

23 APRIL 2019

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 30 APRIL 2019.

Ordinary Meeting of Council Meeting No. 4/19

Council Chambers, Level 1A, 1 Pope Street, Ryde - 7.00pm

Meeting Date: Tuesday 30 April 2019
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.*

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**MM8/19 100TH ANNIVERSARY – ST KEVINS CHURCH EASTWOOD – Mayor,
Councillor Jerome Laxale**

Report prepared by: Civic Services Manager
File No.: MYR/07/10/10 – BP19/296

REPORT SUMMARY

On Saturday, 2 March 2019, I was pleased to attend a mass at St Kevins Church Eastwood to celebrate 100 years of Catholic worship at Eastwood on the Hillview Road site.

The first service was held on the Hillview Road site in January 2019 although at that time, the parish was part of Our Lady Help of Christians at Epping.

The Parish at Eastwood was founded in 1929.

The original church on the Hillview Road site was used for 75 years. The current church on the site will celebrate its 25th anniversary in 2019.

Since 1929 there have been 8 Parish Priests and since 1919, there have been 5,600 baptisms performed.

The school, which is still being used today, was opened in 1926.

RECOMMENDATION:

That a suitable plaque be prepared and presented to St Kevins Church Eastwood, to mark the 100th anniversary of Catholic worship at Eastwood.

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 March 2019

Report prepared by: Civic Services Manager**File No.:** CLM/19/1/1/2 - BP19/366

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 3/19, held on 26 March 2019 be confirmed.

ATTACHMENTS

- 1 MINUTES - Ordinary Council Meeting - 26 March 2019**

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 3/19**

Meeting Date: Tuesday 26 March 2019

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, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou.

Note: Councillor Lane arrived at the meeting at 7.10pm during consideration of Mayoral Minute 6/19 – Christchurch Terrorist Event.

Note: Councillor Zhou left the meeting at 10.14pm and did not return. He was not present for voting on Confidential Item 12.

Apologies: Nil

Leave of Absence: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Executive Manager – Strategy and Innovation, General Counsel, Manager – Communications and Engagement, Manager – Corporate Governance, Manager – Community and Ranger Services, Senior Coordinator – Community Engagement, Senior Coordinator – Communications, Communications Coordinator, Civic Services Manager and Civic Support Officer.

PRAYER

Senior Pastor Peebles of the Church of the Good Shepherd, West Ryde 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

There were no disclosures of interest.

ITEM 1 (continued)
TABLING OF PETITIONS

ATTACHMENT 1

No Petitions were tabled.

MAYORAL MINUTE

6/19 CHRISTCHURCH TERRORIST EVENT – Mayor, Councillor Jerome Laxale

Note: Councillor Lane arrived at the meeting at 7.10pm during consideration of this Item.

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Yedelian OAM)

That Standing Orders be Suspended and Council observe a minutes silence as a mark of respect for the victims of the Christchurch mosque shooting.

Record for the Voting:

For the Motion: Unanimous

Note: A one minute silence was then observed.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by The Mayor, Councillor Laxale and Councillor Pedersen)

That Standing Orders be Resumed, the time being 7.14pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Colin Waring	Item 7 – Review of Council's Code of Meeting Practice Notice of Motion 1 – Food Safety and Waste Management – Community Seminars

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Roslyn Green	Thanks to the City of Ryde Council for the provision of a \$5,000 grant to hold a Harmony Day Event at the Ryde Civic Hub on Thursday evening, 21 March 2019

Note: A letter from Roslyn Green from 100% hOPE in relation to the Harmony Day Event on 21 March 2019 was tabled by Councillor Pedersen and a copy is ON FILE.

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

RESOLUTION: (Moved by Councillors Gordon and Brown)

That the speakers who submitted Requests to Address Council on Items Listed on the Agenda and Items Not Listed on the Agenda after the midday deadline be allowed to address the meeting, the time being 7.27pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Derek Balmer (representing Residents of Putney Hill)	Notice of Motion 3 – Putney Hill – Frasers Property Development

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Glenn Berenice (representing Ryde Secondary College)	Poor lighting outside the Ryde Secondary High School and no footpath on Forest Road
Mr Chung	Blocked stormwater drain

ITEM 1 (continued)
ORDER OF BUSINESS

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Gordon and Kim)

That Council now consider the following Items, the time being 7.35pm:-

- Item 7 – Review of Council's Code of Meeting Practice.
- Notice of Motion 1 – Food Safety and Waste Management – Community Seminars.
- Notice of Motion 3 – Putney Hill – Frasers Property Development.

For the Motion: Unanimous

COUNCIL REPORT

7 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE

Note: Colin Waring addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Kim and Purcell)

- (a) That Council endorse the draft *Code of Meeting Practice (March 2019)*, to be placed on public exhibition from 27 March 2019 to 7 May 2019, in accordance with Section 361 of the *Local Government Act 1993*, subject to the following amendments:-

- That Clause 3.21 be amended to read as follows:-

A Councillor may lodge a maximum of three (3) Notices of Motion per Ordinary Council meeting.

- That the non-mandatory Clauses 4.5 to 4.9 which deal with the number of items of business on an Agenda that a speaker may address at a Council or Committee meeting and the total number of speakers permitted to speak 'for' or 'against' each item of business on an Agenda for a Council meeting be removed from the draft *Code of Meeting Practice (March 2019)*.

- That Clause 5.23 be amended to read as follows:-

All Committee of Council meetings held in the Council Chambers shall be audio visually recorded. A copy of the audio visual recording (where possible) will be uploaded to Council's website within five (5) business days after the meeting.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That a further report be provided to Council at its meeting on 28 May 2019 setting out any submissions received and to consider adoption of the new draft Code of Meeting Practice.

AMENDMENT: (Moved by Councillors Moujalli and Lane)

- (a) That Council endorse the draft *Code of Meeting Practice (March 2019)*, to be placed on public exhibition from 27 March 2019 to 7 May 2019, in accordance with Section 361 of the *Local Government Act 1993*, subject to the following amendment:-

- That Clause 5.23 be amended to read as follows:-

All Committee of Council meetings held in the Council Chambers shall be audio visually recorded. A copy of the audio visual recording (where possible) will be uploaded to Council's website within five (5) business days after the meeting.

- (b) That a further report be provided to Council at its meeting on 28 May 2019 setting out any submissions received and to consider adoption of the new draft Code of Meeting Practice.

On being put to the Meeting, the voting on the Amendment was seven (7) for and five (5) against. The Amendment was **CARRIED** and then became the Motion.

Record for the Voting:

For the Amendment: Councillors Brown, Gordon, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

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

RESOLUTION: (Moved by Councillors Moujalli and Lane)

- (a) That Council endorse the draft *Code of Meeting Practice (March 2019)*, to be placed on public exhibition from 27 March 2019 to 7 May 2019, in accordance with Section 361 of the *Local Government Act 1993*, subject to the following amendment:-

- That Clause 5.23 be amended to read as follows:-

All Committee of Council meetings held in the Council Chambers shall be audio visually recorded. A copy of the audio visual recording (where possible) will be uploaded to Council's website within five (5) business days after the meeting.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That a further report be provided to Council at its meeting on 28 May 2019 setting out any submissions received and to consider adoption of the new draft Code of Meeting Practice.

Record for the Voting:

For the Motion: Councillors Brown, Gordon, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

Against the Motion The Mayor, Councillor Laxale and Councillors Clifton, Kim, Pedersen and Purcell

NOTICES OF MOTION

**1 FOOD SAFETY AND WASTE MANAGEMENT - COMMUNITY SEMINARS -
Councillor Simon Zhou**

Note: Colin Waring addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Zhou and Maggio)

- (a) That the General Manager arrange a pilot program of two seminars in Eastwood for local business owners on food handling, food safety, food shop inspections and waste management this calendar year.
- (b) That both Korean and Chinese translators be available at the seminars to assist the local community.
- (c) That should this pilot be successful, consideration be given to rolling out this program across the City's Town Centres 2020 – 2021 and a report be provided to Council for its further consideration of this initiative by November 2019.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Lane, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Kim

ITEM 1 (continued)

ATTACHMENT 1

3 PUTNEY HILL - FRASERS PROPERTY DEVELOPMENT - Councillor Roy Maggio

Note: Derek Balmer (representing Residents of Putney Hill) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

- (a) That with the Frasers' "Putney Hill" development reaching completion, Council officers facilitate an urgent meeting with their senior management to discuss the Council's and community's concerns with respect to the condition of the assets that they propose to pass to Council.
- (b) That a report be commissioned to provide the condition information required to ensure that these assets are restored satisfactorily by Frasers for the community before they are passed to Council.
- (c) That a Council report be prepared and presented to Council once the meeting has been concluded and all investigations have been completed.

Record for the Voting:

For the Motion: Unanimous

MAYORAL MINUTES

6/19 CHRISTCHURCH TERRORIST EVENT – Mayor, Councillor Jerome Laxale

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

7/19 STATE ELECTION 2019 – ELECTION OF LOCAL MEMBERS OF PARLIAMENT – Mayor, Councillor Jerome Laxale

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Yedelian OAM)

- (a) That Council congratulate the four local MP's and the Premier on their re-election to Parliament.
- (b) That all other candidates in these seats be acknowledged for their contribution to the democratic process.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)
COUNCIL REPORTS

ATTACHMENT 1

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 February 2019

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the Minutes of the Council Meeting 2/19, held on 26 February 2019 be confirmed.

Record for the Voting:

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

Against the Motion: Councillor Lane

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council adopt Items 3, 3(4), 4, 4(1), 4(3), 4(4), 5, 5(1), 5(3), 6, 9 and 11 on the Council Agenda as per the recommendations in the reports.

Record for the Voting:

For the Motion: Unanimous

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE
MEETING 2/19 held on 12 March 2019**

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council determine Item 4 of the Works and Community Committee report 2/19, meeting held on 12 March 2019 noting that Items 1, 2, 3 and 5, were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

4 BASEBALL FACILITIES - PIONEER AND MAGDALA PARKS

RESOLUTION: (Moved by Councillors Gordon and Clifton)

- (a) That Council assist and support Macquarie Saints Baseball Club in applying for relevant grants to obtain 40% (\$65,000) of the estimated project cost for the construction of the batting cage infrastructure at Pioneer Park.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That subject to (a) above being successful, Council allocates the remaining funds (expected to be \$100,000) funded from developer contributions, within the Open Space Sport & Recreation Program in the 2020/21 year of the Four Year Delivery Plan for the addition of baseball batting cages at Pioneer Park.
- (c) That should the club not be successful in obtaining grant monies, full funding for the project be considered for inclusion in future City of Ryde Four Year Delivery Plans.

Record for the Voting:

For the Motion: Unanimous

**4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE
MEETING 2/19 held on 12 March 2019**

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council determine Items 1, 3 and 4 of the Finance and Governance Committee Meeting 2/19, held on 12 March 2019 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 - Finance and Governance
Committee Meeting held on 12 February 2019**

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That the Minutes of the Finance and Governance Committee 1/19, held on 12 February 2019, be confirmed.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

3 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That the report on Outstanding Council Reports be endorsed.

Record for the Voting:

For the Motion: Unanimous

4 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That the report of the General Counsel be received.

Record for the Voting:

For the Motion: Unanimous

5 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 2/19 held on 12 March 2019

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council determine Items 1 and 3 of the Ryde Central Committee Meeting 1/19, held on 12 March 2019, 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 12 February 2019

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That the Minutes of the Ryde Central Committee Meeting 1/19, held on 12 February 2019, be confirmed.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

3 RYDE CENTRAL PROJECT UPDATE

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council receives and notes this report.

Record for the Voting:

For the Motion: Unanimous

6 INVESTMENT REPORT AS AT 28 FEBRUARY 2019

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council endorse the Investment Report as at 28 February 2019.

Record for the Voting:

For the Motion: Unanimous

9 NEW NOMINEES FOR RYDE YOUTH COUNCIL

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council endorses the nominations of Sabina Patawaran and Adelle Thomas for positions on the Ryde Youth Council Advisory Committee.

Record for the Voting:

For the Motion: Unanimous

11 PROPERTY MATTER

RESOLUTION: (Moved by Councillors Gordon and Clifton)

- (a) That Council delegates authority to the General Manager to do all things and execute all documents necessary to effect the disposal of the property, as detailed in this report; and
- (b) That Council authorises the affixing of Council's seal if required, to effect the disposal of this property.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 2/19
held on 12 March 2019**

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

4 BASEBALL FACILITIES - PIONEER AND MAGDALA PARKS

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

**4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
2/19 held on 12 March 2019**

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

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 12 February 2019**

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

3 REPORTS DUE TO COUNCIL

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

4 ADVICE ON COURT ACTIONS

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

**5 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 2/19 held on 12
March 2019**

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

**1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting
held on 12 February 2019**

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

ITEM 1 (continued)

ATTACHMENT 1

3 RYDE CENTRAL PROJECT UPDATE

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

6 INVESTMENT REPORT AS AT 28 FEBRUARY 2019

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

7 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE

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

8 2019 NATIONAL AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) CONFERENCE - 15 to 17 May 2019

RESOLUTION: (Moved by Councillors Maggio and Purcell)

That Council endorse Councillor Pedersen's attendance at the 2019 National Australian Local Government Women's Association (ALGWA) Conference, including attendance fees, travel and other associated expenses.

Record for the Voting:

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

Against the Motion: Councillor Lane

9 NEW NOMINEES FOR RYDE YOUTH COUNCIL

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

NOTICES OF MOTION

1 FOOD SAFETY AND WASTE MANAGEMENT - COMMUNITY SEMINARS - Councillor Simon Zhou

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

ITEM 1 (continued)

ATTACHMENT 1

2 LET'S LIGHT UP FOOTBALL IS ON AGAIN - Councillor Roy Maggio

Note: A letter from the Gladesville-Hornsby Football Association dated 26 March 2019 was tabled by Councillor Maggio in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Maggio and Purcell)

- (a) That the General Manager ask Council staff to seek a letter of support from the Gladesville Hornsby Football Association, North West Sydney Women's Football Association and relevant local football clubs to apply to the Football NSW 'Let's Light Up Football fund'.
- (b) That should these letters of support be received, the maximum amount of \$20,000 be sought for each project applied for.

Record for the Voting:

For the Motion: Unanimous

3 PUTNEY HILL - FRASERS PROPERTY DEVELOPMENT - Councillor Roy Maggio

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

4 RYDE RIVER WALK - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

- (a) That a project to deliver the Ryde River Walk connection from Bill Mitchell Park to Ross Street be included in the 2019/20 year of the 2019 – 2023 Draft Four Year Delivery Plan.
- (b) That funding to a maximum of \$175K be allocated to prepare the detailed design for this connection to be funded from Section 7.11 monies and/or other funding sources.
- (c) That a report be prepared for Council that identifies remaining sections of the Ryde Riverwalk and provides options for further implementation of the Master Plan.
- (d) That this report come back to Council before October of this year and also includes estimated costs for construction of the connection from Bill Mitchell Park to Ross Street.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)
CLOSED SESSION

ATTACHMENT 1

**ITEM 10 – REQUEST FOR TENDER - COR-RFT 21-18 - EPPING ROAD
CYCLEWAY TENDER**

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; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

ITEM 12 - NSW PARKING FINES REDUCTION 2019

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: (e) information that would, if disclosed, prejudice the maintenance of law.

Note: Councillor Gordon left the meeting at 8.57pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Purcell and Clifton)

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 Clifton, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

Note: The Council closed the meeting at 9.00pm. The public and media left the chamber.

ITEM 1 (continued)
CONFIDENTIAL COUNCIL REPORT

ATTACHMENT 1

10 REQUEST FOR TENDER - COR-RFT 21-18 - EPPING ROAD CYCLEWAY TENDER

Note: Councillor Gordon returned to the meeting at 9.04pm.

Note: Councillors Brown and Moujalli left the meeting at 9.05pm and were not present for voting on this Item.

Note: Councillor Maggio left the meeting at 9.06pm and was not present for voting on this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Kim)

- (a) That Council accept the tender from Celtic Civil Pty Ltd for COR-RFT-21-18 to the amount of \$795,377.27 ex GST for Stage 3 of the Epping Road Cycleway as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Celtic Civil Pty Ltd for COR-RFT-21-18: Stage 3 of the Epping Road Cycleway on the terms contained within the tender and for amendments to be made to the contract documents as required.
- (c) That should the Roads and Maritime Services (RMS) clarify the design of their Macquarie Park Bus Priority works and funding for Stage 2 of the Epping Road Cycleway, to the satisfaction of the Director – City Works, that Council accept the tender from Celtic Civil Pty Ltd for COR-RFT-21-18 to the amount of \$1,185,791.70 ex GST for Stage 2 works as recommended in the Tender Evaluation Report.
- (d) That should item (c) be resolved with Roads and Maritime Services, Council delegate to the General Manager the authority to enter into a contract with Celtic Civil Pty Ltd for COR-RFT-21-18: Stage 2 of the Epping Road Cycleway on the terms contained within the tender and for amendments to be made to the contract documents as required.
- (e) That Council advise all the respondents of Council's decision.

Record for the Voting:

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

Against the Motion: Councillor Lane

ITEM 1 (continued)
11 PROPERTY MATTER

ATTACHMENT 1

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

LATE CONFIDENTIAL COUNCIL REPORT

12 NSW PARKING FINES REDUCTION 2019

Note: Councillors Brown, Maggio and Moujalli returned to the meeting at 9.08pm.

Note: Councillor Zhou left the meeting at 10.14pm and did not return. He was not present for voting on this Item.

MOTION: (Moved by Councillors Purcell and Clifton)

- (a) That Council not proceed with opting in to reduce level 2 penalty notices as suggested by the New South Wales Government noting that approximately 80% of level 2 fines are issued to non-residents.
- (b) That the General Manager write to the NSW Treasurer advising Council's decision.

AMENDMENT: (Moved by Councillors Maggio and Brown)

- (a) That Council proceed with opting in to reduce level 2 penalty notices as suggested by the New South Wales Government.
- (b) That the General Manager write to the NSW Treasurer advising Council's decision.
- (c) That Council implement a new refreshed cultural engagement between Rangers and our community.
- (d) That formalised community consultation be undertaken to have your say.

On being put to the Meeting, the voting on the Amendment was five (5) for and six (6) against. The Amendment was **LOST**.

Record for the Voting:

For the Amendment: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

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

ITEM 1 (continued)

ATTACHMENT 1

FURTHER AMENDMENT: (Moved by Councillors Lane and Brown)

That consideration of this matter be deferred and that an appropriately redacted report be made publicly available.

On being put to the Meeting, the voting on the Amendment was six (6) for and five (5) against. The Amendment was **CARRIED** and then became the Motion.

Record for the Voting:

For the Amendment: Councillors Brown, Clifton, Lane, Maggio, Moujalli and Yedelian OAM

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

RECOMMENDATION: (Moved by Councillors Lane and Brown)

That consideration of this matter be deferred and that an appropriately redacted report be made publicly available.

Record for the Voting:

For the Motion: Councillors Brown, Clifton, Lane, Maggio, Moujalli and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Gordon, Kim, Pedersen and Purcell

OPEN SESSION

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

RESOLUTION: (Moved by Councillors Maggio and Brown)

That Council resolve itself into open Council.

