

Meeting Date: Tuesday 8 October 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

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1 CONFIRMATION OF MINUTES - Council Meeting held on 24 September 2013

Report prepared by: Meeting Support Coordinator
File No.: CLM/13/1/4/2 - BP13/1414

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 20/13, held on 24 September 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 24 September 2013
- 2 Minutes - Ordinary Council Meeting – including Confidential Minutes of Closed Session - 24 September 2013 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 20/13**

Meeting Date: Tuesday 24 September 2013

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

Time: 7.30pm

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

Apologies: Councillor Salvestro-Martin

Note: Councillor Pickering arrived at 7.33 pm during this discussion of Leave of Absence requests.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Chief Financial Officer, Acting Manager - Urban Planning, Development Contributions Coordinator, Client Manager, Coordinator Digital Communications, Governance Support Coordinator, Meeting Support Coordinator

PRAYER

Reverend Chris Burgess of the Eastwood Anglican Church was present and offered prayer prior to the commencement of the meeting.

LEAVE OF ABSENCE

Councillor Laxale requested a Leave of Absence for the period of 7 October 2013 to 13 October 2013 inclusive.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

That Council approve a Leave of Absence for Councillor Laxale for the period of 7 October 2013 to 13 October 2013 inclusive.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

DISCLOSURES OF INTEREST

The Mayor, Councillor Maggio disclosed a Significant Non-Pecuniary Interest in Item 18 – Code of Conduct for the reason that he is the subject of the Code of Conduct report and was not present for consideration of voting on this Item.

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 3 – Santa Rosa Park Toilet Facility for the reason that he is a frequent user of the facility.

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Item 2(3) – 92 Constitution Road West, Meadowbank. LDA2013/0046 for the reason that he is an acquaintance of the applicant's father.

TABLING OF PETITIONS

Councillor Simon tabled a petition in relation to Notice of Motion 3 – Santa Rosa Park Toilet Facility.

PRESENTATION OF PLAQUE

The Mayor, Councillor Maggio presented the Acting General Manager, Roy Newsome with a plaque from the Eastwood Ryde Netball Association.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Jeremy Quek	Item 6 - Planning Proposal - 10 Monash Road and 2 College Street, Gladesville
Kathryn Wicks	Notice of Motion 2 – Racism it Stops With Me
Garry Sommerville	Notice of Motion 3 – Santa Rosa Park Toilet Facility
Rodney Toombes	Notice of Motion 3 – Santa Rosa Park Toilet Facility
Peter Newman	Notice of Motion 3 – Santa Rosa Park Toilet Facility
Craig Burwood	Mayoral Minute 23/13 – Restoration Of Beach Access For Non Motorized Craft At Kissing Point Park

RESOLUTION: (Moved by Councillors Simon and Laxale)

That those speakers who submitted late requests to address Council on Items Listed on the Agenda be allowed to address the meeting, the time being 7.54 pm.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

The following person addressed the Council:

Geoff Driscol (representing the GHFA)	Notice of Motion 3 – Santa Rosa Park Toilet Facility
Geoffrey Lee	Notice of Motion 2 – Racism it Stops With Me

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Rose Lavery	Book of Remembrance, Ryde City View and Top Ryder Bus Service

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Laxale and Simon)

That Council now consider the following Items on which there had been public participation, the time being 8.06 pm:

- Notice of Motion 2 – Racism it Stops With Me;
- Notice of Motion 3 – Santa Rosa Park Toilet Facility;
- Item 6 - Planning Proposal - 10 Monash Road and 2 College Street, Gladesville; and
- Mayoral Minute 23/13 – Restoration Of Beach Access For Non Motorized Craft At Kissing Point Park

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

2 RACISM IT STOPS WITH ME - Councillor Jerome Laxale

Note: Kathryn Wicks and Geoffrey Lee addressed the meeting in relation to this Item.

Note: Councillor Laxale tabled a letter dated 20 September 2013 from the Australian Human Rights Commission in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That, in light of recent examples of racism in the City of Ryde, the Acting General Manager meets with representatives of the Australian Human Rights Commission to become a supporter of the "Racism. It stops with me" campaign.

ITEM 1 (continued)

ATTACHMENT 1

(b) That, upon formalising the agreement:

1. Ryde Council hosts a "Racism. It stops with me" BBQ, inviting local community groups, churches and representatives of the Australian Human Rights Commission to officially launch Council's campaign; and
2. Ryde Council in consultation with the Community Harmony Advisory Committee actively promote the campaign through regular events, the City of Ryde website, the Mayoral Community Message, a flyer with Rates Notices and any other means.

Record of Voting:

For the Motion: Unanimous

3 SANTA ROSA PARK TOILET FACILITY - Councillor George Simon

Note: Garry Sommerville, Rodney Toombes, Peter Newman and Geoff Driscoll (representing the GHFA) addressed the meeting in relation to this Item.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a frequent user of the facility.

Note: A petition was tabled by Councillor Simon in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Simon and Laxale)

- (a) That the Santa Rosa Park toilet facility construction be referred to the Works and Community committee for urgent attention, including a site inspection for all Councillors.
- (b) If possible, the construction of a facility be completed in preparation for the beginning of the next winter season of the sports competition.
- (c) That the Gladesville Local Area Command be consulted as part of the decision making process.

AMENDMENT: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council staff prepare a report on the feasibility of the current Air League building at the Bridge Road end of Santa Rosa Park being converted to a change room/amenities block for all park users.
- (b) The report is to be prepared for Councillors consideration and to be tabled at the Council meeting set down for 22 October 2013.
- (c) The report is to include the following:
 - (i) A report from the NSW Police Gladesville Local Area command in regards to the location meeting all of the factors police require for such buildings.

ITEM 1 (continued)

ATTACHMENT 1

- (ii) A Hydraulic surface drainage analysis for the prevention of flooding in a 1 in 5 year, 1 in 20 year and 1 in 100 year event be prepared, along with pricing for such recommendations, for the area around the Air League building, so that the current building can be renovated for the proposed new usage.
- (iii) Council staff provide an estimate for the proposed Air League Building modification. This estimate is to be priced around a similar design to the current amenities building situated at Gannon Park, Ryde.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and six (6) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

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

Against the Amendment: Councillors Laxale, Li, Pendleton, Perram, Petch and Simon

RESOLUTION: (Moved by Councillors Simon and Laxale)

- (a) That the Santa Rosa Park toilet facility construction be referred to the Works and Community committee for urgent attention, including a site inspection for all Councillors.
- (b) If possible, the construction of a facility be completed in preparation for the beginning of the next winter season of the sports competition.
- (c) That the Gladesville Local Area Command be consulted as part of the decision making process.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

6 PLANNING PROPOSAL - 10 MONASH ROAD AND 2 COLLEGE STREET, GLADESVILLE

Note: Jeremy Quek addressed the Council in relation to this Item.

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council note the Planning Proposal for 10 Monash Road and 2 College Street Gladesville

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council forward the planning proposal for 10 Monash Road and 2 College Street Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the planning proposal be placed on public exhibition and a further report be presented to Council following the completion of the community consultation advising of the outcomes and next steps.
- (d) That Council's consideration of the planning proposal, following exhibition, is deferred until the traffic study for the area is completed.
- (e) That a site specific addition to the Ryde Development Control Plan 2010 be prepared for 10 Monash Road and 2 College Street Gladesville and that it is publicly exhibited together with the planning proposal.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

MM23/13 RESTORATION OF BEACH ACCESS FOR NON MOTORIZED CRAFT AT KISSING POINT PARK - The Mayor, Councillor Roy Maggio

Note: Craig Burwood addressed the meeting in relation to this Item.

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

That this matter be referred for the Acting General Manager to investigate and provide a report to the Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

MM22/13 ELECTION OF FEDERAL MEMBER FOR BENNELONG - The Mayor, Councillor Roy Maggio

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

- (a) That Council forward a letter to Mr John Alexander OAM MP, congratulating him on his recent re-election to the Federal seat of Bennelong.
- (b) That Council forward a letter to The Hon Tony Abbott MP, congratulating him and the Coalition on their recent election result.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

**MM23/13 RESTORATION OF BEACH ACCESS FOR NON MOTORIZED CRAFT
AT KISSING POINT PARK - The Mayor, Councillor Roy Maggio**

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 10 September 2013

Note: Councillor Pickering left the meeting at 9.14 pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Perram)

That the Minutes of the Council Meeting 19/13, held on 10 September 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting at 9.16 pm.

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
13/13 held on 3 September 2013**

RESOLUTION: (Moved by Councillors Simon and Laxale)

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

Record of Voting:

For the Motion: Unanimous

**2 32 KEPPEL ROAD, RYDE - LOT 225 DP 12999. Development
Application for the construction of a double garage within the front
setback of the dwelling and an awning to the side of the dwelling.
LDA2013/0131.**

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That LDA2013/0131 at 32 Keppel Road, Ryde being LOT 225 DP 12999 be deferred for the Acting Group Manager – Environment and Planning to undertake a mediation with the applicant and objectors to look at solutions to provide onsite car parking in closer compliance with Council policy and addressing the issues of vehicular and pedestrian safety.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

3 92 CONSTITUTION ROAD WEST, MEADOWBANK. LOT 2 DP 12059. Local Development Application to demolish laundry and construct new outbuilding/garage at the rear of the property. LDA2013/0046.

Note: Councillor Simon declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is an acquaintance of the father of the applicant.

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Local Development Application No. LDA2013/46 at 92 Constitution Road West, Meadowbank, being LOT 2 DP 12059 be approved without further modification, subject to the conditions contained in **Attachment 2** with the deletion of Part 1 - Condition 1, which required a reduction of the floor area of the outbuilding/garage to 56m².
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 13/13 held on 3 September 2013

RESOLUTION: (Moved by Councillors Perram and Laxale)

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

Record of Voting:

For the Motion: Unanimous

3 FITNESS EQUIPMENT IN OPEN SPACE AREAS

RESOLUTION: (Moved by Councillors Perram and Laxale)

- (a) That Council upgrade the existing fitness equipment at Waterloo Park from the 2013/14 Playground Renewal budget.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council consider future expansion of outdoor fitness equipment assets as part of the development of the long term financial and asset management plans.
- (c) That a further report be submitted to the Works and Community Committee on options for reprioritisation of funds for renewal of existing outdoor community gyms.

Record of Voting:

For the Motion: Unanimous

4 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 14/13 held on 17 September 2013

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That Council note that all Items of the Planning and Environment Committee Meeting 14/13 held on 17 September 2013 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 14/13 held on 17 September 2013

RESOLUTION: (Moved by Councillors Perram and Petch)

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

Record of Voting:

For the Motion: Unanimous

3 GRAFFITI HOTSPOT PROGRAM IN THE 2013/14 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Perram and Petch)

That Council allocate the amount of \$100,000 from grant funding for the purpose of the Putney Park Graffiti Hotspot project and that the amount is also consolidated into the next Quarterly Review for completeness.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

4 CRICKET PRACTICE FACILITIES IN THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Perram and Pendleton)

- (a) That Council endorse the construction of cricket practice facilities at Marsfield Park and Gannan Park as part of the 2013/14 Open Space, Sport and Recreation Capital Works Program.
- (b) That the existing Morrison Bay Park cricket practice facilities fees and charges be applied for new facilities at Marsfield Park and Gannan Park.
- (c) That the new cricket practice facilities be made available for general community use at all times.

Record of Voting:

For the Motion: Unanimous

5 TRAFFIC FACILITIES AND BICYCLE GRANT FUNDING 2013/2014

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That Council accepts the grant funds offered by the Roads and Maritime Services under the following programs and makes the necessary financial adjustments to the Traffic and Transport Program and the Paths and Cycleways Program at the 2013/2014 first quarter budget review:

- (a) Nation Building Black Spot Program: raised threshold, painted medians and pedestrian fencing at the existing crossing located on Constitution Road and Railway Road, Meadowbank (\$51,000).
- (b) State Black Spot Program: raised threshold at pedestrian crossing and pedestrian fencing at Blenheim Road and Coxs Road, North Ryde (\$30,000).
- (c) State Black Spot Program: raised threshold, intersection upgrade (from give-way to stop) and parking lanes with kerb blisters at Argyle Avenue and Princes Street (\$16,000).
- (d) State Bicycle and Pedestrian Programs: 155 metres of shared path construction on Blaxland Road, Ryde for stage 3 (\$69,000).

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

6 PLANNING PROPOSAL - 10 MONASH ROAD AND 2 COLLEGE STREET, GLADESVILLE

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

7 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A COMMERCIAL DEVELOPMENT AT LOT 1 DP 582794 - 8 KHARTOUM ROAD, MACQUARIE PARK. LDA2013/106

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

- (a) That Council enter into the Voluntary Planning Agreement (VPA) made by Goodman Property Services (Australia) P/L as part of the Development Application LDA2013/106.
- (b) That Council's agreement to enter into the VPA be communicated to the Sydney East Joint Regional Planning Panel when LDA2013/106 is presented to it for determination.

Record of Voting:

For the Motion: Unanimous

8 CITY OF RYDE DEVELOPMENT CONTRIBUTIONS PLAN

RESOLUTION: (Moved by Councillors Etmekdjian and Chung)

- (a) That Council endorses a Section 94A variable rate development contributions plan based upon Option 2C with the lowest contribution threshold set at a construction cost of \$350,000 as defined by the Environment Planning and Assessment Regulation 2000, Clause 25J – Section 94A
- (b) That Council delegates authority to the Acting General Manager to renegotiate and extend the appointment of SGS Economics and Planning and Lindsay Taylor Law (SGS/LTL) to carry out Phases 2 and 3 of the Contribution Plan project.
- (c) That Council allocate the amount of \$130,000 from the S94 Plan Administration reserve for the purpose of preparing and implementing a S94A development contributions plan for the City of Ryde.
- (d) That Council endorse the preparation of a new draft S94A variable rate development contributions plan.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

9 PROPOSED NEW ROAD NAME IN MACQUARIE PARK - SAUNDERS CLOSE

RESOLUTION: (Moved by Councillors Etmekdjian and Perram)

- (a) That the Council approve that the new road to be dedicated on land currently identified as Lots 12 & 16 DP 1163232 be named Saunders Close.
- (b) That Council endorse that consultation be undertaken with the Aboriginal Heritage Office on the appropriateness of using the name for this purpose.
- (c) That Council endorse that notice of the name be given in accordance with the Roads Regulation 2008 and if no specific objection is received, the new name be sent for gazettal.

Record of Voting:

For the Motion: Unanimous

10 NEW ROAD NAMES FOR PUTNEY HILL ESTATE AND FOR ROYAL REHABILITATION CENTRE SYDNEY SITE

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

- (a) That the Council approve that the new roads to be dedicated on land currently identified as Lots 1,2 & 3 DP 1129793 (600 & 600A Victoria Road and 55A Charles Street, Ryde) be named as follows:
 - (i) Road 4 as Bennelong Way
 - (ii) Road 5 as Putney Hill Drive
 - (iii) Road 8 as Colebee Street
 - (iv) Road 16 as Wallumai Place
 - (v) Road 12 as Bowe Lane
- (b) That Council endorse that consultation be undertaken with the Aboriginal Heritage Office on the appropriateness of using the names of indigenous origin for this purpose.
- (c) That the Council endorse that the new road to be constructed on land currently identified as Lot 5 DP 1129793 (235-245 Morrison Road, Ryde and 59 Charles Street, Ryde) as follows:
 - (i) Roads 1, Part 2 & Part 6 as Schardt Circuit
- (d) That Council endorse that Notice of the names be given in accordance with the Roads Regulation 2008 and if no specific objections are received, the new names be sent for gazettal.

ITEM 1 (continued)

ATTACHMENT 1

- (e) That the Mayor, Councillor Maggio and Acting General Manager make representations to the Minister for Roads the Hon Duncan Gay with regards to access onto Victoria Road as a result of the Royal Rehabilitation Centre, Sydney site, and clearways on Lane Cove Road

Record of Voting:

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

Against the Motion: Councillor Pickering

11 DRAFT 2012/2013 FINANCIAL STATEMENTS

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2012/2013 financial year ending 30 June 2013 and has formed an opinion, based on the advice of Council officers, that these reports:
- (i) Have been prepared in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made thereunder
 - The Australian Accounting Standards and professional pronouncements
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - (ii) Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2013
 - (iii) Accords with Council's accounting and other records and policies
- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, Acting General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2013 be referred for audit.

ITEM 1 (continued)

ATTACHMENT 1

- (e) That Tuesday, 22 October 2013 be fixed for the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2013 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (f) That the following additional amounts be transferred to their respective reserves:
 - Employee Leave Entitlement Reserve - \$210,032
 - Asset Replacement Reserve - \$4,800,000

Record of Voting:

For the Motion: Unanimous

12 INVESTMENT REPORT - August 2013

RESOLUTION: (Moved by Councillors Etmekdjian and Petch)

That Council endorse the report of the Chief Financial Officer dated 13 August 2013 on Investment Report – August 2013.

Record of Voting:

For the Motion: Unanimous

13 REVIEW OF OPERATION HUNTERS HILL RYDE MEN'S SHED

RESOLUTION: (Moved by Councillors Chung and Petch)

- (a) That Council congratulate members of the Hunters Hill Ryde Men's Shed and Hunters Hill Ryde Community Services on their success in establishing the Shed and for the thoughtful way in which they are including residents of Ryde and Hunters Hill.
- (b) That Council commends the Marist Fathers on their generosity in supporting the Men's Shed through the provision of their building at Mary Street, Hunters Hill.
- (c) That Council continues to support the Hunters Hill Ryde Men's Shed through Council staff attending meetings of the Men's Shed Executive Committee.
- (d) That Council continues to monitor the Men's Shed to ensure it is meeting the needs of men in the City of Ryde.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

14 POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

- (a) That Council endorse the public exhibition of the revised Policy on the Payment of Expenses and Provision of Facilities, for the Mayor and Other Councillors, as **ATTACHED** for a period of at least 28 days, with the following amendments:
- Clause 4.2 (7) – Provision for up to three meals per day to a maximum of \$100 a day.
 - Clauses 4.2 (12) and 4.3.1 (c) - Council shall not reimburse for travel within the Ryde Local Government area. Travel on Council related business outside the Ryde Local Government area shall be reimbursed.
 - Clause 6.2.2 - That Councillors also be provided the option of being provided, or reimbursed for, information technology equipment and/or software to an amount of \$4,000 (to commence following the conduct of the 2016 Local Government election).
- (b) That the draft policy be sent to the Division of Local Government seeking their feedback by the close of the exhibition period.
- (c) That after the exhibition period of the draft policy, a further report be provided to Council detailing any submissions received, and seeking the adoption of the draft Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

Record of Voting:

For the Motion: Unanimous

15 GIFTS AND BENEFITS POLICY

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (a) That Council adopt the **ATTACHED** revised Gifts and Benefits Policy.
- (b) That the Policy be promoted through the City of Ryde Website, Media Release and the Mayoral Column as set out in this report.
- (c) That a copy of the Policy be provided to the NSW Ombudsman and Division of Local Government for their information.
- (d) That a brief report be provided to Council at the next Council meeting outlining recent training for Councillors regarding the Code of Conduct, Disclosures of Interest etc. and attendance at this training.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

16 MONTHLY REPORTING

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Council endorse quarterly reporting of the key management areas outlined in this report through the Councillor Information Bulletin, noting that a monthly report will continue to be provided to Council regarding legal matters.

