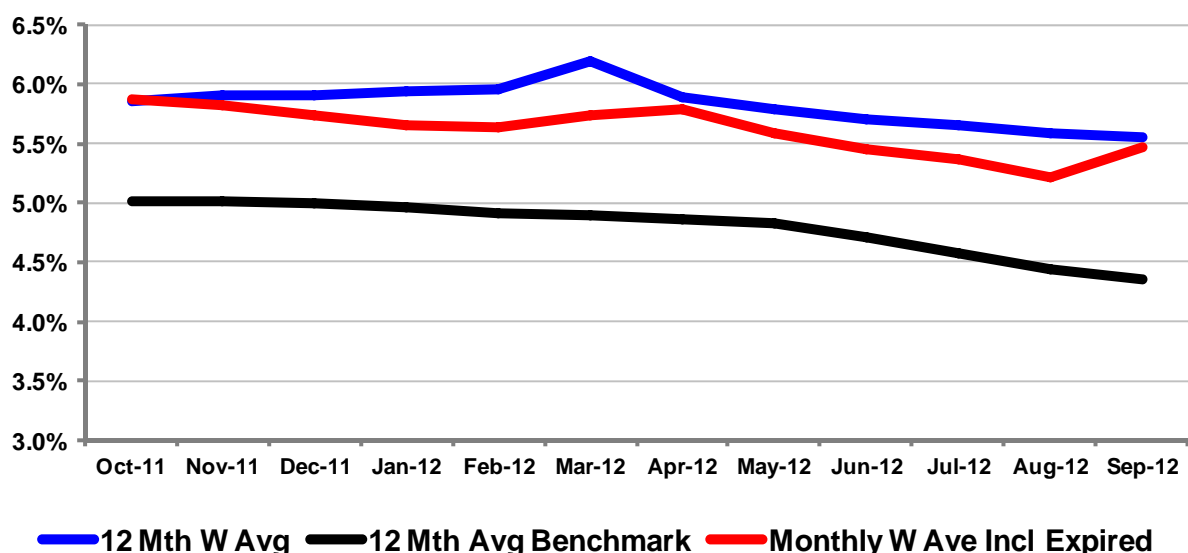
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- 89. Macquarie Bank Term Deposit (A):** This is a five year term deposit paying 6.50% (6.50% annualised) and matures 3 April 2017.
- 90. CBA Retail Bond (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 24 December 2015.
- 91. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 182 day term deposit paying 5.80% (5.88% annualised) and matures on 22 October 2012.
- 92. Bank of Cyprus Term Deposit (Unrated):** This investment is a five year term deposit paying 6.05% p.a. and matures on 15 May 2017.
- 93. Rural Bank Term Deposit (A-):** This investment is a 120 day term deposit paying 5.15% p.a (5.24% annualised). and matures on 2 October 2012.
- 94. ME Bank Term Deposit (BBB):** This investment is a 180 day term deposit paying 5.01% p.a. (5.07% annualised) and matures on 4 March 2012.
- 95. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 182 above BBSW. This investment matures 24 December 2015.
- 96. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 184 above BBSW. This investment matures 24 December 2015.
- 97. Bank of Queensland Term Deposit (BBB+):** This investment is a 151 day term deposit paying 5.20% (5.28% annualised) and matures 19 November 2012.
- 98. Bank of Queensland Term Deposit (BBB+):** This investment is a 92 day term deposit paying 5.16% (5.26% annualised) and matures 30 October 2012.
- 99. Investec Bank Term Deposit (BBB-):** This investment is a five year term deposit paying 6.95% on maturity (6.15% annualised) and matures 15 August 2017.
- 100. IMB Term Deposit (BBB):** This investment is a 90 day term deposit paying 5.05% (5.15% annualised), and matures 15 November 2012.
- 101. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 175 above BBSW. This investment matures 24 December 2015.
- 102. St George Term Deposit (AA-):** This investment is a 180 day term deposit paying 4.98% (5.04% annualised and matures on 25 February 2013.

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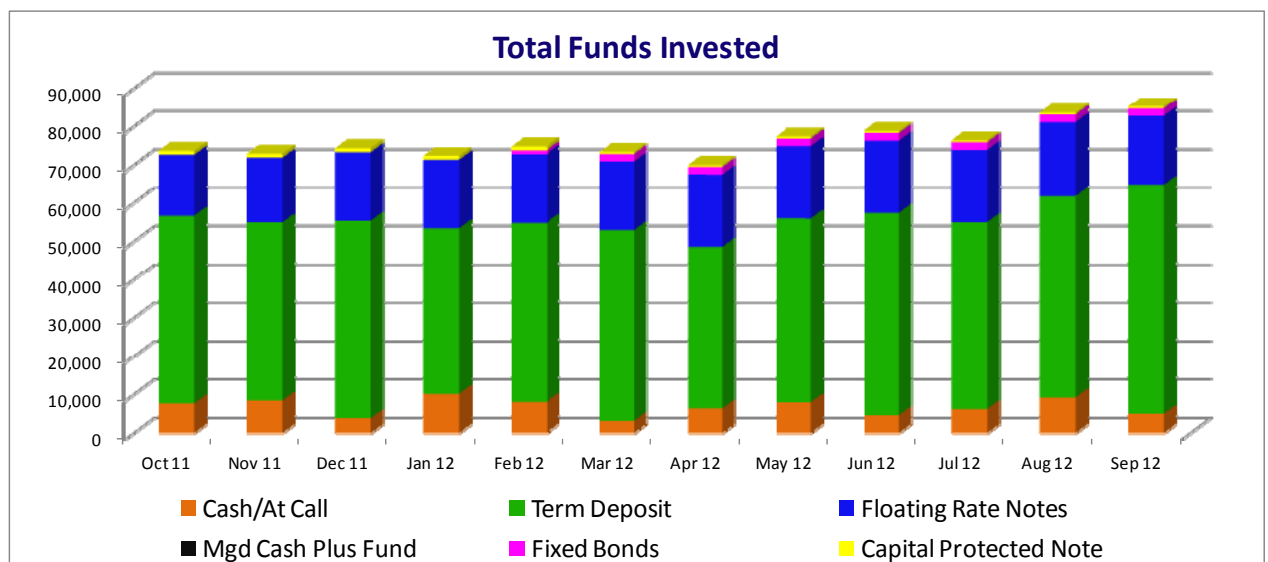
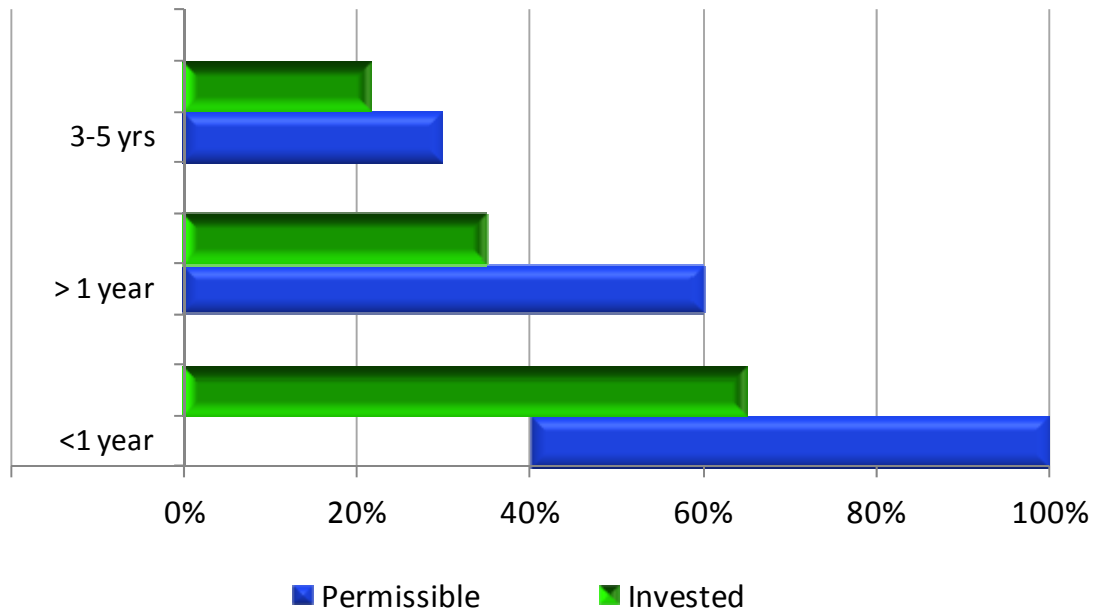
- 103. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 174 above BBSW. This investment matures 24 December 2015.
- 104. Rural Bank Term Deposit (A-):** This investment is a 182 day term deposit, paying 5.00% (5.06% annualised), and matures on 5 March 2013.
- 105. ING Floating Rate Term Deposit (A):** This is a five year floating rate term deposit paying 2.30% above 90 day BBSW, and matures 4 September 2017.
- 106. IMB Term Deposit (BBB):** This is a 122 day term deposit paying 4.80% (4.88% annualised) and matures 21 January 2013.
- 107. St George Term Deposit (AA-):** This is a 180 day term deposit paying 4.85% (4.91% annualised) and matures 20 March 2013.
- 108. Bank of Queensland Term Deposit (BBB+):** This is a 150 day term deposit paying 5.05% (5.13% annualised) and matures 18 February 2013.
- 109. NAB Term Deposit (AA-):** This is a 2.25 year term deposit paying 4.80% pa and matures 18 December 2014.
- 110. St George Term Deposit (AA-):** This is a 180 day term deposit paying 4.86% (4.92% annualised) and matures 27 March 2013.

Performance - All Investments



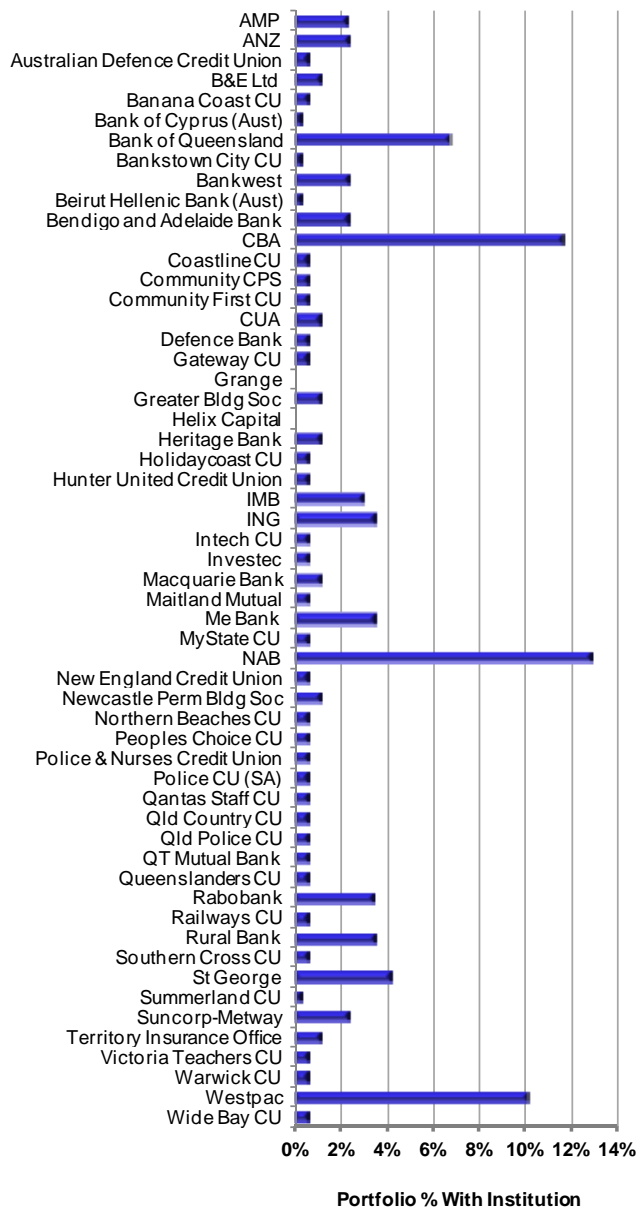
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Policy Limits on Maturities

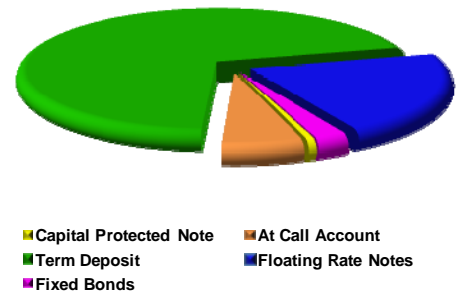


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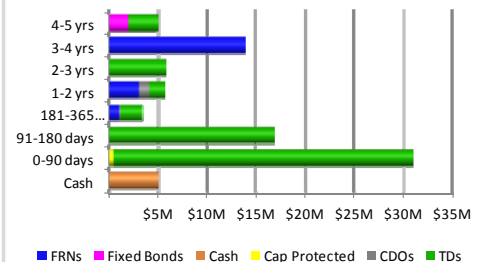
Active Investment by Institution



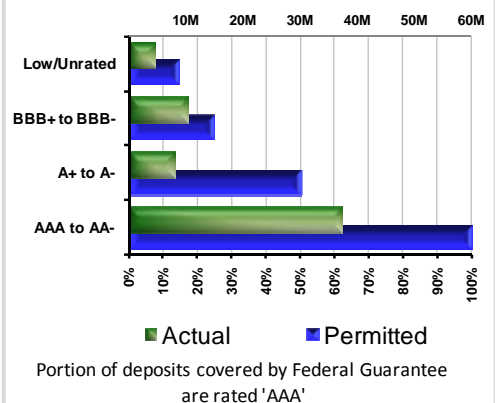
Summary by Investment Type



Summary by Duration



Investment Summary by Rating



	>365 days	<365 days
Cash/TDs	\$10.3M	\$54.6M
FRNs	\$16.9M	\$1.0M
Fixed Bonds	\$2.0M	\$0.0M
Mgd Funds	\$0.0M	\$0.0M
Other	\$0.0M	\$0.5M
CDO's	\$0.0M	\$0.0M
	\$29.1M	\$56.1M

ITEM 13 (continued)**Context**

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

Financial Implications

Income from interest on investments and proceeds from sales of investments totals \$1.07M, being \$208K above budget projections as per the Delivery and Operational Plan, which will improve Council's Working Capital result as at 30 June 2013.