Record for the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 10.25pm.

ITEM 1 (continued)

ATTACHMENT 1

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Purcell)

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: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Maggio, Moujalli, Purcell and Yedelian OAM

Against the Motion: Councillor Pedersen

The meeting closed at 10.27pm.

CONFIRMED THIS 30TH DAY OF APRIL 2019

Chairperson

2 ITEMS PUT WITHOUT DEBATE

Report prepared by: Civic Services Manager

File No.: CLM/19/1/1/2 - BP19/369

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 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 3/19
held on 9 April 2019**

Report prepared by: Civic Services Manager**File No.:** CLM/19/1/1/2 - BP19/370

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 3/19 held on 9 April 2019. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 2, 9, 10 and 11 were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 3, 4, 5, 6, 7, 8 and 12 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

**3 SINGLE USE PLASTICS REDUCTION FROM COUNCIL OPERATIONS AND
SPONSORED EVENTS - PHASE OUT IMPLEMENTATION PLAN****RECOMMENDATION:** (Moved by Councillors Purcell and Kim)

- (a) That Council endorse the "Reduce Single-Use Plastic" Policy with an amendment to point (3) under the heading of 'Purpose' which should be amended to read as follows:-
 - (3) Phasing out the use of plastic bottles, single use plastic serving containers and utensils, and single use plastic bags, at all council operations and council sponsored events with a final ban date of 29 February 2020.
- (b) That Council note that \$50,000 from the Better Waste and Recycling Fund has been provided to engage a consultant to work with community and local businesses to reduce/eliminate the amount of single use plastics where possible.
- (c) That under the heading of 'Review Process and Endorsement', the wording be amended to read as follows:-

This Policy should be reported annually.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as substantive changes were made to the published recommendation and it is outside the Committee's delegations.

ITEM 3 (continued)

4 COMMUNITY GRANTS PROGRAM - ALLOCATION OF FUNDING ROUND 1, 2019

RECOMMENDATION: (Moved by Councillors Gordon and Kim)

- (a) That Council endorse funding to the following organisations in round 1 of the 2019 Community Grants as follows:

Category 1- Community Projects			
Organisation	Project	Amount Requested	Amount Recommended
Live Life Get Active	Live Life Get Active- free community fitness classes.	\$5,000	\$5,000
Christian Community Aid	Connecting to Life- creating opportunities for seniors to stay connected, experience the benefits of living longer and enjoy opportunities to participate in their communities.	\$10,000- lesser amount recommended - capital equipment such as computers and wi-fi are ineligible.	\$3,500
North Ryde Community Church	Twilight Community Market- A welcoming and inclusive community event.	\$3,000	\$3,000
Special Children Services Centre Inc.	Fun at School Holidays— Kids yoga and dancing and an excursion to Taronga Zoo for children with special needs.	\$5,000	\$5,000
Australian Association of Cancer Care Inc.	Cancer Care and Nursing Home Entertainment- Assistance and support to patients suffering from cancer and monthly entertainment at nursing homes.	\$5,000	\$5,000
Australian Korean Theatre Company	Musical "Sound of Music"- auditions, weekly rehearsals and final performance in the local theatre.	\$5,000	\$5,000
Relationships Australia (NSW) Ltd	Senior Abuse Drama Project (Cantonese) - addresses family domestic violence in ethnic and seniors' communities through culturally appropriate performing art.	\$5,000	\$5,000
Sub-Total		\$38,000	\$31,500

ITEM 3 (continued)

Category 2- Capacity Building			
Organisation	Project	Amount Requested	Amount Recommended
Riding for the Disabled	Impact Volunteers- implementation of a volunteer management system.	\$5,000	\$5,000
SydneySiders Express Incorporated	SydneySiders Express Harmony Chorus Open Night Membership Drive- outreach event to attract members and a free five week 'learn to sing in harmony' course.	\$4060	\$3760
The Northern Centre	Building Cultural Competency- 6 month online cultural competence program for all staff working at the West Ryde Community Centre. Modules will include Chinese, Korean, Indian, LGBTIQ and Aboriginal and Torres Strait Islanders.	\$4940	\$4940
Sub-Total		\$14,000	\$13,700

Category 3- Events			
Organisation	Project	Amount Requested	Amount Recommended
City of Ryde Art Society	City of Ryde Art Society 59 th Annual Art Exhibition. Requested \$5,000	\$5,000	\$5000
The Happy Hens Social Enterprise Inc.	Bedlam at the Bay- A fete which focuses on destigmatizing mental health including mental health providers, Lifeline and Beyond Blue.	\$7500- lesser amount recommended based on attendance at last year's event (under 5000 attendees)	\$5,000
Riverside Business Chamber	Putney Street Fest- street festival showcasing businesses in Putney.	\$7,500	\$7,500

ITEM 3 (continued)

West Ryde Chamber of Commerce	Christmas Carols in West Ryde, ANZAC Park	\$7,500- lesser amount recommended based on previous year's attendance (under 5000 attendees)	\$5,000
Morling College	Saunders Close Spring Fair- family-friendly festival to celebrate diversity and create a safe, accessible and inclusive space.	\$5,000- lesser amount recommended based on attendance of 400 people.	\$2,500
Sub-Total		\$32,500	\$25,000

Category 4- Sports & Recreation			
Organisation	Project	Amount Requested	Amount Recommended
Eastwood Ryde Netball Association Inc.	Net Set Go Program- National Junior Development Program to introduce netball to primary school aged children.	\$3,500	\$3,500
Usman Khawaja Foundation Ltd.	City of Ryde Chance to Shine Cricket Program - alleviate disadvantage youth through the provision of educational and cricketing opportunities. A free introductory 6 week off-season cricket program for boys and girls aged 6-12.	\$3,500	\$3,500
Australian Skateboarding Federation	King of Concrete Ryde Skatepark – state/national level skateboarding competition that will promote City of Ryde's new state of the art skate park. It will give locals a stage to compete against some of Australia's best skaters.	\$3,500	\$3,500

ITEM 3 (continued)

Homenetmen Antranig Scouts And Sportsclub	Amateur Football Competition – support for Syrian Armenian refugees interested in playing soccer.	\$2,400	\$2,400
Sub-Total		\$12,900	\$12,900

Category 5- Seniors			
Organisation	Project	Amount Requested	Amount Recommended
Italian Women's Group Marsfield	Promotes Health Initiatives – support group that meets weekly providing social connections.	\$1,500	\$1,500
Korean Harmony Culture Group	Seniors Activities for Local Korean Seniors- Activities include line dancing, singing, English language classes and social outings.	\$2,000	\$2,000
Italian Leisure Group	Weekly Social and Recreational Activities for Italian Seniors.	\$2,000	\$2,000
Eastwood Chinese Senior Citizens Club	Building Friendship Among CALD Seniors - hosting cross cultural performances with games and food aimed at connecting Chinese seniors with other CALD seniors.	\$2,000	\$2,000
Sub-Total		\$7,500	\$7,500

Category 6- Social Support			
Organisation	Project	Amount Requested	Amount Recommended
Mahboba's Promise	Marsfield Mother's Support Network- family centred social and financial support program that assists disadvantaged single mothers from CALD backgrounds.	\$9,828.40	\$9,828.40

ITEM 3 (continued)

Differently Abled People Association Incorporated	Our Ryde Social Harmony Game-development of "Our Ryde" App by people with disability for people with disability. Improving connections with community facilities, providers of services and those who may require additional assistance.	\$10,000	\$10,000
Kick Start Mentoring Program	Streetwork Australia Limited- KickStart provides one-on-one mentoring to 'at risk' young people aged 11-18.	\$10,000	\$10,000
Sydney Korean Women's Association	Helping Hands- face to face and telephone services to assist with accessing mainstream services and education seminars and family events.	\$10,000	\$10,000
Learning Links	Reading for Life - supporting disadvantaged children at Truscott Street Public School.	\$7,895	\$7,895

Category 6- Social Support - Continued			
Organisation	Project	Amount Requested	Amount Recommended
Yourside	Friendship Space Project- accessible place making initiative for isolated elderly. Volunteers will create a disability accessible space in shopping centres to support and initiate social connections.	\$10,000	\$10,000

ITEM 3 (continued)

National Centre for Childhood Grief Counselling	Grief Counselling Education BEST Kids Program- free and unlimited specialist bereavement counselling for children and teenagers aged 3-18 to up-skill those who work in direct contact with bereaved children and their families.	\$9,317	\$9,317
Sub-Total		\$67,040.40	\$67,040.40

Category 7- Social Inclusion			
Organisation	Project	Amount Requested	Amount Recommended
The Shepherd Centre	'In the Shoes of a Child with Hearing Loss' - virtual reality training experience for students and teachers in Ryde.	\$795	\$795
Sub-Total		\$795	\$795

- (b) That funding of \$124,894 is available within the Community and Ranger Services budget to partially fund the recommended applications totaling \$158,435.40. The remaining funding of \$33,541.40 be allocated from the Community Grants Reserve.
- (c) That Council does not endorse the following three applications due to ineligibility in line with the Community Grants Policy:

Organisation	Project	
Kevinwood Orchestra	Spread the Bells- extending the range of hand-bells and bell-chimes (\$4,724)	Capital equipment is not eligible and musical instruments have been assessed as capital equipment. Alternate grant opportunities will be discussed with the applicant.
North Ryde Community Aid Inc.	Creation of a New Website (\$5,000)	Day-to-day operational expenses are not eligible and the development of a new website has been assessed as operational. Alternate grant opportunities will be discussed with the applicant.
1 st East Ryde Scout Group	Purchase of BBQ and New Shelving (\$3,978)	Capital equipment is not eligible and shelving and a BBQ have been assessed as capital equipment. Alternate grant opportunities will be discussed with the applicant.

ITEM 3 (continued)

- (d) That the successful and unsuccessful grant applicants be informed in writing of the outcome of their applications.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

5 STREET ART IN CITY OF RYDE

RECOMMENDATION: (Moved by Councillors Kim and Purcell)

- (a) That Council deliver a new mural in the Eastwood pedestrian underpass; funded from the 2018/19 and 2019/20 Art Project budget (total of \$40,000).
- (b) That Council implements additional street art projects funded by the 2019/20 Street Art Project budget in order of priority, as listed in this report.
- (c) That Council officers continue to explore additional funding sources such as sponsorship, grant monies, or project funding to fund the delivery of future street art projects in order of priority, as listed in this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

6 SANITARY BINS AND HAND SOAP DISPENSERS

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council initiates a trial of installing twenty six (26) hand soap dispensers and sanitary bins at selected amenity facilities for a trial period of twelve (12) months.
- (b) That staff report the results back to Council at the conclusion of the trial.
- (c) That Council note the funding for the trial consisting of;

ITEM 3 (continued)

- I. \$2,500 as a one-off cost for the procurement and installation of twenty six (26) hand soap dispensers;
- II. \$10,800pa for servicing of sanitary bins and hand soap dispensers during the trial;
- III. That expenditure be funded from savings only for the trial and note that any extension will require additional funding.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

7 AMENDMENTS TO DELIVERY PLAN LISTING 2018 - 2019**RECOMMENDATION:** (Moved by Councillors Kim and Purcell)

- (a) That Council endorse the following projects within the Footpath Construction Expansion Program to be deferred:
 - Marsden Road, West Ryde (Lawson Street - Rutledge Street)
 - Donald Street, North Ryde (Blenheim Road - Morshead Street)
- (b) That Council endorse the following projects to be included to the Footpath Construction Expansion Program:
 - Watt Avenue, Ryde (Smith Street - Pratten Avenue)
 - 330 Pittwater Road Shared Use Path (SUP), North Ryde
- (c) That Council endorse the following project within the Road Resurfacing Renewal Program to be deferred:
 - SRV-College Street, Gladesville from Orient Street to Frank Street
- (d) The Council endorse the following project to be included to the Road Resurfacing Renewal Program:
 - Bank Street, Meadowbank from Constitution Road to 14 Bank Street

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

ITEM 3 (continued)**8 GRANT FUNDING APPLICATION APPROVALS - ROADS AND MARITIME SERVICES - 2019-20****RECOMMENDATION:** (Moved by Councillors Kim and Purcell)

That Council accept the funding received from the RMS Safer Roads Program (2019-2020) - \$145,000 being for the projects:

- i. Badajoz Road and Twin Road, North Ryde – Traffic Calming and Pedestrian fencing at existing roundabout (\$70,000)
- ii. Bay Drive, Meadowbank – Proposed Raised Pedestrian Crossing (\$75,000)

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

12 LIBRARY SERVICES STRATEGIC PLAN**RECOMMENDATION:** (Moved by Councillors Kim and Gordon)

- (a) That the Library Services strategic plan *Great Libraries Great Communities 2019-2024* be approved by Council and placed on public exhibition for 28 days subject to the following additions:-

UNDER THE HEADING 'OUR GUIDING PRINCIPLES' (Page 17)**Fostering Multiculturalism:**

We strive to provide culturally and linguistically appropriate library services to our multicultural community

UNDER THE HEADING 'CATALYSTS FOR CHANGE'**Scenario 1 (Page 44)**

Relocation and/or expansion of Eastwood Library as a Town Centre Library.

- (b) That Councillors are informed of the results of the public exhibition.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 MINUTES - Works and Community Committee Meeting - 9 April 2019**

ITEM 3 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 3/19**

Meeting Date: Tuesday 9 April 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.00pm

Councillors Present: Councillors Pedersen, (Chairperson), Clifton, Gordon, Kim and Purcell.

Apologies: Nil.

Absent: Councillors Moujalli and Zhou.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Executive Manager – Strategy and Innovation, General Counsel, Manager – Communications and Engagement, Manager – RALC, Manager – Parks, Manager – Business Infrastructure, Manager – Community and Rangers, Manager – Operations, Manager – Library Services, Senior Coordinator – Resource Recovery, Senior Coordinator – Community Engagement, Senior Coordinator – Tree Management, Team Leader – Community Services, Civic Services Manager and Civic Support Officer.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 12 March 2019

RESOLUTION: (Moved by Councillors Purcell and Kim)

That the Minutes of the Works and Community Committee Meeting 2/19, held on 12 March 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Kim and Purcell)

That the Committee adopt Items 5, 7, 8, 9 and 11 on the Agenda as per the recommendations in the reports.

Record of Voting:

For the Motion: Unanimous

5 STREET ART IN CITY OF RYDE

RECOMMENDATION: (Moved by Councillors Kim and Purcell)

- (a) That Council deliver a new mural in the Eastwood pedestrian underpass; funded from the 2018/19 and 2019/20 Art Project budget (total of \$40,000).
- (b) That Council implements additional street art projects funded by the 2019/20 Street Art Project budget in order of priority, as listed in this report.
- (c) That Council officers continue to explore additional funding sources such as sponsorship, grant monies, or project funding to fund the delivery of future street art projects in order of priority, as listed in this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

7 AMENDMENTS TO DELIVERY PLAN LISTING 2018 - 2019

RECOMMENDATION: (Moved by Councillors Kim and Purcell)

- (a) That Council endorse the following projects within the Footpath Construction Expansion Program to be deferred:
 - Marsden Road, West Ryde (Lawson Street - Rutledge Street)
 - Donald Street, North Ryde (Blenheim Road - Morshead Street)
- (b) That Council endorse the following projects to be included to the Footpath Construction Expansion Program:
 - Watt Avenue, Ryde (Smith Street - Pratten Avenue)
 - 330 Pittwater Road Shared Use Path (SUP), North Ryde

ITEM 3 (continued)

ATTACHMENT 1

- (c) That Council endorse the following project within the Road Resurfacing Renewal Program to be deferred:

- SRV-College Street, Gladesville from Orient Street to Frank Street

- (d) The Council endorse the following project to be included to the Road Resurfacing Renewal Program:

- Bank Street, Meadowbank from Constitution Road to 14 Bank Street

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

8 GRANT FUNDING APPLICATION APPROVALS - ROADS AND MARITIME SERVICES - 2019-20

RECOMMENDATION: (Moved by Councillors Kim and Purcell)

That Council accept the funding received from the RMS Safer Roads Program (2019-2020) - \$145,000 being for the projects:

- i. Badajoz Road and Twin Road, North Ryde – Traffic Calming and Pedestrian fencing at existing roundabout (\$70,000)
- ii. Bay Drive, Meadowbank – Proposed Raised Pedestrian Crossing (\$75,000)

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

9 RECONCILIATION ACTION PLAN

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That Council endorses the development of a four staged Reconciliation Action Plan (RAP) framework established by Reconciliation Australia for the City of Ryde.
- (b) That Council notes that a Reconciliation Action Working Group will only be established after the endorsement by Reconciliation Australia of the Reflect RAP in accordance with the process outlined by Reconciliation Australia.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

11 NEW NOMINEE FOR FESTIVAL AND EVENTS ADVISORY COMMITTEE

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That council endorses the nomination of Jaewoo Kim for a position on the Festival and Events Advisory Committee.
- (b) That council note the resignation of Maria Zappia representing the Gladesville Chamber of Commerce.

Record of Voting:

For the Motion: Unanimous

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

3 SINGLE USE PLASTICS REDUCTION FROM COUNCIL OPERATIONS AND SPONSORED EVENTS - PHASE OUT IMPLEMENTATION PLAN

Note: This Item was considered later in the meeting as detailed in these Minutes.

4 COMMUNITY GRANTS PROGRAM - ALLOCATION OF FUNDING ROUND 1, 2019

Note: This Item was considered later in the meeting as detailed in these Minutes.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That the Committee now consider the following Item:

- Item 10 – Request for Removal of Trees

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

10 REQUEST FOR REMOVAL OF TREES

Note: Phil Lester addressed the Committee in relation to this Item.

Note: Photographs regarding a dangerous tree were tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That Council support the retention of the Eucalyptus Saligna (Sydney Blue Gum located on the nature strip verge at the front of 32 Osborne Street, Putney.
- (b) That a bi-annual inspection of the tree be undertaken by a Council arborist and all necessary pruning works be undertaken as required and in accordance with the relevant Australian Standards.

Record of Voting:

For the Motion: Unanimous

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

3 SINGLE USE PLASTICS REDUCTION FROM COUNCIL OPERATIONS AND SPONSORED EVENTS - PHASE OUT IMPLEMENTATION PLAN

RECOMMENDATION: (Moved by Councillors Purcell and Kim)

- (a) That Council endorse the "Reduce Single-Use Plastic" Policy with an amendment to point (3) under the heading of 'Purpose' which should be amended to read as follows:-
 - (3) Phasing out the use of plastic bottles, single use plastic serving containers and utensils, and single use plastic bags, at all council operations and council sponsored events with a final ban date of 29 February 2020.
- (b) That Council note that \$50,000 from the Better Waste and Recycling Fund has been provided to engage a consultant to work with community and local businesses to reduce/eliminate the amount of single use plastics where possible.
- (c) That under the heading of 'Review Process and Endorsement', the wording be amended to read as follows:-

This Policy should be reported annually.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as substantive changes were made to the published recommendation and it is outside the Committee's delegations.