Record of Voting:

For the Motion: Unanimous

17 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Petch and Simon)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

18 CODE OF CONDUCT

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

That this Item be considered in Closed Session, following Item 19.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 PLANNING ASSESSMENT COMMISSION APPROVAL CONCEPT PLAN AND STAGE 1 PROJECT APPLICATION FOR THE MEADOWBANK EMPLOYMENT AREA

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

2 PART 3A MEADOWBANK CONCEPT PLAN AND PROJECT APPLICATION

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

3 LETTER OF THANKS - BreastScreen NSW

RESOLUTION: (Moved by Councillors Petch and Simon)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 WEST RYDE URBAN VILLAGE DEVELOPMENT: THREE MISSING PEDESTRIAN CROSSINGS - The Mayor, Councillor Maggio, Councillor Salvestro-Martin, Councillor Yedelian OAM

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

- (a) That the City of Ryde Council calls for the prompt installation of West Ryde Urban Village Pedestrian Crossings and due to safety concerns strongly communicates this request to the RMS and through the Ryde Traffic Committee.
- (b) That Council writes to the State Member and relevant Minister to urge support for the prompt installation of pedestrian crossings at the West Ryde Urban Village on noting the potential impact on resident and pedestrian safety.

The pedestrian crossings are:

- Explicitly shown on the approved plans (**highlighted yellow** on attached extract) and referred to in the amended condition number 150, as part of the development consent (modified Section 96 Consent dated 20 October 2009); and explicitly shown on the plans (schedule 5) in the variation to the associated 2009 Voluntary Planning Agreement between council and the developer.

ITEM 1 (continued)

ATTACHMENT 1

- A pedestrian crossing over the western end of Betts Street (and associated footpath widening).
- A pedestrian crossing over Chatham Road just south of the intersection with Betts Street. (The existing mid-road traffic-island just south of the intended crossing location is not an acceptable substitute.)
- A pedestrian crossing over Market Street on the southern side of the town square area.

Record of Voting:

For the Motion: Unanimous

2 RACISM IT STOPS WITH ME - Councillor Jerome Laxale

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

3 SANTA ROSA PARK TOILET FACILITY - Councillor George Simon

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Deputy Mayor, Councillor Justin Li

RESOLUTION: (Moved by Councillors Li and Pendleton)

That the following Answers to Questions with Notice be received and noted.

Record of Voting:

For the Motion: Unanimous

1. Why is the car park at the eastern side of Rowe St regularly dug up and closed to the public?

Answer 1:

The carpark land is owned by RailCorp and made available to Council at a nominal rental subject to RailCorp retaining rights of access and use for rail purposes.

Works are completed as quickly as possible and carparks etc. are returned to normal use.

ITEM 1 (continued)

ATTACHMENT 1

2. Who pays for repair of the car park lot after works are finished each time?

Answer 2:

RailCorp must reinstate all pavements and carpark surfaces at its cost.

3. How can Council better coordinate with other State agencies to reduce wastage and disruption to the public from regularly digging up the car park?

Answer 3:

Council has many long term leases on RailCorp land dating back to the 1920s. Rather than restrict use of its land, RailCorp practice is to offer it to Council for a peppercorn rent but with the condition that it retains access and use for rail purposes at any time. While there is no requirement for RailCorp to provide Council with a minimum period of notice, RailCorp is notifying Council but the notice is often insufficient for affected parties, like users and businesses in the area.

RailCorp is also not clear on who its correct contact person is within Council.

On that basis the Properties Section have been directed to contact its counterparts at RailCorp and negotiate a Memorandum of Understanding in regards to the 29 leases currently held with RailCorp so that lines of communication, notification requirements, notification times, Council and RailCorp staff contact phone numbers and restoration standards are clear and communicated to all affected staff.

Council staff will update their procedures to ensure that when RailCorp undertakes work on its land, timely advice is provided to affected users and businesses.

CLOSED SESSION

ITEM 19 - NORTH RYDE STATION PRECINCT - Urban Activation Precinct Task Force

Confidential

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

ITEM 1 (continued)

ATTACHMENT 1

ITEM 18 – CODE OF CONDUCT

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to this Item as it relates to a code of conduct matter, the *Local Government Act 1993* Section 10A(2)(i) now provides for code of conduct matters to be considered in the Closed Session of Council.

RESOLUTION: (Moved by Councillors Etmekdjian and Petch)

That the Council resolve into Closed Session to consider Item 19 - North Ryde Station Precinct - Urban Activation Precinct Task Force followed by Item 18 – Code of Conduct.

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 10.01 pm. The public and media left the chambers.

19 NORTH RYDE STATION PRECINCT - Urban Activation Precinct Task Force

Note: Councillor Yedelian OAM left the meeting at 10.01 pm and was not present for voting on this Item.

RECOMMENDATION: (Moved by Councillors Perram and Etmekdjian)

That Council not proceed with the Urban Activation Precinct Taskforce on the grounds that the Friends of North Ryde have withdrawn their involvement and Council on 13 August 2013 resolved to terminate the contract with the provider appointed to advocate on behalf of the Taskforce.

Record of Voting:

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

Against the Motion: Councillor Laxale

Note: Councillor Yedelian OAM returned to the meeting at 10.04 pm.

ITEM 1 (continued)

ATTACHMENT 1

18 CODE OF CONDUCT

Note: The Mayor, Councillor Maggio disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the Code of Conduct report.

Note: The Mayor, Councillor Maggio provided a verbal apology to the Council in respect of this matter and gave a commitment to accept the decision of Council on this matter.

Note: The Mayor, Councillor Maggio left the meeting at 10.06 pm and was not present for consideration or voting on this Item.

Note: All staff, with the exception of the Acting General Manager, General Counsel and the Minute Taker left the meeting at 10.06 pm.

Note: In the absence of the Mayor, Councillor Maggio, the Deputy Mayor, Councillor Li assumed the Chair.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Etmekdjian)

- (a) That Council endorse the recommendations as detailed in the Conduct Reviewers report on pages 13-14, with the following amendments to points:
- 2.1.4 on page 13, taking out the words “or non-pecuniary interest”
 - 2.1.14 on page 14, deleting the second sentence “This includes any communication with Group Managers and the General Manager”, for the reason that Councillor Maggio is now the Mayor.
- (b) The Mayor, Councillor Maggio be requested to provide written apologies to affected parties.
- (c) That all Councillors be provided with the opportunity to undertake Code of Conduct training.
- (d) That Council address the review of the processes to ensure timely investigation and reporting of complaints.
- (e) That a Status Report be submitted to Council at the Council Meeting on 22 October 2013.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Li, Pickering, Perram and Yedelian OAM

Against the Motion: Councillors Laxale, Pendleton, Petch and Simon

Note: A Rescission Motion in relation to this matter was lodged by Councillors Simon, Laxale and Pendleton at 1.03 pm on Wednesday 25 September 2013.

ITEM 1 (continued)

ATTACHMENT 1

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Etmekdjian)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.52 pm.

Note: Councillor Simon moved a Motion to make all deliberations in Closed Session public. The Acting General Manager and General Counsel confirmed that, in respect of Item 18, this would be unlawful to make known the deliberations that were undertaken in Confidential Session. Councillor Simon then withdrew his motion.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That the business transacted in Closed Session be received and adopted as a resolution of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 12.02 am on Wednesday 25 September 2013.

CONFIRMED THIS 8TH DAY OF OCTOBER 2013

Chairperson

2 PLANNING PROPOSAL - AMENDMENTS TO LEP 2013

Report prepared by: Strategic Planner

File No.: LEP2013/12/003 - BP13/1294

REPORT SUMMARY

Council on the 12 March 2013 resolved to undertake a Planning Proposal to amend LEP 2013 (previously known as LEP 2011) in accordance with a table of 30 amendments and as part of the consideration of those amendments that a community workshop be held.

That community workshop (known as *Community Forum - Planning Proposal for LEP 2013*) was held on the 31 July 2013. A total of 14 speakers addressed Council with respect to LEP 2013 on the following amendments:

1. Torrens titling of dual occupancy developments - 2 speakers
2. 11-15 Farm Street Gladesville - 10 speakers
3. 14-20 Oxford Street Gladesville - 1 speaker
4. 391 Blaxland Rd Ryde - 1 speaker.

The outcome of the community workshop was that a further workshop not be conducted but rather that a report outlining options with respect to the first three items be presented to Council for consideration.

A record of the *Community Forum*, speakers and directions from Council is **ATTACHED** (Attachment 1).

This report outlines the proposed amendments to LEP 2013 (*Table 1 Planning Proposal Amendments to LEP 2013*) which are a result of:

- Submissions to LEP 2013
- Council resolutions
- Anomalies and errors identified in LEP 2013

Table 1 Planning Proposal Amendments to LEP 2013 is **ATTACHED** (Attachment 2).

Council is to note that the gazettal of LEP 2013 is imminent, as the anticipated final comments on the draft Plan was sent to Parliamentary Counsel on 25 September 2013. The reference to draft LEP 2013 is to be read as LEP 2013 upon the instruments gazettal.

The report also provides detailed information on the items discussed at the community workshop with options and a recommendation being provided for Council consideration with respect to items 1-3.

ITEM 2 (continued)

In this regard the report recommends the following:

1. Torrens titling of dual occupancy developments

- That the Torrens titling of current Dual Occupancy developments be permitted on lots 580sqm or greater; and
- That the Torrens titling of future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (this results in lots of 290sqm with a 10m road frontage.)

The concerns with respect to the Torrens titling of dual occupancy development are:

- the subdivision pattern of 580sqm for residential areas will be compromised;
- design issues associated with dwellings on small allotments;
- increased residential density; and
- applications to Council to vary the subdivision standards.

Legal advice obtained states that it is at the time of an original consent that the lawfulness of a land use is determined. For a dual occupancy development to be permitted the minimum lawful lot size requirement is 580sqm (consistent with the Lot Size Map). Based on this it is considered that the integrity of the standards in the Lot Size Map are not compromised where subdivision of land is ancillary to a dual occupancy development.

In line with this, a separate clause will be required to be inserted into the LEP stating that despite the provisions of the Lot Size Map, the subdivision of a dual occupancy development is permitted subject to the area of each resulting lot complying with a specified minimum lot size (min lot size of 290sqm with a 10m road frontage).

The design criteria for a dual occupancy development regardless of the ability to Torrens title will remain the same and is to be specified in Development Control Plan 2013.

Under LEP 2013 the strata subdivision of all dual occupancy developments on land 580sqm or greater will be permitted. It is recognised that the ability to strata subdivide may result in a substantial increase in the number of DAs received by Council seeking approval for such developments. However regardless of the nature of the subdivision permitted, based on an area of 580sqm and 20m road frontage there is a maximum number of allotments (approximately 3000) that can be developed for dual occupancy within the City.

Under *Clause 4.6 Exceptions to development standards (a standard instrument clause in the LEP)* any development standard can be varied with Council consent. It is considered that similar to the development standards for the erection of a dual occupancy i.e. 20m road frontage and a minimum allotment size of 580sqm, there will be applications made to Council to vary the subdivision standard. To prevent variations occurring it is recommended that the minimum lot size and width requirements for a dual occupancy be made exempt from the subject clause.

ITEM 2 (continued)

2. 11-15 Farm Street Gladesville

- That 11-15 Farm St be rezoned B4 Mixed Use with a FSR of 1.15:1 and a height of 9.5m for a distance of 19m from the front property boundary with a maximum height of 12m for the remainder of the site.

The design criteria of 11-15 Farm Street that was presented at the community workshop has been reviewed with the aim of reducing the bulk of the building on the site as viewed from Farm St and reducing overshadowing. The amended plans prepared suggest a maximum height of 9.5m for a distance of 19m from the front property boundary with the remainder of the site having a maximum height of 12m. Based on the new height criteria it is anticipated that the site could be developed for 25 residential units at a floor space ratio of 1.15:1.

It is considered that by amending the maximum height permitted on the land the impacts of future development of the site has been reduced.

3. 14-20 Oxford Street Gladesville

- That 14-20 Oxford Street Gladesville – be zoned B4 Mixed Use with a FSR of 0.5:1 and maximum height of 9.5m.

The subject land and 329 Victoria Rd, which is zoned B4 Mixed Use, is under the one ownership and used for a variety of church and school related activities. In view of these factors it is considered reasonable to maintain a singular zoning for the land i.e. B4 Mixed Use. However to maintain a level of development in keeping with the surrounding residential zoning the reinstatement of a 0.5:1 FSR and maximum height of 9.5m is required.

4. Other Key Matters

The report further examines issues associated with:

- 100 Rowe Street Eastwood;
- Secondary dwellings; and
- Floor Space and Height controls within Ryde Town Centre; and
- A range of matters including increasing the number of permitted uses in the IN2 zone, amendment to Schedule 1 to allow 131-133 Herring Road and 208 Epping Road as a Medical Centre, 5m height limits to the rear dwelling in a dual occupancy development and amendments to a number of the maps.

The report recommends that Council prepares a PP to amend LEP 2013 on the basis of the changes identified in *Table 1 Planning Proposal Amendments to LEP*. Council resolutions relating to the items identified above are to be incorporated into *Table 1 Planning Proposal Amendments to LEP 2013*.

ITEM 2 (continued)

RECOMMENDATION:

- (a) That Council endorse the preparation of a Planning Proposal to amend Draft LEP 2013 (previously known as LEP 2011) in accordance with *Table 1 Planning Proposal Amendments to DLEP 2013* attached to this report.
- (b) That Council forward the planning proposal for the amendments to LEP 2013 to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Minister's delegation enabling Council to determine the LEP be requested.
- (c) That in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the Planning Proposal Amendments to DLEP 2013 be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (d) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include that Torrens title subdivision of:
 - current/approved Dual Occupancy developments be permitted on lots 580sqm or greater;
 - future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (resulting in lots of a minimum 290sqm with a 10m road frontage).
- (e) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 11-15 Farm Street Gladesville:
 - zoning of B4 Mixed Use
 - FSR of 1.15:1 and
 - a maximum height of 9.5m for 19m from the front property boundary with the remainder of the site having a maximum height of 12m.
- (f) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 14-20 Oxford Street Gladesville:
 - zoning of B4 Mixed business
 - FSR of 0.5:1
 - a maximum height of 9.5m

ITEM 2 (continued)

- (g) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 100 Rowe Street, Eastwood:
- zone part of the land B4 Mixed Use and part RE1 Public Recreation with the area to be zoned RE1 to be determined by Group Manager of Public Works.
 - a maximum height of 15.5m on the area zoned B4 Mixed Use
 - amend the Land Reservation Acquisition Map to reflect the area to be zoned RE1 Public Recreation only.
- (h) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include that secondary dwellings:
- be permitted in the R1, R2 , R3 and R4 residential zones with the consent of Council.
- (i) That DCP 2013 - Part 3.3 Dwelling houses and dual occupancy be amended to incorporate controls for the development of secondary dwellings in the R1, R2 , R3 and R4 zones
- (j) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include changes to LEP 2013 Height of buildings Map, Floor space ratio Map and related incentive clauses for the Ryde Town Centre in accordance with the changes outlined in this report.
- (k) That Council seeks the Department of Planning and Infrastructures support for the inclusion of *Clause 4.1C Minimum lot sizes for dual occupancy and multi dwelling housing* as it applies to dual occupancy in *Clause 4.6(8) Exceptions to development standards*.

ATTACHMENTS

- 1 Community Forum 31 July 2013
- 2 Table 1 - Planning Proposal Amendments to LEP 2013
- 3 Design Criteria Farm St 11-15
- 4 Traffic Study 11 - 15 Farm St
- 5 Communications Plan for Exhibition of Planning Proposal

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 2 (continued)

Background

Council on the 12 March 2013 considered a report on Draft LEP 2011 and the outcomes of the Open Community Workshop on the draft Plan that was held on the 5 and 7 February 2013.

Council resolved at that meeting that Draft LEP 2011 be amended in accordance with *Table 1 – Amendments to LEP 2011* and that the amended Plan be forwarded to the Department of Planning and Infrastructure with a S68 report requesting that the Minister make the Plan.

Council further resolved the following:

- That items 1 and 2 (Farm Street properties and Our Lady Queen of Peace) in *Table 1 – Amendments to LEP 2011* be placed into *Table 2 Planning Proposal Amendments to DLEP 2011*.
- That a Planning Proposal (PP) be prepared to amend Draft LEP 2011 in accordance with *Table 2 Planning Proposal Amendments to DLEP 2011* and be supported by a consultation programme prepared by Council's Media and Communications Group and reported back to Council for further discussion and endorsement.
- That *Table 2* be amended to include the Torrens titling of current dual occupancy developments be permitted under DLEP 2011 for properties approximating a minimum of 800sqm to 1000sqm.
- That during consideration of the items in *Table 2* a community workshop be held prior to the planning proposal being considered by Council.
- That planning proposals are accepted for consideration by Council for:
 - 12A-14 Epping Road and 86 Blenheim Road, North Ryde
 - 2-14 Tennyson Road, Gladesville
 - 2 College Street/10 Monash Road, Gladesville
 - Bulky goods premises in the IN2 zone, Gladesville
 - 44-48 Eltham Street, Gladesville.

Council on the 31 July 2013 held a community workshop (known as *Community Forum - Planning Proposal for LEP 2013*) on the PP for LEP 2013. A total of 14 speakers made representations with respect to LEP 2013. In the body of this report each item addressed by a speaker and the discussion outcomes that were recorded are outlined.

A record of the *Community Forum*, speakers and directions from Council is **ATTACHED** (Attachment 1).

The outcome of Council's resolution of 12 March 2013 was that the matters outlined in *Table 2 Planning Proposal Amendments to DLEP 2011* Amendments to DLEP2011 were to be included in a planning proposal prepared by Council staff and submitted to Council for further consideration. The discussion section of this report addresses the matters listed in this table.

ITEM 2 (continued)

Discussion

Planning Proposal to LEP 2013

Amendments proposed to LEP 2013 are a result of:

1. Council resolutions with respect to specific issues
2. Submissions received from government agencies and the community to LEP 2013 as exhibited.
3. Identified anomalies/errors in LEP 2013.

The following section of this report itemises each amendment proposed within the three categories with detailed information being provided on specific amendments.

1. Amendments resulting from a specific resolution of Council

Planning Proposal Amendments	Basis for amendment
1. Permit the Torrens titling of current dual occupancy developments for properties approximately 800sqm to 1000sqm.	Council resolution 12 March 2013
2. 11-15 Farm Street Gladesville To enable further community discussion on the proposed zoning, height and FSR controls for the land as proposed under LEP 2013 (as exhibited). The following are to be amended: <ol style="list-style-type: none"> a. Land Zoning Map b. Height of Buildings Map c. Floor space ratio Map d. Centres map 	Council resolution 12 March 2013
3. Our Lady of Queen of Peace – 14-20 Oxford St Gladesville. To enable further community discussion on the proposed zoning, height and FSR controls for the land as proposed under LEP 2013 (as exhibited). The following are to be amended: <ol style="list-style-type: none"> a. Land Zoning Map b. Height of Buildings Map c. Floor space ratio Map d. Centres map 	Council resolution 12 March 2013

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
<p>4. Ryde Civic Precinct</p> <p>Amend LEP 2013 to reflect controls proposed within the Planning Proposal for the Ryde Civic Precinct to LEP 2010:</p> <ul style="list-style-type: none"> a. Land Zoning Map b. Height of Buildings Map c. Floor space ratio Map d. Ryde Town Centre Precinct Map 	<p>Council resolution 12 February 2012.</p> <p>Council on 13 November 2012 as part of a Mayoral Minute 16/12, in relation to the Civic Centre Site, resolved:</p> <p><i>(a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60,000sq metres and to be zoned SP2 community use through a planning proposal.</i></p> <p>Council resolved on the 12 February 2012 that a Planning Proposal to rezone the site and amend both the Height of Buildings and Ryde Civic Precinct Maps be forwarded to DoPI for a Gateway determination. The PP was forwarded to DoPI on the 22 February 2013. DoPI on 2 July 2013 requested further justification for the PP. A response to DoPI was provided on the 2 August 2013.</p>
<p>5. Add a new clause <i>Macquarie Park Corridor – Serviced apartments in Zone B3 Commercial Core</i> prohibiting the strata subdivision of serviced apartments</p>	<p>Council resolution 27 September 2011.</p> <p>In the report of the 27 September 2011 it was stated that Council should make a formal submission to DLEP 2011 once on exhibition requesting the reinstatement of Clause 4.5B(5) in LEP 2010 with respect to prohibiting the subdivision of such developments.</p>
<p>6. 100 Rowe Street Eastwood Rezone to B4 Mixed Use and deleted from Ryde LEP 2011 Land Reservation Acquisition Map subject to agreement of the owner to enter into a legal agreement with Council to allow for stormwater works and a permanent easement to allow ongoing access to the resulting stormwater infrastructure at a timing of Council's choosing.</p>	<p>Council resolution 12 March 2013.</p>

ITEM 2 (continued)

The following proposed amendments are reviewed in detail:

- Torrens titling of current dual occupancy developments;
- 11-15 Farm Street Gladesville;
- Our Lady of Queen of Peace – 14-20 Oxford St Gladesville; and
- 100 Rowe Street Eastwood.

