

Meeting Date: Tuesday 11 December 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

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

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Council Meeting held on 27 November 2018

Report prepared by: Senior Coordinator - Civic Support
File No.: CLM/18/1/1/2 - BP18/1156

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 15/18, held on 27 November 2018 be confirmed.

ATTACHMENTS

- 1 MINUTES - Ordinary Council Meeting - 27 November 2018**

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 15/18**

Meeting Date: Tuesday 27 November 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Pedersen, Purcell and Zhou.

Note: Councillor Brown arrived at the meeting at 7.22pm.

Note: Councillor Lane left the meeting at 8.59pm and did not return. He was not present for consideration or voting on Item 14.

Apologies: Councillors Maggio and Yedelian OAM.

Leave of Absence: Councillor Moujalli.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Acting Chief Financial Officer, Manager – Communications and Engagement, Manager – Corporate Governance, Manager – Community and Rangers Services, Manager – Urban Strategy, Development Contributions Coordinator, Internal Auditor, Senior Coordinator – Communications, Communications Coordinator, Senior Coordinator – Civic Support and Civic Support Officer.

PRAYER

Reverend Bruce Stanley of St Philip's Anglican Church, Eastwood was present and offered prayer prior to the commencement of the meeting.

NATIONAL ANTHEM

The National Anthem was sung prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 4(7) – Small Grants – Allocation of Funding November 2018, for the reason that he used to be a member of North Ryde Christian Church.

Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in Item 4(7) – Small Grants – Allocation of Funding November 2018, for the reason that she has recently met with the CEO of C3 Church who runs the reach community outreach initiatives.

ITEM 1 (continued)

ATTACHMENT 1

Councillor Lane disclosed a Pecuniary Interest in Item 14 – Offer to Enter into a Voluntary Planning Agreement by Macquarie Telcom in relation to a Development Application to extend a data centre at 17 to 23 Talavera Road, Macquarie Park, for the reason that he owns shares in a company that competes with MAQ, and in another company offering competing products in one segment of the business operations.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION TO THE WINNER, SECOND PLACE AND THIRD PLACE IN THE MAYOR'S CHRISTMAS CARD DESIGN COMPETITION

The Mayor, Councillor Laxale presented the winner, Jackson Byak, Year 2 from Holy Spirit Primary School, second place Yehensa Dahanayake, Year 5 from Meadowbank Public School and third place Sivane Nathan, Year 1 from Denistone East Primary School with a certificate and gift voucher for the Mayor's Christmas Card Design Competition.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
David Wilson (representing Goodman)	Item 13 – Offer to enter into a Voluntary Planning Agreement by Goodman in relation to staged development of 85 to 97 Waterloo Road, Macquarie Park
John Palfreyman (representing Telecom Pty Ltd)	Item 14 – Offer to enter into a Voluntary Planning Agreement by Macquarie Telecom in relation to a development application to extend a data centre at 17 to 23 Talavera Road, Macquarie Park

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

Note: Councillor Brown was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Purcell and Lane)

That the speaker who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Works and Community Committee Meeting 8/18 held on 13 November 2018 be allowed to address the meeting, the time being 7.18pm.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Joshua Groenestyn (representing North Ryde Christian Church)	Item 4(7) – Small Grants – Allocation of Funding November 2018

Note: Councillor Brown arrived at the meeting at 7.22pm.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Gordon and Kim)

That Council now consider the following Items, the time being 7.24pm:-

- **Item 13** – Offer to enter into a Voluntary Planning Agreement by Goodman in relation to staged development of 85 to 97 Waterloo Road, Macquarie Park
- **Item 14** – Offer to enter into a Voluntary Planning Agreement by Macquarie Telcom in relation to a development application to extend a data centre at 17 to 23 Talavera Road, Macquarie Park
- **Item 4(7)** – Small Grants – Allocation of Funding November 2018
- **Item 7** – 2017/2018 Audited Financial Statements – Presentation by Auditors

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

COUNCIL REPORTS

13 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY GOODMAN IN RELATION TO STAGED DEVELOPMENT OF 85 TO 97 WATERLOO ROAD, MACQUARIE PARK

Note: David Wilson (representing Goodman) addressed the Council in relation to this Item.

RESOLUTION: (Moved by Councillors Brown and Lane)

That this matter be deferred to Closed Confidential Session for consideration.

Record for the Voting:

For the Motion: Unanimous

14 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY MACQUARIE TELECOM IN RELATION TO A DEVELOPMENT APPLICATION TO EXTEND A DATA CENTRE AT 17 TO 23 TALAVERA ROAD, MACQUARIE PARK

Note: John Palfreyman (representing Macquarie Telecom Pty Ltd) addressed the Council in relation to this Item.

Note: Councillor Lane disclosed a Pecuniary Interest in this Item for the reason that he owns shares in a company that competes with MAQ, and in another company offering competing products in one segment of the business operations. He left the meeting at 7.25pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Brown and Pedersen)

That this matter be deferred to Closed Confidential Session for consideration.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Lane returned to the meeting at 7.26pm.

ITEM 1 (continued)

ATTACHMENT 1

COUNCIL REPORTS

**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/18
held on 13 November 2018**

7 SMALL GRANTS- ALLOCATION OF FUNDING NOVEMBER 2018

Note: Joshua Groenestyn (representing North Ryde Christian Church) addressed the Council in relation to this Item.

Note: The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he used to be a member of North Ryde Christian Church.

Note: Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she has recently met with the CEO of C3 Church who runs the reach community outreach initiatives.

RESOLUTION: (Moved by Councillors Pedersen and Kim)

- (a) That Council endorse the allocation of The City of Ryde Small Grants Category as follows:

Organisation	Project Name	Amount
The Northern Centre	Sing & Grow @ The Northern Centre	\$2,000
North Ryde Community Aid and Information Centre Inc.	Ryde Leisure Learning Centre	\$2,000
West Ryde Chamber of Commerce	West Ryde Chamber Website Project	\$1,200
Reach Community Initiatives	Building resilience & engaging students with breakfast club & social skills	\$2,000

- (b) That Council endorse the allocation of \$324 to North Ryde Christian Church for their Christmas Carols event in Pindari Park on 18 December 2018, due to their Small Grant application falling outside the endorsed timelines and having met the assessment criteria outlined in the Community Grants Policy 2018.
- (c) That the successful Grant applicants be informed of the outcome of their application.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

7 2017/2018 AUDITED FINANCIAL STATEMENTS - PRESENTATION BY AUDITORS

RESOLUTION: (Moved by Councillors Gordon and Kim)

- (a) That in accordance with Section 419 of the Local Government Act 1993, Council receive and note the Auditor's Reports on the 2017/18 Annual Financial Statements for the year ended 30 June 2018.
- (b) That any public submissions on the 2017/18 Financial Reports be referred to Council's auditors, the Audit Office and PricewaterhouseCoopers.
- (c) That Council suspend standing orders to allow a presentation by the Audit Office and PricewaterhouseCoopers, in respect of the 2017/18 Financial Statements including the Auditor's Reports.

Record for the Voting:

For the Motion: Unanimous

Note: A presentation by the Audit Office and PricewaterhouseCoopers was then provided to Council.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That Standing Orders be Resumed, the time being 7.38pm.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTE

25/18 WORKS AND COMMUNITY COMMITTEE AND FINANCE AND GOVERNANCE COMMITTEE – ADDITION TO COUNCILLOR MEMBERSHIP - Mayor Jerome Laxale

RESOLUTION: (Moved by The Mayor, Councillor Laxale)

That Council endorse Councillor Kim as a member of the Works and Community Committee and Finance and Governance Committee.

Record of the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 30 October 2018

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That the Minutes of the Council Meeting 13/18, held on 30 October 2018 be confirmed.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillor Lane

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 13 November 2018

RESOLUTION: (Moved by Councillors Clifton and Pedersen)

That the Minutes of the Extraordinary Council Meeting 14/18, held on 13 November 2018 be confirmed.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillor Lane

3 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That Council adopt Items 5(1), 5(4), 5(5) 6, 6(1), 6(3), 8 and 11 on the Council Agenda as per the recommendations in the reports.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE
MEETING 7/18 held on 13 November 2018**

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 9 October 2018**

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the Minutes of the Finance and Governance Committee 6/18, held on 9 October 2018, be confirmed.

Record for the Voting:

For the Motion: Unanimous

4 REQUEST FOR TENDER - COR-RFT 01/18 - PLUMBING

RESOLUTION: (Moved by Councillors Pedersen and Kim)

- (a) That Council accepts the tender from AW Edwards Pty Limited and Roseville Plumbing, for the programmed plumbing maintenance and testing of the Backflow Devices and Thermostatic Mixing Valve equipment within the City of Ryde buildings to the amount of \$45,000 per annum for a 3 year period with an option to extend for a further 2 years as recommended in the Tender Evaluation Report (**ATTACHMENT 1**) and Tender Evaluation Summary (**ATTACHMENT 2**).
- (b) That Council accepts the tenders from Trustee for CW and TW Family Trust trading as Answer Plumbing be engaged as back-up should either of the nominated contractors fail to provide the specified and contracted services and for competitive reactive repairs of the plumbing installations within the City of Ryde buildings.
- (c) That Council delegate to the General Manager the authority to enter into a contract with AW Edwards Pty Limited, Roseville Plumbing and Trustee for CW and TW Family Trust trading as Answer Plumbing 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.
- (d) That Council advise all the respondents of Council's decision.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

5 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the report of the General Counsel be received.

Record for the Voting:

For the Motion: Unanimous

6 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 7/18 held on 13 November 2018

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That Council determine Items 1 and 3 of the Ryde Central Committee Meeting 7/18, held on 13 November 2018 noting that Item 2 – Items Put Without Debate is not required to be considered by Council.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 9 October 2018

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the Minutes of the Ryde Central Committee Meeting 6/18, held on 9 October 2018, be confirmed.

Record for the Voting:

For the Motion: Unanimous

3 RYDE CENTRAL PROJECT UPDATE

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the Committee receive and note this report.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

8 INVESTMENT REPORT AS AT 31 OCTOBER 2018

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That Council endorse the Investment Report as at 31 October 2018.

Record for the Voting:

For the Motion: Unanimous

11 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the report on the Clause 4.6 variations 1 July 2018 to 30 September 2018 be received and noted.

Record for the Voting:

For the Motion: Unanimous

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/18 held on 13 November 2018

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That Council determine Item 4 of the Works and Community Committee report 8/18, held on 13 November 2018 noting that Items 1, 2, 3, 5, 6 and 8 were dealt with by the Committee within its delegated powers and Item 7 was dealt with earlier in the meeting as set out in these Minutes.

Record for the Voting:

For the Motion: Unanimous

4 PROVISION OF INDOOR SPORTING FACILITIES IN THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That consideration of this matter be deferred to the Council Meeting on 11 December 2018.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

7 SMALL GRANTS- ALLOCATION OF FUNDING NOVEMBER 2018

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
7/18 held on 13 November 2018**

RESOLUTION: (Moved by Councillors Clifton and Gordon)

That Council determine Item 3 of the Finance and Governance Committee Meeting 7/18, held on 13 November 2018 noting that Item 2 – Items Put Without Debate is not required to be considered by Council and Items 1, 4 and 5 were dealt with earlier in the meeting as set out in these Minutes.

Record for the Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 9 October 2018**

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

**3 ANNUAL REPORT ON CODE OF CONDUCT COMPLAINT
STATISTICS**

RESOLUTION: (Moved by Councillors Clifton and Gordon)

- (a) That Council note the **ATTACHED** table of Code of Conduct complaints for the period from 1 September 2017 to 31 August 2018.
- (b) That Council provide these statistics to the Office of Local Government as required by the Model Code of Conduct – Complaints Procedure.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillor Lane

ITEM 1 (continued)

ATTACHMENT 1

4 REQUEST FOR TENDER - COR-RFT 01/18 - PLUMBING

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

5 ADVICE ON COURT ACTIONS

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

6 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 7/18 held on 13 November 2018

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 9 October 2018

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

3 RYDE CENTRAL PROJECT UPDATE

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

7 2017/2018 AUDITED FINANCIAL STATEMENTS - PRESENTATION BY AUDITORS

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

8 INVESTMENT REPORT AS AT 31 OCTOBER 2018

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

ITEM 1 (continued)

ATTACHMENT 1

9 SEPTEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2018-2022 AND 2018/2019 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Gordon and Purcell)

- (a) That the report of the Acting Chief Financial Officer dated 30 September 2018 on the September Quarterly Review Report - Four Year Delivery Plan 2018- 2022 and One Year 2018/19 Operational Plan, *Quarter One, July – September 2018* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in no changes to Council's Working Capital of a projected balance as at 30 June 2019 of \$5.01 million, be endorsed and included in the 2018/2019 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 from Reserves of \$1.64 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 12 November 2018 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over, as detailed in the Report.

Record for the Voting:

For the Motion: Unanimous

10 2018/2019 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND GENERAL MANAGER

MOTION: (Moved by Councillors Gordon and Kim)

- (a) That during the period 12 December 2018 to 12 February 2019, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible, in addition to a Mayoral Minute being submitted to Council's meeting on 26 February 2019, if required.
- (c) That Council endorse Liz Coad, Director – City Planning and Environment to act as General Manager for the period 2 January 2019 to 28 January 2019, while the incumbent General Manager is away on leave.

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Lane and Brown)

- (a) That during the period 12 December 2018 to 12 February 2019, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That a notice of intent for all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors via email or Councillor Information Bulletin prior to enactment.
- (c) That Council endorse Liz Coad, Director – City Planning and Environment to act as General Manager for the period 2 January 2019 to 28 January 2019, while the incumbent General Manager is away on leave.

On being put to the Meeting, the voting on the Amendment was two (2) votes for and seven (7) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

For the Amendment: Councillors Lane and Brown

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

RESOLUTION: (Moved by Councillors Gordon and Kim)

- (a) That during the period 12 December 2018 to 12 February 2019, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible, in addition to a Mayoral Minute being submitted to Council's meeting on 26 February 2019, if required.
- (c) That Council endorse Liz Coad, Director – City Planning and Environment to act as General Manager for the period 2 January 2019 to 28 January 2019, while the incumbent General Manager is away on leave.

ITEM 1 (continued)

ATTACHMENT 1

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillor Lane

11 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

12 ECONOMIC DEVELOPMENT PROGRAM - ANNUAL UPDATE 2017/2018

RESOLUTION: (Moved by Councillors Gordon and Kim)

- (a) That Council endorse the program to update the Economic Development Program including: Consultation mid-2019, Exhibition late 2019 and Completion 2020.
- (b) That development of the new Economic Development Plan explore options to:
 - Support small, medium and large local businesses;
 - Address youth employment issues;
 - Promote Inward Investment opportunities;
 - Continue building capacity with SMEs;
 - deliver support to Culturally and Linguistically Diverse businesses and organisations AND in languages other than English (eg. Korean language to Korean business communities)

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

NOTICES OF MOTION

1 RENEWABLE ENERGY – Councillor Edwina Clifton

RESOLUTION: (Moved by Councillors Clifton and Gordon)

That Council seek a report by the end of June 2019 to demonstrate how a Renewable Energy Target (RET) can be mandated by 30 June 2030, to achieve at least 60% (sixty per cent) of all electricity usage for which Ryde Council is financially responsible, (that is, electricity consumed by the operations and services of Ryde Council and for which it is invoiced and legally obliged to pay). This electricity shall be derived from a recognised renewable energy source including but not limited to solar power, wind power, hydro power and wave power and specifically not be sourced from any electricity that is generated by utilizing coal in any means or methods in the production cycle of such electricity.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown and Lane

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Trenton Brown

The below Questions (numbers 1 and 2) relate to 112 Talavera Road, Macquarie Park

Question 1:

Since the November 2017 Council Meeting Confidential Session that approved the development of the Meriton proposal at 112 Talavera Road, Macquarie Park, how many meetings have been held between the proponent and:

- 1. Staff members of the Council?**
- 2. The Mayor of the City of Ryde?**
- 3. Any Councillor from the City of Ryde?**

Please list the meeting dates for all three sections above.

Answer 1:

Please note that the development at 112 Talavera Road, Macquarie Park has not been approved to date. Final authority to approve the proposal rests with the state government.

ITEM 1 (continued)

ATTACHMENT 1

Meetings held with the proponent:

1. Staff - 9 meetings
2. The Mayor - zero
3. Councillors - this is a matter for individual Councillors

Staff meetings dates with the proponent occurred on:- 1/8/2017, 23/1/2018, 15/3/2018, 12/4/2018, 18/4/2018, 8/8/2018, 23/8/2018, 6/11/2018, 22/11/2018.

Question 2:

What is the projected Net Present Value (NPV) of the 112 Talavera Road, Macquarie Park project and how much of this uplift is being shared with the City of Ryde Council?

Answer 2:

NVP is a time value of money measure, not a value capture measure. Council uses RLV (Residual Land Value - being the value of land after taking development costs into account) to measure value capture from developments.

Current industry practice is to derive 50% of the uplift on RLV noting that this can include local and state infrastructure. Hill PDA and Lindsay Taylor Lawyers have been engaged to assist Council staff in the valuation and preparation of this Voluntary Planning Agreement (VPA) throughout the assessment process.

The offer to City of Ryde in the now exhibited VPA is valued at approximately \$35 million. In addition Meriton have confirmed the NSW State Government will be paid \$12,528 million for State Infrastructure projects as they are required to make "satisfactory arrangements" with the State before the project can proceed. Hill PDA have stated that the value capture should be in the vicinity of \$50 to \$60 million noting however the market has softened in the past 12 months.

These figures do not include standard developer contributions to be paid to City of Ryde under our 7.11 Plan (formally Section 94) which will also be paid by Meriton to be indexed by CPI valued at approximately \$25 million.

The below Questions (numbers 3, 4 and 5) relate to the West Ryde Car Park

Question 3:

When does the car park lease to Wilson Car Parking expire?

ITEM 1 (continued)

ATTACHMENT 1

Answer 3:

Council resolved at its meeting of December 2013 to accept the revised *Car Park Management Plan- West Ryde Village* which required Coles to enter into a suitable agreement with the car park operator (Wilsons). As such, Council is not party to this commercial agreement and does not hold any information on the term of this agreement.

Question 4:

Is there any community consultation to be undertaken before a new lease is to be undertaken?

Answer 4:

As this agreement is commercial in nature, it is unlikely that Coles would undertake any community consultation prior to extending the current agreement or entering into a new agreement.

Question 5:

How much money (revenue per annum) has this car park generated for the Council over the life of the contract?

Answer 5:

Under the agreement, the net revenue (if a positive number) derived from the use and operation of the car park, after deducting all costs and relevant expenses in relation to any aspect of the car park (which includes Level B1 and B2), will be shared in equal proportions between Council and Coles. To date, Council has not received any revenue from the car park. This should be considered in the context of free parking for the first two hours and thereafter becoming paid parking. The proportion of paid to unpaid parking is likely to be not significant in gross revenue terms - the net result does not generate revenue for sharing. This is being examined with Coles to confirm recent operating results of the car park.

ITEM 1 (continued)

ATTACHMENT 1

CLOSED SESSION

ITEM 13 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY GOODMAN IN RELATION TO STAGED DEVELOPMENT OF 85 TO 97 WATERLOO ROAD, MACQUARIE PARK

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.

ITEM 14 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY MACQUARIE TELECOM IN RELATION TO A DEVELOPMENT APPLICATION TO EXTEND A DATA CENTRE AT 17 TO 23 TALAVERA ROAD, MACQUARIE PARK

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.

RESOLUTION: (Moved by Councillors Gordon and Kim)

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

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillor Lane

Note: The Council closed the meeting at 8.36pm. The public and media left the chamber.

ITEM 1 (continued)

ATTACHMENT 1

13 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY GOODMAN IN RELATION TO STAGED DEVELOPMENT OF 85 TO 97 WATERLOO ROAD, MACQUARIE PARK

Note: David Wilson (representing Goodman) addressed the Council in relation to this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 2** dated 11 October 2018 from Goodman to enter into a Voluntary Planning Agreement in relation to Development Application LDA2017/96 for Concept Development at 97 to 85 Waterloo Road, Macquarie Park. The Voluntary Planning Agreement will require the Applicant to provide public benefits as summarised below:
- i. Road Dedication and Construction estimated construction cost at \$5.28M
 - ii. Pedestrian Access Link
 - iv. Monetary contributions to value of \$16,412,782.55 to be indexed over time, minus cost of construction of cost of pedestrian link to be agreed between the parties.
- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENT 1** by Goodman, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;
- (c) That Council delegate authority to the General Manager to:
- (i) Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 - (ii) Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (d) That Goodman be informed of Council's decision.

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Motion.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Kim and Lane

ITEM 1 (continued)

ATTACHMENT 1

14 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY MACQUARIE TELECOM IN RELATION TO A DEVELOPMENT APPLICATION TO EXTEND A DATA CENTRE AT 17 TO 23 TALAVERA ROAD, MACQUARIE PARK

Note: John Palfreyman (representing Macquarie Telecom Pty Ltd) addressed the Council in relation to this Item.