ITEM 3 (continued)

ATTACHMENT 1

4 COMMUNITY GRANTS PROGRAM - ALLOCATION OF FUNDING ROUND 1, 2019

RECOMMENDATION: (Moved by Councillors Gordon and Kim)

- (a) That Council endorse funding to the following organisations in round 1 of the 2019 Community Grants as follows:

Category 1- Community Projects			
Organisation	Project	Amount Requested	Amount Recommended
Live Life Get Active	Live Life Get Active- free community fitness classes.	\$5,000	\$5,000
Christian Community Aid	Connecting to Life- creating opportunities for seniors to stay connected, experience the benefits of living longer and enjoy opportunities to participate in their communities.	\$10,000- lesser amount recommended - capital equipment such as computers and wi-fi are ineligible.	\$3,500
North Ryde Community Church	Twilight Community Market- A welcoming and inclusive community event.	\$3,000	\$3,000
Special Children Services Centre Inc.	Fun at School Holidays— Kids yoga and dancing and an excursion to Taronga Zoo for children with special needs.	\$5,000	\$5,000
Australian Association of Cancer Care Inc.	Cancer Care and Nursing Home Entertainment- Assistance and support to patients suffering from cancer and monthly entertainment at nursing homes.	\$5,000	\$5,000
Australian Korean Theatre Company	Musical "Sound of Music"- auditions, weekly rehearsals and final performance in the local theatre.	\$5,000	\$5,000
Relationships Australia (NSW) Ltd	Senior Abuse Drama Project (Cantonese) - addresses family domestic violence in ethnic and seniors' communities through culturally appropriate performing art.	\$5,000	\$5,000
Sub-Total		\$38,000	\$31,500

ITEM 3 (continued)

ATTACHMENT 1

Category 2- Capacity Building			
Organisation	Project	Amount Requested	Amount Recommended
Riding for the Disabled	Impact Volunteers- implementation of a volunteer management system.	\$5,000	\$5,000
SydneySiders Express Incorporated	SydneySiders Express Harmony Chorus Open Night Membership Drive- outreach event to attract members and a free five week 'learn to sing in harmony' course.	\$4060	\$3760
The Northern Centre	Building Cultural Competency- 6 month online cultural competence program for all staff working at the West Ryde Community Centre. Modules will include Chinese, Korean, Indian, LGBTIQ and Aboriginal and Torres Strait Islanders.	\$4940	\$4940
Sub-Total		\$14,000	\$13,700

Category 3- Events			
Organisation	Project	Amount Requested	Amount Recommended
City of Ryde Art Society	City of Ryde Art Society 59 th Annual Art Exhibition. Requested \$5,000	\$5,000	\$5000
The Happy Hens Social Enterprise Inc.	Bedlam at the Bay- A fete which focuses on destigmatizing mental health including mental health providers, Lifeline and Beyond Blue.	\$7500- lesser amount recommended based on attendance at last year's event (under 5000 attendees)	\$5,000
Riverside Business Chamber	Putney Street Fest- street festival showcasing businesses in Putney.	\$7,500	\$7,500

ITEM 3 (continued)

ATTACHMENT 1

West Ryde Chamber of Commerce	Christmas Carols in West Ryde, ANZAC Park	\$7,500- lesser amount recommended based on previous year's attendance (under 5000 attendees)	\$5,000
Morling College	Saunders Close Spring Fair- family-friendly festival to celebrate diversity and create a safe, accessible and inclusive space.	\$5,000- lesser amount recommended based on attendance of 400 people.	\$2,500
Sub-Total		\$32,500	\$25,000

Category 4- Sports & Recreation			
Organisation	Project	Amount Requested	Amount Recommended
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Usman Khawaja Foundation Ltd.	City of Ryde Chance to Shine Cricket Program - alleviate disadvantage youth through the provision of educational and cricketing opportunities. A free introductory 6 week off-season cricket program for boys and girls aged 6-12.	\$3,500	\$3,500
Australian Skateboarding Federation	King of Concrete Ryde Skatepark – state/national level skateboarding competition that will promote City of Ryde's new state of the art skate park. It will give locals a stage to compete against some of Australia's best skaters.	\$3,500	\$3,500

ITEM 3 (continued)

ATTACHMENT 1

Homenetmen Antranig Scouts And Sportsclub	Amateur Football Competition – support for Syrian Armenian refugees interested in playing soccer.	\$2,400	\$2,400
Sub-Total		\$12,900	\$12,900

Category 5- Seniors			
Organisation	Project	Amount Requested	Amount Recommended
Italian Women's Group Marsfield	Promotes Health Initiatives – support group that meets weekly providing social connections.	\$1,500	\$1,500
Korean Harmony Culture Group	Seniors Activities for Local Korean Seniors- Activities include line dancing, singing, English language classes and social outings.	\$2,000	\$2,000
Italian Leisure Group	Weekly Social and Recreational Activities for Italian Seniors.	\$2,000	\$2,000
Eastwood Chinese Senior Citizens Club	Building Friendship Among CALD Seniors - hosting cross cultural performances with games and food aimed at connecting Chinese seniors with other CALD seniors.	\$2,000	\$2,000
Sub-Total		\$7,500	\$7,500

ITEM 3 (continued)

ATTACHMENT 1

Category 6- Social Support			
Organisation	Project	Amount Requested	Amount Recommended
Mahboba's Promise	Marsfield Mother's Support Network- family centred social and financial support program that assists disadvantaged single mothers from CALD backgrounds.	\$9,828.40	\$9,828.40
Differently Abled People Association Incorporated	Our Ryde Social Harmony Game- development of "Our Ryde" App by people with disability for people with disability. Improving connections with community facilities, providers of services and those who may require additional assistance.	\$10,000	\$10,000
Kick Start Mentoring Program	Streetwork Australia Limited- KickStart provides one-on-one mentoring to 'at risk' young people aged 11-18.	\$10,000	\$10,000
Sydney Korean Women's Association	Helping Hands- face to face and telephone services to assist with accessing mainstream services and education seminars and family events.	\$10,000	\$10,000
Learning Links	Reading for Life - supporting disadvantaged children at Truscott Street Public School.	\$7,895	\$7,895

ITEM 3 (continued)

ATTACHMENT 1

Category 6- Social Support - Continued			
Organisation	Project	Amount Requested	Amount Recommended
Yourside	Friendship Space Project- accessible place making initiative for isolated elderly. Volunteers will create a disability accessible space in shopping centres to support and initiate social connections.	\$10,000	\$10,000
National Centre for Childhood Grief Counselling	Grief Counselling Education BEST Kids Program- free and unlimited specialist bereavement counselling for children and teenagers aged 3-18 to up-skill those who work in direct contact with bereaved children and their families.	\$9,317	\$9,317
Sub-Total		\$67,040.40	\$67,040.40

Category 7- Social Inclusion			
Organisation	Project	Amount Requested	Amount Recommended
The Shepherd Centre	'In the Shoes of a Child with Hearing Loss' - virtual reality training experience for students and teachers in Ryde.	\$795	\$795
Sub-Total		\$795	\$795

- (b) That funding of \$124,894 is available within the Community and Ranger Services budget to partially fund the recommended applications totaling \$158,435.40. The remaining funding of \$33,541.40 be allocated from the Community Grants Reserve.
- (c) That Council does not endorse the following three applications due to ineligibility in line with the Community Grants Policy:

ITEM 3 (continued)

ATTACHMENT 1

Organisation	Project	
Kevinwood Orchestra	Spread the Bells- extending the range of hand-bells and bell- chimes (\$4,724)	Capital equipment is not eligible and musical instruments have been assessed as capital equipment. Alternate grant opportunities will be discussed with the applicant.
North Ryde Community Aid Inc.	Creation of a New Website (\$5,000)	Day-to-day operational expenses are not eligible and the development of a new website has been assessed as operational. Alternate grant opportunities will be discussed with the applicant.
1 st East Ryde Scout Group	Purchase of BBQ and New Shelving (\$3,978)	Capital equipment is not eligible and shelving and a BBQ have been assessed as capital equipment. Alternate grant opportunities will be discussed with the applicant.

- (d) That the successful and unsuccessful grant applicants be informed in writing of the outcome of their applications.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

5 STREET ART IN CITY OF RYDE

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

6 SANITARY BINS AND HAND SOAP DISPENSERS

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council initiates a trial of installing twenty six (26) hand soap dispensers and sanitary bins at selected amenity facilities for a trial period of twelve (12) months.
- (b) That staff report the results back to Council at the conclusion of the trial.

ITEM 3 (continued)

ATTACHMENT 1

(c) That Council note the funding for the trial consisting of;

- I. \$2,500 as a one-off cost for the procurement and installation of twenty six (26) hand soap dispensers;
- II. \$10,800pa for servicing of sanitary bins and hand soap dispensers during the trial;
- III. That expenditure be funded from savings only for the trial and note that any extension will require additional funding.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as it is outside the Committee's delegations.

7 AMENDMENTS TO DELIVERY PLAN LISTING 2018 - 2019

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

8 GRANT FUNDING APPLICATION APPROVALS - ROADS AND MARITIME SERVICES - 2019-20

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

9 RECONCILIATION ACTION PLAN

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

10 REQUEST FOR REMOVAL OF TREES

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

11 NEW NOMINEE FOR FESTIVAL AND EVENTS ADVISORY COMMITTEE

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

ITEM 3 (continued)
12 LIBRARY SERVICES STRATEGIC PLAN

ATTACHMENT 1

RECOMMENDATION: (Moved by Councillors Kim and Gordon)

- (a) That the Library Services strategic plan *Great Libraries Great Communities 2019-2024* be approved by Council and placed on public exhibition for 28 days subject to the following additions:-

UNDER THE HEADING 'OUR GUIDING PRINCIPLES' (Page 17)

Fostering Multiculturism:

We strive to provide culturally and linguistically appropriate library services to our multicultural community

UNDER THE HEADING 'CATALYTS FOR CHANGE'

Scenario 1 (Page 44)

Relocation and/or expansion of Eastwood Library as a Town Centre Library.

- (b) That Councillors are informed of the results of the public exhibition.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** as substantive changes were made to the published recommendation.

The meeting closed at 7.12pm.

CONFIRMED THIS 14TH DAY OF MAY 2019.

Chairperson

4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 3/19 held on 9 April 2019

Report prepared by: Civic Services Manager
File No.: CLM/19/1/1/2 - BP19/371

REPORT SUMMARY

Attached are the Minutes of the Finance and Governance Committee Meeting 3/19 held on 9 April 2019. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

The following Committee recommendations for Items 1, 3 and 4 are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees:

1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 12 March 2019

RECOMMENDATION: (Moved by Councillors Kim and Purcell)

That the Minutes of the Finance and Governance Committee 2/19, held on 12 March 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

3 REQUEST FOR TENDER - COR-RFT 08/18 - SUPPLY OF SWIMWEAR AND ACCESSORIES FOR SALE AT THE RYDE AQUATIC LEISURE CENTRE

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

- (a) That Council accept the tender from Zoggs Australia Pty Ltd for COR-RFT-22/18 as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Zoggs Australia Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

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

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

4 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Pedersen and Purcell)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS

1 MINUTES - Finance and Governance Committee Meeting - 9 April 2019

ITEM 4 (continued)

ATTACHMENT 1

**Finance and Governance Committee
MINUTES OF MEETING NO. 3/19**

Meeting Date: Tuesday 9 April 2019

Location: Council Chambers, Level 1A, 1 Pope Street, Ryde

Time: 7.13pm

Councillors Present: Councillors Clifton (Chairperson), Gordon, Kim, Pedersen and Purcell.

Apologies: Nil.

Absent: Councillors Moujalli and Zhou.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Executive Manager – Strategy and Innovation, General Counsel, Manager – Communications and Engagement, Manager – RALC, Manager – Parks, Senior Coordinator – Community Engagement, Civic Services Manager and Civic Support Officer.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Finance and Governance Committee
Meeting held on 12 March 2019**

RECOMMENDATION: (Moved by Councillors Kim and Purcell)

That the Minutes of the Finance and Governance Committee 2/19, held on 12 March 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 4 (continued)

ATTACHMENT 1

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Purcell and Pedersen)

That the Committee adopt Item 3 on the Agenda as per the recommendation in the report.

Record of Voting:

For the Motion: Unanimous

3 REQUEST FOR TENDER - COR-RFT 08/18 - SUPPLY OF SWIMWEAR AND ACCESSORIES FOR SALE AT THE RYDE AQUATIC LEISURE CENTRE

RECOMMENDATION: (Moved by Councillors Purcell and Pedersen)

- (a) That Council accept the tender from Zoggs Australia Pty Ltd for COR-RFT-22/18 as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Zoggs Australia Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

CLOSED SESSION

ITEM 4 - ADVICE ON COURT ACTIONS

Confidential

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

RESOLUTION: (Moved by Councillors Purcell and Pedersen)

ITEM 4 (continued)

ATTACHMENT 1

That the Committee resolve into Closed Session to consider the above matter.

Record of Voting:

For the Motion: Unanimous

Note: The Committee closed the meeting at 7.17pm. The public and media left the chamber.

3 REQUEST FOR TENDER - COR-RFT 08/18 - SUPPLY OF SWIMWEAR AND ACCESSORIES FOR SALE AT THE RYDE AQUATIC LEISURE CENTRE

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

4 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Pedersen and Purcell)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

OPEN SESSION

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That the Committee resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 7.26pm.

The meeting closed at 7.26pm.

CONFIRMED THIS 14TH DAY OF MAY 2019.

Chairperson

5 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 3/19 held on 9 April 2019

Report prepared by: Civic Services Manager
File No.: CLM/19/1/1/2 - BP19/372

REPORT SUMMARY

Attached are the Minutes of the Ryde Central Committee Meeting 3/19 held on 9 April 2019. The Minutes will be listed for confirmation at the next Ryde Central Committee Meeting.

The following Committee recommendations for Items 1 and 3 are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees:

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 12 March 2019

RECOMMENDATION: (Moved by Councillors Pedersen and Purcell)

That the Minutes of the Ryde Central Committee Meeting 2/19, held on 12 March 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

3 RYDE CENTRAL PROJECT UPDATE

RECOMMENDATION: (Moved by Councillors Clifton and Pedersen)

That Council receives and notes this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS**1 MINUTES - Ryde Central Committee Meeting - 9 April 2019**

ITEM 5 (continued)

ATTACHMENT 1

**Ryde Central Committee
MINUTES OF MEETING NO. 3/19**

Meeting Date: Tuesday 9 April 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.28pm

Councillors Present: Councillors Gordon (Chairperson), Clifton, Pedersen, Purcell and Yedelian OAM.

Apologies: Nil.

Absent: Councillors Moujalli and Zhou.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Executive Manager – Strategy and Innovation, General Counsel, Manager – Communications and Engagement, Senior Coordinator – Community Engagement, Civic Services Manager and Civic Support Officer.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 12 March 2019

RECOMMENDATION: (Moved by Councillors Pedersen and Purcell)

That the Minutes of the Ryde Central Committee Meeting 2/19, held on 12 March 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 5 (continued)

ATTACHMENT 1

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Pedersen and Clifton)

That the Committee determine all Items on the Agenda.

Record of Voting:

For the Motion: Unanimous

3 RYDE CENTRAL PROJECT UPDATE

RECOMMENDATION: (Moved by Councillors Clifton and Pedersen)

That Council receives and notes this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **30 APRIL 2019** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 7.32pm.

CONFIRMED THIS 14TH DAY OF MAY 2019.

Chairperson

6 INVESTMENT REPORT AS AT 31 MARCH 2019

Report prepared by: Chief Financial Officer**File No.:** GRP/09/5/14 - BP19/344

REPORT SUMMARY

This report details Council's performance of its investment portfolio as at 31 March 2019 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio and loan liabilities.

Council's return for the reporting period is 2.98%, which is 1.01% above the benchmark figure of 1.97%.

Income from interest on investments and proceeds from sale of investments totals \$5.2M for the financial year to date, which is \$1.3M above the 2018/19 year-to-date revised Budget. Appropriate adjustments will be proposed in the forthcoming Budget Quarterly Review report to Council.

RECOMMENDATION:

That Council endorse the Investment Report as at 31 March 2019.

ATTACHMENTS

1 Investment Report Attachment P09 March 2019 3 Pages

Report Prepared By:

Pav Kuzmanovski
Chief Financial Officer

Report Approved By:

Steven Kludass
Director - Corporate Services

ITEM 6 (continued)

Discussion

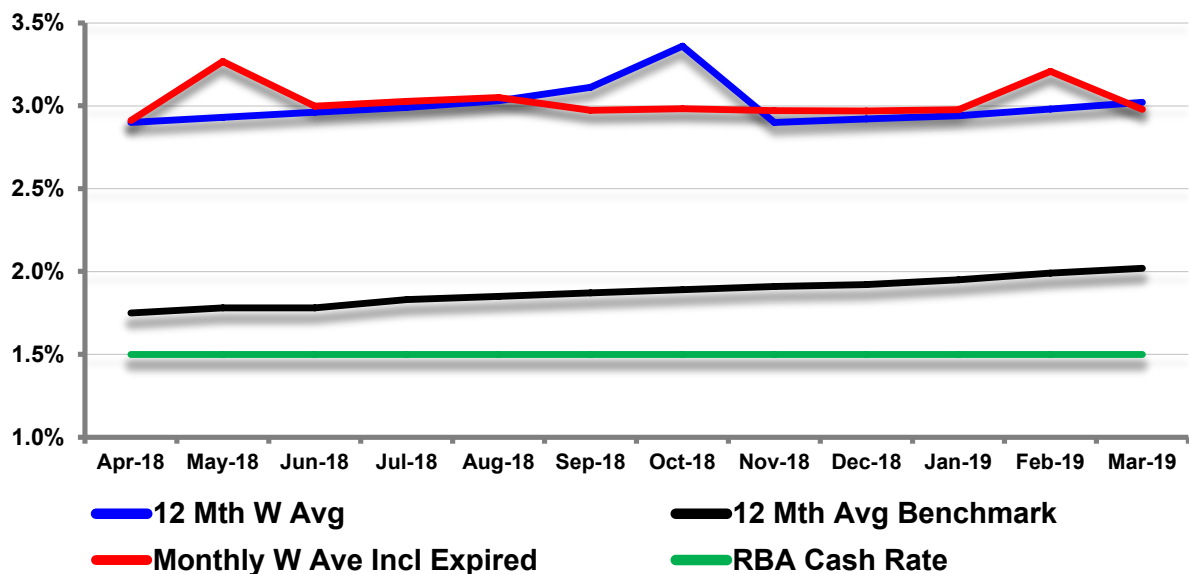
Council's Responsible Accounting Officer, is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the Local Government Act.

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for March 2019 and the past 12 months are as follows:

	Mar	12 Mth	FYTD
Council Return	2.98	3.02	2.99
Benchmark	1.97	2.02	2.03
Variance	1.01	1.00	0.96

Performance - All Investments



ITEM 6 (continued)

Council's investment portfolio as at 31 March 2019 was as follows:

Cash/Term Deposits	\$156.8M	64.9%
Floating Rate Notes	\$49.1M	20.3%
Fixed Bonds	\$35.6M	14.8%
Total Cash Investments	\$241.5M	100.0%
Investment Properties	\$155.8M	
Total Investments	\$397.3M	

Council's Investment Properties, valued as at 30 June 2018, are shown in **ATTACHMENT 1**.