Torrens titling of current dual occupancy developments (2 speakers)

At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the Torrens titling of dual occupancy developments were recorded as follows:

There was some consensus that consideration be given to reviewing Council's current position with regard to Torrens Title. However, no clear direction was provided. Options for consideration were requested to be reported to Council. The options need to consider dealing with the subdivision of existing/approved dual occupancies and controls for the subdivision of future dual occupancies.

Torrens titling is a method of recording and registering land ownership and interests. The advantage of Torrens title is that it is a single document guaranteed by the State Government of New South Wales that documents the status of any land with respect to ownership, easements, caveats etc.

The following Tables provide information on the number of current /approved dual occupancy developments (Table 1) and the number of possible future dual occupancy developments based on the LEP 2013 site requirements of a minimum 580sqm and 20m road frontage for such development (Table 2).

Table 1 – Existing dual occupancy developments

Dual Occupancy (DO) Developments	Total	Not subdivided	Subdivided
Existing DO developments on land 580sqm or greater	373	309	64 (previous State legislation permitted Torrens titling of DO)
Existing DO on land 800 sqm or greater	109	109	0

Table 2 – Dual Occupancy development sites (minimum 20m road frontage – may include some existing DO developments)

Land size (20m road frontage)	Total No. allotments(approximate)
580sqm to 650sqm	930
650sqm to 800sqm	882
800 sqm to 900sqm	295
900 sqm or greater	876
Total allotments	2983 (may include some existing DO developments)

ITEM 2 (continued)

It should be noted that there have been some low density residential sites in Ryde where approval has been given for groups of dual occupancy developments to be built and subdivided i.e. 36-40 Balaclava Rd, North Ryde (approved in 1999) and Princes St/Linley Way Ryde (previously part of Mount St Margaret's Hospital and rezoned residential in 1993).

These properties are not reflected in the figures above and contain dual occupancy developments which have been community titled (36 Balaclava Rd) or Torrens titled (Princes St) resulting in a range of lot sizes e.g. 241sqm, 255sqsm, 270sqm and 411sqm.

Comment

The concerns with respect to the Torrens titling of dual occupancy development are:

- the subdivision pattern for residential areas will be compromised,
- design issues associated with dwellings on small allotments
- increased residential density
- applications to Council to vary the subdivision.

The following addresses the above concerns:

- Legal advice obtained states that it is at the time of an original consent that the lawfulness of a land use is determined. For a dual occupancy development to be permitted the minimum lawful lot size requirement is 580sqm (consistent with the Lot Size Map). Based on this it is considered that the integrity of the standards in the Lot Size Map are not compromised where subdivision of land is ancillary to a dual occupancy development. In line with this, a separate clause will be required identifying that the variation to the standards in the Lot Size Map only applies to dual occupancy developments.

For Council's information - It should be noted that a minimum lot size of 580sqm for the erection of a dual occupancy development was introduced by Ryde Local Environmental Plan 72 on 17 March 1995 and was specified because it was in keeping with the existing subdivision pattern in the City.

As 580sqm is the minimum land size required for the development of a dual occupancy, to require land to be greater in size for Torrens title subdivision of a dual occupancy i.e. 800sqm – 1000sqm would result in:

- A subdivision requirement for dual occupancy development that has no relationship to any existing planning control.
- An arbitrary figure which, once adopted, would be subject to numerous requests for variation based on the minimum lot size of 580sqm to develop a dual occupancy. Such request would be difficult to refuse on planning grounds.

ITEM 2 (continued)

- The design criteria for a dual occupancy development regardless of the ability to Torrens title will remain the same and is to be specified in Development Control Plan 2013. With respect to design issues it should be noted that for future dual occupancy developments that are proposed to be subdivided a minimum road frontage of 10m per lot would be required (this is based on a minimum 20m road frontage being required to approve the original development). This is the same as the 10m lot frontage requirement specified under DCP 2013 for a new residential lot. It should also be noted that the minimum 20m frontage for dual occupancy developments has been required to deliver better design outcomes, particularly with regard to compatibility with existing streetscapes. For example with a 20m frontage it is considered that separate driveways to each dwelling will now be possible so reducing the bulk of building in terms of garage appearance.
- Under LEP 2013 the strata subdivision of all dual occupancy developments on land 580sqm or greater will be permitted. It is recognised that the ability to strata subdivide will result in a substantial increase in the number of Das received by Council seeking approval for such developments. However regardless of the nature of the subdivision permitted based on an area of 580sqm and 20m road frontage there is a maximum number of allotments (approximately 3000) that can be developed for dual occupancy in the City.
- It is considered that similar to the development standards for the erection of a dual occupancy i.e. 20m road frontage and a minimum allotment size of 580sqm, there will be requests made to Council to vary the subdivision standard for dual occupancy developments regardless of what is adopted e.g. requests to allow Torrens title of a dual occupancy on land 550sqm and with an 18m road frontage. Two ways of approaching this are:
 - *Clause 4.6 Exemptions to development standards* of LEP 2013 allows a level of flexibility in applying any development standard within an LEP. Clause 4.6(8) specifies the controls in the LEP where no such flexibility or variation can be permitted. It is considered that Council should seek approval to list Cl 4.1C Minimum lot sizes for dual occupancy and multi dwelling housing as it applies to dual occupancy developments in Cl 4.6(8). If supported by the DoPI there can be no variation in the development standards that apply to the erection of a dual occupancy development. It should be noted that such requests relating to other development controls have previously been denied.
 - have both a minimum road frontage requirement as well as minimum lot size requirement for the Torrens titling of future dual occupancy developments. A minimum subdivision requirement of 290sqm and 10m road frontage per lot (i.e. the original lot being 580sqm with a 20m road frontage) would reinforce Council's controls with respect to the erection of dual occupancy developments which in turn will mean that Council will be in a stronger position to argue that variation to either the development standards for the erection or subdivision of a dual occupancy should only be supported in extreme circumstances.

ITEM 2 (continued)

The below table provides information on adjoining Council approaches to the subdivision of dual occupancy developments.

Council	Strata Sub	Torrens Sub	Size of subdivided lot	Minimum lot size to erect dual occupancy (attached)	Minimum Lot size as per Lot Size Map
Hunters Hill (Detached & Attached permitted)	Yes	Yes	Compliance with lot size map – 700 – 1000sqm each lot	700sqm	700-1000sqm
Canada Bay (Detached & Attached permitted)	Yes	No	NA	450sqm	200 – 450 sqm (majority 450sqm)
Lane Cove (Detached & Attached permitted)	No	Yes	Compliance with lot size map – detached only 550sqm each lot	750sqm	550sqm
Willoughby (Detached & Attached permitted)	Yes	Yes	To subdivide must be on <i>Dual Occ Restriction Map</i> 5 year wait 350sqm each lot	Non specified	550sqm (majority R2 zoned land)
Parramatta (Detached & Attached permitted)	Yes	Yes	300sqm each lot	600sqm (majority)	550sqm
Hornsby (Detached & Attached permitted)	No	Yes	Compliance with lot size map. 500 sqm per lot	Non Specified	500 sqm

As stated previously Council determined a number of years ago that a minimum lot size of 580sqm for the erection of a dual occupancy development is appropriate as it is in keeping with the existing subdivision pattern in the City and such development could be built on a standard residential lot. It can be seen from the table above that a number of adjoining Councils require a larger allotment of land to erect a dual occupancy than to carry out a residential subdivision.

The minimum lot size resulting from the subdivision of a dual occupancy development in the adjoining Council areas is reflective of either the area required to erect a such a development or the area required for a residential allotment in accordance with the Lot Size Map.

ITEM 2 (continued)

To specify an arbitrary figure with respect to the subdivision of a dual occupancy development that has no relationship to either the area required to erect a dual occupancy or subdivide residential land, could be subject to numerous requests for variation. Such request could be difficult to refuse on planning grounds.

It should be noted that if Torrens titling is acceptable in existing developments it is difficult on planning grounds to argue that the subdivision of future developments of the same nature and size are not. It will leave Council open to further approaches and legal challenges to permit such subdivision in the future.

In relation to the information outlined above the following options are proposed:

Options

- Permit Torrens titling of all existing Dual Occupancy (DO) developments – (approx. 309 lots)
- Permit Torrens titling of existing DO on land 800sqm or greater – (approx. 109 lots)
- Permit Torrens titling of existing and future DO developments on land 800sqm or greater – (approx. 1171 lots)
- Permit Torrens titling of existing and future DO developments on land 580sqm – (approx. 2983 lots).

Recommendation

That the Torrens titling of:

- Current/approved Dual Occupancy developments be permitted on lots 580sqm or greater and
- future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (resulting in lots of a minimum 290sqm with a 10m road frontage.) be permitted on the following grounds:
 - The subdivision pattern of residential areas will be not be compromised.
 - The design criteria for a dual occupancy development regardless of the ability to Torrens title will remain the same and is to be specified in Development Control Plan 2013.
 - Council is to request the DoPI to exclude the minimum lot size requirements for dual occupancy developments from *Clause 4.6 Exemptions to development standards* so preventing the standards from being varied.

Regardless of the nature of the subdivision permitted based on an area of 580sqm and 20m road frontage there is a maximum number of allotments (approximately 3000) that can be developed for dual occupancy in the City.

ITEM 2 (continued)

11-15 Farm Street Gladesville (10 speakers)


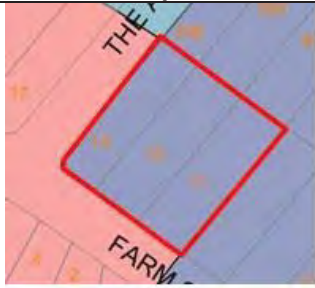


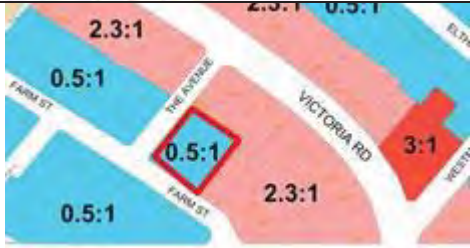
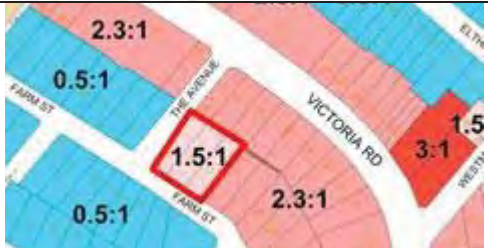
At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the subject site were recorded as follows:

Some concern was raised by Councillors regarding the potential height and impact of a future development should the lots be rezoned to B4 with a height of 12m.

It was noted that the proposal presents a unique situation. It was requested that options for the site be reported to Council for consideration, including a variation in building heights across the site to reduce the impact of any future development on the properties on the southern side of Farm Street.

Table 3 provides information on zoning, height and FSR controls for the land as under LEP 2010 and as proposed under LEP 2013 (as exhibited).

Table 3

	LEP 2010	LEP 2013 (as exhibited)
Zoning		
Height		
Floor Space Ratio		

An urban design review of 11-15 Farm Street was undertaken by where controls for the amalgamated site were provided.

ITEM 2 (continued)

The below provides proposed height and setback controls and resulting shadow diagrams.



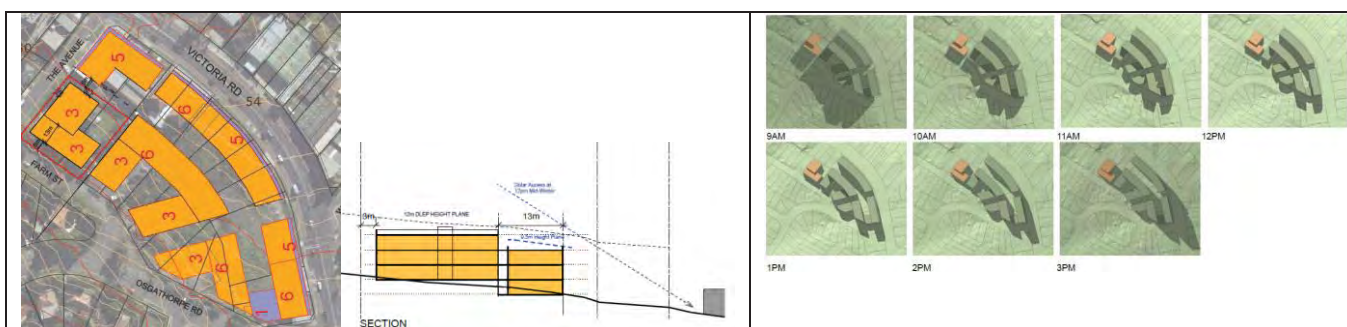
Based on the heights permitted under LEP 2013 (as exhibited) overshadowing of adjacent residential land was largely clear of dwellings by 10am and clear of front setback areas by 11am on 21 June.

Following the community workshop on 31 July 2013 the design criteria with an aim of reducing the bulk of the building as it appears from Farm Street and reducing overshadowing. The resultant design has a 6m setback to Farm Street, 9.5m maximum height for a distance of 13m from the setback (19m from front of boundary) and a 12m maximum height for the remainder of the site.

Based on the new height criteria, it is anticipated that the site could be developed for 25 residential units at a floor space ratio of 1.15:1.

A copy of the design criteria report is **ATTACHED** (Attachment 3).

The diagrams below indicate the amended design controls and overshadowing impacts.



The level of overshadowing has marginally improved based on the changed height controls however it is considered that the most significant impact will be in the reduction in the bulk of the building as it appears from Farm Street. At 9.5m height for 19m of the site the land is predominately under the same height controls as presently applies under LEP 2010 for residential development.

ITEM 2 (continued)

A traffic study was also conducted on the site by Bitzios Consulting. The key findings were:

- Existing traffic volumes on Farm St are relatively low (less than 50veh/h in both directions)
- Vehicle speeds on Farm St are generally less than 40km/h
- Peak hour traffic generation from the site is estimated to be some 15veh/h
- When distributed on the road network the additional trips are unlikely to affect the normal traffic operation or amenity of the local streets.
- no significant impacts on other road users or public transport are envisioned as a result of the proposed changes.

A copy of Bitzios Consulting's report is **ATTACHED** (Attachment 4).

Comment

Based on the reduction in height on the site to 9.5m for a distance of 19m from the front property boundary and the reduced floor space to 1.15:1 it is considered that the impacts of the future development of the site have been minimised.

Options

- LEP 2010 zoning height and FSR be reinstated i.e. R2 Low Density Residential, FSR 0.5:1 and a maximum height 9.5m.
- LEP 2013 (as exhibited) zoning, height and FSR be reinstated i.e. B4 Mixed Use, FSR 1.5:1 and a maximum of 12m.
- Land be zoned B4 Mixed Use, FSR 1.15:1 a maximum height of 9.5m for 19m from front property boundary and a maximum height of 12m for remainder of site.

Recommendation

That 11-15 Farm St be rezoned B4 Mixed Use with a FSR of 1.15:1 and a height of 9.5m for a distance of 19m from the front property boundary with a maximum height of 12m for the remainder of the site

14-20 Oxford Street Gladesville (Our Lady of Peace Church) (1 speaker)

At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the subject site were recorded as follows:





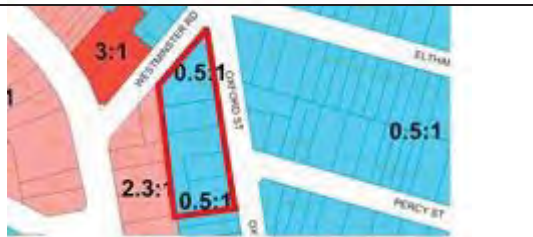
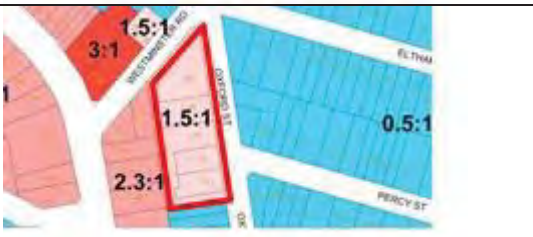
There was general agreement to retain the current R2 zoning for this site, pending discussion with the church.

Ryde LEP (Gladesville Town Centre and Victoria Rd Corridor) 2010 was gazetted in 2011. A number of properties on the periphery of the LEP boundary were not included in the LEP because of timing and technical issues. In the Centres and Corridors Study it was considered appropriate that those properties including 14-28 Oxford St should now be included in the Gladesville Town Centre with zoning and development controls similar to the surrounding land in the Centre.

ITEM 2 (continued)

Table 4 provides information on zoning, height and FSR controls for the land as under LEP 2010 and as proposed under LEP 2013 (as exhibited).

Table 4

	LEP 2010	LEP 2013 (as exhibited)
Zoning		
Height		
Floor Space Ratio		

Comment

The subject land and 329 Victoria Rd, which is zoned B4 Mixed Use, is under the one ownership and used for a variety of church and school related activities. As a result of the singular ownership and nature of uses it is considered reasonable to maintain a singular zoning for the land i.e. B4 Mixed Use. However to maintain a level of development in keeping with the surrounding residential zoning the reinstatement of a 0.5:1 FSR and maximum height of 9.5m is required.

A letter advising of the reconsideration of the zoning and development controls on the site was forwarded on the 5 September 2013 to Our Land Queen of Peace Parish Office. The Office was contacted on several occasions (5, 12 and 25 September) at which time meetings and further discussions with Council officers were offered. As of the 30 September 2013 no contact had been made to Council by the landowner.

Options

- LEP 2010 zoning height and FSR be reinstated i.e. R2 Low Density Residential, FSR 0.5:1 and a maximum height 9.5m.
- LEP 2013 (as exhibited) zoning, height and FSR be reinstated i.e. B4 Mixed Use, FSR 1.5:1 and a maximum height 12m.

ITEM 2 (continued)

- Land be zoned B4 Mixed Use, FSR 0.5:1 and a maximum height 9.5m.

Recommendation

That 14-20 Oxford Street be zoned B4 Mixed Use with an FSR 0.5:1 and maximum height of 9.5m.

