5 EASTWOOD & TERRY’S CREEK FLOODPLAIN RISK MANAGEMENT STUDY & PLAN – Review of Structural Flood Mitigation Options

Report prepared by: Matthew Lewis, The Manager – Catchments & Assets
Report dated: 9 April 2008  
Report Summary
To advise Council of the outcomes of the preliminary review of structural flood mitigation options for the Eastwood & Terry’s Creek stormwater drainage catchments, and to seek Council’s endorsement of a short list of options for more detailed assessment.

Background
The floodplain risk management process is being undertaken by the City of Ryde in accordance with process outlined in the NSW Government’s Floodplain Development Manual, which was gazetted in April 2005.

The focus of the Eastwood & Terry’s Creek Floodplain Risk Management Study & Plan is the Eastwood and Terry’s Creek stormwater drainage catchments. These have a combined area of approximately 495 hectares (4.95 square kilometres).

The floodplain management process is comprised of a number of fundamental stages including the formation of a floodplain risk management committee, the collection of flood modelling data, the establishment of a flood model and the identification and assessment of potential flood mitigation options.

A detailed hydrologic / hydraulic flood model was established in 2007 and the outcomes of the historic 1984 flood simulation publicly exhibited. A list of potential structural flood mitigation options was subsequently developed and a preliminary assessment of these options has now been undertaken.

The results of the preliminary assessment were recently presented to Council’s Floodplain Risk Management Committee. This report details the outcome of the presentation and recommends a short list of options for more detailed assessment.

Report
An initial draft of the Flood Study Report was tabled at the meeting and is available ON FILE.

The outcomes of a preliminary assessment of potential flood mitigation options for the Eastwood & Terry’s Creek subcatchments was presented to the Eastwood & Terry’s Creek Floodplain Risk Management Committee at its meeting of 27 March 2008.

An initial list of flood mitigation options for Eastwood & Terry’s Creek was developed by the Committee in consultation with specialist floodplain management consultant’s Bewsher Consulting. This initial list was reported to and endorsed by Council at its Committee of the Whole Meeting held on 2 October 2007.
ITEM 5 (continued)

Bewsher Consulting undertook a preliminary assessment of the initial list of flood mitigation options to determine their viability. The results of the preliminary assessment and Minutes of the Meeting are at ATTACHMENT A, including the recommended short list of options for further detailed assessment, which are also summarized below:

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A detailed survey of 259 individual properties in the study area has been completed to enable the development of a flood damages database. The database will allow the financial impact of various flood mitigation options to be assessed in detail.

The next stage of the project involves the detailed assessment of the short listed options, utilising the flood damages database and the development of preliminary flood management options (e.g. Planning Controls, emergency response plans).

Management Plan Budget / Linkages
This project forms part of the 2007/2008 Operational Budget for the Catchments & Assets Unit.
ITEM 5 (continued)

Relationship to Key Outcome Areas

People
This project meets the following key outcomes for People (set out on pages 32-33 of the Management Plan 2007-2010):

- A vibrant city that is healthy, physically attractive, economically strong and engages its community through cultural and social activities.

This report outlines a proposed approach to floodplain management that ensures community participation through membership on the Committee.

Assets
This project meets the following key outcomes for Assets (set out on page 34-35 of the Management Plan 2007-2010):

- Well designed places and spaces that minimise personal harm and where people interact with each other, so that crime is reduced.

This report outlines a best practice approach to floodplain management that seeks to reduce the risk to the community from floods through an integrated set of works and policy initiatives, developed in accordance with NSW Government policy.

Environment
This project meets the following key outcomes for Environment (set out on pages 36-38 of the Management Plan 2007-2010):

- Attractive streets, public places and buildings through better planning and design which is responsive to community expectations and our local environment.
- Sustainable practices in buildings, waste management, transport, energy systems and water use through community commitment.

This project seeks to achieve a sustainable balance between flood risk and development.

Governance
This project meets the following key outcomes for Governance (set out on page 39-41 of the Management Plan 2007-2010):

- Improved communication with the community and increased awareness and understanding of Council’s decisions by the community.
- Members of the community are engaged through involvement in democratic decision making and the promotion of active citizenship.
- Incorporation of best practice approaches in the delivery of services to the community.
- Compliance with all legislative requirements and statutory obligations.
- An efficient and effective regulatory environment.

This report outlines a proposed approach to floodplain management that ensures community participation, meets best practice guidelines and complies with NSW Government policy and legislation.
ITEM 5 (continued)

Consultation – Internal and External
Internal Council business units consulted included:-
  • Urban Planning
External public consultation included:-
  • Members of the Eastwood & Terry’s Creek Floodplain Risk Management Committee.

Policy Implications
There are no policy implications through adoption of the recommendation.

Critical Dates
There are no critical dates or deadlines to be met.

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

Other Options
The Council may:
  • Endorse the recommendations of this report without change;
  • Endorse the recommendations of this report with amendments; or
  • Reject the recommendations of this report.

It is considered, however, that the core recommendation of this report seeking the endorsement of potential flood mitigation options for detailed assessment is the appropriate course of action for the City.

Conclusion
Public exhibition of the 1984 flood simulation model was completed in 2007. As part of the next stage of the project a short list of potential flood mitigation options has been identified for detailed assessment. Adoption of the flood model and the endorsement of the list of potential mitigation options will give authorisation to the next stage of the project.

RECOMMENDATION:

(a) That the Minutes of the Eastwood & Terry’s Creek Floodplain Risk Management Study and Plan Committee dated 27 March 2008, be received and noted.

(b) That the list of identified flood mitigation options provided in ATTACHMENT “A” be endorsed for further detailed assessment, and the outcomes of the assessment be the subject of a further report to Council.
ITEM 5 (continued)

Report prepared by:

Matthew Lewis  
Manager – Assets & Catchments

Report approved by:

Kim Woodbury  
Group Manager  
Public Works
### Meeting Record

**Project:** Eastwood & Terry’s Creek FRMS&P  
**Reference:** 38517  
**Location:** The Eastwood Club  
**Date:** 27 March 2008  
**Time:** 6.00pm – 8.00pm

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<td>Matthew Lewis</td>
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**Recorded By:** Matthew Lewis  
**Total Pages:** 2 (plus attachments)

**Subject:** Meeting 5 Progress Report and Identification of Flood Mitigation Options

**Details:** Welcome by Chairperson  
The meeting was opened at 6.20pm

DB provided an overview of the progress to date, which can be summarised as follows:

2. Establishment of a model – completed.
4. Develop a Flood Study Report (which includes flooding levels for 1:100 year flood and probable maximum flood (PMF)) – draft report to be provided at this meeting.
5. Identification of potential flood mitigation and flood management options – completed.
6. Assessment of potential flood mitigation options – initial assessment to be provided at this meeting.
7. Development of flood management option (e.g. draft Planning Controls, potential land acquisitions, emergency response plans) – to be covered at next meeting.
8. Flood Action Plan – to be covered at next meeting.
9. Final Draft Reports – to be provided at this meeting.
ITEM 5 (continued)

MEETING RECORD

| Project: | Eastwood & Terry's Creek FRMS&P |
| Location: | The Eastwood Club |
| Time: | 6:30pm – 8:00pm |

1. DB provided a copy of the Draft Flood Study Report (January 2008) to Committee members.
   - Consideration of the Draft Flood Study by Council will follow the next meeting, together with the
     recommended Action Plan. This will then be put on public exhibition, before final adoption.

2. KW provided a brief outline of the draft Flood Risk Precincts – High, Medium and Low, contained within
   the Draft Flood Study Report.

3. JM provided the results of the preliminary assessment of structural flood mitigation options previously
   approved for consideration by Council (refer attached PowerPoint Presentation)
   - There are ninety-five (95) buildings below 100 year flood level (these are evenly distributed across
     the study catchment area and not particularly concentrated in any one location).
   - A database of these buildings and floor level heights is under preparation.

On the basis of the preliminary assessment, the Committee made the following recommendations –

Summary of the Initial Evaluation of Flood Mitigation Options and Recommendations.

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4. DB provided a brief overview of the draft flood planning provisions, which are still being reviewed by
   Council’s Planning and Drainage staff. Further details of the planning provisions are to be provided for
   consideration at the next Committee meeting in mid-May 2008.

The meeting was closed at 8.30pm

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 5 (continued)

Review of Structural Options

List of Options

1. Long Tunnel
2. Short Tunnel to Eastwood Park
3. Basin in Glen Reserve
4. Dam at Mellor Lake
5. Enlarge Reservoir
6. Basin at Eastwood Park
7. Gerry Rd culvert upgrade
8. Arakael Rd & Minih Park Drainage
9. Debris Control Structures
10. Wood St Drainage
11. Diversion pipe to Pimpama River
12. Final Stage First Ave Micro Tunnel

Evaluation of Options

Flood damage database to cover all properties within PMF.
Buildings thought to be below 100yr flood surveyed
All other floor levels estimated from ALS
Database will provide financial impact of options (eg B/C)
Survey only recently available (Database still in preparation)
  25% Surveyed
  95% Below 100yr flood (evenly distributed)

Floodplain management options

Option 1 – Long Tunnel

Option 1 – Long Tunnel (3.6m dia)
Terry Rd to Foraker Park – 1km

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 5 (continued)

ATTACHMENT A

Floodplain management options

Option 1 – Long Tunnel
- Impact on Flood Behaviour (17 buildings) +
- Financial Feasibility ($29M) --
- Political/Technical Difficulties --
- Performance in Larger Floods +
- Environmental Impact --
- Community Acceptance --

Floodplain management options

Option 2 – Short Tunnel to Eastwood Pk

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 5 (continued)

**ATTACHMENT A**

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Both recommended measures from previous report (PCC)
**ITEM 5 (continued)**

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**Attachment A**

- **Basin reduces downstream flows**
  - Q100: 66 → 47 m³/s at Terry Rd

- **Culvert upgrade increases flood levels**
  - PH100: +0.02m at Terry Rd (Cardn)

**Combined Impact**
- 0.1 to 0.2m upstream railway
- 0.05 downstream railway

**Cross Section**

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Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 5 (continued)

Floodplain management options

Option 5 – Enlarge Railway Culvert
- Can lower flood levels by up to 0.6m in park
- Much smaller impact through CBD
- Slight increase downstream
- Cost is likely to be major constraint
- Similar project at Fairy Creek (Est=$0.6M, Quote=$3.3M)

Option 6 – Basin in Eastwood Park
- Previous Reports – B/C <0.2, Not recommended
- Current proposal aims to lower flood levels through excavation with minimal embankments
- Able to lower flood levels by 0.3m through park
- Negligible impact upstream of Hillview Rd

ATTACHMENT A
ITEM 5 (continued)

Floodplain management options

Option 8 – Abuklea Rd & TG Milner upgrade

Impact on Flood Behaviour: 0
Financial Feasibility: (~$1.4M)
Political/Technical Difficulties: -
Performance in Large Floods: 0
Environmental Impact: 0
Community Acceptance: -

Option 8 – Abuklea Rd & TG Milner upgrade

Impact on flood levels relatively minor
Not fully utilising increased capacity of pipeline
Impact of sportspower diversion also limited
Reduction limited to about 0.1m
No reduction in flooded homes
Need to investigate further

Floodplain management options

Option 9 – Debris Control Structures

Locations: ??
Railway Culvert, Progress Ave.
(could be considered an alternative to culvert amplification)
Upstream properties benefit
Cheap, effective solution – difficult to guarantee

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 5 (continued)

Floodplain management options

Option 10 – Wood St Drainage Improvement

Option 11 – Diversion to Parramatta River

ATTACHMENT A

Option 10 – Wood St Drainage Improvement
- Impact on Flood Behaviour (+0.1m, 1 house)
- Financial Feasibility (< $200K)
- Political/Technical Difficulties
- Performance in Larger Floods
- Environmental Impact
- Community Acceptance
ITEM 5 (continued)

Floodplain management options

Option 11 – Diversion to Parramatta River

- Cost is major impediment
  - Supply & lay 1 x 2100 = $2300 x 2.5 x 3.800m = $27M
  - Supply & lay 2 x 2100 = $44M (less ambitious tunnel options)
- Other Technical Problems
  - Stability of embankment during construction
  - Rail swaps may affect proposal
- Usually stipulated limited to be viable over 10 yrs

Floodplain management options

Options 11 – Diversion to P’matta River

- Impact on Flood Behaviour
  -+
- Financial Feasibility
  - ($22-44M)
- Political/Technical Difficulties
  -
- Performance in Larger Floods
  -
- Environmental Impact
  -?
- Community Acceptance
  -

Floodplain management options

Option 12 – First Ava Micro Tunnel

ATTACHMENT A
ITEM 5 (continued)

**ATTACHMENT A**

Floodplain management options

**Option 12 – First Ave Micro Tunnel**
- Existing 1050 pipe replaced by 1000 pipe
- Lowers flood levels by up to 0.9m
- 4 commercial premises no longer flooded in 100 yr event
- Completes drainage upgrade scheme

Floodplain management options

**Options 12 – First Ave Micro Tunnel**

- Impact on Flood Behaviour: (+) 4 buildings
- Financial Feasibility: (+) ($1.2M)
- Political/Technical Difficulties: (+)
- Performance in Larger Floods: (+)
- Environmental Impact: 0
- Community Acceptance: (+)
Report prepared by: Samantha Knight - Senior Tree Management Officer, and Peter Hickman - Manager Parks
Report dated: 1 April 2008

Report Summary
To propose the retention of a *Corymbia citriodora* (Lemon Scented Gum) located on private property at 10 Sluman Street, Denistone West.

Background
The resident of 10 Sulman Street, Denistone West requested the removal of the above tree under storm damage provisions, following a storm on Thursday 31 January 2008.

The Senior Tree Management Officer inspected the site on 4 February 2008 and determined that the tree had not sustained significant storm damage to warrant removal under the emergency provisions category.

The resident was advised that a formal Tree Management Application should be lodged along with the appropriate payment of fees where a formal assessment would be undertaken in accordance with the Tree Management Policy.

Report
The resident contacted Council on 1 February 2008 requesting urgent approval to remove two trees at 10 Sluman Street, Denistone that had been damaged in the storm on 31 January 2008.

The City’s Tree Preservation Order and Tree Management Policy includes emergency provisions for storm events as follows:

*Emergency Provisions (Storms and Bush Fires)*

*In the event of a bush fire or severe storm affecting the City of Ryde, the City may activate the ‘Emergency Provisions’. These provisions would identify affected suburbs or may be cited over the entire local government area.*

*Severe Weather Event or Storm*

*Under the provisions for this event, residents may:*

1. Give the City verbal notification for the following works;
   i. The pruning of damaged limbs from trees otherwise covered under the Tree Preservation Order and Tree Management Policy.
   ii. The removal of *severely* damaged trees and those posing an immediate risk of causing further damage to property due to their condition and otherwise covered under the Tree Preservation Order and Tree Management Policy*
ITEM 6 (continued)

NOTES: Should one of these events effect your property, residents are advised to contact the Customer Service Centre on 9952 8222 where information and assistance may be obtained.

In situations were insufficient evidence is provided by a resident concerning storm damaged trees, a site inspection may be required by an appropriate staff member to assess the tree and establish whether removal or pruning is required depending on the extent of damage that a tree has suffered and the associated risks involved, as was the case with the *Corymbia citriodora* (Lemon Scented Gum) at 10 Sluman Street, Denistone.

The Senior Tree Management Officer inspected the site on 4 February 2008. A permit was issued for the removal of a *Cinnamomum camphora* (Camphor Laurel) that failed at ground level. However it was considered at the time that the *Corymbia citriodora* (Lemon Scented Gum) did not pose an immediate risk and the extent of damage to this tree did not warrant reason for removal under the storm damage / emergency previsions. Please refer to photo below.

![Red circle highlighting damaged canopy](image-url)

**ABOVE:** the red circle highlights the extent of canopy that was damaged during the storm on 31 January 2008.
ITEM 6 (continued)

Therefore permission to remove the *Corymbia citriodora* (Lemon Scented Gum) was refused. The resident was advised in writing that the following information is required in order for a complete assessment to be undertaken:

1. A Tree Management Application should be lodged with Council along with the appropriate fee.
2. A written report by a Consulting Arborist (AQF level 5) that discusses the current state of the tree.
3. The report MUST include all items outlined in the Arborist Report information sheet enclosed.

On the 18 February 2008 a formal Tree Management Application was received and lodged at the City’s Customer Service Centre.

On the 6 March 2008 the Senior Tree Management Officer conducted a site inspection and assessment of the *Corymbia citriodora* (Lemon Scented Gum) in line with the Tree Management Policy. The following observations were noted:

“The *Corymbia citriodora* (Lemon Scented Gum) located on the southern side of the property. The tree is a semi-matured specimen with a height of 16 metres and has a canopy spread of 10 metres. It was found in good health and fair condition. There were no symptoms of pest or diseases observed through visual inspection at ground level. No structural defects were noted that would warrant the removal this tree.”

The distance between the tree (from centre of the trunk) to the corner of the neighbouring property dwelling is 4.1 metres. The dwelling at 10 Sluman Street is well clear of the tree by approximately 6 metres.

The assessment of this tree concluded that the branches that were damaged during the storm should be pruned to correct growth points which would benefit in the tree’s recovery process and assist with sustaining the future health of this tree.

Therefore based on the assessment findings it is recommended that the tree be retained and the appropriate pruning be applied in the interest of maintaining the health of this tree.

**Management Plan Budget / Linkages**

This project is not mentioned in the Management Plan 2007-2010.

**Relationship to Key Outcome Areas**

**People**

The continued healthy state through maintaining urban trees assists with the well-being of residents and the community.

This project meets the following **key outcomes** for People (set out on pages 32-33 of the Management Plan 2007-2010):

P1 A vibrant city that is healthy, physically attractive, economically strong and engages its community through cultural and social activities.
ITEM 6 (continued)

P2 A city that plans for people by identifying their diverse needs and involving them in decision making to improve their quality of life.
P3 A harmonious community through a culturally enriched and respectful society.

Assets
Protecting healthy tree canopy assists by maintaining and providing aesthetically pleasing environments where people can respect the benefits of having urban trees.

This project meets the following **key outcomes** for Assets (set out on page 34-35 of the Management Plan 2007-2010):

A2 Well designed places and spaces that minimise personal harm and where people interact with each other, so that crime is reduced.
A3 A high standard of visual appearance as there is no litter or graffiti, and we care for our infrastructure and public areas.

Environment
The retention of the tree will ensure the City of Ryde is a leafy City provided that the appropriate actions are taken to ensure the safeguard of a healthy tree canopy.

This project meets the following **key outcomes** for Environment (set out on pages 36-38 of the Management Plan 2007-2010):

E2 Attractive streets, public places and buildings through better planning and design which is responsive to community expectations and our local environment.
E4 Protected ecological systems and processes that support life and the environment through actions that safeguard them.
E5 Preserved natural areas which are enhanced and maintained.
E7 A leafy City through parks, gardens, trees and the built environment.

Governance
The preservation of trees are necessary in accordance with the City’s Tree Preservation Order and Management Policy and complies with the Environmental Planning and Assessment Act. 1979.

This project meets the following **key outcomes** for Governance (set out on page 39-41 of the Management Plan 2007-2010):

G1 Improved communication with the community and increased awareness and understanding of Council’s decisions by the community.
G3 Incorporation of best practice approaches in the delivery of services to the community.
G4 A safe and harmonious working environment with skilled and motivated staff who embrace the organisation’s vision and values.
G5 Compliance with all legislative requirements and statutory obligations.
G6 An efficient and effective regulatory environment.
ITEM 6 (continued)

Consultation – Internal and External
Internal Council business units consulted included:-
• Not applicable.

City of Ryde Advisory Committees consulted included:-
• Not Applicable

External public consultation included:-
• Not applicable

Policy Implications
There are no policy implications through adoption of the recommendation.

Critical Dates
There are no critical dates or deadlines to be met.

Financial Impact
Adoption of the options outlined in this report will have no financial impact.

Other Options
That removal of this tree is granted by Council. However this will result in a loss of canopy and have a negative impact on the local environment.

Conclusion
Although the tree in question suffered branch loss through the event of a storm on 31 January 2008, removal of an otherwise healthy tree is considered inappropriate.

The resident should consider seeking independent advice from a consulting Arborist with regards to maintenance options that are available. Removal of this tree should be considered only as a last resort, once all other avenues have been exhausted.

RECOMMENDATION:

(a) That the Corymbia citriodora (Lemon Scented Gum) located at 10 Sluman Street, Denistone be retained.

(b) That approval be given for selection pruning of several branch stubs in accordance with Australian Standards 4373 ‘Pruning of Amenity Trees’ 2007.

(c) That the concerned resident be advised of Council’s decision.
ITEM 6 (continued)

Report prepared by:

Samantha Knight
Senior Tree Management Officer – Parks

Peter Hickman
Manager - Parks

Report approved by:

Louise Gee
Group Manager – Community Life
ITEM 6 (continued)
ITEM 6 (continued)

ATTACHMENT

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 6 (continued)
ITEM 6 (continued)

ATTACHMENT
7 CITY OF RYDE HOUSING STRATEGY – Community consultation

Report prepared by: Senior Strategic Planner, Urban Planning
Report dated: 4 April 2008
File No. COR2006/1545

Report Summary
A Housing Strategy is currently being prepared in response to the NSW Government’s Metropolitan Strategy and Draft Inner North Subregional Strategy. The Housing Strategy is to be developed in consultation with the community and specialist consultants, Elton Consulting, have been engaged to manage this consultation. Elton Consulting have prepared a Consultation Plan which is submitted to Council for endorsement.

Background
The City of Ryde last prepared a residential development strategy, Improving Housing Choice and Housing Opportunity, in 1996. The strategy responded to the NSW State Government’s requirement for higher residential densities through villa housing and duplex buildings being dispersed among the traditional suburban residential housing.

The City of Ryde Local Strategy is currently being prepared in the context of recent planning reforms undertaken by the Department of Planning. The planning reforms include the release of the Metropolitan Strategy and the standard local environmental plan.

The Housing Strategy is being prepared as one of a number of background studies being undertaken to inform the City of Ryde Local Planning Strategy. The City of Ryde Local Strategy is being prepared in the context of recent planning reforms undertaken by the Department of Planning. The planning reforms include the release of the Metropolitan Strategy, the Draft Inner North Subregional Strategy, and the standard local environmental plan. The Department of Planning released the Draft Inner North Draft Subregional Strategy in July 2007 and this set a target for the City of Ryde of an additional 12,000 dwellings to be provided for by the year 2031.

The City of Ryde Local Planning Strategy was reported to Council on the 16 October 2007 and included the following outcomes for the proposed Housing Strategy:

- to consider the social needs of existing and future residents of the City of Ryde (affordable housing, housing for seniors and those with a disability);
- to ensure appropriate lands are designated for identified housing needs and for a range of housing types;
- to provide for a staged increase in dwelling numbers (Stage 1 up to 2021, Stage 2 up to 2031);
- to ensure that the future development is feasible with regard to both housing types and staging;
- to contribute to a distinctive urban character and sense of place; and
- to provide for additional dwelling numbers as required by the Inner-North Subregional Plan.
ITEM 7 (continued)

Council resolved on 16 October 2007:

(a) that the City Of Ryde Local Strategy be prepared as outlined in the report.

(b) That specialist consultants be engaged to undertake the following studies
   i  Housing Study – community consultation
   ii Environment Study
   iii Transport Study

Report
The Urban Planning Unit has commenced the preparation of a Housing Strategy with the purpose of looking at planning options for the increased dwelling numbers required by the Draft Inner North Draft Subregional Strategy. A key part of the Housing Strategy is community consultation, and the specialist consultants Elton Consulting have been engaged to undertake this consultation. Elton Consulting have prepared a Consultation Plan which is at ATTACHMENT A, and will advise on and manage the relevant consultation events.