The valuations listed have been undertaken in accordance with the revaluation process to 'best use' by an independent valuer, in compliance with the Australian Accounting Standards.

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 180 days maturity) where more competitive rates are available.

Whilst Council has moved some of its investment portfolio out to longer terms, to lock in future returns, it should be noted that there is approximately \$95 million of Council's funds held in Internal Reserves.

Should Council consider utilising its Internal Reserves, this will have a direct impact on the amount of investment income that will be realised and will require a reduction in the future projected investment income and will place pressure on Council to be able to maintain its current level of expenditure on capital projects or maintenance.

Council's income from investments continues to exceed budgeted expectations, due primarily to Council receiving significant Developer Contributions. Interest on investments relating to available General Revenue funds also continues to rise.

Loan Liability

Council's loan liability as at 31 March 2019 was \$2 million which represents the balance of:

1. A \$6.8M 15 year loan drawn down in 2004 at 90 Day BBSW + 20 basis points for redevelopment works at Council's Civic Centre and refinancing the West Ryde Tunnel. The interest rate for this loan is reset every quarter;

There is no advantage to Council in changing the arrangements or repaying the loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying in interest on this loan.

ITEM 6 (continued)

The following two loans were established under the Local Infrastructure Renewal Scheme (LIRS). Council receives a 3% interest subsidy payment from the OLG twice a year.

2. A \$1.5M 10 year loan drawn down 31 January 2014 at 180 day BBSW +175 basis points for the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 2. The interest rate for this loan is reset every six months;
3. A \$1.5M 10 year loan drawn down 1 September 2014 at 4.95% for Phase 2 of the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 3.

ITEM 6 (continued)

INVESTMENT SUMMARY AS AT 31 MARCH 2019

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Mar-19 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2018	% of Total Invested	Maturity	Tenor
NAB	1. NAB Covered Bond	AAA	Y	3,740	3.14	3.08	3.08	1.55	16/03/2023	1826
Suncorp-Metway	2. Suncorp FRN (Covered)	AAA	N	4,000	3.13	3.16	3.17	1.66	22/06/2021	1826
ANZ	3. ANZ Fixed Bond	AA-	Y	1,498	3.16	3.16	3.16	0.62	18/01/2023	1826
ANZ	4. ANZ FRN	AA-	Y	4,000	3.28	3.24	3.24	1.66	7/04/2021	1826
ANZ	5. ANZ FRN	AA-	Y	1,500	2.87	2.81	2.80	0.62	18/01/2023	1826
ANZ	6. ANZ FRN	AA-	Y	2,000	2.93	2.90	2.90	0.83	9/05/2023	1826
ANZ	7. ANZ Fixed Bond	AA-	Y	2,998	3.13	3.13	3.13	1.24	8/02/2024	1826
ANZ	8. ANZ Floating TD	AA-	Y	4,000	3.54	3.48	3.50	1.66	10/11/2022	2557
ANZ	9. ANZ Flexi TD	AA-	Y	4,000	3.42	3.48	3.48	1.66	15/12/2022	2557
CBA	10. Bankwest 11am Account	AA-	Y	3,710	1.76	1.77	1.75	1.54		
CBA	11. CBA At Call Deposit	AA-	Y	2,034	1.46	1.49	1.49	0.84		
CBA	12. CBA Fixed Bond	AA-	Y	3,981	3.41	3.41	3.42	1.65	25/04/2023	1916
CBA	13. CBA MTN	AA-	Y	3,493	3.28	3.25	3.25	1.45	16/08/2023	1826
CBA	14. CBA Fixed Bond	AA-	Y	3,472	3.23	3.22	3.22	1.44	11/01/2024	1826
CBA	15. CBA FRN	AA-	Y	2,000	3.00	2.94	2.93	0.83	17/07/2020	1827
CBA	16. CBA FRN	AA-	Y	1,994	3.27	3.21	3.20	0.83	17/07/2020	1613
CBA	17. Bankwest Term Deposit	AA-	Y	2,000	2.71	2.67	2.71	0.83	3/10/2019	314
CBA	18. Bankwest TD	AA-	Y	4,000	2.66	2.66	2.66	1.66	10/10/2019	276
CBA	19. Bankwest TD	AA-	Y	4,000	2.74	2.74	2.74	1.66	16/04/2019	231
CBA	20. Bankwest Term Deposit	AA-	Y	2,000	2.76	2.74	2.76	0.83	18/04/2019	237
CBA	21. Bankwest TD	AA-	Y	2,000	2.81	2.77	2.81	0.83	4/04/2019	280
CBA	22. Bankwest TD	AA-	Y	2,000	2.71	2.65	2.71	0.83	11/07/2019	289
CBA	23. Bankwest TD	AA-	Y	4,000	2.81	2.81	2.81	1.66	14/05/2019	267
CBA	24. Bankwest TD	AA-	Y	2,000	2.76	2.76	2.76	0.83	16/04/2019	235
NAB	25. NAB Fixed Bond	AA-	Y	2,993	3.16	3.16	3.16	1.24	12/05/2021	1826
NAB	26. NAB Fixed Bond	AA-	Y	3,992	3.08	3.09	3.09	1.65	10/02/2023	1918
NAB	27. NAB Fixed Bond	AA-	Y	2,996	2.95	2.95	2.95	1.24	26/02/2024	1826
NAB	28. NAB FRN	AA-	Y	2,000	3.14	3.07	3.09	0.83	5/11/2020	1827
NAB	29. NAB FRN	AA-	Y	4,000	2.88	2.86	2.87	1.66	16/05/2023	1826
NAB	30. NAB Term Deposit	AA-	Y	4,000	2.73	2.73	2.73	1.66	31/10/2019	358
NAB	31. NAB Term Deposit	AA-	Y	2,000	2.71	2.71	2.71	0.83	25/06/2019	285
NAB	32. NAB TD	AA-	Y	4,000	2.72	2.77	2.76	1.66	31/10/2019	364
NAB	33. NAB Term Deposit	AA-	Y	4,000	2.70	2.70	2.70	1.66	17/09/2019	376
NAB	34. NAB TD	AA-	Y	2,000	2.59	2.59	2.59	0.83	20/06/2019	119
NAB	35. NAB TD	AA-	Y	4,000	3.35	3.35	3.35	1.66	18/09/2023	1827
NAB	36. NAB TD	AA-	Y	2,000	2.76	2.76	2.76	0.83	27/06/2019	280
Westpac	37. Westpac At Call	AA-	Y	13	0.38	0.49	0.49	0.01		
Westpac	38. Westpac FRN	AA-	Y	1,000	3.01	2.90	2.91	0.41	28/07/2020	1827
Westpac	39. Westpac Fixed Bond	AA-	Y	2,476	3.25	3.24	3.24	1.03	24/04/2024	1917
Westpac	40. Westpac Term Deposit 2	AA-	Y	81	2.45	2.45	2.45	0.03	19/04/2019	365
Westpac	41. Westpac Term Deposit	AA-	Y	4,000	3.55	3.55	3.55	1.66	22/02/2022	1825
Westpac	42. Westpac Term Deposit	AA-	Y	4,000	3.32	3.32	3.32	1.66	9/08/2022	1813
Westpac	43. Westpac Term Deposit	AA-	Y	2,000	3.38	3.38	3.38	0.83	18/08/2022	1815
Westpac	44. WBC Floating TD	AA-	Y	4,000	3.19	3.15	3.18	1.66	17/02/2022	1826
Westpac	45. Westpac TD	AA-	Y	4,000	3.14	3.14	3.14	1.66	2/11/2021	1461
Westpac	46. Westpac TD	AA-	Y	4,000	2.65	2.65	2.65	1.66	7/01/2020	365
Suncorp-Metway	47. Suncorp FRN	A+	N	800	3.36	3.29	3.29	0.33	20/10/2020	1827
Suncorp-Metway	48. Suncorp FRN	A+	N	1,000	2.95	2.91	2.94	0.41	16/08/2022	1826
Macquarie Bank	49. Macquarie Bank FRN	A	Y	750	3.02	3.07	3.09	0.31	3/03/2020	1827
AMP	50. AMP Business Saver	A-	Y	389	1.82	1.81	1.80	0.16		
AMP	51. AMP FRN	A-	Y	1,600	3.04	3.10	3.11	0.66	11/06/2019	1278
AMP	52. AMP TD	A-	Y	1,000	3.05	2.99	3.05	0.41	30/07/2019	365
AMP	53. AMP Term Deposit	A-	Y	2,000	3.02	2.89	2.90	0.83	1/10/2019	224
Bank of Queensland	54. Bank of Queensland Fixed Bond	BBB+	Y	1,982	3.41	3.39	3.39	0.82	16/11/2021	1267
Bank of Queensland	55. Bank of Queensland TD	BBB+	Y	2,000	2.78	2.70	2.73	0.83	4/07/2019	273
Bank of Queensland	56. Bank of Queensland TD	BBB+	Y	4,000	3.10	3.10	3.10	1.66	17/12/2020	1071
Bank of Queensland	57. Bank of Queensland TD	BBB+	Y	2,000	3.55	3.55	3.55	0.83	12/11/2020	1827
Bank of Queensland	58. Bank of Queensland TD	BBB+	Y	2,000	3.75	3.75	3.75	0.83	9/12/2021	1823
Bank of Queensland	59. BoQ Term Deposit	BBB+	Y	4,000	3.50	3.50	3.50	1.66	15/11/2022	1804
BankVic	60. BankVic	BBB+	N	2,000	2.70	2.70	2.70	0.83	23/07/2019	152
Bendigo and Adelaide Bank	61. Bendigo Fixed MTN	BBB+	N	1,999	3.54	3.54	3.54	0.83	25/01/2023	1826
Bendigo and Adelaide Bank	62. Bendigo Bank FRN	BBB+	N	1,000	3.08	3.05	3.08	0.41	18/08/2020	1827

ITEM 6 (continued)

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Mar-19 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2018	% of Total Invested	Maturity	Tenor
Bendigo and Adelaide Bank	63. Bendigo and Adelaide Bank FRN	BBB+	N	1,996	3.22	3.14	3.14	0.83	25/01/2023	1532
Bendigo and Adelaide Bank	64. Rural Bank TD	BBB+	N	2,000	2.75	2.75	2.75	0.83	24/10/2019	335
Bendigo and Adelaide Bank	65. Bendigo Bank TD	BBB+	N	2,000	2.76	2.73	2.76	0.83	9/05/2019	262
Bendigo and Adelaide Bank	66. Bendigo Bank TD	BBB+	N	2,000	2.80	2.80	2.80	0.83	5/12/2019	728
Heritage Bank	67. Heritage Bank FRN	BBB+	N	1,300	3.39	3.30	3.32	0.54	4/05/2020	1096
Heritage Bank	68. Heritage Bank FRN	BBB+	N	1,400	3.34	3.32	3.32	0.58	29/03/2021	1096
Members Banking Group	69. RACQ FRN	BBB+	?	1,500	3.13	3.09	3.09	0.62	11/05/2020	731
MyState Bank	70. MyState Bank TD	BBB+	N	2,000	2.86	2.84	2.84	0.83	17/10/2019	254
MyState Bank	71. MyState TD	BBB+	N	2,000	2.71	2.76	2.75	0.83	25/07/2019	268
Newcastle Perm Bldg Soc	72. Newcastle Perm Bldg Soc FRN	BBB+	N	1,000	3.46	3.41	3.41	0.41	7/04/2020	1827
Newcastle Perm Bldg Soc	73. Newcastle Perm Bldg Soc FRN	BBB+	N	998	3.70	3.66	3.66	0.41	7/04/2020	1352
Newcastle Perm Bldg Soc	74. Newcastle Perm Bldg Soc □	BBB+	N	2,000	3.05	3.05	3.05	0.83	27/01/2022	1092
Newcastle Perm Bldg Soc	75. Newcastle Perm Bldg Soc TD	BBB+	N	2,000	3.05	3.05	3.05	0.83	10/02/2022	1095
Aus Unity	76. Aus Unity Bank TD	BBB	?	2,000	2.80	2.80	2.80	0.83	30/10/2019	364
Bank Australia	77. Bank Australia	BBB	N	1,000	3.21	3.28	3.28	0.41	30/08/2021	1096
CUA	78. CUA FRN	BBB	N	2,000	3.74	3.69	3.69	0.83	1/04/2019	1095
CUA	79. CUA FRN	BBB	N	2,000	3.31	3.35	3.35	0.83	20/03/2020	1096
CUA	80. Credit Union Australia TD	BBB	N	2,000	2.71	2.71	2.71	0.83	9/07/2019	280
CUA	81. CUA TD	BBB	N	2,000	3.00	3.00	3.00	0.83	3/12/2020	728
Defence Bank	82. Defence Bank TD	BBB	N	1,000	2.80	2.71	2.71	0.41	3/03/2020	364
Greater Bank	83. Greater Bank FRN	BBB	N	1,000	3.39	3.41	3.43	0.41	24/02/2020	1095
Me Bank	84. ME Bank At Call Account	BBB	N	3,092	1.77	1.76	1.77	1.28		
Me Bank	85. ME Bank FRN	BBB	N	1,000	3.51	3.44	3.44	0.41	18/07/2019	962
Me Bank	86. ME Bank FRN	BBB	N	1,500	3.28	3.23	3.25	0.62	9/11/2020	1096
Me Bank	87. ME Bank FRN	BBB	N	1,600	3.37	3.34	3.32	0.66	16/04/2021	1095
Me Bank	88. ME Bank TD	BBB	N	1,000	2.75	2.75	2.75	0.41	6/08/2019	340
Me Bank	89. Members Equity TD	BBB	N	2,000	2.68	2.68	2.68	0.83	21/01/2020	327
P&N Bank	90. P&N Bank	BBB	N	1,000	3.50	3.50	3.50	0.41	2/11/2023	1821
Teachers Mutual Bank	91. Teachers Mutual Bank FRN	BBB	N	1,400	3.49	3.45	3.45	0.58	2/07/2021	1096
Auswide Bank	92. Auswide Bank TD	BBB-	N	2,500	2.73	2.70	2.72	1.04	27/06/2019	280
G&C Mutual Bank	93. G&C Mutual Bank TD	BBB-	N	1,000	2.85	2.85	2.85	0.41	12/09/2019	379
QBank	94. QBank FRN	BBB-	N	1,000	3.45	3.47	3.48	0.41	22/03/2021	1098
QBank	95. QBank FRN	BBB-	N	750	3.46	3.54	3.54	0.31	14/12/2021	1096
QBank	96. Qbank Term Deposit	BBB-	N	1,000	2.81	2.96	2.95	0.41	12/12/2019	294
QBank	97. QBank TD	BBB-	N	1,000	2.85	2.85	2.85	0.41	14/05/2019	364
QBank	98. QBank TD	BBB-	N	1,000	2.80	2.80	2.80	0.41	7/11/2019	349
Australian Military Bank	99. Australian Military Bank TD	Unrated	N	2,000	2.90	2.83	2.90	0.83	26/09/2019	386
Bananacoast CU	100. Bananacoast CU TD	Unrated	N	2,000	2.95	2.95	2.95	0.83	13/02/2020	364
Bank of Sydney	101. Bank of Sydney TD	Unrated	?	1,000	2.77	2.71	2.71	0.41	10/09/2019	180
Bank of Sydney	102. Bank of Sydney TD	Unrated	?	1,000	2.81	2.81	2.81	0.41	11/04/2019	238
Bank of us	103. Bank of us TD	Unrated	?	1,000	2.80	2.82	2.82	0.41	11/04/2019	238
Bank of us	104. Bank of us TD	Unrated	?	1,000	2.76	2.71	2.74	0.41	11/04/2019	238
Coastline CU	105. Coastline Credit Union TD	Unrated	?	1,000	2.95	2.95	2.95	0.41	19/12/2019	386
Goldfields Money Ltd	106. Goldfields Money Ltd TD	Unrated	?	2,000	2.80	2.73	2.73	0.83	17/03/2020	369
Hunter United Credit Union	107. Hunter United Credit Union TD	Unrated	?	1,000	2.80	2.67	2.67	0.41	12/03/2020	366
Maitland Mutual	108. Maitland Mutual Bldg Soc TD	Unrated	N	1,000	2.75	2.70	2.71	0.41	10/03/2020	364
Police CU (SA)	109. Police CU - SA Term Deposit	Unrated	?	1,000	2.90	2.84	2.86	0.41	12/11/2019	362
Police CU (SA)	110. Police CU - SA	Unrated	?	1,000	2.90	2.89	2.90	0.41	7/11/2019	365
Queensland Country CU	111. QCCU TD	Unrated	?	1,000	2.75	2.72	2.72	0.41	10/03/2020	364
Regional Australia Bank	112. Regional Australia Bank TD	Unrated	N	2,000	3.10	3.10	3.10	0.83	13/08/2020	1093
South West CU	113. South West CU TD	Unrated	?	1,000	2.82	2.82	2.82	0.41	16/05/2019	182
Summerland CU	114. Summerland CU TD	Unrated	N	1,000	2.98	2.74	2.78	0.41	10/12/2019	364
Summerland CU	115. Summerland CU TD	Unrated	N	1,000	2.90	2.90	2.90	0.41	12/09/2019	372
Warwick CU	116. Warwick CU TD	Unrated	?	1,000	3.01	3.01	3.01	0.41	19/12/2019	386
Warwick CU	117. Warwick CU TD	Unrated	?	500	2.80	2.80	2.80	0.21	15/01/2020	321
Warwick CU	118. Warwick CU TD	Unrated	?	500	2.80	2.80	2.80	0.21	17/01/2020	323
				241,527	2.98	2.99	2.99	100		

ITEM 6 (continued)

*Monthly returns when annualised can appear to exaggerate performance

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

Return including Matured/Traded Investments

Weighted Average Return

Benchmark Return: AusBond Bank Bill Index (%)

Variance From Benchmark (%)