100 Rowe Street Eastwood

Under LEP 2013 (as exhibited) the subject land was zoned RE1 Public Recreation and was identified on the Land Reservation Map as required for “Local Open Space”.

LEP 2013 (as exhibited)



The zoning on the land under DLEP 2013 was based on two previous resolutions of Council to acquire the land for open space purposes largely based on stormwater issues on the land.

Council on the 12 March 2013 resolved to rezone the land to B4 Mixed Use, delete the land from Land Reservation Acquisition Map subject to agreement of the owner to enter into a legal agreement with Council to allow for stormwater works and a permanent easement to allow ongoing access to the resulting stormwater infrastructure at a timing of Council’s choosing.

The Manager of Infrastructure Integration has advised the following:

The current resolution requires an agreement between Council and the owner before the property is changed to B4 zoning (currently Open Space in LEP 2011). The resolution states that the agreement would grant Council an easement to carry out the stormwater works whenever we choose.

The agreement can be made easily enough however practically we wouldn’t do any work due to the zero lot alignment and the risks associated with damaging the building structure and the excessive costs associated with underground tunnelling. Also a major component of the flood works is to provide overland flow, which obviously can’t happen if there is a building there. The earliest we could do the work would be when the site is developed.

ITEM 2 (continued)

Whether we had an agreement or not, we would obtain an easement as a condition of consent and do the work when funds are available. So the need for an agreement is redundant and the agreement doesn't create an overland flow path.....

The owners put forward a proposal for Council to purchase 1/3 of the lot so as to carry out the stormwater works. Currently the lot has three shops on it. The owner was advised they would need to subdivide the lot first so that Council could purchase one lot only which is really what both sides are after.

The purchase of 1/3 of the current lot allows us to reduce flood hazard in the area and the owner retains two shops which become medium flood risk instead of high flood risk, thus increasing their development options. Demolition of the one shop required, as it is zero lot aligned, there are risks associated with damaging the adjacent structures, which are not present with option 1 and 2."

Options

- Retain existing RE1 zoning and identification of land on Land Reservation Map.
- Reinstate LEP 2010 B4 Mixed Use zoning and height controls and create an easement as a condition of consent. Only actioned when the site is developed.
- Retain a RE1 zoning for 1/3 of the land and reinstate B4 zoning and height controls (15.5m) on remainder of land.

Recommendation

Retain a RE1 zoning for 1/3 of the land and reinstate B4 zoning and height controls (15.5m) on remainder of land.

"The demolition of one shop in the future can be achieved as there are structural walls separating the shops, it is a single level building, and the roof is sheet metal.this achieves both ours and the property owner's needs".

2. Amendments resulting from a submission to DLEP 2013.

Planning Proposal Amendments	Basis for amendment
1.Add to <i>Schedule 1 Additional permitted uses</i> 131 & 133 Herring Rd and 208 Epping Road – Development for the purposes of a medical centre is permitted with consent.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p31.
2.Ryde Town Centre - Amend LEP 2013 FSR Map to 2:1 for the whole of Precinct 3 and land within the Ryde Town Centre with an FSR 1.8:1 under the Draft Plan.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p108.

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
<ul style="list-style-type: none"> - Amend the LEP 2013 HOB Map for the corresponding area mentioned above to a height of 18.5 m. - Amend LEP 2013 HOB Map to make area F as referred to in Clause 4.3(2A) to correspond with area described above. - Amend LEP 2013 FSR Map for Ryde Town Centre by combining area H and I into area H. - Amend Clause (4.3)(2A)(f) <i>Height of buildings</i> to 6m for area F - Amend Clause (4.4)(2A) <i>Floor space ratio</i> as follows; Subclause (h) amended to read - (h) 0.5:1 if the building is in area H and if the building is on a site having an area of at least 900sqm and provides laneway access and is mixed development. - Clause 2 (4.4) (2A) (i) to be deleted. 	
<p>3. Amend clause 4.3 (2C) <i>Height of buildings</i> so that the maximum height for dwellings in both multi dwelling housing and dual occupancy development that do not have frontage to a street is 5m.</p>	<p>In response to a submission from Ryde City Council – Assessment group.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Additional submissions p7.</p> <p>The clause at present only applies to multi dwelling housing developments and to ensure consistent controls exist governing the height of all rear dwellings the clause should include dual occupancy developments.</p>

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
<p>4. <i>Wholesale supplies, Building identification signs</i> and Recreation facility (<i>indoor</i>) be added to uses permitted in the IN2 Light Industrial zone.</p> <p><i>Emergency services facilities</i> be deleted from uses prohibited in the IN2 Light Industrial zone.</p> <p>Under SEPP (Infrastructure) emergency service facilities are permitted in the zone (the use is listed as <i>prohibited</i> in the land use table in DLEP 2011 and should be deleted to be in accordance with the SEPP).</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions.</p> <p>Attachment 3 p36 & Attachment 4 p110.</p> <p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p36.</p>
<p>5. Update the LEP 2013 Centres Map for Ryde Town Centre, West Ryde Town Centre and Gladesville Town Centre.</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 p106.</p>
<p>6. Amend the LEP 2013 Land Zoning Map and FSR Map for the property 391 Blaxland Rd Ryde to R2 and 0.5:1</p> <p>The land is currently zoned R2 and is part of a small group of shops on Blaxland Rd. The Local Planning Study adopted by Council 7 December 2010 recommended the group be zoned B1 in accordance with usage.</p> <p>The land is on the edge of the group and land adjoining to the east of the subject site is zoned R2. It is considered reasonable for the zoning to be reinstated.</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p124.</p>
<p>7. Amend LEP 2013 Land Zoning Map for St Michaels Church and School Hughes Street Meadowbank to SP2 Educational Establishment and Place of Public Worship</p>	<p>In response to submission.</p> <p>Refer to Council report of 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p128.</p>

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
8. Amend LEP 2013 Land Zoning Map for North Ryde Common from SP2 to RE1 Public Recreation	In response to a submission from NSW Health – Macquarie Hospital. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p61.
9. LEP 2013 Land Reservation Acquisition Map be amended in line with requested R&MS boundary changes (with corresponding changes to the Land Zoning Map) and that the inclusion of land in Vimiera Rd on the Land Reservation Acquisition (LRA) Map be highlighted to DoPI for their consideration.	In response to a submission from Roads and Maritime Services. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p11.
10. <i>Home business and Home industries</i> be added as a permitted use with Council consent in the R2, R3 and R4 zones. Under SEPP (Exempt and Complying Development Codes) 2008 home businesses, home industries and home occupations that do not involve the manufacture of food products or skin penetration procedures is exempt development. Council has received numerous enquiries with respect to being able to carry out cake making and other food preparation activities which are defined as a home industry and prohibited under the land use table and not permitted as exempt development.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p33.
11. <i>Home based child care centres</i> where permitted without consent in the land use table be made development permitted with consent. Use is classified by Rural Fire Service as Special Fire Protection Purpose and requires an assessment under	In response to a submission from NSW Rural Fire Service. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 p56.

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
section 100B of the Rural Fires Act 1997.	
12. <i>Schedule 2 Exempt Development – Signage (temporary)</i> Additional condition added (d) Must not be illuminated	In response to a submission from Ryde City Council – Environment and Planning. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 3 p8.
13. <i>4.5B(c) Macquarie Park Corridor</i> be expanded to read <i>“To encourage greater public transport and active transport options”</i>	In response to a submission from Health – Northern Sydney Local Health District. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 p58.
14. <i>Amend Clause 1.2(2)(f) to read</i> <i>“ to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling”</i>	In response to a submission from Ryde City Council – Environment Group. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p55.
15. <i>Clause 6.6 (f) – Environmental Sustainability</i> be expanded to read <i>“Transport initiative to reduce car dependence such as providing bicycle and pedestrian facilities, car share /carpool/small vehicle parking spaces and public transport information and the development of a workplace travel plan.”</i>	In response to a submission from Ryde City Council – Environment Group. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p56.

The following amendments are reviewed in detail:

- 131 & 133 Herring Rd and 208 Epping Road – Add to *Schedule 1 Additional permitted uses* Development for the purposes of a medical centre is permitted with consent.
- 391 Blaxland Rd Ryde to R2 - Amend the Land Zoning Map and FSR Map for the property
- Ryde Town Centre - Amend LEP 2013 with respect to height and floor space.

ITEM 2 (continued)

131 & 133 Herring Rd and 208 Epping Rd North Ryde - Add to *Schedule 1*

Additional permitted uses - Development for the purposes of a medical centre is permitted with consent.



Under LEP 2013 (as exhibited) the subject land is zoned R2 Low Density Residential, has a FSR of 0.5:1 and a maximum height of 9.5m.

Approval was given by Council in 1999 for use of the property 133 Herring Rd Marsfield as a *professional consulting room*. A submission was received to LEP 2013 to expand the current medical activities to adjoining land.

Access to parking on the site is via Herring Road in close proximity to the intersection of Herring and Epping Roads. Adjoining properties 131 Herring Rd and 208 Epping Rd contain dwelling houses. The property opposite is presently used as a hotel and a planning proposal has been submitted for the expansion of uses on the site to include a retail outlet.

The expansion of uses on the land is considered reasonable in that:

- Part of the land is presently being used with Council consent as a doctor's surgery.
- Development of all three sites would result in a better traffic and parking outcome in that access could be relocated further away from the intersection of Epping and Herring Rds.
- The site retains the R2 zone, FSR 0.5:1 and height of 9.5m.

391 Blaxland Rd Ryde (1 speaker) – Rezone R2 Low Density Residential

At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the subject site were recorded as follows:

There was generally support the reinstatement of the site as a R2 zoning as requested.

The land is zoned B1 Neighbourhood Centre under LEP 2013 (as exhibited) and is part of a small group of shops on Blaxland Rd. The Local Planning Study adopted by Council 7 December 2010 recommended the group be zoned B1 in accordance with usage.

ITEM 2 (continued)

The owner of the land has requested the reinstatement of the R2 Low Density Residential zoning of the property on the basis it has been used for a residential dwelling for a number of years.

As the subject site is on the edge of the group of properties rezoned B1 under LEP 2013 and adjoining to the east of the subject site is land zoned R2 it is considered reasonable for the zoning to be reinstated.

Ryde Town Centre - Amend LEP 2013 with respect to height and floor space

Some background to the planning controls for Ryde Town Centre is outlined as follows:

- In 2006 *LEP 143 Ryde Town Centre (RTC)* rezoned land, created precincts and amended heights within the Ryde Town Centre. Floor space controls were introduced for only specific areas of RTC being *Precinct 1 Civic /Mixed Use* and *Precinct 2 Town Core*.

The maximum heights permitted for the Ryde Town Centre varied between 4-5 storeys, the majority of land having a 4 storey height limit (with the exception of Precincts 1 and 2 which were given maximum RL heights).

The LEP also introduced height incentive clauses with respect to *Precinct 3 Main Street* that permitted all land in that precinct to develop to a maximum of 5 storeys subject to certain conditions being satisfied i.e. laneway access being provided and sites amalgamated to 900sqm. Precinct 3 is identified in the below map.

LEP 143 Ryde Town Centre Precincts



- LEP 2010 converted the heights from storeys to metres and maintained the incentive clauses allowing an increase in height from 15.5m (4 storeys) to 18.5m (5 storeys) for sites that could provide laneway access and a site of 900sqm in Precinct 3.

ITEM 2 (continued)

LEP 2010 Height of buildings



Maximum Building Height (m)

- The Local Planning Study adopted by Council in November 2010 made the following recommendations with respect to Ryde Town Centre:
 - Introduction of FSR for the Centre ranging between 1.5:1 and 2.5:1.
 - Expand the incentive clause in LEP 2010 through providing FSR and height incentives to promote lot amalgamation and laneway provision.
- LEP 2013 as exhibited:
 - introduced floor space controls as identified in the Local Planning Study for the RTC
 - maintained heights for the RTC as per LEP 2010 but expanded the height incentive clause so as to allow an additional 3m height to the majority of the RTC (Area E) and an additional 6m for some specific sites if certain conditions could be satisfied, such as mixed use development, site areas of 900msq and the provision of a laneway. The areas are indicated in the map below.
 - Introduced Floor space ratio incentives so as to enable appropriate development to occur if the height incentives were achieved.

LEP 2013 Height of buildings Map (exhibited)



ITEM 2 (continued)

A submission was received to LEP 2013 requesting a variation to the height and FSR on specific land in RTC. Council's property section also requested the heights and FSR be reviewed within Precinct 3 as the feasibility testing that had been undertaken Council owned land (within Precinct 3) found that the planning controls as proposed in the exhibited LEP2013 were not ensuring financial viable development.

This information and the landowners submission resulted in a review of all height and FSR controls for the RTC. It was determined that in trying to make the incentive clauses attractive the FSRs on the FSR Map were too low, making it difficult to achieve the heights permitted. As a result of this and factors such as fragmented landownership, small lots and minimal development activity in that part of RTC it was considered that the following should occur:

- An FSR of 2:1 should be applied to properties in *Precinct 3 Main Street* (under DLEP 2013 the area has FSRs of 1.5:1 and 1.8:1).
- Properties in the RTC with a FSR of 1.8:1 should be increased to an FSR of 2:1.
- All properties with a FSR of 2:1 should be increased in height to 18.5m (some of the properties affected already are under a height control of 18.5m others have a maximum height of 15.5m).

It was also considered that incentive clauses relating to both height and FSR should also be amended resulting in:

- A 3m increase in height in area E subject to the provision of laneway access and a mixed use development occurring – this increases to 6m if a minimum site area of 900sqm is also achieved.
- A maximum 6m increase in height in Area F if laneway access, a mixed use development occurs and a minimum site area of 900sqm is achieved.
- An increase in FSR of 0.5:1 in RTC if laneway access, a mixed use development occurs and a minimum site area of 900sqm is achieved.

The below maps indicate the proposed amendments to LEP 2013 Height of buildings Map, LEP 2013 Floor spaces ratio Map and LEP 2013 (as exhibited) RTC Precincts Map.

ITEM 2 (continued)

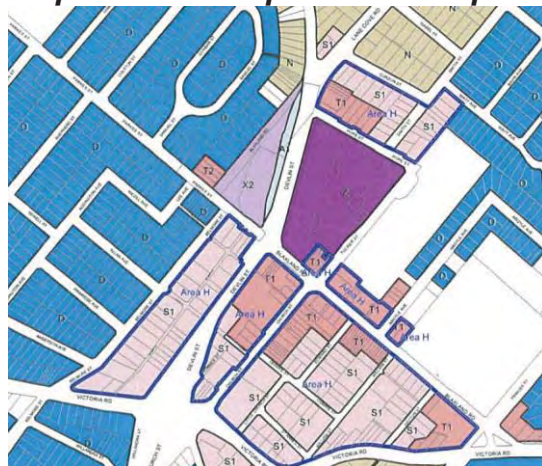
Proposed HoB Map



Maximum Building Height (m)

A	0	R1	21.5
J	9.5	R2	22
K	10	S1	23
L	11.5	S2	24
M1	12	T1	26
M2	12.5	T2	27.5
N1	13	U1	30
N2	14	U2	30.5
O1	15	U3	33
O2	15.5	U4	33.5
O3	16	V	37
P	18.5	W	44.5
Q	19	AA	75

Proposed Floor space ratio map



Floor Space Ratio (n:1)

A1	0.00	T1	2.00
A2	0.30	T2	2.20
A3	0.33	T3	2.30
D	0.50	U1	2.50
G	0.65	U2	2.60
J	0.80	U3	2.70
K	0.88	U4	2.90
N	1.00	V	3.00
O	1.10	W	3.20
P1	1.20	X1	3.50
P2	1.25	X2	4.30
Q1	1.30	Z	5.00
Q2	1.39		
S1	1.50		
S2	1.80		

LEP 2013 (as exhibited) Ryde Town Centre Precincts Map



Precincts

1	Civic/Mixed use
2	Town Core
3	Main Street
4	Residential
5	Heritage
6	Commercial Edge (North)
7	Commercial Edge (West)
8	Commercial Edge (East)
9	Ryde Park
10	Low Density Fringe
11	Ryde Public School

ITEM 2 (continued)

Amendments resulting from identification of an anomaly in DLEP 2013.

Planning Proposal Amendments	Basis for amendment
<p>1. Amend LEP 2013 Floor Space Ratio Map with respect to 1 Monash Road Gladesville to bring it in line with <i>Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 Floor Space Ratio Map</i>.</p>	<p>Anomaly in DLEP 2011.</p> <p>Under Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 Floor Space Ratio Map the subject property, which is a heritage item has no FSR. An error occurred in the transfer of FSR controls for the site and under DLEP 2011 it has been given a FSR.</p> <p>Approval to develop the subject land was recently given based on the planning controls within LEP 2010 (Gladesville Town Centre and Victoria Rd Corridor) 2010. The proposed amendment is in line with the controls that were used to assess that DA and has no impact on the approval issued.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.</p>
<p>2. Update the LEP 2013 Ryde Town Centre Precincts Map to include additional areas as identified in Draft DCP 2013 - Part 4.4 Ryde Town Centre</p>	<p>Anomaly in DLEP 2011.</p> <p>Consistency between LEP and DCP is required.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.</p>
<p>3. Amend LEP 2013 Lot Size Map to delete all areas from the map which are not zoned residential in the Land Zoning Map.</p>	<p>Anomaly in DLEP 2011.</p> <p>A number of properties have been rezoned in the Land Zoning Map from a residential to a business zone .This change however was not carried through to the Lot Size Map which only relates to residential properties.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.</p>
<p>4. <i>Schedule 2 Exempt development</i> - Amend controls for Signage (real estate sign for a residential site)</p>	<p>Anomaly in DLEP 2011.</p> <p>An error occurred in the Schedule in that the controls for <i>Signage (retail premises windows)</i> was repeated for <i>Signage (real estate sign for a residential site)</i>. It is</p>

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
	<p>proposed to reinstate the existing controls under LEP 2010 for <i>Signage (real estate sign for a residential site)</i>.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p128.</p>
<p>5. Amend Clause 4.5A(b) <i>Density Controls for Zone R2 Low Density Residential</i> by deleting reference to access to private open space in multi dwelling housing.</p>	<p>Control more appropriate to a DCP.</p> <p>The clause requires that separate access to private open space from an unbuilt upon portion of the site. This requirement is more appropriately covered in a DCP in that specific ways of achieving such access such as through a garage can be specified.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.</p>
<p>6. Amend the land use table for the R1, R2, R3 and R4 zones to include secondary dwellings as being permitted with Council consent.</p>	<p>To bring DLEP in line with SEPP</p> <p>Secondary dwellings are permitted under SEPP (Affordable Rental Housing) 2009 in all residential zones. To reduce existing administrative procedures and to ensure the provision of design criteria secondary dwellings should be permitted with Council consent in all residential zones.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p130.</p>
<p>Minor amendments to Written document if necessary to incorporate any changes required by DoPI or identified drafting or description errors.</p>	
<p>Minor amendments to Maps if necessary to ensure maps are in line with DoPI requirements and to improve legibility of maps.</p>	

The following amendments are reviewed in detail:














- Ryde Town Centres Precincts Map - amend to include additional areas as identified in Draft DCP 2011 - Part 4.4 Ryde Town Centre.

ITEM 2 (continued)

- LEP 2011 Lot Size Map - to delete all areas from the map which are not zoned residential in the Land Zoning Map.
- Land use table for R1, R2, R3 and R4 zones – amend to include secondary dwellings as being permitted with Council consent.