Adjustments will be made as appropriate in the Quarterly Review to reflect the projected interest on investment income for the year.

The Financial Security Reserve has a current balance of \$2.072M.

14 PLANNING PROPOSAL - 108 HERRING ROAD MARSFIELD

Report prepared by: Team Leader - Design and Development
File No.: LEP2012/7 - BP12/985

REPORT SUMMARY

Council has received a planning proposal to rezone land at 108 Herring Road Marsfield, known as 'The Ranch Hotel'. The amendment to the Ryde Local Environmental Plan 2010 is to rezone the land from R2 Low Density Residential to B1 Neighbourhood Business. The aim of the rezoning is to facilitate the development of a Dan Murphy's Liquor Store and associated car parking on the subject land, which would otherwise be prohibited in the R2 Low Density Residential Zone.

The site is currently occupied by a hotel building that comprises a bar, hotel accommodation, bistro and a BWS bottle shop. The remainder of the site is an at grade car park. The main change will comprise the replacement of the existing bottle shop with a larger bottle shop outlet at the western end of the car park.

This report outlines the planning proposal and its assessment in relation to the requirements under the gateway plan-making process. There is justification on planning grounds for the proposal to proceed. This report recommends that Council refer the proposed rezoning to the Minister for Planning to request a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

- (a) That Council support the planning proposal to rezone the land at 108 Herring Road Marsfield from R2 Low Density Residential to B1 Neighbourhood Business under Ryde LEP 2010 and the proposal be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- (b) That Council include in the submission to the Department of Planning and Infrastructure that the planning proposal include hotel or motel accommodation at 108 Herring Road Marsfield in Schedule 1 – Additional Permitted Uses Ryde LEP 2010.
- (c) That Council in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, a further report be presented to Council as soon as practicable after the close of the community consultation period advising of the outcomes.

ATTACHMENTS

- 1 Extract from Planning Proposal
- 2 Concept Design from Planning Proposal

ITEM 14 (continued)

Report Prepared By:

Margaret Fasan
Team Leader - Design and Development

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 14 (continued)

Background

Council has received a planning proposal to rezone land at 108 Herring Road Marsfield, known as 'The Ranch Hotel'. The amendment to the Ryde Local Environmental Plan 2010 is to rezone the land from R2 Low Density Residential to B1 Neighbourhood Business. The aim of the rezoning is to facilitate the development of a Dan Murphy's Liquor Store and associated car parking on the subject land, which would otherwise be prohibited in the R2 Low Density Residential Zone.

Prior to receipt of the proposal, a meeting was held at Council offices in March 2012 between the proponent's planning consultant and Council staff to discuss the development. The proposed uses are prohibited in the R2 Zone under LEP 2010, and as such the land would need to be rezoned to a business zone.

Council sent a letter to the proponent's planning consultant on 16 April 2012 advising that a planning proposal would be required and outlining matters to be addressed in the proposal. Subsequent to this letter, a Planning Proposal for 108 Herring Road Marsfield and the relevant fees were received by Council on 21 June 2012. That submission is the subject of this report.

Gateway Plan-Making Process

The five main stages to the Gateway plan-making process are identified below. This report on the subject planning proposal presents implementation of stage 1 of the process:

1. Planning proposal - an explanation of the effect of and justification for a proposed plan to change the planning provisions of a site or area is prepared by a proponent or the relevant planning authority (RPA) such as Council. The RPA also considers the proposal at this stage and decides whether or not to proceed.

2. Gateway – the planning proposal is considered by the Minister for Planning and Infrastructure (the Minister or delegate) who makes a determination if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to and informs the community consultation process.

3. Community Consultation - the proposal is publicly exhibited by the RPA in accordance with the EP&A Act, DoPI guidelines and the gateway determination (low impact proposals generally for 14 days, others for 28 days). Community consultation is completed when the RPA has considered any submissions concerning the proposed instrument and the report of any public hearing.

4. Assessment — the RPA considers public submissions and results of community consultation and consultation with government authorities. At this stage the RPA has the opportunity to:

- endorse the planning proposal for proceeding to the next stage;
- vary the proposal; or
- not proceed further with the proposal.

ITEM 14 (continued)

5. Decision — After the RPA considers community and agency submissions, and advises of the outcome, the final planning proposal is assessed by the DoPI. The DoPI arranges the legal instrument in consultation with the RPA and the making of the plan by the Minister (or delegate). The Minister also has various options at this stage. For example, the Minister may:

- make the plan in full put forward by the relevant planning authority;
- vary the plan;
- decide not to proceed with the plan;
- defer inclusion of certain matters in the proposed plan;
- choose to delegate the making of the plan to the Director General of the Department of Planning and Infrastructure

Planning Proposal – 108 Herring Road Marsfield (The Ranch)

The proponent's planning consultant has requested rezoning of the land to B1 Neighbourhood Business to enable redevelopment of the land under the terms of Ryde Local Environmental Plan (LEP) 2010. The subject land is currently zoned R2 Low Density Residential.

The existing hotel provides 14 rooms as accommodation. The proponent proposes that the hotel accommodation use will continue to benefit from existing use rights for any future proposals. The planning proposal does not include any specific provisions for this existing use.

According to section 55 of the Environmental Planning and Assessment Act, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal
- A **justification** of the objectives, outcomes and provisions including the process for implementation
- **Maps where relevant**, containing the appropriate detail are to submitted, including land use zones
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal. The proposal has been assessed by Council staff in respect of the information required to be included in a Planning Proposal. This report describes the site and proposal; and assesses the impacts of the proposal. Assessment of the potential impacts forms the basis of a recommendation to forward the proposal to the Minister for Planning for a determination under the second main step of the planning proposal stages known as the Gateway.

The Site

The subject site comprises a single lot which is legally described as Lot 590 DP 656070. The site is approximately 12,496 sq m in area with a frontage of approximately 170m to Epping Road and 56m to Herring Road. The site is occupied by a part one and a part two storey hotel building, known as 'The Ranch' that

ITEM 14 (continued)

comprises a bar, hotel, bistro and a BWS bottle shop. The remainder of the site is an at grade car park with 242 car parking spaces.

Vehicle access to and egress from the site is provided from Herring Road. There is no vehicle access from Epping Road.

The location of the site is shown in Fig 1.



Fig 1 Site Locality

Site Context

The site is located at the intersection of Herring and Epping Roads. The site is located at the edge of a predominantly low density residential area on the southern side of Epping Road. Directly opposite the site on the northern side of Epping Road is Macquarie Park which, in this location, is zoned B4 Mixed Use. The Stamford Grand Hotel is immediately opposite.

On the southern and western boundaries of the site, development is comprised of detached dwellings and villas within the R2 Low Density Residential Zone.

The subject site is approximately 700 metres from the Macquarie Shopping Centre which contains major franchises and specialty shops. The site is also in close proximity to the B1 Neighbourhood Shopping Centre comprising a Woolworths supermarket at the Epping Road and Balaclava Road intersection.

ITEM 14 (continued)

A map showing the zoning of the site and the surrounding area under Ryde LEP 2010 is shown in Figure 2.



Fig 2 Land Use Zones

Proposed Amendment

An extract from the Planning Proposal that includes the objectives and justification for the proposal is attached (**ATTACHMENT 1**). The key issues raised are summarised below:

Statement of Objective and Intended Outcome

The objective of this Planning Proposal is to rezone the subject land, which is currently zoned R2 Low Density Residential Zone under the terms of Ryde LEP 2010 to B1 Neighbourhood Centre Zone as commercial premises are permitted with consent within the B1 Zone. As stated in the proposal, the intended outcome is to facilitate the proposed development of a Dan Murphy's Liquor Store (1,350sqm) as a permissible use pursuant to Ryde LEP 2010 and draft Ryde LEP 2011.

ITEM 14 (continued)

The request for the change of zone is because retail is not a permitted use under the current zone applicable to the site. Permitted land uses in the R2 Low Density Residential zone under Ryde LEP 2010 are:

Home-based child care; Home occupations; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing (attached); Places of public worship; Recreation areas; Residential care facilities; Roads

By comparison, permitted land uses in the B1 Neighbourhood Centre zone under Ryde LEP 2010 are:

Boarding houses; Business identification signs; Business premises; Child care centres; Commercial premises; Community facilities; Depots; Entertainment facilities; Industrial retail outlets; Light industries; Medical centres; Neighbourhood shops; Public administration buildings; Recreation areas; Respite day care centres; Roads; Self-storage units; Service stations; Shop top housing; Wholesale supplies.

The proposal would require a change to the relevant Land Zoning Map under Ryde LEP 2010.

The existing hotel on the site (The Ranch) is defined as a “hotel or motel accommodation” and “pub” in LEP 2010 and draft LEP 2011 and is also prohibited in the R2 Zone. The proponent states that the existing Ranch Hotel use will continue to benefit from existing use rights for any future proposals. It is not proposed to include any specific provisions for this existing use as part of this planning proposal.

Note: Pubs are defined as a retail premises and are a permitted use in the B1 zone.

The Planning Proposal includes a Concept Design Scheme for the proposed development (**ATTACHMENT 2**). The scheme incorporates:

- Demolition of the existing BWS drive-through bottle shop;
- Removal of approximately 154 existing at-grade car parking spaces;
- Construction and fit out of a new Dan Murphy’s Liquor Store (1,350sqm) with associated basement car park (138 spaces) and loading dock.

It is the proponent’s intention that a Development Application for the proposed development would be submitted to Council in conjunction with the application for rezoning following the Gateway Determination. Council staff do not support this approach and the DA should be lodged following the gazettal of the rezoning of the land to B1.

ITEM 14 (continued)

The planning proposal is for a change in land use only and not for any change to the development standards applicable to the R2 Low Density Residential zone. Hence, under both the current Ryde LEP 2010 and draft Ryde LEP 2011, the maximum floor space ratio for the site will be 0.5:1 and the maximum height of any building will be 9.5m (2 storeys).

Justification and Net Community Benefit

The proponent submits that to enable retail premises to be a permissible use on the site, a spot rezoning is required. The proponent submits that the new development will result in a net community benefit as it will stimulate local employment through the creation of 23 new jobs. An Employment Impact Report has been submitted with the proposal (**ATTACHMENT 3**).

The proponent also claims that there will be public benefit through physical improvements to a currently underutilised site.

Planning Appraisal

This section provides an appraisal of the planning proposal for 108 Herring Road Marsfield against the required criteria for planning proposals.

Policy and Strategic Context*Metropolitan Plan for Sydney 2036*

The Metropolitan Plan was released in December 2011 to provide a planning framework for Sydney over the next 30 years that integrates land use, urban and transport planning.