Note: Councillor Lane disclosed a Pecuniary Interest in this Item for the reason that he owns shares in a company that competes with MAQ, and in another company offering competing products in one segment of the business operations. He left the meeting at 8.59pm and did not return. He was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 1** dated 8 October 2018 from City Plan on behalf of Macquarie Telecom to enter into a Voluntary Planning Agreement in relation to Development Application LDA2018/322 for Expansion of Existing Macquarie Park Data Centre at 17 to 23 Talavera Road, Macquarie Park. The Voluntary Planning Agreement will require the Applicant to provide public benefits as summarised below:
 - i. Monetary contributions to value of \$795,000 to be indexed over time, and made payable prior to issue of any Construction Certificate, with security for the amount payable to be provided upon execution.
- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENT 1** by City Plan Services on behalf of Macquarie Telecom, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;
- (c) That Council delegate authority to the General Manager to:
 - (i) Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 - (ii) Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (d) That City Plan Services and Macquarie Telecom be informed of Council's decision.

ITEM 1 (continued)

ATTACHMENT 1

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Motion.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown and Kim

OPEN SESSION

Note: Councillor Lane was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Gordon and Purcell)

That Council resolve itself into open Council.

Record for the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.01pm.

Note: Councillor Lane was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Gordon and Kim)

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

Record for the Voting:

For the Motion: Unanimous

The meeting closed at 9.02pm.

CONFIRMED THIS 11TH DAY OF DECEMBER 2018

Chairperson

2 ITEMS PUT WITHOUT DEBATE

Report prepared by: Senior Coordinator - Civic Support
File No.: CLM/18/1/1/2 - BP18/1157

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, Council can determine those matters on the Agenda that can be adopted without the need for any discussion.

RECOMMENDATION:

That Council determine the Items on Council's Agenda that will be adopted without debate.

OR

That Council determine all Items on the Agenda.

3 DEFERRED REPORT - ITEM 4 FROM THE WORKS AND COMMUNITY COMMITTEE MEETING 8/18 held on 13 November 2018

Report prepared by: Senior Coordinator - Civic Support
File No.: CLM/18/1/1/2 - BP18/1333

NOTE: This Report was deferred from the Council Meeting held on 27 November 2018.

4 PROVISION OF INDOOR SPORTING FACILITIES IN THE CITY OF RYDE

RECOMMENDATION: (Moved by Councillors Purcell and Clifton)

- (a) That Council note the findings of the *Tennis Court Supply and Utilisation Study* which outlines there is a current over supply of tennis courts, however the existing number of courts will be required for the expected demand by 2036.
- (b) That Council, due to this current oversupply, in future Requests for Proposals to manage CoR tennis facilities include a requirement that proponents allow for a range of adaptive uses as outlined in the body of this report.
- (c) That Council recognise the importance of catering for a diversity of sports in the City of Ryde and that a minimum number of tennis courts be retained, sufficient to meet the identified demand.
- (d) That Council investigate and assess opportunities for additional indoor sports courts on other sites as part of the *Recreation Needs Study* to be undertaken in 2019-20 year.

Record of Voting:

For the Motion: Unanimous

4 PUBLIC INTEREST DISCLOSURES INTERNAL REPORTING POLICY AND PROCEDURE

Report prepared by: Policy and Research Assistant
File No.: CLR/07/8/9/8/4 - BP18/725

REPORT SUMMARY

As part of an ongoing review of Council's Corporate Governance framework, Council is currently undertaking a number of associated activities such as Code of Conduct training and a review and update of relevant Council policy and procedural documents. A key policy/procedure is Council's internal reporting policy and procedure (known as the *Public Interest Disclosures Internal Reporting Policy and Procedure*).

This Policy and accompanying procedure was last adopted by Council in December 2013 and require updating to bring in line with legislative requirements and best practice.

RECOMMENDATION:

That Council adopt the *Public Interest Disclosures Internal Reporting Policy and Procedure*.

ATTACHMENTS

- 1** Public Internal Disclosures Internal Reporting Policy
- 2** Public Interest Disclosures Internal Reporting Procedure
- 3** Summary of changes to the Public Interest Disclosures Internal Reporting Policy and Procedure

Report Prepared By:

Elena Killiakova
Policy and Research Assistant

Report Approved By:

John Schanz
Manager - Corporate Governance

Steven Kludass
Director - Corporate Services

ITEM 4 (continued)**Discussion**

A public interest disclosure (PID) is a disclosure about wrongdoing in the public sector that serves the public interest. That is, a disclosure of information that the person making a disclosure honestly believes, on reasonable grounds, shows or tends to show corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local government pecuniary interest contravention by Council, Councillors or staff.

Council's "*Public Interest Disclosure – Internal Reporting Policy and Procedure*", which is based on the Public Interest Disclosures Act 1994 (PID Act), outlines the system to encourage public officials to report serious wrongdoing. A copy of Council's Public Interest Disclosure Internal Reporting Policy is provided in **ATTACHMENT 1** and the Public Interest Disclosure Internal Reporting Procedure is provided in **ATTACHMENT 2**.

The Policy was last adopted by Council on 4 December 2013. It has now been reviewed and amended to reflect the NSW Ombudsman's Model Internal Reporting Policy (Local Government) as well as best practice aspects throughout the Local Government Sector. A summary of the changes to the public interest disclosures internal reporting policy and procedure is provided in **ATTACHMENT 3**.

Implementation

The PID Act sets down a system of protection for reporters but, for the legislation to be effective, Council needs to demonstrate leadership and commitment by establishing an effective reporting system to appropriately deal with reports of wrongdoing, support staff who report, and take reasonable steps to ensure reprisals are not taken against them. To achieve this, the Governance team will be working in conjunction with the People and Culture team and collaborating with the NSW Ombudsman.

Pending endorsement of the proposed policy and procedures the NSW Ombudsman will be engaged to provide a training workshop to Council's Public Interest Disclosure Officers and Coordinator who provide advice and receive disclosures.

The NSW Ombudsman Model Internal Reporting Policy provides that the Mayor is identified as a Disclosure Officer and, as a result, the Mayor of the day will be included in any training provided regarding Public Interest Disclosures.

Additionally, the Governance team will be running an internal campaign to raise awareness of the provisions of the Policy and Procedures, including the types of complaints it addresses, the process of making a disclosure, and the protections provided by the legislation Council must comply with.

The updated Policy and Procedure will be made available on the Council's website, Infonet for staff, and BoardVantage for Councillors.

ITEM 4 (continued)

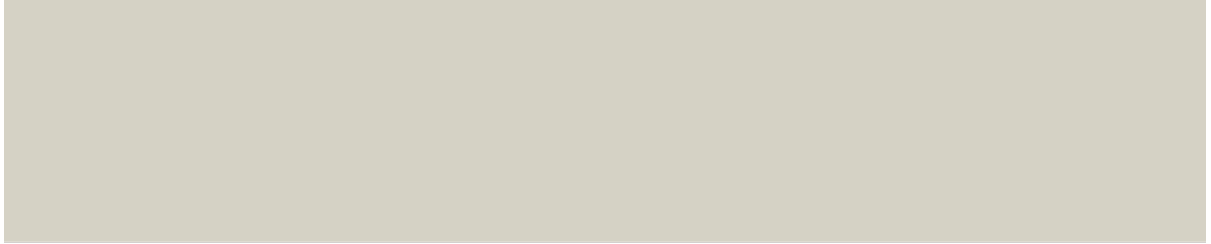
As part of the review, the PID section on the Infonet and PID posters will be updated to make sure the information is current, and a one-page brochure will be designed in conjunction with the Communications and Engagement team to convey key messages in relation to public interest disclosures.

Financial Implications

Adoption of the recommendation will have no financial impact, as the NSW Ombudsman's Office will provide training without charge, and promotional resources will be provided from within existing budgets.

ITEM 4 (continued)

ATTACHMENT 1



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**Public Interest Disclosures
Internal Reporting Policy
Month 2018**

ITEM 4 (continued)

ATTACHMENT 1

**DRAFT PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING POLICY**

Purpose

The purpose of this policy is to inform, support and protect staff and Councillors making public interest disclosures, in accordance with the Public Interest Disclosures Act, 1994 (the PID Act).

This policy establishes an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. It sets out who wrongdoing can be reported to, what can be reported and how reports of wrongdoing will be dealt with by the City of Ryde.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but they also have the option of making a report about a public interest issue in accordance with this policy, the *Reporting Procedure*, and the *Public Interest Disclosures Act 1994* (PID Act).

Staff and Councillors who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged and supported by the City of Ryde and reflects our organisational values.

Scope

This Policy applies to Councillors, Council staff and consultants. It also applies to and individual contractors working for Council and the employees of contractors providing services to Council.

It also applies to other people who perform public official functions, whose conduct and activities could be investigated by an investigating authority, including volunteers.

Public officials from another council or public authority may also report wrongdoing relating to City of Ryde, using this policy and procedure.

Reports regarding these five categories of serious misconduct which meet the criteria of a public interest disclosure, will be dealt with under the *Public Interest Disclosures Act, 1994* (the PID Act) as public interest disclosures:

- corrupt conduct
- maladministration
- serious and substantial waste of public money
- government information contravention
- local government pecuniary interest contravention

This reporting system in this policy is not intended to be used for staff grievances which should be raised through the *Grievance and Dispute Resolution Policy and Procedure*.

Commitment

DRAFT Public Interest Disclosures Internal Reporting Policy – Month 2018		
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ATTACHMENT 1

**DRAFT PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING POLICY**

The City of Ryde is committed to:

- creating a climate of trust where people are comfortable and confident about reporting wrongdoing.
- encouraging individuals to report wrongdoing within Council.
- keeping the identity of the person disclosing wrongdoing confidential, where possible and appropriate
- protecting the person from any adverse action resulting from them making a report.
- dealing with the reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it.
- keeping the individual who makes a report informed of their progress and the outcome.
- encouraging the reporting of wrongdoing within the Council, but respecting any decision to disclose wrongdoing outside the Council that is made in accordance with the provisions of the PID Act.
- ensuring managers and supervisors at all levels in the council understand the benefits of reporting wrongdoing, are familiar with this policy and aware of the needs of those who report wrongdoing.
- reviewing the policy periodically to ensure it is relevant and effective.
- providing adequate resources to:
 - encourage reports of wrongdoing.
 - protect and support those who make them.
 - provide training about how to make reports, including communicating the benefits of internal reports to Council and the public interest generally.
 - properly assess and investigate or otherwise deal with allegations.
 - properly manage any workplace issues that the allegations identify or that result from a report.
 - appropriately address any identified problems.

Who does this policy apply to?

This policy will apply to:

- both Council staff and councillors
- permanent employees, whether full-time or part-time
- temporary employees, whether full-time or part-time
- temporary or casual employees

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**DRAFT PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING POLICY**

- consultants
- individual contractors working for the City of Ryde
- employees of contractors providing services for the City of Ryde
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to the City of Ryde.

Procedures

The City of Ryde Public Interest Disclosures Internal Reporting Procedure gives further information and details on:

- the five categories of serious wrongdoing
- the process to be followed when making a report
- the roles and responsibilities of employees, managers, disclosures officers and coordinator, the General Manager, the Mayor and any external parties in the process
- support for those reporting wrongdoing and for the subject of a report.

References – Legislation

This Policy is one of several Council Policies relating to grievances and complaints, including the City of Ryde Code of Conduct, and Grievance and Dispute Resolution Policy and Procedure.

This Policy and the associated Procedure reflect the NSW Ombudsman's Public Interest Disclosures Model Internal Reporting Policy (Local Government) of June 2014.

Related Legislation and Guidance

Independent Commission Against Corruption Act 1988

Local Government Act 1993

Public Interest Disclosures Act 1994

Model Internal Reporting Policy – Office of Local Government – June 2014

Public Interest Disclosure Guideline A2 'Internal Reporting Policy and Procedures' - 2015

Public Interest Disclosure Guideline B2 'What should be reported' - 2015

Related Council Policies

Anti-Discrimination, Bullying and Harassment Policy

Code of Conduct – Policy, Standards of Conduct, and Complaints Procedure

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**DRAFT PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING POLICY**

Equal Employment Opportunity Policy
Grievance Dispute Resolution Policy, Procedure, and Explanatory Notes
The Dispute Resolution Policy and Procedure
Prevention of Discrimination, Bullying and Harassment Policy, Procedure and Explanatory Notes
Work Health and Safety Policy

Review Process and Endorsement

This Policy shall be reviewed annually to ensure that it meets the object of the legislation, and facilitates the making of disclosures under the Act.

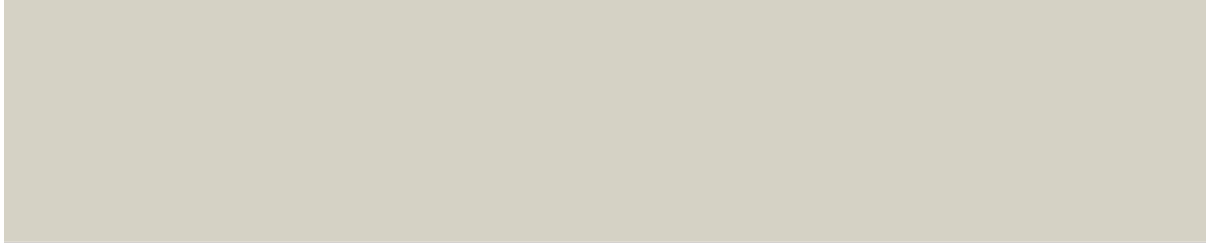
Attachments

<i>Title</i>	<i>Trim Reference</i>
Public Interest Disclosures Internal Reporting Procedures, including Internal Reporting Workflow	

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ATTACHMENT 2



 City of Ryde
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**Public Interest Disclosures
Internal Reporting Procedure
Month 2018**

ITEM 4 (continued)

ATTACHMENT 2

**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

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**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

Related Policy

This procedure relates to the City of Ryde Public Interest Disclosures Internal Reporting Policy, as adopted by Council.

1. Roles and responsibilities

a. The role of Council staff and councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Council's Code of Conduct – Policy, Standards of Conduct, and Complaints Procedure. A breach of the code could result in disciplinary action.

b. The role of City of Ryde

City of Ryde has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

City of Ryde will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, City of Ryde takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. City of Ryde will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

City of Ryde must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

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ATTACHMENT 2

**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

To ensure City of Ryde complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

2. What should be reported?

You should report any suspected wrongdoing you see within the City of Ryde. Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and in accordance with the City of Ryde *Public Interest Disclosures Internal Reporting Policy and Procedure*.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, City of Ryde recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

When considering whether a matter is of a serious nature, consider the severity, frequency and impact on the community and the public sector generally. The following factors or indicators may suggest a matter is serious:

- | | |
|----------|---|
| Systemic | <ul style="list-style-type: none"> • Systemic failures leading to serious consequences • Potential or actual systemic ramifications for public administration across jurisdictions or the state • Duration and frequency - how long the conduct has been occurring for (e.g. one-off event or part of a wider pattern or scheme) |
| Legal | <ul style="list-style-type: none"> • Contrary to law (other than on a legal technicality) • Deliberate offences over a number of years • Systemic violation of human rights (e.g. right to an education) |
| Scope | <ul style="list-style-type: none"> • Extensive scope (e.g. across jurisdictions or state-wide) • Involves a large number of public officials or external stakeholders • Activities could affect wider aspects of public administration |

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INTERNAL REPORTING PROCEDURE**

Public interest	<ul style="list-style-type: none"> • In the public interest generally • Conflicts of interest • Politically sensitive matters • Serious abuse of power • Breach of public trust in public administration • Loss of public confidence in the government/public sector • Integrity of the government/public sector is seriously compromised • Transparency and accountability in public administration is severely compromised
Material impact	<ul style="list-style-type: none"> • Significant or potential monetary or property loss • Substantial / serious impost on an individual • Substantial waste of public money or resources • Substantial mismanagement of public money or resources • Irregular or unauthorised use of a substantial amount of public money or resources
Service delivery	<ul style="list-style-type: none"> • Serious service failure • Any delay involved is substantial • Significant operational or legal consequences • Access to services or service delivery impaired by prejudice or discrimination • Results in termination of employment or cancellation of a contract • Complete cessation of service or output / or significant disruption to service or output • Very unsatisfactory record keeping that substantially breaches the State Records Act 1998
Safety	<ul style="list-style-type: none"> • Serious safety risks that place people at an unacceptable risk of injury or death • Avoidable death, serious assault, serious injury or irregular or unauthorised use of a substantial amount of public money or resources • Adversely affects a large number of people • Potential or actual harm to the community
Professional expectations	<ul style="list-style-type: none"> • Seniority of the person/s the subject of the allegations (e.g. senior management) • Prior allegations about the conduct of the person/s the subject of the allegations • Failure to meet professional and/or industry standards • Substantial departure from the standards reasonably expected of a public official / professional

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ATTACHMENT 2

**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what should be reported.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application
- conduct that involves action or inaction of a serious nature that is either unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For more information about maladministration, see the NSW Ombudsman's guideline on what should be reported.

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the Council.

For example, this could include:

- poor project management practices leading to projects running over time
- not following a competitive tendering process for a large scale contract
- having poor or no processes in place for a system involving large amounts of public funds.

Serious and substantial waste can be:

- **Absolute** – where the waste is regarded as significant.

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INTERNAL REPORTING PROCEDURE**

- **Systemic** – where the waste indicates a pattern that results from a weakness within an organisation's systems.
- **Material** – where the waste is about the authority's expenditure or a particular item of expenditure, or is to such an extent that it affects an authority's capacity to perform its primary functions.

Some examples are:

- misappropriation or misuse of public property
- the purchase of unnecessary or inadequate goods and services
- overstaffing in particular areas
- staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment
- programs not achieving their objectives and therefore the program's costs being clearly ineffective and inefficient.

Waste can result from such things as:

- insufficient safeguards to prevent the theft or misuse of public property
- purchasing practices that do not ensure goods and services are necessary and adequate for their intended purpose
- poor recruiting practices.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what should be reported](#).

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the GIPA Act or other legislation
- directing another person to make a decision that is contrary to the GIPA Act or other legislation
- intentionally overlooking documents that are clearly covered by an access application.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what should be reported](#).

e. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions and/or comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at Council and Council committee meetings.

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A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. This extends to whether there are chances or possibilities, and probabilities of a financial gain or loss in the matter. The onus is on councillors, council delegates, council staff and other people to determine whether they are affected by the pecuniary interest provisions in relation to a matter under consideration by the Council.

Allegations or complaints concerning possible breaches of the pecuniary interest provisions of the *Local Government Act 1993* are to be made to the Office of Local Government (OLG) for assessment and any necessary action. Potentially, the OLG may be required to formally investigate the matter and then refer a report of the investigation to the Pecuniary Interest and Disciplinary Tribunal.

For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- A General Manager holding an undisclosed shareholding in a company competing for a Council contract.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on [what should be reported](#).

f. Other wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the relevant City of Ryde policy and procedure.

Consideration should be given to the *Code of Conduct*, the *Anti-Discrimination, Bullying and Harassment Policy*, and *Work Health and Safety Policy*, and your obligations to act in accordance with these policies and report wrongdoing.

Even if these reports are not dealt with as protected disclosures, the City of Ryde will consider each matter and make every attempt to protect the person making the report from any form of reprisal.

3. When will a report be protected?

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The City of Ryde will support any staff member or Councillor who reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show the alleged wrongdoing;
- The report is about the conduct of a public official or the activities of the City of Ryde
- The report has to be made to a position nominated in this procedure (see Section 10) or an investigating authority.

a. Honest belief

An honest belief is a belief that is genuinely held. It is more than suspicion, speculation or rumour.

Section 9A of the PID Act states that if a public official asserts their belief in connection with the disclosure, in the absence of evidence to the contrary, it should be presumed that the belief is honest. This applies even if the assertion is inferred rather than expressed.

b. Reasonable grounds

The test applied here is whether, from an objective viewpoint, the basis for the person's belief is reasonable. That is, would a reasonable person in the circumstances believe that wrongdoing had occurred? The belief cannot be based on personal favouritism, animosity or prejudice.

When assessing the report, the disclosures coordinator can consider what information the reporter knew at the time and whether the person is being rational. For example, consideration may be given to what information is available to the reporter. However, information known only to the disclosures coordinator (and not the reporter) should not be relied on in making such an assessment. For example, the alleged conduct the subject of the report may have already been found to be unsubstantiated, but this was not known to the reporter who at the time had a reasonable belief it had occurred.

c. Shows or tends to show

There must be sufficient information to show or tend to show that the wrongdoing has happened or is happening. This may include:

- direct observation of the wrongdoing by the reporter
- corroborative observation by others
- evidence such as unbalanced accounts, missing items of value or contradictory records.