Ryde Town Centre Precincts Map

As a result of some additional land around the Ryde Town Centre being rezoned and design principals being established in relation to how those areas connect to Ryde Town Centre as a whole within Draft DCP 2013 it is necessary to reflect the new areas in LEP 2013 Ryde Town Centre Precincts Map.

Ryde Town Centre Precincts Map (LEP 2013 as exhibited)		Proposed Ryde Town Centre Precincts Map
	<p>Precincts</p> <ul style="list-style-type: none">  Divi/Mixed use  Main Core  Main Street  Residential  Heritage  Commercial Edge (North)  Commercial Edge (West)  Commercial Edge (East)  Ryde Park  Low Density Fringe  Ryde Public School 	

Lot Size Map

Minimum subdivision requirements under LEP 2013 apply to residential land only. As such LEP 2013 Lot Size Map should indicate only residentially zoned properties. However changes to the zoning of land from residential to B4 Mixed Use and B6 Enterprise Corridor in areas around Glen Street Eastwood and Victoria Road West Ryde have not been reflected in LEP 2013 Lot Size Map. This results in such land being inappropriately required to comply with the minimum subdivision requirements for residential land.

Land Use Table for R1, R2, R3 and R4 Zones

Under draft LEP 2013 secondary dwellings which are defined in the SI as:
a self-contained dwelling that:

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) *is located within, or is attached to, or is separate from, the principal dwelling.*

are prohibited in all residential zones. However under SEPP (Affordable Rental Housing) 2009 secondary dwellings are permitted in all residential zones as either complying development or with Council consent.

ITEM 2 (continued)

At present if a development does not satisfy complying conditions a DA is required and approval given by Council under the SEPP to the secondary dwelling. This is procedurally complicated and difficult to assess as there are no design criteria for secondary dwellings (as they are prohibited under the LEP).

It is considered that to provide relevant design standards for secondary dwellings the use should be permitted with Council consent in all residential zones as per the SEPP and that DCP 2013 – Part 3.3 Dwelling houses and dual occupancy amended to incorporate controls such as setback and landscaping requirements etc.

Other Matters

- *Flood Planning Map*

Under LEP 2013 as exhibited *Clause 6.5 Flooding* applies to areas shown on the Flood Planning Map. At the time of development of the LEP the only flood catchment area that had been adopted by Council was the Eastwood Terry's Creek Catchment and as such this area was reflected on the DLEP 2013 Flood Planning Map. Since that time Council has adopted the Macquarie Park Catchment Area which covers the areas of Marsfield, Macquarie Park, Ryde and North Ryde. It is considered the Flood Planning Map should be amended to reflect the land identified as flood affected in the Macquarie Park Catchment.

- *Schedule 5 Environmental Heritage*

- Council on the 19 July 2011 resolved in part the following:

That Bennelong's potential grave site is protected under the provisions of the Environmental Planning and Assessment Act and included in Schedule 5, Ryde Local Environmental Plan 2011 as a potential Archaeological Item.

It is considered that *Schedule 5 Environmental heritage* and the Heritage Maps be amended to include the area identified in Dr P Mitchell's report on *Bennelong's grave site* dated 10 November 2010.

- Council's Urban Planning Unit has identified some minor 'housekeeping' matters relating to heritage items contained within Schedule 5 of the DLEP 2013. These matters are to be considered of a minor nature with no significant impacts on the heritage status or management of these items. The proposed amendments primarily relate to the renaming of existing heritage items and include the removal of a Heritage Item contained within Hunters Hill Local Government Area (LGA). The proposed amendments identify the relevant Heritage items as listed in the RLEP 2010, identifies are as follows:

ITEM 2 (continued)

LEP 2010 Schedule 5 Description	Amendment	Reason
Denistone Park Suburb: West Ryde	Amend LEP 2013 Schedule 5 description to: Denistone Park Suburb: Denistone	Incorrect suburb address.
22 Miriam Rd Suburb: West Ryde	Amend LEP 2013 Schedule 5 description to: 22 Miriam Rd Suburb: Denistone	Incorrect suburb address.
28 Miriam Rd Suburb: West Ryde	Amend LEP 2013 Schedule 5 description to: 28 Miriam Rd Suburb: Denistone	Incorrect suburb address.
312 Morrison Rd Suburb: Ryde	Amend LEP 2013 Schedule 5 description to: 312 Morrison Rd Suburb: Putney	Incorrect suburb address.
Bedlam Point Wharf Remains	Remove from LEP 2013 Schedule 5	Not located within Ryde LGA and is listed within Hunters Hill Local Environmental Plan 2012
Buildings B00A & B00C Ryde Public School Address 2 Tucker St, Ryde	Amend LEP 2013 Schedule 5 description to: Ryde Public School Buildings B00A & B00C	Reverse the order of the naming for ease of interpretation and understanding.
Buildings B00M, B00J & B00N North Ryde Public School Address: 154 Coxs Road, North Ryde	Amend LEP 2013 Schedule 5 description to: North Ryde Public School Buildings B00M, B00J & B00N	Reverse the order of the naming for ease of interpretation and understanding.
House Address: 958 Victoria Rd, West Ryde	Amend LEP 2013 Schedule 5 description to: House (former engineers residence)	Update description to ensure the significance is understood. Originally the building was not a dwelling.

ITEM 2 (continued)

- *36 Hillview Rd Eastwood*

Council on the 17 August 2010 resolved to include 36 Hillview Rd (Lot 4 DP 546071) being St Kevin's Catholic Church in LEP 2013 *Schedule 5 Environmental heritage*. Council further resolved that it not pursue compulsory heritage listing of any property unless the land owner of the property applies for a heritage listing of the property.

It has now been identified that the property address and land description of St Kevin's Catholic Church was incorrect and should have been 32-36 Hillview Rd being Lot 4 in DP546071 and Lots 46 and 47 in DP 8043. It is considered that subject to the land owner being notified of the error, the property and land description of the heritage item should be amended as part of the Planning Proposal.

- *Macquarie University*

In September 2009 Macquarie University was identified under SEPP (Major Development) 2005 in *Schedule 3 State Significant Sites*. Under the SEPP the site is zoned SP2 Educational establishment and B4 Mixed Use.

The SEPP also specifies a Gross floor area Map and a Height of buildings Map for the site. The zoning, FSR and height maps are significantly different to LEP 2013. The DoPI have advised they will liaise with Council should the controls for Macquarie University need to be transferred from the Major Development SEPP into the LEP 2013.

It is considered that unless directed by DoPI there is no requirement to amend LEP 2013 to bring it in line with its zoning, FSR or height under the SEPP.

- *Submissions*

After the community workshop on the 31 July 2013 two submissions were received with respect to 11-15 Farm Street Gladesville. One submission is in support of the proposed changes to floors space, height and zoning as indicated in LEP 2013 (as exhibited) and suggests that flexibility with respect to height on the site would be appropriate if the 1.5:1 FSR can still be achieved. The second submission requests that the land be redeveloped in accordance with the restrictions of the R2 zoning that currently applies under LEP 2010. This matter is addressed earlier in the report.

- *Coulter Street car park*

At the Community Forum on the 31 July 1 speaker outlined their concerns relating to the development of the Coulter Street car park. This is not a matter relates to LEP 2013. A separate report on this matter will be presented to Council in the future.

ITEM 2 (continued)

Conclusion

All the amendments to occur as a result of the matters discussed above have been incorporated into *Table 1 Planning Proposal amendments to DLEP 2013* which identifies all the proposed amendments to DLEP 2013 is **ATTACHED**.

It is intended to develop a Planning Proposal that will carry out all the amendment to LEP 2013 identified in *Table 1 Planning Proposal amendments to DLEP 2013* and to submit the Planning Proposal to the Department of Planning for a Gateway Determination.

Financial Implications

Should a Gateway Determination be issued allowing the planning proposal to proceed to community consultation it will be necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. These funds provided for in the current budget for the financial year 2013/14 from the Urban Planning budget.

Consultation with relevant external bodies

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan.

Council on the 12 March 2013 resolved in part the following:

That a Planning Proposal be prepared to amend Draft LEP 2011 in accordance with Table 2 Planning Proposal Amendments to DLEP 2011 and be supported by a consultation programme prepared by Council's Media and Communications Group and reported back to Council for further discussion and endorsement.

A communications and consultation program has been prepared by Council's Communication and Media (C&M) Unit with respect to the exhibition of a draft LEP should Gateway approval be given and is **ATTACHED** (Attachment 5).

ITEM 2 (continued)

If the Planning Proposal is approved and a gateway determination given, consultation will be managed in accordance with the Communications Plan and will include the following:

- written notice given:
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - affected landowners and adjoining landowners where applicable. (Note: This will not apply to properties affected by an administrative map change or a broad policy change - for details see Communications Plan Attachment 5)
- the written notice will:
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and
 - confirm whether the Minister has chosen to delegate the making of the LEP.

Policy Implications

The proposal is consistent with the development of a comprehensive LEP in that amendments resulting from submissions, resolutions of Council and identifying anomalies is anticipated when developing a comprehensive LEP of such significance and covering the whole of the City of Ryde.

Options

Council has the option to decide to proceed with the planning proposal to the next stage (gateway determination and community consultation) or to decide not to proceed.

Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council will have a further opportunity to assess submissions and comments made by the community.

ITEM 2 (continued)

ATTACHMENT 1

RECORD OF ATTENDANCE:

Community Forum
Planning Proposal for LEP 2013



31 July 2013
7.00pm to 9.00pm
Civic Centre, Level 5, Rooms 2 and 3

Attendance:

The Mayor, Councillor Petch	Absent
Councillor Maggio	Present
Councillor Laxale	Present
Councillor Etmekdjian	Present
Councillor Chung	Absent
Councillor Li (Chair)	Absent
Councillor Simon	Present
Councillor Yedelian OAM	Absent
Councillor Pendleton	Present (left at 8pm)
Councillor Pickering	Present
Councillor Salvestro-Martin	Absent
Councillor Perram	Present

Staff in attendance:

Group Manager – Environment and Planning, Manager – Urban Planning, Strategic Planner, Strategic Planner, Manager Communications and Media, Section Manager Community Engagement and Manager – Customer Service and Governance.

It was agreed by the Councillors present that Councillor Simon would chair the Workshop.

The Workshop commenced at 7pm

ITEM 2 (continued)

ATTACHMENT 1

Item 1 - Torrens Title (2 speakers)

	Speakers
1.	Mr Kevin Parker
2.	Mr Rocky Tassone

Discussion Outcomes:

There was some consensus that consideration be given to reviewing Council's current position with regard to Torrens Title. However, no clear direction was provided.

Options for consideration were requested to be reported to Council. The options need to consider dealing with the subdivision of existing/approved dual occupancies and controls for the subdivision of future dual occupancies.

Item 2 - 11-15 Farm St (10 Speakers)

	Speakers
3.	Mr Kevin Bevitt
4.	Mr Raymond Touma
5.	Ms Patricia Bloomfield
6.	Mr John Ward
7.	Mr Robert Emery
8.	Mr Colleen Cory
9.	Mr Fred Cory
10.	Mr Gregor Zylber
11.	Mr Peter Prior
12.	Mr David Barratt

ITEM 2 (continued)

ATTACHMENT 1

Discussion Outcomes

Some concern was raised by Councillors regarding the potential height and impact of a future development should the lots be rezoned to B4 with a height of 12m.

It was noted that the proposal presents a unique situation. It was requested that options for the site be reported to Council for consideration, including a variation in building heights across the site to reduce the impact of any future development on the properties on the southern side of Farm Street.

Item 12 - 391 Blaxland Road (1 Speaker)

	Speakers
13.	Mr Bill Kenchington

Discussion Outcomes:

There was generally support the reinstatement of the site as a R2 zoning as requested by Mr Bill Kenchington.

General (1 Speaker)


	Speakers
14.	Mr Graeme Cordiner – specifically Coulter Street Car Park

Discussion Outcomes:

There was some discussion regarding a possible public meeting regarding the Coulter Street car park. It was agreed that this would need to be a decision of Council.

ITEM 2 (continued)

ATTACHMENT 1



LATE SPEAKER - Item 3 – Our Lady Queen of Peace – 14 - 20 Oxford Street (1 Speaker)

	Speakers
15.	Mr Justin Kucic

Discussion Outcomes:

There was general agreement to retain the current R2 zoning for this site, pending discussion with the church.

General Outcomes:

There was general agreement that a further workshop not be conducted but rather that a report will be presented to Council with options for each of these issues.

The Workshop concluded at 9.08pm

ITEM 2 (continued)

ATTACHMENT 2

Table 1 - Planning Proposal Amendments to LEP 2013

Planning Proposal Amendments	Basis for amendment
<p>1. Ryde Civic Precinct Amend <i>LEP 2013</i> to reflect controls proposed within the Planning Proposal for the Ryde Civic Precinct to LEP 2010:</p> <ul style="list-style-type: none"> a. <i>Land Zoning Map</i> b. <i>Height of Buildings Map</i> c. <i>Floor Space Ratio Map</i> d. <i>Ryde Town Centre Precincts Map</i> 	<p>Council resolution 12 February 2012.</p> <p>Council on 13 November 2012 as part of a Mayoral Minute 16/12, in relation to the Civic Centre Site, resolved:</p> <p><i>(a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60,000sq metres and to be zoned SP2 community use through a planning proposal.</i></p> <p>Council resolved on the 12 February 2012 that a Planning Proposal to rezone the site and amend both the Height of Buildings and Ryde Civic Precinct Maps was be forwarded to DoPI for a Gateway determination.</p> <p>Council was requested by DoPI on the 2 July 2013 to provide further justification for the proposal. The requested information was forwarded on the 2 August 2013.</p>
<p>2. Add a new clause <i>Macquarie Park Corridor – Serviced apartments in Zone B3 Commercial Core</i> prohibiting the strata subdivision of serviced apartments</p>	<p>Council resolution 27 September 2011.</p> <p>In the report of the 27 September 2011 it was stated that Council should make a formal submission to DLEP 2011 once on exhibition requesting the reinstatement of Clause 4.5B(5) in LEP 2010 with respect to prohibiting the subdivision of such developments</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – pge 130</p>
<p>3. Add to <i>Schedule 1 Additional permitted uses</i> 131 & 133 Herring Rd and 208 Epping Road – Development for the purposes of a medical centre is permitted with consent.</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 pge 31.</p>
<p>4. Amend clause 4.3 (2C) so that the maximum height for dwellings in both multi dwelling housing and dual occupancy development that do not have frontage to a street is 5m.</p>	<p>In response to a submission from Ryde City Council – Assessment group.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Additional submissions pge 7</p> <p>The clause at present only applies to multi dwelling housing developments and to</p>

ITEM 2 (continued)

ATTACHMENT 2

Planning Proposal Amendments	Basis for amendment
	ensure consistent controls exist governing the height of all rear dwellings the clause should include dual occupancy developments,
<p>5. <i>Wholesale supplies, Building identification signs and Recreation facility (indoor)</i> be added to uses permitted in the IN2 Light Industrial zone.</p> <p><i>Emergency services facilities</i> be deleted from uses prohibited in the IN2 Light Industrial zone.</p> <p>Under SEPP (Infrastructure) emergency service facilities are permitted in the zone (the use is listed as <i>prohibited</i> in the land use table in DLEP 2011 and should be deleted to be in accordance with the SEPP).</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions. Attachment 3 pge 36 & Attachment 4 pge 110.</p> <p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 pge 36.</p>
<p>6. Amend <i>LEP 2013 Centres Map</i> for Ryde Town Centre, West Ryde Town Centre and Gladesville Town Centre.</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 pge 106.</p>
<p>7. Amend the <i>LEP 2013 and Land Zoning Map and Floor Space Ratio Map</i> for the property 391 Blaxland Rd Ryde to R2 and 0.5:1.</p> <p>The land is currently zoned R2 and is part of a small group of shops on Blaxland Rd. The Local Planning Study adopted by Council 7 December 2010 recommended the group be zoned B1 in accordance with usage.</p> <p>As land is on the edge of the group and adjoining to the east of the subject site is also zoned R2 it is considered reasonable for the zoning and related FSR to be reinstated .</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 pge 124</p>
<p>8. Amend <i>LEP 2013 Land Zoning Map</i> for St Michaels Church and School Huges Street Meadowbank to SP2 Educational Establishment and Place of Public Worship</p>	<p>In response to submission.</p> <p>Refer to Council report of 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 pge 128.</p>
<p>9. Amend <i>LEP 2013 Land Zoning Map</i> for North Ryde Common from SP2 to RE1 Public Recreation</p>	<p>In response to a submission from NSW Health – Macquarie Hospital.</p>

ITEM 2 (continued)

ATTACHMENT 2

Planning Proposal Amendments	Basis for amendment
	Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 pge 61.
<p>10. <i>LEP 2013 Land Reservation Acquisition Map</i> be amended in line with requested R&MS boundary changes (with corresponding changes to the Land Zoning Map) and that the inclusion of land in Vimiera Rd on the Land Reservation Acquisition (LRA) Map be highlighted to DoPI for their consideration.</p>	<p>In response to a submission from Roads and Maritime Services.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 pge11.</p>
<p>11. <i>Home business and Home industries</i> be added as a permitted use with Council consent in the R2, R3 and R4 zones.</p> <p>Under SEPP (Exempt and Complying Development Codes) 2008 home businesses, home industries and home occupations that do not involve the manufacture of food products or skin penetration procedures is exempt development.</p> <p>Council has received numerous enquiries with respect to being able to carry out cake making and other food preparation activities which are defined as a home industry and prohibited under the land use table and not permitted as exempt development.</p>	<p>In response to a submission.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 pge 33.</p>
<p>12. <i>Home based child care centres</i> where permitted without consent in the land use table be made development permitted with consent.</p> <p>Use is classified by Rural Fire Service as Special Fire Protection Purpose and requires an assessment under section 100B of the Rural Fires Act 1997.</p>	<p>In response to a submission from NSW Rural Fire Service.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 pge 56</p>
<p>13. <i>Schedule 2 Exempt Development – Signage (temporary)</i> Additional condition added (d) Must not be illuminated</p>	<p>In response to a submission from Ryde City Council – Environment an Planning.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 3 pge 8</p>
<p>14. <i>4.5B(c) Macquarie Park Corridor</i> be expanded to read “<i>To encourage greater public transport and active transport options</i>”</p>	<p>In response to a submission from Health – Northern Sydney Local Health District.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 pge 58</p>

ITEM 2 (continued)

ATTACHMENT 2

Planning Proposal Amendments	Basis for amendment
<p>15. Amend Clause 1.2(2)(f) to read “ to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling”</p>	<p>In response to a submission from Ryde City Council – Environment Group.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 pge 55</p>
<p>16. Clause 6.6 (f) – Environmental Sustainability be expanded to read “Transport initiative to reduce car dependence such as providing bicycle and pedestrian facilities, car share /carpool/small vehicle parking spaces and public transport information and the development of a workplace travel plan.”</p>	<p>In response to a submission from Ryde City Council – Environment Group.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 pge 56</p>
<p>17. Amend LEP 2013 Floor Space Ratio Map with respect to 1 Monash Road Gladesville to bring it in line with Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 Floor Space Ratio Map.</p>	<p>Anomaly in DLEP 2013.</p> <p>Under Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 Floor Space Ratio Map the subject property, which is a heritage item has no FSR. An error occurred in the transfer of FSR controls for the site and under DLEP 2011 it has been given a FSR.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – pge 127</p>
<p>18. Update the LEP 2013 Ryde Town Centre Precincts Map to include additional areas as identified in Draft DCP 2011 - Part 4.4 Ryde Town Centre</p>	<p>Anomaly in DLEP 2013.</p> <p>Determination of precincts for Ryde Town Centre completed after submission of DLEP to DoPI . Consistency between LEP and DCP required.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – pge 127</p>
<p>19. Amend LEP 2013 Lot Size Map to delete all areas from the map which are not zoned residential in the Land Zoning Map.</p>	<p>Anomaly in DLEP 2013.</p> <p>A number of properties have been rezoned in the Land Zoning Map from a residential to a business zone .This change however was not carried through to the Lot Size Map which only relates to residential properties.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – pge 127</p>
<p>20. Schedule 2 Exempt development - Amend controls for Signage (real estate sign for a residential site)</p>	<p>Anomaly in DLEP 2013.</p> <p>An error occurred in the Schedule in that the controls for Signage (retail premises windows) was repeated for Signage (real</p>