The broad objectives of the consultation are to:
• understand the views of the community with regard to existing and future housing needs;
• inform the community of the draft Housing Strategy and to seek their views with regard to the draft Strategy; and
• promote ownership of the Housing Strategy.

Community consultation will occur at the following three stages:
1. Issues Identification
2. Strategic Directions Identification
3. Exhibition of the Draft Housing Strategy

The consultation is aimed to reach a wide section of the population that reflects the current and projected future demographics of the City of Ryde.

The proposed consultation events for Stage 1 – Issues Identification, include:
• notification in the City View on 16 April 2008;
• a website survey to be available by 16 April 2008;
• a community workshop to be held on 30 April 2008;
• the distribution of an information brochure prior to the community workshop;
• focus groups with culturally and linguistically diverse groups in early May 2008;
• focus group with older people in early May 2008;
• phone interviews with selected business and industry representatives in early May 2008; and
• a focus group with apartment dwellers.

Another community workshop will be held for Stage 2 - Strategic Directions Identification, and an information session will be held at Stage 3 – Public Exhibition of the Draft Housing Strategy.
ITEM 7 (continued)

Consultation
Internal Council business units consulted included:
• Community Services
• Community Relations and Events

Critical Dates
The Housing Strategy will be incorporated into the City of Ryde Local Planning Strategy, which is being prepared to inform a comprehensive LEP for the City of Ryde. The Department of Planning has advised that a comprehensive LEP is to be completed by March 2009. However, it is unlikely that this deadline can be met, and a revised deadline is being discussed with the Department.

Management Plan Budget / Linkages

The project is listed in the Urban Planning Unit’s Work Program endorsed by Council on 14 August 2007.

This project forms part of the 2007/2008 Operational Budget for Urban Planning.

Relationship to Key Outcome Areas
People
This project meets the following key outcomes for People (set out on pages 32-33 of the Management Plan 2007-2010):
P1 A vibrant city that is healthy, physically attractive, economically strong and engages its community through cultural and social activities.
P2 A city that plans for people by identifying their diverse needs and involving them in decision making to improve their quality of life.

Community consultation will engage the community in planning for the future. Consultation with a wide variety of groups will enable the diverse needs of the community to be identified.

Assets
This project does not address any of the key outcomes for Assets (set out on page 34-35 of the Management Plan 2007-2010).

Environment
This project meets the following key outcomes for Environment (set out on pages 36-38 of the Management Plan 2007-2010):
E2 Attractive streets, public places and buildings through better planning and design which is responsive to community expectations and our local environment.

Community consultation will respond to community expectations for the planning and design of new dwellings. The Housing Strategy will set a strategic direction for the City of Ryde with regard to the provision of housing to the year 2031.
ITEM 7 (continued)

Governance
This project meets the following key outcomes for Governance (set out on page 39-41 of the Management Plan 2007-2010):
G1 Improved communication with the community and increased awareness and understanding of Council’s decisions by the community.

Consultation with the community about future housing will increase awareness and understanding of Council’s decisions with regard to the Housing Strategy.

Financial Impact
The cost of undertaking the community consultation plan is approximately $60,000. The consultant’s fees, staff costs and associated expenses are provided for in the 2007/2008 budget for Urban Planning. The budget item number is 23015.0321.140 Comprehensive LEP for Ryde - Housing Strategy.

Policy Implications
There results of the community consultation will have implications for the Housing Strategy, Local Planning Strategy and Comprehensive LEP.

Other Options
An alternative option would have been to consult with the community at the completion of the draft Local Planning Strategy, however this option was not preferred as it was considered important to have the community involved in the shaping of the Housing Strategy.

Conclusion
A comprehensive consultation process has been prepared by Elton Consulting and will provide for:
• an understanding of the views of the community with regard to existing and future housing needs;
• the informing of the community about the draft Housing Strategy;
• the views of the community to be sought regarding the exhibited draft Strategy; and
• the promotion of ownership of the Housing Strategy by the community.

RECOMMENDATION:

(a) That the report of the Senior Strategic Planner dated 4 April 2008 titled City of Ryde Housing Strategy – Community Consultation, be received and noted.

(b) That the Consultation Plan prepared by Elton Consulting be endorsed.

Report prepared by:

Kate Higgins
Senior Strategic Planner
Urban Planning
ITEM 7 (continued)

Report approved by:

Meryl Bishop
Manager
Urban Planning

Sue Weatherley
Group Manager
Environment and Planning
ITEM 7 (continued)

Client:
City of Ryde

Project:
Consultation and communications plan - City of Ryde Residential Development Strategy

Date
5 April 2008

Contact
Dianne Knott
9897 2800
dianne@elton.com.au
ITEM 7 (continued)

ATTACHMENT
ITEM 7 (continued)

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1.1 Project context 1
1.2 Consultation and communications objectives 1
1.3 Overview of the consultation methodology 2
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3 Stakeholder mapping 18
  3.1 Understanding Ryde’s communities 18
  3.2 Stakeholder targeting 19
ITEM 7 (continued)

1 Introduction

1.1 Project context

The City of Ryde (City) is preparing the process of developing a series of city-wide planning projects that will clearly delineate the organization’s strategic priorities across the medium to long-term horizon.

Under the NSW Department of Planning’s Successful Suburban Strategy (SSS) Suburban Development (SSD) Initiative, the City of Ryde was required to increase the number and diversity of dwellings in the City to meet the projected future need. City is working towards a target of an additional 17,000 dwellings for the City by 2031.

The City decided to prepare a Medium to Long-Term Strategy to provide strategic direction, and to inform decision making for the City’s entire planning cycle. The strategy will provide a basis for the development of the SSS and strategic planning processes for the City.

Ellen Consulting has been engaged to contribute to the development of the Housing Strategy by:

- Preparing a community consultation plan for the housing strategy
- Preparing a community consultation strategy
- Managing staff and community consultation events

1.2 Consultation and communications objectives

The broad objectives of consultations and communications for the project are to:

- Understand the views of the community regarding existing and future housing needs
- Inform the community of the draft Housing Strategy and to seek the views of the community on the draft Housing Strategy.
Specifically, the consultation strategy aims to draw out from stakeholders information that will inform CoR’s strategic directions in developing the Housing Strategy. Key issues for discussion will include:
- Identifying possible measures to accommodate housing and population growth within the LGA (and geographic locations within the LGA) to inform:
  - Planning controls and land use planning
  - Infrastructure planning
  - Community facilities planning
- Identifying opportunities to accommodate future residential development
- Identifying appropriate opportunities for locating additional dwellings and higher densities
- Aligning housing types to existing and future community needs
- Identifying community preferences for design standards for new development – in particular for higher densities.

1.3 Overview of the consultation methodology

A guiding objective of the consultation process is to ensure that it is broadly inclusive; reaching a wide demographic that reflects the current and projected future demographics of the Ryde LGA. Therefore, the consultation methodology is based on recruiting participants through a mix of random and targeted sampling. Our approach to ensuring that the consultation reaches identified stakeholders is a two-phased one, combining:

- A community-based perspective: through extending an invitation to all CoR residents
- A sector-based approach: targeting organisations representing the interests of people from culturally and linguistically diverse (CALD) backgrounds, people with a disability, older people, people on a low income, private renters and business and industry participants.

A key risk to the project is lack of participation in consultation across Ryde’s diverse communities. This consultation plan provides a series of consultation techniques for encouraging the involvement of a range of participants. However, we advise that inclusion in Council’s newsletter, City View, and website are likely to be insufficient to encourage the attendance of special interest groups who may be reluctant self-select to attend workshops. We strongly advise that CoR take a proactive approach to involving Ryde’s diverse communities. We suggest that early contact with sector groups identified in the stakeholder mapping exercise in section three of this plan will help mitigate this risk. We believe that CoR is well positioned to address these groups, through its networks, advisory groups and community-based staff. This task is out side of Elton’s scope of works, however we are happy to assist CoR if requested.

1.4 Overview of the consultation and communications plan

This consultation and communications plan is the first project deliverable and will act as the project workplan. The plan is comprised of:
ITEM 7 (continued)

The consultation and communications plan

1.4.1 The consultation and communications plan

The plan is presented in table format in section two of this report. It includes:

- Stakeholder mapping
- Actions and responsibilities
- A description of each consultation and communications task

1.4.2 Stakeholder mapping

Section three of the plan provides an overview of the key demographic groups that will be approached to be involved in consultation activities. It is based on an initial review of recent demographic analysis of Ryde's community, drawn from the 2006 census data.

The following demographic groups will be targeted:

- People in social housing
- People with a disability or mobility impairment
- People over 65 years of age
- People in local public and community housing
- People in local rental housing
- People in indigenous communities
- People in local low income communities
- People in local public and community housing
- People in local aged care

The majority of participants will be older people representing the main tenure type in Ryde. The following demographic groups also make up significant proportion of the same community and will be approached for involvement.
ITEM 7 (continued)

In that experience, specific demographic groups are best targeted through existing social networks, such as Migrant Resource Centres, Language Classes and Support Groups. In the case of OAD groups and the Council on the Ageing (COTA), senior citizens clubs and sporting/recreational clubs for older participants. Section Two of the plan provides the names of relevant groups in the Ryde Community who will be contacted to encourage the involvement of their staff and members in the consultation activities.
ITEM 7 (continued)

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ITEM 7 (continued)

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<tr>
<th>Phase</th>
<th>Description and key objectives</th>
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<td></td>
<td>Consultative activity</td>
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<td>Project webpage</td>
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<td>Contact/discussion summary paper</td>
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**Committee of the Whole**

**Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.**
ITEM 7 (continued)

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<table>
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<tr>
<th>Consultation activity</th>
<th>Description and key objectives</th>
<th>Roles and responsibilities</th>
<th>Timing</th>
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<tbody>
<tr>
<td>Round one mixed workshop – roll out</td>
<td>An open, public, three hour workshop will be held to identify the key issues. It will be advertised through the context paper and participants will self-select through the website and response to direct mail. Contact will be made with special interest groups to encourage their members to attend. Run workshop week beginning 28.04.08 – avoiding school holidays.</td>
<td>CoC prepare a draft presentation on the Ryde context. EC review CoC draft. CoC produce handouts of the presentations, if desired. EC provide instruction packs for table facilitators.</td>
<td>14.04.08</td>
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<td>EC contact special interest groups and forward context paper. EC brief CoC table facilitators. Elton Consulting will provide three consultants to facilitate the workshop. Additional CoC staff will be required to host small discussion tables and assist with notetaking. We estimate that no more than eight CoC staff would be required, pending the number of attendees.</td>
<td>Workshop Wed 30.04.08, 6-8pm Briefing Wed 30.04.08, 3-6pm</td>
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<td>CoC to manage the RSVP process and manage and resource venue hire, equipment provision, room set-up, catering and registration for the event. We recommend that CoC examine providing workshop posters and displays. CoC to provide four flipchart stands, paper and markers.</td>
<td>18.04.08</td>
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<td>Workshop w/b 28.04.08</td>
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**c. Focus groups with CALD groups – week beginning 5 May and/or 12 May 2008 (pending group availability)**
ITEM 7 (continued)

ATTACHMENT

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
### Consultation activity
- Description and key objectives
  - minimise costs. Therefore, timing will be dependent on the groups – likely to be approximately 1 1/2 hours.
  - CoR staff are welcome to attend but this is optional.

### Roles and responsibilities
- EC finalise agenda
- EC provide two staff to facilitate and notetake session.

### Timing
- 1:05 PM
- Focus group, weeks beginning 30 April, 5 May or 12 May 2008 – dependent on groups’ availability

### e. Phone interviews with business and industry representatives
- Six, half-hour phone interviews with business and industry representatives
- EC discuss sample with CoR
- EC prepare interview questions
- EC make initial contact with interviewees and set interview times
- CoR provide comments on draft questions
- EC conduct and notetake interviews
- EC identify key issues and draw into issues and options paper and stage three reporting

### f. Apartment dweller focus group
- One, up to three hour focus group with a mix of apartment dwellers from CoR’s three wards
- Focus groups should be held in three locations, one in each ward – CoR to manage venue hire and catering
- CoR provide advice to EC on three available Council venues (one in each ward) for weeks beginning 30 April or 5 May 2008. Venues should be:
  - Wheelchair accessible
  - Close to public transport.

### Timing
- April
- 16.04.08
- 18.04.09
- 26.04.00
- Week beginning 5 May and/or 12 May 2008 – dependent on interviewees’ availability
ITEM 7 (continued)


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ITEM 7 (continued)

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<th>Consultation activity</th>
<th>Description of key objectives</th>
<th>Roles and responsibilities</th>
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<tr>
<td></td>
<td>Targeted invitations to reach key stakeholders, including residents and businesses.</td>
<td>EC submit final invitation text.</td>
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<td></td>
<td>One workshop with sector representatives.</td>
<td>EC submit final invitation text.</td>
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<td>EC submit final invitation text.</td>
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<td>EC submit final invitation text.</td>
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<th>Timing</th>
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<td>As per identified, local, community participation in the consultation is a key risk.</td>
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<th>Issues and options paper</th>
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<tr>
<td>A short document containing key findings of the second round consultation and the second round consultation process.</td>
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<td>Col's project team provide the final document.</td>
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<td>Col's project team provide the final document.</td>
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ITEM 7 (continued)

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<th>Consultation activity</th>
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### c. Reporting

**Final report**
- The consultation report will provide CoR with key issues, points of agreement and disagreement and strategic choices to guide its approach to land use planning.
- The final report will summarise all consultation findings including workshops and emailed feedback.
- EC submit draft final report
- CoR’s project team provide one set of consolidated comments
- EC submit final report

### Task four: exhibition and submissions stage

**Communications materials to support round three consultation**

- Feedback form to gain resident and sector feedback on the Draft Housing Strategy
- For provision at the public meeting and publishing on the project webpage.
- EC submit draft form
- CoR’s project team provide one set of consolidated comments
- EC submit final form
- CoR manage the printing of the hardcopy form and upload of the electronic form on the project webpage.

**Invitations to the exhibition public meeting**

- Broad invitation to attend the Draft Housing Strategy public meeting
- Advertising strategy including letter box drop
- EC submit draft invitation text
- CoR’s project team provide one set of consolidated comments
ITEM 7 (continued)

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<th>Description and key objectives</th>
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**ATTACHMENT**
Optional telephone survey and findings report – review if required after round one consultation

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<tr>
<th>Consultation activity</th>
<th>Description and key objectives</th>
<th>Roles and responsibilities / timing</th>
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<tbody>
<tr>
<td>Telephone survey and findings report</td>
<td>• A telephone survey would enable the project to reach out beyond the self-selected workshop attendees and meet its guiding principle of constructive and inclusive engagement.</td>
<td>If approved by CoR, the process for a telephone survey would be as follows, prior to consulting CoR:</td>
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<td>• A random sample telephone survey appropriate to the size of Ryde LGA would consist of 500 interviews, plus a preliminary report of findings.</td>
<td>• Prepare the draft questions for the telephone survey and finalise the survey based on one set of consolidated comments from CoR.</td>
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<td>• Note: we have provided castings in our proposal to you but this component has not yet been approved by CoR.</td>
<td>• Prepare a draft script for the telephone interview.</td>
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<td>• Liaise with the telephone survey company and manage the roll-out and reporting on this task.</td>
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<td>• Review the draft survey report from the survey company and provide to CoR.</td>
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<td>• Liaise with the survey company to finalise the survey based on one set of consolidated comments from CoR.</td>
</tr>
</tbody>
</table>
3 Stakeholder mapping

3.1 Understanding Ryde’s communities

According to 2006 census data, Ryde is characterized by an ageing community. A larger proportion of Ryde’s community is aged 70 years and over (10.9%) compared to the Sydney average (8.9%). Ryde also has a smaller percentage of children and young adults aged under 18 years (15.8%) than the Sydney average (23.8%).

A particular challenge for the City of Ryde will be to meet the demand for seniors housing into the future.

Ryde is a culturally and linguistically diverse community, with a higher overall proportion of overseas born residents (37.7%) than the Sydney average (31.8%). The most common foreign birthplaces in Ryde are China, United Kingdom, Hong Kong, South Korea, Italy and India. Ryde also has higher concentrations of a number of overseas born groups, compared to the Sydney average:

- South Korean born residents represent 2.4% of Ryde’s population, more than three times the Sydney average (0.9%)
- Residents born in Hong Kong comprise 2.7% of Ryde’s population, three times the Sydney average (0.9%)
- Ryde’s Chinese born residents make up 6.9% of the population, two and a half times the Sydney average (2.7%).

More than one third (36.3%) of Ryde’s residents speak a language other than English at home. The most spoken languages are:

- Cantonese (7% of Ryde’s population)
- Mandarin (6%)
- Italian (3%)
- Korean (3%)
- Armenian (2%).
3.2 Stakeholder targeting

The project will use a mix of sampling techniques to ensure that the consultation has a broad reach which reflects the current and projected future demographics of the Ryde LGA. We will use a mix of techniques to achieve this, including:

- Development of a project information brochure
- Advertisements in local newspapers
- Information and downloadable brochure on City of Ryde website
- Information brochure available at CoR events (where possible in timeframe)
- A mail out to all ratepayers, inc. a cover letter, information brochure and survey form.

Specific interest groups will be targeted through existing social networks. The following section provides an overview of networks and community services that cover the Ryde LGA and may be contacted to encourage the involvement of a diverse range of participants that reflect Ryde’s make-up.

3.2.1 Resident groups

- Eastwood Community Association
- Meadowbank West Ryde Progress Association
- Putney & District Progress Association Inc.
- North Ryde Residents Group
- Residents Against Inappropriate Development.

3.2.2 Community organisations

- Epping Community Centre
- Epping Civic Trust: seeks to preserve the natural and man-made environment of Epping
- Lions Club Of Epping/Eastwood Inc
- West Epping Community Centre
3.2.3 Older people
- Combined Pensioners & Superannuants Association - Gladesville Hunters Hill Ryde District Branch
- Eastwood Senior Citizens’ Centre
- Epping Senior Citizens Club
- National Seniors Association, Macquarie Branch Inc
- North Ryde RSL Senior Cits Club
- NSW Council on the Ageing (COTA)
- Ryde Hunters Hill HACC Forum

3.2.4 Culturally and linguistically diverse (CALD) groups
- Australia Korean Welfare Association, Ryde (Eastwood)
- Australian Chinese Community Association of NSW
- Federation of Australian Indian Associations Inc
- Federation of Chinese Community Organisations
- Ryde Hunters Hill Multicultural Network
- Ryde Multicultural Centre: Interagency group for service providers
- Sydney Korean Women’s Welfare Centre (Marsfield)
- United Indian Associations Inc

3.2.5 People with a disability or mobility impairment
- ACTION for People with Disability
ITEM 7 (continued)

- Northern Sydney Carer Support Service
- Ryde City Council Access Committee.

3.2.6 Local environmental groups
- Brush Farm Park Preservation Group
- City of Ryde Bushcare Program
- Ryde Gledswood Climate Change Action Group
- Ryde Hunters Hill Flora and Fauna Association.

3.2.7 Social housing organisations
- Garrigal Housing Association Ltd: Provides housing advice and referral for low income earners who meet DoH requirements.
- Northern Area Tenants Service
- NSW Department of Housing (DoH), Ryde
- Ryde-Hunters Hill Community Housing Co-operative Ltd.

3.2.8 Business and industry organisations
- Housing Industry Association
- Selected housing companies, to be advised by CoR.
- Selected business and industry representatives.

Early consultation with industry would provide an overview of opportunities and constraints to realistically frame-up issues identification and development of strategic directions. Elton Consulting suggests encouraging representatives of the property development and real estate sectors, who have interests in the Ryde LGA and adjacent areas, to attend the consultation sessions.
8 POTENTIAL HERITAGE LISTINGS - Properties within the Gladesville Town Centre and Victoria Road Corridor - Outcomes of Consultation

Report prepared by: Senior Strategic Planner
Report dated: 8 April 2008
File No. COR 2006/721

Report Summary
In December 2007 Council resolved to seek s.65 certification to publicly exhibit Draft Ryde Local Environmental Plan 2008: Gladesville and Victoria Road Corridor (DLEP). Council also resolved to consult landowners affected by potential heritage listing of their property prior to placing the DLEP on exhibition. This report details consultation with landowners affected by potential heritage listing and makes recommendations for changes to the plans as a result.

The DLEP was referred to the Department of Planning in December 2007 for certification in accordance with s65 of the Environmental Planning and Assessment Act for public exhibition.

A further report detailing the Draft Development Control Plan (DDCP) and supporting exhibition material will be presented to Council and a resolution sought to publicly exhibit the DDCP together with the DLEP when certification under s65 of the Act is issued.

Background
The draft Gladesville Town Centre and Victoria Road Corridor Master Plan, a joint project of the City Of Ryde and Hunter’s Hill Council’s was the first stage of a process to revise planning controls for the area.

Exhibited in 2005 “the draft Gladesville Town Centre Master Plan received considerable public interest, with an overwhelming majority of the community in support of the draft Master Plan (74% of the 255 submissions received). See Council report December 2005

In 2005 the two Councils were also successful in obtaining Planning Reform funding to prepare a LEP, DCP and supporting studies. The Memorandum of Understanding (MOU) between the Department of Planning and the two Councils called for departmental representation on a working group for preparation of draft planning controls.

In July 2006 Hunter’s Hill and City of Ryde Councils appointed a multi-disciplinary project team to:
- Undertake the detailed urban design and economic testing of 6 sites.
- Review the draft Gladesville Town Centre Master Plan (taking into account submissions to the plan)
- Prepare draft planning controls for the area.
ITEM 8 (continued)

On 8 May 2007 the General Manager reported that the RTA had advised that a Traffic Impact Study supporting the draft DCP and draft LEP would be required prior to s62 (government agencies) consultation (required prior to public consultation by the Environmental Planning and Assessment Act 1979, as amended).

On 4 December 2007, Council considered Draft Ryde Local Environmental Plan 2008: Gladesville and Victoria Road Corridor. The DLEP was prepared in accordance with the NSW standard template and key geographically specific information is contained in the maps including:
- Floor Space Ratio Map
- Height of Buildings map (height in metres)
- Land Zoning Map
- Heritage Map

Council resolved:

That the draft Local Environmental Plan, for the Gladesville Town Centre and Victoria Road Corridor be forwarded to the NSW Department of Planning requesting that a section 65 certificate be issued in accordance with the Environmental Planning and Assessment Act 1979.

and

That the General Manager be delegated to consult affected landowners regarding the potential heritage listing of their properties to obtain their responses. The outcome of this consultation is to be reported to Council as soon as practicable.

Report

The DLEP was referred to the Department of Planning in December 2007 for certification in accordance with s65 of the Environmental Planning and Assessment Act for public exhibition. The Department requested that the DLEP be amended to incorporate 2008 changes to the standard template. In response to Council’s submission, the Department also outlined concerns regarding the potential loss of industrial lands along Victoria Road and proposed residential development in that area. This has resulted in delay to the issuing of a s65 certificate. The General Manager has written to the Department to express Council’s concerns and argue that the potential for residential development along Victoria Road has been well known to both the community and department and change at this time potentially undermines work undertaken over a five year period. A further report will be made to Council upon issue of the s65 certificate. At this time the DDCP and supporting material (such as a traffic study) will also be presented to Council.

A conservation area and six new heritage items were proposed to be included in the DLEP based on the Gladesville Shops Heritage Study which was exhibited with the Master Plan in 2005. The six potential heritage listed properties are:
- 142-154 Victoria Road
- 336 Victoria Road
- 328 Victoria Road
ITEM 8 (continued)

- 329 Victoria Road
- 1B Western Crescent
- 6-8 Western Crescent

This report details consultation with landowners affected by potential heritage listings. The consultation was carried out in accordance with Council’s resolution of 4 December 2007.