There should be no alternative innocent explanations that reasonably explain the conduct or activities observed that are likely to be applicable.

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Taken together, an 'honest belief on reasonable grounds that information shows or tends to show' means that a PID cannot be based on a mere allegation or suspicion that is unsupported by any facts, circumstances or evidence.

However, it is not necessary for the reporter to provide sufficient information to conclusively establish or prove that the wrongdoing occurred to any investigative standard of proof. The following example could be the content of a PID.

4. What disclosures are not protected?

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the Council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

5. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The person making the disclosure should keep a copy of this record.

What information should a PID include?

Depending on the circumstances, a discloser should consider providing as many of the following matters as possible:

- Their name and contact details;
- The nature of the suspected wrongdoing;
- Who they think committed the suspected wrongdoing;
- When and where the suspected wrongdoing occurred;
- Any relevant events surrounding the issue;
- Whether they did anything in response to the wrongdoing; and
- Others who know about the suspected wrongdoing and have allowed it to continue

6. How can other types of wrongdoing be addressed?

Although the *Public Interest Disclosures Act* offers protection for only five kinds of wrongdoing (corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention), all incidents of suspected wrongdoing should be reported.

These include but not limited to:

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- Harassment or unlawful discrimination
- Practices that endanger health or safety
- Reprisal action against a person that has reported wrongdoing.

These types of issues should be reported in accordance with the following City of Ryde policies, where relevant:

- Code of Conduct – Policy, Standards of Conduct and Complaints Procedure
- Work Health and Safety Policy
- Customer Feedback Policy
- Equal Employment Opportunity Policy and Explanatory Notes
- Prevention of Discrimination, Bullying and Harassment – Policy, Procedure, and Notes.

7. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the City of Ryde, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8. Maintaining confidentiality

The City of Ryde realises many people will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, it is important that you only discuss your report with the people at the City of Ryde responsible to deal with it. This will include the Disclosures Coordinator and the General Manager. In the case of a report about the General Manager, you should only discuss your report with the Disclosures Coordinator and the Mayor.

Where your complaint is made under the Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

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Any staff or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

9. Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the disclosures coordinator at the time. It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the disclosures coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

10. Who can receive a report within the City of Ryde?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with the Council's disclosure procedures – this means the Public Interest Disclosures Internal Reporting Policy and Procedure.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below.

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

The following positions are the only people within the City of Ryde who can receive a public interest disclosure.

a. General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring City of Ryde complies with the PID Act. The General Manager can receive reports from staff and councillors and is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- ensuring there are systems in place to support and protect people who report wrongdoing
- making decisions following any investigation or appoint an appropriate decision-maker
- taking appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- dealing with disclosures made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures

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- referring actual or suspected corrupt conduct to the Independent Commission against Corruption (ICAC)
- referring any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The General Manager's Office can be contacted on 9952 8052.

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. The Mayor is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- dealing with disclosures made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- liaising with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- referring actual or suspected corrupt conduct to the ICAC
- referring any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The Mayor must make sure there are systems in place in the City of Ryde to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the ICAC.

The Mayor's Office can be contacted on 9952 8332.

c. Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff and Councillors. They receive them, assess them, and refer them to the people within or contracted by City of Ryde to be dealt with appropriately.

The Disclosures Coordinator is the Director, Corporate Services. The Director can be contacted on 9952 8011.

The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the general manager)

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- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures
- coordinate the Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure City of Ryde complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

d. Disclosures Officers

Disclosures Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with the Public Interest Disclosures policy and procedure. They can provide advice about the system and the internal reporting policy and assist staff and councillors to make reports.

Disclosure Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

Refer to Appendix 1 for more details about Council's Public Interest Disclosure Officers.

e. Line Managers, Coordinators and Supervisors

Managers, Coordinators, and Supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers should be aware of the Public Interest Disclosure Internal Reporting Policy and Procedure and are responsible for creating a safe work environment where staff are comfortable and confident about reporting wrongdoing.

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They have a responsibility to:

- Encourage staff to report known or suspected wrongdoing within the organisation and provide support to staff when they do;
- Identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under the Public Interest Disclosure Internal Reporting Policy and Procedure;
- Implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;
- Notify the Disclosures Coordinator or the General Manager if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing. Or in the case of suspected reprisal by the General Manager, notify the Mayor;

10. Who can receive a report outside of the City of Ryde

Staff and Councillors are encouraged to report wrongdoing within the City of Ryde, but internal reporting is not your only option.

If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making the report to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

a. Investigating authorities

The *PID Act* lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with. In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the NSW Ombudsman — for maladministration
- the Chief Executive of the Office of Local Government (OLG) – for disclosures about local government agencies
- the Information and Privacy Commission— for disclosures about breaches of the GIPA Act
- the Auditor-General of the NSW Audit Office – for disclosures about serious and substantial waste
- the Law Enforcement Conduct Commission – for disclosures about police misconduct.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

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You should be aware that it is very likely the investigating authority will discuss the case with the City of Ryde. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff and Councillors reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy & procedures
- an investigating authority in accordance with the PID Act.

Also, the City of Ryde or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

c. Other external reporting

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the City of Ryde's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the City of Ryde, contact the City of Ryde Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11. Feedback to people who report wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

a. Acknowledgement

The individual who reported wrongdoing will be contacted by the City of Ryde to confirm that your report has been received and to advise:

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- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, the City of Ryde will send you an acknowledgement letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation
- information about the resources available within the City of Ryde to handle any concerns you may have
- information about the external resources and services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

Please note, if you make a report which meets the requirement of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

b. Progress updates

While your report is being dealt with, such as by investigation or making other enquires, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by the City of Ryde not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this.

c. Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters,
- such as disciplinary or criminal proceedings.

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Behaviour of all people involved in the PID process needs to adhere to the City of Ryde Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

12. Managing the risk of reprisal and workplace conflict

When a staff member or Councillor reports wrongdoing, the City of Ryde will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the City of Ryde may:

- Relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- Transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;
- Grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

13. Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure. It may also be a breach of the Code of Conduct.

The City of Ryde will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure, can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to allegation of reprisal

The City of Ryde will act to protect people who report wrongdoing from reprisals. When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any

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risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

If the City of Ryde becomes aware of or reasonably suspects that reprisal action is being or has been taken against a person who has made a disclosure, the City of Ryde will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the Council's Code of Conduct – Standards of Conduct by a Councillor or the General Manager to the Office of Local Government
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you report reprisal action, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

The General Manager may issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the individual who made the disclosure
- relocating the member of staff who made the disclosure or an officer who is the subject of the allegations within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegations to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

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If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC or the Chief Executive of the Office of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this procedure.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

14. Support for those reporting wrongdoing

The City of Ryde will make sure that people who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

Council's Employee Assistance Program (EAP) is currently Optum. EAP is available to all staff and can be accessed online on www.livewell.optum.com or via phone: 1300 361 008 (24 hours – 7 days).

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

15. Sanctions for making false or misleading disclosures

It is important that all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

It may also be a breach of Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993*, and may include suspension or disqualification from civic office.

16. The rights of persons who are the subject of a report

The City of Ryde is committed to ensuring staff and Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially

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- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the reasonable opportunity to respond to any allegation made against you
- told the result of any investigation.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by the City of Ryde. The fact of the allegations and any investigations will be kept confidential unless otherwise agreed to by the subject officer.

17. Review

This policy and procedure will be reviewed by Council every twelve months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

18. More information

You can access advice and guidance from the City of Ryde Disclosures Coordinator, the Disclosure Officers, your manager and the Corporate Governance team. More information around public interest disclosures is available on Infonet and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

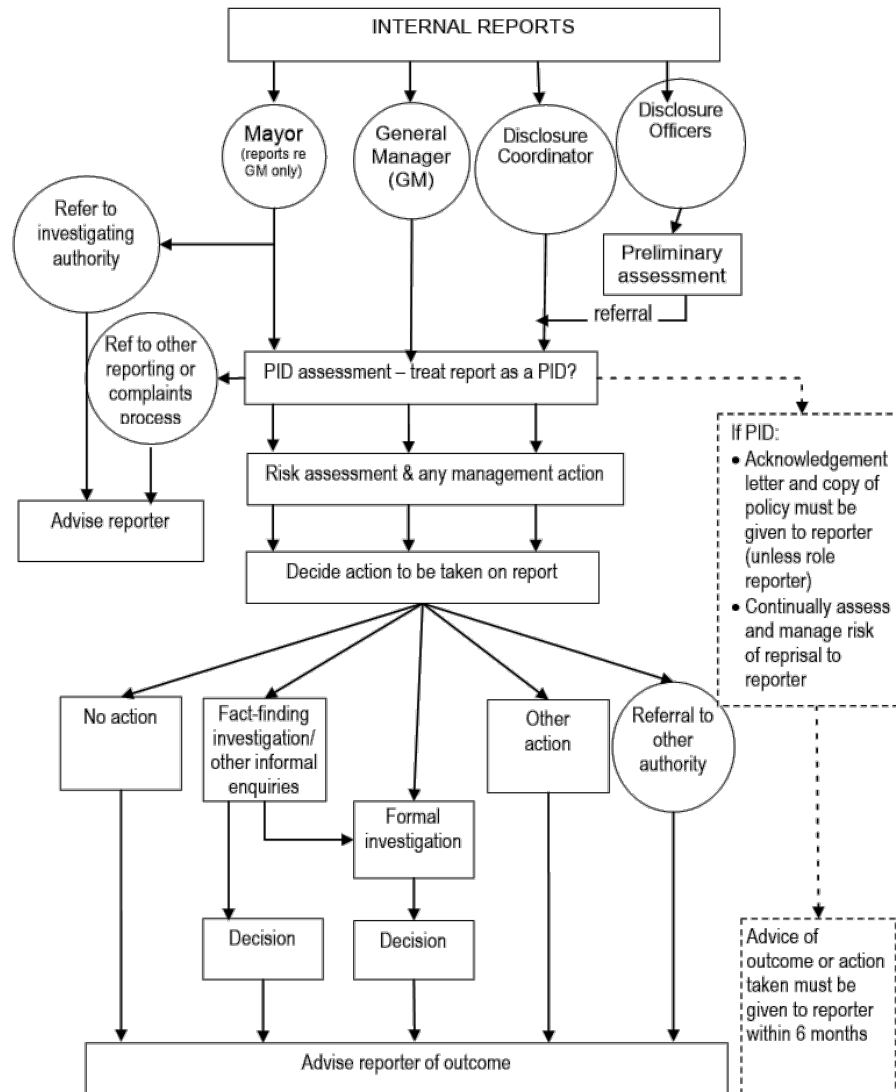
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19. Flow chart of internal reporting process



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20. Resources

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

**For disclosures about breaches of the
GIPA Act:**

Information and Privacy Commission NSW

Toll free: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000

For disclosures about Council:

Chief Executive, Office of Local Government
in the Department of Premier and Cabinet

Phone: 02 4428 4100
Facsimile: 02 4428 4199
Tel. typewriter (TTY): 02 4428 4209
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

Sydney Office:

Address: Level 16, 320 Pitt Street, Sydney NSW 2000

**For disclosures about serious and
substantial waste:**

Auditor-General of the NSW Audit Office

Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: governance@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street, Sydney NSW 2000

For disclosures about police misconduct:

The Law Enforcement Conduct Commission (LECC)

Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@lecc.nsw.gov.au
Web: www.lecc.nsw.gov.au
Address: Level 3, 111 Elizabeth Street Sydney NSW 2000

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**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

21. Internal reporting workflow

Staff and Councillors who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged by the City of Ryde and supported the City of Ryde values.

Breaches of confidentiality can result in disciplinary action and dismissal.

1. A public interest disclosure may be made to the nominated officer/person detailed in this Procedure. City of Ryde's nominated positions to receive public interest disclosures are set out in Appendix 1.
2. Persons wishing to make a public interest disclosure also have the option to lodge externally with the appropriate investigating agency, including ICAC, NSW Ombudsman or Office of Local Government.
3. A person wishing to make a public interest disclosure is to make contact with a nominated officer/person identified in this procedure and advise that a public interest disclosure is to be made. The preferred contact points are either Disclosure Officers or the Disclosures Coordinator.
4. The Disclosure Officers will provide information to the Disclosures Coordinator who will then organise a meeting with the person making the disclosure (Discloser) as soon as possible and document the disclosure in a report.
6. The Disclosure Coordinator will as soon as practicable advise the General Manager of the report. If the report is about the General Manager, the Disclosure Coordinator shall advise the Mayor.
7. The General Manager (or Mayor as appropriate) shall examine the report and determine whether or not the disclosure is to be investigated or whether the matter should be referred to another authority.
8. The Discloser shall be advised in writing by the Disclosures Coordinator (or General Manager if applicable) whether or not the matter is to be investigated and what action is proposed. If the matter is to be investigated the likely time for completion of the investigation is to be given. If the matter is not to be investigated the reasons why shall be given. If the matter raised does not fall within the ambit of the Public Interest Disclosures Act the letter shall advise what other action is proposed to be taken on the matter.
9. On completion of the investigation, the Discloser shall be advised in writing by the Disclosure Coordinator of the findings of the investigation and what action is proposed to be taken.
10. The General Manager (or Mayor as appropriate) shall be responsible for ensuring that the appropriate action arising from the findings of the investigation is taken.

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**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

Appendix 1 – Public Interest Disclosure Officers (October 2018)

Disclosure Officers

Paul Hartmann 8878 5101 or 0407 407 984	Angela Jones-Blayney 9952 8480 or 0407 958 023	Amanda Janvrin 9952 8026 or 0466 144 570
Luke Pursey c/- 0466 557 392	Colin Murphy 9952 8205 or 0418 858 024	Mayor Councillor Jerome Laxale 9952 8332
John Maunder 9952 8378 or 9817 1960	Richie Griffiths 9952 8164 or 0418 200 139	John Schanz 9952 8022
General Manager	George Dedes 9952 8050	
Director, Corporate Services Steve Kludass 9952 8011		Disclosure Coordinator

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**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

Appendix 2 - Definitions

Disclosure

A *disclosure* is a report, either written or verbal, made in accordance with the Public Interest Disclosures Internal Reporting Policy and Procedure. The complaints may only be made on: corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention. Definitions of these concepts are outlined below.

Corrupt conduct

Corrupt conduct is defined in the *Independent Commission Against Corruption Act 1988* (s.8 and 9). The definition used in the Act is intentionally quite broad – corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. the improper use of knowledge, power or position for personal gain or the advantage of others, acting dishonestly or unfairly, or breaching public trust are some examples.

Maladministration

Maladministration is defined in s.11 of the *Public Interest Disclosures Act* as conduct that involves action or inaction of a serious nature that is either:

- Contrary to law (other than a legal technicality), or
- Unreasonable, unjust, oppressive or improperly discriminatory, or
- Based wholly or partly on improper motives.

Serious and Substantial Waste

Serious and substantial waste is any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

The following delineation of the definition of serious and substantial waste may be of assistance to public officials and/or public authorities.

Absolute - where the waste is regarded as significant.

Systemic - the waste indicates a pattern which results from a system weakness within public authorities.

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**DRAFT - PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

Material - where the waste is about the authority's expenditure or a particular item of expenditure or is to such an extent that it affects an authority's capacity to perform its primary functions.

Government Information Contravention

Government Information Contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009*.

Some examples are:

- Intentionally overlooking documents that are clearly covered by an access application;
- Destroying, concealing or altering records to prevent them from being released;
- Knowingly making decisions that are contrary to the *GIPA Act*;
- Directing another person to make a decision that is contrary to the *GIPA Act*.

Local Government Pecuniary Interest Contravention

Local Government Pecuniary Interest Contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests.

- A senior council staff member recommending a family member for a council contract and not declaring the relationship
- A general manager holding an undisclosed shareholding in a company competing for a council contract.

Public Interest Disclosure

A disclosure satisfying the applicable requirements of Part 2 of the *Public Interest Disclosures Act 1994*.

That is, a disclosure of information that the person making a disclosure honestly believes, on reasonable grounds, shows or tends to show corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local government pecuniary interest contravention by Council, Councillors or staff or by another public authority or any of its officers. 'Public interest disclosure' is the new term for a protected disclosure.

Public Official (*Public Interest Disclosures Act 1994*)

- (a) An individual who is an employee of or otherwise in the service of a public authority;
- (b) An individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority, or
- (c) If a corporation is engaged by a public authority under a contract to provide services to or on behalf of the public authority, an employee or officer of the corporation who provides or is to provide the contracted services or any part of those services.

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INTERNAL REPORTING PROCEDURE**

Appendix 3 – Internal Reporting Form

Internal Report Form

To be completed by an internal reporter and submitted to a nominated Disclosures Officer
(Refer to the Public Interest Disclosures Internal Reporting Policy and Procedure for further details)

Details of reporter (You can make an anonymous report by leaving this section blank)									
Name:									
Position:									
Division/Unit:	Preferred method of contact <input type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Post								
Telephone:									
Email:									
Postal address:									
Details of the wrongdoing being reported									
Description:									
<ul style="list-style-type: none"> What happened? Where did this happen? When did this happen? Is it still happening? 									
(Attach an additional page if required)									
How did you become aware of this?									
Name and position of people involved in the wrongdoing:	<table border="1"> <thead> <tr> <th>Name</th> <th>Position</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Name	Position						
	Name	Position							
Attach any additional relevant information or indicate where supporting evidence may be found:	<table border="1"> <thead> <tr> <th>Supporting evidence</th> <th>Attached</th> </tr> </thead> <tbody> <tr> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Supporting evidence	Attached		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	Supporting evidence	Attached							
		<input type="checkbox"/>							
	<input type="checkbox"/>								
	<input type="checkbox"/>								
Name and position of other people who may have additional information:	<table border="1"> <thead> <tr> <th>Name</th> <th>Position</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Name	Position						
	Name	Position							
Statement									
I honestly believe that the above information shows or tends to show wrongdoing.									
Signature of reporter (Do not sign if you want to make an anonymous report)	Date report submitted (Essential information)								

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ATTACHMENT 3

Summary of changes to the Public Interest Disclosures Internal Reporting Policy and Procedure

Public Interest Disclosures Internal Reporting Policy:

1. **‘Purpose’**
The addition of two paragraphs under ‘Purpose’ to include an outline of the process of reporting wrongdoing in the City of Ryde Council.
2. **‘Scope’**
The addition of a statement regarding reports from public officials from another council or public authority which may also report wrongdoing relating to City of Ryde, to highlight the scope of application of the policy.
3. **‘Commitment’**
The section was updated to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy* and to highlight the Council’s commitment to high standards of ethical and accountable conduct and confirm that Council will not tolerate any form of wrongdoing.
4. **‘Who does this policy apply to?’**
The addition of the section to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy* and clarify the application of this policy.
5. **‘References – Legislation’**
The addition of a reference list of Legislation and Guidance, and Related Council Policies to provide further information or background for users of the policy.

Public Interest Disclosures Internal Reporting Procedure:

6. **‘Contents’**
A Table of Contents was added to make it easier for a reader to navigate the document and also to comply with the *Model Internal Reporting Policy*.
7. **‘Roles and responsibilities’**
This section has been included to communicate the roles of Council staff, councillors, and the City of Ryde and also to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.

ITEM 4 (continued)

ATTACHMENT 3

8. 'What should be reported'

Three paragraphs under 'What should be reported' have been included to outline other types of wrongdoing or suspected wrongdoing, such as harassment or unlawful discrimination, or practices that endanger the health or safety of staff or the public, and the pathways which should be used to report the aforementioned wrongdoing.

9. 'Serious and substantial waste in local government'

This section has been updated to include the examples and definitions of absolute, systemic, and material waste to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.

10. 'Local government pecuniary interest contravention'

This section was updated to comply with the NSW Ombudsman Guideline B2 'What should be reported'.

11. 'When will a report be protected?'

This section has been updated to include the requirements under the PID Act for a report to be considered a public interest disclosure to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.

12. 'Honest belief', 'Reasonable grounds', 'Shows or tends to show'

These sections have been added to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.

13. 'What information should a PID include?'

This section has been to provide detailed information for those making a disclosure and to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.

14. 'How can other types of wrongdoing be addressed'

This section has been updated to provide further information on the types of issues which should be reported and related policies to refer to for further information.

15. 'Maintaining confidentiality'

A paragraph outlining the requirement of maintaining confidentiality by any staff or councillors involved in the investigation statement to highlight the importance of not disclosing information about the process or allegations to any person except for those people responsible for handling the report to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.