Mar	12 Mth	FYTD
2.98	3.02	2.99
1.97	2.02	2.03
1.01	1.00	0.96

Investment Income

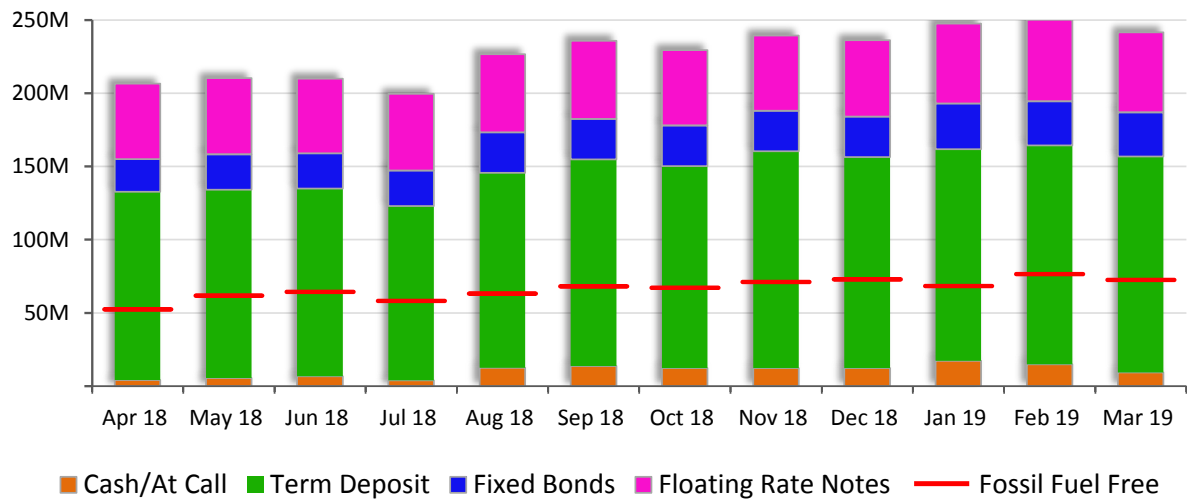
	\$000's
This Period	628
Financial Year To Date	5,233
Budget Profile	3,907
Variance from Budget - \$	1,326

Fossil Fuel Free (000's)

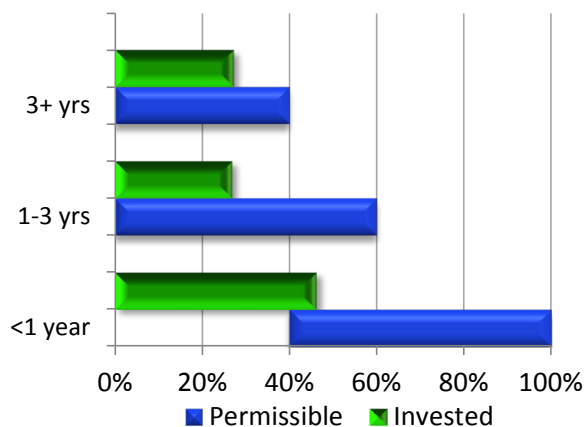
Yes	72,335
No	151,692
Unknown	17,500

Analysis of investments

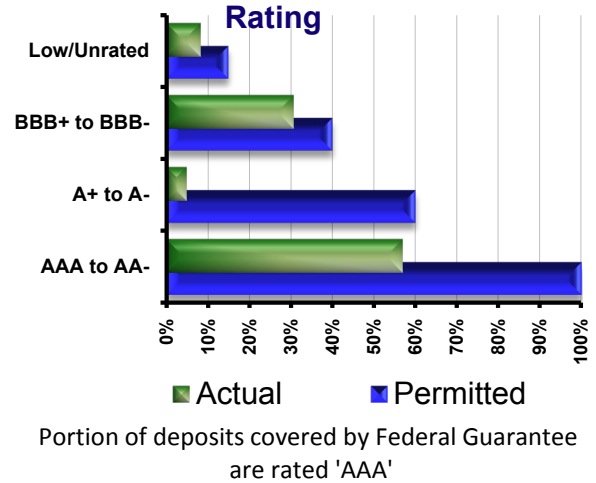
Total Funds Invested



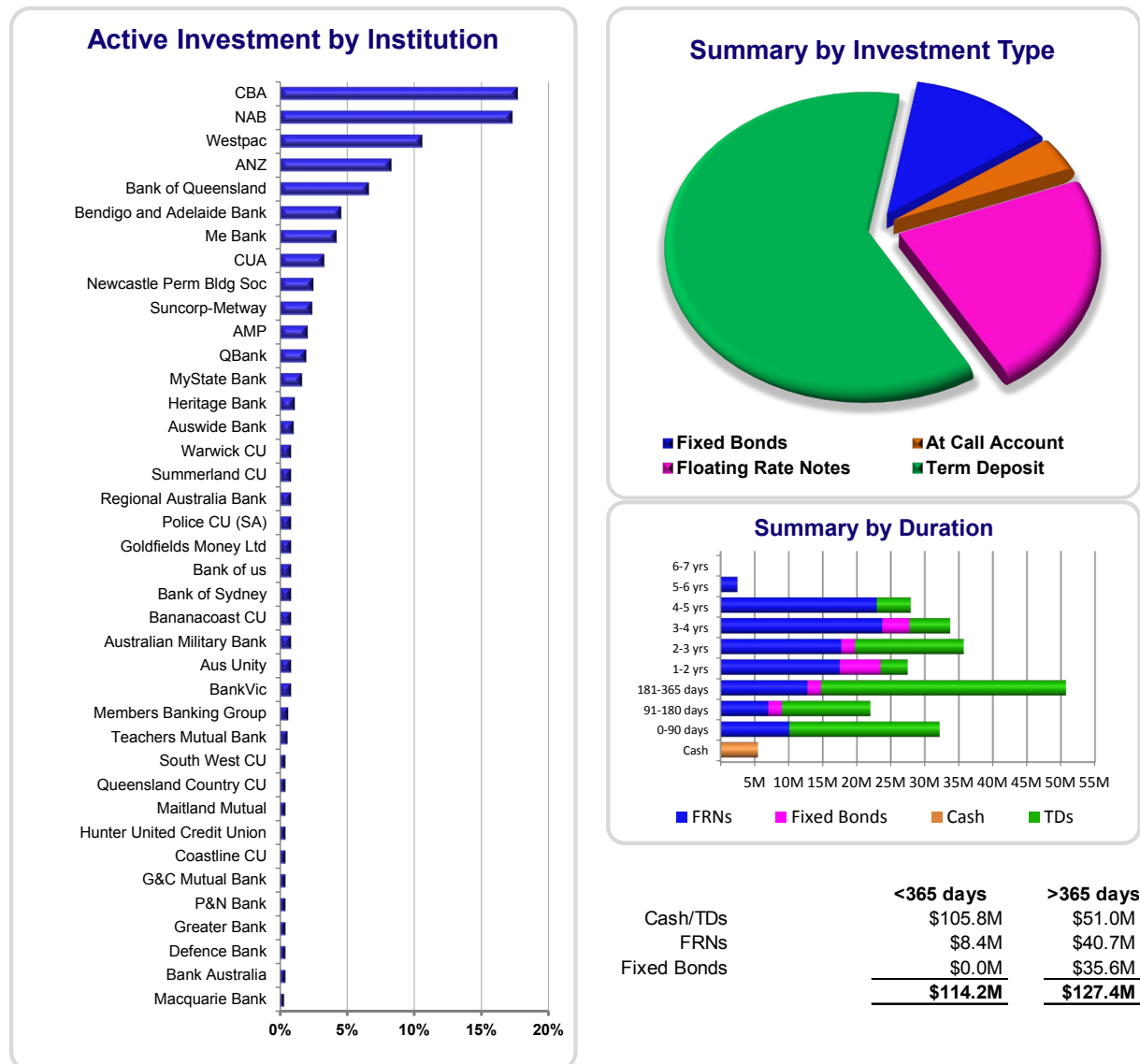
Policy Limits on Maturities



Investment Summary by Rating



ITEM 6 (continued)



Divestment of Fossil Fuel Aligned Financial Institutions

As at 31 March 2019, Council had a total amount of \$72.3 million (29.9% of Council's total investment portfolio) invested in non-fossil fuel aligned financial institutions. A further \$17.5 million was invested in unrated financial institutions where their 'alignment status' is unclear/undetermined. It is almost certain all of these unrated financial institutions are non-fossil fuel aligned institutions as their lending profiles are almost identical to other unrated institutions. If it assumed those institutions are non-fossil fuel aligned financial institutions, then the total amount is \$89.8 million (37.2% of Council's total investment portfolio).

By way of comparison, Council had \$50.5 million (24.5% of its total investment portfolio) invested in non-fossil fuel aligned financial institutions, as at 31 January 2018.

ITEM 6 (continued)**Financial Implications**

Income from interest on investments and proceeds from sales of investments totals \$5.2M for the period ended 31 March 2019, \$1.3M above the 2018/19 year-to-date revised Budget.

Summary

Council's return for the reporting period is 2.98%, which is 1.01% above the benchmark figure of 1.97%. Income from interest on investments and proceeds from sale of investments totals \$5.2M for the financial year to date, which is \$1.3M above the 2018/19 year-to-date Budget. Appropriate adjustments to the Interest on Investments Budget will be proposed in the forthcoming Budget Quarterly Review report to Council.

Council's investment portfolio continues to perform well with returns well above benchmark.

The recommendation in this report is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Councils.

Certificate of the Chief Financial Officer (Responsible Accounting Officer)

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

Pav Kuzmanovski
Chief Financial Officer

ITEM 6 (continued)
Council's Property Investment Portfolio

ATTACHMENT 1

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

Property	\$' M
1A Station St, West Ryde	0.960
2 Dickson Ave, West Ryde	1.300
8 Chatham Rd, West Ryde	1.420
202 Rowe Street, Eastwood	3.235
226 Victoria Rd, Gladesville	0.390
7 Anthony Road, West Ryde	5.230
7 Coulter Street, Coulter St Car Park, Gladesville	22.175
6-12 Glen Street, Glen Street Car Park, Eastwood	36.820
2 Pittwater Road, John Wilson Car Park, Gladesville	8.820
150 Coxs Road, Cox Rd Car Park, North Ryde	1.655
33-35 Blaxland Road, Argyle Centre, Ryde	5.630
19-21 Church Street and 16 Devlin Street, Ryde	10.990
6 Reserve Street, West Ryde	3.700
Herring Road Air Space Rights	0.535
741-747 Victoria Road, Ryde (Battery World)	7.130
53-71 Rowe Street, Eastwood	7.175
Total Investment Properties as per the Financial Statements	117.165
1 Constitution Road, Operations Centre, Ryde ⁽¹⁾	38.620
PROPERTIES HELD AS INVESTMENT PROPERTIES	155.785

(1) The value for this is currently held in Non-Current Assets in Note 9, and once vacated by Council; it will be transferred to Investment Properties within the Financial Statements.

(2) The above figures refer to the land only as valued at "best use", and do not include the value of any structures.

Benchmark

The Bloomberg Ausbond Bank Bill index is constructed as a benchmark to represent the performance of a passively managed short-term money market portfolio. It comprises thirteen Bank Bills of equal face value, each with a maturity seven days apart. The average term to maturity is approximately 45 days.

A Bank Bill is a non-interest bearing security issued by a bank whereby the bank takes on an obligation to pay an investor a fixed amount (face value) at a fixed future date. It is sold to an investor at a discount to the face value. Bank Bills are short-term money market investments with maturities usually between 30 days and 180 days.

Types of Investments

The following are the types of investments held by Council:

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

ITEM 6 (continued)

ATTACHMENT 1

A Floating Rate Note (FRN) is a debt security issued by a company with a variable interest rate. This can either be issued as Certificates of Deposit (CD) or as Medium Term Notes (MTN). The interest rate can be either fixed or floating, where the adjustments to the interest rate are usually made quarterly and are tied to a certain money market index such as the Bank Bill Swap Rate.

A Fixed Rate Bond is a debt security issued by a company with a fixed interest rate over the term of the bond.

Credit Rating Information

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

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

AAA: the best quality companies, reliable and stable

AA: quality companies, a bit higher risk than AAA

A: economic situation can affect finance

BBB: medium class companies, which are satisfactory at the moment

BB: more prone to changes in the economy

B: financial situation varies noticeably

CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments

CC: highly vulnerable, very speculative bonds

C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations

D: has defaulted on obligations and it is believed that it will generally default on most or all obligations

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

Council's Investment Powers

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

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

ITEM 6 (continued)

ATTACHMENT 1

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

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

7 DRAFT 2019/2023 FOUR YEAR DELIVERY PROGRAM INCLUDING DRAFT 2019/2020 ONE YEAR OPERATIONAL PLAN

Report prepared by: Team Leader - Management Accounting
File No.: FIM/07/6/2/19 - BP19/297

REPORT SUMMARY

This report presents the draft 2019-2023 Four Year Delivery Program (including the One Year Operational Plan 2019/20) and draft 2019/20 Fees and Charges schedule for Council to resolve to be placed on public exhibition for the period 3 May 2019 to 31 May 2019. Submissions on the draft Delivery Program, Operational Plan and Fees and Charges will be sought from the public during the exhibition period.

All submissions received will be tabled and considered as a part of the of adoption of the proposed 2019-2023 Four Year Delivery Program (including One Year Operational Plan 2019/20) and proposed 2019/20 Fees and Charges schedule at the 25 June 2019 Council meeting.

RECOMMENDATION:

- (a) That Council in accordance with legislative requirements, resolve to place the draft 2019-2023 Four Year Delivery Program (including One Year Operational Plan 2019/20) and the draft 2019/20 Fees and Charges schedule on public exhibition for a period 3 May 2019 to 31 May 2019 (inclusive).
- (b) That Council transfer the budgeted surplus of working capital funds of \$4.13 million to the Ryde Central Reserve as a part the 2019/20 base budget.

ATTACHMENTS

- 1** Draft City of Ryde 2019-2023 Four Year Delivery Program including One Year Operational Plan 2019/2020 - CIRCULATED UNDER SEPARATE COVER
- 2** 2019-2020 Proposed Fees and Charges - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Jifeng Huang
Team Leader - Management Accounting

Report Approved By:

Pav Kuzmanovski
Chief Financial Officer

Steven Kludass
Director - Corporate Services

ITEM 7 (continued)

Legislation

In accordance with sections 404 and 405 of the Local Government Act, Council is required to prepare a four year Delivery Program and a one year Operational Plan (including Council's Revenue Policy) which details Council's operating and capital activities over the period of the plan and how they are aligned to Council's strategic outcomes (Community Strategic Plan). Council has prepared its draft Delivery Program with projections of capital works programs and consolidated income and expenditure estimates over the 4 years of the plan. Year 1 of the draft Delivery Program forms the basis of the draft Operational Plan.

The Local Government Act requires the draft Delivery Program and Operational Plan be exhibited for a period of at least 28 days, during which time the public can make submissions. These submissions must be considered by Council before the draft Delivery Program and Operational Plan are adopted. Further details on consultation timeframes can be found at the **Timetable and Public Consultation** section of this report.

Ryde 2028 Community Strategic Plan

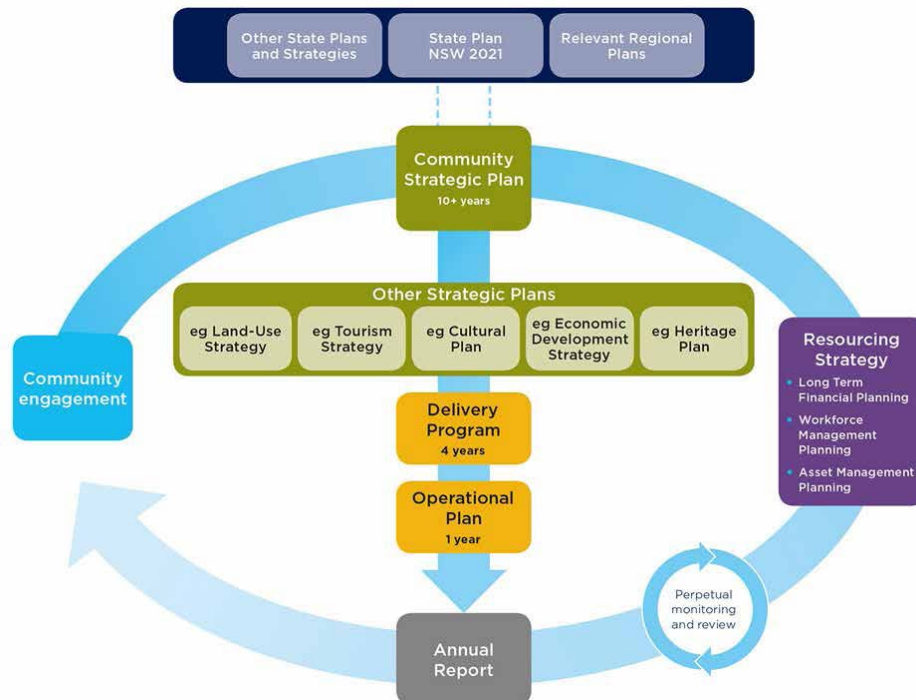
In formulating the draft Delivery Program, consideration has been given to Council's Ryde 2028 Community Strategic Plan. A summary of the proposed expenditure allocations for each of the Outcome areas in the draft 2019-2023 Four Year Delivery Program are detailed below: (Note: figures are aggregated over the 4 years).

2028 Community Strategic Plan Outcome	Base \$m	Projects \$m	Total \$m
Our Connected and Accessible City	87.4	84.1	171.5
Our Natural and Sustainable City	114.3	19.3	133.6
Our Diverse and Inclusive City	28.0	4.0	32.0
Our Vibrant and Liveable City	46.4	9.0	55.4
Our Open and Progressive City	138.6	20.8	159.4
Our Smart and Innovative City	6.5	10.1	16.6
Our Active and Health City	91.8	47.9	139.7
Total	513.0	195.2	708.2

The draft 2019-2023 Four Year Delivery Program including One Year Operational Plan 2019/20 has been prepared to align with the Ryde 2028 Community Strategic Plan and provides details on the projects to be delivered within each outcome area and program area.

The diagram below shows the relationship between the Community Strategic Plan, the Four-Year Delivery Program and the Operational Plan:

ITEM 7 (continued)



Projected Working Capital

As reported to Council (via the 2018/19 Quarterly Budget Reviews Statements), Council is on track with meeting its revised budget forecast for the 2018/19 financial year. The 2018/19 approved budget forecast includes a working capital balance of \$5.01 million as at 30 June 2019. The draft Operational Plan is forecasting Council's working capital balance to be \$4.50 million as at 30 June 2020. This includes a proposed transfer of \$4.13 million to the Ryde Central Reserve.

Draft Four-Year Delivery Program 2019-2023 including One-Year Operational Plan 2019/2020 and 2019/20 Fees and Charges Schedule

A copy of the draft 2019-2023 Four-Year Delivery Program 2019/2023 including One-Year Operational Plan 2019/20 and the draft 2019/20 Fees and Charges schedule is **ATTACHED - CIRCULATED UNDER SEPARATE COVER**

The draft Delivery Program and Operational Plan provides a comprehensive overview of the City of Ryde and its direction, detailing key projects (Capital and Non-Capital) and initiatives to be undertaken over the next four years with a specific focus for the 2019/2020 year. Also included in the document are Council's 2019/2020 Draft Budget and Fees and Charges.

ITEM 7 (continued)

In summary, the Draft Delivery Program and Operational Plan provide the following information:

- Overview of the City of Ryde's directions and priorities
- Outcomes by Program (including details of Projects for 2019/2020)
- Projects by Program (for the next four years)
- Budget Overview
- Revenue Policy (including Rating Policy)

Rates

For the City of Ryde, Council's rate yield for 2019/2020 will increase by the amount determined by IPART which was 2.70%.

The Special Rating Variation (SRV) which was approved by the Minister on 19 May 2015 will raise \$12.55 million during 2019/20 from all rateable properties. These funds will be used in undertaking additional asset infrastructure renewal works and will a minor allocation of \$0.50 million being used to undertake additional asset maintenance throughout the City of Ryde.