The Planning Proposal satisfies the relevant objectives of the Metropolitan Plan's *Strategic Direction E – Growing Sydney's Economy* in that it will strengthen retail and employment opportunities within the City of Ryde. The Proposal will facilitate the following Actions:

E2.2 Ensure an adequate supply of retail, office space and business parks

E4.1 Ensure all new LEPs provide for a broad range of local employment types

The Planning Proposal will provide job opportunities within a highly accessible area. It is considered to be an appropriate location for commercial development due to the site's history and its location on a main road corridor (Epping Road). The site already contains a non-conforming land use (Ranch Hotel) which has been approved since 1967. As a result, the proposal is considered to be appropriate given the history of the site, site context and current use.

ITEM 14 (continued)*Draft Inner North Subregional Strategy*

In July 2007, the NSW State Government released the Inner North Subregion: Draft Subregional Strategy (Draft Subregional Strategy) covering the City of Ryde LGA. The Draft Subregional Strategy set targets for housing (dwellings) and employment (jobs) for the subregion to be reached by 2031.

Although the proposal does not contribute to an increase in the number of residential dwellings, it does provide for an additional 23 jobs. The planning proposal therefore, has no adverse impacts on the aims and strategies of the Draft Subregional Strategy as it will help CoR to meet its employment targets.

Local Planning Study

The City of Ryde Local Planning Study (adopted 7 December 2010) has been prepared as Council's local planning response to the Draft Subregional Strategy. The proposed rezoning does not conflict with the strategies adopted under the Local Planning Study.

Ryde LEP 2010 and Draft Ryde 2011

The proposed rezoning from R2 Low Density Residential to B1 Neighbourhood Centre under Ryde LEP 2010 is consistent with the objectives of the B1 Zone:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that the development does not have an adverse impact on the amenity of local residents.*

The proposed B1 Zoning is the same as the nearby Woolworths supermarket at the Epping Road and Balaclava Road intersection. The site is not considered to be highly suitable for residential development as it is located on the corner of two very busy roads. Given the site context, the proposed business zoning is considered more appropriate than a residential zone.

Amenity impacts

The Planning Proposal includes a Concept Design and a Traffic Study of the new development. Whilst amenity and traffic issues would be comprehensively assessed at the DA stage, the proposal indicates that the proposed Dan Murphy's store will not have an adverse impact on the amenity of nearby residents through overshadowing, loss of parking or traffic generation.

The Concept Design shows that the proposed building is a single storey in height (max 9.5m) and the shadow diagrams submitted with the proposal indicate that the new building will cause minimal overshadowing impacts on adjacent properties.

ITEM 14 (continued)

The Traffic and Transport Assessment prepared by Cardno Victoria Pty Ltd presents the following conclusions:

- The anticipated post development peak parking demand for the site equates to 185 spaces and is comfortably accommodated by the proposed supply of 281 spaces on site.
- Turning movement surveys were undertaken at the intersection of Epping Road and Herring Road to measure the existing operational performance of the intersection and compare the post-development performance with the addition of the development generated traffic.
- The proposed Dan Murphy's store is expected to increase traffic activity to and from the site by up to 281 vehicle movements during the PM peak hour period.
- Analysis of the intersection of Epping Road and Herring Road (with additional traffic generation included) indicates that the intersection will continue to operate under similar conditions post development and that the proposed development will have no significant or discernible impact on the current operating conditions of that intersection.

Existing use rights

Under the planning proposal, the existing hotel accommodation use would continue to benefit from existing use rights for any future proposals. An existing use is a use that is lawfully commenced but subsequently becomes a prohibited use under a new local environmental plan.

In preparing a standard template LEP, DoPI guidelines encourage councils to, where feasible, identify development that would have existing use rights and include 'permitted additional uses' on that land in Schedule 1 of their LEP, so that the land use is no longer prohibited (in effect, remove existing use rights). It is therefore recommended that hotel accommodation activities on the subject land are identified in Schedule 1 – Additional Permitted Uses of Ryde LEP 2010.

It is recommended that the submission lodged with the Department on the planning proposal include a recommendation that hotel or motel accommodation is listed as an additional use on the site at 108 Herring Road, Marsfield.

Next Steps

Should Council resolve to support this planning proposal for the purposes of a gateway determination, the next step is to forward the planning proposal to the Department of Planning. Gateway determinations are issued by the Minister for Planning or delegate and are required before community consultation (public exhibition) on the planning proposal takes place.

Consultation

External consultation will be undertaken should a gateway determination be issued.

ITEM 14 (continued)

Community and public authority consultation will be undertaken in accordance with the statutory consultation provisions for rezoning. The Gateway Determination will define the consultation period. DoPI guidelines indicate that low impact proposals are generally for 14 days and others are for 28 days.

Financial Impact

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

Options

That the planning proposal to rezone the land at 108 Herring Road Marsfield to B1 Neighbourhood Centre under Ryde LEP 2010 not be forwarded to the Minister for Planning to receive a gateway determination.

There are no substantial planning reasons to reject the planning proposal as it is consistent with the local planning context. There is justification for Council to allow the planning proposal to proceed to gateway determination by the Minister for Planning. The recommendation to this report is therefore to proceed.

Should the Minister for Planning determine that the planning proposal can proceed to community consultation, Council has another opportunity to decide whether to proceed, vary or reject the proposal following community consultation.

ITEM 14 (continued)

ATTACHMENT 1



PLANNING PROPOSAL

108 HERRING ROAD, MARSFIELD

JUNE 2012

Prepared by
Milestone (Aust) Pty Limited

Contacts
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ATTACHMENT 1

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Appendix C:	Shadow Diagrams prepared by i2C Design and Management.
Appendix D:	3D Mass Model prepared by i2C Design and Management.
Appendix E:	City of Ryde letter of preliminary support for the proposal, dated 16 April 2012.
Appendix F:	Employment Impact Report prepared by MacroPlan Dimasi Pty Ltd.
Appendix G:	Landscape Plan and Planting Schedule prepared by Elke Haege Landscape Architects.
Appendix H:	Traffic & Transport Assessment prepared by Cardno Victoria Pty Ltd.

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1 INTRODUCTION

1.1 Introduction

This planning proposal has been prepared in accordance with the NSW Department of Planning and Infrastructure guidelines and the key planning considerations outlined within City of Ryde Council's (Council) letter of preliminary support dated 16 April 2012. It relates to a proposed single storey development comprising a Dan Murphy's Liquor Store and associated at grade and basement car parking on a site at 108 Herring Road, Marsfield. The site is zoned R2 Low Density Residential, and requires rezoning to facilitate the proposed development which is prohibited under the current zoning.

The 'Gateway' process which enables a Local Environmental Plan (LEP) to be made or revised is currently under review by the NSW Government.

This report details the objectives of the planning proposal and explains the proposed LEP provisions and provides the background to, and justification for the proposal. This planning proposal includes an analysis of the subject site and proposal, in context of the State and local planning policy and instruments and other relevant Gateway matters including integration with existing retail centres, land uses and infrastructure, and environmental matters.

2 THE SITE

2.1 Site Description

The site is known as 108 Herring Road, Marsfield (Lot 590 DP 656070) and shown in Figure 1. The site is irregularly shaped, with a frontage to Herring Road and Epping Road of 55.18 metres and 108.17 metres respectively. The site is occupied by a part one and two storey hotel building known as 'The Ranch' that comprises a bar, hotel, bistro and a BWS bottle shop. The total site area is 12,317m².

Vehicle access to the site is provided by separate entry and exit driveways to Herring Road. There is no vehicle access from Epping Road.

The site currently has 242 at grade car parking spaces.

The site comprises established landscaping along all of its boundaries. There are also some trees within the site car parking area. Hedging and small trees are located along the north-western and southern boundaries of the site. More significant trees and shrubs are located along the eastern and south-eastern boundaries.

Further details regarding the existing site can be found within the Survey Plan held at Appendix A.

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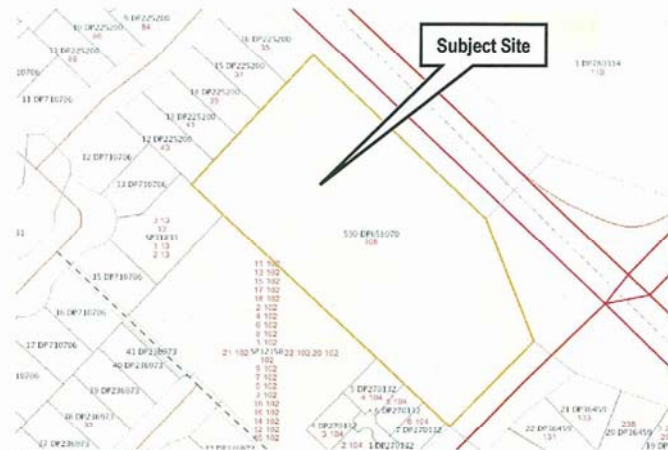


Figure 1: Subject Site
Source: SixViewer 2012



Photo 1: The existing site to comprise the proposed Dan Murphy's Liquor Store, view north.

3 SITE CONTEXT

3.1 Local Context

The site is located at the crossroads intersection with Herring Road and Epping Road. The site is located at the edge of a predominately residential area located to the south of Epping Road. Five detached dwellings directly about the site along the north-western boundary with frontage to Waring Street. Residential development including townhouses and units are located along the site's southern boundary.

The north-western and southern boundaries of the site adjoin a R2 Low-Density Residential Zone and partially a R3 Medium-Density Residential Zone. These form part of the broader Marsfield residential neighbourhood. Directly opposite the site on the northern side of Epping Road is land zoned B4 Mixed Use Zone (under the current LEP 2010 and Draft Local Environmental Plan 2011 (dLEP 2011)), which is currently occupied by the Stamford Grand Hotel. At the northern end of Herring Road, approximately 650 metres from the subject site, is the Waterloo Road Entry Gate to Macquarie University and the Macquarie University Railway Station.

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The northern side of Epping Road (opposite the site) comprises the Macquarie Park Corridor. Council's desired future character for this Corridor is mixed use development to provide a transition from the more intense development focused around the Macquarie University Railway Station to the peripheral area. It will be characterised by lower scale development and greater landscaped elements. Macquarie Park Corridor aims to enhance its sense of identity through providing better integrated residential and business areas.

The site's locational context is shown in Figure 2.



Figure 2: Locality Map
Source: NearMap 2012

3.2 Retail Context

The subject site sits approximately 700 metres south-west of Macquarie Shopping Centre, which contains Big W, Franklins, Woolworths and additional specialty shops. Macquarie Shopping Centre is zoned B4 Mixed Use and sits within the Macquarie Park Corridor. The site is also in close proximity to the B1 Neighbourhood Centre (approximately 440 metres north west of the site) comprising a Woolworths supermarket at the Epping Road and Balaclava Road intersection.



Figure 3: Retail Context
Source: NearMaps 2012

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4 THE OBJECTIVES OF THE PLANNING PROPOSAL AND LEP AMENDMENT

The objective of this planning proposal is to amend the existing zoning of the site from R2 Low Density Residential Zone to B1 Neighbourhood Centre Zone to facilitate the proposed development of a Dan Murphy's Liquor Store (1,350m²) as a permissible use pursuant to Ryde Local Environmental Plan 2010 (LEP 2010) and Ryde draft Local Environmental Plan 2011 (dLEP 2011). It is intended that a Development Application (DA) for the proposed development would be submitted to City of Ryde Council (Council) in conjunction with the application for rezoning following the Gateway Determination.

5 THE PROPOSAL AND EXPLANATION OF PROVISIONS

5.1 Proposed Dan Murphy's Liquor Store

Rezoning is sought because the proposed development is prohibited in the R2 Low Density Residential Zone within LEP 2010 and dLEP 2011. The proposed rezoning seeks the site to be rezoned to B1 Neighbourhood Centre as commercial premises are permitted with consent within this zone. The proposed LEP amendment provisions would apply **only** to the subject site, and not to any other parcel of land in the City of Ryde local government area.

The objective of the rezoning is to facilitate the development of a Dan Murphy's Liquor Store and associated at-grade and basement car parking on the subject site. The proposed development will strengthen and reinforce the underutilised car park within the site and increase the permissibility of future commercial uses in conjunction with the existing Ranch Hotel. More specifically, the proposed development incorporates:

- Removal of approximately 154 existing at-grade car parking spaces;
- Demolition of the existing BWS shop;
- Construction and fit out of a new Dan Murphy's Liquor Store (1,350m² Gross Floor Area (GFA)) and associated signage;
- Construction of a basement car park for 138 car spaces and re-line at-grade car parking area for 55 car spaces including 4 accessible car parking spaces;
- Loading dock at the southern end of the Dan Murphy's Liquor Store to accommodate 12.5 metre rigid vehicle; and
- Landscaping.