Six landowners were invited to make a submission in relation to the listing. Five took the opportunity to respond and these are detailed below together with a planning response and recommended action. In assessing submissions and making recommendations:

- Arguments regarding economic impacts upon organisations delivering community services were considered sympathetically. Consequently, the DLEP and DDCP deliver significant value uplift to these organisations and potential benefits to the community.

and

- Heritage significance tests for twentieth century buildings or places were applied stringently and with the benefit of additional information supplied by the owners.

This has resulted in several recommendations not to proceed with heritage listing. Where appropriate a recommendation is made for inclusion in the DDCP as a Contributory Item to the Conservation Area.

Heritage items in the DLEP maps were shown without FSR and height as any development proposal would be considered on the basis of its impact on the heritage item and its context. A consequential change of not proceeding with the heritage listing is that the DLEP maps will need to be amended to provide FSR and Height development standards.

<table>
<thead>
<tr>
<th>Address Description</th>
<th>Submission</th>
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</table>
| 142-154 Victoria Road (cnr Meriton St and Victoria Rd) 1930s Commercial shops and flats | - Agrees with Heritage study comment that the site is exceptional  
- Argues against listing because:  
  o The façade has been altered.  
  o The construction (eg. timber sash windows, concrete and reinforcing steel) permits water penetration and the building is fast approaching its use-by date. High cost of maintenance anticipated in the near future.  
  o Lack of parking and other modern facilities will result in decreased rental returns over time and insufficient funds to maintain the building.  
  o Listing would decrease it market/resale value.  
  o Should be able to develop like adjoining sites.  
  o Have previously proposed a design retaining the façade. |
ITEM 8 (continued)

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<tr>
<th>Address Description</th>
<th>142-154 Victoria Road (cnr Meriton St and Victoria Rd) 1930s Commercial shops and flats</th>
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</table>
| Comment and recommended action                  | • The arguments regarding economic hardship are in themselves not a determination of heritage listing. But the listing may prevent the logical renewal of this part of Gladesville.  
• The option to retain the façade previously presented to Council is noted.  
• It is recommended that:  
  o The building is not listed as a Heritage Item under the provisions of the DLEP but rather identified in the DDCP as a Contributory Item to the Conservation Area (which is already proposed in the DLEP).  
  o The DLEP maps are altered to include FSR and height controls for this site as recommended by the consultant urban design team i.e. 2.5:1 FSR and 12m height check |

<table>
<thead>
<tr>
<th>Address Description</th>
<th>334-336 Victoria Road Former Primrose Hill Timber Yard -- archaeological research value in relation to Osgathorpe House</th>
</tr>
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</table>
| Submission          | • The owners seek a refinement of the proposed heritage listing from the whole of 334-336 Victoria Road to just those allotments likely to include an archaeological resource and contain remains of Osgathorpe House. These are lots 1 and 2 in DP 127023 and lot 6 DP 666532.  
• The landowner has also raised (in meetings) a discrepancy between the DLEP and DDCP heights. |
| Comment and Recommended Action | • The argument is noted and supported  
• It is recommended that the DLEP maps are amended so that the heritage listing (archaeological potential) affects only lots 1 and 2 in DP 127023 and lot 6 DP 666532.  
• It is recommended that the DLEP Height of Buildings Map is amended to be consistent with the DDCP detailed precinct plans and both documents presented to Council prior to exhibition upon issue of the s65 certificate. |

<table>
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<tr>
<th>Address Description</th>
<th>328 Victoria Road Former 1920s Cinema</th>
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| Submission          | • The owners object to the building being heritage listed. They have supplied a heritage study to support the argument  
• The cinema opened in 1926 and closed in 1928. It was then vacant until used by the army in WW2.  
• Appears in Movie Theatre Register of NSW as a “lesser quality suburban cinema.” |
**ITEM 8 (continued)**

| Address description | 328 Victoria Road  
Former 1920s Cinema  |
|---------------------|------------------|
| **Comment and Recommended Action** | • The Heritage Study concludes that the building does not reach the threshold for listing (as its architectural qualities are of a low standard, the fabric is altered and operations were so fleeting that few would remember its history as a cinema)  
• Heritage listing would preclude a better planning outcome for the site.  
• There are active proposals for the reasonable economic development of the site.  
| • On the basis of the detailed additional information provided, it is concluded that the building does not reach the standards for listing. In particular it is noted that operations as a cinema were short and the building was then vacant for more than a decade. As a consequence the community is likely to have few associations with the place.  
• It is recommended that:  
  o The building is not listed as a heritage item and DLEP mapping amended accordingly.  
  o The DLEP maps are altered to include FSR and height controls for this site as recommended by the consultant urban design team i.e. 2.7:1 FSR and 19m height. |

| Address and Description | 329 Victoria Road  
Our Lady of Peace Catholic Church. Early twentieth century church and school hall  |
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<tbody>
<tr>
<td><strong>Submission</strong></td>
<td>• Made no submission.</td>
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</tbody>
</table>

| Address and Description | 1B Western Crescent  
Former rectory associated with Christ Church  |
|-------------------------|------------------|
| **Submission** | • The building is presently being renovated  
• The flexibility to further redevelop without restriction and to adapt to changing needs is required.  
• The ability to maintain the existing heritage listed Christ Church is dependent on the viability and amenity of the overall site.  
• Possible redevelopment may include a meeting facility for the congregation. |
| **Comment and recommended action** | • Arguments for retaining meeting and supporting facilities for the congregation are persuasive as it is considered that the social significance of the Church will be enhanced if the congregation is active rather than declining.  
• It is recommended that:  
  o The building is not listed as a Heritage Item but rather identified in the DDCP as a Contributory Item in the Conservation Area.  
  o That the DDCP requires community floor space equivalent to the existing hall (800sqm) as a minimum in any new development.  
  o The DLEP maps are altered to include FSR and height controls as recommended by the consultant urban design team i.e. 2.7:1 FSR and 19m height. |
ITEM 8 (continued)

| Address | 6-8 Western Crescent  
| Description | Jordan Hall. Early 20th century community hall |
| Submission | |

- The Gladesville RSL and Community Club argues that while the hall has some local significance the potential to redevelop the site should be retained in order to ensure the viability of the Youth Club.
- The club submitted a Heritage Report and a Feasibility Analysis to support arguments for not listing the building.
- The Heritage Report concludes that the front and parts of the north western facade have local aesthetic significance and should be retained if the site is redeveloped. Social significance is attributed to the use as a community hall and, if the site were redeveloped it is recommended that community uses are retained on the site.
- A Feasibility Analysis indicated that the site could be developed to include new community hall space, 11 serviced apartments and parking. Based on sales the level of return is estimated at $973,500.
- However, if the asset (i.e. serviced apartments and hall) were retained by the club the anticipated rental income over 10 years from the apartments is conservatively estimated at up to $2,860,000.
- Potential income from memberships for a redeveloped Youth Club Facility is up to $2,600,000.
- Therefore if the building is heritage listed the potential income lost over ten years is estimated in excess of $6M.

| Comment and recommended action | |

- It is recommended that:
  - The building is not listed as a Heritage Item but rather identified in the DDCP as a Contributory Item in the Conservation Area.
  - That the DDCP requires community floor space equivalent to the existing hall (420sqm) as a minimum in any new development.
  - The DLEP maps are altered to include FSR and height controls as recommended by the consultant urban design team ie 4.3:1 FSR and 33m height.

**Internal Consultation**
Council business units consulted regarding preparation of the DDCP and DLEP included:
- Community Services.
- Urban Planning – Heritage Advisor.
- Environment.
- Property.

Internal Workshops held:-
A number of workshops and briefing sessions have been held with Councillors and the Executive Team prior to reporting to Council in December 2007.
ITEM 8 (continued)

City of Ryde Advisory Committees consulted included:-  
City of Ryde Heritage Advisory Committee will be informed of the outcomes of the consultation at its next meeting.

External Consultation

The following groups have been consulted during preparation of the DLEP and DDCP:

- RTA
- Ministry of Transport
- Department of Planning – Metro Strategy Team
- Department of Planning – Sydney Region East Team
- Hunter’s Hill Council and City of Ryde Council
- Gladesville Chamber of Commerce

- Several workshops regarding work-in-progress to the joint Councils and separate presentations to the City of Ryde and the Technical Reference Group which draws representation from the Department of Planning (the Metro Strategy Team and the Sydney Region East Team), the Roads and Traffic Authority and the Ministry of Transport.

A Community and Stakeholder Consultation Strategy to guide the public exhibition phase of the project was adopted in principle by Council in December 2006. It was formulated to create a high level of awareness and community involvement in the exhibition and any consultation events that may be programmed. The strategy outlines who will be consulted, when and how.

Critical Dates/Milestones

The following milestones trigger actions as detailed

- Upon issue of the s65 certificate by the NSW Department of Planning the exhibition of the DDCP and DLEP will commence as soon as practicable (allowing for preparation of exhibition, advertising, notification material)

Management Plan Budget / Linkages

This project is from the Management Plan Urban Planning Action Projects listed on page No. 56 of the Management Plan 2007-2010.

This project forms part of the 2007/2008 Operational Budget for Urban Planning.

Relationship to Key Outcome Areas

People

This project meets the following key outcomes for People (set out on pages 32-33 of the Management Plan 2007-2010):

P1 A vibrant city that is healthy, physically attractive, economically strong and engages its community through cultural and social activities.

P2 A city that plans for people by identifying their diverse needs and involving them in decision making to improve their quality of life.

P3 A harmonious community through a culturally enriched and respectful society.
ITEM 8 (continued)

These key outcomes will be achieved by:

- Providing for a high level of pedestrian amenity and safety during the day and the night.
- Maximising access to public transport opportunities both for commercial business and residents.
- Consideration of safety and amenity of public transport stops.
- Protecting and enhancing existing open spaces.

Assets

This project meets the following **key outcomes** for Assets (set out on page 34-35 of the Management Plan 2007-2010):

A1 Well designed streets and paths where motorists, cyclists and pedestrians feel safe.
A2 Well designed places and spaces that minimise personal harm and where people interact with each other, so that crime is reduced.
A3 A high standard of visual appearance as there is no litter or graffiti, and we care for our infrastructure and public areas.

These key outcomes will be achieved by:

- Raising the overall design standard of development.
- Enhancing the character of the town centre.
- Preparing planning controls which requires development to complement the public domain.

Environment

This project meets the following **key outcomes** for Environment (set out on pages 36-38 of the Management Plan 2007-2010):

E1 Clean air through protection of natural resources and better integrated transport systems.
E2 Attractive streets, public places and buildings through better planning and design which is responsive to community expectations and our local environment.
E6 Strong links to the past through protection, conservation and interpretation of our heritage.
E7 A leafy City through parks, gardens, trees and the built environment.
E8 Sustainable practices in buildings, waste management, transport, energy systems and water use through community commitment.

These key outcomes will be achieved by:

- Encouraging a sustainable environment where activities are located close together and by improving pedestrian connections and the use of public transport.
- Developing an urban strategy that creates a well designed sense of place, and character in Gladesville Town Centre and Victoria Road Corridor.
- Conserving the character and the cultural heritage of Gladesville Town Centre and Victoria Road Corridor to enhance the quality of life of the community.
- Requiring design excellence in the overall Town Centre design.
- Co-coordinating built form, housing, heritage, traffic and transport, social and economic factors into a coherent framework that can translate into a DCP.
ITEM 8 (continued)

- Revitalising and improving the centre as a commercial, retail and residential area
- Recognising the importance of built form in creating the character, amenity, legibility and usability of the centre.
- Identifying key redevelopment sites.
- Establishing parameters to ensure design quality is a feature of all new development in the centre.

Governance
This project meets the following key outcomes for Governance (set out on page 39-41 of the Management Plan 2007-2010):

G1 Improved communication with the community and increased awareness and understanding of Council’s decisions by the community.
G2 Members of the community are engaged through involvement in democratic decision making and the promotion of active citizenship.
G5 Compliance with all legislative requirements and statutory obligations.
G6 An efficient and effective regulatory environment.

These key outcomes will be achieved by:
- Community engagement processes to be undertaken upon receipt of s65 certificate
- Planning controls that are coordinated with Hunter’s Hill Municipal Council to ensure effective redevelopment of the Gladesville Town Centre, reduce vacancy rate and provide incentives to redevelop.
- The DLEP complies with the standard LEP format and is prepared at the instruction of the NSW Department of Planning.

Financial Impact
Council received a grant of $90,000 from the NSW Planning Reform Fund to prepare the planning controls and associated studies and this work was undertaken in the 2006/2007 financial year.

It is anticipated that the completion of the project will be met by the operational budget of the Urban Planning Unit

Policy Implication
This project complies with City of Cities (the Metropolitan Strategy)

Conclusion
Upon receipt of the s65 certificate, it is intended to exhibit the DLEP together with the DDCP, Gladesville and Victoria Road Traffic Impact Study 2007 and Economic Study 2007. Together the draft LEP and draft DCP and other studies will give a complete picture for the future of the area.
ITEM 8 (continued)

RECOMMENDATION:

(a) That the report of the Senior Strategic Planner, dated 8 April 2008 on the outcomes of the consultation with the land owners of properties subject to a potential heritage listing within the Gladesville Town Centre and Victoria Road Corridor, be received and noted.

(b) That the Draft Ryde Local Environmental Plan 2008: Gladesville and Victoria Road Corridor be amended in accordance with the recommendations of the table within this report entitled *Gladesville Town Centre and Victoria Road Corridor DLEP: Submissions* from affected landowners to potential heritage listing.

(c) That relevant recommendations of the table within this report entitled *Gladesville Town Centre and Victoria Road Corridor DLEP: Submissions* from affected landowners to potential heritage listing be incorporated in the Draft Ryde Development Control Plan Gladesville Town Centre and Victoria Road Corridor.

(d) That the Draft Ryde Development Control Plan and Draft Ryde Local Environmental Plan 2008: Gladesville Town Centre and Victoria Road Corridor and supporting studies, be reported to Council upon receipt of the s65 certificate from the Director General of the Department of Planning.

Report prepared by:

**Lexie Macdonald**
Senior Strategic Planner

Report approved by:

**Sue Weatherley**
Group Manager
Environment and Planning
9 CHILD CARE CENTRES DEVELOPMENT CONTROL PLAN – Draft Amending DCP

Report prepared by: Melissa Burne, Strategic Planner
Report dated: 3 April 2008

Report Summary
Council resolved on 7 August 2007 that child care centre controls under City of Ryde Development Control Plan 2006 (DCP 2006) be reviewed and a draft amending DCP be prepared with the intention of amending DCP 2006.

A workshop was held for Councillors on Tuesday 12 February when a presentation was given on the proposed changes to the Child Care Centres DCP Controls.

The existing controls for child care centre developments set out in DCP 2006 have been reviewed and revised. An amending draft DCP has been prepared to amend the City of Ryde Development Control Plan 2006 for the purpose of replacing the current child care centre controls. The proposed amendments affect the following parts of DCP 2006:

- Part 3.2 Child Care Centres
- Part 9.3 Car Parking
- Part 10 Definitions

This report provides details of the review, an outline of the changes proposed to the DCP and recommends that the City of Ryde Draft Amending Development Control Plan - Child Care Centres, be placed on public exhibition. The report also recommends that if any minor changes are necessary to the draft prior to exhibition which do not change the intent of the controls, that delegation be granted to the General Manager to effect such changes.

Background
On 19 May 1998 Council resolved to make Development Control Plan No. 14 – Child Care Centres. The plan came into effect on 10 June 1998. The development of the DCP was part of Council’s adopted Child Care Action Plan. The DCP addressed the main concerns of:

- ensuring that child care centres do not impact on the amenity of the locality
- ensuring that child care centres provide quality care for children.

The child care centre controls in DCP 2006 are more or less the same as the child care centre controls that came into effect in 1998.

On 7 August 2007 (Committee of the Whole Report No. 13/07), Council considered a report on the issues relating to child care centres developments and a need for the child care centres DCP controls to be reviewed. It was resolved:-

(a) That child care centre controls under DCP 2006 (being Part 3.2 and relevant definitions under Part 10) be reviewed;
ITEM 9 (continued)

(b) That with respect to child care centres, and following part (a) above, a draft amending DCP be prepared and reported to Committee of the Whole with the intention of amending DCP 2006.

Report
Under the Ryde Planning Scheme Ordinance, child care centres are a permissible use with Council consent in all residential zones except 2(a1), all business and all industrial zones in the City of Ryde. Child care centres may also be considered as permissible only with Council’s consent in special use zones where considered ordinarily incidental and subsidiary to the special purpose. DCP 2006 contains detailed planning provisions for consideration in the design, assessment and determination of child care centres development in City of Ryde.

Results of review of Child Care Centre controls
It has been over 9 years since Council first adopted controls for child care centres. Since that time, particularly in recent years there have been significant changes in the area of child care centre development resulting from a number of issues. Such issues include:
- increase in number of development applications for long day care centres;
- changes in nature of child care centre developments, including:
  - Increase in size and scale;
  - Increasing number of purpose-built centres;
  - Increasing number of centres which are work-based, located within employment areas (business and industrial zones, urban centres);
  - Increase in centres incorporated in mixed use developments;
  - Increased privatisation of the child care industry.
- changes in community expectations regarding development and increasing concerns over impacts (perceived and real) of proposed new centres on residential amenity, particularly with respect to traffic, privacy, noise;
- reform of Department of Community Services (DOCS) requirements relating to licensing of child care centres;
- movement to better practice and more sustainable planning, design and building practices; and
- necessity to review all planning controls as a result of the NSW Planning Reforms.

The current controls were therefore reviewed with the following aims:
- to address issues raised by Council and the community in response to child care centre developments;
- to address changes in licensing requirements by DOCS as they relate to child care centre developments and planning considerations;
- to address environmental sustainability considerations;
- to address best practice in planning and design of child care centres; and
- to consider the impact of the controls in the context of the NSW Planning Reforms.
ITEM 9 (continued)

It should be noted that Council’s roles and responsibilities cross several areas with respect to child care services and centres. The broader factors being considered include:

- as community services provider and planner, addressing the current and potential future needs of the City of Ryde community (mainly residents and workers) for child care places by age groups (eg 0-2 year olds, 3-5 year olds);
- as community facilities owner, providing facilities for quality care for City of Ryde’s children being those of people living and working in the City of Ryde now and in future;
- as policy maker, providing and reviewing guidelines for child care centre developments to meet Council’s environmental planning obligations. In particular, ensure that child care centre developments respect the context within which such proposals are designed, in terms of built appearance and management of traffic, car parking, amenity considerations and other planning considerations within which the centres are proposed to operate; and
- as consent authority, assessing and determining development applications for child care centre developments.

The review of Council’s development controls has been carried out also in the context of these broader areas and with respect to all relevant planning legislation requirements.

The review process to date has included:

- review of LDAs on child care centres in recent years;
- review of all child care centre related matters considered by Ryde Traffic Committee for the period 2001 to 2007;
- workshops and discussion with staff across Council;
- review of articles and information on minimum standards and best practice guidelines relating to child care centre developments;
- discussion with DOCS staff and review of DOCS requirements; and
- review of various other Council DCPs on child care centres particularly those adopted since 2004 (following the phasing in of requirements under the Children’s Services Regulation 2004).

Councillor Workshop
A workshop was held for Councillors on Tuesday 12 February when a presentation was given on the main proposed changes to the Child Care Centres DCP Controls. Considerations raised have been addressed in the draft circulated with this report.

Draft amending controls
A draft development control plan has been prepared to amend Part 3.2 Child Care Centres of the City of Ryde Development Control Plan 2006, and to make minor amendments to Part 9.3 Car Parking and Part 10 Definitions. The draft amending DCP is CIRCULATED UNDER SEPARATE COVER.
ITEM 9 (continued)

Objectives
The objectives of the new Part 3.2 controls are:-

- to provide guidelines particular to child care centre developments in non-
  residential areas, in multi-use developments and where work-based child care
  is proposed, and to provide varying controls for child care centres of different
  scales;
- to provide clarity in the expectations of Council regarding appropriate location
  and siting of child care centres including preferred locations;
- to encourage provision of child care facilities which meet the needs of the
  community in terms of place, number, age of children proposed relative to the
  needs of the locality;
- to ensure development of child care centres of high quality and are compatible
  in scale and nature with neighbouring land uses, streetscape, built character;
- to ensure that child care centres are located and designed so that there is no
  health or safety risk to children, staff, visitors using the centre;
- to provide controls for the design and siting of child care centres which
  encourage environmental sustainability and energy efficiency;
- to ensure that child care centres are compatible with the streetscape and
  desired future character of neighbourhoods and character areas;
- to ensure the amenity and privacy of adjoining neighbours is maintained and not
  adversely affected by noise and activities from the site;
- to ensure adequate, convenient and safe parking for residents, staff and visitors
  which does not dominate the streetscape;
- to provide controls to address amenity considerations with respect to impacts of
  increased traffic in low density residential areas;
- to provide a safe environment in and around the child care centre, especially for
  children;
- to provide quality play spaces for children both indoor and outdoor;
- to retain and enhance significant existing vegetation, both indigenous and
  exotic, where new development is proposed;
- to ensure consistency with aims and requirements of the NSW Department of
  Community Services.

Main Changes
The proposed changes will:

- revise and add controls to address larger scale child care centre developments,
  particularly in low density residential areas;
- add controls for child care centre developments in employment areas (business
  and industrial zones, urban centres) focusing on impacts on the amenity and
  quality of the centres themselves, and considerations to be addressed in
  relation to site context;
- update controls to reflect research and best practice planning and design
  considerations since 1998, particularly in relation to:
  - quality of care; and
  - environmental sustainability in development;
- update controls to reflect changes in processing requirements;
ITEM 9 (continued)

- remove information unnecessary for the DCP. Relevant detail has been included in an Information Sheet on Child Care Centres (eg re DOCS requirements);
- update the format of the amendments to reflect Council’s new adopted DCP format.

The proposed amendments are described in more detail in the following 3 main areas:
- large scale developments in low density residential areas;
- child care centres in mixed use developments and in employment areas; and
- other changes needed to update controls to meet current standards and requirements.

Large Scale developments in Low Density Residential Areas
In low density residential areas, child care centres are more often proposed as freestanding single-purpose developments. Larger scale developments are more frequently being proposed in low density residential areas with the increase in privatisation of the child care industry and with licensing requirements enabling up to 90 places per centre. The key issues in low density residential areas relate to suitable locations; built character, scale and streetscape; traffic generation, car parking and access; landscaping; amenity; acoustic and visual privacy. A number of controls have been amended and added to address these issues.

Key issues are proposed to be addressed by the following amendments:
- identification of preferred locations, eg
  - preferred locations for large scale developments (50-90 child care places) with common boundaries to non-residential uses (eg churches, schools, open space, etc);
  - large scale developments to share common boundaries with a maximum of 2 residential properties;
  - all scale developments preferred on street corners which are not on busy intersections or on main (arterial or sub-arterial) roads.
- centres in residential areas to be domestic in scale and appearance, in particular larger developments over 2 or more average size lots to be designed to reflect expected domestic character and siting of buildings (building/ space/ building/ space);
- built form controls to align with the new DCP for Dwelling Houses and Duplex Buildings;
- increase in minimum frontage and site width requirement for child care centre developments to 20 metres, excluding corner lots which are to be same as previous DCP minimum at 17 metres, to assist provision of landscaping and car parking and circulation access in front setback areas;
- single storey only preferred for child care centres in low density residential zones;
- no underground car parking permitted in low density residential areas to align with requirements for dwelling houses, duplexes and urban housing;
- amenity impacts of increased traffic required to be addressed for proposals in low density residential areas;
ITEM 9 (continued)

- Traffic Impact Assessment reports required to be submitted with development applications for all new child care centres, Road Safety Audit required for developments on collector roads (where traffic exceeds 5000 AADT)
- option for drop off/pickup to be accommodated in lightly trafficked streets;
- amended control including performance criteria to enable variation to previous U-shaped driveway requirement on sites where alternative driveway design better meets performance requirements; and
- controls requiring orientation of building and outdoor play areas to best meet environmental performance criteria and also address privacy considerations.