ITEM 4 (continued)

ATTACHMENT 3

16. **‘Assessment of reports’**
This section outlines the process of assessment of reports and has been included to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
17. **‘Who can receive a report within the City of Ryde - General Manager’**
The section has been updated to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
18. **‘Who can receive a report within the City of Ryde - Mayor’**
The section has been updated to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
19. **‘Who can receive a report within the City of Ryde - Disclosures Coordinator’**
The information relating to the responsibilities of Disclosures Coordinators has been included to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
20. **‘Who can receive a report within the City of Ryde - Disclosures Officers’**
The information relating to the responsibilities of Disclosures Officers has been included to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
21. **‘Who can receive a report within the City of Ryde - Line Managers, Coordinators and Supervisors’**
The information relating to the responsibilities of Line Managers, Coordinators and Supervisors to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
22. **‘Who can receive a report outside of the City of Ryde – Investigating authorities’**
The information relating to the investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with has been updated to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
23. **‘Managing the risk of reprisal and workplace conflict’**
The information relating to the measures of protection and support that is appropriate depending on circumstances has been included to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
24. **‘Support for those reporting wrongdoing’**
The information relating to the Council’s Employee Assistance Program, Optum, has been added to outline the support available at the City of Ryde.

ITEM 4 (continued)

ATTACHMENT 3

25. **'Flow chart of internal reporting process'**
The chart has been included to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.
26. **'Resources'**
The details of relevant investigating agencies and the types of reports they receive from Councils have been updated so that the information is up to date.
27. **'Appendix 3 - The Internal Reporting Form'**
The form has been included to comply with the NSW Ombudsman 2014 *Model Internal Reporting Policy*.

5 PROPOSED FRIENDSHIP AGREEMENT WITH A KOREAN CITY

Report prepared by: Manager - Corporate Governance**File No.:** COR2008/411/2 - BP18/1296

REPORT SUMMARY

At its meeting on 26 June 2018, Council resolved that a report should be compiled on the potential creation of a friendship agreement with a South Korean city. The report called for Council officers to:

1. Consult with the Consul-General Office of South Korea;
2. Consult with local members of the Korean community;
3. Review the suitability of the proposed friendship in line with Council's existing protocol for establishing International and Australian Friendship Agreements.

The resolution nominated the City of Dong-Dae-Mun or another suitable city in South Korea. Initial research was conducted on Dong-Dae-Mun however this was changed to another city, the City of Jongno-gu. It is recommended that Council enter into a Friendship Agreement with the City of Jongno-gu for reasons outlined in the report.

RECOMMENDATION:

That Council endorse entering into a Friendship Agreement with the City of Jongno-gu.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

John Schanz
Manager - Corporate Governance

Report Approved By:

Steven Kludass
Director - Corporate Services

ITEM 5 (continued)**Discussion**

At its meeting on 26 June 2018, Council resolved the following;

- (a) *That Council support, in-principle, the development of a Friendship Agreement between the City of Ryde and a South Korean City.*
- (b) *That the General Manager investigate the suitability of Dong-Dae-Mun City, or another comparable South Korean city, in line with Council's adopted Protocol for International and Australian Friendship Agreements, and in consultation with:-*
 - *the local Korean Community, and*
 - *the Consul-General Office of South Korea*
- (c) *That the General Manager prepare a report back to Council.*

Council's Corporate Governance staff initially reviewed the suitability of establishing a friendship agreement with Dong-Dae-Mun City as per the resolution. This involved extensive interaction with the Consul-General Office of South Korea as well as research into Dong Dae Mun. It also included liaison with representatives of the local Korean Community (through Councillor Peter Kim) with the Consul General of South Korea.

Council staff were then advised of a more suitable city, that being the Jongno-gu City, which is a local government district located within Seoul City adjoining the local government district of Dong-Dae-Mun City. Councillor Kim along with the Consul-General Office of South Korea advised that this would be a more suitable city due to a number of similarities with the City of Ryde. The Consul-General's Office of South Korea also advised that the Jongno-gu City had indicated that it was very interested in pursuing the establishment of a relationship with the City of Ryde.

Existing Council Protocol

Council adopted a "Protocol for International and Australian Friendship Agreements" at its meeting on 24 March 2015. The purpose of this protocol is to set out the guidelines and process to assess proposals for establishing international or Australian civic relationships, resulting in the signing of a Friendship or Partnership Agreement. This policy and protocol ensures that proposed benefits, expectations and resource requirements of City of Ryde are clearly defined.

Council's resolution referred to a friendship agreement which does not require a significant commitment of Council resources.

ITEM 5 (continued)

As outlined in the protocol, an international or Australian Friendship Agreement:

- requires strong and meaningful historical, cultural, economic, industrial or educational links between the two cities.
- may be initiated by members of the community, Councillors or by Council officers and is required to be formally considered at a Council meeting.
- shall involve the exchange of a formal plaque or certificate for display in the respective Civic Buildings and may extend to the exchange of information for educational purposes.
- shall not require expenditure from either party apart from hospitality associated with a Mayoral reception, and minor administrative expenses, such as the preparation of reports and documents for signing.
- may be terminated on request by either party.

Friendship Agreements are valuable as they provide opportunities to create shared understandings, networks and the capabilities of like-minded organisations.

The intended benefits of these relationships are:

- Broader understanding of other regions or nations, including characteristics, culture, perspectives and priorities.
- Mutually beneficial contacts and networks that foster economic and educational development.
- Mutual growth through cultural, educational, business and technical exchanges.
- Commitment to common interests, and sharing resources and learning to foster connections between our business and the general community.
- Support and assistance to developing cities.

City of Jongno-gu, South Korea

Corporate Governance staff undertook research and met with representatives from the Consul-General's Office of South Korea to explore an opportunity of establishing a mutually beneficial friendship agreement with the City of Jongno-gu.

It was established that the City of Jongno-gu has the following similarities and interests to the City of Ryde.

ITEM 5 (continued)

- **Population and demographics** – The City of Ryde and Jongno-gu both have similar size populations (City of Ryde – 116,302 and Jongno-gu City 155,103 residents). They lie within major Cities within each nation – i.e. Sydney, Australia and Seoul, South Korea. The City of Ryde covers an area of 40 square kilometres while the City of Jongno-gu covers an area of 23.91 square kilometres. The City of Ryde is located within 12 kilometres of Sydney's Central Business District while the City of Jongno-gu is located centrally within Seoul. Jongno-gu is also the location for a number of federal government ministries.
- **Key Industries/local economy** – The City of Ryde, and in particular Macquarie Park, is home to a large number of local and foreign businesses operating across a range of industries. Macquarie Park's credentials as a research, education and communications hub are supported by the number of organisations based there. These include Macquarie University, Optus, Foxtel, Cochlear, CSIRO, Oracle, Microsoft, Johnson & Johnson, BOC Gases, Sonic Health, Fujitsu, Siemens, 3M, Astra Zeneca, Goodman Fielder and George West Foods.

Jongno-gu is also seen as an important economic centre with a large number of businesses across a number of industry sectors. These include Kumho Asiana Group, Kyobo Life, Lotte Group, SK Group, Hyundai Engineering & Construction, Daewoo Engineering and Construction, Daelim Group and East Asia Daily. The City also houses a famous fashion district (Dong Dae Mun Street) which is well known in the fashion industry.

Discussion with the Consul General's Office has also indicated that the City of Jongno-gu would be keen to establish a dialogue with Council officers and Local business representatives (i.e. local chambers of commerce).

- **Relevance to local Community** – The Ryde Local Government Area (LGA) is home to over 4,500 residents of Korean descent (representing approximately 4% of the total residents within the Local Government Area). This is the second highest percentage of residents of foreign descent living in the Ryde LGA with residents of Chinese descent representing a higher overall proportion of the total (12.5%).
- **Educational Links** – The City of Ryde is home to a major university campus (Macquarie University) while the City of Jongno-gu has two universities (Sangmyung and Sungkyunkwan University).
- **Smart City program** – Through the Consul General's office, Council staff were advised that the City of Jongno-gu has a well-established smart city program and were experienced in providing an exchange of ideas with other cities. The Consul General's Office also indicated that they would be willing to provide Council staff with briefings on their approach to the Smart City program. The City of Ryde is currently developing its own Smart City program and this could be a valuable platform for the exchange of ideas.

ITEM 5 (continued)

- **Cultural, Community and City events program** – The City of Ryde has an established events program that includes a number of community and cultural events. These include the Granny Smith Festival, Lunar New Year Festival as well as a large number of other activities and events. The City of Jongno-gu also hosts a number of large festivals and events such as the Independence Memorial Day, the Jongno Cultural Festival and a large number of other festivals and events.

As illustrated above, the City of Ryde and Jongno-gu City share a number of similar characteristics. Information obtained from the Consul-General's Office has indicated that the City of Jongno-gu is very interested in pursuing the establishment of a friendship agreement with the City of Ryde. They also indicated that the Mayor of Jongno-gu is willing to visit the City of Ryde in 2019 to exchange agreements and with a view to establishing community, cultural and business links. Such activities could involve a formal reception to sign the agreement, where members of the local Korean community, representatives of the local business community and Councillors would be invited. They also indicated Jongno-gu's interest in meeting with Ryde staff concerning policy issues, library, smart cities, events planning and projects concerning urban renewal, with a view to establishing an exchange of ideas.

Financial Implications

Council does not have a separate budget to support Friendship Agreements. Costs associated with a civic reception and ceremonial gifts are expected to be minimal. These costs could be accommodated within the current Mayoral budget.

However, there will be resourcing costs associated with the proposed visit and any longer term requirements that will inevitably arise. These costs are expected to be absorbed within current resourcing. However, any expansive beyond the proposed agreement will need to consider the impact of any additional costs and/or resourcing.

6 RYDE YOUTH COUNCIL MEMBERSHIP

Report prepared by: Community Project Officer - Young People
File No.: COR2012/672 - BP18/1237

REPORT SUMMARY

Ryde Youth Council Advisory Committee currently consists of twenty two (22) members. Following the meeting of this Committee on 31 October 2018, Council has received one (1) new nomination. Council has also received (2) resignations.

This report seeks Council's endorsement of the new nomination to the Ryde Youth Council Advisory Committee, and the resignation of two members.

RECOMMENDATION:

- (a) That Council endorse the nomination of Cameron Last, for a position on the Ryde Youth Advisory Council.
- (b) That Council endorse the resignation of Tim Zhang and Eric Fang.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Andrew Marselos
Community Project Officer - Young People

Report Approved By:

Michael Paine
Acting Senior Coordinator - Social Development and Capacity Building

Lindsay Godfrey
Manager - Community and Ranger Services

Angela Jones-Blayney
Director - Customer and Community Services

ITEM 6 (continued)**Discussion**

The draft Terms of Reference (TOR) of the Ryde Youth Council stipulates that the role of this committee is:

- To advocate for the needs of young people and provide a mechanism for their participation and involvement in decision making on community issues.
- To act in an advisory and consultative capacity to Council and staff on matters affecting young people in the community.
- To assist young people in developing skills in various areas including, leadership, communication, advocacy, governance and administration.

The TOR of the Ryde Youth Council outlines the following membership criteria:

It is recommended that there be between fourteen (14) and twenty five (25) Community Representatives aged 12 - 25. Members must live, work, study or recreate in the City of Ryde and should represent:

- Young people who represent organisations that service young people;
- Young people from diverse socio-economic, cultural and ethnic backgrounds;
- Individuals with specialist skills and professional interest in issues affecting young people will be contacted / invited as required.

Council has received an expression of interest to join the Ryde Youth Council from Cameron Last. In their Expressions of Interest, new nominees are required to outline their interests and skills for aspiring to be a part of the Ryde Youth Council Advisory Committee.

The responses provided by Cameron in his Expression of Interest are detailed below:

Nomination: Cameron Last

Cameron Last is 14 years of age and is a resident of Denistone. Cameron has a keen interest in debating and tennis. He wishes to use the skills he has learnt through these activities to give back to the youth community. He believes more can be done for young people aged 12-24 in our community and is passionate about giving his time to make this happen.

Other Membership Changes

As per the TOR of the Ryde Youth Council, a member of the Ryde Youth Council may resign from membership by giving notice of not less than two (2) weeks in writing to the relevant Council representative.

ITEM 6 (continued)

Resignations have been submitted by two members of the Ryde Youth Council. Eric Fan has resigned his membership due to relocating overseas for study. Tim Zhang has resigned from the committee due to personal reasons.

Financial Implications

Adoption of the recommendations will have no financial impact.

7 REPORT ON THE IMPACT TO THE CITY OF RYDE COUNCIL RESULTING FROM RECENT CHANGES TO THE CROWN LAND MANAGEMENT ACT 2016

Report prepared by: Casual POM Officer
File No.: GRP/09/3/15 - BP18/1095

REPORT SUMMARY

At the Council meeting on 28 August 2018, Council resolved to seek information on the impacts of the recently introduced Crown Lands Management Act (CLMA) 2016. Set out below is a brief summary of the matters raised in the resolution with further detailed information provided in the body of this report.

Crown Land in the City of Ryde (CoR)

Thirty one (31) parcels of land are designated Crown Land in the CoR. Of those 19 are identified as Reserve Trust land with CoR nominated as the Reserve Trust Manager. The remaining 12 parcels of land are identified as “Devolved to Council” through the recent changes to the CLMA 2016. A full list of the Crown Land managed by the City of Ryde including the park name, size, the type of Crown Land, its assigned Purpose and proposed initial categorisation has been provided in **ATTACHMENT 1**.

None of the Crown Land in the CoR will be transferred to Council ownership and therefore there is no change to the associated risks as Council continues to manage this land on behalf of the Crown. Council staff are currently investigating the Native Title implications and a Native Title Manager consultant has been engaged to provide the relevant advice as each of the Plans of Management documents are drafted. Any issues identified will be raised to Council through this process. The risk of a Native Title Claim over Crown Land that has not had native title extinguished by the courts, remains the same as it was previous to the introduction of the CLMA. Should there be any proposal from the State Government to divest any Crown Land, the community engagement framework, as outlined in the CLMA 2016 and detailed on page 10 of this report, would need to be followed. This process involved a greater level of community engagement than that which was previously applicable prior to the new act coming into effect in July of this year.

Cost to the City of Ryde and Access to Grant Funding

As CoR has always viewed the administration, management, and therefore any financial implications, of Crown Land as indistinct from Council land, it is not possible to accurately quantify the net cost to the CoR for the previous 5 years of administering Crown Land. As a result to the changes to the Act, Council is required to obtain advice from a Native Title Manager. This advice will be obtained from an external consultant and the net cost to Council for doing so is estimated to be approximately \$15,000 for all Crown Land.

ITEM 7 (continued)

The CoR has the opportunity to make applications for funding from the Crown Reserves Improvement Fund (previously known as the Crown Land Improvement Fund). In 2017/2018 there was over \$20 million to support a wide range of activities to help maintain, protect and improve Crown reserves. It is however a highly competitive process to obtain access to this funding with over 700 applications made annually. The CoR has previously been successful in obtaining funding through this scheme, including recently obtaining \$12,000 to assist with the preparation of the Parramatta River Parklands Plan of Management. The City of Ryde has also been advised that it will receive a grant of \$30,000 from the NSW Department of Industry Crown Lands to assist with the preparation of Plans of Management.

There are no leases or licences attached to the devolved land that will be transferred to Council as part of this process. There are 8 existing lease or licences with various organisations on Crown Land within the CoR. These will be renewed as required following the update of the relevant Plans of Management and will continue to be an agreement between the relevant entity and Council.

Financial Implications to Council for Managing Crown Land

The financial implications of preparing Plans of Management for the Crown Land areas is estimated at \$187,650. This includes the costs associated with Council's requirement to engage a Native Title Manager. The costs associated with obtaining the Native Title advice and employing a Casual Plans of Management Officer are new costs incurred by Council as a result of the changes in Legislation.

Remediation of Crown Land found to be contaminated remains with the owner of the land. The Department of Industry Crown Lands maintains a register of known and potentially contaminated sites and undertakes a risk assessment of the sites.

The land owner is usually responsible, in the absence of contaminator liability recourse, for remediation, although the land manager may be also responsible if contamination has occurred during the management period.

Definitions relating to Land Manager Status

There are 31 areas totaling 106Ha of Crown Land as designated by the Department of Industry Crown Lands covering 35 parks within the City of Ryde – Some Crown land Reserves cover multiple parks. Reserve Trusts are parks where Council has been granted Council Crown Land Manager status and on which Council can manage the land consistent with the relevant PoM under the Local Government Act 1993.

Devolved to Council areas are Crown Land that cannot be leased or licensed by council, cannot be used for any purpose inconsistent with its reservation or dedication (unless authorised by the Minister) and cannot have a Plan of Management in place to govern its use. Therefore staff have recommended in this report that Council seek approval from the Minister to be granted Council Crown Land Manager status over these 13 parcels of land.

ITEM 7 (continued)

Within the body of the report, information is also provided to Council on the following:

- Changes to the Crown Lands legislation as a result of the new Crown Land Management Act 2016 and the Crown Land Management Regulation 2018.
- The issue of categorisation of Crown Land and the steps Council must make via resolution to have these Plans of Management (PoM) approved for exhibition and adoption. This is a requirement of the Department and must be carried out prior to the preparation of any PoM that involves Crown Land.

RECOMMENDATION:

- (a) That Council assign the initial categorisations for Crown land in the City of Ryde as outlined in **ATTACHMENT 1** of this report, under Section 3.23(2) of the Crown Land Management Act 2016 and Section 36(4) of the Local Government Act 1993.
- (b) That Council give notice to the Minister for Lands and Forestry of these categories as required under Section 3.23(4) of the Crown Land Management Act 2016.
- (c) That Council seek approval from the Minister for Lands and Forestry to grant City of Ryde, Council Crown Land Manager status over the twelve (12) parcels of Crown Land identified in this report currently listed as “Devolved to Council” and seek their inclusion into the relevant generic and specific Plans of Management that will be prepared in accordance with the Crown Lands Management Act 2016.
- (d) That Council give notice to the Minister for Lands and Forestry that Lands Advisory Services Pty Ltd has been engaged as Native Title Manager for the City of Ryde.

ATTACHMENTS

- 1 Former Landfill Sites April 2013 Supplement
- 2 Report Attachment Crown Land 11-18

Report Prepared By:
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Report Approved By:
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Wayne Rylands
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ITEM 7 (continued)**Background**

At the Council meeting on 28 August 2018, Council resolved as follows:

- (a) That Council notes that the change in the Crown Land Management Act (CLMA) 2016 may impact on City of Ryde resources.*
- (b) That staff review the CLMA 2016 and Crown Management Regulations 2018 that came into effect on 1 July 2018 and develop a report that advises Council on:*
 - 1. What Crown Land is already managed by City of Ryde, including unnamed parks and what new Crown Lands will be devolved to Council arising from the CLMA 2016 outlining how each will be managed and identifying any risks to the ownership of that land.*
 - 2. The net cost figure to the City of Ryde of administering Crown Land in our LGA over the previous 5 years and the anticipated yearly net cost increase to Council resulting from these changes, noting:-*
 - Access to grants/compensation should there be an increase.*
 - If City of Ryde will have access to the Crown Reserves Improvement Fund.*
 - If there are any leases or licenses attached to devolved land and will these be transferred to City of Ryde.*
 - 3. Outline the financial implications for the preparation of a Plan of Management for Crown Land and other requirements of the CLMA 2016 and the Crown Land Management Regulations 2018, including:-*
 - The requirement for Council to engage a Native Title Manager.*
 - Identification of any devolved contaminated land and cost of remediation.*
 - Identifying financial risk and access to compensation should any devolved land be found as contaminated.*
 - 4. The Crown Lands management portal identifies two different types of local Crown Reserves that have been devolved to Council, can staff please explore and explain the difference between these and why some parcels of land have a reserve trust attached and others do not.*

ITEM 7 (continued)

- (c) *That this is an important matter and the report be presented to a Finance and Governance Committee meeting before the end of 2018.*

The following report provides information on the matters raised in the resolution on the Crown Land Management Act 2016 (CLMA) and the Crown Land Management Regulation 2018 (CLMR).

Overview of Legislation Impacting on Crown Land

The CLMA and CLMR were introduced in July 2018. The NSW Government expects that this Act and Regulation will:

- Improve the way Crown reserves are managed and facilitate better decision making on the use of Crown Land and its management under the requirement of the Local Government Act 1993 (LGA93),
- Benefit tenants (as the Act provides greater flexibility for lease and licence arrangements),
- Benefit community groups and organisations using community facilities as the restructuring of administration should provide more efficient management processes in relation to the use of Crown Land and tenures, and the preparation and adoption of Plans of Management (PoMs) for Crown Land allows the community have a say in their future management, and
- Recognise and facilitate aboriginal involvement in the management of Crown Land.

The CLMA will roll up 11 Acts. These are:

- *Crown Lands Act 1989*
- *Crown Lands (Continued Tenures) Act 1989*
- *Hay Irrigation Act 1902*
- *Irrigation Areas (Reduction of Rents) Act*
- *Murrumbidgee Irrigation Areas Occupiers Relief Act*
- *Orange Show Ground Act 1897*
- *Public Reserves Management Fund Act 1987*
- *Trustees of Schools of Arts Enabling Act 1902*

ITEM 7 (continued)

- *Wentworth Irrigation Act 1890*
- *Western Lands Act 1901*
- *Western Lands Amendment Act.*

Other Acts such as the Commons Management Act 1989 will be retained.