A new liquor licence is not required for the proposal as the existing liquor licence will be transferred from the existing BWS on the site connected to the Ranch Hotel (proposed to be demolished).

The hours of operation for the proposed Dan Murphy's Liquor Store are as follows:

- 9:00am – 9:00pm Mondays to Saturdays; and
- 10:00am – 8:00pm on Sundays.

The proposed loading dock operating hours are as follows:

- 6:00am – 10:00pm, 7 days.

Further details of the proposed development are contained within the Development Drawings within Appendix B, and 3D Mass Model at Appendix D (prepared by i2C Design and Management) as well as the Landscape Plan at Appendix G prepared Elke Haegel Landscape Architects.

5.2 Existing Ranch Hotel

The existing hotel on the site (The Ranch) is defined as a "hotel or motel accommodation" and "pub" in LEP 2010 and dLEP 2011 and is also prohibited in the R2 Zone. The approved hours of operation for the Ranch (bistro, bar and bottle shop) range from 9am-3am Monday to Sunday. The existing Ranch Hotel use will continue to benefit from existing use rights for any future proposals. It is not proposed to include any specific provisions for this existing use as part of this planning proposal.

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6 JUSTIFICATION OF THE PROPOSAL

6.1 Section A – Need for the planning proposal

6.1.1 Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. Notwithstanding, the proposal has been subject of pre-application consultation with City of Ryde Officers. Detailed justification of the proposal is provided below.

6.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The rezoning of the subject land is the preferred manner to achieve the intended outcome to permit retail premises on the land. It is an opportunity to better utilise a currently underutilised portion on the site associated with a non-conforming land use. To enable retail premises to be a permissible use, a spot rezoning is required.

6.1.3 Is there a net community benefit?

Yes, the planning proposal will facilitate the development of a Dan Murphy's Liquor Store, which would otherwise be prohibited in the current and proposed R2 Zone. The Employment Impact Report prepared by MacroPlan Dimasi Pty Ltd concludes that the proposed development will result in a "significant stimulus to local employment within the City of Ryde as well as across the broader NSW economy". It makes the following specific points in this regard:

- "Net employment resulting from the proposal is expected to total 23 net jobs;
- Based on ABS employment multiplier for the retail industry we [MacroPlan Dimasi] estimate this would also lead to a further 9 multiplier induced jobs".

Therefore, the proposal addresses employment targets. In addition, the planning proposal will anchor an existing site which comprises commercial uses and will therefore enhance retail choice and competition within a highly concentrated existing market as well as the provision of a local and convenient retail premise with shorter associated trips for local residents and workers. There is no other suitable location for the proposed Liquor Store in a nearby existing centre and trade impacts on existing surrounding centres as a result of the proposal will be minimal. Further, the proposed development will also have significant public domain improvements for the currently underutilised site in addition to streetscape improvements for the Epping Road Precinct, which is in the public interest.

6.2 Section B - Relationship to Strategic Planning Framework

6.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Metropolitan Plan for Sydney 2036 and exhibited draft strategies)?

Metropolitan Plan for Sydney 2036

Macquarie Park has been identified as a specialised centre within *Strategic Direction B – Growing and Renewing Centres* within the Metropolitan Plan for Sydney 2036 (Metro Plan). Specialist centres are defined within the Metro Plan as "areas containing major airports, ports, hospitals, universities, research and/or business activities that perform vital and economic and employment roles across the metropolitan area". The Metro Plan identifies a walking catchment area of 1 kilometre from any specialist area. The site proposed for a spot rezoning is located within the identified catchment area.

The proposal for a new retail premise satisfies the relevant objectives and Actions B1.1 and B1.2 in the following ways:

- It is proposed within the walking catchment of the Macquarie Park specialised centre;
- Although it is not within the central part of the specialised centre, it is opposite an existing commercial area (Stamford Hotel) and therefore complements the surrounding uses;

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- It is considered to be an appropriate location for commercial development due to the site's history, accessibility of the site and the location along a main road corridor (Epping Road); and
- It provides more sustainable growth as it better utilises the development potential of a non-residential site and assists in avoiding pressure for out-of-centre development.

The site already contains a non-conforming land use (Ranch Hotel) which has been approved since 1967. As a result, the proposal is considered to be appropriate given the history of the site, site context and current use.

Strategic Direction E – Growing Sydney's Economy identified Macquarie Park as being part of the Global Economic Corridor. The employment capacity targets outlined for the draft Inner North Subregion are for an additional 62,000 jobs to be provided between 2006 and 2036 (increase of 26%). The proposal is considered to satisfy the relevant objectives and Actions E1.1, E2.1, E2.2 and E4.1 in the following ways:

- It provides job opportunities closer to home and within a highly accessible area;
- It increases job diversity within the subregion;
- It improves access to retail which plays a critical role in the functioning of a city; and
- It enables people to carry out more activities in one location.

The planning proposal will therefore accompany the outcomes of the identified specialised centre and further strengthen the retail and employment opportunities as well as contributing to the sustainable growth of Sydney and its centres.

Draft Inner North Subregional Strategy

The site is located within the draft Inner North Subregion of the Metro Plan that includes Hunters Hill, Lane Cove, Mosman, North Sydney, Ryde and Willoughby local government areas. As stated previously, the site has been identified as being located within the Macquarie Park Specialised Centre (refer to Figure 4 below).

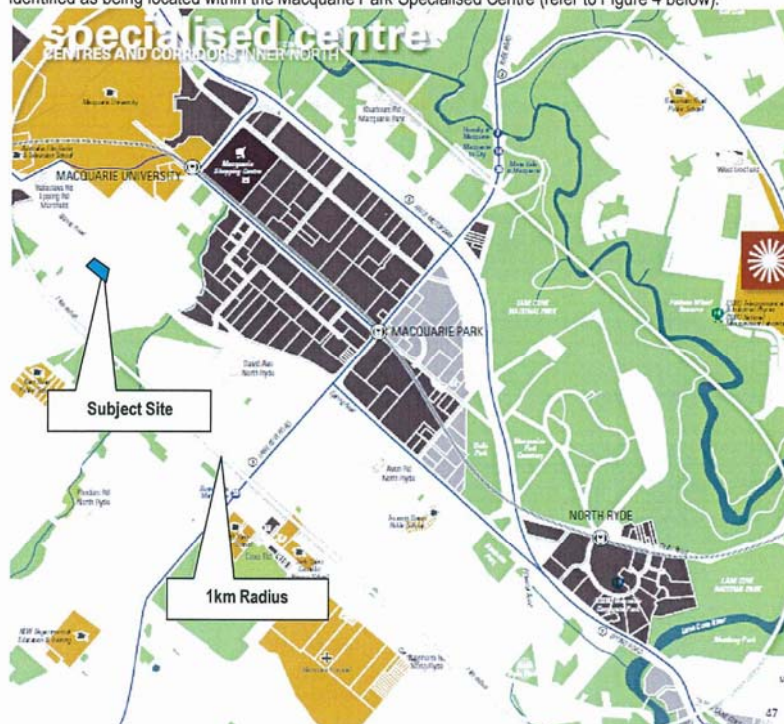


Figure 4: Location of subject site within Macquarie Park Specialised Centre
Source: Draft Inner North Subregional Strategy 2007

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Table 1 – Compliance of the Proposal with the relevant parts of the draft Inner North Subregional Strategy

Action	Response
A – ECONOMY AND EMPLOYMENT	
A1.1 Provide a framework for accommodating jobs across the Subregion.	The proposed rezoning will permit commercial/retail uses on the land. As the Employment Impact Report prepared by MacroPlan Dimasi Pty Ltd outlined (refer to Appendix F), the proposal will result in on-going supportable employment. Further, the location of the site also assists in strengthening the importance of the Macquarie Park section of the Global Economic Corridor.
A1.2 Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands.	The proposal provides additional employment opportunities within an area that currently comprises other concentrations of strategically important Employment Lands.
B – CENTRES AND CORRIDORS	
B1 Provide places and locations for all types of economic activity and employment across the Sydney region.	Given the location of the site along a main road, within the identified specialist area and on the edge of the Macquarie Park Corridor, the site is considered suitable for commercial uses. The proposed use of the site will also contribute to the Employment Capacity Target for the area.
B2 Increase densities in centres whilst improving liveability.	The draft strategy identifies a target of 44,000 new homes between 2006 and 2036. Although the site is currently zoned R2 Low Density Residential, it contains a long standing non-conforming land use (The Ranch) since 1967. Given the history and location of the site, it is considered that the site is more suitable for rezoning to B1 Neighbourhood Centre. As a result, although the proposal does not contribute to the increase of residential dwellings, it is considered that it will result in providing additional services to the new and existing population and the Dan Murphy's Liquor Store provides an appropriate land use to complement the hotel use on the site.
B4 Concentrate activities near public transport	As outlined within the Traffic & Transport Assessment prepared by Cardno Victoria Pty Ltd (refer to Appendix H), the site has an "excellent level of accessibility to public transport services".

6.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The City of Ryde 2021 Community Strategic Plan is Council's long term strategy for the greater Ryde community. The strategy aims to address community aspirations, whilst meeting the challenges of the future.

The planning proposal is consistent with the following relevant City of Ryde 2021 Community Outcomes and relevant key directions:

- **Creating Liveable Neighbourhoods** – The planning proposal assists in providing a variety of uses within the neighbourhood, which contribute to a desirable lifestyle. The planning proposal also enables the appropriate identification of a non-residential site to a business zone, which provides convenient services and employment locally.
- **City of Prosperity** – The proposal provides additional employment opportunities and utilises land that already comprises a commercial/business use. This subsequently contributes to the reduced time and travel costs and improves the overall amenity of this underutilised site as well as the streetscape along Epping Road.

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6.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) that are relevant to the proposal are:

- SEPP (Infrastructure) 2007;
- SEPP 55 – Remediation of Land; and
- SEPP 64 – Advertising Signage.

Compliance with the relevant SEPPs is considered able to be achieved. The site is located adjacent to a classified road (Epping Road) and pursuant to the SEPP (Infrastructure) 2007 the proposed development will be referred to the Roads and Maritime Services (RMS) for concurrence. The proposed development is considered able to achieve compliance with these requirements.

The proposal is also able to achieve compliance with SEPP 55 and SEPP 64. These matters will be addressed during the development application process.

6.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions, issued on 1 July 2009, to planning authorities under section 117(2) of the EPAA, 1979 that are relevant to this planning proposal include Direction 1.1 Business and Industrial Zones and Direction 3.4 Integrating Land Use and Transport. Direction No. 7.1 issued on 1 February 2010 requires planning proposals to implement the vision, land use strategy, policies, outcomes and actions of the Metro Plan.

Direction 1.1

The planning proposal and proposed development are consistent with the intent and specific provisions of Direction 1.1 Business and Industrial Zones that seeks to:

- a) "Encourage employment growth in suitable locations,
- b) Protect employment land in business and industrial zones, and
- c) Support the viability of identified strategic centres."

In this regard the proposal will contribute to the achievement of these objectives, as it provides further employment growth within an existing underutilised site and non-conforming land use. The additional employment opportunity provided by the proposal is in accordance with the draft Inner North Subregional Strategy.

Direction 3.4

The planning proposal and development proposal are consistent with the intent and specific provisions of Direction 3.4 Integrating Land Use and Transport that seeks to:

"Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) Improving access to housing, jobs and services by walking, cycling and public transport, and
- b) Increasing the choice of available transport and reducing dependence on cars, and
- c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) Supporting the efficient and viable operation of public transport services, and
- e) Providing for the efficient movement of freight."

The proposed development will provide a local convenient retail premise with shorter associated vehicle trips and good accessibility to public transport services and to local residents and workers. The co-location of a Dan Murphy's Liquor Store with the existing hotel on site in addition to the commercial premises situated within the Macquarie Park Corridor will also enhance the retail competitiveness within the area. This provides important synergies of use and will facilitate shared vehicle trips.

Direction 7.1

The planning proposal is consistent with the vision, land use strategy, policies, outcomes and actions of the Metro Plan. Refer Section 6.2.1 for further discussion on the Metro Plan.

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6.3 Section C – Environmental, Social and Economic Impacts

6.3.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The planning proposal and proposed development would not result in any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

6.3.2 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Traffic and Transport

The Traffic & Transport Assessment prepared by Cardno Victoria Pty Ltd (held at Appendix H), outlines car parking and traffic related impacts of the proposed development.