Child Care Centres in Mixed Use Developments and in Non-Residential Areas

Child care centres are increasingly being proposed together with other uses. Examples of these can be in any of the zones within which child care centres are permissible, and include child care centres on site with compatible uses such as churches, schools, community facilities; or incorporated into residential flat developments, commercial buildings, shopping centre developments, and mixed use developments.

The current DCP addresses 2 types, being combined dwelling/child care centres, and home-based centres where located in residential flat buildings. The DCP requires amendment to remove the reference to home-based child care centres in residential flat buildings as obsolete (since the coming into force of the Exempt and Complying DCP No. 34 in 2005), and to address the greater range of mixed use opportunities for child care centres within buildings of larger scale multi-use developments.

Work-based centres, being child care centres provided at the site of employment, are also being established within the business and industrial zones. Examples of these include child care centres which have been provided in mixed use developments in the Macquarie Park Corridor, such as the CSIRO, Goodman, Compuware and Optus Head Office developments. Other examples include child care centres provided at hospitals and at shopping centres, such as the Macquarie Shopping Centre. A number of controls and associated objectives have been added to address these issues.

The key issues relating to co-located child care centres and centres in employment areas include quality of location; amenity and privacy for the users of the centre; amenity for neighbouring land users; landscaping; car parking and access; access to natural light and opportunity for natural ventilation; and opportunity for solar access in winter.

Key issues are being addressed by the following controls:
- identification of preferred locations, and requirements with respect to locations, including:-
  - centres to be at ground floor level;
  - spaces for 0-2 year olds may be above ground floor level (no higher than second storey) subject to meeting minimum natural planting requirements and safety considerations;
ITEM 9 (continued)

- preferred locations to be adjacent to non-commercial/residential uses (to protect privacy/amenity of the centre and of neighbouring workers/residents);
- required to be located facing away from arterial and sub-arterial roads;
- centre and its access points not in locations likely to be affected by emissions of dust, fumes, noise, truck movements etc (this especially applies in proximity to industrial uses).

- any air conditioning system to be separate for the centre where co-located in buildings with other uses;
- landscaping requirements to be met including minimum areas for natural landscaping;
- Traffic Impact Assessment reports required to be submitted with development applications for all new child care centres;
- centres to be located and designed to ensure reasonable solar access throughout winter months to the external play areas, and provide for comfortable year round conditions;
- attention to microclimates, for example to minimise the incidence of reflective heat and glare from surrounding surfaces;
- work-based child care centres to be designed as “self contained” premises, to ensure access is available to workers external from the company and the general community should places permit;
- car parking spaces for dropoff/pickup area to be provided close to the centre’s main entrance at the same floor level;
- dropoff/pickup zones to be available for use in conjunction with the centre throughout the period of the centre’s operating hours.

Other Changes:–

Part 9.3 Car Parking

Part 9.3 of DCP 2006 refers to car parking requirements with respect to various development types including child care centres. Minor amendments are required to this part to ensure consistency with proposed revised car parking requirements under Part 3.2 of DCP 2006.

Part 10 Definitions

Part 10 of DCP 2006 contains definitions relating to child care centres. In particular it includes clarification of the definition for child care centre under Ryde Planning Scheme Ordinance which refers to an Act that has since repealed and replaced. Minor amendments are necessary to definitions in Part 10 to update the meanings such as for child care centre, centre based care and home based care, in response to further changes in legislation and meanings since 1998.

Information Sheets

It is proposed that the new controls be supported by information sheets designed to assist those considering purchasing properties/making development proposals for child care centres in City of Ryde. Information will include facts about DOCS’ requirements and how these relate to Council’s processes and requirements.
ITEM 9 (continued)

Consultation
Internal Council business units consulted as part of the review and preparation of revised controls included:-
- Urban Planning – Client Managers
- Development Assessment Team
- Environmental Health and Building
- Community Services
- Access
- Traffic
- Waste

Internal Workshops held:-
- Workshop with Councillors held 12 February 2008

City of Ryde Advisory Committees consulted included:-
- Not Applicable

External public consultation included:-
- NSW Department of Community Services – representatives from Head Office and also Regional Office (Children’s Services Advisor familiar with City of Ryde).

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

Comments
The draft amending DCP is yet to be exhibited publicly (refer next section on “Proposed Consultation”). Feedback from all groups was beneficial in determining issues with the current DCP controls and matters for consideration with respect to the range of different child care centre developments now being proposed. Refer “Results of Review” section in main body of this report.

Proposed Consultation
It is proposed to consult broadly, and also undertake targeted consultation as part of the public exhibition of the City of Ryde Draft Amending Development Control Plan - Child Care Centres.

The proposed consultation strategy includes:
- internal consultation to be continued with the Units listed above;
- external consultation with all child care service providers in City of Ryde, local community networks involved with children’s and family services, Community Child Care Co-operative, DOCS, and other interested agencies.

The proposed methods of consultation include:
- Exhibition/display including accompanying documents at Customer Service Centre, at City of Ryde libraries and on Council’s website for the exhibition period;
ITEM 9 (continued)

- Exhibition notice and information regarding the draft plan in the community newsletter “Ryde City View” advising of revised controls and information sessions;
- A minimum of 2 “drop-in” information sessions during the exhibition period so that issues can be discussed with a planner; and
- Direct mail/email to key stakeholders, including special interest groups and state government agencies advising of revised controls and issuing invitation to the information sessions.

If Council endorses the recommendation attached to this report, it is intended to commence the public exhibition and external consultation in May 2008.

Internal consultation and clarification is continuing to ensure the successful implementation of the draft amending DCP. This process may result in minor changes to the draft amending DCP and as a result it is recommended that the General Manager be delegated to make minor changes, if necessary, that do not affect the intent of the draft amending DCP prior to its public exhibition.

Critical Dates
There are no critical dates or deadlines to be met.

Management Plan Budget / Linkages
This project is from the Management Plan listed on page No. 57 of the Management Plan 2007-2010. The project forms part of the 2007/2008 Operational Budget for Urban Planning.

The project is listed within the Urban Planning Unit’s Work Program endorsed by Council on 14 August 2007.

Relationship to Key Outcome Areas
People
This project meets the following key outcomes for People (set out on pages 32-33 of the Management Plan 2007-2010):

P1  A vibrant city that is healthy, physically attractive, economically strong and engages its community through cultural and social activities.

P2  A city that plans for people by identifying their diverse needs and involving them in decision making to improve their quality of life.

The draft amendments to the child care centres controls under DCP 2006 enhance opportunities for the development of vibrant places by encouraging quality child care centre developments in appropriate locations and requiring attention in their design to respect the character of surrounding built and natural environments. The controls include matters to assist planning for people and their child care needs. This will assist the opportunities for harmonious communities accommodating children’s services.
ITEM 9 (continued)

Assets
This project meets the following key outcomes for Assets (set out on page 34-35 of the Management Plan 2007-2010):
A1 Well designed streets and paths where motorists, cyclists and pedestrians feel safe.
A2 Well designed places and spaces that minimise personal harm and where people interact with each other, so that crime is reduced.

The draft amendments to child care centre controls under DCP 2006 are designed to address safety (vehicle, pedestrian and cyclist safety) and amenity considerations in relation to traffic activity within and in close proximity to child care centre sites. The controls also require that the design of these developments consider the crime prevention through environmental design principles.

Environment
This project meets the following key outcomes for Environment (set out on pages 36-38 of the Management Plan 2007-2010):
E2 Attractive streets, public places and buildings through better planning and design which is responsive to community expectations and our local environment.
E7 A leafy City through parks, gardens, trees and the built environment.
E8 Sustainable practices in buildings, waste management, transport, energy systems and water use through community commitment.

The draft amendments to child care centres controls under DCP 2006 address a number of environmental considerations to ensure child care centre developments reflect contemporary expectations for environmental safety and sustainability. In particular controls address location and design considerations with respect to the wellbeing and health of children using the centres and also with respect to sustainable practices in construction, waste management, and landscape design.

Governance
This project meets the following key outcomes for Governance (set out on page 39-41 of the Management Plan 2007-2010):
G1 Improved communication with the community and increased awareness and understanding of Council’s decisions by the community.
G2 Members of the community are engaged through involvement in democratic decision making and the promotion of active citizenship.
G5 Compliance with all legislative requirements and statutory obligations.
G6 An efficient and effective regulatory environment.

The revision of existing child care centre controls has involved consideration of community responses to child care centre development proposals. The review has resulted in the development of amended DCP controls written in plain English and which comply with the requirements of the Environmental Planning and Assessment Act 1979. The community will also be engaged through public exhibition and consultation on the draft amendments.
ITEM 9 (continued)

Financial Impact
This project is provided for in the Urban Planning budget for 2007/2008.

Adoption of the draft plan for exhibition will have costs associated with advertising and exhibition. The cost for advertising and the public exhibition program for City of Ryde Draft Amending Development Control Plan - Child Care Centres will be financed from the Urban Planning Unit’s budget.

Policy Implications
The recommendation relates to making changes to current policy. The draft controls are proposed to replace the existing controls under Development Control Plan 2006 relating to child care centres development. Council is also currently considering the exhibition of a new consolidating draft DCP to replace DCP 2006, known as Draft DCP 2008 (refer report to COW 1 April 2008 Item 13). The proposed amending controls can also be incorporated directly into Draft DCP 2008 if relevant.

The changes require Part 3.2 Child Care Centres to be replaced with a new Part 3.2, and Part 9.3 Car Parking and Part 10 Definitions to be amended with respect to child care centres. Public exhibition of the proposed amending controls is a legislated requirement in the making of development control plans. Preparation of the Draft DCP is in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning Regulations.

Other Options
Not applicable

Conclusion
A range of amendments are proposed to address issues arising from the review of the child care centre controls under DCP 2006. The amendments proposed offer opportunities to better assist location, design, assessment and decisions on a variety of child care centre developments in City of Ryde.

RECOMMENDATION:

(a) That the report of the Strategic Planner, dated 3 April 2008 titled Child Care Centres Development Control Plan – Draft Amending DCP, be received and noted.

(b) That the City of Ryde Draft Amending Development Control Plan - Child Care Centres, be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

(c) That the General Manager be delegated authority to make changes of a minor nature if necessary to the City of Ryde Draft Amending Development Control Plan - Child Care Centres which do not affect the intent of the controls, prior to the public exhibition.
ITEM 9 (continued)

Report prepared by:

Melissa Burne
Strategic Planner

Report approved by:

Sue Weatherley
Group Manager
Environment and Planning
10 CITY OF RYDE - Enforcement Policy

Report prepared by: Manager – Environmental Health and Building and Group Manager – Environment and Planning
Report dated: 4 April 2008

Report Summary
This report recommends to Council the adoption of an Enforcement Policy, as an umbrella instrument to outline Council's approach to all enforcement matters, the policy deals with the key issues of:

- Guidelines for good enforcement
- Authorisation of officers
- How complaints are investigated
- Principles of Good enforcement
- Risk Response Model.

In addition, this report recommends the adoption of draft enforcement policies for dealing with unauthorised building and land use matters, including non-compliance with conditions of consent, public health and environmental incidents associated (eg. sedimentation control) with building sites.

Background
Currently enforcement matters are handled on a case by case basis, in accordance with established practice and supported by internal processes and procedures. There is no overall policy document that establishes the values underpinning enforcement which can be understood by Council officers and the community.

Council has more recently adopted enforcement guidelines associated with parking in the City of Ryde. The advantage of this policy is that there are clear guidelines for staff to follow. For example when a representation is received requesting an infringement notice be withdrawn the adjudication panel refers to the policy to determine if the infringement has been issued in accordance with that policy. If it hasn’t been then the infringement will be withdrawn.

Having a publicly accessible policy document is an important component of good governance as it creates transparency. It also enables the community to evaluate our actions against our stated intent.

Report
The ATTACHED Draft Enforcement Policy sets out:

- Why council takes enforcement action
- The principles of good enforcement ie:
  - Proportionality in applying the law and in making sure that people comply with it;
  - A consistent approach;
  - Sharing clear information with customers about how the City operates and what they can expect from the City; and
  - Effective, targeted enforcement.
ITEM 10 (continued)

The Draft Enforcement Policy is also intended as an umbrella policy which will underpin other service specific policies. In addition, Service Unit Managers will be responsible for developing standard operating procedures and service standards to ensure that the intent of the adopted Council policy is translated in the operations of their units. The diagram below shows this relationship.

ATTACHED are also draft policies for building works enforcement policy, public health investigations and environmental incidents from building and construction sites.
ITEM 10 (continued)

**Building Works - Enforcement Policy (draft)**
This policy deals with 5 key areas of unauthorised building works and defines the City of Ryde’s response to these areas, having regard to the enforcement principles of the Enforcement Policy. This is summarised in the following table.

<table>
<thead>
<tr>
<th>Form of Unauthorised Building Work</th>
<th>Response</th>
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<tbody>
<tr>
<td>Undertaking work without approval – where work <em>does not comply</em> with Council Policies &amp; Regulations</td>
<td>Notice and Order to Demolish Work</td>
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<tr>
<td></td>
<td>If there is non-compliance with the Order then Court Action to enforce the order</td>
</tr>
<tr>
<td></td>
<td>Additional criminal prosecution if works are substantial or they have harmed the environment – eg demolition of heritage item</td>
</tr>
<tr>
<td>Undertaking work without approval – where work <em>does comply</em> with Council Policies &amp; Regulations</td>
<td>Issue a PIN</td>
</tr>
<tr>
<td></td>
<td>Additional criminal prosecution if works are substantial or they have harmed the environment – eg demolition of heritage item</td>
</tr>
<tr>
<td>Approval Granted – where work <em>does not comply</em> with approval and <em>does not comply</em> with Council Policies &amp; Regulations</td>
<td>Notice and Order to Demolish Work</td>
</tr>
<tr>
<td></td>
<td>If there is non-compliance with the Order then Court Action to enforce the order</td>
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<tr>
<td>Approval Granted – where work <em>does not comply</em> with approval but <em>does comply</em> with Council Policies &amp; Regulations</td>
<td>Issue a PIN</td>
</tr>
<tr>
<td></td>
<td>Criminal prosecution if works are substantial or they have harmed the environment – eg demolition of heritage item</td>
</tr>
<tr>
<td>Incident of non-compliance with conditions of consent relating to the management of building works (e.g. working outside approved hours)</td>
<td>Issue of PIN</td>
</tr>
<tr>
<td></td>
<td>Criminal prosecution if similar breaches occur.</td>
</tr>
</tbody>
</table>
ITEM 10 (continued)

The policy also makes it clear that Council does not see the use of Building Certificates as a mechanism to legalise unauthorised activity.

Environmental Incidents – Enforcement Policy (draft)
This policy has been prepared to facilitate a consistent approach across the City of Ryde on the way environmental incidents from all building and construction works are managed and enforced pursuant to relevant environmental legislation.

The policy will help align enforcement actions across the 3 enforcement arms of Council, namely the Rangers, Environmental Health Officers and Building Surveyors, as they monitor and regulate sediment control and erosion loss from building and construction activities.

The policy can be applied to all Council’s environmental enforcement activities relating to building and development sites and sets out the process on how incidents will be escalated between the enforcement arms of Council.

Public Health – Enforcement Policy (draft)
This policy deals with the key areas associated with public health including food premises, hairdressing salons, skin penetration, public swimming pools and spas, cooling towers, on-site sewage management systems and mortuaries. This policy recommends an approach that escalates the response, where verbal and written warnings are provided and if there is continued non-compliance then the PINs will be issued and if there is continued non-compliance Council may commence legal proceedings.

Role of the Adjudication Panel
When the Council adopted the Parking Enforcement Policy it also established an Adjudication Panel to consider representations on PINs. It is proposed to extend the role of the Adjudication Panel to include representations on Notices and PINs issued under the draft policies considered in this report.

Legal Action
Effective enforcement may sometimes require the Council to take swift action involve court action such as an injunction to restrain someone from undertaking unauthorised works that may harm the environment. It is therefore recommended that the General Manager be delegated to take these actions, in the event of an emergency or urgency, provided the matter is reported to the Council at the next available meeting of the Council. In all other circumstances the instigation of court action will require a council resolution.

Standards of Service
The managers of the relevant service units are preparing standards of service to ensure that there is effective action taken on notices and orders issued, so that follow up action (such as reinspections, reports to the Council) occur in a responsive manner.
ITEM 10 (continued)

Management Plan Budget/Linkages
This project forms part of the 2007/2008 Operational Budget for Environment & Planning.

Relationship to Key Outcome Areas

Assets
This project meets the following key outcomes for Assets:

- Well planned, safe and maintained public places and spaces throughout the City.

Effective and proactive enforcement of public areas contribute to making safe public spaces.

Environment
This project meets the following key outcomes for Environment:

- Clean Water through control of pollution entering our waterways and through protection of these waterways.

The draft policy for managing environmental incidents from building and construction sites directly addresses this outcome.

Governance
This project meets the following key outcomes for Governance:

- Improved communication with the community and increased awareness and understanding of council's decisions by the community.

The draft policies, which will be available to the public, will help to explain why and how our enforcement process occurs.

- A safe and harmonious working environment with skilled and motivated staff who embrace the organisation's vision and values.

The draft policies will provide further guidance for staff in undertaking their duties.

- Compliance with all legislative requirements and statutory obligations.

The draft policies will ensure that Council is complying with legislative requirements.

- An efficient and effective regulatory environment.

The draft policies will be a key component in an efficient and effective regulatory environment.
ITEM 10 (continued)

People
This project meets the following key outcomes for People:

This matter has no direct relationship to this key outcome area.

Consultation – Internal and External
Council business units consulted included: Public Works and Community Life.

External public consultation included: None at this time but it is proposed that the draft policies be placed on public exhibition for not less than 28 days.

Policy Implications
There are no policy implications through adoption of the recommendation.

Critical Dates
Not applicable

Financial Impact
The cost of placing the draft policies on exhibition will be approximately $500.

Other Options
Not applicable

RECOMMENDATION:

(a) That the draft Enforcement Policy, the draft Environmental Incidents from Building and Construction Sites Enforcement Policy and the draft Enforcement Policy for Building Works compliance be placed on public exhibition for a period of not less than 28 days and following exhibition a further report be submitted to Council.

(b) That the Adjudication Panel consisting of the General Manager, the Group Manager Environment and Planning and the relevant service unit manager be delegated authority to consider representations on Penalty Infringement Notices, and Notices issued under the Local Government Act or the Environmental Planning and Assessment Act.

(c) The General Manager be delegated authority to commence court proceedings in the event of urgent matters provided the action is reported to the Council at the next available meeting of the Council.

Report prepared by:

Scott Cox
Manager, Environmental Health and Building

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 10 (continued)

Report approved by:

Sue Weatherley
Group Manager
Environment and Planning
ITEM 10 (continued)

ATTACHMENT 1

DRAFT ENFORCEMENT POLICY

ADOPTED BY COUNCIL ON (DATE)
ITEM 10 (continued)

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<td>Environment &amp; Planning</td>
<td>Version: 1</td>
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<td>Effective Date</td>
<td>Draft</td>
<td>Last Revised: 2 April 2007</td>
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ITEM 10 (continued)

1. INTRODUCTION

Local government enforces legislation to protect the individual and the community as a whole. The City of Ryde carries out a range of activities with the aim of achieving this and to achieve compliance with legislation by individuals and businesses. The purpose of this policy is to publicly summarise the City's enforcement policies adopted to seek such compliance. It is ultimately the responsibility of individuals and businesses to comply with the law.

The policy is an "Umbrella" policy intended to apply to all service areas; though it should be noted that various additional service-specific requirements apply to specific enforcement activities in certain services, e.g. health & safety, food safety, building standards and parking control.

Detailed service-specific policies and procedures, where needed, are held, updated, audited and reviewed by the service departments. Information on these may be obtained from the Group Manager's office of the relevant department, the Customer Service Centre or on our website.

This Policy was adopted by the City of Ryde on (date to be inserted).

The following diagram outlines the framework of policies and documents which are used to create an appropriate enforcement action.

Enforcement Policy Framework

```
            "Umbrella" Policy
               |        |        |
              Issue Specific Policies    Issue Specific Policies    Issue Specific Policies
               |        |        |
           Issue Specific Policies
               |        |        |
        Issue Specific Policies
               |        |        |
 Standard Operating Procedures
               |        |        |
    Procedures
         Standard documents/templates Workflows
```

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 10 (continued)

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A range of activities are used to ensure compliance with legislation. The City carries out inspections of premises on a routine, programmed basis and as a response to complaints and enquiries from the public about businesses and individuals. The City also carries out education programs and intelligence-based activities. Some enforcement services include officers patrolling streets and other public places.

Where non-compliance is discovered as a result of these activities, options available to the City to seek or promote compliance include:

- Explaining legal requirements and, where appropriate, the means to achieve compliance.
- Providing an opportunity to discuss points of issue where appropriate.
- Consideration of reasonable timescales to achieve compliance.
- Service of advisory letters, warnings, statutory notices or prohibitions detailing non-compliance.
- Facilitating mediation between affected parties.
- Enforcement actions including, but not limited to, seizure of goods or articles, closure of premises, caution, prosecution or injunction.

This policy is a key component to ensuring that the City of Ryde achieves its City Vision:

**Ryde will be an innovative city, a leader in environmental, economic and social sustainability.**

One of the key methods to achieve this vision is the establishment and maintenance of an efficient and effective regulatory environment.

In carrying out all its regulatory functions the City does so in a manner that reflects its values of:

- Pride
- Teamwork
- Professionalism
- Ethical
- Recognition
ITEM 10 (continued)

2. Guidelines for Good Enforcement

Enforcement actions are taken within the context of both a legal and policy framework. The City’s enforcement services will carry out their enforcement-related work with due regard to the principles of good enforcement. These principles are:

- Publishing clear standards, setting out the level of service and performance that the public and businesses can expect to receive.
- Dealing with the public and the business in an open and honest way.
- Providing a courteous, efficient and helpful service.
- Responding promptly and positively to complaints about the service.
- Ensuring that enforcement action is proportionate to the risks to the public.
- Carrying out duties in a fair, equitable and consistent manner.

Enforcement decisions and actions will be made with due regard to the provisions of:

- Equal rights and anti-discrimination legislation.
- Service specific legislation.
- All other relevant legislation applicable from time to time.

If it is in the public interest, matters concerning non-compliance may be shared, where appropriate, with other enforcement agencies, such as the Police or the Department of Conservation. Any such action will be undertaken in compliance with the Privacy Act.

3. AUTHORISATION OF OFFICERS

Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of this enforcement policy to ensure a consistent approach to their duties. Officers are required to show their authorisations on demand.

Enforcement services of the City are required to carry out their duties, including carrying out or escalating enforcement actions, in accordance with set procedures. These procedures vary depending on the service area involved in dealing with any non-compliance. Officers dealing with the public are required to identify which service area they represent and summaries of procedures applicable to service areas are available from the Group Manager’s office of each service area.
ITEM 10 (continued)

ATTACHMENT 1

City of Ryde

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4. PURPOSE OF THE POLICY

To provide consistency in enforcement action in matters of non-compliance and to ensure transparency, procedural fairness and natural justice principles are applied.

To create a framework for decisions about what enforcement action should be taken in different circumstances.

5. INVESTIGATING COMPLAINTS ABOUT UNLAWFUL ACTIVITIES

It is the City’s policy to investigate all complaints and alleged unlawful activities unless:

- In relation to development matters, a private Principal Certifying Authority (PCA) is appointed and is responsible for monitoring compliance with the conditions of development consent. The City will always attempt to liaise with the PCA in the first instance to remedy a complaint. In relation to sedimentation control, and footpath obstructions the City will always investigate and take required action prior to liaising with the PCA.
- The Council has no jurisdiction. (E.g. where there is no lawful provision for Council to take action, such as NSW Workcover issues on building sites or internal matters in private strata buildings);
- The activity alleged to be unlawful is in fact determined to be lawful without an investigation required; or
- The complaint is frivolous, vexatious or trivial in nature.