It should be noted that the 'Rates Notional Yield' calculation will be updated in June and any income changes transpiring from this calculation will be included in the report to Council on 25 June 2019.

Domestic Waste Management Charge

Domestic Waste Charges will not increase in 2019/20 (ie, all Domestic Waste related fees and charges will be maintained at 2018/19 levels). All funds levied by the Domestic Waste Management Charge can only be spent on domestic waste related activities. Any surplus domestic waste funds are returned to the Domestic Waste Reserve.

Fees and Charges

The approach in preparing the 2019/2020 Fees and Charges schedule has been to increase the majority of Council's Fees and Charges by 2.70%. Those that were not increased by the 2.70% were primarily statutory fees determined by other government agencies.

Council has engaged an external consultant to review GST for all the fees and charges. As the result of the review, GST status for some of the proposed fees and charges have been updated to ensure they are GST compliant.

ITEM 7 (continued)**Key Aspects of the 2019/20 draft Operational Plan**

Key aspects of the draft Operational Plan for 2019/20 include:

- Total operating expenditure budget is \$128.97 million, including \$5.34 million of one-off operating projects;
- Capital Expenditure in 2019/20 is budgeted at \$51.22 million, funded from Internal Reserves, Section 7.11 Contributions, SRV, Grants and other external sources of income, as well as a small proportion from Council's General Revenue (Working Capital);
- The Operating Result is projected to be a surplus of \$28.39 million, including Capital Grants and Contributions;
- The Operating Result excluding Capital Grants and Contributions is projected to be a surplus of \$7.93 million. It should be noted that SRV funds collected in 2019/20 are projected to be \$12.55 million, without these SRV funds, Council would actually be projecting an Operating Deficit of \$4.62 million;
- The budget provides for 536 full time equivalent employees with a total headcount of 887 staff (including casuals);
- In 2019/20, the City of Ryde will continue to provide significant subsidies to various community groups, sporting clubs and government organisations. Subsidies are provided by either reduced rentals on Council facilities, pensioner rate subsidies, reduced hire fees for Council facilities, grants to various organisations or sponsorship of events; and
- The City of Ryde will make payments/contributions to NSW Government entities totalling \$8.19 million in 2019/20 (6% of the total operating expenditure budget).
- Development Contributions (Section 7.11) of \$20 million have been brought to account for in the 2019/20 Base Budget and is the major reason why Council's Operating Result is projected to be a surplus of \$28.39 million.

The quantum of Development Contributions collected is primarily dependent on the prevailing development market. As Council has limited control over the timing of Development Contributions, forecast income estimates will be the subject of regular review through the quarterly budget review process with contributions being restricted to Section 7.11 Reserves.

It should be noted that Council forecasts its Section 7.11 related expenditure for the coming financial year based on receipts already received to ensure that Section 7.11 funds are not overspent.

ITEM 7 (continued)

Ryde Central Reserve

It is proposed that Council maintain a working capital balance of \$4.50 million over the 4 Year Delivery Program, with any surplus working capital to be transferred to the Ryde Central Reserve during the 2019/20 financial year.

Project Expenditure (Capital and Non-Capital)

A summary of Council's proposed project expenditure \$56.56 million for 2019/2020, is detailed below.

Program	Capital Project \$M	Non-Capital Project \$M	Total Project \$M
Catchment program	3.29	0.25	3.54
Centres and Neighbourhood program	0.22	0.32	0.54
Community and Cultural program	0.95	0.53	1.48
Customer and Community Relations program	-	0.03	0.03
Economic Development program	-	0.14	0.14
Environmental program	0.02	0.12	0.14
Foreshore program	1.37		1.37
Governance and Civic program	-	0.09	0.09
Internal Corporate Services program	4.79	0.20	4.99
Land Use Planning program		2.31	2.31
Library program	1.39	-	1.39
Open Space, Sport & Recreation program	6.48	0.61	7.09
Organisational Development program	0.30		0.30
Paths and Cycleways program	2.41		2.41
Property Portfolio program	0.99	-	0.99
Regulatory program	0.09	0.22	0.31
Risk Management program	0.13	0.03	0.16
Roads program	17.65	-	17.65
Strategic City program	1.13	0.17	1.30
Traffic & Transport program	9.21	0.01	9.22
Waste and Recycling program	0.80	0.31	1.11
Total	51.22	5.34	56.56

Details of both the Macquarie Park Special Rate (which was approved by the Minister for Local Government for 2006/07 on an ongoing basis) and the Stormwater Management Service Charge are contained in the Revenue Policy within the draft Delivery Program. All of the funds raised from these sources will be dedicated for the purposes raised and will address priority works relating to the current condition of Council's infrastructure. These works are detailed under the heading of Projects in each Program in the draft Delivery Program.

ITEM 7 (continued)

Long Term Financial Plan

As part of the budget process, the adopted Long Term Financial Plan (LTFP) will need to be reviewed to ensure its long term projections are financially sustainable.

The final outcome of the revised draft 4 Year Delivery Program is used to inform the Long Term Financial Plan to reflect the activities of Council. Whilst steps have been taken to bring the revised LTFP to Council as a draft, along with the draft Delivery Plan, there is still work to be done by staff to finalise this document.

It is proposed that the revised Long Term Financial Plan for 2019/29 will be presented to Council along with the draft Delivery Program at the meeting to be held on Tuesday 25 June 2019.

Councillor Engagement

The following processes and workshops were conducted with Councillors in the formulation of the Draft Delivery Program and Operational Plan.

- The Budget Timetable was circulated to Councillors in the Councillor Information Bulletin on 16 October 2018.
- Councillor Workshops - In the preparation of the Draft Delivery Program and Operational Plan, workshops have been held with Councillors as follows:
 - Rates, Fees & Charges - 12 February 2019 (Workshop)
 - Base Budget - 12 February 2019 (Workshop)
 - Projects (Capital/Non-Capital) - 05 March 2019 (Workshop)
- Councillors were also requested at the commencement and during the budget process to submit their priority projects for consideration.

Timetable and Public Consultation

The following timetable is proposed in respect of Council's consideration of the Draft Four-Year Delivery Program 2019/23 including One-Year Operational Plan 2019/20:

Date	Action
30 April 2019	Consideration by Council of Draft Plans for Public Exhibition.
3 May 2019	Commencement of Public Exhibition period of Draft Plans.
31 May 2019	Completion of Public Exhibition of the Draft Plans and closing date for receipt of all public submissions
25 June 2019	Consideration by Council of public submissions on Draft Plans and amendments. Draft Plans for consideration and adoption, including the setting of rates, fees and charges for 2019/2020.

ITEM 7 (continued)

Council also will be providing information to all Advisory Committees and the Ryde Business Forum that includes all Chambers of Commerce seeking feedback on the exhibition of the Draft Plans.

The following consultation / advertisement is proposed to promote Council's Draft Plans.

- Public notification in the Northern District Times of Draft Plans on 3 May 2019.
- Public exhibition of Draft Plans between 3 May 2019 and 31 May 2019.
- Draft Plans will be available for viewing during the exhibition period at Council's Customer Service Centre, Ryde Planning and Business Centre, all Libraries and on Council's website.
- Advice of the public exhibition process will be provided to all of Council's Advisory Committees and Chambers of Commerce / Progress Associations.

Financial Implications

The financial implications of this report have been outlined throughout this report.

The Draft Plans maintain Council's sound financial position with a forecast Working Capital balance of \$4.50 million, whilst delivering a Capital Works Program of \$51.22 million.

Conclusion

The draft 2019/23 Delivery Program and 2019/20 Operational Plan has been prepared using prudent financial management principles and assumptions. A key feature of the draft 2019/23 Delivery Program and 2019/20 Operational Plan is that all existing services and service levels are maintained and are aligned with the aspirational targets outlined in Council's Community Strategic Plan. In preparing the draft 2019/23 Delivery Program and 2019/20 Operational Plan, Council has consolidated its sound financial position and maintained a solid projected Working Capital balance.

8 REVIEW OF CODE OF CONDUCT POLICY AND ASSOCIATED DOCUMENTS

Report prepared by: Policy and Research Assistant
File No.: COR2018/169/1 - BP19/12

REPORT SUMMARY

This report recommends the adoption of three new Code of Conduct documents, to incorporate minimum standards included in the prescribed Local Government Model Code of Conduct as required by section 440(3) of the Local Government Act 1993 (NSW) and to adopt new supplementary provisions in the Code of Conduct – Standards of Conduct to:

- Extend the scope of the code to apply to contractors, volunteers and members of advisory committees.
- Reflect provisions in Council's current Code of Conduct and Gifts and Benefits Policy.
- Reflect community expectations in relation to the use of social media, and use of confidential information by council officials, and
- Include new provisions relating to legal advice and legal proceedings.

Council is required, as a minimum, to adopt a new code and associated procedures in line with the prescribed Model Code by no later than 14 June 2019 – otherwise the provisions of the Model Code will be deemed to apply.

RECOMMENDATION:

That Council, in accordance with Section 440 (3) of the Local Government Act, 1993, adopts the following Code of Conduct documents:-

1. DRAFT City of Ryde Code of Conduct – Standards of Conduct
2. DRAFT Code of Conduct - Complaints Procedure
3. DRAFT City of Ryde Code of Conduct – Policy

ATTACHMENTS

- 1 DRAFT City of Ryde Code of Conduct 2019 - Standards of Conduct
- 2 DRAFT City of Ryde Code of Conduct - Complaint Procedures
- 3 DRAFT City of Ryde Code of Conduct - Policy

ITEM 8 (continued)

Report Prepared By:

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ITEM 8 (continued)**1. Background**

On 18 December 2018, the NSW Government prescribed a new Model Code of Conduct for NSW councils and a new set of Procedures to administer the new model code of conduct.

All councils must adopt a code of conduct that is consistent with, or more stringent than, the Model Code by 14 June 2019. If not, the provisions of the December 2018 Model Code and Procedures are effectively deemed to apply.

2. OLG requirements for Councils

- The Model Code of Conduct for Local Councils in NSW, 2018 (Model Code) is prescribed under section 440 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation).
- The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, 2018 (Procedures) are prescribed under section 440AA of the Act and the Regulation.
- Each council in NSW is required, as a minimum, to adopt its own Code of Conduct and Procedures based on the Model Code and Procedures by 14 June 2019 in order to comply with section 440(3) of the Act.
- A council may adopt tighter, supplementary provisions in its own code of conduct. However, if any provisions are less onerous than those prescribed in the Model Code, these will be invalid and the equivalent provisions of the Model Code will apply (through the operation of section 440 of the Act).

3. Major changes included in the new Model Code of Conduct

The following table highlights the major changes included in the new Model of Conduct (when compared to the previous Model Code of Conduct issued by the OLG in 2015):

ITEM 8 (continued)

Major Changes included in the new Model Code of Conduct	Commentary	Relevant sections of the new City of Ryde Code of Conduct
Clearer and more detailed conduct and behaviour standards	Pertains to General conduct, Bully and Harassment, Discrimination, WH&S, and behaviour at meetings.	Part 3, clause's 3.1-3.22
Detailed pecuniary interest provisions Ongoing disclosure requirement – Pecuniary Interests	Councillors and designated persons must disclose new interests in writing in returns of interests within 3 months of becoming aware of the interest.	Part 4 & Part 5 & Schedule's 1-3
Access to information	Councillors with a conflict of interest or private interest cannot access Council information about the matter, except where the information is public information.	Part 8, clause's 8.5-8.6
Maintenance of council records	Clarifies that all information created, sent and received, in an official capacity, or on council equipment, is subject to the <i>State Records Act 1998</i> and must be kept in Council's information system in accordance with record keeping policies (including Councillor records).	Part 8, clause's 8.21 – 8.24
New rules governing the acceptance of gifts including mandatory reporting of gifts of any value		Part 6, clause's 6.2 & 6.6
Pecuniary interest returns – declaration for property developers and their associates	Councillors are required to disclose in their returns of interests whether they are a property developer or a close associate of a property Developer.	Schedule 1, Part 2, clause 19

ITEM 8 (continued)**4. Proposed NEW Supplementary Provisions - City of Ryde Code of Conduct - Standards of Conduct**

The Office of Local Government has made clear that the 2018 Model Code of Conduct is a minimum standard and that Councils may adopt supplementary provisions. These supplementary provisions must not weaken the model provisions.

It is recommended that the City of Ryde's Standards of Conduct should include four (4) new supplementary provisions, as follows:

1. Extend to apply to contractors, volunteers and members of wholly advisory committees. Otherwise the Model Code will only apply to 'Council Officials' – which is defined as Councillors; members of staff; administrators; Council Committee members (where all members are Councillors); delegates of council; and in some circumstances, council advisors – [refer to Attachment 1, pages 3-5].
2. Include a supplementary clause about the use of social media [refer to Attachment 1, page 11]
3. Refer to City of Ryde Gifts and Benefits Policy - "Thanks is Enough" Policy stating that gifts should generally be refused, all gifts must be surrendered to council, unless impractical – [refer to Attachment 1, pages 27-30 – green text].
4. Insert new provisions relating to legal advice and legal proceedings [refer to Attachment 1, page 38-39,].

The Draft of the City of Ryde Code of Conduct – Standards of Conduct is included at **ATTACHMENT 1**. The proposed new supplementary provisions / clauses are highlighted in **Green** throughout the document. Existing supplementary provisions/ clauses carried forward from the existing 2017 City of Ryde Code are highlighted in **Yellow**.

These supplementary provisions are being recommended because they:

- help to protect Councillors and staff by providing a simple and clear framework that can be easily explained and understood by all.
- reduce opportunities for confusion about what rules apply.
- protect the legal position of the City of Ryde in legal proceedings and investigations.
- ensure transparency.
- are in line with community expectations.
- enhance ethical standards.
- reduce the risk of governance controls 'falling between the cracks' eg, in relation to contractors.
- are in line with Council's well known and adopted Gifts and Benefits position, 'Thanks is Enough'.

ITEM 8 (continued)

Table 1 - Proposed new supplementary provisions and the reasons for them.

New Supplementary Provision 1:

Add words to make clear that this Code of Conduct applies to contractors, volunteers and members of wholly advisory committees engaged by the City of Ryde.

Note: A ‘contractor’ is defined as a person who is not an employee, but is paid to undertake duties that are usually performed by an employee of the council. A ‘volunteer’ is defined as a person who is engaged by council to assist the council in undertaking its functions, but is not paid. A ‘wholly advisory committee’ is defined as a council committee that the council has not delegated any functions to.

Proposed City of Ryde Model Code	Prescribed Model Code of Conduct	Current Council Policy	Reasons for inclusion
Extend the Code of Conduct to also apply to contractors, volunteers and members of wholly advisory committees	The 2018 Model Code leaves it up to Councils to extend the application of the code. The Model Code states the following: “Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) <u>and any other person a council’s adopted code of conduct applies to</u> , must comply with the applicable provisions of their Council’s code of conduct.	Code of conduct does not apply to these persons	Council engages contractors, volunteers and members of advisory committees to support various council activities and provide advice. These people are seen by the public as representatives of the Council and their conduct occurs in our workplaces and can affect the reputation of Council. Their inclusion in the Code: <ul style="list-style-type: none"> Clearly sets out expectations regarding behaviour and conduct Ensures that requirements for declarations of interest and other compliance, governance, and risk processes are clearly set out and applied.

ITEM 8 (continued)
New Supplementary Provision 2: Gifts and Benefits

Add words to indicate that council officials should not accept gifts or benefits of any value and should declare all gifts and benefits, and offers of gifts and benefits, in accordance with Council's Gifts and Benefits Policy

Proposed City of Ryde Model Code	Prescribed Model Code of Conduct	Current Council Policy	Reasons for inclusion
Council officials should not accept gifts of any value in accordance with current council gifts and benefits policy	Banning council officials from accepting gifts valued at more than \$50	<p>City of Ryde Gifts and Benefits - 'Thanks is Enough' Policy.</p> <p>All gifts should be refused, regardless of value</p> <p>All gifts and offers of gifts should be declared and included on gifts register</p>	<ul style="list-style-type: none"> • "Thanks is Enough" policy currently applies to staff and Councillors at City of Ryde and is well publicised and well understood. • Clear policy and simple message to staff and suppliers and other parties that may wish to seek to influence Councillors or staff • There would be an inconsistency between Gifts Policy and Code of Conduct

ITEM 8 (continued)

New Supplementary Provision 3: Social Media

Add following words:

Social Media

3.30 “You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
- b) contains content about the council that is misleading or deceptive
- c) divulges confidential council information
- d) breaches the privacy of other council officials or those that deal with council
- e) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
- f) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment

Proposed City of Ryde Model Code	Prescribed Model Code of Conduct	Current Council Policy	Reasons for inclusion
Social Media – proposed wording above.	The prescribed Model Code did not include content on social media. The exhibited version included the clause above.	Council Media Policy sets out roles, but does not explicitly refer to social media.	<ul style="list-style-type: none"> • Social Media is now widely used by staff and Councillors and social media rules need to be clearly stated • In line with community expectations • Protects Council's reputation • Enhance ethical standards • Protects Councillors and staff by providing a simple and clear framework that can be easily explained and understood by all • Protects Councillors and staff from bringing Council into disrepute • Protects Councillors and Staff from inadvertently making defamatory statements Protects Councillors and Staff from allegations of bullying and harassment

ITEM 8 (continued)

			<ul style="list-style-type: none"> Note that this provision was included in the consultation draft of the Model Code used as the basis for Council staff training in November and December 2018
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New Supplementary Provision 4: Confidentiality of Legal Documents and Public Comment on Legal Matters

Add following words:

Confidentiality of Legal Documents and Advice

8.28 Councillors must not disclose legal documents and legal advice that has been received, as this may compromise the legal position of Council and the any legal privilege attached to such legal advice.

Public Comment on Legal Matters

8.29 Council will generally not provide comment on matters where it is involved, or likely to be involved, in legal proceedings or matters that are subject to a police or other investigation.

8.30 Before making any public comments on matters where Council is involved in current legal proceedings, the Mayor and Councillors must seek approval from the General Manager, as public comment could have financial and legal implications for Council.

Attending Legal Proceedings

8.31 Councillors must not attend any legal proceedings where Council is a party to those proceedings unless the General Manager, in consultation with General Counsel, agrees to their attendance.

Proposed City of Ryde Model Code	Prescribed Model Code of Conduct	Current Council Policy	Reasons for inclusion
<p>The Mayor and Councillors must not disclose legal advice.</p> <p>Council will not provide comment on matters where it is involved, or likely to be involved, in legal proceedings or matters that are subject to a police or other</p>	<p>Model Code of Conduct includes clear provisions regarding confidential information, but does not clearly draw out the importance of legal advice</p>		<ul style="list-style-type: none"> Protects Council's legal position Avoids risk of legal or financial consequences for Council, councillors, staff.

ITEM 8 (continued)

<p>investigation.</p> <p>Before making any public comments on matters where Council is involved in current legal proceedings, the Mayor and Councillors must seek advice from the General Manager, as public comment could have financial and legal implications for Council.</p>			
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5. **Code of Conduct Complaints Procedures**

Councils are required to adopt procedures for the administration of their adopted code of conduct based on the Model Procedures prescribed under the Act and Regulation but may add provisions that supplement the Model Procedures.