The analysis concludes that the proposed development will result in an increase in traffic activity to and from the site, especially during peak periods (by up to 281 vehicle movements) and identifies that:

"Analysis of the intersection of Epping Road and Herring Road (with additional traffic generation included) indicates that the intersection will continue to operate under similar conditions post development and that the proposed development will have no significant or discernible impact on the current operating conditions of that intersection or the surrounding road network".

The proposed number of car parking spaces (as a result of the increased densification of the site) will comfortably accommodate the anticipated post development peak parking demand of 185 spaces. The additional traffic generated from the proposed development will not result in any adverse impacts at the intersection of Epping Road and Herring Road, nor the neighbouring residential community.

Built Form

The proposed development will significantly improve the built form presentation within the site by inclusion of high quality urban design solutions and implementation of a streetscape that incorporates planting of native trees, shrubs and groundcover.

The proposed height of the development complies with maximum height restrictions outlined within LEP 2010 and dLEP 2011. Further, the Shadow Diagrams held at Appendix C indicate that the proposal will not result in any adverse overshadowing of the adjoining residential properties. The proposed bulk and scale of the proposal appropriately maintains human scale adjacent to residential zones.

In addition, the proposed building footprint is considered to assist in helping shield the residential properties located to the northwest from noise impacts associated with the Hotel use (including noise associated with patrons in the car park).

Landscaping

The Landscape Proposal Plan (Drawing No. L_101, Issue A) and the Landscaping Calculations, Notes and Planting Schedule (Drawing No. L_102, Issue A) prepared by Elke Haeger Landscape Architects (refer to Appendix G) outlines the landscaping to be removed or retained as part of the proposed development as well as proposed additional planting. Thirty-two (32) trees are proposed for removal. However, the majority of these trees (17 trees) are consistent with Council's Noxious Weeds List. Further, 21 trees will be planted in accordance with Council's recommended planning list as part of the proposal to improve the streetscape along Epping Road and to ensure a vegetation buffer along the residential boundaries is retained.

The Landscape Plan also indicates that the site will result in a net overall gain of 14.8m² of landscaped area on the site. It is noted that deep soil planting comprises 49% of the identified increase in landscaping.

Although, some landscaping is to be removed (specifically the car park tree pits), it is considered that the proposed landscaping will improve the amenity of the site, in particular the streetscape along Epping Road. This will complement Council's desired outcome for the Macquarie Park Corridor opposite the site. Further, landscaping

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along the boundaries adjoining residential properties will also be retained, and in some areas intensified, to ensure a vegetation screening is maintained.

6.3.3 How has the planning proposal adequately addressed any social and economic effects?

Social Effects

Dan Murphy's is an established retail business which has specific management policies in place for their stores to ensure that alcohol is not sold to persons underage. Such management policies include the ID 25 and "Don't buy it for them". The planning proposal will not result in an additional liquor retail premise for the area as the liquor licence is to be transferred from the existing BWS Store that will be demolished as part of the proposal.

In addition, surveillance and security measures including CCTV cameras, appropriate lighting, signage, maintenance and locking devices will also be provided within the proposal.

Potential negative impacts of the proposed development may include:

- The loading operations; and
- Increased vehicle noise and from patrons coming and going in the car park.

However, the proposed hours of operation for the Dan Murphy's Liquor Store and the loading dock (outlined previously within Section 5.1) are considered to assist in eliminating noise and anti-social behaviours that could potentially arise if late night trading was permitted. Further, it is important to note, the proposed hours of operation are shorter than the existing hours of operation for the existing BWS Store on the site.

Overall, the proposed development has been designed to optimise the achievement of potential social benefits, including those related to access, security and safety and community structure. The detailed design of the project will incorporate appropriate consideration at the north western and southern boundaries to ensure that amenity of the neighbouring residential properties is reasonably preserved. It is considered that the proposed development will have predominantly a positive impact for the local area.

Economic Effects

The Employment Impact Report prepared by MacroPlan Dimasi Pty Ltd outlines the various employment opportunities that the proposed development will provide. The report stated that the proposed development will "result in additional on-going supportable employments as well as jobs through the supply chain, across industries servicing the retail tenant at the site such as transport works, wholesalers and the like".

The proposal will also contribute to significant site and streetscape improvements with flow on economic benefits related to the function and attractiveness of the site.

6.3.4 Other Environmental Effects

Suitability of the Site for Residential Uses

It is considered that the site is ideally suited to a retail land use given the existing significant infrastructure and commercial investment already on the site. The site already contains a non-conforming land use which has been in operation for a significant time. The site is currently underutilised and the proposal will modernise and substantially revitalise it. It enjoys a high level of both local and regional road accessibility, and access to public transport is available within close proximity to the site. Further, given the location of the site along a main road (Epping Road) and the adverse noise impacts associated with this proximity, the site offers less residential amenity and is not of a suitable size or depth to provide generous setbacks to buildings from the site boundaries, particularly in context of the hotel building footprint on the site.

Ryde LEP 2010 and dLEP2011

In addition to the abovementioned environmental effects, the key development controls relating to the current R2 zoning of the site are outlined within the Table 2 below:

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Table 2: Current and Draft LEP Compliance Table

Control	Comment	Compliance
Current LEP 2010		
Height = 9.5 metres	The proposed height of the Dan Murphy's Liquor Store is 8.7 metres.	Yes
FSR = 0.5:1	The proposed FSR of the Dan Murphy's Liquor Store is approximately 0.36:1.	Yes
Draft LEP 2011		
Height = 9.5 metres	The proposed height of the Dan Murphy's Liquor Store is 8.7 metres.	Yes
FSR = 0.5:1	The proposed FSR of the Dan Murphy's Liquor Store is approximately 0.36:1.	Yes

The proposed development complies with the relevant controls under the current R2 zoning. Overall, the planning proposal is considered to satisfy Council's relevant current and draft development standards.

6.3.5 Statement of Measures

The following commitments are made by the proponent to maximise the positive benefits and manage and ensure minimal potential impacts arise from the proposal during the detailed design of the development:

- Integrate the built form to provide a high quality architecturally designed economically viable development with no adverse overshadowing to surrounding residential properties, appropriate transition of scale and improvements to the landscape amenity and presentation of the site.
- Undertake a detailed Social Impact Assessment to accompany the DA.
- Undertake an Acoustic Assessment of the proposed operation of the proposal to ensure residential amenity is reasonably preserved.
- Preparation of a Management Plan for the proposed use outlining security and safety measures, appropriate lighting, signage and maintenance.
- Preparation of a Stormwater Management Plan which considers the stormwater and drainage issues including water sensitive urban design and drainage infrastructure.
- Preparation of a Construction Management Plan and notification system to ensure the safety and amenity of customers using the car park and hotel use will be maintained during the construction phase as well as to ensure surrounding residents are aware of likely impacts.

6.4 Section D – State and Commonwealth Interests

6.4.1 Is there adequate public infrastructure for the planning proposal?

The existing public infrastructure is considered adequate for the planning proposal. As concluded within the Traffic & Transport Assessment, the site has good accessibility to public transport. Bus services are provided along both Epping Road and Herring Road. These bus services provide connections to Macquarie Centre, Macquarie University Railway Station, Epping and Sydney City. In addition the Macquarie University Railway Station is located 650 metres north-east of the site.

The site is located in an established urban area and is already provided with adequate utility connections.

6.4.2 What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section of the planning proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway determination and will detail any issues raised by public authorities and address those issues as appropriate.

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7 PART 4 – COMMUNITY CONSULTATION

Community and public authority consultation is to be undertaken in accordance with the statutory consultation provisions for rezoning and development applications. It is anticipated that a 28 day public exhibition period will be required.

8 CONCLUSION

This planning proposal has assessed the LEP amendment and proposed development in light of the relevant State and local planning policy and statutory requirements. The proposal has also been assessed in accordance with Council's key planning considerations outlined within Council's letter dated 16 April 2012. The proposal provides a suitable integration with existing land uses and will have minimal environmental impacts including traffic impacts on the surrounding road network. This assessment demonstrates environmental planning merits in association with the proposed development of a Dan Murphy's Liquor Store and subsequently better utilisation of a currently underutilised portion of the site. The planning proposal and proposed development have been considered in accordance with the relevant policies of Council, both current and draft, and is considered able to sufficiently satisfy the requirements of these policies.

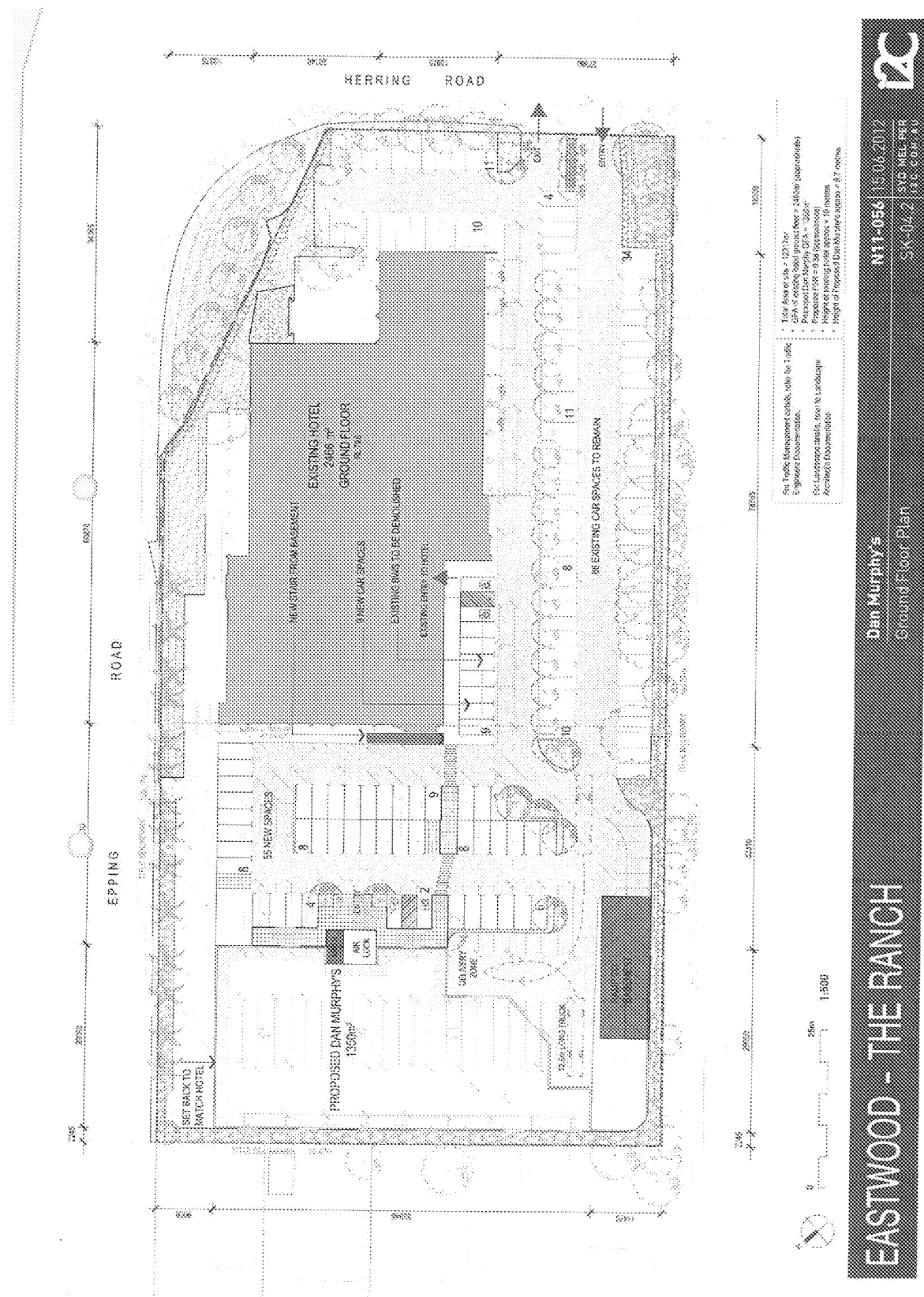
This planning proposal has also identified issues to be the subject of further investigations to inform the detailed design of the development.

The site is zoned R2 Low Density Residential, and requires rezoning to facilitate the proposed development which is currently prohibited within the R2 Zone. The planning proposal also recommends that the existing Ranch Hotel use continue to benefit from existing use rights for any future proposals. This planning proposal and the accompanying documents demonstrate the need for the LEP amendment and the justification for proceeding with the spot rezoning at this time. In this regard, the implications of not proceeding include the underutilisation of an existing site that already comprises commercial uses as well as not contributing to the further employment opportunities. The planning proposal and subsequent proposed development also makes good use of the existing infrastructure including public transport. It also improves the overall amenity of the site and streetscape presentation along Epping Road, which is in the public interest.