If a decision is made not to investigate a complaint or matter, then the decision must be recorded with clear reasons as to why no investigation was undertaken. The complainant must then be advised of the decision in writing and the reasons no action was taken.
ITEM 10 (continued)

6. GOOD ENFORCEMENT PRINCIPLES AND PRACTICE

The City of Ryde believes in firm but fair regulation guided by the following principles:

- Proportionality in applying the law and in making sure that people comply with it;
- A consistent approach;
- Sharing clear information with customers about how the City operates and what they can expect from the City; and
- Effective, targeted enforcement.

6.1 Proportionality

The City’s customers include both those on whom the law places a duty, and those whom the law protects. They have a right to expect action to achieve compliance to be proportionate to any risks and the seriousness of any breaches.

In general terms if there is a risk, the person responsible (the duty holder) must take measures to put things right, unless the cost involved is clearly excessive compared with the benefit.

Sometimes when regulations are broken, peoples’ rights or enjoyment may be interfered with. Occasionally incidents or breaches cause or have the potential to cause serious harm. The City will try to keep down the cost to customers of complying with the rules and the City will ensure that any action required is in proportion to the seriousness of the breach.

6.2 Consistency

The City will take a similar approach in similar cases to achieve similar ends. The advice provided by the City will be consistent, as will the response to breaches of the law and the decisions on whether to prosecute.

Consistency doesn’t mean simple uniformity. Council officers need to take account of many variables:

- The seriousness of the offence.
- The attitude and actions of the management of the organisation involved towards compliance.
- The previous history of the person/organisation responsible.

Decisions on enforcement action are a matter of professional judgement and discretion. Arrangements to promote consistency, including liaison with other authorities, enforcement bodies and local businesses will continue to be developed.
6.3 Transparency

In order to maintain public confidence in the City’s ability to regulate, the City of Ryde must operate in a clear, open way. It means helping duty holders and others to clearly understand what is expected of them and what they should expect from us.

It also means making it clear why an officer is taking, or has taken, enforcement action.

Officers of the City of Ryde will ensure that whenever possible to work to the following standards:

- If remedial action is needed, the City will explain clearly (in writing if asked to do so) why the action is necessary and when it must be carried out. The City will point out what action is required and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal against that decision.
- Complainants will be advised of what action has been taken and why that action has been taken.
### 7. RISK RESPONSE MODEL

The response to an alleged breach or non-compliance will be based upon a risk / response model, where the nature of the response will be proportional to the risk to the community, the environment or property due to the alleged unauthorised activity. This is explained in the following matrix.

<table>
<thead>
<tr>
<th>How serious could it hurt someone Or Cause damage to property Or Cause damage to the environment</th>
<th>How likely is it to be that bad?</th>
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<tbody>
<tr>
<td></td>
<td>++ Very likely could happen any time</td>
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<tr>
<td>Kill or cause permanent disability or ill health, cause severe damage to property or the environment</td>
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<td>Long term illness or serious injury to a persons, property or the environment</td>
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<tr>
<td>No immediate potential for physical harm to persons, property or the environment, potential for adverse amenity impacts</td>
<td>2</td>
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<tr>
<td>No physical harm to person, property or the environment, minor amenity impact on another person.</td>
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**Rating 1** – Immediate and urgent response required (officers may be required to cease other work to attend to this matter). The nature of the enforcement action taken by the City will reflect the seriousness of the matter. Court action and fines are the likely action.

Examples:
- Unsafe buildings and unsafe building works,
- Collapsed buildings in public areas,
- Food poisoning incidents,
- Significant pollution incidents,
- Main road clearaway breaches,
- Abandoned vehicles in an unsafe location,
- Dog attacks,

**Rating 2** – Urgent response required. The nature of the enforcement action taken by the City will reflect the seriousness of the matter. Court action and fines may be the action taken by the City.

Examples:
- Unsafe buildings and unsafe building works,
- Fire damaged buildings or fire safety breaches,
- Dumped rubbish
- Food poisoning incidents
- Roaming dogs
- Out of hours works and noise
- Footpath obstruction
- Pollution incidents (soma)
- Breaches of the tree preservation order

**Rating 3** – Appropriate response required. Where appropriate notices, orders and fines will be taken.

Examples:
- Abandoned vehicles
- Stormwater or drainage issues
- Dumped rubbish
- Breach of conditions of consent
- Poor sedimentation control on building sites
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**Rating 4** – Response within 10 working days of complaint being received by the City of Ryde. Where appropriate notices, orders and fines will be taken, but education and warnings may also be appropriate.

Examples:

- Unauthorized advertising sign
- Unauthorized land use
- Overgrown land

**Rating 5 and 6** – Response within 10 working days of complaint being received by the City of Ryde. Letters of advice and education may be the appropriate response and action.

Examples:

- No PCA appointment sign on the site
- Noxious weeds
8. MANAGING COMPLAINTS

8.1 How to Make a Complaint

Complaints to Council can be lodged in person, over the phone, or by electronic/paper correspondence. Council's contact details are:

Telephone: 9952 8222
Facsimile: 9952 8070
E-mail: ryde.nsw.gov.au
Postal address: Locked Bag No. 2069, North Ryde, 1670.

Complainants are encouraged to leave their name, address and phone number so that the investigating officer may contact the complainant to substantiate the complaint, gain additional information if required and to keep the complainant advised of the progress and outcome of the investigation.

All verbal complaints will be registered in Council's CRM system. All written complaints will be registered by Council's Records Department. An acknowledgement letter specifying the timeframe in which the matter will be investigated will be forwarded to all written complaints.

Anonymous complaints will not be investigated unless there is a potential for a serious risk to health, safety or the environment.

All reports of investigation are strictly confidential. However, information will generally be made available about the outcome of investigations and the reasons for the decisions provided the information will not cause harm to an informant, witness, or alleged offender; or significantly prejudice the administration of justice.

8.2 Privacy


Personal information may be shared with other agencies for law enforcement purposes and Council will share such information where appropriate.
ITEM 10 (continued)

ATTACHMENT 1

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Review of the Policy

It is proposed that this policy be reviewed within three (3) years of its adoption by the City of Ryde.
DRAFT
BUILDING WORKS
COMPLIANCE – ENFORCEMENT POLICY
APRIL 2008

ADOPTED ON (DATE)
ITEM 10 (continued)

1. Introduction

This policy explains the approach that the City of Ryde will take in relation to unauthorised building activities in the City of Ryde. This includes:

- Non compliance with conditions of consent,
- Commencing work without approval

The City of Ryde acknowledges that it has an obligation under Section 8 of the Local Government Act 1993 to ensure that the exercise of its regulatory power is carried out consistently and without bias.

The policy shall be followed in all but extenuating circumstances, and applies to all Health and Building staff and contractors where Ryde City Council has regulatory responsibility under NSW legislation. All Health and Building staff are expected to be familiar with relevant legislation to carry out their operational duties.

This policy was adopted by the City of Ryde on (insert date).

2. Purpose of the Policy

The purpose of the policy is

- To confirm that the City of Ryde has a minimal tolerance approach to unlawful activity.
- To provide consistency in enforcement matters of development non-compliance, and to ensure transparency, procedural fairness and natural justice.

3. Principles

3.1 The City of Ryde Values

The City of Ryde Values will apply to all actions taken under this policy.

Council’s Values are:

- Professionalism
- Teamwork
- Leadership
- Ethics
- Pride
- Recognition
This Policy aligns with the values and principles of the City of Ryde along with the requirements of any relevant legislation.

3.2 Responding to complaints of unlawful activity and building works

Complaints will be investigated and actioned in accordance with priority. Action should be instigated within the principles nominated the Risk Response Model of the Enforcement Policy. Generally, response will be:

a) **Urgent and life threatening matters** are a priority and will be actioned on the day of complaint or as soon as resources are available. The severity of such incidents may be such that they may result in death, or ill health, or cause severe damage to property or the environment. Examples include: unsafe buildings, collapsed buildings, fire damaged buildings.

b) **General compliance issues** within 10 working days. The severity of such incidents is such that there is no immediate potential for physical harm to persons, property or the environment; however there is potential for adverse amenity impacts. Examples include: alleged unlawful works and uses, work carried out not in accordance with the development consent.

c) **Significant Nuisance Matters** immediate response is required on the first working day thereafter. Examples include working out of hours in residential areas, dust or excessive noise from building sites.

d) **General Nuisance matters** actioned within 10 days. Examples include minor alleged non-compliance that does not have an immediate adverse impact.

Health and Building staff will respond to all complaints or notifications relating to alleged unlawful activities and building work in keeping with Council’s Values and Principles within 10 working days of receipt. Complainants will be advised of the progress and outcome of all investigations.

3.3 Investigating unlawful activity and building work

All complaints and matters regarding alleged unlawful activity and building work will be investigated unless:

- the matter has already been resolved; or
- a private Principal Certifying Authority (PCA) is responsible for monitoring compliance with the development consent and the matter relates to compliance with approved drawings. To assist customers, Council will always refer them to the PCA in the first instance to remedy a complaint. (Council will liaise with the PCA and investigate matters outside the scope of the property boundaries, matters that are life threatening or may cause property
ITEM 10 (continued)

... damage or where there is likely to be significant local nuisance impacts; or

- the Council has no jurisdiction (for example, dividing fences); or
- the activity alleged to be unlawful is in fact determined to be lawful without an investigation required (for example, Exempt Development); or
- the complaint is frivolous, vexatious or trivial in nature.

If a decision was made not to further investigate the complaint, the decision will be recorded along with clear reasons why it was not investigated and the complainant will be advised in writing of the reason for the decision.

3.4 Authorised Officer Field Inspection Procedure

Council will delegate authority and authorise certain staff under relevant legislation in order for them to carry out their investigative duties and take necessary action. Council views the power to enter private property very seriously and will ensure that the exercise of these functions is in accordance with legislation.

All Council staff who carry out inspections on private land for regulatory purposes will:

- Have delegation to enter the premises and carry out investigations as specified in Council’s delegations; and
- Be authorised by Council where this is required by specific legislation to permit inspections on private property; and
- Carry photographic identification demonstrating authorisation to enter private property under each specific Act; and
- Be conscious of any requirements relating to occupational health and safety;
- Be courteous and helpful.

It is at the discretion of the authorised officer on how to investigate and resolve any complaint, however the general procedure to be followed is:

a) The officer prioritises the complaint in accordance with the risk response model
b) The complainant is contacted to substantiate the complaint, and to make a preliminary assessment. If it is determined that no further action is required, the officer immediately advises the complainant and records the reasons why no further action is required.
c) If it is determined that further action is required, the officer inspects the subject premises to fully assess the situation and to advise the owner/occupier of the complaint. Before entering, the officer must introduce themselves by giving their name, title and the reasons why they are visiting the premises. Details of the persons
interviewed, notes relating to the inspection as well as any photographic evidence should be taken at this stage.

d) Upon the immediate return to the office, the results of the inspection are recorded. Depending on the results of the inspection, appropriate correspondence shall be prepared and sent. The complainant shall also be advised of Council’s actions along with a likely time frame for finalising the matter.

Note: All conversations and observations will be documented and recorded.

3.5 Options for action in confirmed cases of unlawful activity

Regulatory action is any formal and informal action taken to prevent or rectify infringements of the legislation. The regulatory options may differ with each case, but the principles of application should remain constant.

3.5.1 Non-Enforcement action where there is evidence of unlawful activity

In accordance with Council’s values, a number of options may be considered instead of enforcement.

The following may be appropriate:

a) Referring the matter to the relevant agency for further action if the breach does not fall under the jurisdiction of Council.

b) Counselling the person investigated to educate them on the relevant requirements.

c) Negotiating with the person who carried out the unlawful activity to obtain an undertaking from them to address issues of concern found during the investigation.

d) Issuing a warning or caution to the offender, requiring work to be done or activity to cease in lieu of more formal action. Verbal warning shall be documented on Council records.

e) Taking no action on the basis or no reliable evidence or other reasons such as frivolous or vexatious complaints or where Council has no jurisdiction.

f) Referring parties for mediation with Community Justice Centre

The above approaches will be used with discretion and Council is obliged to uphold the law. This includes ensuring compliance with relevant administrative law principles such as acting fairly and equitably, and to act in the public interest.

These approaches also do not preclude Council from taking enforcement action.
ITEM 10 (continued)

3.5.2 Enforcement action

Enforcement action will be taken with a minimal tolerance approach. It is recognized that this approach is consistent with other local authorities with the same regulatory authority.

Enforcement action includes:

- Issuing of Notices and Orders requiring compliance with legislative requirements or those of an environmental planning instrument.
- Issuing a "penalty infringement notice" (PIN) or alternatively commencement of "criminal proceedings"
- Commencement of civil proceedings in Court to either remedy or restrain the unlawful activity. Examples include Class 4 proceedings in the Land and Environmental to enforce compliance with s121B of the Environmental Planning and Assessment Act 1979 or seeking of interlocutory or injunctive proceedings to prevent unlawful activity from occurring.

Before any enforcement action is taken, the Council must consider the following:

- Could the unlawful activity be carried out lawfully if development consent or an exemption from development was sought?
- Are the breach historically or inconsequential in nature with no aggravating circumstances?
- Could the non-compliance be easily remedied by some action of the person responsible?
- Are the unlawful activities or works carried out on a heritage item and did they adversely impact on the heritage significance?
- Is the condition of the Development Consent not being complied with unreasonable, ambiguous or plainly unenforceable?
- Would action be in the public interest?
- Is there any doubt over the evidence or the offence?
- Has the person responsible been educated about Council’s policy? (i.e., did the person know that their actions were unlawful?)
- Are the costs of enforcing likely to be prohibitive for the nature of the offence?
- What are the chances of success if challenged?
- Has the person or company that carried out the offence had an opportunity to provide representation or submission on the matters?

If it is considered that enforcement action is required, it will be taken in accordance with legislative and Council procedures. Any court action requires a Council resolution. The General Manager may take this action without a Council resolution if the matter is urgent.
ITEM 10 (continued)

In taking enforcement action, Council recognises that there are statutory processes which provide for representations and appeals and thereby natural justice principles will still be observed.

Where a person is afforded the right to make representations to a Notice, Council requires those representations to be made in writing. This ensures representation documents can be recorded and filed in Council’s record system. After written representations are considered, representations in person may be made if the Council considers this to be appropriate.

3.6 Special Provisions – Position on Principal Certifying Authority (PCA) and Private Certifiers.

Council recognises that when a Private Certifier is acting as the PCA, they are responsible for ensuring that the development is carried in accordance with the Environmental Planning and Assessment Act 1979, and the Development Consent. Persons making complaints regarding a development under the responsibility of a private certifier should be advised to contact the private certifier in the first instance. Where a complaint is received in writing, a copy of the complaint will be forwarded to the PCA with a request to investigate and respond.

While Council does not have legal control over Private Certifiers it will liaise with the Private Certifier, and will make every effort to ensure that requirements of the Environmental Planning and Assessment Act and Regulations are met, and that the health and safety of the public is not compromised. Council will investigate matters outside the scope of the property boundaries (such as building materials stored on nature strips, inadequate sedimentation control and the like), matters that are life threatening or where there is likely to be significant local nuisance impacts or may cause property damage.

Council will make complaints to the Accreditation Body if it was believed that a Private Certifier has not acted in accordance with their obligations under legislation or has not acted in the Public interest.

Private Certifiers are required to submit copies of certificates and documentation relating to Construction Certificate and Complying Developments to Council under the provisions of the Environmental Planning and Assessment Act 1979. Council is not legally required and does not audit or review certificates issued by Private Certifiers.
4. Enforcement Response for Unauthorised Activity

4.1 Unauthorised Building Works – No approval

A Development Consent or Construction Certificate cannot be issued retrospectively for building works already constructed. Building work carried out without a Development Consent or Complying Development Certificate or Construction Certificate, which do not fulfil the criteria of Council’s Exempt and Complying Development Code are deemed to be unauthorised.

Action to be taken by Council will vary depending on whether the building work complies or does not comply with Council’s policies and other relevant legislation, and the extent of the work undertaken.

Note: All conversations and observations will be documented and recorded.

No approval and building work does not comply with Council policies, BCA or other legislation.

The Officer will carry out an assessment of the unauthorised work to determine whether it would generally comply with Council’s policies (including Heritage requirements), the BCA and any other relevant legislation. The owner may be requested to supply additional information, such as Works as Executed drawings to assist the officer carry out the assessment. Such details may also be referred to Council’s Assessment Team for comment.

If the structure does not comply with any of the legislative requirements, a Notice of Proposed Order requiring the removal of the unauthorised work under the provisions of the Environmental Planning and Assessment Act 1979 shall be served on the owner of the subject property.

The Council may commence criminal prosecution proceedings in the Land and Environment Court in cases where significant unauthorised work has been carried out. The maximum fine that can be imposed by the Land and Environment Court is $1.1 million. In determining whether to pursue criminal prosecution the Council will have regard to those matters listed in 3.5.2 of this Policy. An example of when prosecution action is likely is when building work has been undertaken and any damage to the environment can not be corrected, such as the demolition of a heritage building.

If there is failure to comply with the requirement of any order then the Council will pursue civil proceedings to enforce the order. In these circumstances the Council may also commence criminal prosecution action.
Unauthorised building work (no approval) that complies with Council Policy, BCA and other Legislation

If sufficient evidence is provided to verify that the unauthorised work complies with the requirements of Council's policies, the BCA and other legislation, the Building Surveyor will prepare a report to the Manager of Environmental Health and Building with a recommendation of proposed actions. The matters for consideration listed in Section 3.5.2 of these Guidelines will be taken into consideration when determining the appropriate action to be taken. In addition to the matters for consideration in Section 3.5.2, the following requirements will need to be satisfied:

- Evidence that the building is structurally adequate (Structural Engineer report).
- Building Code of Australia compliance such as evidence of termite control, waterproofing, smoke detectors etc.
- Basix requirements and any other energy efficient requirements
- Compliance with Council DCP’s
- Survey report indicating that the position of the structure complies.
- Works As Executed (WAE) plans
- The structure is aesthetically acceptable and does not cause an unreasonable impact on streetscape compliments the surrounding area.
- The building work does not have an unreasonable impact on the adjoining properties (e.g. privacy, overshadowing and the like)

Except in exceptional circumstances a Penalty Infringement Notice for the unauthorised work will be issued.

Where a significant amount of unauthorised work has been undertaken the Council may elect to commence criminal prosecution proceedings.

4.2 Unauthorised Building Work Where Approval Has Been Granted

Work Not Being Undertaken with Conditions of Consent

Where the work is not being undertaken in accordance with conditions of consent that control the way in which the building works shall be undertaken the Council may issue, either a written warning or a Penalty Infringement Notice (PIN).

Warnings are appropriate for matters that do not cause a nuisance or disturbance to others (e.g. not having the PCA sign on the site) and PINs are the appropriate response for matters that cause a disturbance to others, this includes:

- Storage of builder's materials on the road or nature strip.
- Working out of approved hours
- Construction noise exceeds approved levels.
ITEM 10 (continued)

If there is ongoing non-compliance after the issue of a written warning then a PIN will be issued. If there is continued non-compliance Council may decide to commence criminal prosecution.

Building Work Does Not Comply with the Approved Plans and Details (but complies with Council policies and legislation)

If an inspection has revealed that the work was not being carried out in accordance with the approved detail, a Section 96 application may be requested, but only if the work is considered to comply with Council policies and other legislation. It should be noted however that such application will be assessed on its merits, and could be refused regardless whether the work has been completed.

The Development Assessment Team can provide assistance to the Building Compliance Team in determining if works comply with Council policies.

Except in exceptional circumstances a Penalty Infringement Notice for the unauthorised work will be issued.

Where a significant amount of unauthorised work has been undertaken the Council may elect to commence criminal prosecution proceedings as an alternative to issuing a PIN.

Building Work Does Not Comply With the Approved Plans and Details and Does Not Comply With Council Policies And Legislation

If an unauthorised structure does not comply with any of the legislative requirements, a Notice of Proposed Order requiring the removal of the unauthorised work under the provisions of the Environmental Planning and Assessment Act 1979 shall be served on the Owner of the Subject property.

The Council may commence criminal prosecution proceedings in the Land and Environment Court in cases where significant unauthorised work has been carried out. The maximum fine that can be imposed by the Land and Environment Court is $1.1 million. In determining whether to pursue criminal prosecution the Council will have regard to the matters for consideration listed in 3.5.2 of these Guidelines. An example of when prosecution action is likely is when building work has been undertaken and any damage to the environment can not be corrected, such as the demolition of a heritage building.
If there is failure to comply with the requirement of any order then the Council will pursue civil proceedings to enforce the order. In these circumstances the Council may also commence criminal prosecution action.

4.3 Building Certificates

Council does not support or encourage the submission of a Building Certificate Applications under the provisions of section 149D of the EP & A Act to justify unlawful works. However, it is recognised that persons who may have carried out unlawful works may apply for a Building Certificate to formalise those unlawful works.

Council may still take enforcement action against a person who carried out unlawful works, irrespective of whether they have applied for a Building Certificate.

5. Review of the Policy

This Policy will be reviewed within three (3) years of its adoption by the City of Ryde.
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City of Ryde

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 10 (continued)

1.0 INTRODUCTION

1.1 Background

Council's Environmental Health Unit is responsible for exercising regulatory functions under the following public health legislation:

- Public Health Act 1991
- Public Health (General) Regulation 2002
- Public Health (Skin Penetration) Regulation 2000
- Public Health (Swimming Pools and Spa Pools) Regulation 2000
- Public Health (Microbial Control) Regulation 2000
- Public Health (Disposal of Bodies) Regulation 2002
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Food Act 2003
- Food Regulation 2004

In exercising these functions, the Environmental Health Unit carries out the following regulatory activities:

- investigation of complaints concerning public health risks
- inspection of food premises
- inspection of hairdresser's shops, beauty salons and skin penetration premises
- inspection and testing of public swimming pools and spa pools
- registration and inspection of cooling towers
- approval and inspection of on-site sewage management systems
- inspection of undertaker's premises and mortuaries.

This policy is intended to ensure a consistent approach to the way that Council's Environmental Health Officers and other authorised staff monitor and enforce compliance with public health legislation.

The policy is part of a series of Guidelines prepared under Council's Enforcement Policy and should be read in conjunction with that Policy.

This policy will be supported by more detailed operating guidelines where appropriate.
ITEM 10 (continued)

1.2 Purpose

The purpose of this policy is to align the way that public health issues are regulated and enforced with the City's Enforcement Policy.

In particular, the policy is intended:

- To ensure that compliance and enforcement activities are carried out in a consistent, fair and transparent manner.
- To create a framework for decisions about what enforcement action should be taken in different situations.

Note: In the event of any contradiction between this policy and the City's Umbrella Enforcement Policy, the requirements of the City's Umbrella Enforcement Policy will prevail to the extent of that contradiction.

1.3 Objectives

The objectives of the policy are:

- To inform the public of the principles and measures that Council's Environmental Health Officers and other authorised staff will apply in their compliance and enforcement activities relating to public health;
- To provide guidance to Environmental Health Officers and other authorised staff in the use of enforcement options;
- To provide information about Council's complaints management procedures.

2.0 GENERAL REQUIREMENTS

2.1 Compliance and Enforcement Principles

In carrying out their compliance and enforcement activities, Council's Environmental Health Officers and other authorised staff will:

- act in the public interest;
- act consistently, impartially and fairly according to law;
- not discriminate on the basis of race, religion, sex, national origin or political association;
- ensure that enforcement action is taken against the right person for the right offence;
- ensure that all relevant evidence is placed before courts or appeal tribunals;
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- inform those being regulated of their legal obligations and assist with
  enquiries about legislative requirements;
- discuss specific compliance failures or problems and provide advice on
  mechanisms that can be used to improve compliance;
- confirm advice in writing when requested and provide written advice in a
  clear and simple manner, explaining what and why remedial work is to be
  undertaken, over what time scale and ensuring legal requirements are
  explained;
- advise those being regulated of their right of appeal where provided by
  law and
- provide alleged offenders with an opportunity to discuss the
  circumstances of their case.