Formerly Councils managed Crown Land Reserves in their Local Government Areas (LGA's) under Crown Land legislation and managed public owned Community Land under the Local Government Act (LGA) 1993.

Under the CLMA, Council managed Crown Reserves will now be generally classified as Community Land and will be categorised and managed under the requirements of the LGA 1993. Prior to the CLMA, Councils managed existing Crown Land as the appointed Reserve Trust Manager undertaking care control and management on the identified areas of Crown Land, making Councils responsible for managing the affairs of a reserve trust.

From the commencement of the CLMA, the concepts of "reserve trusts" and "reserve trust managers" are removed from the Crown Land legislation, and replaced with "Crown Land Managers" however the Crown will continue to own the land. Councils will be automatically appointed as Council Crown Land Manager (CCLM) for all reserves for which they are currently the appointed reserve trust manager. Councils will not need to do anything for this to occur – this is provided for in the provisions of the CLMA.

Council Crown Land Managers will:

- Manage Crown reserves as community land unless the Minister for Lands and Forestry gives written consent to classify as operational land (this would trigger a set of requirements including a resolution of Council to proceed, the placing of this matter on public exhibition for the prescribed period and then resolving to seek Ministerial approval to change the classification). Under the CoR LEP, this would also require a Planning Proposal being undertaken.
- If consent is given, the CCLM has all the functions that a council has under the LGA 1993 in relation to operational land.
- However, CCLMs cannot sell the land without further Ministerial consent or do anything that contravenes:
 - any condition of council's appointment instrument;
 - the CLMR;
 - any applicable Crown Land management rule; or
 - any applicable plan of management adopted under Division 3.6 of the CLMA.

ITEM 7 (continued)

The LGA 1993 requires that councils prepare PoMs for all public land classified as community land.

- Under this Act, community land is to be categorised as one or more of the following:
 - Natural area,
 - Sportsground,
 - Park,
 - Area of cultural significance,
 - General community use.
- Land that is categorised as a natural area is to be further categorised as one or more of the following:
 - Bushland,
 - Wetland,
 - Escarpment,
 - Watercourse,
 - Foreshore,
 - A category prescribed by the regulations.

Councils will now manage Crown Land as if it were public land under the LGA 1993, subject to some Ministerial oversight. For example, CCLMs cannot sell managed Crown Land without adhering to the strict requirements of the CLMA and CLMR and without Ministerial consent.

Prior to the CLMA, Councils did not have to prepare Plans of Management (PoMs) for Crown Land however most Council's including City of Ryde (CoR) included these parcels of land in the PoMs they prepared. This allowed the management, maintenance and any tenure matters to do with open space in the CoR could be carried out more holistically.

The Crown Land in the CoR has been managed and maintained in the same way as parks and open space under our ownership. Crown Land is identified in our current Generic PoM 2001 as well as other current specific PoMs such as Putney Park PoM. It the intention of staff to include Crown Land in all future PoMs in accordance with the requirements of the CLMA.

PoMs set the land management framework for the land (e.g. future improvements, leasing and licensing). They can be prepared for individual parks (specific PoMs) or cover a number of parks with similar characteristics, uses, or in a geographical area (Generic PoMs). CoR has both specific and generic PoMs covering our open space network.

ITEM 7 (continued)

- PoMs must specify the following for the management of community land:
 - Management Issues,
 - Objectives and Performance Targets,
 - Means of Achieving these Objectives, and
 - Manner of Assessment of Performance.

Under the new CLMA, PoMs are also a critical tool to ensure that any authorisation or restriction on the use of a reserve is consistent with the Commonwealth Native Title Act 1993. This will be further expanded upon later in this report.

Landowner Consent

Under the CLMA there will also be changes in relation to landowner consent. Now the Minister will be taken to have given land owner's consent to a development application made by a CCLM or the holder of a lease or licence on the Crown Land for certain low impact acts on Crown Land.

This includes development applications for:

- minor repairs, maintenance and renovations on existing buildings,
- the use of the land for a purpose for which the land can be used under the CLMA or a lease or licence under the CLMA.

This removes the need to go to the Minister for consent in these circumstances, as is usually required for a development application under the Environmental Planning and Assessment Act 1979. Leases/licensees would however still need to seek Council approval as the CCLM.

Community Engagement

The CLMA requires persons responsible for dealings affecting Crown Land, including Council's identified as CCLM, to comply with a 'Community Engagement Strategy' published by the Minister. This statutory document has been developed by the Lands & Water division of the Department of Industry. Its purpose is to:

- set out procedures for community engagement that are to be followed by decision-makers when administering dealings or activities involving Crown Land
- ensure decision-makers better understand how the community is currently using and enjoying Crown Land before making decisions about dealings or activities that may impact that use and enjoyment.

ITEM 7 (continued)

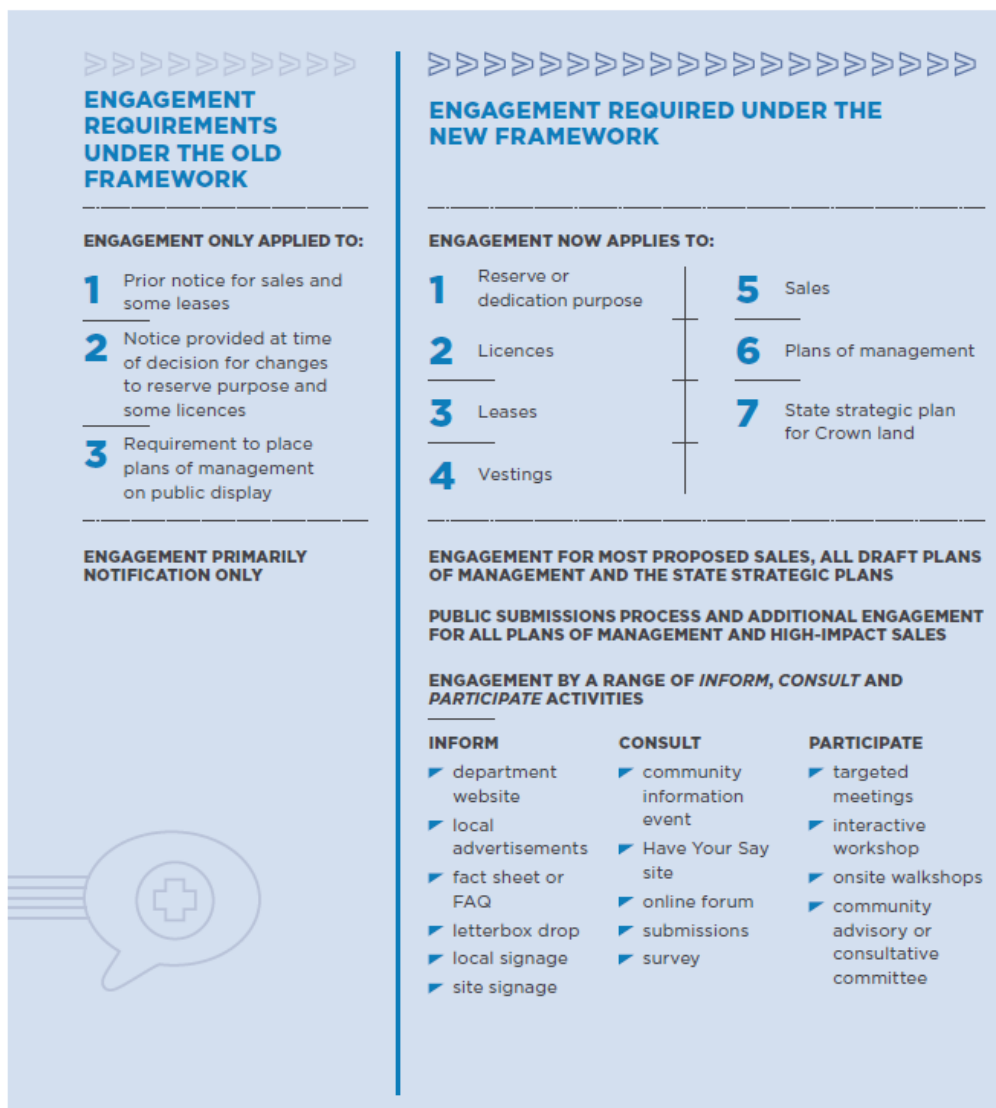
The requirements of this strategy include:

- engagement requirements for the preparation of plans of management,
- changes to reservation and the sale, lease, vesting and licencing of Crown Land.

The engagement approach required under the new CLMA Strategy is a notable change from earlier Crown Land Act engagement, which relied primarily on notification through newspapers and the NSW Government Gazettal process.

To obtain a better understanding of the changes, see Figure 1 below. This is an excerpt from the Community Engagement Strategy, Guidance and Resources for Crown Land by the NSW Government.

FIGURE 1. PREVIOUS AND NEW ENGAGEMENT REQUIREMENTS ABOUT CROWN LAND



ITEM 7 (continued)

To comply with these requirements the CoR will undertake community engagement when developing Master Plans and Plans of Management for Crown Land using our adopted Community Engagement Strategy. This would include but not be limited to the Have Your Say site, local advertisements, community information events, onsite surveys and discussions with stakeholders.

Crown Land Managed in the City of Ryde

The management of Crown Land is based on a partnership between government and the community. A Crown Land Manager is the name given to an entity that is appointed by the state to be responsible for the care, control and management of Crown reserves on behalf of the people of NSW.

In some cases and in other areas, the Crown Land Manager could be a Local Aboriginal Land Council, an incorporated association, a corporation or a statutory land manager. In the case of Reserve Trust Crown Land in CoR, Council will be the Crown Land Manager.

There are also parcels of Crown Land managed and maintained by Council that are described as “Devolved to Council”. The Department of Industry Crown Lands has provided an on-line portal to Councils which provides the location, Reserve Trust status and land identification information for all the Crown Land in their respective LGAs. This information has been reviewed against the CoR Land Register.

A full list and description of the all Reserve Trusts and Devolved to Council areas as well as those that were not assigned a park name in the portal, that are designated as Crown Land in the CoR are listed in the Crown Land Portal table provided in **ATTACHMENT 1**.

The City of Ryde covers an area of 4,056 hectares. Of this 306 hectares are open space of which 106 hectares are designated as Crown Land. There are 31 areas of Crown Land as designated by the Department of Industry Crown Lands in the CoR covering 35 parks. Some parks have areas of Crown Land that are wholly within a Council park such as Bill Mitchell Reserve, while some areas of Crown Land cover multiple parks i.e. Ryde Riverside Crown Reserve that covers 8 parks along the Parramatta River. A full explanation of the types of the land Manager Status and the various requirements for each type under the CLMA is described below:

Financial Implications of Administering Crown Land in the City of Ryde

Council has managed and administered the areas of Crown Land within the City as part of our open space network. In relation to the administration of Crown Land, under the old Crown Lands Act 1989 there were certain requirements that were to be followed such as yearly reporting on any financial transactions associated with leases and licenses associated with Crown Land.

ITEM 7 (continued)

As CoR has always viewed the administration, management, and therefore any financial implications, of Crown Land as indistinct from our own land, it is not possible to quantify the previous 5 years financial impacts.

Reporting Requirements

Under the CLMA, Councils will not be required to furnish annual reports to the Minister for Lands and Forestry as was the previous practice. The Minister for Lands and Forestry does retain powers to direct a council to furnish a report or information regarding Crown Land management however this will only be used in exceptional circumstances.

Grants and Funding Assistance Available to CoR

The former Public Reserves Management Fund under the old Crown Lands Act 1989 will now be known as the Crown Reserves Improvement Fund. CCLMs will continue to be eligible to apply for grants and loans to support their reserve management responsibilities. The fund continues to support CCLMs by providing funding for repairs and maintenance projects, pest and weed control, new recreational infrastructure or environmental initiatives. The funding provided will benefit the community and contribute to the cultural, sporting and recreational activities of Council on Crown Land.

In 2017/2018 the Department of Industry Crown Lands made available over \$20 million to support a wide range of activities to help maintain, protect and improve Crown reserves. Funding ranged from small grants of just over \$1,000 for minor improvement works right through major improvement works with grants over \$300,000. This is a very competitive process with 777 applications received in the preceding funding round, with a total value of over 475% of the available funds. Priority was, therefore, given to those applications that best addressed the prescribed assessment and eligibility criteria.

The CoR has made application and been successful in gaining grant funding through this scheme such as the provision of \$12,000 to assist with the preparation of the Parramatta River Parklands PoM. CoR will continue to make applications to the Crown Reserves Improvement Fund and if successful, use this grant funding program for improvements to the Crown Land reserves within the CoR.

Cost of Preparing Plans of Management

The Crown Land in the CoR has been managed and maintained in the same way as other community land under Council ownership. Crown Land is identified in Council's current Generic PoM 2001 as well specific PoMs such as Putney Park. The CLMA requires Councils to prepare PoMs that cover Crown Land as per the requirements of the LGA 1993. Councils are required to have these completed within 3 years.

ITEM 7 (continued)

To assist in this process, the Department of Industry Crown Land has provided Council with \$30,000 for the development of these PoMs. The updating and consolidation of our PoMs coincided with the introduction of the CLMA to adhere to the new legislative requirements.

It is a requirement of the CLMA that Crown Land is included in Council's PoMs including the Parramatta River Parklands Plan of Management (PRPPoM) which was recently placed on public exhibition and the Generic PoMs for Sportsgrounds, Parks and General Community Use which are currently being prepared under the requirements of the LGA 1993 and CLMA.

The Natural Areas Generic PoM as well as the remaining specific PoMs, which will be prepared in the near future, will also adhere to the requirements of the applicable Acts and Regulations. To update, consolidate and undertake the preparation of all the CoRs PoMs, which will include Crown Land within the specified timeframe of three years, the following resources have been allocated and/or will be required.

Resource/Requirement	Funding Required	Status
Casual Plan of Management Officer	\$50,000 per annum including office costs	Currently coordinating the preparation of PoMs, preparing the Parramatta River Parklands PoM
Preparation of 2 Generic PoMs Parks and General Community Use Sportsgrounds	\$78,000	Consultant chosen and draft PoMs currently being drafted for exhibition in 2019
Preparation of Generic PoM for Natural Areas	\$70,000 (estimate)	Programmed for 2019
Preparation of Specific PoMs for: Meadowbank Park ELS Hall Park Field of Mars Park Putney Park	\$75,000 each (estimate)	Consultants to undertake preparation of Meadowbank Park 2019 The remaining parks will be prepared sequentially and completed by 2021
Native Title Advice associated with Crown Land	\$15,000	Local Government Procurement certified legal consultant engaged
TOTAL	\$563,000	

As Crown Land makes up approximately one third of the open space in the CoR, the pro-rated estimated cost for the preparation of PoMs relating to Crown Land would be \$187,650

ITEM 7 (continued)Contamination Issues

The Department of Industry Crown Land has developed a Contaminated Land Management Strategy and Program to address the risks to human health or the environment. In relation to the management of any contaminated land, the responsibility would be with the owner of the land. This would also be the case in relation to Crown Land owned by the State.

Set out below is advice recently received from the NSW Department of Industry - Lands and Water Division.

“The responsibility for contamination rests with the contaminator. This is often an historical legacy - companies disappear or dissolve and liability can be difficult to attach to the contaminator.

The land owner is usually responsible, in the absence of contaminator liability recourse, for remediation, although the land manager may be also responsible if contamination has occurred during the management period.

In the case of land contamination over Crown reserves managed by councils, the council managers are usually best placed to manage remediation programs and practices.

Council should contact the Infrastructure & Land Management team in the Department for further advice, with referral to the Crown Land Contaminated Land Management Strategy and programme”.

Crown Lands also maintain a register of known and potentially contaminated sites and undertakes a risk assessment of the sites. The department will work with a range of public land managers including Councils to ensure consistency and to share knowledge. The Department will manage high risk site remediation and coordinate reports to the Environmental Protection Authority when required.

Council has also undertaken a review of areas of landfill in the CoR, many of which are Crown Land. This review was based on field observations, written records and anecdotal information from longstanding staff and residents in the area. Full details of the identified sites are provided in **ATTACHMENT 2** - ‘Prior Landfilling, Parks within the City of Ryde’. The areas of Crown Land have been highlighted in this attachment.

Leases and Licences

Councils are authorised to manage Crown Land as if it were community land within the meaning of the LGA 1993.

ITEM 7 (continued)

This enables Council to issue licences, leases and other estates for Crown Land Reserves in the same way as they do for any public land owned by the Council. Essentially, the process for issuing tenures will depend on the classification and categorisation of the land as well as its applicable planning controls associated with the applicable land zoning.

At present the following leases and licenses exist on Crown Land in the CoR:

Park	Lessee/Licensee	Lease	Licence
Brush Farm Park	Brush Farm Dog Training Club		X
Brush Farm Park	Eastwood Ryde Netball Association		X
Meadowbank Park	Eastwood Ryde Netball Association		X
Meadowbank Park	North Western Tennis Association	X	
Ryde Park	Old Ignatian's Rugby Football Club		X
Ryde Park	Ryde Park Café	X	
Marsfield Park	Riding For The Disabled Association (NSW)		X
Marsfield Park	Telstra Communications Tower		X

In the case of leases and licences that are presently on monthly holdover, Council was waiting to find out the details of the leasing and licensing requirements under the new CLMA. Now that these requirements are known, negotiations and formalisation of these can now be carried out as set out below.

Council may grant a lease, licence or other estate over community land where it is provided for in a compliant PoM. In accordance with the LGA 1993, the tenure must also be consistent with the core objectives of the classification and categorisation of that land. Community land must not be leased or licenced for more than 21 years, or 30 years with the consent of the Minister for Local Government. Any lease or licence for more than 5 years must have prior public notice, and in the event that an objection is made to that tenure as a result of the notice, the Minister for Local Government's consent is required.

Prior to the adoption of PoMs over Crown Land, Council will be able to issue short term licences (up to a year) for prescribed purposes under the CLMA. Council will also be able to renew existing leases, as long as the permitted uses do not change (and no other uses are permitted). Council will also be able to grant new leases if they only permit uses which are the same as leases over the land in force immediately prior to the commencement of the CLMA.

ITEM 7 (continued)

In all cases, Council will be required to obtain the written advice of a qualified native title manager that the grant of the tenure complies with any application provisions of Native Title Legislation. Further information on Native Title is outlined later in this report.

Reserve Trusts

Of the 31 parcels of land, 19 (totaling 106 hectares) were identified as Reserve Trusts with the City of Ryde having Reserve Trust Manager status. Under the CLMA, CoR would be now be the CCLM and will manage this Crown Land under the public land provisions of the *Local Government Act 1993* however the Crown will retain ownership. Many of these areas were gazetted as Crown Land as far back as 1895 – Marsfield Park, and others as recently as 2007 – Ryde Riverside Crown Reserve, which incorporates Meadowbank Park, Memorial Park, Bennelong Park, Kissing Point Park, Anderson Park, Settlers Park, Helene Park and Ryde Wharf Reserve.

Devolved Parks

There are 12 areas of Crown Land totaling 14.3 hectares that are designated “Devolved to Council”. The new legislation does not change the management or ownership of devolved land. Any Crown Land that is a public reserve for the purposes of the LGA 1993 with no appointed Crown Land manager or that is not held under lease from the Crown will continue to devolve to council management in accordance with section 48 of the Local Government Act

Devolved parks are parcels of land that will continue to be owned by the Crown and have conditions that restrict and prohibit some functions.

In relation to Devolved Land, the LGA93.S.48 states:

- *land cannot be leased or licensed by council, cannot be used for any purpose inconsistent with its reservation or dedication (unless authorised by the Minister) and cannot have a Plan of Management in place to govern its use.*

In the case of the 12 parcels of land in the CoR that are Devolved Land, they would remain owned by the Crown, however the this report recommends that the Management Type should be transferred to Reserve Trusts with CoR as the CCLM.

In this way all of the land in our open space network could then be managed under its relevant PoM and the future management, leasing, licensing, issuing of permits and granting of easements as well as any proposed improvements to these areas could be considered and applied consistently within the PoM framework.

ITEM 7 (continued)

Advice from the Office of Local Government Crown Lands is that via a Council resolution, Council can apply to be granted CCLM status for these areas of devolved land by an application to the Minister outlining that we wish to have all of our Crown Lands as Reserve Trusts managed in accordance with the relevant specific and generic PoMs.

While there was no requirement to have PoMs for these devolved areas, they were included in the City of Ryde's Generic PoM 2001 so that the management and maintenance of all of our open space could be carried out in a consistent manner. As the Crown Land in the CoR was and will continue to be under the ownership of the Crown, any risks that existed on the land prior to the introduction of the CLMA will remain the same under the new act.