ITEM 2 (continued)

ATTACHMENT 2

Planning Proposal Amendments	Basis for amendment
	<p><i>estate sign for a residential site</i>). It is proposed to reinstate the existing controls under LEP 2010 for <i>Signage (real estate sign for a residential site)</i>.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – pge 128</p>
<p>21. Amend <i>Clause 4.5A(b) Density Controls for Zone R2 Low Density Residential</i> by deleting reference to access to private open space in multi dwelling housing.</p>	<p>Control more appropriate to a DCP.</p> <p>The clause requires that separate access to private open space from an unbuilt upon portion of the site. This requirement is more appropriately covered in a DCP in that specific ways of achieving such access such as through a garage can be specified.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – pge 127</p>
<p>22. Upon direction from DoPI amend LEP maps relating to zoning, FSR and height for Macquarie University as required.</p>	<p>Upon direction from DoPI</p> <p>The land is identified as a State Significant site under SEPP (Major Development) 2005. Differences exist between the zoning, height and fsr controls for the land under the LEP and the SEPP.</p> <p>Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 –pge 128</p>
<p>23. Amend <i>Schedule 5 Environmental heritage</i> with respect to Item I204 - 36 Hillview Road Eastwood.</p>	<p>To ensure that the entire building is listed as a heritage item, the reference for I204 needs to be expanded to include 34 Hillview Road (Lot 46 DP 8043) and 32 Hillview Road (Lot 47 DP 8043).</p> <p>Council report October 2013</p>
<p>24. Amend <i>LEP 2013 Flood Planning Area Map</i> to include Macquarie Park Catchment Area</p>	<p>Council report October 2013</p>
<p>25. Amend <i>LEP 2013 Schedule 5 Environmental heritage schedule and LEP 2013 Heritage Map</i> to include the Bennelong's potential grave site a potential Archaeological Item and items identified within the report to Council on 8 October 2013.</p>	<p>Council resolution 19 July 2011</p> <p>Council report October 2013</p>
<p>Minor amendments to Written document if necessary to incorporate any changes required by DoPI or identified drafting or description errors</p>	

ITEM 2 (continued)

ATTACHMENT 2

Planning Proposal Amendments	Basis for amendment
Minor amendments to Maps if necessary to ensure maps are in line with DoPI requirements and to improve legibility of maps.	

As resolved by Council the following items are to be included in this table:

- Torrens titling of Dual Occupancy (**ATTACHED**) developments
- 11 – 15 Farm Street Gladesville
- 14 – 20 Oxford Street Gladesville
- 100 Rowe Street Gladesville
- Secondary Dwellings R1, R2, R3 and R4 zones
- Floor space and height amendments to Ryde Town Centre

ITEM 2 (continued)

ATTACHMENT 3



**Building Form
Modelling and
Shadow Diagrams**

11 - 15 Farm Street
Gladesville

for City of Ryde
September 2013

olsson &
associates architects PTY LTD

ITEM 2 (continued)

ATTACHMENT 3

Design Principles:

- The building is setback 6m from Farm Street, 3m from the Avenue and 3m from the northern boundary;
- The building height along Farm Street is 9.5m/3 storeys to alleviate overshadowing on the existing houses across Farm Street;
- The upper part of the building addressing The Avenue has a height of 12m/3storeys. This higher wing of the building is setback 13m from the lower building wing addressing Farm Street, in order to minimise overshadowing on the houses located on the south.
- The height distribution will still allow a prominent appearance at the corner whilst providing a transitional height from the Primrose Hill Key Site 05 in the Gladesville DCP.



ITEM 2 (continued)

ATTACHMENT 3



11-15 Farm Street Gladesville - Urban Design Review

Lower Ground



Level 1 & 2

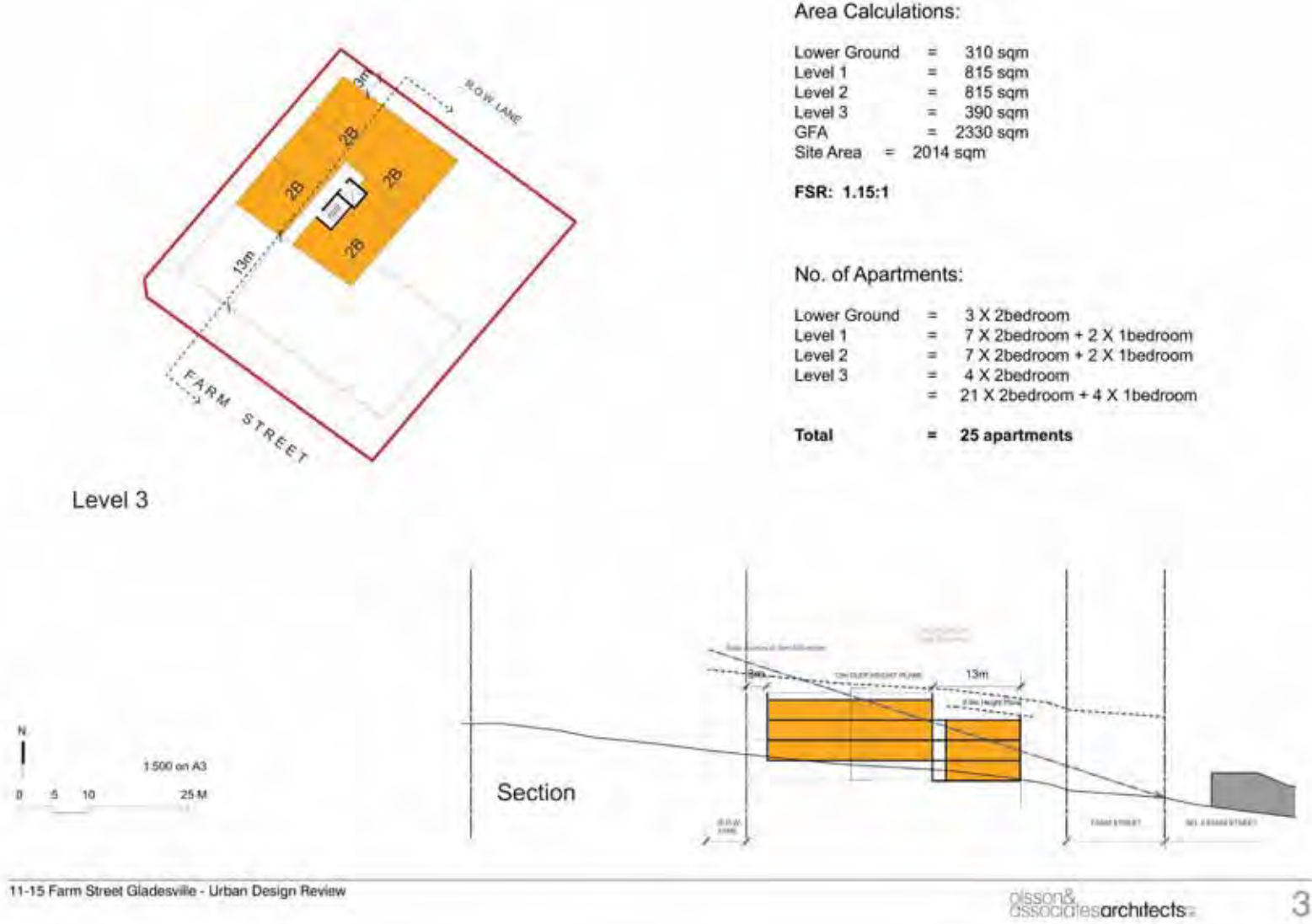


Design Principles:

- The Lower Ground level has 3 X 2bedroom units addressing Farm Street and will have direct access from the Street;
- Level 1 and Level 2 have an efficient layout with a total of 7 X 2 bedroom + 2 X 1bedroom units (total of 9 units) per floor served by a lift and 2 firestairs;
- Level 3 has 4 X 2bedroom units accessible by a lift and firestairs.

ITEM 2 (continued)

ATTACHMENT 3



Area Calculations:

Lower Ground	=	310 sqm
Level 1	=	815 sqm
Level 2	=	815 sqm
Level 3	=	390 sqm
GFA	=	2330 sqm
Site Area	=	2014 sqm

FSR: 1.15:1

No. of Apartments:

Lower Ground	=	3 X 2bedroom
Level 1	=	7 X 2bedroom + 2 X 1bedroom
Level 2	=	7 X 2bedroom + 2 X 1bedroom
Level 3	=	4 X 2bedroom
	=	21 X 2bedroom + 4 X 1bedroom

Total = 25 apartments

ITEM 2 (continued)

ATTACHMENT 3

SHADOW 21ST JUNE - 3 STOREYS ON FARM ST



9AM



10AM



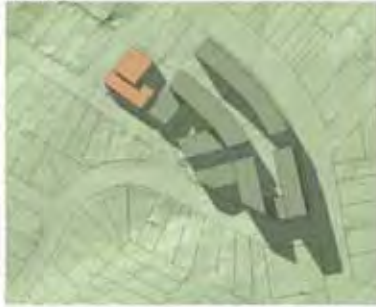
11AM



12PM



1PM



2PM



3PM

11-15 Farm Street Gladesville - Urban Design Review

ITEM 2 (continued)

ATTACHMENT 4



11 – 15 FARM STREET, GLADESVILLE
TRAFFIC IMPACT ASSESSMENT

FOR
CITY OF RYDE



Gold Coast Suite 26, 58 Riverwalk Avenue Robina QLD 4226 P: (07) 5562 5377 W: www.bitziosconsulting.com.au	Brisbane Level 2, 428 Upper Edward Street Spring Hill QLD 4000 P: (07) 3831 4442 E: admin@bitziosconsulting.com.au	Sydney Studio 203, 9 Gladstone Street Newtown NSW 2042 P: (02) 9557 6202
Project No: P1364	Version No: 003	Issue date: 30 July 2013

ITEM 2 (continued)

ATTACHMENT 4

11-15 Farm Street Traffic Impact Assessment		BITZIOS consulting			
DOCUMENT CONTROL SHEET					
Issue History					
Report File Name	Prepared by	Reviewed by	Issued by	Date	Issued to
P1364.001R Farm Street TIA	S.Read	A.Finlay	S.Read	25/07/2013	Sue Watson- City of Ryde
P1364.002R Farm Street TIA	S.Read	A.Finlay	S.Read	29/07/2013	Sue Watson- City of Ryde
P1364.003R Farm Street TIA	S.Read	A.Finlay	S.Read	30/07/2013	Sue Watson- City of Ryde



Quality
 ISO 9001


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ITEM 2 (continued)

ATTACHMENT 4

11-15 Farm Street Traffic Impact Assessment		BITZIOS CONSULTING
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ITEM 2 (continued)

ATTACHMENT 4

11 - 15 Farm Street TIA

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1. INTRODUCTION

Bitzios Consulting has been commissioned by the City of Ryde (CoR) to undertake a traffic impact assessment for the changes to the Local Environmental Plan (LEP) for the North Gladsville area. In particular the proposal is to increase the allowable building heights and floor space ratios (FSR) for future developments at 11 – 15 Farm Street (see Figure 1.1).

This report assesses the existing transport conditions and the proposed changes to the LEP.



Source: Googlemaps

Figure 1.1: Site Location

2. EXISTING CONDITIONS

2.1 EXISTING DEVELOPMENT

This site is currently occupied by three detached dwellings that front onto Farm Street, each with vehicular and pedestrian access to Farm Street.

2.2 EXISTING LEP

The current LEP allows for mixed use residential buildings to the height of 9.5m with an FSR of 0.5.

2.3 LOCAL ROAD NETWORK

Farm Street is a two way local street that connects to Osgathorpe Road in the east and is a cul-de-sac to the west. The speed limit is 50km/h and the roadway is generally about 7.5m wide, with parking permitted on both sides of the street.


The Avenue is a two way local street with a 50 km/h speed limit, that runs between Farm Street and Victoria Road. The intersection with Victoria Road allows for only left turn movements due to the raised central median in Victoria Road.

Osgathorpe Road is a local collector road with a 50 km/h speed limit, that connects to Victoria Road. The intersection with Victoria Road is left in left out due to the raised central median in Victoria Road.

Victoria Road is a major arterial road that runs east-west from Parramatta to Rozelle. It is generally three lanes in each direction with 60 km/h speed limit. Victoria Road also serves as a bus trunk route.

ITEM 2 (continued)

ATTACHMENT 4

11-15 Farm Street
Traffic Impact Assessment


2.4 ACCESS

Vehicular access to the existing site is via private driveways from Farm Street. Vehicles travelling from the north on Victoria Road would most likely access Farm Street via Tennyson Road. Likewise vehicles wishing to travel eastbound from Farm Street would need to use the right turn in Tennyson Road or use local roads to turn right onto Victoria Road via Jordan Street, some 600m south of the site.

Pedestrians can access the site via Farm Street with footpaths provided on the northern side of the road.

2.5 EXISTING TRAFFIC GENERATION

The existing peak hour traffic generation is calculated in Table 2.1, based on the RTA Guide to Traffic Generating Developments updated traffic surveys (TDT 2013/04).

Table 2.1: Existing Peak Hour Traffic Generation

Peak	Dwellings	Rate (veh per dwelling)	Trips Generated (veh/h)
AM Peak	3	0.95	3
PM Peak	3	0.99	3

2.6 TRAFFIC VOLUMES AND SPEEDS

An automatic tube count was undertaken in Farm Street from 10 July to 17 July 2013. The counter was located between 11 and 15 Farm Street. The results of the surveys show that peak weekday traffic volumes are relatively low. Please note that the peak traffic volumes for each direction may not have occurred in the same hour.

Table 3.2 shows the typical weekday peak hour traffic volumes.

Table 2.2: Mid-block Traffic Volumes (veh/h (hour ending))

Peak Period	Eastbound	Westbound	Two way
AM Peak	13 (8am)	12 (8am)	25 (8am)
PM Peak	31 (4pm)	28 (5pm)	50 (3pm)

The data showed that the 85th percentile speeds were below 40km/h, indicating that speeding is not an issue in this street. Typical peak hour speeds are shown in Table 3.2 below. Outside the peak hours the 85th percentile speed remains below 40km/h, as shown in Figure 2.1

Table 2.3: Midblock 85th Percentile Speeds (km/h)

Peak Period	Eastbound	Westbound	Two way
AM Peak	43 (8am)	39 (8am)	41 (8am)
PM Peak	45 (4pm)	40 (5pm)	40 (3pm)

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ITEM 2 (continued)

ATTACHMENT 4

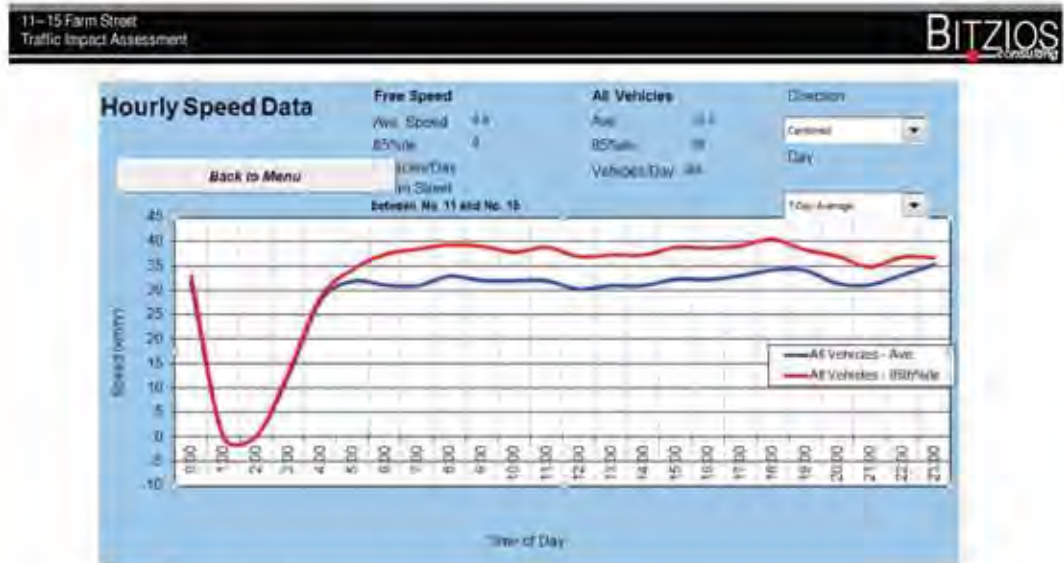


Figure 2.1: Vehicle speeds

A summary of the tube count data is provided in Appendix A.

2.7 PUBLIC TRANSPORT

Victoria Road is a major trunk route for buses, and bus stops for east and westbound buses are located within 200m of the site. Bus services are relatively frequent due to the high number of services that use Victoria Road to access the city.

2.8 ACTIVE TRANSPORT

The nearest bicycle routes to the site are located on Ryde Road to the north and Morrison Road to the south.

There is good pedestrian access to local shops via footpaths on Victoria Road and Farm Street. A number of signalised crossings of Victoria Road allow access to the north, and the local shopping strip on Victoria Road is within walking distance, some 400m away.

ITEM 2 (continued)

ATTACHMENT 4

11-15 Farm Street
Traffic Impact Assessment

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3. PROPOSED DEVELOPMENT

3.1 PROPOSED LEP CHANGES

The proposed changes to the LEP would allow developments 12m high and with an FSR of 1.5. CoR planners estimate that this would allow up to 30 residential apartments of 2 and 3 bedrooms each.

3.2 TRAFFIC GENERATION

The estimated traffic generation for the apartments is based on the RTA Guide to Traffic Generating Developments (2002) for medium density residential developments. The updated traffic generation rates according to the latest RMS technical direction (TDT 2013/04) do not cover medium density developments and therefore the rates published in the RTA Guide to Traffic Generating Developments (2002) are considered appropriate.

The adopted generation rate is the upper limit for 2 bedroom apartments and the lower limit for 3 bedroom apartments. Given some uncertainty about the details of future developments and the proximity to a bus trunk route, the rate of 0.5veh/h is considered reasonably conservative.

Table 3.1: Peak Hour Traffic Generation

Dwellings	Rate (veh per dwelling)	Trips Generated (veh/h)
30	0.5	15

For analysis it is assumed that the trips will be split 30 / 70 to and from the site in the AM peak period.

In the morning peak there would be 5 trips to the site and 10 departing, and vice versa in the evening peak.

3.3 TRAFFIC DISTRIBUTION

The predicted traffic distribution to and from the site is shown in Figures 3.1 and 3.2 for the arrivals and departures, respectively. It is recognised that because there is a raised median in Victoria Road some vehicles would use routes via Tennyson Road



Source: Googlemaps

Figure 3.1: Site Arrival Distribution

ITEM 2 (continued)

ATTACHMENT 4

11-15 Farm Street
Traffic Impact Assessment **BITZIOS**
CONSULTING



Source: Googlemaps

Figure 3.2: Site Departure Distribution

3.4 VEHICLE ACCESS

It is assumed that vehicle access to the site will continue to be from Farm Street, rather than from The Avenue.