2.2 Detecting Potential Public Health Incidents

Council receives information about suspected public health risks and
compliance problems from members of the public, other agencies and
monitoring activities.

Monitoring activities include routine compliance inspections of:
- food premises
- hairdresser’s shops, beauty salons and skin penetration premises
- public swimming pools and spa pools
- cooling towers
- on-site sewage management systems
- undertaker’s premises and mortuaries.

2.3 Compliance and Enforcement Approach

Education and warnings will be normally be used to resolve compliance
problems in the first instance. This ensures that alleged offenders are made
aware of legislative requirements.

For serious or continuing problems, enforcement options will be used to
ensure compliance.

2.4 Enforcement Options

Council’s Environmental Health Officers and other authorised staff can use a
range of enforcement options that escalate according to the severity of the
problem. These options include:
- notices and orders
- penalty notices
- seizure
ITEM 10 (continued)

2.5 Factors for Determining Appropriate Responses

The following factors will be considered and balanced in making a decision as to the type of enforcement action, if any, that is taken:

- the seriousness of the harm or potential harm caused by the alleged offence;
- the level of malice or culpability of the suspect - was the offence intentional, reckless, negligent, or a mistake?
- whether the suspect has a history of prior contraventions;
- the age, physical or mental health or special infirmity of the alleged offender;
- the alleged offender’s background, including culture and language ability;
- whether the suspect cooperated with authorities when the offence was detected;
- the likelihood of the offence continuing or being repeated;
- any mitigating or aggravating circumstances;
- the standard of evidence that has been collected;
- the length of time since the alleged offence;
- whether the consequences of any conviction would be unduly harsh or oppressive;
- whether court orders are required to prevent a recurrence of the offence;
- the prevalence of the alleged offence and the need for deterrence, both specifically and generally;
- the cost of the proposed response option compared to the benefits of that option; and
- the likely public perception of the offence and the manner with which it is dealt.

However, the overriding consideration in taking enforcement action will always be the public interest.

3.0 GUIDANCE ON THE USE OF ENFORCEMENT OPTIONS

3.1 Verbal and Written Warnings

Verbal warnings should normally only be given for trivial offences or where there is insufficient evidence to justify a warning letter.
ITEM 10 (continued)

Where there is evidence that minor offences have occurred warning letters may be issued at the discretion of the investigating officer.

Warning letters are generally inappropriate where a large number of minor offences have been committed on one occasion or where a series of minor offences have been committed within a relatively short period of time. In these circumstances, the totality of the offences needs to be taken into account and, where significant non-compliance is evident other enforcement action should be considered.

Warning letters should detail the exact nature of the alleged contravention, the clauses of the legislation and maximum penalty applicable, the remedial action required, and the intention of Council to enforce the legislation.

Warning letters should be followed-up within 3 months to ensure the required actions have been undertaken.

Further written warnings should not be issued for a subsequent similar offence except in exceptional circumstances.

3.2 Notices and Orders

A notice or order may impose requirements on the addressee which may lead to prosecution if they fail to comply. Therefore, before deciding to issue a notice or order, it is important to consider whether the circumstances merit this course of action or whether it would be more appropriate to make an informal request.

An informal request may be appropriate if:

- the person appears cooperative or past experience indicates that they would be willing to comply with an informal request;
- the problem can be rectified easily;
- time is a factor – it may be quicker to use an informal approach; and
- prosecution is unlikely if the person fails to comply.

A notice should be used if:

- there has been an unsatisfactory response to an informal request; or
- the person is uncooperative or past experience indicates that they are unlikely to comply unless a formal notice is issued; or

To be valid all notices and orders must:

- be addressed to the correct legal entity (this must be an individual or a corporation);
- state clearly what the notice or order requires;
- give the addressee reasonable time to comply; and
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- be signed by a person who has delegated authority to issue the notice or order on behalf of Council or is an authorised officer under the relevant Act or regulation.

Reasons must also be given if required by the relevant Act. The reasons given must be sufficient to justify the issue of the notice or order.

Notices and orders may be served personally, by post or fax. Personal service is the most effective method as there is direct evidence of receipt. However, in most cases postal service would be sufficient. Usually, service by post is ineffective only if it is shown that delivery did not occur (ie. the notice or order is returned undelivered).

If serving a notice by post, Section 76 of the Interpretation Act 1987 deems service to be effected by properly addressing, prepaying and posting the document as a letter. Service is also deemed to have been effected on the fourth working day after the letter was posted.

In all cases, a written record should be made as evidence that the notice or order was served in accordance with the relevant Act.

Where representations are received in relation to a proposed notice or order, the matter must be referred to the Unit Manager for consideration and determination. The Unit Manager should make a written record of the decision and a letter should be sent to respondent informing them of the outcome.

All requests for extensions should be in writing and include the reason why the notice or order cannot be complied with by the due date, and a suitable alternative date by which the notice or order can be complied with. The request for the extension must be received before the period for compliance lapses and the alternative date should be reasonably close to the original compliance date.

All requests for extensions should be responded to in writing. The letter should acknowledge receipt of the request and formally advise the addressee of the outcome.

3.3 Penalty Notices

A penalty notice may be served on a person if it appears to an authorised officer that the person has committed a penalty notice offence.

A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay the specified amount for the offence within a specified time.

A penalty notice may be served personally or by post.
ITEM 10 (continued)

If the penalty is paid within the time specified, the person is not liable to any further proceedings for the alleged offence.

If the penalty is not paid and the person does not elect to go to court, a penalty reminder notice is forwarded to the offender by the Infringement Processing Bureau. If the person does not pay the penalty within 28 days, the State Debt Recovery Office (SDRO) will issue an enforcement order and additional fees will also be payable. If the amount remains unpaid after 28 days the SDRO will direct the RTA to impose licence sanctions.

Penalty notices are designed primarily to deal with minor breaches that can be remedied easily.

Before issuing a penalty notice the authorised officer must be satisfied that there is sufficient evidence for a conviction if the matter is heard in a court.

Penalty notices should not be used where the penalty is clearly inadequate for the offence or where the penalty is unlikely to have an impact on the offender.

Also, it is generally inappropriate to issue multiple penalty notices for numerous simultaneous offences or successive penalty notices for continuing breaches. In such instances, there is obviously a major compliance problem, even though each breach in itself may be comparatively minor, and the matter should be dealt with by a court.

Penalty notices should not be issued if more than 14 days has elapsed since the alleged breach.

3.4 Seizure

Under Section 36 of the Food Act 2003, an authorised officer under that Act may seize food, vehicles, equipment, labelling or advertising materials that the authorised officer reasonably believes do not comply with the Act or Regulations or are evidence of an offence.

If the seized items consist of food that is filthy, decomposed or putrid, or pose an immediate risk to health or property, the authorised officer may cause them to be destroyed.

Seized items that are not destroyed may be detained on the premises where they were found or be removed to another place and detained there. If they are detained on the premises the items must be marked to indicate that they have been seized under the Act.

The person from whom the items were seized must be given written notification of the seizure including a description of the items seized, the reason for the seizure, and the address where the items will be held. The person must also be informed of their right to appeal to the Local Court for an order disallowing the seizure.
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If it becomes evident that there has been no contravention of the Act or regulations in relation to the seized items, they should be returned as soon as possible to the person from whom they were seized.

Seized items are forfeited to the Crown after the appeal period has lapsed, if no application has been made for an order disallowing the seizure, and may be destroyed, sold or otherwise disposed with the approval of the NSW Food Authority.

Compensation may be payable if there has been no contravention in relation to the seized items, and the items cannot be returned or have depreciated in value as a consequence of the seizure.

All seizures must be approved by the Team Leader - Environmental Health or Unit Manager.

3.5 Civil Proceedings

Civil proceedings may be brought in the Land and Environment Court to remedy or restrain serious breaches of the Local Government Act 1993.

Such proceedings are instituted by Council’s solicitors acting on the instructions of the General Manager or other officer with delegated authority to initiate such proceedings.

Preliminary advice should be obtained from Council’s General Counsel before initiating any proceedings.

3.6 Prosecution

Criminal proceedings may be commenced where there is sufficient evidence to prove beyond reasonable doubt that a serious offence has been committed.

If the investigating officer considers prosecution to be the most appropriate course of action preliminary advice should be sought from Council’s General Counsel and, if sufficient evidence has been gathered, a report should be prepared and submitted to the General Manager.

The final decision on whether or not to prosecute rests with the General Manager, and the primary factor in making this decision is whether or not the prosecution is in the public interest.

Where prosecution has been selected as the appropriate option, Council will not necessarily proceed against all those who may be potentially liable under the legislation.
ITEM 10 (continued)


The general principles that will be applied are that proceedings will be instituted against those who are primarily responsible for the offence and where offences are committed by employees, agents or officers of a corporation in the course of their employment, proceedings will usually be instituted against the corporation.

In taking action against employees their compliance with management procedures or directions will be taken into consideration. Action will normally only be taken against the directors of corporations where there is a failure to exercise due diligence or where there is evidence linking a director or manager with the corporation's illegal activity.

All matters must be prepared for hearing as quickly as possible and the charge or charges laid should appropriately reflect the nature and extent of the alleged offences.

Matters heard in the Local Court may not attract the full penalties provided by the legislation and, where offences have been committed wilfully, consideration should be given to having matters heard before a higher Court.

3.7 Revoking or Modifying Approvals

A number of activities require approvals from Council under the Local Government Act 1993.

A person who fails to comply with an approval is subject to normal enforcement action, but may also have their approval modified or revoked.

Prior to taking such action, the applicant will be asked to show cause why their approval should not be modified or revoked. Failure to respond, or an inadequate response, may result in changes to conditions or immediate revocation of the approval.

All appeals against the proposed modification or revocation of an approval should be referred to the Council for determination.

Any person who carries on an activity that requires approval after their approval has been revoked should be prosecuted.

Applications for a new approval should be refused where the application is made by a person who has previously had an approval revoked.
ITEM 10 (continued) ATTACHMENT 3


4.0  MANAGING COMPLAINTS

4.1  Reporting Public Health Risks

Complaints or information about suspected public health risks should be lodged with the Council’s Customer Service Centre on:

Telephone:  9652 6222
Facsimile:  9652 8070
E-mail:  ryde.nsw.gov.au

All verbal complaints must be registered on Council’s Customer Request Management System.

All written complaints must be forwarded to Council’s Records Management Unit for scanning and registration.

Anonymous complaints will not be investigated unless there is the potential for a serious risk to public health.

4.2  Response Times

Complaints and reports of public health risks should be investigated within the timeframes determined by the Risk Response Model set out in Council’s Enforcement Policy:

Generally, response times should be as follows:

**Urgent matters** – Matters that are likely to pose a serious risk to public health should be investigated immediately or as soon as resources are available. Matters requiring urgent attention include:
- investigations related to suspected Legionnaires’ disease cases
- single-case foodborne illness notifications
- sale of unsafe or unsuitable food
- serious food hygiene issues
- urgent food recalls
- sewer overflows

**Other matters** – Matters that do not pose an immediate public health risk should be investigated as soon as possible and not more than 10 working days after receipt of the complaint.
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4.3 Privacy

Personal information provided by a complainant will not be divulged to third parties without the complainant's permission, subject to the provisions of the Freedom of Information Act 1989.

4.4 Feedback

Unless the complaint is anonymous the investigating officer will contact the complainant at the end of the investigation and inform them of the outcome.

If the complaint is referred to another agency, the complainant will be advised and will need to contact that agency for feedback.

4.5 Grievances

Any person who is aggrieved by a decision can contact Council officers to discuss the decision.

Formal complaints can be lodged with Council by mail, fax or e-mail:

Mail: The General Manager
      City of Ryde
      Locked Bag 2069
      NORTH RYDE NSW 1670

Facsimile: 9952 8070

E-mail: ryde.nsw.gov.au

5.0 STAFF APPOINTMENT AND AUTHORISATION

5.1 Appointment and Authorisation

Only staff with appropriate tertiary qualifications will be appointed as Environmental Health Officers.

All Environmental Health Officers and other staff required to enter and inspect premises will be authorised under relevant legislation and provided with appropriate delegations to carry out their functions.

5.2 Certificates of Authority

All staff authorised to enter and inspect premises will be issued with a certificate of authority as required by the relevant legislation.

The certificate of authority must be produced on demand by the occupier of the premises.
6.0 OTHER MATTERS

6.1 Review of Guidelines

These Guidelines will be reviewed every three (3) years and as required to reflect changes in public health legislation.

6.2 Conclusion

These Guidelines have no legal status and cannot be used to limit Council’s discretion to take any enforcement action.
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ATTACHMENT 4

DRAFT
ENVIRONMENTAL
INCIDENTS FROM
BUILDING AND
CONSTRUCTION SITES –
ENFORCEMENT POLICY
2008-2010

EFFECTIVE DATE

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
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Draft Enforcement Guidelines for Environmental Incidents from Building and Construction Sites 2007-10 – 14th
May 2007

1.0 INTRODUCTION

1.1 Background

These Guidelines applies to building and construction sites and should be read in conjunction with the City’s Umbrella Enforcement Operating Guidelines 2007. A series of enforcement policies will be set up under the Umbrella Operating Guidelines.

These Guidelines has been prepared to facilitate a consistent approach across the City of Ryde on the way environmental incidents from all building and construction works are managed and enforced pursuant to relevant environmental legislation.

These Guidelines will help align enforcement actions across the 3 enforcement arms of Council, namely the Rangers, Environmental Health Officers and Building Surveyors, as they monitor and regulate sediment control and erosion loss from building and construction activities.

These Guidelines can be applied to all Council’s environmental enforcement activities relating to building and development sites and sets out the process on how incidents will be escalated between the enforcement arms of Council.

While there can be no quantitative measurement of an incident, the following definition has been used as a guide for determining what an environmental incident could be.

The Protection of the Environment Operations Act defines an incident as:

’an incident or set of circumstances during or as a consequence of which there is, has been or is likely to be a leak, spill or other escape of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which waste has been placed or disposed of on premises unlawfully, but it does not include an incident or set of circumstances involving only the emission of any noise or odour.’

For the purposes of these guidelines, the City Of Ryde will regard an environmental incident to be;

“An incident or set of circumstances that has either caused, or has the potential to cause material harm to the environment”

This broad definition allows Council Authorised Officers to use their discretion in deciding what level of action to be taken. If for example, a small amount of dirt outside a building and development site and can be easily fixed up by having someone sweep the dirt back up onto the site, this should not be considered a pollution incident, unless of course the Builder or Developer ignores the recommendation of Councils Authorised Officer.

If however a significant amount of muddy water is flowing from a site with no erosion and sediment control systems in place whatsoever, this should be considered a pollution incident.
ITEM 10 (continued)

1.2 Purpose

To prepare and implement a common environmental enforcement Guidelines across the City of Ryde (CoR) on the ways environmental incidents from development and building sites are controlled and regulated to align with the City’s Umbrella Enforcement Operating Guidelines and will:

- Confirm that CoR has a minimal tolerance approach to unlawful activity.
- Provide consistency in enforcement matters of environmental breaches, development non-compliance, and to ensure transparency, procedural fairness and natural justice.
- Acknowledge an obligation under relevant sections of Environmental legislation to ensure that the exercise of its regulatory power is carried out consistently and without bias for protection of the environment.

Note: In the event that any contradiction between this Guidelines and the City’s Umbrella Enforcement Operating Guidelines exists, the Umbrella Operating Guidelines will prevail only for the extent of the contradiction.

1.3 Objectives

The objectives of these guidelines are:

- to inform the public of the principles and measures that Council’s Authorised Officers will apply in its compliance and enforcement activities relating to environmental incidents from building and development sites;
- to provide guidance to authorised officers in the use of environmental enforcement options;
- to implement a fair and equitable environmental enforcement system consistently across the CoR and
- to regularise an environmental incident response procedure that follows the Risk Response Model detailed in the City’s Umbrella Enforcement Operating Guidelines 2007.

2.0 CRITERIA FOR RESPONSE

2.1 Principles for Response

Council Authorised Officers will:

- act in the public interest;
- act consistently, impartially and fairly according to law;
- promote consistency through effective liaison with field staff and the adherence to policies and procedures;
- not discriminate on the basis of race, religion, sex, national origin or political association;
- ensure that enforcement action is taken against the right person for the right offence;
ITEM 10 (continued)


- ensure that all relevant evidence is placed before courts or appeal tribunals;
- inform those being regulated of their legal obligations and have relevant personnel available during normal office hours to assist with enquiries about legislative requirements;
- discuss specific compliance failures or problems and provide advice on mechanisms that can be used to improve compliance;
- confirm advice in writing when requested and provide written advice in a clear and simple manner, explaining what and why remedial work is to be undertaken, over what time scale and ensuring legal requirements are explained;
- advise those being regulated of their right of appeal where provided by law and
- provide alleged offenders with an opportunity to discuss the circumstances of their case.

These Guidelines align with the values and principles of the City of Ryde along with the requirements of any relevant environmental legislation.

2.2 Factors for Response

The following factors will be considered and balanced in making a decision as to the type of environmental incident enforcement action that is applied:

- the seriousness of the harm or potential harm caused by the alleged offence;
- the level of malice or culpability of the suspect - was the offence intentional, reckless, negligent, or a mistake?;
- whether the suspect has a history of prior contraventions;
- the age, physical or mental health or special inimitry of the alleged offender;
- the alleged offender’s background, including culture and language ability;
- whether the suspect cooperated with authorities when the offence was detected;
- the likelihood of the offence continuing or being repeated;
- any mitigating or aggravating circumstances;
- the standard of evidence that has been collected;
- the length of time since the alleged offence;
- whether the consequences of any conviction would be unduly harsh or oppressive;
- whether court orders are required to prevent a recurrence of the offence;
- the prevalence of the alleged offence and the need for deterrence, both specifically and generally;
- the cost of the proposed response option compared to the benefits of that option; and
- the likely public perception of the offence and the manner with which it is dealt.
Draft Enforcement Guidelines for Environmental Incidents from Building and Construction Sites 2007-10 – 14th
May 2007

However, the overriding consideration in taking environmental enforcement action will always be the public interest and the extent of harm caused or likely to be caused to the environment.

3.0 REQUIREMENTS

3.1 Detecting Environmental Incidents

Council receives information about suspected contraventions and or environmental incidents from members of the public, other agencies and monitoring activities.

Monitoring activities include:
- scheduled and random inspections;
- regular and random patrols; and
- targeted investigations.

3.2 Hierarchy for Response

The following hierarchy of actions detail how incidents escalate from minor offences through to significant offences. The hierarchy of actions includes;

a) Technical Breaches – “Minor Offences”

A technical breach is an informal warning that will be issued verbally to builders and developers.

A technical breach will be issued when for example systems are in place but they are not being maintained. It will be like a “tap on the shoulder” reminder for the builders as to what their responsibilities are.

An informal warning may be appropriate if:
- the person appears cooperative or past experience indicates that they would be willing to comply with an informal request;
- the problem can be rectified easily;
- time is a factor – it may be quicker to use an informal approach; and
- prosecution is unlikely if the person fails to comply.

As many technical breaches as are required can be issued against one site, although this is where the judgement call will come into play. If for example a building surveyor “encourages” someone to fix up a problem with an erosion and sediment control fence on their site and after two days they go back and find it has not been fixed, this should then escalate to the issue of a Formal Warning (see below).
Based on the existing way complaints are managed at Council, it appears technical breaches will mainly be issued by Building Surveyors and occasionally Rangers during their regular touring of the area.

Environmental Health Officers usually only become involved when higher level action is required and so are unlikely to use Technical Breaches.

b) Formal Warnings – “Systems Not in Place or Potential for Pollution Incident”

Formal Warnings will be issued when pollution control equipment is not in place as required through the DA process, or there is, in the opinion of the Building Surveyor, Environmental Health Officers (EHO’s) or the Ranger a potential for pollution to occur. For example, poorly maintained stock piles or sites where no pollution control systems are in place.

A formal warning will also be used if:

- there has been an unsatisfactory response to an informal request;
- the person is uncooperative or past experience indicates that they are unlikely to comply unless a formal notice is issued;
- you are requesting information or records from a third party who may be concerned about their privacy or confidentiality obligations. The statutory requirement to provide the information or documents will protect the addressee against liability for a breach of privacy or confidentiality;

Formal Warnings will be kept in triplicate. A sample Formal Warning is included as Appendix one of these Guidelines.

A copy of the Formal Warning will be either faxed or emailed to the person who, in the opinion of the Building Surveyor, EHO’s or Ranger, is in possession of the site. If a Formal Warning is to be issued against a Privately Certified site a copy of the Formal Warning will also be sent to the Private Certifier.

To be valid all formal warnings must:

- be addressed to the correct legal entity (this must be an individual or a corporation);
- state clearly what the warning is being given for and requires;
- give the addressee reasonable time to comply; and
- be signed by an authorised council officer

If on returning to site after a Formal Warnings has been issued and recommended action has not been taken, the issuing officer needs to elevate the action to a Clean Up Notice.

If a lack of action has also led to a significant pollution incident on the site, a Penalty Infringement Notice should also be issued.
c) Clean Up Notices

Clean up Notices under the Protection of The Environment Operations Act (POEO) 1997 will be issued when;

- the actions nominated in a Formal Warning are not taken;
- "an incident" has occurred or in the opinion of the Authorised Officer is likely to occur.

Clean Up Notices are likely to be issued by all three enforcement arms of Council.

Environmental Health Officers will use Clean Up Notices when they are called out to sites or they are responding to complaints from the public.

Rangers will apply Clean Up Notices when they identify activities that have caused pollution incidents or sites that are taking actions that will make pollution incidents "likely to occur". They also may issue Clean Up Notices when attending to complaints either through working hours or after hours.

Building Surveyors will mostly apply Clean Up Notices when they return to sites that have received Formal Warnings and not responded appropriately. They may also use Clean Up Notices when they visit sites where the required enforcement action is beyond the scope of a Formal Warning.

r) Other Notices and Orders

Council has the power to issue a wide range of other notices and orders under various pieces of legislation. Authorised officers can also issue notices in certain circumstances.

Building Surveyors, for instance, may use the enforcement provisions of the Environmental Planning and Assessment Act 1979 to regulate environmental breaches through notices and orders.

The issuing of a Prevention Order under the POEO Act is also available to authorised officers to require measures that need to be put in place to manage future operations from causing pollution events. These are distinct from an environmental incident requiring action by Clean Up Notice.

A notice or order may impose requirements on the addressee which may lead to prosecution if they fail to comply. Therefore, before deciding to issue a notice or order, it is important to consider whether the circumstances merit this course of action or whether it would be more appropriate to make an informal request.

Where a person is afforded the right to make representations to a Notice, Council requires those representations to be made in writing. This ensures representation documents can be recorded and filed in Council's record system. After written representations are considered, representations in person may be made if Council feels appropriate.
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e) Complaint Response Times

Complaints will be investigated and actioned in accordance with priority. Action should be instigated within time frames nominated in the Risk Response Model of City’s Umbrella Enforcement Operating Guidelines 2007.

Generally, response should be as follows:

i. Urgent and life threatening matters are a priority and should be actioned on the day of complaint or the first working day. The severity of such incidents may be such that they may result in death, or ill health, or cause severe damage to property or the environment. Examples include: unsafe buildings, collapsed buildings, fire damaged buildings.

ii. General compliance issues within 10 working days. The severity of such incidents is such that there is no immediate potential for physical harm to persons, property or the environment, however there is potential for adverse amenity impacts. Examples include: alleged unlawful works and uses, work carried out not in accordance with the development consent.

iii. Nuisance matters actioned within 10 working days. Examples include minor alleged non-compliance that does not have an immediate adverse impact.