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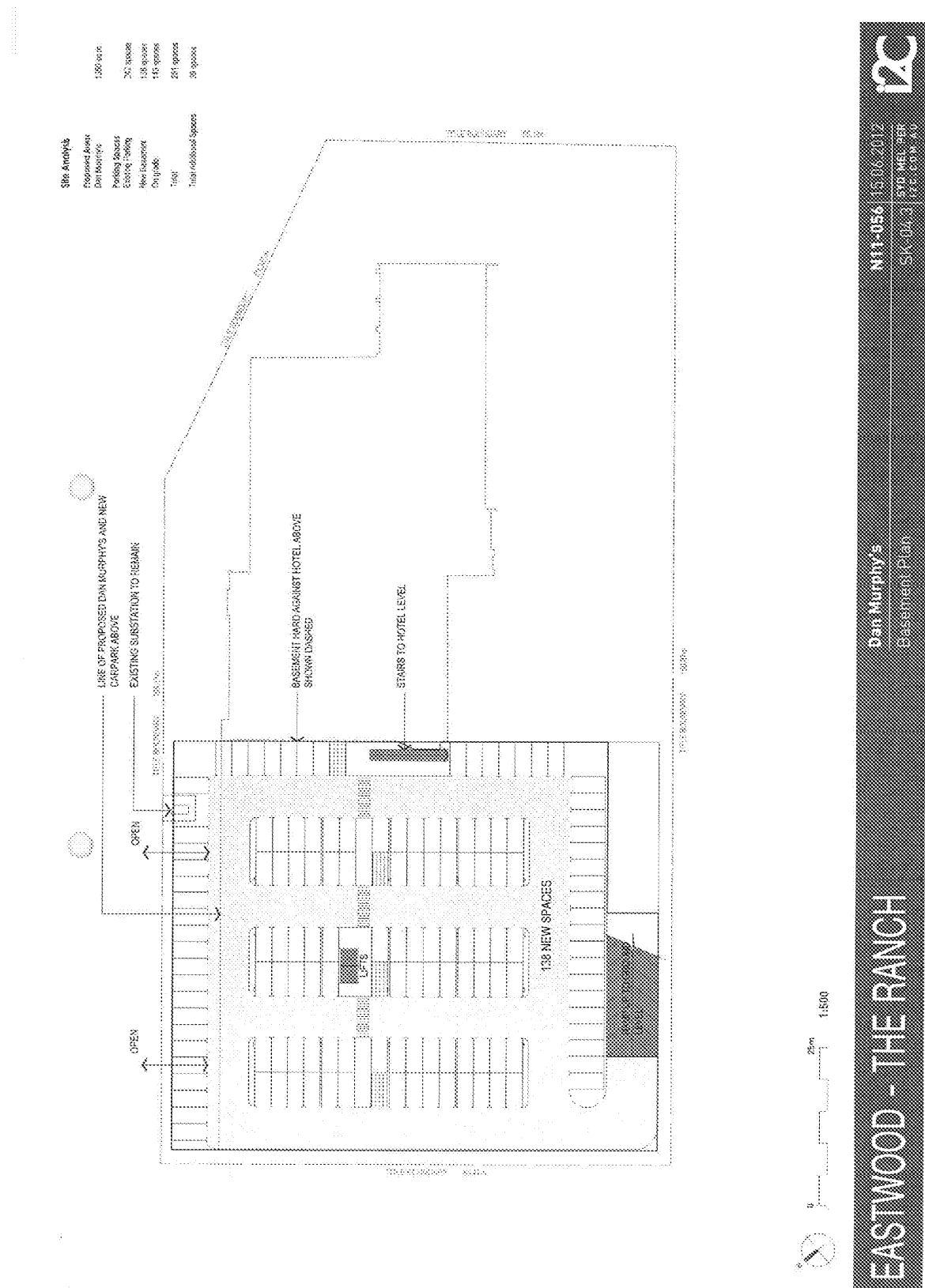
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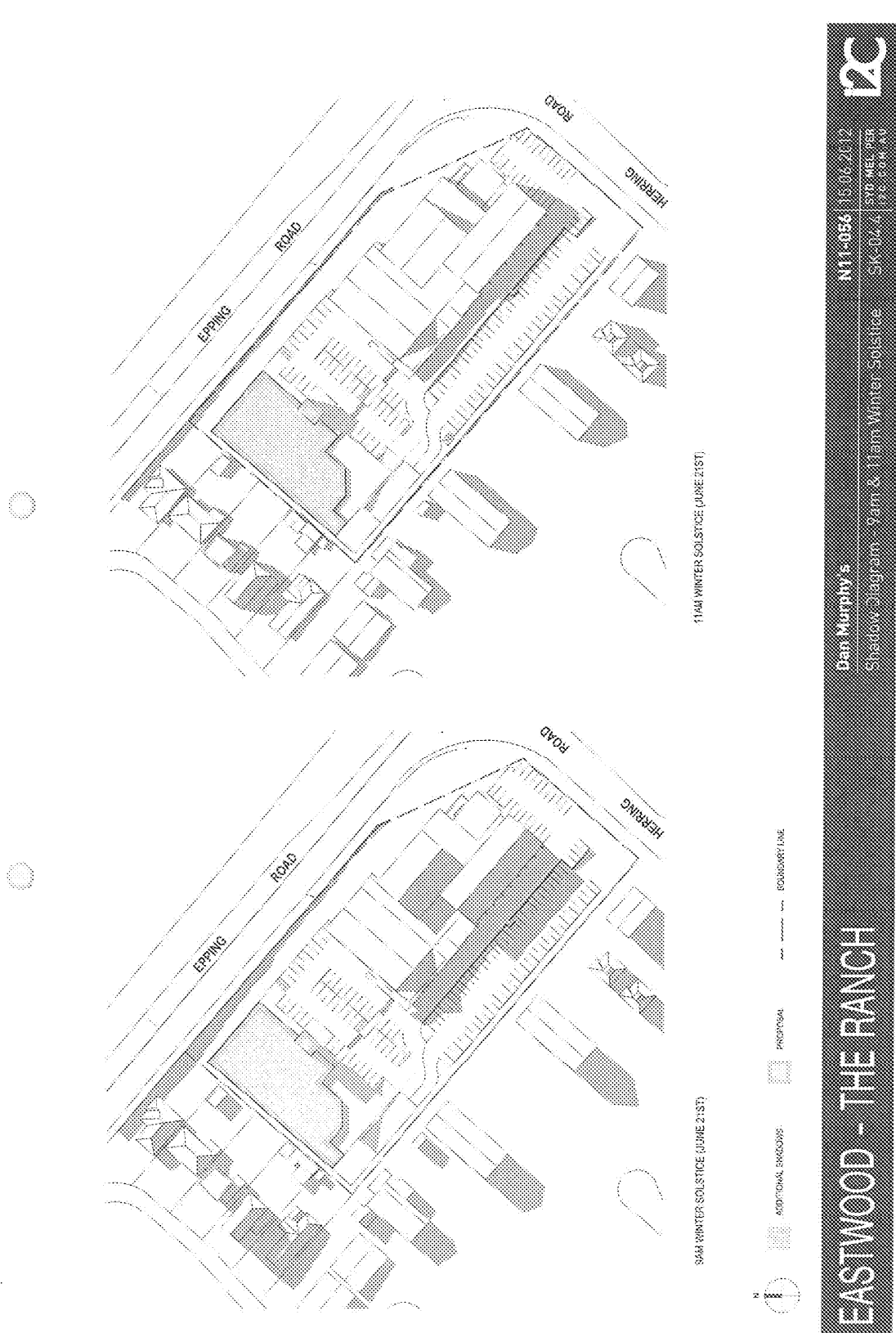
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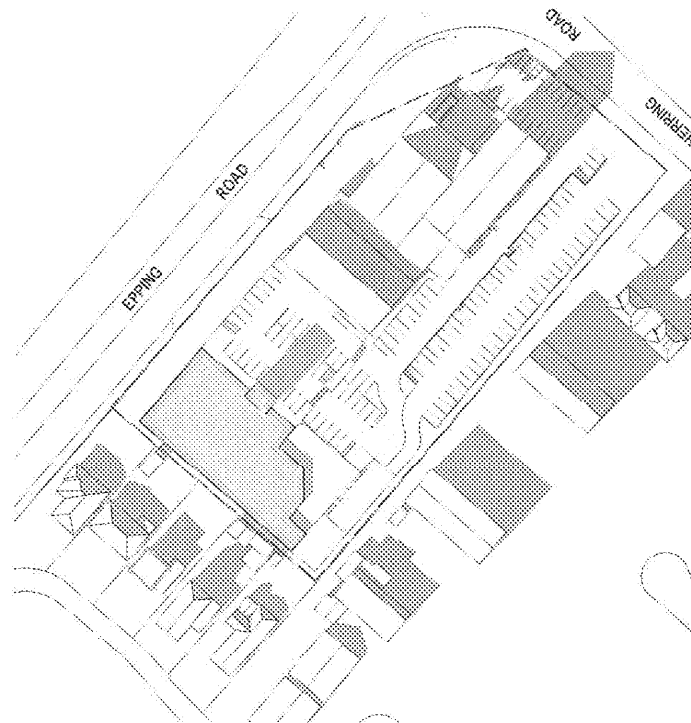
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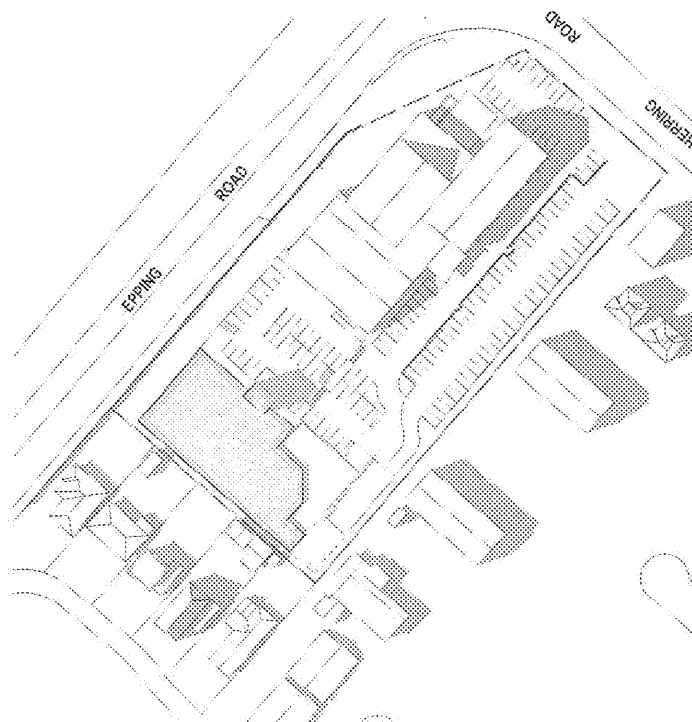


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ATTACHMENT 2



3PM WINTER SOLSTICE (JUNE 21ST)



1PM WINTER SOLSTICE (JUNE 21ST)



EASTWOOD - THE RANCH

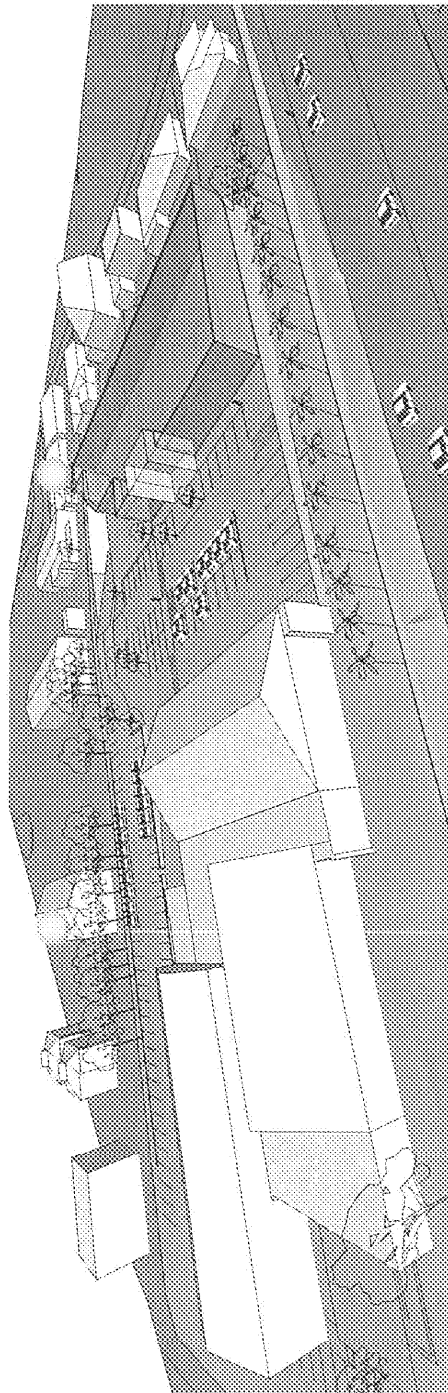
Dan Murphy's
 Shadow Diagram - 1pm & 3pm Winter Solstice

