

Meeting Date: Tuesday 17 November 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 6.00pm

Councillors Present: Councillors Pendleton (Chairperson), Chung, Etmekdjian, Perram and Simon.

Apologies: Nil.

Staff Present: General Manager, Acting Chief Operating Officer, Acting Director – Corporate and Community Services, Acting Director – City Strategy and Planning, Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Risk, Audit and Governance, Manager – Communications, Customer Service and Events, Manager – Project Development, Acting Manager – Strategic City, Senior Coordinator – Property and Developments, Senior Coordinator – Community Projects, Community Projects Coordinator, Project Manager (Civil), Senior Coordinator - Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 20 October 2015

RECOMMENDATION: (Moved by Councillors Simon and Chung)

That the Minutes of the Finance and Governance Committee 1/15, held on 20 October 2015, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

2 INVESTMENT REPORT - October 2015

RECOMMENDATION: (Moved by Councillors Simon and Perram)

That Council endorse the report of the Chief Financial Officer dated 1 October 2015 on Investment Report – October 2015.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

3 SEPTEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2015-2019 AND 2015/2016 OPERATIONAL PLAN

RECOMMENDATION: (Moved by Councillors Perram and Simon)

- (a) That the report of the Chief Financial Officer dated 30 September 2015 on the September Quarterly Review Report - Four Year Delivery Plan 2015-2019 and One Year Operational Plan 2015/2016, *Quarter One, July – September 2015* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net decrease of \$1.89 million to Council's Working Capital of a projected balance as at 30 June 2016 of \$3.07 million, be endorsed and included in the 2015/2016 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$5.33 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 4 November 2015 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

4 COUNCIL'S SUBSIDIES AND DISCOUNTS IN SERVICES - PART 1

RECOMMENDATION: (Moved by Councillors Perram and Chung)

- (a) That Council endorse the progress to date in relation to determination of the Community Service Obligation/Subsidy inherent in each fee or charge raised by Council;

- (b) That Council note the categories of discounts within its Schedule of Fees and Charges are as follows;
- City of Ryde permanent staff;
 - Eligible pensioners;
 - Financial hardship;
 - Funded community groups; and
 - Unfunded community groups
- (c) That Council note that the current estimate of cost shifting from other levels of government to the City of Ryde is \$16.82 million, as detailed for the 2014/2015 year.
- (d) That all future requests for reduction or waiving of fees or charges that are outside of the defined categories listed above, be reported to Council for consideration of a donation in the amount requested for the fee or charge and that a register of such donations be kept and included in each report.
- (e) That Council endorse a comprehensive review of all current policies relating to Community subsidies, grants, free services, sponsorships and donations in establishing one corporate policy for Council's consideration.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

5 CODE OF MEETING PRACTICE - Results of the Public Exhibition

MOTION: (Moved by Councillors Simon and Pendleton)

- (a) That Council adopt the draft City of Ryde Code of Meeting Practice as **ATTACHED (Attachment 2 - Under Separate Cover)**, with an Amendment to Appendix "D" as follows, noting that as the changes are not substantive, further public exhibition is not required (Section 362 Local Government Act, 1993).

Appendix "D"– PRACTICE for Public Addresses

Are there any restrictions on what I can speak about?

You may speak on any Council related matter whether listed on the agenda or not, except for:

- *Matters that have been already listed and considered by the Ryde Civic Hub Committee, Finance and Governance Committee, Works and Community Committee and Planning and Environment Committee; where you have addressed the respective Committee; and which are now referred to Council for determination.*

- (b) That a copy of the adopted Code be sent to the Office of Local Government for their information.
- (c) That Council endorse altering the location of Council and Committee Meetings in the Code of Meeting Practice, to coincide with the relocation of staff from the Civic Centre.

On being put to the Meeting, the voting on the Motion was two (2) For and three (3) Against. The Motion was **LOST**.

Record of Voting:

For the Motion: Councillors Pendleton and Simon

Against the Motion: Councillors Chung, Etmekdjian and Perram

MOTION: (Moved by Councillors Perram and Etmekdjian)

- (a) That Council adopt the draft City of Ryde Code of Meeting Practice as **ATTACHED (Attachment 2 - Under Separate Cover)**, noting that as the changes are not substantive, further public exhibition is not required (Section 362 Local Government Act, 1993).
- (b) That a copy of the adopted Code be sent to the Office of Local Government for their information.
- (c) That Council endorse altering the location of Council and Committee Meetings in the Code of Meeting Practice, to coincide with the relocation of staff from the Civic Centre.

On being put to the Meeting, the voting on the Motion was two (2) For and three (3) Against. The Motion was **LOST**.

Record of Voting:

For the Motion: Councillors Etmekdjian and Perram

Against the Motion: Councillors Chung, Pendleton and Simon

Note: This matter is **AT LARGE**.

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** as the matter is AT LARGE and in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

6 POLICY ON EXPENSES AND FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

RECOMMENDATION: (Moved by Councillors Perram and Chung)

- (a) That Council adopt the **ATTACHED** 'Policy on Expenses and Facilities for the Mayor and other Councillors'.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy be provided to the Office of Local Government.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

7 CODE OF CONDUCT ANNUAL REPORT AND ANNUAL REVIEW

RECOMMENDATION: (Moved by Councillors Simon and Perram)