3.3 Display Signage

A sign which requires business hours and after hours contact numbers for the applicant, the builder, and the certifier will be provided by Council. These signs will be provided with development approval notices and the appropriate display of the sign included as a development consent condition.

Failure to comply with the conspicuous display of these signs at the development site will be regarded as an offence under the Environmental Planning and Assessment Act 1979 and may result in the issue of notices, orders and legal proceeding.

3.4 Reporting

Complaints or information about suspected environmental incidents can be lodged with the Council’s Customer Service Centre on:

Telephone: 9952 8222
Facsimile: 9952 8070
E-mail: ryde.nsw.gov.au

Anonymous complaints will not be investigated unless there is the potential for a serious risk to health, safety or the environment.

All reports of investigations are strictly confidential. However, information will generally be made available about the outcome of investigations and the reasons for decisions provided the information will not cause harm to an informant, witness, or the alleged offender, or significantly prejudice the administration of justice.
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4.0 MANAGING COMPLAINTS

4.1 Access to Information

Authorised Officers will have access to a wide range of information on building and development sites both during and after normal office hours. Council will manage data on building sites and this data will be accessible after hours to all Authorised Officers, including Rangers.

4.2 Complaint Response Management System (CRMS)

It is important for people involved in the receipt of complaints to have good quality guidance as to where those complaints are to be directed.

As a guide:

i. Complaints about any building site that is not causing direct harm to the environment.

These are to be directed in the first instance to the Building Surveyors whether these sites are privately certified or not.

After hours complaints of this nature are to be directed to the Rangers. If the complaint is accurate the most appropriate action is either a Technical Warning or a Formal Warning.

ii. Sites that are causing direct harm to the environment.

These complaints are to be directed to, during business hours, the Environmental Health Officers, and after hours the Rangers.

If the Environmental Health Officers are not in the position to respond during business hours the complaints should be passed onto the Rangers.

Likely response to these types of complaints would be the issue of either a Clean Up Notice and/or an Penalty Infringement Notice.

All verbal complaints shall be registered in Councils CRMS system. All written complaints shall be registered by Councils Records department.

Response times to complaints to be in accordance with the Risk Tecocono Model and description of ratings detailed on page 5 of the City’s Enforcement Operating Guidelines.
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5.0 LEGAL

5.1 Civil Proceedings

Civil proceedings may be brought in the Land and Environment Court or the Local Court to remedy or restrain serious breaches of law, including threatened or anticipated breaches.

Such proceedings are instituted by Council's solicitors acting on the instructions of the General Manager or other officer with delegated authority to initiate such proceedings.

Preliminary advice should be obtained from Council’s General Counsel before initiating any proceedings.

5.2 Prosecution Procedures

Criminal proceedings may be commenced where there is sufficient evidence to prove beyond reasonable doubt that a serious offence has been committed.

If the investigating officer considers prosecution to be the most appropriate course of action preliminary advice should be sought from Council’s General Counsel and, if sufficient evidence has been gathered, a report should be prepared and submitted to the Council.

Where prosecution has been selected as the appropriate option, Council will not necessarily proceed against all those who may be potentially liable under the legislation.

The general principles that will be applied are that proceedings will be instituted against those who are primarily responsible for the offence and where offences are committed by employees, agents or officers of a corporation in the course of their employment, proceedings will usually be instituted against the corporation.

In taking action against employees their compliance with management procedures or directions will be taken into consideration. Action will normally only be taken against the directors of corporations where there is a failure to exercise due diligence or where there is evidence linking a director or manager with the corporation's illegal activity.

The time for commencing proceedings ranges from 6 months to 3 years, depending on the particular offence. However, all matters will be prepared for hearing as quickly as possible.

The charge or charges laid should appropriately reflect the nature and extent of the alleged offences.

Matters heard in the Local Court may not attract the full penalties provided by the legislation and, where offences have been committed wilfully, consideration should be given to having matters heard before a higher Court.
ITEM 10 (continued)

ATTACHMENT 4

Draft Enforcement Guidelines for Environmental Incidents from Building and Construction Sites 2007-10 – 14th
May 2007

5.3 Penalty Infringement Notices

These will be applied when a pollution incident that is likely to cause material harm to the environment has occurred or when there is an ineffective response to a Clean Up Notice.

A Penalty Infringement Notice (PIN) can be issued under the provisions of the Protection of the Environment Operations Act 1997 or the Environmental Planning and Assessment Act depending on the circumstances of the incident.

The enforcement of inadequate sedimentation control measures can usually be actioned under either legislation when relating to a development site.

5.4 Grievances

Any person who is aggrieved by a decision can contact Council officers to discuss the decision.

Formal complaints can be lodged with Council by mail, fax or e-mail:

Mail: The General Manager
City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1870

Facsimile: 9952 8970

E-mail: ryde.nsw.gov.au

5.5 Privacy

Council must observe the Information Protection Principles set out in the Privacy and Personal Information Protection Act 1998. Personal information may be shared with other agencies for law enforcement purposes and Council will share such information where appropriate.
ITEM 10 (continued)

6.0 OTHER MATTERS

6.1 Education and Training

A leaflet outlining the requirements of the Guidelines will be prepared and distributed to all participants in the building and development sector in the Ryde area. This distribution will continue for a minimum of 12 months after the development of the Guidelines.

Copies of the leaflet and other information material will also be distributed through Council shop fronts and also by Council Authorised Officers.

Support for Council Building Surveyors in the Application of the Protection of the Environment Operations Act (1997) will be provided.

Council Building Surveyors currently utilise the enforcement provisions of the Environmental Planning and Assessment Act (1979) in nearly all cases in order to achieve on site compliance. This Act is useful when dealing with building sites that have not put in place any erosion or sediment control system.

If a site has a system in place that is being poorly maintained, this Act can still be applied yet most councils utilise the enforcement provisions of the POEO Act (1997).

To that end, Building Surveyors will be supported in their development of their knowledge in the application of this Act on building and development sites particularly the use of Clean Up Notices.

6.2 Authorisations

Council will delegate authority and authorise certain staff under relevant legislation in order for them to carry out their investigative duties and take necessary action. Council views the power to enter private property very seriously and will ensure that the exercise of these functions is in accordance with legislation.

All Authorised Officers who carry out inspections on private land will:

- Have delegation to enter the premises and carry out investigations as specified in Councils delegations; and
- Be authorised by Council where this is required by specific legislation to permit inspections on private property; and
- Carry photographic identification demonstrating authorisation to enter private property under each specific Act; and
- Be conscious of any requirements relating to OH&S.

6.3 Review Period

This environmental enforcement Guidelines will be reviewed at three (3) yearly intervals by its anniversary date or at any such other time as required by the City of Ryde to reflect changes in enforcement legislation.
11 PITTWATER ROAD – Upgrade Strategy

Report prepared by: Senior Engineer Investigations
Report dated: 3 April 2008

Report Summary
This report identifies upgrading works required for Pittwater Road between High Street and Epping Road and recommends that a strategy be developed for funding these works, over time.

Background
Council maintains four (4) regional roads within the City of Ryde; these being Balaclava Road, Wicks Road, Ryde Road / Monash Road and Pittwater Road. Of these four (4) roads, only Pittwater Road does not have kerb and pedestrian footpath over its full length.

Pittwater Road between Victoria Road and Epping Road is a Regional Road carrying 16,000 vehicles per day. In recent years, Council has been progressively widening Pittwater Road from Cressy Road to Carramar Avenue. This included the construction of kerb and gutter, footpaving and an on-road bicycle lane. This has been funded by the ex 3 x 3 Road Grant of $67,000 per annum. The worst section of Pittwater Road lies between High Street and Rene Street consists of tight curves, open dish drains at the edge of the road pavement, no kerb and gutter and for the majority of its length, no safe pedestrian access.

Requests have been received over many years for safe pedestrian access, and in more recent times for the construction of a cycleway and covering of the open shoulder drains.

The improvement works between High Street and Carramar Avenue have not been constructed previously due to the difficult nature of improvement works, the high cost and limited RTA funding contribution. Funds available in recent years for Pittwater Road have been spent on improvements between Epping Road and Carramar Avenue.

Council’s 2007 Bike Plan has Pittwater Road as a proposed North-South Regional Route. The road pavement between High Street and Field of Mars entry does not have a marked cycleway, and the available width and sight distance make it dangerous for use by cyclists.

The open shoulder drains between High Street and No.214 are a hazard to motorists should they veer over the pavement edge line or encounter a pedestrian or cyclist on the carriageway.

Report
There is a need to improve safety and access for pedestrians, cyclists and motorists on such a major road corridor to commercial and recreational facilities.

- Pedestrians require a safe path for access to Field of Mars, Buffalo Creek Reserve and places of work.
ITEM 11 (continued)

- Cyclists require a safe off-road path north of High Street for commuting and access to the children’s cycle path in Buffalo Creek Reserve. A safe on-road cycleway is required from Bronhill Avenue to Carramar Avenue.
- Motorists require a safe road shoulder to separate vehicles from pedestrians and cyclists and elimination of the hazard of open drains.

Preliminary estimates of cost have been prepared to address these issues. It is proposed that the open shoulder drain between High Street and No.214 be piped in conjunction with construction of kerb and gutter and a shared footpath/cycleway between High Street and Rene Street.

The estimates have been prepared in six (6) stages:

<table>
<thead>
<tr>
<th>Section Upgrade</th>
<th>Preliminary Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Street to No.214 at Pathway 10</td>
<td>$730,000</td>
</tr>
<tr>
<td>No.214 to Field of Mars Driveway</td>
<td>$535,000</td>
</tr>
<tr>
<td>Field of Mars Driveway to Rene Street</td>
<td>$660,000</td>
</tr>
<tr>
<td>Bronhill Avenue to Cox’s Road</td>
<td>$570,000</td>
</tr>
<tr>
<td>Cox’s Road to Carramar Avenue</td>
<td>$680,000</td>
</tr>
<tr>
<td>Rene Street to Bronhill – Re-sheet.</td>
<td>$462,000</td>
</tr>
<tr>
<td><strong>TOTAL COST:</strong></td>
<td><strong>$3,637,000</strong></td>
</tr>
</tbody>
</table>

In addition, a roundabout at the Field of Mars driveway has been previously identified and may be funded by the RTA, should there be significant increases in traffic using Pittwter Road due to the opening of the Lane Cove Tunnel.

Annual RTA funding for Secondary Roads is currently $67,000 which would need large supplementary funding from other sources if the works were to be carried out.

It is proposed that possible sources of funding be investigated and a strategy be developed which would enable this project to be included in a future Capital Works Program. Further detailed investigations of the works required, and funding options, are proposed to be undertaken and a report be submitted for consideration in approximately six (6) months’ time.

Consultation

Internal Council business units consulted included:-
- Not applicable

Internal Workshops held:-
- Not applicable

City of Ryde Advisory Committees consulted included:-
- Bicycle Advisory Committee

External public consultation included:-
Not applicable at this stage
ITEM 11 (continued)

Comments
The Bicycle Advisory Committee indicated that the high cost would preclude this from being funded by RTA Bikeway funding.

Critical Dates
There are no critical dates or deadlines to be met.

Management Plan Budget / Linkages
This project is not yet included in the Management Plan.

Relationship to Key Outcome Areas
Assets
This project meets the following key outcomes for Assets (set out on page 34-35 of the Management Plan 2007-2010):

A1 Well designed streets and paths where motorists, cyclists and pedestrians feel safe.

This project would achieve this key outcome by eliminating the current hazards for all three user groups

Environment
This project meets the following key outcomes for Environment (set out on pages 36-38 of the Management Plan 2007-2010):

E1 Clean air through protection of natural resources and better integrated transport systems.

The project would also meet this key outcome by providing a missing link in the pedestrian and bicycle networks enabling these users to walk or ride to the recreational facilities along Buffalo Creek or places of employment or commerce.

Financial Impact
This project is not provided for in the current budget (2007/08) and possible funding will be the subject of a further report.

Policy Implications
There are no policy implications through adoption of the recommendation.

Other Options
None identified.

Conclusion
There is a need for improved safety and access along Pittwater Road. The total cost has been estimated for upgrading Pittwater Road at $3,637,000. It is proposed to further investigate the works required and develop a strategy for funding upgrade of Pittwater Road, over time, so that it can be considered for inclusion in a future Management Plan.

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 11 (continued)

RECOMMENDATION:

(a) That the report of the Senior Engineer Investigations, dated 3 April 2008 on a required strategy to upgrade Pittwater Road between High Street and Carramar Avenue be received and noted.

(b) That a further report be submitted for Council’s consideration in six (6) months time after further detailed assessment of the upgrading works required, and development of a funding strategy for the upgrading of Pittwater Road, over time.

Report prepared by:

Russell Nash
Senior Engineer Investigations

Warren Latham
Manager – Access.

Report approved by:

Kim Woodbury
Group Manager
Public Works
12  BICYCLE ADVISORY COMMITTEE – Minutes of Extra Ordinary Meeting held on 7 April 2008

Report prepared by: Manager - Access and Group Manager – Public Works
Report dated:  8 April 2008  
File No. COR2006/2

Report Summary
The Minutes of the Extra Ordinary Meeting of the City of Ryde Bicycle Advisory Committee held on 7 April 2008 are ATTACHED for Council’s consideration.

Background
The City of Ryde Bicycle Committee was established several years ago to allow input from the local community and to make recommendations to Council relating to cycling issues, initiatives and proposals.

Report
The details relating to the matters discussed by the Committee and the relevant Actions arising from those discussions are set out in the Minutes.

Consultation
Internal Council business units consulted included:-
- Members of Council’s Business Units, as required.

Internal Workshops held:-
- There have been several meetings with Council’s Planning Team relating to bicycle issues in the proposed Macquarie Park Corridor DCP.

City of Ryde Advisory Committees consulted included:-
- Not Applicable

External public consultation included:-
- Bike North, Macquarie University, R.T.A.

Comments
- Not Applicable.
- Details of feedback from Groups or individuals.

Critical Dates
- The recommendations by staff relating to bicycle issues in the Macquarie Park area are required to be submitted by 14 April 2008.

Management Plan Budget / Linkages
(a)  This Committee comments on Council’s bicycle construction program, the maintenance of the existing cycleway use by the community and will be involved in the review of the Ryde Bicycle Plan.
(b)  This project is from Access Section listed on Page No. 9 – Section: Cycleways (New) of the Management Plan 2007-2008.

The Committee also comments on maintenance issues included in the 2007-2008 Operational Budget for Access.

Agenda of the Committee of the Whole Meeting No. 05/08, dated 15 April 2008.
ITEM 12 (continued)

Relationship to Key Outcome Areas

People
This project meets the following key outcomes for People (set out on pages 32-33 of the Management Plan 2007-2010):

P1 A vibrant city that is healthy, physically attractive, economically strong and engages its community through cultural and social activities.

P2 A city that plans for people by identifying their diverse needs and involving them in decision making to improve their quality of life.

P3 A harmonious community through a culturally enriched and respectful society.

Consideration of this matter is part of Council’s strategy for encouraging increased cycle usage as an alternative means of transport and to encourage a more healthy lifestyle.

Assets
This project meets the following key outcomes for Assets (set out on page 34-35 of the Management Plan 2007-2010):

A1 Well designed streets and paths where motorists, cyclists and pedestrians feel safe.

A2 Well designed places and spaces that minimise personal harm and where people interact with each other, so that crime is reduced.

A3 A high standard of visual appearance as there is no litter or graffiti, and we care for our infrastructure and public areas.

Consideration of this matter is consistent with Council’s strategy of providing well designed and safe cycleways and facilities for the benefit of the community.

Environment
This project meets the following key outcomes for Environment (set out on pages 36-38 of the Management Plan 2007-2010):

E1 Clean air through protection of natural resources and better integrated transport systems.

E2 Attractive streets, public places and buildings through better planning and design which is responsive to community expectations and our local environment.

E5 Preserved natural areas which are enhanced and maintained.

E6 Strong links to the past through protection, conservation and interpretation of our heritage.

E7 A leafy City through parks, gardens, trees and the built environment.

Consideration of this matter supports Council’s strategy to encourage the community to use alternative forms of transport, especially the use of bicycles.

Governance
This project meets the following key outcomes for Governance (set out on page 39-41 of the Management Plan 2007-2010):

G1 Improved communication with the community and increased awareness and understanding of Council’s decisions by the community.
ITEM 12 (continued)

G2 Members of the community are engaged through involvement in democratic decision making and the promotion of active citizenship.
G3 Incorporation of best practice approaches in the delivery of services to the community.
G4 A safe and harmonious working environment with skilled and motivated staff who embrace the organisation’s vision and values.
G5 Compliance with all legislative requirements and statutory obligations.

This report has been prepared to improve communication with the community and increases awareness and understanding of Council’s decisions and incorporates Best Practice approaches in the delivery of services for the benefit of the community.

Financial Impact
There will be a major financial impact should Council widen the existing and proposed roads in the Macquarie Park area.

Policy Implications
There are no policy implications through adoption of the recommendation.

Other Options
Further consideration is being given to possible options.

Conclusion
That the details relating to the matters discussed by the Committee and the relevant actions arising from those discussions, as set out in the Minutes, be received and noted by Council.

RECOMMENDATION:

That the report of the Manager - Access, dated 8 April 2008 on Bicycle Advisory Committee – Minutes of Extra Ordinary Meeting held 7 April 2008, be received and noted.

Report prepared by:

Warren Latham.
Manager – Access.

Report approved by:

Kim Woodbury
Group Manager
Public Works
ITEM 12 (continued)

MINUTES OF EXTRA ORDINARY MEETING OF THE
City of Ryde

BICYCLE ADVISORY COMMITTEE

Held on
Monday, 7 April 2008
On Level 5, Ryde City Council Civic Centre, Top Ryde

Present:
Warren Latham – City of Ryde (Chairman)
Councillor Terry Perram – City of Ryde
Councillor Vic Tagg - City of Ryde
Doug Stewart – Bike North (BN)
Ali Torrisi – Bike North (BN)
Alien Corven – Bike North (BN)
Harry Muler – City of Ryde

Apologies:
Mayor, Cllr Ivan Petch,
Councillor Sarkis Yedelian – City of Ryde
Kim Woodbury - City of Ryde
John Begley - RTA
Sheena Males Duggan – Macquarie University

The Meeting opened at on 6.05pm Monday, 7 April 2008 on Level 5, Ryde City Council Civic Centre, Top Ryde.

The Chairman opened the meeting and advised that this Extra Ordinary Meeting had been called to specifically discuss the following:

(a) Macquarie Park Corridor DCP – Bicycle related proposals.
(b) Ryde Hospital – Pedestrian and bicycle access through the site related to the imminent construction of the new Ambulance Station.
MACQUARIE PARK CORRIDOR DCP:

The Bike North representatives made the following comments:

- A copy of the Bike North submission relating to bicycle issues in the proposed Macquarie Park Corridor DCP was submitted to the meeting and it was requested that a copy of this submission be ATTACHED to the Minutes.

- That one of the objectives of the DCP is to provide a sustainable transport solution and the provision of appropriate bicycle facilities, including on-road bicycle lanes, should be provided.

- That there would be a significant increase in the use of bicycles to and from the Macquarie Park area in future years.

- That the target for bicycle use should be 20% of those persons regularly travelling to and from Macquarie Park.

- That a Study by Austroads in 2006 detailed the conflicts between pedestrians and cyclists in high profile areas. These locations would include areas in the vicinity of the railway stations, shopping centres and high activity shopfront areas.

- That the major bicycle routes into and out of the area were well known and include the Epping Road cycleway to the east, the Shrimpton's Creek cycleway to the south, the Browns Waterhole cycleway to the north and the M2 alternative route to the west.

- That it was important that there be a continuity of cycle routes through the area.

- That shared bicycle paths along footpaths created hazards at intersections and at driveways to individual properties.

- A request was made that representatives from Bike North meet with Council's Planning Team involved in the finalisation of the Macquarie Park Corridor DCP.

- That Council engage consultants to assist with the planning of any future bicycle routes through the area.

The Chairman then advised the meeting as follows:

- That it would be extremely expensive to widen any of the existing Type 1 primary roads (Waterloo Road East, Talavera Road, Herring Road and Lane Cove Road), due to the high cost of property acquisition, roadworks and the cost to relocate the many mains and services already located in the existing footpath area. In this regard, it should be noted that the existing footpath areas of these roads are already fully utilised by the public utility authorities. As a consequence, on-road cycle lanes are not likely to be provided.
ITEM 12 (continued)

As a consequence, Council staff had formed the view that for Type 1 and Type 2 roads, experienced cyclists could share the on-road traffic lanes and that provision should be made for inexperienced cyclists to use the footpath. Specifically, for Type 1 roads, it is currently proposed that an off-road cycle path be provided in one direction along both sides of the road. For Type 2 roads it is currently proposed that a 2-way cycle path be provided along one side of each road.

That on-street parking existed at many locations and Council would be unlikely to remove this parking for possible use as on-road bicycle lanes.

That Council staff are to provide final comments on the Macquarie Park Corridor DCP by 14 April 2008 and that

Council would make a final determination on the DCP in the very near future.

Councillor Perrem made the following comments:

That some attention to the proposed area required for footpath tree planting be made to increase the width of the footpath available for cyclists.

That he supported the Bike North request for a meeting with Council’s Planning Team involved with the finalisation of the Macquarie Park Corridor DCP.

Councillor Vic Tagg made the following comments:

That an off-road cycleway exists along most of the length of Taiama Road and this facility is available for cyclists.

Students attending Macquarie University must already be using either the existing off-road facilities or are riding on the road to access the University.

It was agreed that a meeting be organized between Council’s Planning Team and representatives of Bike North relating to the Bike North submission.

RYDE HOSPITAL

The Chairman advised the meeting that Condition 20 of the Conditions of Approval of the LDA for the construction of an ambulance station at Ryde Hospital states as follows:

*Condition 20:*

A minimum of six (6) off-street car spaces be provided for staff parking in accordance with the submitted plan and being sealed and linemarked to Council’s satisfaction. A total of 28 spaces should be provided within the new carpark located on the Ryedale Road frontage of the site. All car parking is to be designed and constructed in accordance with Australian Standard AS2890.1.

The final carpark design is to be determined having regard to Council’s adopted Ryde Bicycle Policy which envisages a future cycling / walking route through the hospital grounds.*
The Chairman submitted several sketches of possible routes through the hospital grounds. After discussion it was agreed:

- That consideration be given to the implementation of 40 km per hour speed limits in Denistone Road, Fourth Avenue and Ryedale Road in the vicinity of the hospital to improve safety for motorists, cyclists, pedestrians, especially those seeking treatment at the hospital.
- That the access route through the proposed carpark to be constructed within No. 241 Ryedale Road and the extension along the northern end of the existing tennis courts linking with the internal hospital road, be agreed to.
- That further investigations be held to find an acceptable route linking Fourth Avenue with the internal hospital road.
- Council request that bicycle parking racks to accommodate at least six (6) bicycles, be installed as part of the new ambulance station development.
- That the Chairman advise on the shower facilities to be provided in the ambulance station which could be used by cyclists working at the station.

**General Business:**

Councillor Perram raised the following issues as he would be unable to attend the next ordinary meeting of the Ryde Bicycle Committee on 14 April 2008:

**Meadowbank Station – Proposed public domain works on the eastern side.**
- Plans have recently been submitted to Council for these works. Councillor Perram requested that representatives from Bike North give consideration to ensuring that there was sufficient space left available adjacent to the railway station to allow the construction of the Meadowbank to West Ryde Rail Trail in the future. As well he also advised that a roundabout was included in these proposals at the intersection of Railway Parade and the road bridge at the eastern end of Meadowbank Station.