N11-056 15/06/2012
 SYD MEL PER
 5K-04.5
 1/21/2012

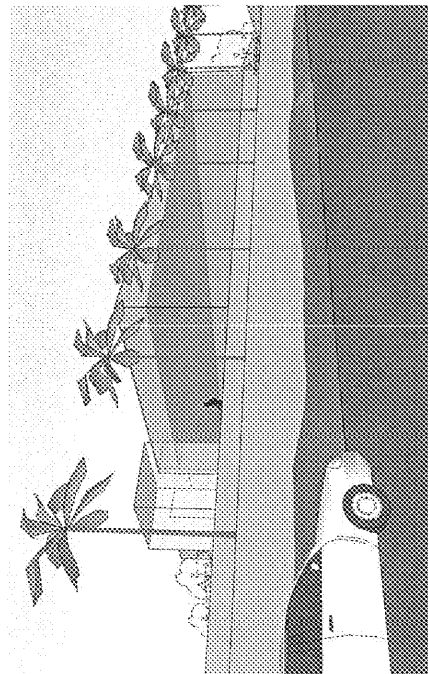
i2C

ITEM 14 (continued)

ATTACHMENT 2



AERIAL VIEW OF SITE



VIEW FROM EPPING ROAD



VIEW FROM EPPING ROAD

EASTWOOD - THE RANCH

Dan Murphy's
 3D Mass Modelling

NT11-056 | 15.06.2012

SHK-04.6
 STD MEL PER
 125 EGM AU

12C

15 ESTABLISHMENT OF A PANEL OF PREFERRED PROVIDERS TO PROVIDE LEARNING AND DEVELOPMENT SERVICES TO THE CITY OF RYDE

Report prepared by: Coordinator Learning & Development
File No.: GRP/12/5/5/5 - BP12/1176

REPORT SUMMARY

This report is to advise Council of the outcomes of the Request for Tender # COR-EOI-01/12 relating to the establishment of a Panel of Preferred Providers to provide Learning & Development services to the City of Ryde.

It is proposed to create a panel of "Preferred Providers" from which Council can select and engage for up to three (3) years.

RECOMMENDATION:

That the panel of preferred providers for the provision of Learning and Development services be endorsed for up to three (3) years, that being two (2) years plus the option of a further one (1) year at Council's discretion.

ATTACHMENTS

- 1** EOI LD Evaluation Report - 12 June 2012 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2** Final Scores for Each Submission Under COR EOI 01 12 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Debbie Martin
Coordinator Learning & Development

Report Approved By:

Melissa Attia
Manager - Human Resources

Roy Newsome
Group Manager - Corporate Services

ITEM 15 (continued)

Discussion

This matter was reported to Council at its meeting on the 24 July 2012 and due to the meeting being adjourned, was considered when the meeting was reconvened on Tuesday, 14 August 2012. At this meeting Council resolved as follows;

"That this report be deferred for consideration following the 2012 Local Government Election."

Accordingly, this report is submitted back to Council for its consideration.

Tender Details

Human Resources utilises a variety of learning and development providers to deliver accredited and non accredited training programs including Work Health and Safety across Council.

The City of Ryde sought Expressions of Interest from suitably qualified and experienced Learning & Development providers in the provision of appropriate training, education and accredited (where applicable) courses.

It is proposed to create a panel of "Preferred Providers" from which Council can select and engage providers to meet its needs.

The Expression of Interest (EOI) was publicly advertised in the Sydney Morning Herald and on Council's e-procurement site (Tenderlink) from 14 February 2012 until 6 March 2012.

At the closing date and time, 59 submissions were received from companies or individuals for the Scope of Work / Services sought. A large number of these submissions nominated numerous categories under the EOI.

The submissions were opened in accordance with the Council protocol.

A Tender Evaluation Panel consisting of the following members was established to assess the responses:

- Deborah Martin, Coordinator Learning & Development (Chair)
- Melissa Attia, Manager Human Resources
- Bryan Cropley, Coordinator Work Health Safety

The Advisor to the Panel was John Schanz, Manager Risk & Audit.

ITEM 15 (continued)

Evaluation

A Tender Evaluation report is **ATTACHED - CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL** (Attachment 1).

The assessment was based on the following criteria as outlined in the Request for Tender document:

- Capability / Capacity to deliver nominated courses / programs In-house / Public Programs
- Experience - In the delivery of nominated courses / programs (as per categories in Tender)
- Value for money - per hour or per day for development / delivery of courses

The weightings of the criteria were agreed and documented by the evaluation panel prior to the tender submissions closing date.

Tender submissions were evaluated by the assessment panel using an assessment matrix which is **ATTACHED - CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL** (Attachment 2).

The tender evaluation panel recommends the endorsement of the panel of preferred providers for an initial period of two years with a further option for one year at Council's discretion.

Discussion

The EOI process nominated 39 courses/categories and also asked providers to further nominate any additional course/categories where they felt that they had expertise in the delivery of training/accreditation.

While the evaluation panel have evaluated all submissions in meeting Council's criteria and are recommending the majority of providers being placed on the preferred list, Council will be guided by the highest rating providers in each category. It should be noted that a condition of this EOI was that there were no guarantees of work and no requirement to rotate the list.

Respondents were assessed against each of the criteria outlined and for each category for which they had nominated. The evaluation panel is confident that the listing of preferred providers is well balanced to meet Council's needs.

Some respondents have also indicated the potential to access government funding for traineeships for new and existing staff. This will be further investigated by staff.

ITEM 15 (continued)

Financial Implications

Expenditure incurred as a result of this EOI will be met within Council's recurrent budget.

Risk Assessment

The tender evaluation panel has considered the risks associated with this tender. The Evaluation panel considers the risk associated with the engagement of these providers to be low as all providers are assessed as being competent and with relevant qualifications and insurances.

Procurement Framework and Probity

This EOI process has been undertaken in accordance with Council's Procurement Framework and within the requirements of the Local Government Act 1993 and Local Government (General) Regulation.

During this EOI process there has been ongoing consultation with the Service Unit Manager, Risk and Audit.

16 TENDER - SUPPLY, INSTALLATION AND COMMISSIONING OF A CO-GENERATION PLANT AND EQUIPMENT FOR RALC

Report prepared by: Project Manager**File No.:** GRP/11/3/6/7 - BP12/573

REPORT SUMMARY

Council resolved at the meeting held on 22 November 2011 to tender for the supply and installation a 400kW Cogeneration plant at the Ryde Aquatic Leisure Centre (RALC). The key objectives are to reduce the total energy costs and reduce the carbon foot print of the facility.

RECOMMENDATION:

- (a) That Council accept the tender from Total Energy Solutions Pty Ltd for the sum of \$540,632 (ex GST) as recommended in the Tender Evaluation report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Total Energy Solutions Pty Ltd for the sum of \$540,632 (ex GST) on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

ATTACHMENTS

- 1 Tender Evaluation Report - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 TES Cogeneration Analysis - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Chris Virgona
Project Manager

Report Approved By:

Peter Nguyen
Service Unit Manger - Project Development**Terry Dodds**
Group Manager - Public Works**Danielle Dickson**
Group Manager - Community Life

ITEM 16 (continued)**Discussion**

Council conducted a feasibility report on the suitability of a cogeneration plant based on the electrical and heating loads of the Ryde Aquatic Leisure Centre. This report provided a range of plant size options from 120kW to 400kW including cogeneration, tri-generation and cogeneration plus solar alternatives. The data within the report indicated that a 400kW plant would be the most economically advantageous size to install.

Council resolved at its meeting held on the 22 November 2011 to call for Tenders for the supply and installation of a 400 kW natural gas powered cogeneration plant and associated equipment at the Ryde Aquatic Leisure Centre (RALC).

A requirement of the Tender was for potential suppliers to examine the historical electrical and heat demands of RALC and provide technical advice on the most appropriately sized plant and equipment. The preferred tenderer has offered a 350kW plant as the most appropriate size of equipment that will result in the best compromise between electrical energy production and heat production.

The key deliverables of this project are to reduce the consumption of electricity from the main supply grid, thereby reducing carbon emissions that may result from the RALC's operation. The main equipment will be enclosed within a newly built plant room that will utilize the RALC's fire protection system to meet the fire safety requirements.

Based on the resolution to tender for a 400kW plant, the project has budget funding of \$964,000. City of Ryde has received a grant of \$764,000 from WASIP and the balance of the project is available to be funded from the RALC cash reserves.

The Cogeneration plant operates on natural gas and produces electrical energy and heated water. The equipment is rated at 350kW to best match the load of the centre.

- The heated water will be used to supplement the boilers that currently heat pool water.
- The electrical energy produced by the Cogeneration plant will be fed into the RALC electrical system.
- There will be a nett increase in the amount gas consumed on site.
- There will be decrease electrical energy consumed from the Grid.

The COR-RFT 09/12 was advertised through TENDERLINK and Sydney Morning Herald.

Tender submissions closed at 2pm on Tuesday, 3 July 2012.

ITEM 16 (continued)

The following six (6) tenders submitted their tenders for these works:

1. Advanced Power Pty Ltd
2. MW Group Pty Ltd
3. Urban Energy Pty Ltd
4. Simons Green Energy Pty Ltd
5. Total Energy Solutions Pty Ltd
6. Theiss Services Pty Ltd

The following table outlines the tender evaluation schedule:

Tasks	Critical Dates
1. Advertise Request for Tender (RFT)	30 May 2012
2. RFT closing date	2:00pm 3 rd July 2012
3. Evaluation Meeting	12 July 2012
4. Evaluation report and recommendation	14 Sept 2012
5. Awarding of Contract	December 2012

Following the closing of the Tender on 3 July at 2pm, Tenders were opened and assessed by a Tender Assessment Panel on the following agreed assessment criteria. The assessment criteria and the weightings of the criteria were approved by the Group Manager Public Works prior to tender.

1. Fit for Purpose
2. Vendor Capability
3. Methodology & Program
4. Tender Price

Following the Tender Assessment from the submissions received from tenderers, a recommendation has been made which best satisfies Council's selection criteria and represents best value for money for Council.

The Tender Evaluation Report is **ATTACHED - CIRCULATED UNDER SEPARATE COVER- CONFIDENTIAL**.

Council's Assessment Panel recommends awarding of the contract to the preferred tenderer **Total Energy Solutions Pty Ltd** for the sum of \$540,632 (ex GST)

These costs are within the approved project budget.

Financial Implications

Council conducted feasibility report on the suitability of a cogeneration plant based on the electrical and heating loads of the Ryde Aquatic Leisure Centre. This report indicated that a 400kW plant would be the most economically advantageous appropriate size to install.

ITEM 16 (continued)

A key requirement of the Tender was for respondents to examine the historical data of electrical and heat loads of RALC and advise on the most suitably sized plant and equipment. The preferred tenderer has offered a 350kW plant as the most appropriate size of equipment that will result in the best compromise between electrical energy production and heat production.

The Cogeneration plant operates on natural gas and produces electrical energy and heat. There will be a net increase in gas consumption as a result of the cogeneration equipment being installed.

Should Council resolve to undertake the installation of a cogeneration plant this will result in an estimated nett financial gain of **\$180,879 per annum** after taking into account an ongoing maintenance program for of the equipment and the increase in gas consumption

Procurement Framework and Probity

This Request for Tender process has been undertaken in accordance with Council's Procurement Framework and within the requirements of the Local Government Act 1993 and Local Government (General) Regulation.

17 ANNUAL TENDERS - Request for Tender - Provision of Minor Works & Services and Pre-Qualification for Large Civil Works 2012-2013 and 2013-2014

Report prepared by: Tenders & Contracts Manager
File No.: GRP/11/3/6/7 - BP12/1149

REPORT SUMMARY

This Report to Council is to advise of the results of the annual Tenders for minor construction and maintenance works. Forty four (44) tenders were received expressing respective interest in submitting rates for the Provision of Minor Works & Services and or Pre-qualifying for Large Civil Works in accordance with qualifications and experience.