The Draft of the City of Ryde Code of Conduct – Complaints Procedure is included at **ATTACHMENT 2**. Only minor editorial changes from the Model Procedures are recommended. New clauses are included in **Green**. Three clauses carried forward from the existing 2017 City of Ryde Code are highlighted in **Yellow**.

6. **Code of Conduct Policy**

Council's Code of Conduct Policy has been updated (**Green text**) to include general reference to the new Model Code of Conduct and also includes specific reference to the fact that contractors, volunteers and members of wholly advisory committees now apply to Council's Code of Conduct. The Draft of the City of Ryde Code of Conduct – Policy is included at **ATTACHMENT 3**.

Council's Code of Conduct Policy also includes the statement "A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years". This statement is included in the new Model Code of Conduct.

7. **Financial Implications**

Adoption of the recommendations will have no financial impact on Council's Budget.

ITEM 8 (continued)

ATTACHMENT 1

Draft City of Ryde Code of Conduct – Standards of Conduct

2019

Editing Note:

This document is marked to show:

- New Supplementary Provisions / Clauses in **Green**
- Existing Supplementary Provisions / Clauses from City of Ryde Code of Conduct 2017 in **Yellow**

ITEM 8 (continued)

ATTACHMENT 1

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PART 1 INTRODUCTION

This City of Ryde Code of Conduct is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") prescribed in the *Local Government (General) Regulation 2005* by the NSW Government.

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

This City of Ryde Code of Conduct applies to contractors, volunteers and members of wholly advisory committees, in addition to council officials.

The City of Ryde Code of Conduct includes supplementary provisions that enhance the Model Code of Conduct. These supplementary provisions are generally listed at the end of the Model Code Provisions. (Note: The supplementary provisions related to Gifts and Benefits are included throughout Part 6 on Personal Benefits).

A council's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

As set out in the Model Code, Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been

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suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
Contractor	a person who is not an employee, but is paid to undertake duties that are usually performed by an employee of the council]
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

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conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
volunteer	A person who is engaged by council to assist the council in undertaking its functions but is not paid
voting representative	a voting representative of the board of a joint organisation

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wholly advisory
committee a council committee that the council has not delegated
any functions to

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PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and

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- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

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Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

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3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

City of Ryde Existing Supplementary Provisions

Lobbying [Ryde Code of Conduct, 2017 s3.13,p4]

3.23 If you are being lobbied about the making of a decision you should:

- a) observe the provisions of the relevant Council policies;
- b) be alert to the motives and interests of those who seek to lobby;
- c) be aware of which person, organisation or company a lobbyist is representing;
- d) avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment;
- e) be alert that Lobbyists may attempt to encourage decision makers to consider matters which are irrelevant to the merits of the decision under consideration;
- f) keep records of all meetings with Lobbyists and if possible have another person attend the meetings or take notes;
- g) only hold meetings with Lobbyists in appropriate locations, such as the Council offices
- h) include details of these meetings in Council's Lobbyist Contact Register (Reference: City of Ryde Ethical Lobbying Policy, 2013)

Drugs and Alcohol [Ryde Code of Conduct, 2017 s3.14-3.15,p5]

3.24 The City of Ryde recognises that the use of alcohol and other drugs in the workplace may impact on the effectiveness of Council Officials in the performance of their duties to the health, safety and welfare of themselves and others.

3.25 The City of Ryde will not tolerate unsafe and unacceptable behaviour resulting from alcohol or other drug misuse. Council officials should declare any consumption of alcohol, drugs or medications which may impair their ability to safely perform their duties. (Reference: City of Ryde Alcohol and Other Drugs Procedure)

Gender Equity [Ryde Code of Conduct, 2017 s3.18,p5]

3.26 On 21 September 2010, City of Ryde adopted the following Statement for Gender Equity:

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

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

Public Comment [Ryde Code of Conduct, 2017, s3.19,p5]

3.27 The Mayor or General Manager will generally be the spokesperson on Council business or matters before the Council. Only staff with specific delegations are authorised to make public comment about Council business or matters before Council. Any comment is to be made in accordance with Council's associated Policies. (Reference: Council's Media Policy, July 2014).

3.28 On social media, ie Council's Twitter and Facebook accounts, the Communication and Media Team are generally the spokesperson on all Council business. Other staff can apply to use these sites if a particular project warrants it.

3.29 If Council officials make comment on Council business using their personal social media accounts, they are to ensure it is clear that it is a personal opinion not the official position of City of Ryde.

Social Media [NEW Addition – Draft Model Code of Conduct]

3.30 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
- b) contains content about the council that is misleading or deceptive
- c) divulges confidential council information
- d) breaches the privacy of other council officials or those that deal with council
- e) contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
- f) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment

Sponsorship [Ryde Code of Conduct, 2017, s3.20,p7]

3.31 Any sponsorship arrangements made must not limit Council's ability to carry out its functions fully and impartially.

3.32 All sponsorship arrangements must be made in accordance with Council's Sponsorship Policy 2012.

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[Public Interest Disclosures \[Ryde Code of Conduct, 2017, s3.21-3.22, p7\]](#)

3.33 Council Officials who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged, which supports the City of Ryde values.

3.34 The handling of public interest disclosures is to be undertaken in accordance with the Act and Council's adopted Public Interest Disclosures Internal Reporting Policy, December 2019.

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PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

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- offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

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- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

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- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

- (a) becoming a councillor or designated person, and
- (b) 30 June of each year, and
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

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- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- Disclosure of pecuniary interests at meetings
- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

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committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information

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contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

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- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

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- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

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- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

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Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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City of Ryde Existing Supplementary Provisions

Political support and community participation [Ryde Code of Conduct 2017, s3.20,p7]

5.30 Staff must ensure that any participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.

5.31 If employees become aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Director or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

Council officials and future employment [Ryde Code of Conduct 2017, s4.33-4.34, p12]

5.32 Councillors and employees should not use their position to obtain opportunities for future employment.

5.33 You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.

Former Council Officials [Ryde Code of Conduct 2017, s4.33-4.34, p12]

5.34 You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.

5.35 Former Council officials must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit. At the end of your involvement with Council you must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of your involvement with Council.

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Voluntary Declarations by Council Officials [Ryde Code of Conduct 2017, s4.39-4.31 ,p12]

5.36 Declarations by Councillors or staff are to be made on the specified form.

5.37 Declarations by the Mayor or Councillors are to be signed by the General Manager. Declarations by the General Manager are to be signed by the Mayor. Declarations by staff are to be signed by the General Manager or relevant Director.

5.38 All emergent declarations will be held in the Disclosure of Interest Register. This is a public document accessible in accordance with the GI(PA) Act provisions.

Declarations as part of recruitment or tendering processes [Ryde Code of Conduct 2017, s4.42-4.43 ,p13]

5.39 Declarations regarding conflicts of interest will be required to be made by Council Officials participating in a recruitment panel. This is to be undertaken in accordance with the relevant City of Ryde recruitment and selection policies and procedures.

5.40 Declarations regarding conflicts of interest will be required to be made by Council Officials participating in procurement processes. This is to be undertaken in accordance with the City of Ryde procurement framework.

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PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Note: The Model Code of Conduct for NSW Councils defines Gifts and benefits of token value as 'one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50'. The City of Ryde's Gifts and Benefits Policy takes a stronger position - that all gifts and benefits should be refused, where possible, with the exception of the items listed at clause 6.2. All gifts and benefits, and all offers of gifts and benefits, even if refused, must be declared. Gifts must be surrendered to Council, unless this is impractical.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind

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- c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) subject to clause 6.7, accept any gift or benefit of token value.
- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

The City of Ryde has a Gifts and Benefits declaration form available on the Intranet for this purpose. For staff and contractors, the form is to be signed by your Director and submitted to the Governance Team for recording in the Gifts and Benefits Register. Councillors must complete the gifts and benefits form and submit it to the General Manager via the Councillor Helpdesk.

6.7 Where you receive a gift or benefit of **any** value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 Keeping in mind the Council's policy of refusing all gifts and benefits as far as possible, the following gifts and benefits of a token value may be accepted where it is impractical and would cause offence to refuse:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of official business
 - ii. council work related events such as training, education sessions, workshops
 - iii. conferences
 - iv. council functions or events
 - v. social functions organised by groups, such as council committees and community organisations

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- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of alcohol of token value in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- e) prizes or awards of token value. [Ryde Code of Conduct 2017, s4.42-4.43 ,p13]

The Model Code sets a 'token value' at \$50 for one or more gifts and benefits over a 12 month period received from a person or organisation. The City of Ryde takes a stronger position - that all gifts and benefits should be politely refused. This is reflected in the City of Ryde Council's Gifts and Benefits – 'Thanks is Enough' Policy. If a gift or benefit is not refused (even of token value) it must be surrendered to the council, unless the nature of the gift or benefit makes this impractical. All gifts and offers of gifts must be declared to Council.

Gifts and benefits of value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value. All gifts must be surrendered to the council, unless the nature of the gift or benefit makes this impractical. All gifts and offers of gifts must be declared to Council.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

- 6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

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Improper and undue influence

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

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PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

7.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
- c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them

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- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

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City of Ryde Existing Supplementary Provisions

Councillors or administrators:

- a) Can expect all staff to be courteous to councillors at all times.
- b) May mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable
- c) Can contact the General Manager regarding Council matters, Directors regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for council related business requests. (Reference: City of Ryde Guideline on Interaction between Councillors and Staff).

Obligations during meetings [Ryde Code of Conduct 2017, s6.5-6.6 ,p16]

7.7 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the Local Government (General) Regulation 2005 during council and committee meetings.

7.8 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

City of Ryde Charter of Respect [Ryde Code of Conduct 2017, s6.8 ,p17]

7.9 The City of Ryde Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

As a Councillor of the City of Ryde, I will:-

Read reports and maintain confidentiality (as required) when making decisions

Evaluate and constructively challenge our performance

Strategically set the City's future direction and set clear priorities

Professionally deal with staff and create a non-threatening culture by;

1. Debating the issue without denigrating staff (play the ball not the person)

2. Respecting that staff are bound by Council's policies and procedures

3. Telling us what is required not how to do it

Expect responses within realistic timeframes and utilise the helpdesk for my requests

Commit to representing the aspirations and needs of our Community whilst acting with dignity

Trust the staff to give their best apolitical advice but feel free to change it.

As a member of the Executive Team of the City of Ryde I will be:-

Receptive and responsive to Community concerns and Council's decisions

Ethical and apolitical in carrying out my duties

Supportive of Councillor requests and requirements

Professional in managing and optimising Council's resources and knowledge

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Equal in my interactions with and treatment of all Councillors
Communicating in a frank, honest, clear and consistent way with Councillors and
represent their views clearly to staff
Timely in all of our communications, responses and actions (within our recourse
limitations)

NOTE

Receptive – includes using a range of market research and consultative methodologies, analysing the results and being
guided by them

Ethical – includes honest and without prejudice or political bias, fair/impartial/independent

Professional – includes being efficient, effective, accurate, keeping our expertise up to date, being financially and
commercially sound and focussed on reporting against and improving our performance across our key performance
indicators

City of Ryde Guideline on Interaction between Councillors and Staff [Ryde Code of
Conduct 2017, s6.8 ,p17]

7.10 This Guideline provides a protocol for Council officials to use to determine the
most appropriate method of communication; to clarify obligations and
expectations; and to ensure information flows are not interrupted. It is an
enforceable part of the Code of Conduct standards.

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PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

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Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

- a) subject to clause 8.14, only access council information needed for council business
- b) not use that council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

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Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

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8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

City of Ryde NEW Supplementary Provisions

Confidentiality of Legal Documents [NEW]

8.28 Councillors must not disclose legal advice that has been received either verbally or in writing, as this may compromise the legal position of Council and the privilege attached to this legal advice.

Public Comment on Legal Matters [NEW]

8.29 Council will generally not provide comment on matters where it is involved, or likely to be involved, in legal proceedings or matters that are subject to a police or other investigation.

8.30 Before making any public comments on matters where Council is involved in current legal proceedings, Councillors must seek approval from the General

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Manager, as public comment could have financial and legal implications for Council.

Attending Legal Proceedings [NEW]

8.31 Councillors must not attend any legal proceedings where Council is a party to those proceedings unless the General Manager, in consultation with General Counsel, agrees to their attendance.

Information Contact Officers [Ryde Code of Conduct 2017, s7.23 ,p20]

8.32 To ensure that appropriate information access processes are followed, Council has nominated particular officers to the following roles in accordance with the relevant legislation

- Privacy Contact Officer – General Counsel – Manages Council's obligations under Privacy and Personal Information Protection Act 1998
- Public Officer – General Counsel – Manages requests from public on affairs of Council, assist with enquiries or requests for access to information.
- Right to Information – Information Access Officer – Assists with enquiries or requests for access to information, and receives and coordinates formal requests for information under Government Information (Public Access) Act 2009.

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PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

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submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

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**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN
WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

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- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

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4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

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Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) ~~it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or~~
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and

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- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.

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17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under

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which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to

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be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

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SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June)	Nature of any	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	---------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the

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street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that 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. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

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ATTACHMENT 2

Draft City of Ryde Code of Conduct – Complaints Procedure

2019

Editing Note:

This document is marked to show:

- New Clauses in **Green**
- Existing Clauses from City of Ryde Code of Conduct 2017 in **yellow**

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PART 1 INTRODUCTION

These *Procedures for the Administration of the City of Ryde Code of Conduct* are based on the the Model Code Procedures prescribed by the NSW Government and published by the Office of Local Government in December 2018.

Similarly, The City of Ryde Code of Conduct is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"). The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures

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complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police

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general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.

The City of Ryde has entered into such an arrangement with other Councils through the Northern Sydney Region of Councils (NSROC).
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.

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- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

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3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.

3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

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- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

At City of Ryde the General Manager has appointed the Manager – Corporate Governance as Council's Complaints Coordinator, and the Director, Corporate Services as the alternate Complaints Coordinator.

- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

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When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

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- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
 - a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

The General Manager must advise all Councillors in writing if a complaint about a senior staff member has been received and, where appropriate, the nature of the complaint. The General Manager is to advise all Councillors of the intended course of action, and subsequently report the complaint handling plan to Council in a confidential Council report.

- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

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- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

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- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
- c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of

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conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to,

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explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

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Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

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5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

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5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
a) a panel of conduct reviewers established by the council, or
b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.

6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
a) they have a conflict of interest in relation to the matter referred to them, or
b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or

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- d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

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- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

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- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of

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- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

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- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of

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investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do

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so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide

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the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - c) that the respondent be counselled for their conduct
 - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
 - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
 - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered

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- h) in the case of a breach by the general manager, that action be taken under the general manager's contract
- i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- j) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the respondent has remedied or rectified their conduct
- d) whether the respondent has expressed contrition
- e) whether there were any mitigating circumstances
- f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the council as a whole
- l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

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- 7.40 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations

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under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.

- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

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- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - b) that the respondent be counselled for their conduct
 - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
 - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
 - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
 - g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
 - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - i) in the case of a breach by a councillor:

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- i. that the councillor be formally censured for the breach under section 440G of the LGA, and
- ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.

7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

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- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

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- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
 - b) the general manager or mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

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PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and

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- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public*

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*Access) Act 2009 or to receive information under the Public Interest
Disclosures Act 1994 in relation to a complaint they have made.*

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CODE OF CONDUCT - POLICY
Month 2019



Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act") and the **Local Government (General) Regulation 2005 ("the Regulation")**. Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of **Conduct**.

For the purposes of section 440 of the Act, the City of Ryde Code of Conduct is in three Parts:

- **Part 1: Policy** - defines and describes the purpose of the Code, and the principles and values that are used to interpret the Standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- **Part 2: Standards of Conduct** - set out the conduct obligations required of all council officials. The City of Ryde Charter of Respect is included and exists to strengthen the working relationship between Councillors and Council's Senior Management Team. This Part contains the enforceable Standards of Conduct.
- **Part 3: Complaints Procedure** - contains the methods to make a complaint, and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

The City of Ryde Code of Conduct – [Month 2019], is based on the Model Code of Conduct and Procedures prescribed by the NSW Government and issued by the Office of Local Government on 14 December 2018. The City of Ryde Code also includes a number of supplementary provisions to further strengthen the Code and reflect City of Ryde policies and values.

The City of Ryde Code of Conduct – [Month 2019] commences [Month 2019]

Purpose

The City of Ryde Code of Conduct is based on the Model Code of Conduct which sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation. It is the personal responsibility of Council Officials to comply with the standards in the City of Ryde Code and regularly review their personal circumstances with this in mind.

Council Officials are defined in the Code as including "Councillors, administrators, members of staff of council, delegates of council, (including members of council committees that are delegates of council)." **The City of Ryde Code of Conduct also applies to contractors, volunteers and members of wholly advisory committees established by the Council.**

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the *Local Government Act 1993*.

Code of Conduct – Policy – Month 2019		
Owner – Corporate Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D46/45053	Review date: Month 2022	Adopted: Month 2019

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CODE OF CONDUCT - POLICY
Month 2019



The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office.

A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

Key Principles and Values

The Code of Conduct is based on a number of key principles and values. They underpin, and thus can inform and guide Council Officers' understanding of the Standards of Conduct.

They may be used as an aid to interpret and apply the Standards of Conduct, but do not themselves constitute separate enforceable standards of conduct.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

Code of Conduct – Policy – Month 2019		
Owner – Corporate Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D46/45053	Review date: Month 2022	Adopted: Month 2019

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CODE OF CONDUCT - POLICY
Month 2019



<p>Selflessness You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. <i>This means making decisions because they benefit the public, not because they benefit the decision maker.</i></p>	<p>Leadership You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. <i>This means promoting public duty to others in the council and outside, by your own ethical behaviour.</i></p>
<p>Impartiality You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. <i>This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.</i></p>	<p>Honesty You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. <i>This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.</i></p>
<p>Openness You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. <i>This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.</i></p>	<p>Respect You must treat others with respect at all times. <i>This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.</i></p>

Questions to Guide Council Officials

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with the City of Ryde Code of Conduct, policies and objectives
- Does the decision or conduct reflect City of Ryde Values of *Safety, Teamwork, Ethics and Professionalism*
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to the expectation of a private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Code of Conduct – Policy – Month 2019		
Owner – Corporate Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D46/45053	Review date: Month 2022	Adopted: Month 2019

ITEM 8 (continued)

ATTACHMENT 3

CODE OF CONDUCT - POLICY
Month 2019



If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Seeking advice

You have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Office of Local Government, the NSW Ombudsman's Office, and/or the Independent Commission Against Corruption.

Code of Conduct – Policy – Month 2019		
Owner – Corporate Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D46/45053	Review date: Month 2022	Adopted: Month 2019

ITEM 8 (continued)

ATTACHMENT 3

CODE OF CONDUCT - POLICY
Month 2019



Review Process and Endorsement

This Policy should be reviewed annually.

Council must, within 12 months after each ordinary election, review its adopted Code of Conduct, and make such adjustments as it considers appropriate.