**Shrimptons Creek Cycleway.**
- Councillor Perram advised that he would move a Notice of Motion requesting that an investigation be made into the provision of suitable signage/public art where the Shrimptons Creek Cycleway intersects with Waterloo Road, indicating the start of this cycleway.

The meeting closed at 8:00pm.

Confirmed
**Warren Latham**
Chairperson
ITEM 12 (continued)

Meeting Dates - 2008

Monday 11 February
Monday 14 April
Monday 16 June
Monday 11 August
Monday 13 October (Cancelled)
Monday 24 November
ITEM 12 (continued)

**Submission on the Macquarie Park Corridor DCP No. 55**

25 March 2008

Our ref: RY200803-01

**Introduction**

This is a submission from Bike North Inc (BN) in response to the Draft Macquarie Park Corridor DCP No. 55 (MPCDCP). We thank Ryde City Council (RCC) for the opportunity to comment on this important document.

Bike North is the Bicycle User Group that represents the interests of cyclists in the Northern Sydney area, including the City of Ryde, with our goal of “making cycling better”. We have a membership of over 400 cyclists, concerned with promoting cycling in all its forms for the benefit of the environment, improving the quality of local communities, improving fitness of cyclists and the health benefits to our nation. We have worked constructively with RCC since our establishment in 1996, and have built up a substantial knowledge about cycling issues and in particular the Macquarie Park area and issues.

We are particularly interested in the development of Macquarie Park for precisely the same reasons that RCC is. Not only is there immense potential for development, but there is a matching potential to create a completely new and different community, almost starting from scratch.

This is an exciting opportunity, in fact the only opportunity in Ryde, to reach a vision of a new city to meet the needs of future citizens. We are looking at a city which will have different pressures and will need to have different solutions. From a transport point of view there will be major changes in transport options due to compulsory reductions in Greenhouse Gases. Transport makes up to 40% of a household carbon footprint and will be a clear target. Petrol, or other portable fuels, will be 4 or 5 times the price that they are now and this will change travel patterns. Public transport will need to meet new challenges and Macquarie Park is in an excellent position to take advantage of this with the rail and bus services, but also its central location. In particular we believe that the future of the area will be strongly, "living locally, working locally".

The MPCDCP is a critical document to express the vision, and will be the key to bring this new city into being, but at present the draft MPCDCP lacks the cycling strategies that are needed to make it happen. The document needs a lot more work in this area of cycling, which at the moment looks like a cut and paste from a range of cycling options and documents from years ago. It doesn’t appear that modern vision and issues in cycle planning have been included nor that informed cycling specialists have been involved in the planning.

We make a variety of comments in this paper but we cannot provide all the information that is needed to improve the document. There is a wealth of recent literature and expertise that needs to be tapped in order to create a detailed and visionary plan for cycling. This starts with the current Ryde Bicycle Strategy and Master Plan 2007, continues with major research projects in the last couple of years through the Australian Bicycle Council and various state bodies. As RCC does not possess the in-house knowledge to advise on these issues, it is important to improve the cycling component of the document by investing in specialist advice and engaging with cyclists using a workshop process.

We commend RCC for this document and we hope to continue to work to improve this DCP, and associated documents, to meet the needs of cyclists, and hence the needs of the City of Ryde.
ITEM 12 (continued)

Vision is Excellent
The high level vision of the new Macquarie Park expressed through the MPCDCP is exemplary -- clearly with the future of Ryde, Sydney and the planet in focus. The commitment to five star ecologically sustainable development is matched by the vision of a dense grid of streets, open spaces and exciting people-oriented spaces. Strong integration with cycling matches this vision, particularly with the chance to build entirely new streets and street scapes.

The focus on the new rail lines and bus transport is important, but we would like to see even more emphasis on local living and local working with active pedestrian and cycling links from the local areas. This is mentioned but not developed in the document. We see a huge opportunity for those who live locally to work locally. Transport is a key issue with everyone who comments, but mostly asking for more roads, more parking, more access. This equals more pollution, more congestion, more expense and a less liveable city. This issue must be overcome by moving the modal split even more away from cars. There are many cities in Europe that have taken this step and Macquarie Park needs to take bold steps in this direction.

Even though the parking ratio provisions are unchanged the massive increase in floor area will lead to a large increase in the traffic flowing into the area. This needs to be addressed with less parking and a stronger message about other transport options. In particular using Travel Smart education and cultural change programs as part of the city’s development.

General Provision for Cyclists
Cyclists should be provided for in every possible way in the new Macquarie Park. Businesses, institutions and retail areas must provide for much greater numbers of cycle parking, and plan for cycle access to and from their properties.

There is a one-off chance to create a special atmosphere of a human-scaled place where cyclists and pedestrians are the dominant movements. To make this possible there should be low speed limits on all streets. The major streets could have 40km/hour but all other streets should have 30km/hour limits. These speeds will do a great deal to reduce the dominance of motor vehicles and change the feel and culture of the area. These moves will be rewarded.

We understand that the RTA and the NSW Government are not in favour of these low speeds but a strong case should be made for a new environment. With the exception of Epping Road, the M2 Motorway and Lane Cover Road, motor vehicles on all other streets will be coming into Macquarie Park, not zipping through it. Street design and speed limits will be critical in making this work.

One of the issues that needs to be addressed in the plan is the proposed modal split for each type of transport. This does not seem to be addressed. We would suggest that, initially, 15% of all trips be planned for cycling. This should rise to 10% over a few years, and reaching a target of 20% is certainly achievable with the development of cycle infrastructure in and around the area.

We understand that there is already a group reviewing at transport issues but that cycling is not represented. This is a very unfortunate situation and should be addressed as soon as possible. If cycling is not fed in now the vision will be lacking in the overall plan.

The MPCDCP does mention Work Place Travel Plans (WPTP) but the provision lacks detail, is weak and only applies to developments over 15,000 m2. We expect that this level will be open to much “interpretation” and possibly ignored. The threshold level of 15,000 m2 is far too large, and much smaller developments should have WPTP as well. In fact, the majority of the plans will be very similar, so it would be worth developing a standard model WPTP which would be provided to all employers. RCC will need to have a much more active role in making these changes engaging with businesses and institutions.

Where possible we think that consistent facilities should be provided for cyclists across the entire Macquarie Park area. This reinforces the provision of cycle facilities and removes any doubt or confusion for users.

There are a great many issues in planning a cycle network, from permeability and connectivity to issues such as treating uphills differently to downhill to reduce the speed differential issues. All these types of issues must be considered as detailed planning proceeds. There will not be a one-size fits all
ITEM 12 (continued)

Bike North Inc.  Submission on DRAFT Macquarie Park Corridor DCP No.55

approach for the different "Types" of streets that have been identified. It is essential that details
planning of every street be incorporated into a new document which will be the Macquarie Park Cycle
Plan.

Cycle Parking and End of Trip facilities

Cycle parking specifically needs to be provided for in the MPCDCP at higher levels than other places
in Ryde in alignment with the new vision. All the rates of parking detailed in the MPCDCP (p.133)
should be increased significantly to cater to the planned modal splits.

The MPCDCP should specify more details about these issues. Different types of parking should be
specified for employees, and this should be linked to facilities such as lockers, showers and changing
rooms. The different types of parking for employees and longer term parking need to be specified
including bike lockers, cages and compounds. The numbers of showers and lockers should be
specified and set at a high level.

Cycle parking for retail customers needs to be specified at higher levels as well. Parking needs to be
provided within just a few metres of each retail location, or cyclists will park informally closer,
potentially causing problems. Although there are photos of casual bike parking the plan needs further
work to detail the locations and the numbers. The photos do not match the detailed specifications.
Section 4.7 of the Technical Manual specifies a standard galvanised U-rail. This design is an
adequate minimum although higher quality and more aesthetic solutions such as the stainless spiral
rails in the documents should be considered. The key thing is that there be enough casual bike
parking and the numbers and general locations should be specified the MPCDCP. There are other
issues that should be considered, for example it is strongly preferable for casual cycle parking to be
provided under rain cover, using awnings of some type. These can be branded and attractive and
linked to other street furniture, for example at the back of each bus stop.

Medium term parking such as at institutions, the bus interchange, and the railway stations also needs
further detail on the types, locations and numbers. Unfortunately the parking planned to be provided
by TIDC at the stations is both inadequate and inappropriately located. This aspect of the station
precincts needs urgent addressing to improve the parking for all those residents within the station
catchments for cycling.

Cycle Access to Macquarie Park

A critical part of the plan is to upgrade cycle access to Macquarie Park and while this is mentioned in
the MPCDCP no details are given. Work is already in place in the Ryde Bicycle Strategy and
Masterplan. The routes that lead to Macquarie Park must be constructed and/or upgraded as a matter
of urgency. Even though they are outside of Macquarie Park, they must be seen as part of the
infrastructure for the new Macquarie Park.

There are existing routes or potential routes to Macquarie Park from every compass direction:

- From the east - Epping Road cycleway comes from Artarmon and Lane Cove. Needs to
  continue along Epping Road (Regional Route 07)
- From the east - Riverside Drive in Lane Cove Park leads down from Chatswood and via the
  De Burghs link into Macquarie Park.
- From the west - The M2 comes into the area but could benefit from more exit points for
  cyclists in addition to Vimiera Road, Christie Road, Lane Cove Road and Delhi Road.
- From the west - The route down from Epping station leads from a large residential beyond the
  railway line but the other part of Regional Route 07 needs to be constructed
- From the north - A link from Hornsby via Turramurra crosses the Lane Cove Valley at Browns
  Waterhole and into the western side of Macquarie Park. Upgrades are required in the Ku-ring-
  gai Council area.
- From the north - A link from West Pymble already exists consisting De Burghs Bridge although it
  needs upgrading in the Ku-ring-gai area and extending further.
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- From the south - A link exists up Vieniers Road from Eastwood, but this is quite poor in quality and needs upgrading.
- From the south - A superb link exists up Shrimplins Creek from Denistone East. This path leads directly in to the centre of Macquarie Park and will be the major access for most Ryde City Residents. This path needs extending and linking in the southern areas, where recently due to poor understanding of the critical nature of this path an opportunity was recently missed by RCC.
- From the south - An important link on the eastern side linking via Pittwater (or parallel) roads needs to be upgraded urgently to bring cyclists up from East Ryde, Gladesville, Hunters Hill, Drummoyne and beyond.

All these routes must be seen as critical parts of the development of Macquarie Park and need to be upgraded urgently and advertised widely. In particular a "Cycle to Macquarie Park" map should be compiled and published as soon as possible. This map should extend approximately 6km in all directions crossing into all surrounding local government areas. The map should be based on the existing Sydway base maps using by Ryde, Hornsby and Willoughby Councils.

The most critical regional cycleway work is required in the two east west routes on either side of Macquarie Park, the M2 and the Epping Road cycleway. The M2 is planned for upgrades while there is no funding available for Epping Road.

Cycle Access around Macquarie Park

Once cyclists are within Macquarie Park they need to be able to cycle around safely and directly to their destination. The most appropriate facility for cyclists in these situations is a topic of considerable discussion in the bicycle community at present. An immense amount of research has gone into the issues and should be considered in the final solutions.

The MPCDCP does have proposals for provision for cyclists on streets but not one of them provides a safe nor even reasonable solution. If RCC really wishes to promote non-car transport then they have to get this part right.

There are several advantages for Macquarie Park
- New streets and street-scapes are being created from scratch and a modern approach to a new paradigm is possible
- Significant amounts of Section 94, or other contributions, should be available to fund the works given the amount of development proposed.
- All the streets, apart from Lane Cove Road, are local roads leading into Macquarie Park and can be designed with a particular character and vision in mind. That character should be one of far less dominance of motor vehicles and returning the area to people. This is what the City of Sydney, and other global cities are trying to regain, with great difficulty, while here is a big chance in Macquarie Park to make sure that the whole area has a modern character from the start.
- The speed limits should be reduced to 30 km/hour as part of an entire area plan.

With these advantages there should be inclusion of cycle access in the site analysis for each business location as well as other accesses. Likely patterns of cycling must be identified and provided for and routes mapped across the entire area from the entry points to the critical destinations.

Issues with Shared User Paths

Macquarie Park area is a major ride-to-work destination and commuting cyclists in the area will have come from some kilometres away and will want to travel at "normal" cycling speeds to reach their destination. Normal commuting speeds for cyclists will be from 20 to 30 km/hour depending on the topography – and the area is not flat. At these speeds it is completely inappropriate to share cycle paths with pedestrians.
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Pedestrians have significantly different patterns to cyclists and are not compatible. Pedestrians do not walk in straight lines, do not respect painted lines and only focus about 2m ahead. There is a perception that cars have terrorised cyclists off the road, but we don’t want bikes to terrorise pedestrians. Please refer to recent literature on these problems.

In particular, significant areas of Macquarie Park will have very high levels of pedestrian activity. These include around the railway stations, and pathways to offices within walking distance of the stations, and near retail areas. Where a high number of pedestrians or cyclist meet (above 300 persons per hour is one threshold to consider) shared paths will not work, and complete separation of user types is recommended. Some areas ban cycling in these places, but this makes no sense in Macquarie Park where there is the chance of a better solution.

The proposed treatment for Type 1 streets including the areas of densest pedestrian activity is to provide shared paths. With just paint separating cycle movements from pedestrian movements as proposed on page 50, there will be poor compliance and high levels of conflict. In fact there is no rule requiring pedestrian compliance with path markings or even to keep left. Even if there was the compliance is likely to be poor.

Shared User Paths also suffer from many of the safety issues of dedicated off road paths, which are covered in the next section.

Recommendation: The major concerns of cyclists within Macquarie Park are to remain separate from conflicts and able to move freely and efficiently about. We cannot agree with the recommendation of creating Shared User Paths, or paths at the same grade separated by painted lines in the new Macquarie Park.

Issues with Off-road paths

A second form of off-road path is a dedicated (no pedestrian) cycle path, which runs between the footpath and the parked cars. These paths are built completely separately from the footpath, and have different surfaces. For example, a footpath may be granite pavers, but a dedicated cycle path should be bitumen (preferably) or concrete. They should be at a different level to the footpath separated by a kerb and should look like a road rather than a footpath to improve pedestrian compliance. They must be clear of car doors opening onto them and avoid bus stops.

Some paths in the MPCDCP may be considered dedicated paths, but none show designs which are completely separated by a kerb, different surface and level changes.

While off-road dedicated cycle paths can work quite well in many situations they do not work well where they cross side streets. In these situations there are real safety and continuity issues.

Where there is a dense network of streets every intersection poses a danger to cyclists who are crossing away from the vision of turning traffic. This is even worse if the path is two-way, and some cyclists approach the corner from the ‘wrong side’ where drivers are not looking. There is quite a bit of work that has been done on this safety problem and we do not recommend these types of facilities for commuting cyclists in most situations where there are many intersections.

Driveways which cross off-road paths should give way to bikes, but again there are real visibility issues as drivers don’t see bikes travelling even at moderate speeds on paths. Drivers are focussed on the roads. Again safety issues which Council needs to avoid.

In addition to these safety issues the speed of bikes off-road, due to intersection delays, is much slower than on-road. The efficiency of bike travel is significantly reduced. Many cyclists would ride on road instead, for this reason.

The pedestrian levels in the new Macquarie Park are likely to be quite high, certainly around the railway stations, and at major employment and commercial entrances as well. Even with signposting the numbers of people are likely to cause conflict by walking on or crossing dedicated cycle paths without proper care.

Another issue with off-road paths is the connectivity for entering and leaving the path. How do cyclists join and leave these paths from all points? Off-road facilities have limited connectivity due to kerbs (need ramps) and/or parked cars (gaps in cars, etc.)
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If any off-road facilities are proposed then they must avoid conflict with pedestrians through design, surface and level, provide very high connectivity and be dedicated to cyclists. If different treatments are used on different road types and different locations within Macquarie Park there will certainly be confusion and consistency is preferred.

The City of Sydney is now implementing a "one sided" protected cycle lane but we think that visibility issues and intersection conflict will make this a second level solution. These types of facilities should not be necessary in Macquarie Park if the whole city has a changed transport culture and can provide an much different on road experience.

Recommendation: Due to concerns about safety, visibility and accessibility we do not recommend off-road dedicated cycle paths to the left of parked cars in the new Macquarie Park. There is a real chance to change the city and the culture to avoid these issues by using other means.

On-road facilities

The majority of the facilities included in the MPCDCP are on-road solutions for cycling.

While there appears to be conflict between cyclist and cars, they actually share more similarities than differences. They are both used by commuters, both travel in a relatively straight line, in a constant direction and at a constant speed. Cyclists and cars do differ in speed and in-built safety for the operator but this is not a major issue if cars and bikes are operated appropriately.

Cars must not be allowed to terrrize cyclists off the road in the new Macquarie Park and the design of the streets needs to reinforce that. The best option is to separate cars from cyclists, but also to separate cyclists from pedestrians, intersections and parked car doors. The solution will do this in such a way as to reinforce proper travel "on the left" and to put cyclists in locations where they will be seen by drivers at intersections. Solutions which allow easy starting and stopping and high connectivity.

To meet these requirements cyclists can be given on-road separation from moving and parked cars and (buses, trucks, taxis and similar). The solution is to separate cyclists space from other road users space by use of wide and buffered road space marked by white painted lines and green paint where appropriate.

The proposed on-road options in the MPCDCP, Type 1 and 2, are extremely dangerous as they put a cycle lane adjacent to parked cars, exactly where car doors open unexpectedly. An experienced cyclist will not ride in this lane, preferring to ride in the traffic lane to avoid the opening of doors. Of course motorists are then forced to stay behind or overtake, often unsafely for both parties. Most motorists have no idea why the cyclist would be where they are, and aggression often results. This is purely because of poor design and not following the guidelines.


If the parking lane is made wider it doesn't help because cars tend to park further from the kerb so we recommend a 2.2m or 2.3m wide parking lane. If the traffic lane is just made wider, say 4.5m, cars will tend to wander to the left and the cyclist's space is lost.

To implement the safety strip design requires extra space of a width to cater to most car doors and would range from 0.8m to 1m.

Separation from the moving traffic is also desirable and a second buffer should be provided on the traffic side of 0.3m to 0.5m The traffic-side buffer is specified in Austroads width with the width depending on the speed environment. To create a place where all cyclist will feel comfortable riding this extra buffer is important.

A viable on-road treatment in Macquarie Park would incorporate these extra spaces by slightly reducing some other widths. With the car parking lane marked at 2.3m and the bike lane at 1.2m, then a 3.2m travel lane is more than adequate. The M2 has 3.1m lanes at 70kph with adjacent lanes and other streets in Sydney are narrower. Squeeze points typically have a 3.0m width, even on bus
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routes. The argument about buses and trucks is not really an issue as these vehicles tend to be infrequent and can always move an extra 15cm into the bike lane line buffer if needed.

The nature strips proposed for Macquarie Park are up to 4.5m wide and appear quite generous, even more so if there is a further 5m (or more) building setback which accommodate outdoor tables etc. The central road dividing median can be adjusted and can vary from 1.0m to 2.0m wide. Space should be taken from here in order to construct the required lane widths.

A.) Parking Option: We recommend that on-road solutions for roads in Macquarie Park would consist of the following option consistently on all roads with parking on both sides:

- Nature strip = 3.0 to 4.0m adjusted to suit
- Parking Lane = 2.3m
- Safety strip painted buffer to keep the deadly door zone free of cycles = 0.8m
- Cycle lane (single direction) painted green before, through and after intersections = 1.2m
- Safety strip painted buffer between cycle lane and traffic lane = 0.5m
- Traffic lane = 3.2m
- Central median = 1.0m to 2.0m adjusted to suit

When repeated on the other side this requires 17m from kerb to kerb.

We believe that the same solution should be possible for streets of Type 1 and Type 2, providing consistency where parking is provided.

A problem with the cycle lane outside the parked cars, even if buffered, is the danger posed by the cars parking on the left. Cars need to stop and park, and also pull out – both across the cycle lane. Cars also tend to stop and double park in high traffic CBD-type environments. An alternate, and preferred scenario then, is to remove parked cars from one side of the road and put the cycle lane next to the kerb.

If some car drop-off (kiss-n-ride, or delivery) space is essential then it is preferable to provide small parking lots in the front of large buildings with limited time parking, say 15 minutes, if parking can be removed then the lane widths can be adjusted as follows.

B.) No Parking Option: We recommend that on-road solutions for roads in Macquarie Park would consist of the following option consistently on all roads with no parking on either side:

- Nature strip = 3.0 to 4.0m adjusted to suit.
- Safety strip painted buffer to keep cyclists from the gutter = 0.5m
- Cycle lane (single direction) painted green before, through and after intersections = 1.5m
- Safety strip painted buffer between cycle lane and traffic lane = 0.5m
- Traffic lane = 3.2m
- Central median = 1.0m to 2.0m adjusted to suit

When repeated on the other side this requires 12.4m from kerb to kerb.

Another option is to create a street grid where there is just a cycle lane (one way) on one side of the road similar to the Type 3 scenario. The next parallel block would have a cycle lane on the other side. So for example a southbound cyclist can use a cycle lane on one street but a northbound cyclist will need to use the next street. Cyclists may have to travel an extra block to get on to a dedicated cycle lane that was going in the "right" direction, but which doesn't have the impact of parked cars. Great care will be needed in network design to ensure that the system will work, both during the considerable implementation period as well as the final solution.

Although one sided parking is the proposed scenario for the Type 3 streets but we would recommend that some (or all) Type 1 and Type 2 streets could have the parking reduced to one side of the road.
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only. Think of the future with far fewer and different types of cars due to the social and environmental changes ahead of us all. This leads to the Parking One Side Option.

C.) Parking One Side Option: If there is parking on one side of the road then a hybrid solution of the two options above should be applied, one on each side of the road. This gives a total kerb to kerb width of 14.7m.

The width of the nature strip and the central median can be adjusted to suit.

Conclusion

Macquarie Park is a great opportunity to have a high visual presence area for bikes as part of the sustainable transport push of RCC. This will be Sydney’s “bicycle flagship” area. To back this up entry signage and a consistent presence on the road would provide good reinforcement. Funding should be sought to construct this area as model for other places in NSW. Macquarie Park has the opportunity to become a popular visible and safe haven for bicycles and for RCC to join the model of the most of the world’s and most of Australia’s major cities.

Traffic studies have shown the significant safety benefits of reducing the speed limit from 50km/hour to 40km/hour or 30km/hour, reducing fatalities by an extraordinary amount. A 30km/h limit should be strongly sought and implemented on all but a few roads in Macquarie Park. The few remaining roads should be 40 km/hour remembering that we are trying to create a new city with a different feel. There should be a goal of zero pedestrian, cyclist and motorist deaths every year. This can be achieved by road design, speed limits and driver expectations.

Macquarie Park provides the best, in fact the only, opportunity to create a city to match the needs of our future society. Given this opportunity provision for cyclists in the MPCDCP must include:

- properly designed safe on-road bike lanes incorporating safety buffers,
- a visible bike region with prominent signage and presence
- lower speed limits and human-scaled streets
- the opportunity for bike commuters to travel efficiently across the area,
- avoidance of conflict with pedestrians
- a single consistent approach to provision for cycling across the area
- excellent cycling links from all directions to and from Macquarie Park

If Ryde City Council compromise on the safe design of the area for bicycles the impact will be felt for decades to come, and the goal of changing the modal transport split will be lost. Half a job is not good enough.

We recommend that expert cycle consultants be engaged to assist RCC to improve the MPCDCP in the areas of cycling and work with Bike North in a number of interactive workshops to hone the plan further. As can be seen this is a complex issue and this submission can only hope to raise issues and not provide all the solutions.

It is imperative that those who design facilities for cyclists must be familiar with using them. That is, they must be cyclists and undertake both planning and audits as specified in the Austroads Guidelines. We are always more than happy to “saddle survey” options and to sit with designers and consultants to discuss real-world situations. We need innovative and real solutions for the new Macquarie Park for the generations to come.

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