Other Requirements

To allow CoR to meet the CLMA PoM requirements, a number of other processes need to be carried out. These will require resolutions of Council and/or Ministerial approval. These are:

Initial Categorisation of Crown Land

The Crown Land in the CoR as detailed in **ATTACHMENT 1** has been assigned a "Purpose" by the Department of Industry Crown Lands. This Purpose aligns with the reserve's intended use. In the case of CoR, all of the Crown Land in our area has been assigned the single Purpose of Public Recreation with the exception of Field of Mars Park which has a Dual Purpose of Public Recreation and Promotion Of The Study And The Preservation Of Native Flora And Fauna, and Ryde Park which has an Additional Purpose of Community Purposes.

Council is required to advise the Minister via a resolution of Council on the LGA 1993 Categorisation that aligns with the Crown Land assigned Purpose. There can only be one categorisation per Purpose in the initial categorisation phase. In the case of the Reserve Trust Crown Land in the CoR, the Department of Industry Crown Lands has assigned the categorisation "Park" with the exception of Field of Mars Park which has a dual categorisation of "Park" and "Natural Area".

Advice from the Office of Local Government Crown Lands states that while only one categorisation can be assigned at the initial categorisation phase per purpose, additional categorisations can be assigned as part of the PoM process. This would cover a number of our parks where more than one categorisation exists in the same park. As an example in Marsfield Park there are areas categorised as Sportsground, Natural Area and General Community Use.

ITEM 7 (continued)

It is anticipated that due to the large volume of applications to the Minister for alterations of categorisations, that there could be a delay in the determination of any changes to the initial categorisation. To ensure that the process runs smoothly and CoR meets the allocated timeframe for the preparation of the PoMs, it is recommended that the category of “Park”, assigned for the Reserve Trust Crown Land in the CoR with the exception of Field of Mars Park which will have the categorisation of “Park” and “Natural Area”, be accepted as the initial categorisation and that any alteration or continuance of multiple categorisations be carried out via the PoM process.

In the case of parks in CoR which were identified in the Generic PoM 2001 as being wholly Natural Area, Council will be seeking an initial categorisation of “Natural Area” as part of the preparation phase for the development of the new Natural Areas Generic PoM.

During the review phase for the preparation of our PoMs, if there is an identified reason to change the categorisation, then the applicable requirements will be undertaken to ensure compliance with the LGA 1993. Should Council wish however to alter the current categorisation of a park or the existing boundary of a categorisation within a park, this would require Ministerial approval and would trigger the requirements of the LGA93 where a Public Hearing would be required.

Approval to Publicly Exhibit PoMs for Crown Land

Another requirement under the CLMA is that the Minister must be provided with a copy of the draft PoM which the Department will review and approve prior to it being placed on public exhibition. In the case of the Parramatta River Parklands PoM, this PoM was exhibited prior to this requirement being instituted.

City of Ryde and a number of other Councils that were in the process of updating PoMs which included Crown Land prior to the CLMA requirements being introduced are also in a similar situation, having exhibited their draft PoMs prior to seeking Ministerial approval.

Advice recently received from the Department of Industry Crown Lands has stated that these PoMs can be forwarded to the Minister and if approved, they can then be formally adopted. It is therefore recommended, in a separate report that Council resolve to forward the Parramatta River Parklands PoM to the Minister for approval.

Native Title Requirements

CCLMs are now required to engage a qualified ‘native title manager’ to oversee and approve dealings and actions that may affect native title. Native title managers must have training or qualifications that have been approved by the Minister. CCLMs must obtain the written advice of at least one native title manager where it grants certain interests in the land, including leases, licences, easements, mortgages, covenants and other restrictions on use.

ITEM 7 (continued)

This requirement does not apply to 'excluded land', which includes:

- land subject to a determination under the Native Title Act 1993 (Cth) that native title rights and interests have been extinguished or do not exist
- land where the native title rights and interests have been compulsorily acquired
- land for which a 'native title certificate' is in effect.

A native title certificate can be issued by the Minister for Lands and Forestry where there is adequate evidence to show that native title rights and interest for the land have been extinguished or do not exist. The issue of a native title certificate does not affect rights under the Native Title Act 1993 (Cth).

The City of Ryde has recently engaged Lands Advisory Services Pty Ltd, who are a suitably qualified legal firm that has been approved under Local Government Procurements (LGP), to supply advice on Native Title advice on Councils Crown Land.

Under Section 8.8 of the CLMA, Council is required to give notice via resolution to the Minister for Lands and Forestry as to who has been engaged as Native Title Manager. The recommendation contained in this report advises that Lands Advisory Services Pty Ltd has been engaged as Native Title Manager for the CoR.

The initial fee proposal, in line with LGP rates. To obtain NT advice for the Crown Land in the CoR will cost \$15,000. Once obtained, evidence of this NT advice needs to be forwarded to the Minister to enable PoMs for Crown Land to be exhibited and approved. Native title advice will be included in any PoM document prepared where Crown Land is included in accordance with the requirements of the CLMA.

ITEM 7 (continued)

ATTACHMENT 1



**SUPPLEMENT REPORT ON PRIOR
LANDFILLING OF PARKLANDS
WITHIN CITY OF RYDE**

A review was undertaken in 2008 to assess the type of landfilling that has occurred in a number of sites within the City Of Ryde, the majority of which are now public parks. It is noted that mixed refuse, uncontrolled or putrescible filling can potentially cause problems including differential settlement and/or soil and groundwater contamination, and that the filling history of such sites can be useful in identifying and remediating problems should they arise. The review was based on field observations, written records and anecdotal information from longstanding staff and residents in the area. Full details of sites identified in 2008 can be found as an attachment to Trim Document D08/13195 'Prior Landfilling – Parks Within City of Ryde'.

This supplement comprises an updated table of sites recorded to date, based on ongoing collection of information. Determination of the 'remediation / maintenance cost range' for each park requires detailed assessment and design, and subsequent agreement and approval of the scope of works. Once the scope is approved internally or, where required, by a third party Site Auditor, estimation of the cost of works will be possible.

Summary details and associated information are presented in Table (1), **ATTACHED**.

Julius Pucci
Environmental Engineer

ITEM 7 (continued)

ATTACHMENT 1

Attachment 1: Table 1

Site No.	Site Name	Address	Identifiers	Comments / Type of Filling	Evidence Supports Uncontrolled / Mixed / Putrescible Landfilling?	Remediation / Maintenance Cost Range
1	Banjo Patterson Park	Punt Rd, Gladesville		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
2	Brereton Park	Cnr Pittwater Rd & Bronhill Ave E Ryde	Lot B DP417533	Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling	Yes	Not yet quantified
3	Belmore Street Foreshore Park & Wharf	Belmore & Parsonage Street, West Ryde	Lot 10 DP1051607, Lot 7055 DP 1065139	Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling over lower portion of site	Yes	Not yet quantified
4	Bill Mitchell Park (SF)	Morrison Rd, Tennyson Point		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
5	Brush Farm Park (SF)	Lawson St, Eastwood		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
6	Christie Park (SF)	Christie Rd, Macquarie Park		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
7	Dunbar Park (SF) (Eastwood garbage depot)	Sobraon Rd, Marsfield		Records indicate approval for non-putrescible landfilling, however filling was ultimately limited to engineered fill for creation of sports fields.	No	Not yet quantified
8	Eastwood Oval (SF)	West Parade, Eastwood		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
9	Field of Mars Wildlife Refuge (East Ryde Garbage Depot)	Kenedy St East Ryde		5.06 Ha: 'for use as a sanitary depot' Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling from 1954 to 1968	Yes	Not yet quantified
10	Fontenoy Park (SF)	Fontenoy Rd Marsfield	Lots 83,84,85,95 DP258917, Lot932 DP614026	Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling	Yes	Not yet quantified
11	Lions Park	Victoria Rd, West Ryde		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
12	Looking Glass Bay Park	Ashburn Pl, Gladesville		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
13	Macquarie Park Garbage Depot	Culloden & Busaco Rds	Lot 39-41	2.43ha. Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling from 1926 to 1940 - now part of Mac Uni Sports complex 'for use as a sanitary depot'	Yes	Not yet quantified

ITEM 7 (continued)

ATTACHMENT 1

Table 1 Continued

Site No.	Site Name	Address	Identifiers	Comments / Type of Filling	Evidence Supports Uncontrolled / Mixed / Putrescible Landfilling?	Remediation / Maintenance Cost Range
14	Magdala Park (East Ryde Garbage Depot) (SF)	Page Rd, Ryde	Lots 244,320,324,325,326 DP752035	6.48 Ha. Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling from 1959-1970 ('for use as a sanitary depot for the disposal of garbage')	Yes	Not yet quantified
15	Marsfield Park Garbage Depot (SF)	Vimera Rd	Lots 658&659 DP752035	4.06 Ha. Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling from 1968 to 1972 - 'for disposal of non-putrescible garbage and refuse'	Yes	Not yet quantified
16	Meadowbank Park – Fields (SF)	Constitution Rd, Meadowbank		Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling	Yes	Not yet quantified
17	Miriam Park	Miriam Rd West Ryde	Lot 110 DP4051	Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling	Yes	Not yet quantified
18	Morrison Bay Park (SF)	Frances Rd, Putney		Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling	Yes	Not yet quantified
19	Pembroke Park (Eastwood Garbage Depot)	Crimea & Abuklea Rds Marsfield	Lot 293 DP752028	2.59 ha. Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling From 1940 to 1954 - 'for the purposes of a liquifying depot', 'pan cleansing'	Yes	Not yet quantified
20	Pidding Park (Ryde Garbage Depot) (SF)	Pidding Rd, Ryde		4.54 Ha. From Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling from 1968 to 1969. 'for a sanitary depot for disposal of non-putrescible garbage and refuse'	Yes	Not yet quantified
21	Pioneer Park (Marsfield Garbage Depot) (SF)	Plunkett St Marsfield	Lot 2 DP 545168	2.59 Ha. Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling from 1971 'for use as a sanitary depot for disposal of garbage'	Yes	Not yet quantified
22	Porters Creek	Wicks Rd, Macquarie Park		Evidence, records, field observations support previous uncontrolled, mixed or putrescible landfilling	Yes	Not yet quantified
23	Putney Park	Pellissier Rd, Putney		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
24	Ryde Park (SF)	Blaxland Rd, Ryde		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified
25	Tennyson Park	Beach St, Tennyson Point		Evidence, records, field observations support controlled / inert landfilling	No	Not yet quantified

ITEM 7 (continued)

ATTACHMENT 1

Table 1 Continued

Site No.	Site Name	Address	Identifiers	Comments / Type of Filling	Evidence Supports Uncontrolled / Mixed / Putrescible Landfilling?	Remediation / Maintenance Cost Range
26	Holt Park	Holt St, North Ryde	Lot 108 DP 36455	Evidence, field observations and contamination consultant's report indicates buried mixed fill including asbestos fibro	Yes	Approximately \$150,000

ATTACHMENT 2

ආර්ථිකයේ ස්ථාවරත්වය සහ වර්ධනය සහතික කිරීම සඳහා ප්‍රධාන අමාත්‍යවරයා විසින් ප්‍රකාශයක් කළේය. ආර්ථිකයේ ස්ථාවරත්වය සහ වර්ධනය සහතික කිරීම සඳහා ප්‍රධාන අමාත්‍යවරයා විසින් ප්‍රකාශයක් කළේය.

Agenda of the Council Meeting No. 17/18, dated Tuesday 11 December 2018.

Crown Land in the City of Ryde - As provided in the Crown Land Portal

	Reserve Number	Reserve Type	Crown Reserve Name	Gazetted Date	Management Type	Purpose	Additional Purpose	Guidance LG Act Category*	Lots	Area (sqm)	Suburb	CoR Park Name	Current Categorisation in CoR	Initial Land Categorisation
1	89474	RESERVE	FIELD OF MARS PARK	20/06/1975	RESERVE TRUST	Promotion Of The Study And The Preservation Of Native Flora And Fauna & Public Recreation		Natural Area/Park	Lots 172, 258-259, 261, 307, 755 DP 752035, Lot 7011 DP 1069836, Lot 7358 DP 1160800 Parish Hunters Hill County Cumberland	355,153	EAST RYDE, GLADESVILLE, RYDE		Park Natural Area General Community Use	Accept as Natural Area/Park
2	100005	RESERVE		20/02/1987	RESERVE TRUST	Public Recreation		Park	Lot 881 DP 752035 Parish Hunters Hill County Cumberland	138	PUTNEY	Putney Park	Park Natural Area	Accept as Park
3	100215	RESERVE	CARARA RESERVE	16/08/1991	RESERVE TRUST	Public Recreation		Park	Lot 1 DP 34765, Lot 1 DP 121411, Lot 2 DP 223488, Lot B DP 392153 Parish Hunters Hill County Cumberland	8,432	WEST RYDE	Carrara Reserve	Park	Accept as Park
4	500164	DEDICATION	BRUSH FARM PARK	8/04/1914	RESERVE TRUST	Public Recreation		Park	Lot 7059 DP 1062383 Parish Hunters Hill County Cumberland	81,113	EASTWOOD	Brush Farm Park	Park Sportsground Natural Area	Accept as Park
5	500260	DEDICATION	WESTMINISTER PARK	12/11/1926	RESERVE TRUST	Public Recreation		Park	Lot 7052 DP 93932 Parish Hunters Hill County Cumberland	17,193	GLADESVILLE	Westminster Park	Park Sportsground General Community Use	Accept as Park
6	500307	DEDICATION	MONASH PARK	8/08/1924	RESERVE TRUST	Public Recreation		Park	Lot 7060 DP 93662 Parish Hunters Hill County Cumberland	19,541	GLADESVILLE	Monash Park	Park Sportsground	Accept as Park
7	500341	DEDICATION	PUTNEY PARK (PART)	1/02/1929	RESERVE TRUST	Public Recreation		Park	Lot 1 DP 320571 Parish Hunters Hill County Cumberland	9,421	PUTNEY	Putney Park	Park Natural Area	Accept as Park
8	71349	RESERVE	STEWART PARK	17/11/1944	RESERVE TRUST	Public Recreation		Park	Lot 300 DP 752028 Parish Field Of Mars County Cumberland	879	MARSFIELD	Stewart Park	Park Natural Area	Accept as Park
9	72358	RESERVE	STEWART PARK	18/07/1947	RESERVE TRUST	Public Recreation		Park	Lot 300 DP 752028 Parish Field Of Mars County Cumberland	9,343	MARSFIELD	Stewart Park	Park Natural Area	Accept as Park
10	75180	RESERVE	GLEN STREET RESERVE	18/07/1952	RESERVE TRUST	Public Recreation		Park	Lot 1 DP 437267 Parish Hunters Hill County Cumberland	7,118	EASTWOOD		Park Natural Area General Community Use	Accept as Park
11	77264	RESERVE	RYDE PARK	3/12/1954	RESERVE TRUST	Public Recreation	GAZETTED - S121A: COMMUNITY PURPOSES	Park	Lot 50 DP 1107483 Parish Hunters Hill County Cumberland	45,692	RYDE			
12	500342	DEDICATION	MARSFIELD PARK	17/5/1895	RESERVE TRUST	Public Recreation			Lots 652-653, 658-659 DP 752035 Parish Hunters Hill County Cumberland	93,896	MARSFIELD		Park Sportsground Natural Area General Community Use	Accept as Park
13	80812	RESERVE		4/07/1958	RESERVE TRUST	Public Recreation		Park	Lot 7007 DP 93905 Parish Hunters Hill County Cumberland	4,454	EAST RYDE	Kitty Creek Reserve	Natural Area	Apply for Natural Area
14	1013968	RESERVE	RYDE RIVERSIDE CROWN RESERVE	14/09/2007	RESERVE TRUST	Public Recreation		Park	Lot 1 Section 1 DP 1095, Lots 47-56 DP 4664, Lot 22 DP 12059, Lot 448 DP 15224, Lot 278 DP 15965, Lot 28 DP 18926, Lot 1 DP 34075, Lots 895-897 DP 48475, Lots 1-9 DP 108840, Lot 1 DP 177693, Lot C DP c, Lot C DP 398819, Lot Z DP 405311, Lot 4 DP 524759, Lot 2 DP 524764, Lot 6 DP 524931, Lots 143, 840, 889 DP 752035, Lot 14 DP 806133, Lot 11 DP 873598, Lot 2 DP 915842, Lot 2 DP 929038, Lot 1 DP 954186, Lot 10 DP 1051607, Lot 7033 DP 1065135, Lot 7055 DP 1065139, Lot 7033 DP 1069187, Lot 7032 DP 1073996, Lot 1 DP 1092972, Lot 101 DP 1119538, Lot 7300 DP 1124910, Lot 7301 DP 1124956 Parish Hunters Hill County Cumberland	326,627	MELROSE PARK, MEADOWBANK, PUTNEY, RYDE	Memorial Park, Meadowbank Park, Bennelong Park, Kissing Point Park, Ryde Wharf Reserve, Anderson Park, Settlers Park, Helene Park	Park Sportsground Natural Area General Community Use	Accept as Park
15	500311	DEDICATION	RIVERSIDE PARK	7/04/1916	RESERVE TRUST	Public Recreation		Park	Lots 7072-7073 DP 93916, Lot 7071 DP 93922, Lot 8 DP 256502, Lot 2 DP 819542, Lots 7069-7070 DP 1058343, Lots 7067-7068 DP 1075140, Lots 7065-7066 DP 1075141, Lots 7063-7064 DP 1075142 Parish Hunters Hill County Cumberland	15,951	PUTNEY, RYDE	Settlers Park	Park Natural Area	Accept as Park
16	100146	RESERVE	KOONADAN RESERVE	6/05/1988	RESERVE TRUST	Public Recreation		Park	Lot 894 DP 48459 Parish Hunters Hill County Cumberland	84	MELROSE PARK	Koondan Reserve	Park Natural Area	Accept as Park
17	95771	RESERVE	MORRISON BAY PARK	15/01/1982	RESERVE TRUST	Public Recreation		Park	Lot 1 DP 912044, Lot 7362 DP 1166680 Parish Hunters Hill County Cumberland	58,844	PUTNEY	Morrison Bay Park	Park Sportsground Natural Area General Community Use	Accept as Park
18	100145	RESERVE	KISSING POINT PARK	6/05/1988	RESERVE TRUST	Public Recreation		Park	Lots 892-893 DP 48458 Parish Hunters Hill County Cumberland	74	PUTNEY	Kising Point Park	Park Natural Area	Accept as Park
19	81472	RESERVE		13/03/1959	RESERVE TRUST	Public Recreation		Park	Lot 7015 DP 1124809, Lot 44 DP 1124809 Parish Hunters Hill County Cumberland	5,799	GLADESVILLE	Looking Glass Park	Park Natural Area	Accept as Park
1	100006	RESERVE		20/02/1987	DEVOLVED TO COUNCIL	Public Recreation			Lot 882 DP 752035 Parish Hunters Hill County Cumberland	187	GLADESVILLE	Meditation park	Park Natural Area	Apply for Park
2	100033	RESERVE		20/02/1987	DEVOLVED TO COUNCIL	Public Recreation			Lot 884 DP 752035 Parish Hunters Hill County Cumberland	1,253	TENNYSON POINT	Tennyson Park	Park	Apply for Park
3	100037	RESERVE		20/02/1987	DEVOLVED TO COUNCIL	Public Recreation			Lot 883 DP 752035 Parish Hunters Hill County Cumberland	10,907	GLADESVILLE	Bill Mitchell Park	Park Sportsground Natural Area General Community Use	Apply for Park
4	71425	RESERVE	BILL MITCHELL PARK	9/02/1945	DEVOLVED TO COUNCIL	Public Recreation			Lot 7016 DP 1095133 Parish Hunters Hill County Cumberland	57	TENNYSON POINT	Bill Mitchell Park	Park Sportsground Natural Area General Community Use	Apply for Park
5	44240	RESERVE	NORTH RYDE PARK	8/09/1909	DEVOLVED TO COUNCIL	Public Recreation			Lot 7001 DP 1054025 Parish Hunters Hill County Cumberland	21,450	NORTH RYDE	North Ryde Park	Park Sportsground Natural Area	Apply for Park
6	61079	RESERVE	BARTON RESERVE	19/04/1929	DEVOLVED TO COUNCIL	Public Recreation			Lot 821 DP 752035, Lot 7013 DP 1073190, Lot 270 DP 1145283 Parish Hunters Hill County Cumberland	34,641	RYDE	Barton Reserve	Natural Area	Apply for Natural Area
7	61369	RESERVE	LUCKNOW PARK	6/09/1929	DEVOLVED TO COUNCIL	Public Recreation			Lot 317 DP 752028 Parish Field Of Mars County Cumberland	13,903	MARSFIELD	Lucknow Park	Natural Area	Apply for Natural Area
8	68260	RESERVE		31/03/1939	DEVOLVED TO COUNCIL	Public Recreation			Lot 284 DP 752028 Parish Field Of Mars County Cumberland	8,432	MARSFIELD	Part of Pembroke Park - Block corner of Vimera & Abuklea Rds	Natural Area	Apply for Natural Area
9	69923	RESERVE	ANZAC PARK	7/03/1941	DEVOLVED TO COUNCIL	Public Recreation			Lots 15-16, 19-21, 26 Section 4 DP 2085, Lots 1-11 DP 13369, Lot 7037 DP 93827 Parish Hunters Hill County Cumberland	7,758	WEST RYDE	Anzac Park	Park	Apply for Park
10	71465	RESERVE	MARTIN RESERVE	29/03/1945	DEVOLVED TO COUNCIL	Public Recreation			Lot 7002 DP 1125003 Parish Hunters Hill County Cumberland	13,840	NORTH RYDE	Martin Reserve	Natural Area	Apply for Natural Area
11	86967	RESERVE		22/11/1968	DEVOLVED TO COUNCIL	Public Recreation			Lot 7009 DP 93904, Lot 7008 DP 1065697 Parish Hunters Hill County Cumberland	25,831	EAST RYDE	Portius Park	Natural Area	Apply for Natural Area
12	89785	RESERVE		30/04/1976	DEVOLVED TO COUNCIL	Public Recreation			Lot 7003 DP 93900 Parish Hunters Hill County Cumberland	5,545	CHATSWOOD WEST	Mulhall Park	Park	Apply for Park

TOTAL AREA SQM 1,203,556.00
TOTAL AREA Ha 120.36

* Guidance LG Act category as supplied by Dept. of Industry Crown Land denotes preliminary guidance to assist councils to assign what could be considered the most closely related categories of community land referred to in section 36 of the Local Government Act 1993 to the purpose for which Crown land is reserved or dedicated .