RECOMMENDATION:

- (a) That Council accept tenders for Provision of Minor Works & Services and Pre-qualification for Large Civil Works up until 30 November 2014, from the tenderers outlined in Appendices 1 and 2 of this report on an "as required" basis for the items outlined.
- (b) That the preferred contractors be advised that work will be allocated to them on an "as required" basis, following consideration at the time of the type of work, price, availability, previous workmanship, relevant expertise, previous service provided to the residents and previous compliance to safety requirements.
- (c) That the preferred contractors provide details of the required insurance (i.e. Public Liability and Workers' Compensation), and other conforming documents for approval within 14 days from the date of acceptance of the Tender.
- (d) That Council advise all the respondents of Council's decision.

ATTACHMENTS

- 1 Tender Evaluation Report 2012-2013 and 2013-2014 CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 Table 1 & 2 for Minor Works and Services 2012-2013 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 3 Table 1 & 2 for Minor Works and Services 2013-2014 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

ITEM 17 (continued)

Report Prepared By:

Jeff Dearden
Tenders & Contracts Manager

Report Approved By:

Peter Nguyen
Service Unit Manger - Project Development

Terry Dodds
Group Manager - Public Works

ITEM 17 (continued)

Background

To complete all of the works on the Capital Works Program, Council uses its direct control work force, individual major contracts and minor “as required contracts”.

The contractors are invited annually and a number of contractors are placed on the Preferred Contractors List for an initial period of one year with an option to extend for a further one year period by mutual agreement and subject to satisfactory performance.

Part 1:

Tenderers provided contract rates for the type of work in which they specialise. The tender document itemised sixty eight types of works. These items can be broadly grouped as (but not restricted to):

- Kerb and gutter
- Dish crossing
- Footpaving/vehicular slab
- Drainage
- Retaining wall
- Traffic facilities
- Road restoration
- Tree management
- Granite paving works
- Traffic management
- Fencing
- Pavement cleaning

Part 2:

To establish a panel of pre-qualified and experienced contractors who will be invited to submit a lump sum price for Large Civil Works. These items can be broadly grouped as:

- a) Shared user footpath
- b) Granite paved footpath

Report

The Request for Tender was publicly advertised on 28 August 2012. Forty four (44) tenders were received for the sixty eight (68) different items of work included in the Schedule of Rates tender.

A tender evaluation panel consisting of the following members was established to assess the responses:

ITEM 17 (continued)

Name	Representing	Position
Jeff Dearden	City of Ryde	Manager – Tenders & Contracts
Michael Debs	City of Ryde	Procurement Co-ordinator
Greg Norsa	City of Ryde	Capital Works Team Manager - Urban Landscapes
Gordon Malesevic	City of Ryde	Senior Project Manager

A Tender Evaluation report is **ATTACHED – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL** for the information of Councillors.

The assessment was based on the following criteria as outlined in the Request for Tender document.

Criteria	Description	Weighting
1. Tender Price	Value for money	30%
2. Previous Experience	Include similar type of works and projects, also previous panellist	20 %
3. Organisational Structure	Organisational structure of tenderer; size; available resources	10 %
4. Demonstrated understanding of Council's requirements	Appreciation of Council's technical requirements	10 %
5. Proposed personnel including sub-contractors	Nominated personnel (or sub-contractors) to undertake works	10%
6. WHS	Assessment of the tenderers conformance to WHS requirements (i.e. WHS manual, etc)	10%
7 Conformity to EPA requirements and past records of non compliance	Compliance with EPA requirements	10%
8 Insurance	Does the tenderer have the appropriate levels and types of insurance required by Council	Mandatory (Prior to engagement)
9 Conformity to the documentation	Does the tender conform to Council's requirements	Mandatory
10 Legal status of the entity	Council does not trade with any company in administration	Mandatory
11 Referees	Have referees been nominated by the tenderer	Mandatory

ITEM 17 (continued)

Tender submissions were evaluated by the assessment panel using an assessment matrix (**Table A**) for the periods 2012/2013 and 2013/2014 and the summary of tender prices received (**Table B**) for the periods 2012/2013 and 2013/2014 which are **ATTACHED – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL** for the information of Councillors.

Categorising

The number of preferred tenderers' is to ensure sufficient coverage across all work types and availability.

Outcome:

Total number of Tenderers contract **COR-RFT-16/12**: Forty four (44):

	Category (Colour)
Lowest Rates	Light Blue
2 nd Lowest Rates	Lime Green
3 rd Lowest Rates	Yellow

Preferred Contractors (in numerical order)

Tenderer Ref No.	Tenderer
1	Mastercut Concrete Aust Pty Ltd
2	Awada Civil Pty Ltd
3	KK Civil Engineering
4	MSA Civil and Communications
5	Avant Constructions
6	Online Pipe & Cabling Locating
7	Australian urban Tree Services
8	Atlantis Group of Companies Pty Ltd
9	Anzellotti Constructions Pty Ltd
10	Nitro Civil and Earthworks
11	Ally Civil
12	A J Paving
13	The Australian Grinding Company
14	Workforce Road Services
15	Exclusive Developments
16	C J Murphy Tree Recycling Services
17	Mansour Paving
18	Allstate Linemarking
19	Get Civil
20	Celtic Civil
21	C W Concrete
22	Codmah
23	Sam the Paving Man
24	Interflow
25	North Shore Paving

ITEM 17 (continued)

26	Plateau Tree Service
27	Jeankon
28	Sydney Metro Tree Service
29	Kelbon
30	Complete Linemarking Services
31	Tirawley Contracting
32	Total Drain Cleaning Services
33	The Stump Guy Tree Care
34	I C Pipes
35	Scape Constructions
36	Talis Civil
37	Performance Concrete
38	South West Kerbing
39	Guidance Road Management
40	ITS Trenchless
41	Downer
42	Ford Civil Contracting
43	MMA Civil Contracting
44	Northern Fencing Specialist

Non Competitive of Non-conforming Tenderers

Tenderer

39	Northshore Paving
----	-------------------

Works awarded to contractors under the contract are carried out on an 'as required' basis, following consideration at the time for the following factors:

Type of work:

- Price
- Availability
- Previous expertise
- Previous service provided to residents
- Previous compliance to safety requirements

Consultation

Internal Council business units consulted included:

- Business Infrastructure
- Asset Systems
- Project Development
- Operations

External public consultation included:

- No Applicable

ITEM 17 (continued)

Critical dates

The contract will commence on 1 November 2012 for an initial period of one (1) year with an option to extend for a further one (1) year period by mutual agreement and subject to satisfactory performance.

Management Plan Budget / Linkages

Contractors will be used on a number of Capital Works Projects & Maintenance Programs as identified in the Management Plan 2012-2014

Financial Impact

Each engagement of a contractor from the contractor list will be funded from approved Capital Works projects of operational / maintenance programs

Policy impact

There are no policy implications through adoption of the recommendation

Other options

The current system of inviting annual tenders provides an open and transparent process of engaging contractors for minor works while ensuring competitive rates.

Conclusion

The tendered rates for the Minor Works & Services contractors and Pre-qualification for Large Civil Works are considered competitive and the preferred panel of contractors satisfy Council's selection criteria.

PRECIS OF CORRESPONDENCE**1 ALLENGROVE MAJOR PROJECT CONCEPT PLAN APPROVED BY LAND & ENVIRONMENT COURT**

Report prepared by: Business Support Co-ordinator
File No.: GRP/12/5/5/5 - BP12/1115

CORRESPONDENCE

Submitting correspondence from **The Department of Planning and Infrastructure (Legal Services Branch)**, dated **28 September 2012**, relating to the Allengrove Major Project development proposed for the south-eastern corner of the intersection of Epping Road and Lane Cover Road. It advises that The Planning Assessment Commission granted approval to an amended concept plan on 28 September 2012.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from Department of Planning and Infrastructure advising of Concept Plan Approval

Report Prepared By:

Dyalan Govender
Business Support Co-ordinator

Report Approved By:

Dominic Johnson
Group Manager - Environment & Planning

Precis of Correspondence 1 (continued)

ATTACHMENT 1



Contact: Anna Summerhayes
Email: anna.summerhayes@planning.nsw.gov.au
u
Contact number: (02) 9228 6429

Mr Dominic Johnson
Group Manager, Environment & Planning

28 September 2012

Glenn Ford
Client Manager, Building & Development Advisory Service
City of Ryde Council

By email: D.Johnson@ryde.nsw.gov.au
gford@ryde.nsw.gov.au

Dear Mr Johnson and Mr Ford,

**Concept Plan application for a residential development at 116A-122B Epping Road, 259-263 Lane Cove Road and 1-9 Allengrove Crescent -
Land and Environment Court appeal by EGC Custodian Services against the Minister for Planning and Infrastructure**

I refer to the above matter and to our previous correspondence.

I am writing to update you on the status of this matter since the Department's letter to you dated 12 July 2012.

As was detailed in that letter, we act for the Minister for Planning and Infrastructure in Land and Environment Court proceedings against the Minister in relation to the Planning Assessment Commission's (PAC) refusal, as the Minister's delegate, of a concept plan application in relation to a residential development at 116A-122B Epping Road, 259-263 Lane Cove Road and 1-9 Allengrove Crescent (the 'concept plan application').

Outcome of section 34 Conference

As you are aware, the Court, with the parties' consent, listed the matter for a conciliation conference known as a 'section 34 conference'.

The section 34 conference was held on **30 July 2012** and was presided over by Commissioner Brown of the Land and Environment Court.

It was attended throughout by the following:

- the Planning Assessment Commission (as delegate for the Minister);
- EGC Custodian Services ('EGC');
- the parties' legal representatives; and
- the parties' technical experts (in the Minister's case, this included planning and traffic consultants);

Precis of Correspondence 1 (continued)

ATTACHMENT 1

2.

The first part of the section 34 conference, including an inspection of the site and its surrounds was attended by:

- a number of residents/objectors;
- representatives of Ryde City Council; and
- Mr Victor Dominello MP, the local member for Ryde.

A number of residents, a representative of Council and Mr Dominello, MP spoke at the section 34 conference both to express their views for the benefit of the parties in the conciliation process, and as evidence if the matter proceeded to a hearing.

The conciliation conference continued at the Land and Environment Court with the parties, their representatives and advisors. After some time, the conference was then adjourned to allow the parties time for further consideration and EGC the opportunity to prepare revised plans and supporting documentation.

On **29 August 2012**, EGC submitted revised plans and supporting documentation reflecting a significantly reduced development.

The Planning Assessment Commission was satisfied with the revised plans, subject to various conditions. Following further exchanges, agreement was reached between the parties as to an appropriate form of development.

Accordingly, the proceedings have been settled and there will not be a hearing before the Court.

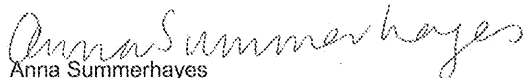
On **26 September 2012**, the Land and Environment Court entered Orders to allow the appeal in accordance with the parties' agreement. The Orders in summary provide for:

- Residential flat development concept, including:
 - Use of the site for residential flat buildings;
 - Indicative building envelopes for 7 buildings to a maximum height of 89.25m AHD. This represents a reduced maximum height from the previously recommended 98.00m (heights ranging between 3 and 8 storeys) down to 89.25m (heights ranging between 2 and 5 storeys);
 - Road works to support the development; and
 - Landscaping areas throughout the site.

In accordance with the *Environmental Planning and Assessment Act 1979*, following the appeal being allowed, the Planning Assessment Commission granted approval to the concept plan application (as amended) on **28 September 2012**.

To inspect the plans and supporting documentation please visit the Planning Assessment Commission's website at www.pac.nsw.gov.au. Please see the right hand side of the website homepage under the heading, "Recently Completed/ Determined" or please see the left hand side of the homepage under 'Projects' and then search for the keyword 'Allengrove'. The Commission's file reference is D128/12.

Yours faithfully



Anna Summerhayes
Legal Services Branch
Department of Planning and Infrastructure

CONFIDENTIAL ITEMS

18 MACQUARIE UNIVERSITY - DRAFT DEVELOPMENT AGREEMENT

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Report prepared by: Place Manager; Team Leader - Design and Development

File No.: PM2011/46 - BP12/1085

Page: 204

19 41 - 45 BELMORE STREET RYDE UNAUTHORISED DEMOLITION

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.

Report prepared by: Environmental Protection and Control Officer

File No.: GRP/12/5/5/5 - BP12/745

Page: 210