- (a) That Council note the contents of this report and the **ATTACHED** table of Code of Conduct complaints for 1 September 2014 to 31 August 2015
- (b) That Council provide these statistics to the Office of Local Government as required by the Model Code of Conduct – Complaints Procedure
- (c) That Council adopt the draft Code of Conduct documents (**ATTACHED**)
 - Code of Conduct 2015 – Policy
 - Code of Conduct 2015 – Standards of Conduct
 - Code of Conduct 2015 – Complaints Procedure
 - Guideline on the Interaction between Councillors and Staff
- (d) That Council write to the Minister for Local Government and the Chief Executive of the Office of Local Government as a matter of urgency, seeking advice on when the Model Code of Conduct will be revised to address the inconsistency relating to Public Interest Disclosures as detailed in this report.
- (e) That a supplementary report detailing further information on details of breaches and how they were resolved be provided to Council, subject to the receipt of advice from the Office of Local Government.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

8 ADVISORY COMMITTEE MEMBERSHIP

RECOMMENDATION: (Moved by Councillors Simon and Perram)

That Council confirm the current membership of the following Advisory Committees:

- Access Advisory Committee
- Bicycle Advisory Committee
- Bushland and Environment Advisory Committee, including the addition of Simone McGinley – Bushcare Group Representative (Central Ward)
- Community Harmony Reference Group
- Eastwood and West Ryde Events and Promotions Committee
- Economic Development Committee
- Heritage Advisory Committee
- Macquarie Park Forum
- Sport and Recreation and Wheeled Sports Advisory Committee
- Status of Women Advisory Committee

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

CLOSED SESSION

ITEM 9 – EASTWOOD COMMUNITY HUB PROPOSAL

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.

ITEM 10 - STRENGTHENING RYDE PROGRAMME LANEWAYS - Divestment Opportunities

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.

ITEM 11 - PAYMENT PORTAL AND PAYMENT GATEWAY - eBUSINESS PROJECT - COR-RFT-07/15

Confidential

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

ITEM 12 - COR-RFT-09/15 - PROVISION OF CONSTRUCTION SERVICES - UPGRADING OF ROWE STREET EAST, EASTWOOD

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.

ITEM 13 - 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 Simon and Perram)

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

Record of Voting:

For the Motion: Unanimous

Note: The Committee closed the meeting at 7.04pm. The public and media left the Committee Meeting Room.

9 EASTWOOD COMMUNITY HUB PROPOSAL

Note: A Confidential Supplementary Report was tabled in relation to this Item and a copy is ON FILE - CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Chung and Etmekdjian)

- (a) That Council support, in principle, the sale of Council owned properties at 10 to 12 Lakeside Road Eastwood to Romeciti Pty Ltd, subject to securing a suitable community benefit within any development on the site.
- (b) That the General Manager continue negotiations with Romeciti Pty Ltd in order to maximise the community benefit with particular regard to the criteria outlined under Option 3 within this Report.
- (c) That a further report be provided for Council's endorsement of the negotiated terms of sale.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

10 STRENGTHENING RYDE PROGRAMME LANEWAYS - Divestment Opportunities

RECOMMENDATION: (Moved by Councillors Etmekdjian and Simon)

- (a) That Council endorses implementation of a programme to investigate and implement divestment of Laneways on a rolling basis as a means to establishing an additional revenue stream to support the delivery of services;

- (b) That Council approves, in principle, the divestment of the identified six short-term Laneway opportunities in an initial tranche;
- (c) That net proceeds of this programme be applied to road safety and/or new cycleways programs;
- (d) That Council delegates to the General Manager authority to execute all documentation associated with the closing and/or divestment of Laneways, including the affixing of Council's seal (as required);
- (e) Expenditure incurred in the divestment of laneways will be funded from the Property Investment Reserve, which will be reimbursed after sale.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

11 PAYMENT PORTAL AND PAYMENT GATEWAY - eBUSINESS PROJECT - COR-RFT-07/15

RECOMMENDATION: (Moved by Councillors Chung and Perram)

- (a) Council reject all tenders, as no respondent satisfied all of Council's requirements.
- (b) That Council not call for fresh tenders for the Payment Gateway or the Payment Portal for Rates and Debtors, as the calling of fresh invitations would not gain better value for money or increase the scope of respondents.
- (c) That Council delegate to the General Manager the authority to commence negotiations with the National Australia Bank Limited, as the preferred provider of the new Payment Gateway, due to its value for money, as recommended in the Tender Evaluation Report or any other provider as determined.
- (d) That Council delegate to the General Manager the authority to commence negotiations with the National Australia Bank Limited, as the preferred provider of the new Payment Portal for Rates and Debtors, due to its value for money, as recommended in the Tender Evaluation Report or any other provider as determined.
- (e) That a further report on the implementation of the Payment Gateway and Portal, as resolved, be provided to Council in February 2016.

- (f) That Council undertake further market research for the provision of an Online Forms system, an Online Events Management System and an Online Booking system, as recommended in the Tender Evaluation Report, and when necessary, call for fresh invitations.
- (g) That Council delegate to the General Manager the authority to enter into a contract with the successful provider on the terms contained within the tender, for the Payment Gateway, and Payment Portal (Rates and Debtors); and for minor amendments to be made to the contract documents that are not of a material nature.
- (h) That Council advise all the respondents of Council's decision.
- (i) That Council allocate the amount of \$200,000 for the Payment Gateway and Payment Portal, as part of the eBusiness Project, from Asset Replacement Reserve and that the amount be included in the next Quarterly Review for completeness.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

**12 COR-RFT-09/15 - PROVISION OF CONSTRUCTION SERVICES -
UPGRADING OF ROWE STREET EAST, EASTWOOD**

RECOMMENDATION: (Moved by Councillors Perram and Etmekdjian)

- (a) That Council accept the tender from CA & I Pty Ltd for the provision of Construction services – Upgrading of Rowe Street East, Eastwood, in the amount of \$3,247,210.10 excluding GST as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with CA & I 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 **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

13 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Simon and Perram)

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 **24 NOVEMBER 2015** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 7.34pm.

CONFIRMED THIS 15TH DAY OF DECEMBER 2015.

Chairperson