RESERVE TRUST
DEVOLVED TO COUNCIL
PARRAMATTA RIVER PARKLANDS PoM
PARKS GENERAL COMMUNITY USE AND SPORTSGROUNDS GPoM
NATURAL AREAS PoM
SPECIFIC PoMS

8 PARRAMATTA RIVER PARKLANDS GENERIC PLAN OF MANAGEMENT ADOPTION REPORT

Report prepared by: Casual POM Officer
File No.: GRP/09/3/15 - BP18/945

REPORT SUMMARY

At the Works and Community Committee meeting of 8 May 2018, it was resolved to place the draft Parramatta River Parklands Plan of Management (PRPPoM) on public exhibition.

The PRPPoM is a generic plan of management that applies to 17 parks and 7 road reserves along the Parramatta River foreshore.

In accordance with legislative requirements, the draft PRPPoM was placed on public exhibition (30 May 2018 until 12 July 2018). During the exhibition period, the local community and users of these Parks were invited to review the draft Plan and provide comments and suggestions on their future management and use.

Council received 35 submissions during the exhibition period and the PRPPoM has been revised to include, where appropriate, the feedback contained in these submissions.

All changes as a result of community submissions, internal stakeholder review and native title advice are highlighted in blue in the PRPPoM document provided in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**. A summary of the submissions received and Council's response to the matters they raised has been provided in **ATTACHMENT 2**.

It is recommended that the revised Parramatta River Parklands Plan of Management, be adopted by Council subject to a number of conditions related to approvals being obtained from the Minister for Lands and Forestry required as a result of the recently introduced New South Wales Crown Lands Management Act CLMA (2016). These are outlined in the recommendation made by staff and relate to:

- The Crown Land in the PRPPoM has been assigned an initial Purpose by the Department. For the Crown land that is covered by the PRPPoM this is Public Recreation. For each Purpose a single categorisation of Park has also been applied to each of these parcels of Land. It is a requirement within the CLMA (2016), that Council inform the Minister that it accepts this initial categorisation.
- In the case of the parks covered by the PRPPoM, where multiple land categorisations exist, these can be assigned as part of the PoM process. Once the PRPPoM is endorsed by the Minister, the land categorisations detailed within the document will apply as per the Local Government Act.

ITEM 8 (continued)

- The Department Lands and Forestry have advised that the PRPPoM can be forwarded to the Minister who will review and advise Council on the approval of the PoM.

In accordance with the requirements of the CLMA (2016), Native Title advice on the areas of Crown Land covered by this PoM has been obtained. The information and applicable changes to the PRPPoM have been made and these are highlighted in the document in blue.

RECOMMENDATION:

- (a) That Council assign the initial category of “Park” for the parcels of Crown Land in the Parramatta River Parklands Plan of Management under Section 3.23(2) of the *Crown Land Management Act 2016* and Section 36(4) of the *Local Government Act 1993*
- (b) That Council give notice to the Minister for Lands and Forestry of this category as required under Section 3.23(4) of the *Crown Land Management Act 2016*
- (c) That Council adopt the Parramatta River Parklands Plan of Management under Section 40 of the Local Government Act 1993, subject to the following being obtained:
 1. That Council refer the Parramatta River Parklands Plan of Management to the Minister for Lands and Forestry for approval.
 2. That Council seek approval from the Minister for Lands and Forestry to grant City of Ryde, Council Crown Land Manager status over the four parcels of Crown Land in the Parramatta River Parklands Plan of Management currently listed as “Devolved to Council”.
- (d) That should there be any amendments to the Parramatta River Parklands Plan of Management requested by the Minister for Lands and Forestry a further report to Council be prepared.
- (e) That should there be no amendments received from the Minister, that the Parramatta River Parklands Plan of Management be adopted.

ATTACHMENTS

- 1 Parramatta River Parklands Plan of Management Draft - 24 October 2018 – CIRCULATED UNDER SEPARATE COVER
- 2 Submission Table for Adoption Report PRPPoM - 29 October 2018

ITEM 8 (continued)

Report Prepared By:

Vince Cusumano
Casual POM Officer

Report Approved By:

Simon James
Manager - Parks

Wayne Rylands
Director - City Works

ITEM 8 (continued)**Background**

The Parramatta River Parkland Plan of Management applies to 17 parks and 7 road reserves along the Parramatta River foreshore providing both highly valued areas of foreshore parkland as well as district level sporting facilities that are well used by the Ryde community as well as visitors from other areas.

These parks are a combination of Crown Land and Community Land and are dedicated, categorised and zoned specifically for public recreation.

The draft PRPPoM has been prepared under the requirements of the *Crown Land Management Act 2016*, the *Crown Land Management Regulation 2018* and the *Local Government Act 1993* and accordingly, the draft Plan of Management will satisfy the requirements for the content and process in preparing a Plan of Management under the applicable Acts

The draft PRPPoM has been prepared to guide the future development and management of these parks in response to the needs and values of the local community and the users of these parks.

When adopted by Council, the PRPPoM will extinguish the current specific plan of management applicable to Morrison Bay Park.

At its meeting of 8 May 2018, the Works and Community Committee resolved as follows:

- (a) *That the draft Parramatta River Parklands Plan of Management be placed on Public Exhibition for a period of 28 days.*
- (b) *That submissions be received for a further 14 days after the completion of the exhibition period.*
- (c) *That a report be brought back to Council with the results of the public exhibition, recommending further action.*

In accordance with the above resolution, the draft Plan of Management was placed on public exhibition from 30 May 2018 until 12 July 2018.

Consultation

The PRPPoM was exhibited in accordance with the requirements of the Local Government Act 1993, the Crown Land Management Regulation 2018 and the Crown Land Management Act 2016. The consultation process has been thorough and has informed both internal and external stakeholders as well as the local community.

ITEM 8 (continued)

In accordance with Council's Community Engagement Strategy, notices were placed in all of the parks outlined in the PRPPoM as well as the Customer Service Centre and libraries explaining where further information could be obtained and directing the community on how to make a submission.

The PRPPoM being put forward for adoption also includes the changes initiated through the previous consultations carried out for the preparation of draft PoM. This included the following:

- Community feedback received during numerous consultations for Council's Sport & Recreation Strategy 2016-2026. This feedback was received through face to face surveys, consultation with sporting user groups and Council's "Have Your Say" webpage. 214 survey responses were received during this process.
- Regular meetings conducted with the sporting user groups of Morrison Bay Park where they provide feedback on how the parks and particularly the sporting fields should be managed.
- Community feedback provided during the various discussions and consultations undertaken on a number of recent capital projects within parks along the Parramatta River including:-
 - the Banjo Patterson Park and Melrose Park Playground Upgrades
 - the installation of fitness equipment at Kissing Point Park, Memorial Park and Anderson Park
 - installation of sportsfield lighting at Morrison Bay Park
 - as well as a number of sporting field upgrades at Bill Mitchell Park and Morrison Bay Park
- In 2016 the Parramatta River Catchment Group (PRCG) conducted community research to understand community behaviour in relation to swimming in the Parramatta River. Activities residents like to do in and around the river include swimming, fishing sailing or boating, addling (kayak, canoeing etc.), sunbaking, catching ferries, picnics and/or BBQ's, walking, hiking or jogging, bike riding and going to café's or restaurants. The research indicated providing facilities near to the water that allowed for activities such as walking picnicking etc. were important even if people did not go into the water.

ITEM 8 (continued)

Internal Council stakeholders consulted included:-

- Design – Project Development Section
- Environment – Sustainability Section
- Stormwater and Asset Integration Section
- Properties Section
- Heritage Officer

External public consultation included:-

- NSW Land and Property Management Authority
- Community consultation as outlined in the report



Figure 1: Parks included in the Parramatta River Parklands Plan of Management

ITEM 8 (continued)**Discussion**

During the public exhibition of the draft Plan of Management, Council received 35 submissions from the community.

Each of these submissions has been reviewed and a detailed commentary and analysis of each submission has been provided in **ATTACHMENT 2**. Some of the submissions received have informed alterations to the Plan of Management. These changes have been highlighted in the document in blue.

Many of the submissions received were in support of the management strategies and actions in the Plan of Management and thanked Council for the opportunity to make comment.

Set out below are the areas outlined in the PRPPoM that the community supported. These included:

- Recent improvements to the facilities provided in many of these foreshore parks.
- Improved access and pathways to and along the foreshore for recreational activities.
- The connections that these parks have to each other along the foreshore.

There were also a number of items raised where respondents either sought additional facilities or requested recognition and/or adherence to existing plans and strategies.

These have been grouped into four key themes that will be discussed in detail below. These were:

- Changing the priority for the improvement to the small boat ramp launching facility at Meditation Park,
- Improved access to the entrances and pathways in Meditation Park,
- Recognition of the biodiversity values and fauna and flora corridor linkages provided by these parks.
- Provision of boardwalk and other pathway connections between parks along the foreshore

ITEM 8 (continued)***Meditation Park Boat Launching Facility***

Council received fourteen submissions from members of the Parramatta River Sailing Club, owners of dinghies stored in the park and the general public. They requesting that the “Low” priority listed for a strategy for possible improvements to the launching ramp in the Plan of Management be upgraded to a “High” priority.

They felt that due to its high usage and its current poor condition, an upgrade to this facility would make it safer and therefore increase its use as a method of launching small rowing and sailing craft to access the river at this location. The document has therefore been updated and changed to a “High” priority to reflect this

Meditation Park Access and Pathways

Many of the submissions received for improvements to the boat launching ramp at Meditation Park also discussed the condition of the access points into this park and the uneven nature of the pathways leading down to the foreshore.

They felt that older persons or those bringing sailing and boating equipment down to the sailing club and foreshore find it difficult due to the current state of the paths. They would like to see these improved and if possible hand rails put in on the steeper sections.

While full adherence to DDA (Disability Discrimination Act) access requirements would be difficult to achieve due to the topography of the park, some improvements to the current access points and pathways could be achieved, improving both the safety and amenity aspects of the park. The document has therefore been updated and changed to a “High” priority to reflect this

Biodiversity Values

Four detailed submissions were received from the community in relation to the plan of management not giving enough emphasis to the biodiversity values and wildlife corridors that these parks provide. These in particular related to Morrison Bay Park, where the respondents felt that earlier studies and strategies, that CoR are members of and/or are signatories to, such as the Parramatta River Estuary Coastal Zone Management Plan and the Our Living River strategy, were not referenced and supported in the PoM.

Some also felt that the extinguishing of the Morrison Bay Park Plan of Management and its inclusion into the Parramatta River Parkland Plan of Management was not warranted. The respondents felt that the Morrison Bay Park Plan of Management had a number of specific actions for the protection of biodiversity and wildlife corridors that needed to be implemented.

ITEM 8 (continued)

To respond to these issues, a meeting was held with the respondents at Morrison Bay Park on 18 September. At this meeting it was explained that the Parramatta River Parkland PoM seeks to manage all the parks along the Parramatta River as a continuous link both for recreation as well as for the provision of habitat to encourage biodiversity linkages on a catchment management model rather than an individual park basis.

It was therefore felt that the issues they raised could be addressed through the referencing of the aforementioned plans and strategies in the core objectives and specific action plans within the Parramatta River Parklands Plan of Management. The management of these parks could then be more closely aligned with the stated aims and objectives in the Parramatta River Estuary Coastal Zone Management Plan and the Our Living River strategy.

Amendments to the draft plan including references to strategic documents such as the Parramatta River Estuary Coastal Zone Management Plan and the Our Living River strategy as well as action items from the extinguished Morrison Bay PoM have been included in the PRPPoM to reflect the respondent's issues.

Boardwalk and other shared pathway connections between parks along the foreshore

A number of submissions suggested shared public access could be provided between a number of parks via boardwalks or other pathways. Some of these requests were for connections in front of privately owned properties.

Foreshore shared path connection is an important and complex matter which may require acquisition of private property. Through prior investigations as part of the North District Plan and other strategic documents, the importance of providing a continuous foreshore link around Sydney Harbour and the Parramatta River has been highlighted.

While the PRPPoM promotes the use of internal linkages and pathways such as the Ryde River Walk and links to other walks and cycleways such as the Wharf to Wharf and Parramatta Valley cycleways it does not restrict or prevent Council from exploring the feasibility of acquiring the land required to provide these park linkages in the future.

Other matters raised in submissions

The remaining submissions raised a number of either operational, maintenance and/or specific improvement works that were outside the scope of the PoM.

These matters will be dealt with either by directions to operational areas of Council or via the subsequent masterplanning process which will be undertaken in the future for each of these parks.

ITEM 8 (continued)

A part of the process for Meadowbank Park and Memorial Park, Council is currently undertaking community engagement as well as seeking quotations from suitably qualified firms to develop masterplans for these parks.

Crown Land Management Act 2016

Exhibition of draft Plans of Management

The recently introduced Crown Land Management Act 2016 (CLMA) places a number of requirements on Councils for the preparation, exhibition and adoption of Plans of Management where Crown land is involved.

Set out below is a brief outline of the CLMA requirements for the adoption of the PRPPoM.

Under the recently completed guidelines from the Department of Industry, draft PoMs are now required to be forwarded to the Minister seeking his approval for public exhibition. In this instance, the Parramatta River Parklands Plan of Management was exhibited prior to this requirement being instituted.

The Department Lands and Forestry have advised that the PRPPoM can be forwarded to the Minister who will review and advise Council on the approval of the PoM. The recommendations contained in this report reflect this advice.

Devolved Crown Land

A number of parks in the PRPPoM, as shown in the table below, have Crown Land which is designated "Devolved to Council". To ensure that all of the open space in the City of Ryde is managed and maintained under the applicable PoM framework, this report therefore recommends that Council seek Ministerial approval to be granted Council Crown Land Manager status for the "Devolved to Council" parks in the PRPPoM.

Table 1 – Devolved To Council Crown Land in the Parramatta River Parklands Plan of Management

Reserve Number	Reserve Type	Gazetted Date	Management Type	Purpose	Lots	Park Name
100006	RESERVE	20/02/1987	DEVOLVED TO COUNCIL	Public Recreation	Lot 882 DP 752035 Parish Hunters Hill County Cumberland	Meditation Park
100033	RESERVE	20/02/1987	DEVOLVED TO COUNCIL	Public Recreation	Lot 884 DP 752035 Parish Hunters Hill County Cumberland	Tennyson Park
100037	RESERVE	20/02/1987	DEVOLVED TO COUNCIL	Public Recreation	Lot 883 DP 752035 Parish Hunters Hill County Cumberland	Bill Mitchell Park
71425	RESERVE	9/02/1945	DEVOLVED TO COUNCIL	Public Recreation	Lot 7016 DP 1095133 Parish Hunters Hill County Cumberland	Bill Mitchell Park

ITEM 8 (continued)Native Title

Under the recently introduced Crown Land Management Act 2016, Councils are now required to engage a qualified 'native title manager' to oversee and approve dealings and actions that may affect native title. Native title managers must have training or qualifications that have been approved by the Minister.

Land managers (Council's) must obtain the written advice of at least one native title manager where it grants certain interests in the land, including leases, licences, easements, mortgages, covenants and other restrictions on use.

Council has recently engaged Lands Advisory Services Pty Ltd, who are a suitably qualified legal firm to provide Native Title advice on Councils Crown Land.

They have provided advice in relation to the PRPPoM and the required amendments to the PoM have been included in the document marked in blue.

Financial Implications

There are a number of "H" High Priority items that have been identified in the PRPPoM process. In the case of the High Priority items already identified in the PoM, these are about the undertaken or have already been completed. These are funded through their applicable works programmes. They have been marked in yellow in the document.

The items, their estimated costs and the applicable funding programme are set out below.

Memorial Park

- Lighting, anti-graffiti coatings and liaison with police in relation to graffiti and vandalism at the war memorials - \$200K funding identified in the 2019/2023, 4 year Delivery plan.
- Ryde River Walk signage at War Memorial Park - \$50K funding identified in the 2019/2023, 4 year Delivery plan.

Meditation Park

- The formalisation of the entry points and paths in Meditation Park - \$90K funding to be identified in the 2019/2023, 4 year Delivery plan.
- A feasibility strategy for possible upgrades to the boat ramp in Meditation Park - \$10K funding to be identified in the 2019/2023, 4 year Delivery plan.

The funding of the remaining actions contained within the PRPPoM will be subject to Council's future budget planning processes.

ITEM 8 (continued)

ATTACHMENT 2

**Analysis of the submissions received during the Public Exhibition Period for the
Parramatta River Parklands Draft Plan of Management – 20 August 2018.**

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 1 – TRIM D18/127736		
<p>Glades Bay Park:</p> <ul style="list-style-type: none"> Doody St and Ashburn Place entrances need to address rubbish and stormwater runoff to make them more attractive and inviting. Provide footbridges for paths over runoff. Expose natural rock at Ashburn Place entrance. Screening along pathways. Retaining walls at top of park required. Seating cold and ill placed. Put in sandstone blocks in front of Ashburn Place for seating and to retain runoff. Plant more native shrubs. Incorporate granite outcrops at York St entrance as this is nature talking. 	<p>The issues raised will be considered as part of the future masterplan. This is identified in the Glades Bay Park action plan in the PRPPoM as a Low Priority.</p>	<p>No change to the plan of management.</p>
Submissions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 – TRIM D18/140286, D18/140689, D18/140691, D18/141603, D18/141642, D18/145119, D18/138435, D18/138570, D18/139128, D18/139356, D18/145121 & D218/143001.		
<p>Meditation Park:</p> <ul style="list-style-type: none"> Entry to the park steep dangerous and uninviting. Trying to launch water craft must be getting close to or is now an OH&S waiting to happen. The council needs to move forward the safety issues and hand rails needed to assist safe and acceptable access in this area. Users of this park should not have to wait a 10 year time frame. Action before 2020 is a fair time frame. Degraded state of the park access paths and boat launching facility is discouraging members from using the Parramatta River Sailing Club and the public from accessing the river. Trees need pruning to provide better access. Rubbish and syringes in park need removal. 	<p>The access points and current boat launching ramp in Meditation Park requires upgrading to allow for the safe launching of small watercraft associated with the Parramatta River Sailing Club and dinghies stored on the Council installed dinghy racks in the park.</p> <p>Additional commentary in the Plan provided to support the changing of the priority for the improvements to the boat launching ramp in Meditation Park from "Low" to "High".</p> <p>The other issues raised will be considered as part of the future masterplan. This is identified in the Meditation Park action plan in the PRPPoM as a Low Priority.</p>	<p>Change of priority for the entry point upgrades in Meditation Park from "Low" to "High" (page 73).</p> <p>Change of priority for the Strategy for Meditation Park boat ramp from "Low" to "High" (page 73).</p>

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 14 – TRIM D18/127948		
Morrison Bay Park: <ul style="list-style-type: none"> Cyclists ideally need a separated cycleway along Morrison Road Ryde from the end of Morrison Bay Park eastbound. The painted white lines on Morrison Road are no substitute for a separated cycleway and put cyclists at great risk of being "doored". 	These comments have been passed onto Council's Traffic Section for their attention.	No change to the plan of management.
Submission 15 – TRIM D18/130794		
Meadowbank Park: <ul style="list-style-type: none"> Create half a basketball court and proper hoop near the canal at the Meadowbank Park #4. Turn the hockey fields near Macintosh St also into synthetic rockery and plantations like Parramatta council parks. More exercise stations and toilets and BBQ facilities. 	Meadowbank Park is not included in the Parramatta River Parklands Plan of Management. This submission will be included in the soon to be undertaken Plan of Management and masterplan for Meadowbank Park.	No change to the plan of management.
Submission 16 – TRIM D18/131303		
Melrose Park: <ul style="list-style-type: none"> I am generally pleased with investment in local facilities the Council has made, and continues to make in the area. The parks, equipment, and walkways are excellent. Extending the cycle way from Melrose Park to Meadowbank Park through the Mangroves (at the back of the properties on the waterside of Lancaster Ave). Adopt legislation that restricts boats being effectively 'stored' on the road. There is no maintenance/management plan for the significant amount of rubbish that washes up from the river on the land. 	<p>The foreshore cycleway connection is a complex matter. It is not identified in the Ryde River Walk masterplan.</p> <p>Cyclist safety on roads is a matter for the Traffic Committee to consider and comment.</p> <p>The litter issues will be referred to Councils Parks Operations staff for attention. CoR will liaise with Waterways who also undertake cleaning of the river foreshores.</p>	No change to the plan of management.
Submission 17 – TRIM D18/133735		
Kissing Point Park: <ul style="list-style-type: none"> Generally I think the plan is a great idea and I use all the riverside bike trails and walks. Construct a link between Kissing Point Park and Putney Park along the foreshore in front of the houses at the high water mark. It would greatly improve walking access to the ferry for Tennyson Cove residents and reduce cars parked at the ferry. 	<p>The foreshore connection is a complex matter. The Ryde River Walk Masterplan has the current connection between these parks via the adjoining street footpaths.</p> <p>The Masterplan shows a future connection along the foreshore as a possible future link.</p>	No change to the plan of management.