3.5 PARKING PROVISION

It is assumed that off street parking would be provided in accordance with Council's DCP rates for medium density residential developments. The estimated number of car spaces to be provided would be about 53. (see Table 3.2). This is likely to have minimal impact on existing on-street car parking.

Table 3.2: Estimated Car Parking Provision

Type	Number	Rate per Dwelling	Car Spaces
2 Bedroom	15	1	15
3 Bedroom	15	2	30
Visitor Spaces	(30)	0.25	8
Total	30	-	53

ITEM 2 (continued)

ATTACHMENT 4

11-15 Farm Street
Traffic Impact Assessment

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Engineering

3.6 OTHER LOCAL DEVELOPMENTS AND ROAD CHANGES

This site is in conjunction with other nearby sites which have recently been redeveloped or are likely to be redeveloped. These developments are discussed below.

3.6.1 Dan Murphy's

Recently, a 'Dan Murphy' liquor store was opened on the corner of Osgathorpe Road and Victoria Road. Access and traffic generation was addressed in a Traffic Impact Assessment and was approved by Council. It is noted that the report assumed that all traffic would arrive and leave directly to Victoria Road via Osgathorpe Road.

Traffic generated from the site has been adopted for the analysis of the PM peak traffic volumes.

3.6.2 Primrose Hill

The Primrose Hill site is currently a 'brown field' site on the south western corner of Osgathorpe Road and Victoria Road. It is understood that a development application for the site has since lapsed. Plans for the site included a pedestrian access thoroughfare that would align with Westminster Road. It is likely that at some stage in the future the site would be used for a mixed use residential and commercial development as covered in the existing LEP. Due to the lack of details of any proposed development on this site, no traffic generation was estimated.

3.7 CURRENT LEP

The current LEP allows for general increases in density of developments along Victoria Road and Monash Road.

3.7.1 Local Area Traffic Management

The City of Ryde has provided draft plans for traffic calming devices in Osgathorpe Road and Brereton Street. This may reduce the number of through vehicles ('rat running') and speeding vehicles on these streets.

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ITEM 2 (continued)

ATTACHMENT 4

4. TRAFFIC IMPACTS

4.1 TRAFFIC ANALYSIS

The existing and predicted future traffic volumes are indicated in Figures 4.1 and 4.2 for the AM and PM Peaks respectively. The volumes are based on a combination of spot counts, data supplied by CoR, and estimated traffic generation from Dan Murphy's. All traffic volumes are hourly flows. It should be noted that misclosures between count locations are due to side streets and trips that start or destinate between locations.

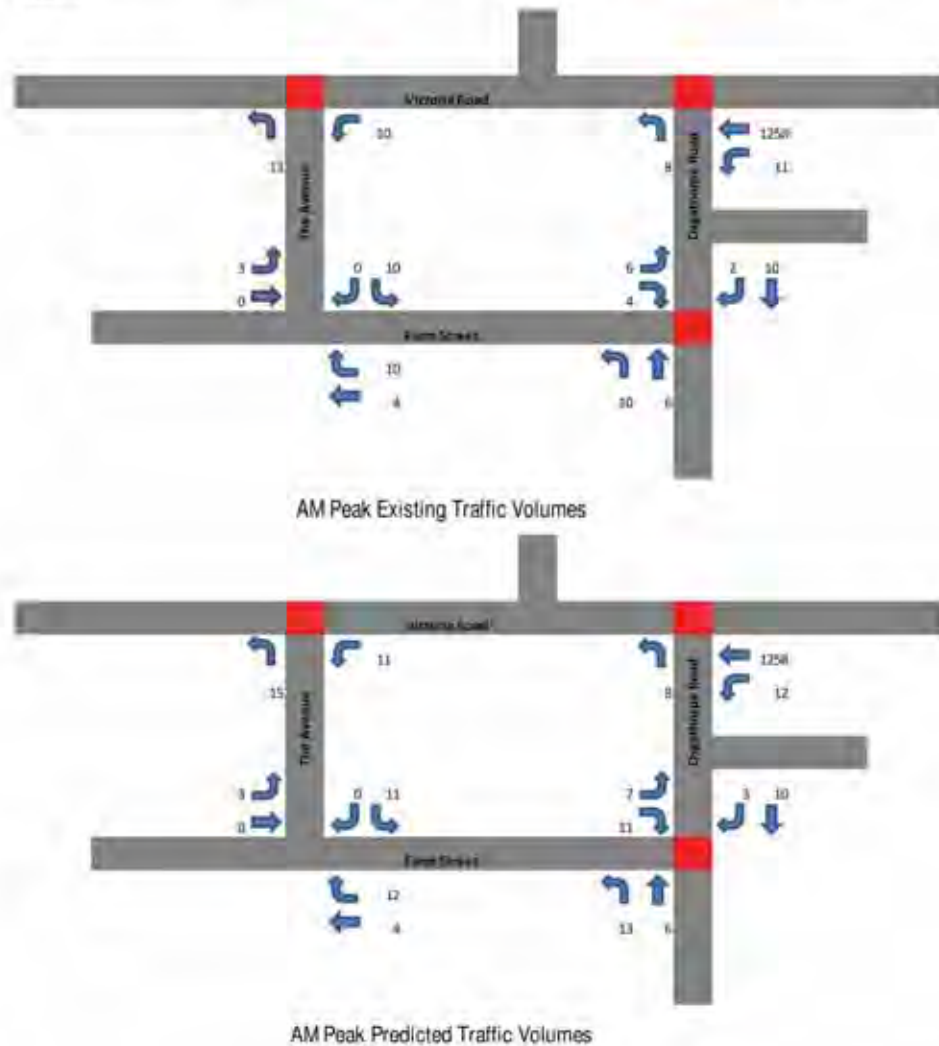


Figure 4.1: AM Peak Traffic Volumes

ITEM 2 (continued)

ATTACHMENT 4

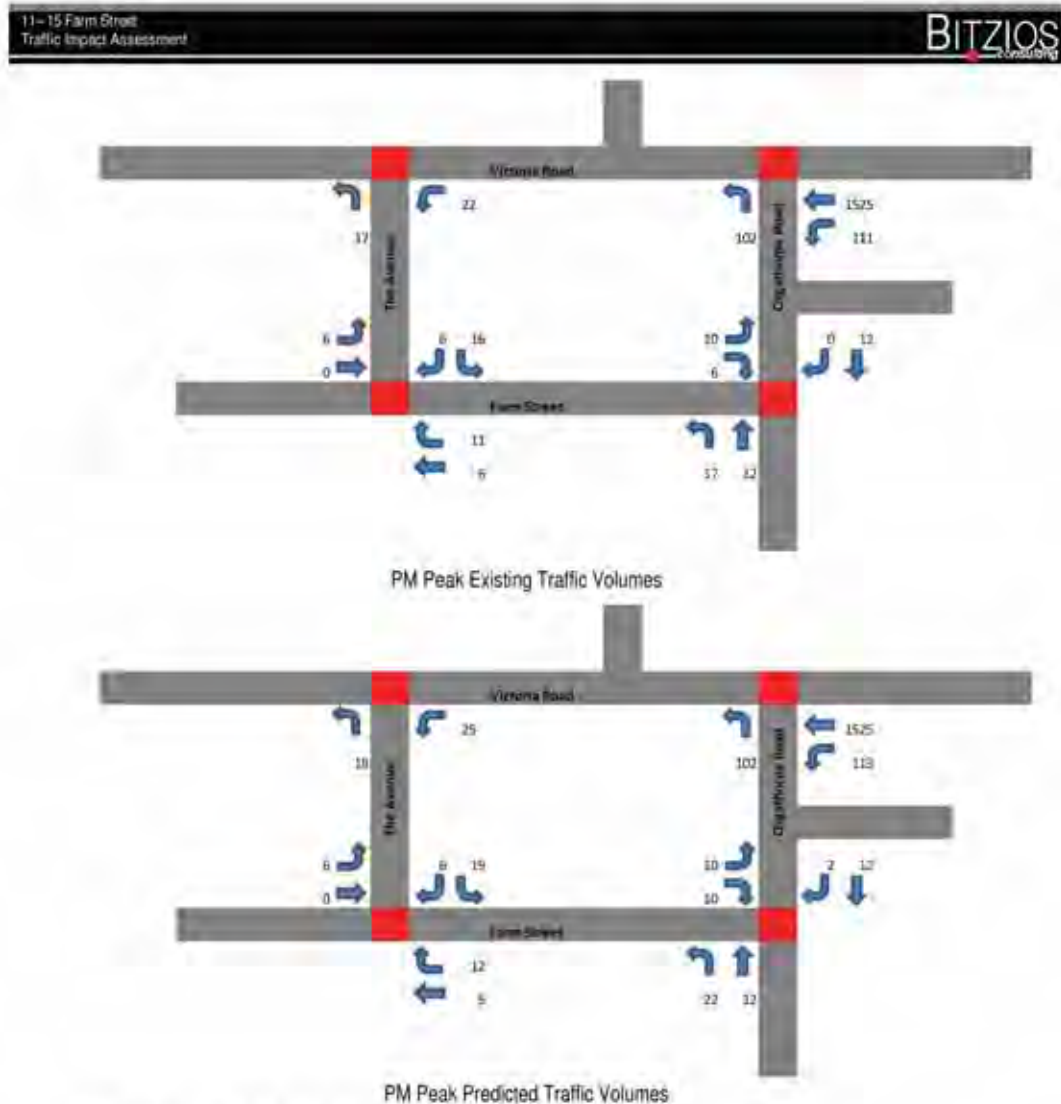


Figure 4.2: PM Peak Traffic Volumes

The predicted changes in traffic volumes as a result of the proposed changes to the LEP are relatively minor and unlikely to have perceivable changes to traffic conditions. The additional traffic generated is considered well within the day to day traffic variation and no formal traffic analysis is considered to be warranted.

4.2 PEDESTRIANS AND CYCLISTS

Changes to the LEP are likely to have minimal impact on the existing pedestrian and cyclist routes.

4.3 PUBLIC TRANSPORT

The proposal is likely to have minimal effect on the existing bus services. The proposed changes are expected to generate some additional bus passengers but unlikely to have a significant effect on bus operations. Bus priority measures, and resulting increased services on Victoria Road, are likely to occur in future as part of general strategic bus corridor upgrades.

ITEM 2 (continued)

ATTACHMENT 4



11-15 Farm Street
Traffic Impact Assessment

BITZIOS
CONSULTING

4.4 **EMERGENCY VEHICLE ACCESS**
All vehicle accesses will be allowed to the site as, is the existing situation.

4.5 **SERVICE VEHICLES**
Access for service vehicles would be addressed as part of the detailed traffic impact assessment. At this stage, there is no obvious reason that service vehicles would be affected by the proposal.

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ITEM 2 (continued)

ATTACHMENT 4

11-15 Farm Street
Traffic Impact Assessment



5. CONCLUSION

Bitzios Consulting has considered the proposed changes to the LEP that would allow a 12m high building with a floor space ratio of 1.5 at 10 – 15 Farm Street, Gladesville. The key findings of the study are:

- Existing traffic volumes on Farm Street are relatively low (less than 50veh/h in both directions);
- Vehicle speeds on Farm Street are generally less than 40km/h;
- Development on the site is likely to be some 30 residential units as a result of the proposed changes;
- Peak hour traffic generation for the site is estimated to be some 15 veh/h;
- When distributed on the road network the additional trips are unlikely to affect the normal traffic operation or amenity of the local streets; and
- No significant impacts on other road users or public transport are envisaged as a result of the proposed changes.

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ITEM 2 (continued)

ATTACHMENT 4

BITZIOS

APPENDIX A

TUBE COUNT DATA SUMMARY

ITEM 2 (continued)

ATTACHMENT 4

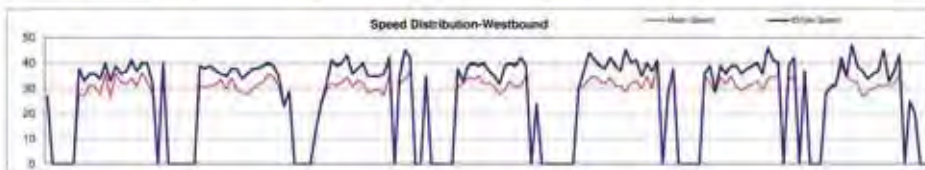
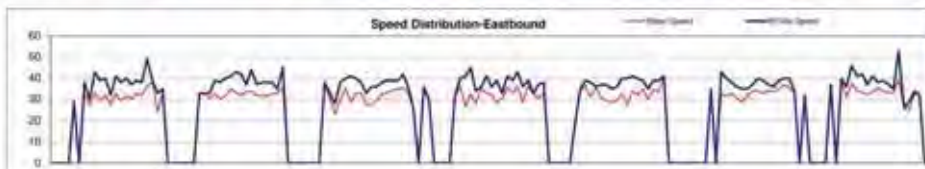
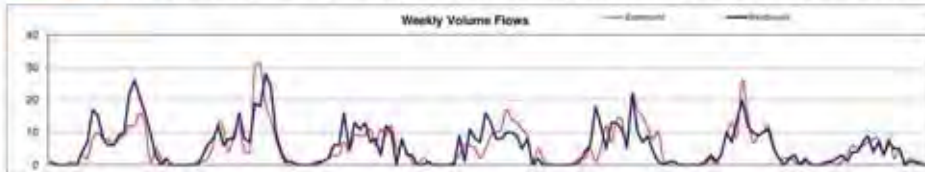


Automated Vehicle Study Summary Report

Farm Street, between No. 11 and No. 15

From: Wednesday, 10 Jul 13
To: Tuesday, 16 Jul 13

Data Points (m/s) = 10%	Monday, 15 Jul 13			Tuesday, 16 Jul 13			Wednesday, 17 Jul 13			Thursday, 18 Jul 13			Friday, 19 Jul 13			Saturday, 20 Jul 13			Sunday, 21 Jul 13		
	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way
Short Vol	119	178	297	172	175	347	107	121	228	126	123	251	147	141	288	130	121	251	70	67	137
Medium Vol	5	5	10	2	12	14	7	7	14	2	2	4	4	3	7	0	2	2	0	0	0
Long Vol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Truck 24hr Vol	112	163	275	159	162	321	90	104	199	109	106	215	127	132	259	121	112	233	63	59	122
24hr Vol	124	183	307	174	167	361	114	128	242	131	126	257	151	144	295	130	123	253	70	67	137
85th Pk Speed	39	37	38	39	38	38	38	38	38	39	38	38	38	40	39	37	39	38	40	37	38
Mean Speed	31.58	32.14	31.63	32.11	31.81	31.98	31.78	31.40	31.62	32.43	31.83	32.18	32.02	32.68	32.34	32.18	31.79	31.98	34.03	31.11	32.60
AM Peak Vol	10	17	25	12	12	25	9	16	23	6	16	21	12	18	20	13	14	23	5	7	13
AM Peak 85th Pk	0.08	0.09	0.08	0.07	0.06	0.07	0.06	0.13	0.10	0.05	0.13	0.08	0.09	0.13	0.07	0.10	0.11	0.09	0.09	0.10	0.09
AM Peak 50th Pk	43	40	38	43	39	41	41	43	42	45	40	41	39	44	41	43	39	41	46	47	46
AM Peak Time	8:00	8:00	8:00	8:00	8:00	8:00	8:00	8:00	8:00	8:00	11:00	11:00	10:00	8:00	11:00	10:00	11:00	11:00	11:00	11:00	11:00
PM Peak Vol	16	26	38	31	38	50	12	13	22	17	13	27	21	22	43	26	20	48	8	9	16
PM Peak 85th Pk	0.13	0.14	0.12	0.18	0.15	0.14	0.11	0.10	0.09	0.13	0.10	0.11	0.14	0.15	0.15	0.20	0.18	0.18	0.11	0.13	0.12
PM Peak 50th Pk	48	41	44	45	40	45	42	45	40	43	42	41	41	45	43	40	46	41	53	45	48
PM Peak Time	17:00	16:00	16:00	18:00	17:00	15:00	17:00	12:00	17:00	15:00	12:00	15:00	15:00	15:00	15:00	12:00	12:00	12:00	18:00	12:00	12:00



Classification	15 Jul 13			16 Jul 13			17 Jul 13			18 Jul 13			19 Jul 13			20 Jul 13			21 Jul 13		
	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way	Eastbound	Westbound	2 way
1 Car	119	178	297	172	175	347	107	121	228	126	123	251	147	141	288	130	121	251	70	67	137
2 Car+Trailer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 2 axle Truck	5	5	10	2	12	14	7	7	14	2	2	4	4	3	7	0	2	2	0	0	0
4 3 axle Truck	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5 4 axle Truck	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6 3 axle Semi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7 4 axle Semi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8 5 axle Semi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9 6 axle Semi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10 7 axle Truck	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11 B-Double	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12 Road Train	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 13 Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

85th Percentile Speed = The speed at or below which 85% of volume is observed to travel

Short = 1-2, Medium = 3-5, Long = 6-12

ITEM 2 (continued)

ATTACHMENT 5

LEP 2013 | HOUSEKEEPING CHANGES

COMMUNICATIONS PLAN FOR EXHIBITION OF PLANNING PROPOSAL

ITEM 2 (continued)

ATTACHMENT 5

INTRODUCTION

The Community Engagement unit have worked closely with the Urban Planning Unit to develop a draft communications strategy that aims to ensure the myriad of proposed changes under the "House Keeping Planning Proposal" are communicated to all of the appropriate stakeholders.

The Urban Planning Unit provided a comprehensive breakdown of all of the proposed housekeeping changes. The Community Engagement Unit understands that these include:

- Changes relating to specific land parcels
- Broad policy changes that affect much of the Local Government Area
- Administrative changes

The Community Engagement unit have prepared, in conjunction with the Urban Planning Unit a communication matrix which identifies

- The issue / proposed amendment
- Relevant stakeholders
- Proposed methods of communications
- Reasoning for choice of communication and identified stakeholders

The matrix attached has been prepared as supporting documentation to the Council report in order to provide assurance that all relevant stakeholders have been considered, and to demonstrate clearly through the matrix attached, that Council has prepared a comprehensive strategy to support any / all accepted amendments.