Attachments

Document Title	Trim Reference
Code of Conduct – Standards of Conduct – Month 2019	Insert
Code of Conduct – Complaints Procedure – Month 2019	Insert

Code of Conduct – Policy – Month 2019		
Owner – Corporate Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D46/45053	Review date: Month 2022	Adopted: Month 2019

PRECIS OF CORRESPONDENCE**1 UPDATE ON LOCAL ENVIRONMENTAL PLAN REVIEW - ASSURANCE PHASE 1**

Report prepared by: Manager - Urban Strategy**File No.:** GRP/09/6/13 - BP19/379

CORRESPONDENCE:

Submitting correspondence from Greater Sydney Commission (Ms Lucy Turnbull AO, Chief Commissioner and Dr Deborah Dearing, North District Commissioner), dated 18 March 2019, regarding the Ryde Local Environmental Plan (LEP) review.

As advised in the memo circulated to all Councillors on 24 October 2018, Council was required to undertake a preliminary check of LEP and advise Greater Sydney Commission (GSC) as to the program for the LEP review. The GSC has considered and endorsed Council's scope for the LEP review.

The next milestone is the provision of the draft Local Strategic Planning Statement (LSPS) to the GSC and the Department of Planning and Environment for endorsement, staff have been advised correspondence will be provided shortly confirming endorsement of the work to date. This work is on-going.

A Councillor Workshop is scheduled for 14 May 2019 to brief Councillors on the draft LSPS, which is required to be put on community exhibition by 1 July 2019.

RECOMMENDATION

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from Greater Sydney Commission regarding Ryde Local Environmental Plan Review dated 18 March 2019

Report Prepared By:

Dyala Govender
Manager - Urban Strategy

Report Approved By:

Liz Coad
Director - City Planning and Environment

ITEM 1 (continued)

ATTACHMENT 1

Greater Sydney
Commission



Mr George Dedes
General Manager
City of Ryde Council
Email: GDedes@ryde.nsw.gov.au

Dear Mr Dedes

Assurance Phase 1: Local Environmental Plan Review

The LEP Update – Ryde Council – North District

Thank you for undertaking a review of the Ryde Local Environmental Plan (LEP) in 2018. Your LEP Review provides an important foundation for the next phase of Council's program to give effect to the North District Plan and the Greater Sydney Region Plan (GSRP). For the first time this will create a line of sight across Greater Sydney's hierarchy of plans.

The Greater Sydney Commission has considered your LEP Review as part of the Phase 1 Assurance and can confirm that Ryde Council has complied with the requirements as set out in Action 83 of the North District Plan.

As you are aware, the Premier requested that the Commission undertake an independent Assurance Review of planning in the Ryde LGA with a particular focus on the Macquarie Park Investigation Area and its broader impact on the Ryde LGA. A Stage 1 report was provided to the Premier in February 2019 and a Stage 2 report is to be provided to the Premier in May 2019.

Concurrent with this Assurance Review, Ryde Council should build on the work undertaken as part of the LEP Review and proceed with the preparation of its Local Strategic Planning Statement.

Assurance Phase 2: Draft LSPS

A guide to preparing a draft LSPS has been prepared in response to the LEP Reviews from all councils in Greater Sydney – please refer to **Attachment A**¹.

In summary the guide confirms the important role of the LSPS as the core strategic planning document for your local government area. It requires the LSPS to include:

¹ Also available to City of Ryde council officers at www.lep-update.planning.nsw.gov.au

ITEM 1 (continued)

ATTACHMENT 1

Greater Sydney
Commission



- a vision for the Ryde LGA in the context of the North District that addresses the vision for a metropolis of three cities and each of the 10 Directions of the Region and District Plan including three to five key priorities for council
- a structure plan or plans showing key productivity, liveability and sustainability features that provides greater detail on the Structure Plan on page 7 of the North District Plan for the Ryde LGA and recognises significant infrastructure and places including the role of centres
- a 'plan on a page' summary of the LSPS priorities and actions
- important inter-relationships across local government boundaries, with agency programs and projects and the alignment of local programs and projects for a 30-minute city
- the overarching program to give effect to the North District Plan in the short, medium and longer term.

More detailed information and matters arising from your LEP Review is set out in **Attachment B**. These are offered to assist Council to better align the Ryde LSPS with the North District Plan.

Next Steps

As part of Assurance Phase 2 and following on from the successful Assurance and Agency Expo held in February, a health check is being offered to all councils in Greater Sydney. The health check aims to support the early identification of matters that may impact Council's ability to gain assurance of the final LSPS. Please contact Stephanie Barker, A/Executive Director, City Strategy at stephanie.barker@gsc.nsw.gov.au or on 8289 6207 to discuss the health check or any other aspects of this letter.

In conclusion, please pass on our thanks to all the members of your team who assisted in delivering the LEP Review. We look forward to continuing our work together to create a more liveable, productive and sustainable Greater Sydney.

Yours sincerely,

Lucy Turnbull AO
Chief Commissioner

18 March 2019

Dr Deborah Dearing
North District Commissioner

ITEM 1 (continued)

ATTACHMENT 1

Greater Sydney
Commission



Attachment B

Additional information and considerations for Ryde Council's draft Local Strategic Planning Statement

As Council progresses preparation of the draft LSPS, further matters may be identified to ensure alignment with the Region and District Plans.

Theme	Issue	Considerations
Infrastructure and Collaboration	Infrastructure	<ul style="list-style-type: none"> Provide an overview of the major projects and infrastructure in your LGA including: <ul style="list-style-type: none"> Renewal Projects: <ul style="list-style-type: none"> Macquarie Park Investigation Area Macquarie Park Health and Education Precinct Herring Road and North Ryde Station Meadowbank Education Precinct Transport Infrastructure: <ul style="list-style-type: none"> Sydney Metro North West (under construction) - will provide high frequency services. Currently, train stations are closed for conversion to Metro gauge. Metro is scheduled to commence Q2, 2019 Infrastructure delivery: <ul style="list-style-type: none"> Identify key infrastructure that will be required to support the existing housing programs and capacity for housing and jobs Identify key infrastructure to support future growth emerging through work on the local housing strategy and employment and industrial land review.
	Collaboration	<ul style="list-style-type: none"> Identify where planning collaborations and partnerships are key to delivery of Council's priorities. This should include where State agency advice is critical to the delivery of liveable, productive and/or sustainable outcomes such as: <ul style="list-style-type: none"> State and local infrastructure delivery Place making, including expanding on the 'movement and place' approach in centres Community facilities including working with the Office of Sport (District Sport Facility Plans for Greater Sydney) when considering sporting facilities/playing fields as part of an infrastructure review. Environmental considerations including integrating approaches to green infrastructure including open space, urban tree canopy, bushland and waterways.
Liveability	Local housing	<ul style="list-style-type: none"> Develop the local housing strategy in accordance with the <i>Planning Priority N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</i> and ensure content in the LSPS is consistent with Steps 1 and 2 in the <i>Local Housing Strategy Guideline</i>

ITEM 1 (continued)

ATTACHMENT 1

		<p>provided by the Department of Planning and Environment. Affordable rental housing needs and targets should be addressed as part of the housing strategy.</p> <ul style="list-style-type: none"> • Components common to both the local housing strategy and the Local Strategic Planning Statement (LSPS) include: <ul style="list-style-type: none"> ◦ Local Government Area snapshot and housing vision ◦ Demographic overview and housing demand ◦ Analysis of housing supply over the past 10 years and existing supply gaps ◦ Analysis of housing supply capacity under current planning controls • To inform the 10 year targets a number of scenarios should be considered in relation to the development pipeline for housing supply, for example, different take-up rates for major infrastructure delivery. At a minimum the LSPS should identify the program for establishing and refining future housing options as part of a local housing strategy. • Consider the housing potential in the LGA (under current controls and committed projects) in regard to the feasibility of development, the capacity of existing or proposed infrastructure, recent development activity and the housing demand areas that cross LGA boundaries. Also consider those locations within the LGA which are, and are not, appropriate for medium density housing.
	Housing delivery	<ul style="list-style-type: none"> • The DPE's housing supply forecast confirms that the North District's housing supply is on track to deliver 27,300 new dwellings between 2016/17 to 2020/21 which is above the minimum 0-5 year target of 25,950. This has been established by adding completions from July 2016 – September 2018 and a pro-rata of the annual average of DPE's housing supply forecast from 2017/18 to 2021/22 (average of 5,490 per year). • Ryde is on track to not only achieve, but exceed, its minimum 0-5 year housing target of 7,600. DPE's housing supply forecast estimates that 9,500 dwellings will be built in the City of Ryde between 2017/18 – 2021/22. Finer-grain analysis estimates that the City of Ryde will deliver 9,240 new dwellings between 2016/17 to 2020/21. This has been established by adding completions from July 2016 – September 2018 and a pro-rata of DPE's housing supply forecast from 2017/18 – 2021/22 (9,500 dwellings).
	Social infrastructure	<ul style="list-style-type: none"> • Highlight key demographic and spatial challenges that have implications for planning and delivery of health and education services into the future. This could also include opportunities for shared use and/or colocation of facilities. • Outline a program for the preparation of a needs study/analysis for community infrastructure for existing and future communities to inform the review and update of Council's contributions plan. • Identify priorities for new or enhanced open space, giving consideration to quality, quantity and access to open space, recent announcements by Government, and work undertaken by the Office of Sport on District Sport Facility

ITEM 1 (continued)

ATTACHMENT 1

		Plans. Council should collaborate with neighbouring councils to plan for open space.
	Local centres	<ul style="list-style-type: none"> Identify local centres where a place-based approach will provide opportunities for additional housing and local jobs and include where walking and cycling can be increased, and car dependency reduced.
Productivity	Centres	<ul style="list-style-type: none"> Expand on the vision, roles and priorities for economic corridors, and metropolitan, strategic and large local centres, including job growth and improved opportunities for walking and cycling.
	Macquarie Park Investigation Area	<ul style="list-style-type: none"> Consider key principles to guide growth in the Macquarie Park Investigation Area.
	Health and education precincts	<ul style="list-style-type: none"> Consider how the Maturity Pathway outlined in the District Plan, will guide the expansion and evolution of the Macquarie Park Health and education precinct.
	Industrial and urban services land	<ul style="list-style-type: none"> Undertake an employment and industrial land review. Refer to the template on the LEP Update Portal.
	Freight	<ul style="list-style-type: none"> Catering for freight and servicing in the local area is an essential transport task to enable business to operate as well as provide the services residents require. As urban centres grow, so too does the demand for freight and servicing. By 2036, the freight task in Sydney is expected to grow by 50 per cent (for example, supermarkets receive between 5 and 10 deliveries per day, unit blocks receive approximately 15 deliveries per 100 units per day and some commercial properties require more than one waste collection per day). Identify freight and servicing needs in the LGA and any relevant approaches to address future increases.
	Metropolitan centres and 30-minute city	<ul style="list-style-type: none"> Respond to the city-shaping and city-serving network in Future Transport 2056 and identify approaches to achieve a 30-minute city at a district and local level and where there are interdependencies between land use and transport planning, including planning for walking and cycling.
Sustainability	Working harbour activities	<ul style="list-style-type: none"> Identify opportunities around Sydney Harbour where sites should be retained to support access to and enjoyment of waterways and water-based transport and working harbour activities.
	Urban tree canopy cover	<ul style="list-style-type: none"> Identify approaches to expand urban tree canopy cover that address the low levels of existing canopy cover in parts of the District, and consider how to protect and enhance the natural qualities of the LGA. In addition, council is to consider how this is best supported by the updated LEP and DCP, and other whole-of-council programs.

ITEM 1 (continued)

ATTACHMENT 1

	Green Grid	<ul style="list-style-type: none"> Confirm the status of delivery of Green Grid priorities and identify how these could be best supported by the updated LEP and DCP. This should include the priority corridors outlined in the District Plan, as well as any other Green Grid connections important to the local area. Council is to note that larger setbacks along tree lined streets can form part of the Green Grid.
	Carbon emissions and efficiency	<ul style="list-style-type: none"> Identify approaches/opportunities that support reducing carbon emissions and managing energy, water and waste efficiently, in line with the pathways to net-zero emissions identified in the North District Plan.

NOTICES OF MOTION**1 WHITE RIBBON MARCH - Councillor Penny Pedersen****File Number:** CLM/19/1/1/6 - BP19/373

BACKGROUND:

White Ribbon day is an annual event held on 22 November. This is Australia's national day for raising awareness of men's violence against women and how to prevent domestic violence in the community. The day also provides an opportunity to bring the community together to end violence against women.

There is now a national movement on White Ribbon Day to hold a White Ribbon Walk, which is generally a partnership initiative between a local Council and its local Area Police Command. These Walks provide an opportunity to raise awareness about domestic violence and asks men to stand up and say no to violence against women.

MOTION:

- (a) That Council formally write to Superintendent David Wardell, Ryde Local Area Police Command, to formally establish a partnership to hold an annual White Ribbon Walk on 22 November to coincide with White Ribbon Day commencing in 2019.
- (b) That following the White Ribbon Walk that speeches and oath ceremony will be held.
- (c) That staff from Community and Ranger Services liaise with the Police and the Ryde, Hunters Hill Domestic Violence Committee to identify a suitable route for the Walk.

2 CHILDCARE - STATUS OF WOMEN ADVISORY COMMITTEE - Councillor Penny Pedersen**File Number:** CLM/19/1/1/6 - BP19/419

MOTION:

- (a) That Council introduce the provision of childcare for members of the Status of Women Advisory Committee to support their attendance at meetings and to encourage women with children to join the Committee to broaden community representation.
- (b) That staff from Community and Ranger Services identify a suitable community childcare provider(s) to engage child-minding staff that are suitably qualified and experienced and meet child-related employment pre-screening requirements.
- (c) That staff from Community and Ranger Services identify a space that is within the immediate vicinity to the Status of Women Advisory Committee meetings that is safe and secure for the children and child-minding staff.
- (d) That funding for this be made available from the existing SOWAC budget on the basis that the meetings are held quarterly and that participants notify the Committee Chair at least one (1) week prior to the meeting that the service would be required.
- (e) That after 12 months a report be brought back to Council providing options to provide a similar childcare service to all Advisory Committees from September 2020.

3 BIKE AND KAYAK HIRE - PARRAMATTA RIVER - Councillor Penny Pedersen**File Number:** CLM/19/1/1/6 - BP19/421**MOTION:**

- (a) That Council identify the safest and most accessible site along Parramatta River in Ryde for a bicycle hire kiosk.
- (b) That Council investigate the feasibility of using a site at Kissing Point Beach, east of the ferry wharf that is accessible for a weekend kayak hire kiosk.
- (c) That if the above site is not feasible, identify any other suitable locations along the Parramatta River for a kayak hire kiosk.
- (d) That a report be brought back to Council outlining the identified sites, costs and process required to secure these services.

4 PEDESTRIAN SAFETY PITTWATER ROAD, BORONIA PARK - Councillor Penny Pedersen**File Number:** CLM/19/1/1/6 - BP19/428

MOTION:

- (a) That Council acknowledges the risk to pedestrian safety that exists on Pittwater Road at Boronia Park shopping precinct.
- (b) That Council commission a road safety audit to investigate the risk to pedestrians in crossing Pittwater Road between Gannet Street and Thompson Street in Boronia Park. The audit is to include the assessment of erecting pedestrian fencing or a pedestrian barrier along the median strip or other pedestrian traffic devices and/or signage in Pittwater Road through the Boronia Park shops to limit where pedestrians are able to cross.
- (c) That Council consult the Gladesville Main Street Committee and local business, including Harris Farm Market and Woolworths and encourage them to make submissions about the pedestrian issues.
- (d) That Council be provided a report with the outcomes of the road safety audit and consultation as soon as practicable.

**5 PLAQUE ON NEW PIDDING PARK AMENITIES BUILDING ON BEHALF OF
DON FONTI, RYDE SAINTS UNITED FC -Councillor Roy Maggio****File Number:** CLM/19/1/1/6 - BP19/448

BACKGROUND:

Domenic Fonti has been a dedicated volunteer with the Ryde Saints United Football Club since 1993. The father of three was named Volunteer of the Year at Ryde Council's Volunteer Recognition Awards in 2017. He had previously left his job to focus on supporting his wife and three hearing impaired children when his wife was diagnosed with an illness.

To assist with Mrs Fonti's therapy, he and his wife would make an effort to socialise and volunteer their time with various organisations. When their son started playing soccer with the Ryde Saints United Football Club, Domenic was happy to put his hand up to help out. He has held various roles with the club, including Canteen Manager where he spent countless hours in the old amenities building serving those players and supporters visiting Pidding Park. Installing a plaque on the new building, to be completed in the middle of this year, recognises Domenic's dedicated service to the Ryde Saints Football Club and wider Community.

MOTION:

That the City of Ryde:-

- (a) Install a plaque on the Pidding Park new amenities block for Don Fonti;
- (b) Source the required funding from the current 2018/19 base budget.

6 PEEL PARK WATER AMENITIES -Councillor Roy Maggio

File Number: CLM/19/1/1/6 - BP19/449

MOTION:

- a) That an appropriate water bubbler be installed in Peel Park for use by all users including pets.
- b) That the required funding be sourced from the current 2018/19 base budget.

7 ORCHESTRA IN THE PARK EVENT - BRUSH FARM HOUSE -Councillor Roy Maggio

File Number: CLM/19/1/1/6 - BP19/450

Following the success of the City of Ryde “Park Series” Orchestra in the Park event at Brush Farm House that the City of Ryde consider;

MOTION:

- a) Expanding the program to include another event held annually at this venue;
- b) Investigate opportunities to showcase different musical themes;
- c) Endorse the allocation of \$30,000 from general revenue.

8 RYDE SECONDARY COLLEGE, SCHOOL 40KM ZONES -Councillor Roy Maggio

File Number: CLM/19/1/1/6 - BP19/451

MOTION:

That staff in consultation with the RMS/ Transport for NSW investigate the option of installing a 40km school zone in Buffalo Road adjacent to the Ryde Secondary College noting that there are a number of school zones already in place in nearby streets and report findings back to Council.

9 PUTNEY VILLAGE PUBLIC DOMAIN -Councillor Roy Maggio**File Number:** CLM/19/1/1/6 - BP19/452

MOTION:

- a) That an upgrade to Putney Village be included as part of the Neighbourhood Centres Upgrade project with the design to commence in 2024 and any further works in following years, funded from the Section 7.11 reserve.
- b) That a new directional sign be installed at Victoria Road and Charles St intersection directing residents to the Putney Shopping Village this financial year from the current 2018/19 base budget.

CONFIDENTIAL ITEMS**9 LETTER OF OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT IN RELEATION TO LDA2017/0547 AT 11-17 KHARTOUM ROAD AND 33-39 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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

File Number: VPA2017/547/4 - BP19/360

Page Number: 200

10 REQUEST FOR TENDER - DISPOSAL OF WASTE SOIL MATERIAL

Report prepared by: Environmental Engineer - Waste

Report approved by: Construction Recycling Manager; Manager - Business Infrastructure; Director - City Works

Report dated: 28/03/2019

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; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

File Number: GRP/09/3/17 - BP19/335

Page Number: 242