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 18 – TRIM D18/136279		
<p>Memorial Park:</p> <ul style="list-style-type: none"> It would be lovely to have a small indoor/outdoor cafe on the paved area of Memorial Park. There are over 1000 new households in the near vicinity of this Park, so a facility of this type should be quite feasible. 	<p>The issues raised will be considered as part of the current masterplan being developed for Memorial Park.</p>	<p>No change to the plan of management.</p>
Submission 19 – TRIM D18/130744		
<p>Amiens St Reserve Meriton St Reserve, Looking Glass Bay Park, Banjo Patterson Park:</p> <ul style="list-style-type: none"> These road reserves are just remnant land however they do have a purpose - to provide a view. A seat is desperately needed in each place to indicate that it is actually public land and not private land. Wulaba Track and the Gladesville Heritage Walking Trail needs the signage upgraded. It would also be great if the boardwalk around Looking Glass Bay Flora and Fauna Reserve could be continued so it formed a circle as well as extended around to Banjo Patterson Park. 	<p>The issues raised will be considered as part of future masterplans. These are identified in the action plans for these parks in the PRPPoM as a Low Priority.</p> <p>References to Wulaba Track and the Gladesville Heritage Walking Trail add to the references to other walking tracks in the Plan of Management and should therefore be included.</p>	<p>Add in references to the Wulaba Track and the Gladesville Heritage Walking Trail to the plan of Management (see page 73).</p>
Submission 20 – TRIM D18/140735		
<p>Ryde Wharf Reserve:</p> <ul style="list-style-type: none"> I do not believe having cafe and kiosk at the Ryde wharf reserve is a good idea. Majority of the local resident will bring their own water when go for a walk. Picnic area currently already feels unclean, dirty and garbage overflow. More food, cafe and kiosk will only makes it worse. 	<p>The issues raised will be considered as part of the future masterplan. This is identified in the Ryde Wharf Reserve action plan in the PRPPoM as a Low Priority.</p>	<p>No change to the plan of management.</p>

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 21 – TRIM D18/141121		
Parramatta River Parklands – General: <ul style="list-style-type: none"> • Fix up some of the dated old fences. • Remove weed species such as Lantana and vines. • Have filters on outflows from stormwater to limit plastics. • Plant flowering Natives. • Deposit sand on riverbank shorelines where appropriate to stabilise for children to splash about in summer. • Spraying mosquitoes occasionally in mangroves in summer (when bad). • More sealed waste bins to stop Crows and Ibis. • Re-establish some seawalls and more elevated walkways along shoreline where not impacting the ecosystem. • Need more accessible open space and people to 'have ownership' so they look after it, report problems and assist in monitoring and maintaining upkeep. • More seats along the way (made from recycled plastic bottles). • Some lighting improvements along some pathways for safety. But not so bright to affect residents and wildlife (Solar?). 	<p>The issues raised will be considered as part of future masterplans. These are identified in the action plans for these parks in the PRPPoM as a Low Priority</p> <p>Some routine maintenance matters will be referred for action.</p>	No change to the plan of management.
Submission 22 & 23 – TRIM D18/141606, D18/140735		
Ryde Wharf Reserve: <ul style="list-style-type: none"> • In this area, houses are crowded and traffic jams. There is no large parking lot. There are no parking places for visitors, the elderly and children. Ryde Wharf Reserve area is small. This is the only event venue in the area. Therefore, it is not suitable for regular shopping malls. • Would like to see no cafes or no further activation of the parks near Ryde Wharf Reserve. 	<p>The issues raised will be considered as part of the future masterplan. This is identified in the Ryde Wharf Reserve action plan in the PRPPoM as a Low Priority.</p>	No change to the plan of management.

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 24, 25 & 26 – TRIM D18/143112, D18/143117, D18/151758, D18/142990 & D18/142987		
<p>Morison Bay Park:</p> <ul style="list-style-type: none"> Morrison Bay Park (MBP) appears to not fit well with the other parks included in the draft POM. MBP has an existing POM which is comprehensive. What criteria was used to include most riverside parks, but exclude Putney and Meadowbank. MBP should not be excluded because of its size and complexity of uses and high significance as a fauna habitat corridor. The environmental significance of MBP has been significantly downplayed in the draft POM (as compared to the existing POM) and other reports such as Our Living River and the River to River Project identified Morrison Bay Park as part of a priority biolink. Objective 4 "Enhance the environmental significance of the parklands" the Target "Protect and promote the biodiversity corridor" has been applied to nearly all the other parks but not MBP. Priority Fauna Habitat Corridor or Biolink in the 2015 study undertaken for the Parramatta River Catchment Group "Our Living River" released in 2015, of which Ryde is still a member. The DA passed by Council to allow erection of floodlights had conditions attached to reduce impact on MBP. I understand these conditions will need to be upheld in spite of the current POM being extinguished. The draft POM refers to any (future) floodlights having to meet certain standards. However the standards relate to lighting and glare and do not address the impact of floodlights on noise levels at night, traffic generation or impacts on habitat, especially nocturnal creatures (flying foxes and Powerful Owl are both vulnerable species visiting the park for food). There are significant trees and remnant forest at MBP that need protection for future generations, especially in light of the amount of development being undertaken in Ryde. The need to notify residents of any proposed developments is not mentioned. Users of the Park may not always be members of an organised group and so their opinions and needs can easily be overlooked and/or not sought. 	<p>The River to River and Parramatta River Catchment Management Plan strategies and initiatives in relation to the biodiversity corridor can be referenced and included in the Parramatta River Parklands PoM Action Plan for Morrison Bay.</p> <p>Putney Park and Meadowbank Park have a number of competing issues due to the presence of complex land categorisations that are better able to be managed through a specific PoM. They will however be in line with the actions and initiatives for the parks in the Parramatta River Parklands PoM.</p> <p>Any DA would be determined on the applicable planning controls and would require a public exhibition process.</p> <p>The PRPPoM will allow for a catchment management approach along all of the parks in the PoM so that a more holistic approach can be initiated when dealing with biodiversity and natural area management of Morrison Bay Park and the other linked parks contained in the document.</p> <p>The generic PoMs for parks Sportsgrounds General Community Use areas and Natural Areas will all relate and coordinate the park management practices undertaken in the City of Ryde.</p>	<p>Add references to the strategies and actions outlined in the River to River, Parramatta River Estuary Coastal Zone Management Plan and Our Living River Project into the Parramatta River Parklands Plan of Management (Pages 22, 25).</p> <p>Additional actions placed in the Morrison Bay Park Action Plan to better emphasise biodiversity and corridor linkage matters (Page 58)</p>

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
<ul style="list-style-type: none"> I have seen an online survey being undertaken by Council to assist with the development of two generic plans of management. Could you please clarify how this survey relates to the Parramatta River Parklands Draft POM? Using a regional, multi-stakeholder approach, the Parramatta River Catchment Group (PRCG) have undertaken this collaborative project over 2 years. An animal species richness study across key vegetation areas was conducted. Using this knowledge, high priority sites and potential corridors were identified and targeted for on-ground restoration and expansion, linking animal habitats across the landscape. The project has involved a partnership between the Councils of Ashfield, Auburn, Blacktown, Canada Bay, Hunters Hill, Ryde, Parramatta and Strathfield, along with Sydney Olympic Park Authority and Birdlife Australia. Limit access and interaction with the river at Morrison Bay. The exposed mud flats/beach at Morrison Bay are used regularly at low tide as feeding locations by migratory Bar-tailed Godwit which are Federally listed as vulnerable, are a flagship species of the Parramatta River Catchment Group and an indicator of the river's health. Bar-tailed Godwit need to feed undisturbed to build up body weight in a limited period of time before their migratory flight to the Northern hemisphere of around 11,000 km in Spring/Summer. There are very limited other locations for them to feed on the Parramatta River now. Exposed mud flats are a very limited resource along Parramatta River due to reclamation and those remnants are continually under threat from development and human activity. The Bar-tailed Godwit and other feeding waterbirds already face disturbance at low tide at Morrison Bay from unleashed dogs and activities by people while they are trying to feed. Increasing ease of access will increase this disturbance. Interpretive signage should be placed at any access points to highlight the significance of these migratory birds and the threat of disturbance. Any works to replace and restore the stormwater channel feeding into Morrison Bay should take place during Autumn and Winter while the migratory Bar-tailed Godwits are in the Northern hemisphere to limit disturbance while feeding. The works need to limit disturbance/pollution of the water and sand/mud in the bay which would affect the health of the animal life in the mud relied on by the Bar-tailed Godwit. 	<p>The issues raised will be considered as part of the future masterplan. This is identified in the Morrison Bay Park action plan in the PRPPoM as a Low Priority.</p>	

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 27 – TRIM D18/142943		
<p>Kissing Point Park:</p> <ul style="list-style-type: none"> I understand that Putney Beach will soon be given the green light as being swimmable and yet the draft master plan only has activating this area as a low priority. Given the tourism value and also the benefit to local residents of having a beach right nearby, I would have thought that this work would have been at least a medium, if not high priority. Excited to see that work will be done to improve the linkage between parks and reserves along the foreshore as well as access to the foreshore and that a few playgrounds will be upgraded. 	<p>The beach proposal will form part of the Parramatta River Catchment Group swimmable campaign 2025.</p> <p>Linkages will be developed as part of the Masterplanning process.</p>	No change to the Plan of Management.
Submission 28 – TRIM D18/142949		
<p>Glades Bay Park, Bill Mitchell Reserve Clare St Reserve, Road Reserves:</p> <ul style="list-style-type: none"> It is very good to see the improvements already being made and those proposed in this plan of management. A boardwalk link between Glades Bay Park and Bill Mitchell Park be added to the master plan. Currently a boardwalk winds through the mangroves between Glades Bay Park and leads back up to the bottom of Ross St. The proposal is that a boardwalk link be added from the north western end of the waterside parkland below 35 Ross St to the south eastern end of Bill Mitchell Park. That a made pathway in Glades Bay Park between the eastern end of Glades Ave and the southern end of Linsley St be added to the master plan. The current grass and dirt path is uneven and can be slippery when wet. Road Reserves 1 to 6 on the management plan - Priority be given to be clarification of their status and change to parks for public access where possible. Create small contemplative waterside parks with a small amount of landscaping and providing seating in the parks. That the master plan for Road Reserve 5 - Clair St be corrected to include the public reserve between the southern end of Clair St and Delmar Parade. Thank you again for the opportunity to make these submissions. 	<p>The issues raised will be considered as part of future masterplans. These are identified in the action plans for these parks in the PRPPoM as a Low Priority.</p> <p>The open space between the southern end of Clare St and Delmar Parade are included in the Ryde River Walk Masterplan.</p>	No change to the Plan of Management.

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 29 – TRIM D18/142995		
<p>Koondan Reserve, Kissing Point Park Ryde Wharf Reserve Settlers Park:</p> <ul style="list-style-type: none"> There should be increased planting of native plant species. Planting of garden beds and landscaped areas should use many more native species that provide a taller denser structure than is often currently being used as many of the native plant species currently being planted do not provide nesting sites for smaller native bird species or effective protective shelter from aggressive species such as Noisy Miner and Pied Currawong. Mature trees are important for shade, temperature mitigation and the ability to develop hollows. Public walkways and cycleways and high use spaces should therefore not be developed adjacent to mature trees as these trees are a very limited and quickly diminishing resource in our City. The Plan of Management should consider the effect of the planned Parramatta Light Rail Stage 2 which is proposed to be constructed down Wharf Road and across the Parramatta River. The current proposed alignment, bridge site and construction will have a substantial effect on Koonadan Reserve at the western end including the remnant saltmarsh, mangroves and new plantings and public access. Limit development at the beach at Kissing Point Park adjacent to the Ferry Terminal. The exposed mud flats/beach at Kissing Point are used at low tide as feeding locations by migratory Bar-tailed Godwit which are Federally listed as vulnerable. Public proposals have flagged the possible increase of ferry activity on the Parramatta River including fast ferries. This proposed increase will cause increased wash eroding river foreshore affecting the beach and mudflat feeding areas of migratory shorebirds and damage mangroves. What mitigation strategies are being considered to handle this? Ensure any proposed development of a pedestrian connection between Ryde Wharf Reserve to Settlers Park does not harm native vegetation or encroach on the foreshore beach and rocks 	<p>The issues raised will be considered as part of future masterplans. These are identified in the action plans for these parks in the PRPPoM as a Low Priority.</p> <p>CoR will make comments on issues such as the proposed Light Rail and Sydney Ferry routes.</p>	<p>No change to the Plan of Management.</p>

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 30 – TRIM D18/145117		
<p>Glades Bay Park:</p> <ul style="list-style-type: none"> While the plan does refer to aboriginal heritage in item 5, I suggest that the aboriginal rock carvings in his park (which in my view are some of the best in the area) warrant special mention and measures should be taken to both signpost and protect them. 	<p>The issues raised will be considered as part of future masterplans. This is identified in the action plans for Glades Bay Park in the PRPPoM as a Low Priority.</p>	<p>No change to the Plan of Management.</p>
Submission 31 – TRIM D18/145118		
<p>Bedlam Point/Banjo Paterson Park Meditation Park:</p> <ul style="list-style-type: none"> This area has significant historical value and I would ask that clearing of the overgrown weeds and noxious plants be permanently removed and a formal path, some seating areas and appropriate signage summarising the part this site played in our history be installed. The site is currently dangerous, uneven, slippery and is hazardous to navigate. I would consider this work be a priority from a cultural perspective for the council. The park has limited picnic shelters (one) that is old and requires maintenance. Some additional shelters as well as seating and some additional BBQ's located closer to the restaurant end of the park would promote more passive and active recreation. Trees have totally enveloped the one seat at the park and drop small seeds which also contribute to potential slip hazards. Some lighting in the park might also be helpful especially near the boat ramp. 	<p>The issues raised will be considered as part of future masterplans. These are identified in the action plans for these parks in the PRPPoM as a Low Priority.</p>	<p>No change to the Plan of Management.</p>
Submission 32 – TRIM D18/145122		
<p>Korpie Park</p> <ul style="list-style-type: none"> Lots of good plans, thanks. This park seems really useless and not worth spending money on – in fact, could it be sold in order to fund construction of an off-street cycleway connecting Meadowbank Park to Koonadan Park which would be of great benefit to the community? 	<p>There are no plans to sell any open space in CoR</p> <p>The issues raised will be considered as part of future masterplans. This is identified in the action plans for Korpie Park in the PRPPoM as a Low Priority.</p>	<p>No change to the Plan of Management</p>

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 33 – TRIM D18/145123		
<p>Morrison Bay Park</p> <ul style="list-style-type: none"> Why is there a need to do a new Plan of Management for Morrison Bay Park, what is wrong with the current one which seems to protect residents more. We are resident on the edge of Morrison Bay Park and want to still be consulted regarding the impacts of any proposals for the Park why didn't we get notified by letter box drop of the intention to replace the current Plan of Management. There is a lot of noise coming from the Park on most nights when the floodlights are on. We don't want that to get worse. Can the draft POM be re-worded so as to satisfy the residents around the Park that noise will not get worse of a night or occur on more frequent nights. The residents don't want any more floodlights in the Park or upgrades to have games. What is an "event space" what would it look like would noise from these events be considered in approving an event. We value the trees and the birdlife that they attract and believe they should be protected for future users of the Park 	<p>The Parramatta River Parklands Plan of Management will provide a set of management actions and objectives for all the parks along the Parramatta River.</p> <p>Notices were placed in all parks as per CoR Community Engagement Strategy.</p> <p>Any event or upgrading of lighting in the park would be governed by the applicable planning controls. Protection of the environment is an overarching guideline for this PoM.</p> <p>The issues raised will be considered as part of future masterplans identified in the action plans for Morrison Bay Park in the PRPPoM as a Low Priority.</p>	<p>No change to the Plan of Management.</p>
Submission 34 – TRIM D18/147849		
<p>Parramatta River Parklands – General:</p> <ul style="list-style-type: none"> Supportive of the overall direction and initiative of the action plan. Link Kissing Point Park with Settlers Park and Putney Park, provide a link for joggers, cyclist. The Bay Run proves how popular building such tracks can be. Support amenities upgrade to Kissing Point and park needs an overall upgrade, BBQ areas run down. Open up parks for improved fauna and as a community space. Additional play areas similar to Banjo Patterson Park and Cabarita. Encouraging food trucks into these areas and functions in parks like the recent food fair. The Concord Sailing Club and the Large Boat Shed near Bennelong Park really need addressing given the state they are in. 	<p>The issues raised will be considered as part of future masterplans. These are identified in the action plans for these parks in the PRPPoM as a Low Priority.</p>	<p>No change to the Plan of Management.</p>

ITEM 8 (continued)

ATTACHMENT 2

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 35 – TRIM D18/171786		
<p>Helene Park</p> <ul style="list-style-type: none"> Helene Park has been classified as a passive park by Ryde Council following public consultations and discussions. Largely as a passive park, the grounds of Helene Park has been well patronised, well preserved and is very clean, with little or no littering. It has remained a very peaceful and tranquil park, ideal for quiet activities such as tai chi, qigong, exercise, meditation and even cultural dance (without loud music) People just doing some strolling around or sitting either on the ground or the few benches under the park shelter enjoying the scenic and serene water views of the Parramatta River with ferries plying along. Helene Park has witnessed direct contravention of the intended use of the park on a number of occasions involving skateboard riders, late-night drinkers and other undesirable night activities, requiring the police to be called in. We do not want a reclassification of Helene Pak as a passive park whereby inviting even more such undesirable and unwelcome activities. Seeking Helene Park to remain as a passive park We do not welcome fixed table and barbeques facilities installed in Helen Park or change its classification as a passive park. We would protest any alterations to its character or usage. 	<p>The Plan of Management does not advocate any change to the usage of the park.</p> <p>The issues raised will be considered as part of future masterplans. This is identified in the action plans for Helene Park in the PRPPoM as a Low Priority.</p>	<p>No change to the Plan of Management</p>

9 REPORTS DUE TO COUNCIL

Report prepared by: Senior Coordinator – Civic Support

File No.: CLM/18/1/1/2 - BP18/1155

REPORT SUMMARY

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 27 November 2018 (listing **ATTACHED –CIRCULATED UNDER SEPARATE COVER**).

It should be noted that when this report was last presented to Council on 25 September 2018, there were 59 reports listed and following consideration of that report there were 9 overdue reports due to Council.

There are currently 59 reports listed in the attachment and following consideration of this report, there will be 19 overdue reports due to Council.

RECOMMENDATION:

That the report on Outstanding Council Reports be endorsed.

ATTACHMENTS

- 1 Outstanding Reports to Council - as at 27 November 2018 – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Amanda Janvrin
Senior Coordinator - Civic Support

Report Approved By:

Joe So
Executive Manager - Strategy and Innovation

CONFIDENTIAL ITEMS**10 REQUEST FOR TENDER - COR-RFT - 22/18 - COULTER STREET
STREETSCAPE UPGRADE - Civil, Electrical and Landscape Works**

Report prepared by: Project Officer**Report approved by:** Manager - Project Development; Director - City Works

Confidential

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

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