All communication channels identified in the attached matrix are supported by an overarching communications plan which will include:

- Printing adverts in the local newspapers to announce and key changes
- Providing a more detailed summary of all changes on Council's website


NB:

- *please note that where the matrix refers to properties it will be the property owners based on Council's records within TechOne*

ITEM 2 (continued)

ATTACHMENT 5

Lifestyle and opportunity @ your doorstep

 City of Ryde

- Also where a property is a multi-unit dwelling the Body Corporate will be notified in line with Council's previous communications approach

ITEM 2 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
1	Ryde Civic Precinct	Amend LEP to reflect controls proposed within the Planning Proposal for the Ryde Civic Precinct to LEP 2010.	<ul style="list-style-type: none"> ➤ Councilors ➤ Residents of the City of Ryde 	<p>Council report once outcome is known</p> <p>Letter sent directly to all residents previously advised of the planning proposal to amend LEP 2010.</p> <p>This approach is to ensure that Council 'closes the loop' in relation to this matter and that all community members who were previously advised</p>
2	Macquarie Park Corridor	Add a clause <i>Macquarie Park corridor – Serviced Apartments in Zone B3 Commercial core</i> prohibiting the strata subdivision of serviced apartments	<ul style="list-style-type: none"> ➤ Landowners in B3 commercial zone 	<p>Letter sent directly to all properties in B3 commercial zone to advise</p> <p>Correspondence in line with specificity of change, impacting a small specific group of stakeholders</p>
3	131 & 133 Herring Road and 208 Epping Road	Add to <i>additional permitted uses</i> Development for the purposes of a medical centre	<ul style="list-style-type: none"> ➤ Surrounding residents to properties 	<p>Letters sent to surrounding residents as per the catchment area highlighted in the attached map</p> <p>The notification area will be determined on the basis of those surrounding the site that could be impacted by the proposed amendment</p>
4	All dual occupancies	Amend clause (4.3(2c) so that the maximum height for dwelling housing and dual occupancy development do not have frontage to a street, is 5m	<ul style="list-style-type: none"> ➤ Any future developer of a dual occupancy 	To be communicated via the website in line with all other approved changes
5	All commercial properties in IN2 Light Industrial Zone	Wholesale supplies, Building identification signs and recreation facility (indoor) be added to uses permitted in IN2 zone	<ul style="list-style-type: none"> ➤ Any owner of commercial properties in IN2 Light industrial zone 	To be communicated via the website in line with all other approved changes
6	Town Centres of: Ryde / West Ryde/Gladesville	Amend LEP 2013 Centres Map	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes

ITEM 2 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
7	391 Blaxland Road Ryde	Amend LEP 2013 and Land Zoning Map and Floorspace Ratio Map to R2 and 0.5:1	➤ Landowner	Direct communication with landowner via letter
8	St Michael's Church & School, Hughes St, Meadowbank	Amend LEP 2013 Land Zoning Map to SP2 Educational Establishment and Place of public worship	➤ Landowner	Direct communication with landowner via letter
9	North Ryde Common	Amend LEP 2013 Land Zoning Map from SP2 to RE1	➤ Landowner	Direct communication with landowner via letter Information to be placed on Council's website.
10	Vimiera Road	Amend LEP 2103 Land reservation Map in line with RMS requested boundary changes. The land on Vimeira Rd to be highlighted to DoPI for their consideration	➤ RMS ➤ Newly affected landowners	Once changes are confirmed with RMS, direct communication with the affected stakeholders via a letter will be undertaken
11	Home Businesses and Home Industries	Home Industries and Home Businesses be added as permitted use with Council consent to in the R2, R3, R4 zones	Residents of the City of Ryde	To be communicated via the website in line with all other approved changes
12	Home based child care centres	Where currently permitted without consent in the land use table, be amended to development permitted with consent.	➤ Future applicants for home based childcare centres ➤ Rural Fire Service	Communicated through the website with all approved amendments Will be communicated on a case by case basis to future proponent for development applications.
13	Admin related: Signage related	An addition to Schedule 2 Exempt Development Signage Temporary – that it must not be illuminated	This amendment is an administrative change only.	To be communicated via the website in line with all other approved changes

ITEM 2 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
14	Admin related: Macquarie Park Corridor	Item 4.5Bc be expanded to read "to encourage greater public transport and active transport options"	This amendment is to improve clarity in the interpretation of the clause	To be communicated via the website in line with all other approved changes
15	Admin related: Macquarie Park Corridor	Amend Clause 1.2.(2)(f) to read "to improve the access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking & cycling"	This amendment is to improve clarity in the interpretation of the clause	To be communicated via the website in line with all other approved changes
16	All of LGA	Clause 6.6(f) – Environmental Sustainability be expanded to read "transport initiatives to reduce car dependence such as providing bicycles and pedestrian facilities, car share, carpool/ small vehicle parking spaces and public transport information and the development of a workforce travel plan"	This amendment is to improve clarity in the interpretation of the clause	To be communicated via the website in line with all other approved changes
17	1 Monash Road Gladesville	Amend <i>Floor Space Ratio Map</i> to bring in line with Ryde LEP 2010 Floor Space Ratio Map	➤ Landowner	Direct communication with landowner via letter
18	Ryde Town Centre	Update the 2013 Ryde Town Centre Precinct Map to include additional area as identified in Draft DCP 2011 – Part 4.4 Ryde Town Centre	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes

ITEM 2 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
19	Admin Change: Lot Size Maps	Amend LEP 2013 Lot Size Map to delete all areas from the map which are not zoned residential in the land zoning map	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
20	Admin Change: Developments	Amend controls for signage in <i>Schedule 2 Exempt Development</i> (real estate sign for residential site)	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
21	Admin change: R2 Low Density Residential	Amend "Clause 4.5A(b) <i>Density Controls for Zone R2 Low Density Residential</i> by deleting reference to access to provide open space in multi dwelling housing	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
22	36 Hillview Rd Eastwood	Amend Schedule 5 Environmental Heritage with respect to Item 1204 to ensure the entire building is listed as heritage item.	➤ Landowner	Direct communication with landowner via letter
23	Admin change: Macquarie Park Catchment Area	Amend <i>Flood Planning Area Map</i> to include Macquarie Park catchment area	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
24	Bennelong potential grave site	Amend <i>Schedule 5 Environmental Heritage Schedule and LEP 2013 Heritage Map</i> to include Bennelong's potential gravesite a potential archaeological item	Residents of Ryde	Letters to adjoining landowners - 14,16,18,21,25,27 Watson St Putney

ITEM 2 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
25	Dual Occupancy: Torrens Titling of Dual Occupancy	To be determined	City of Ryde Residents	To be communicated via the website in line with all other approved changes
26	11 – 15 Farm St Gladesville	To be determined	Residents in and around the properties	All landowners within 100m radius of property
27	14 – 20 Oxford St Gladesville	To be determined	Residents in and around the properties	All landowners within 100m radius of property
28	100 Rowe St Gladesville	To be determined	Landowners	Letter to the land owner
29	Ryde Town Centre	To be determined	Landowners in certain points of the precinct	Letter sent directly to all properties directly affected by the amendment
30	R1, R2, R3, R4 zones	To be determined	Residents of the city	To be communicated via the website in line with all other approved changes

3 DRAFT BOARDING HOUSES POLICY - Outcomes of Community Consultation and Final Adoption

Report prepared by: Strategic Planner; Manager Environmental Health & Building
File No.: DCP2011/67/005 - BP13/1100

REPORT SUMMARY

Since May 2010, Council has considered a number of reports about the emergence of unauthorised boarding houses within the City of Ryde (particularly in close proximity to Macquarie University) and regarding initiatives by Council and by the State Government to address issues of international student housing, unauthorised boarding houses, the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and other related matters.

In particular, as a consequence of a parliamentary inquiry held by the Social Policy Committee of the NSW Parliamentary Legislative Assembly (Inquiry into International Student Accommodation in New South Wales), the NSW Parliament passed a new *Boarding Houses Act 2012*, and subsequent *Boarding Houses Regulation 2013*, both of which commenced operation on 1 July 2013.

Ryde's Draft Boarding Houses Policy (draft Policy) was prepared to support the new legislation and contains two parts:

- Draft Enforcement Policy – Boarding Houses (draft Enforcement Policy)
- Draft Amending Development Control Plan – Boarding Houses (draft DCP).

Following endorsement by Council for exhibition, the Draft Boarding Houses Policy was publicly exhibited for a period of six weeks (from 8 April to 20 May 2013). Consultation included two stakeholder workshops held on 15 May 2013.

This report summarises the outcomes of the public exhibition of the draft DCP and draft Enforcement Policy and recommends the adoption of revised versions of each prepared following consideration of submissions.

RECOMMENDATION:

- (a) That Council adopt the Draft *Ryde Boarding Houses Policy* comprising Draft *Enforcement Policy – Boarding Houses* as amended in **ATTACHMENT 3** and Draft *Ryde Development Control Plan Part 3.6 – Boarding Houses* as amended in **ATTACHMENT 4**.
- (b) That Council place a public notice in the local newspaper in accordance with the *Environmental Planning and Assessment Regulation 2000* to bring the *Amending Development Control Plan – Boarding Houses* and *Enforcement Policy – Boarding Houses* into effect.

ITEM 3 (continued)

- (c) That Council provides the Director-General with a copy of the *Amending Development Control Plan – Boarding Houses*, as adopted, within 28 days of the making of the plan in accordance with the *Environmental Planning and Assessment Regulation 2000*, and request that the information provided also be given consideration with respect to the Boarding Houses Policy Review being undertaken by the Department of Planning and Infrastructure.
- (d) That Council endorse the preparation and implementation of a community education and information program on the Boarding Houses Policy, including translation of the information into community languages.
- (e) That Council write to the Minister for Fair Trading raising the concerns of the community requesting that a registration scheme and rating system for Boarding Houses be implemented.

ATTACHMENTS

- 1 Report on Community Workshops Prepared for Council by Urbis June 2013
- 2 Table - Submissions to Draft Boarding Houses Policy and Recommended Actions
- 3 Enforcement Policy - Revised version for Adoption
- 4 Draft Development Control Plan - Boarding Houses Revised version for Adoption

Report Prepared By:

Melissa Burne
Strategic Planner

Scott Cox
Manager Environmental Health & Building

Report Approved By:

Lexie Macdonald
Acting Manager - Urban Planning

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 3 (continued)

History

At its meeting on 11 December 2012 (Item 13 BOARDING HOUSES POLICY - Draft Enforcement Policy and Draft Development Control Plan) Council resolved:

- “(a) That Council authorise public exhibition of the Draft Enforcement Policy - Boarding Houses and the City of Ryde Draft Amending Development Control Plan - Boarding Houses to be carried out in accordance with the Environmental Planning and Assessment Act 1979 for a minimum period of 28 days.*
- (b) That Council authorise consultation on the Draft Enforcement Policy - Boarding Houses and City of Ryde Draft Amending Development Control Plan - Boarding Houses for key stakeholders including local education providers, relevant student groups, landlords, housing providers, developers, designers, resident action groups, and landowners and residents up to 100 metres of the Macquarie University.*
- (c) That Council receive a further report on the outcomes of the exhibition of draft Boarding Houses Policy comprising:*
- 1. Draft Enforcement Policy: Boarding Houses*
 - 2. City of Ryde Draft Amending Development Control Plan - Boarding Houses.”*

Consultation – External

Consultation with the community regarding the draft Policy (comprising Draft Enforcement Policy and Draft DCP) was carried out in accordance with legislative requirements and with the consultation strategy endorsed by Council at its meeting on 11 December 2012 as follows:

- Public exhibition carried out on the draft Policy for a period of six weeks from 8 April to 20 May 2013 (exceeding minimum requirement of 28 days)
- Exhibition notice placed in Ryde City View, and exhibition material placed in libraries, Customer Service Centre, Ryde Planning and Business Centre, and made available on Council’s website.
- Two key stakeholder workshops held 15 May 2013, as follows:
 - 3.00pm – 5.00pm – Stakeholder workshop for local education providers, student representative groups, designers/applicants for boarding house Das and housing providers.
 - 6.30pm – 8.30pm – Community workshop for residents, landowners and resident action groups.
- Letters sent to landowners and residents of properties within 100m of Macquarie University advising of the exhibition of the draft Policy including an invitation to participate in the community workshop.

ITEM 3 (continued)

- Letters sent to other key stakeholders advising of the exhibition and inviting participation in the workshops, including:
 - Local education providers (Macquarie University, Northern Sydney Institute of TAFE)
 - Students and representative groups (Auzzie Families, Oz Homestay)
 - Landlords, Landlords and Tenants Alliance (LATA)
 - Housing providers
 - Developers, designers, and applicants for Boarding House DAs
 - Local resident groups, including Marsfield Against Residential Suffocation (MARS)
- Two key City of Ryde Advisory Committees consulted and invited to the workshops:
 - Community Harmony Reference Group, and
 - Ryde Youth Council.

Stakeholder Workshops

A facilitator was engaged to assist with a consultation process that targeted stakeholders most impacted by and interested in the draft policy. Urbis assisted in the design and facilitation of the two workshops held on Wednesday 15 May 2013 during the exhibition of the draft *Enforcement Policy: Boarding Houses and Amending Development Control Plan (DCP): Boarding Houses*. The purpose of the workshops was to:

- Inform stakeholders of the parameters and benefits of the draft Policy
- Communicate the rights and responsibilities of landlords, tenants and residents neighbouring boarding houses under the draft Policy
- Provide an opportunity to give feedback on the draft Policy, and promote feedback on the draft Policy available through the exhibition process.

A report was prepared by the consultant documenting the workshop process and the feedback received from participants. The comprehensive report outlines the issues raised by the groups, Council's responses, and conclusions/actions arising out of the workshops. A copy of the report is **ATTACHED** (Attachment 1).

The report provides a summary of the outcomes of the consultation sessions, as follows:

“Stakeholders and community members expressed a range of views in relation to the draft Policy, though there was neither clear support nor objection overall. What is apparent however, based on the quantity and nature of questions received, is that stakeholders and community members are unclear on a number of elements of the draft Policy. In light of this, we support Council's intended next steps to conduct a communication and education program regarding the draft Policy. In particular, areas in which stakeholders and community members would benefit from further clarification include:

ITEM 3 (continued)

- *Criteria for what does and does not constitute a boarding house, including the distinction between large family homes, share accommodation and boarding houses*
- *Distinguishing between legal and illegal boarding house operations*
- *The rights and responsibilities of landlords, tenants and residents neighbouring boarding houses under the draft Policy*
- *Council's enforcement processes, powers and the nature of fines*
- *Council's process for reporting and investigating infringements."*

The above issues identified for further clarification have been taken into consideration in the revision of the draft Policy. The above issues have also been raised in submissions received in response to the public exhibition of the draft Policy.

Submissions

A total of forty-nine (49) submissions were received in response to the public exhibition of the draft Policy.

A summary of the comments made in submissions is **ATTACHED** (Attachment 2). Attachment 2 also provides a consideration of the submissions and a response to the matters raised.

Submissions came from the following sources:

- One anonymous submission (provided at one of the key stakeholders workshops)
- Three submissions from external groups:
 - Macquarie University (made by JBA Consulting on behalf of the University)
 - Ryde Landlords and Tenants Alliance (LATA)
 - Tenants Union of NSW
- Forty five submissions were from a range of community members such as landowners, landlords, residents and neighbours of shared accommodation and boarding houses. Of these, a number of minimal contact details of submissions provided as follows:
 - Twenty two provided street/postal address details
 - Fourteen provided name plus email and/or a phone number
 - Seven provided a name only

All submissions received have been taken into account in the revisions of the draft Boarding Houses Policy.

Matters raised in Submissions

Matters raised by submissions reflected those made in the workshops. The comments received addressed a range of matters including:

- Support of provisions
- Concerns raised regarding clarity
- Concerns raised with numerical standards in the DCP
- Suggestions for minor amendments.

ITEM 3 (continued)

These matters have been addressed in detail in Attachment 2. Generally the matters above resulted in either:

- Amendments to the Draft Boarding House Policy
- Further education and communication, or
- No change.

Amendments Proposed to Draft Boarding Houses Policy

In response to comments made at the workshops and received in submissions, a number of minor amendments have been made to both the Draft Enforcement Policy and draft DCP to improve clarity, readability, and to provide emphasis and/or greater flexibility where relevant.

Amendments to each of the draft documents are explained in more detail in Attachment 2 and are addressed separately for each document below. It should be noted that some submissions suggested the implementation of a registration scheme and rating system of boarding houses. This is beyond the scope of local government, however this report will recommend that these concerns and suggestions be forwarded to the Minister of Fair Trading for consideration.

Revised Draft Enforcement Policy - Boarding Houses

Forty five submissions made specific reference to the Draft Enforcement Policy. Matters raised in submissions include:

- Concern that the reference to locks on doors as evidence of an illegal boarding house undermined tenant/lodger security.
- Concern that inspections without notice were too heavy handed
- Suggestions that the policy be translated to a number of languages
- Concern that a maximum of 4 persons was too low.
- The policy is not clear and concise
- The amount of fines should be identified in the policy.

Comments and proposed changes to the Draft Enforcement Policy are summarised in the **ATTACHED** (Attachment 2) table.

The draft Enforcement Policy has been revised in response to submissions and comments made through community consultation. A copy of the revised version of the draft Enforcement Policy which is recommended for adoption is **ATTACHED** (Attachment 3). In summary, the key changes are:

- Reference to Boarding Houses Act 2012 added
- Procedure regarding inspections and search warrants modified and improved for clarity
- Reference to locks on boarding/bedroom doors removed
- Clarity provided with respect to applicability to granny flats.

ITEM 3 (continued)

Minor amendments were also made to the policy to improve clarity, remove any potential ambiguity.

Revised Draft DCP – Boarding Houses

Eight submissions made specific reference to the Draft Boarding Houses DCP. Matters raised in submissions include:

- General support for preparation of a DCP to guide provision of high quality affordable accommodation
- Opportunity for boarding houses DCP to be applied to development of purpose built student accommodation as little guidance currently exists for student accommodation
- Concern that some clauses do not offer sufficient flexibility to student style accommodation provided by university, and may be overly prescriptive for affordable accommodation
- Minor amendments requested to the Template for Plan of Management (Schedule 2 of the DCP) to protect amenity for neighbours

Comments and proposed changes to the Draft DCP are summarised in the **ATTACHED** (Attachment 2) table. All suggestions for changes to the Draft DCP improve flexibility and clarity and do not change the intent of the Draft DCP.

A copy of the revised version of the Draft Boarding Houses DCP which is recommended for adoption is **ATTACHED** (Attachment 4). In summary, key changes made to the DCP are:

- Performance-based flexibility added to clause: 3.6(c) regarding internal design and function
- Clarity added to Local Area Character sections requiring statements only where external changes are proposed
- Minimum requirements regarding washing machines and dryers removed
- Minor amendments made to the Plan of Management template under Schedule 2 regarding references to boarder behaviour, fire safety issues and management of kerbside waste.

Further Education and Communication

The Boarding Houses Policy has been amended where appropriate to provide improved clarity in response to submissions. Should Council adopt the Policy, Council staff will undertake a communication and education program to be carried out as part of the next stage of the project and subsequent to Council's adoption of the recommendations of the Integrated Enforcement and Education Project – Illegal Boarding Houses (Item 8: Deferred Report - Boarding House – Enforcement and Education Project, Committee of the Whole, 3 May 2011 and Item 2: Student Housing – Supply and Demand Project, Committee of the Whole, 19 April 2011).

ITEM 3 (continued)

Part of this communication and education program will be preparing information for the wider community. It should be noted that one submission was provided in Chinese (this was translated by Council, enabling consideration) and that a number of submissions suggested information about the policy being provided in other languages. In particular, requests have been made to translate the draft Policy to assist the Chinese, Korean and Vietnamese communities. Translation will be part of the communication and education program to be carried out following adoption of the draft Policy.

With respect to both the draft Enforcement Policy and Draft DCP, a number of submissions sought clarity on whether the definition of boarding houses can apply to granny flats, dual occupancies, strata title units /villas/townhouses. This is a known area of confusion which is in part reliant on reforms to the NSW Planning System.

However it should be noted that:

- A boarding house is a type of residential development that is let for lodgings.
- A boarding house and secondary dwelling (colloquially known as a 'granny flat') are two distinct defined terms under Council's *Ryde Local Environmental Plan 2010* (RLEP 2010) and the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP). The table below provides the definitions utilised in the RLEP 2010 which are the same used under the ARHSEPP.

Term	Definition under RLEP 2010
Boarding House	<p><i>...a building that:</i></p> <p>(a) <i>is wholly or partly let in lodgings, and</i></p> <p>(b) <i>provides lodgers with a principal place of residence for 3 months or more, and</i></p> <p>(c) <i>may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i></p> <p>(d) <i>has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,</i></p> <p><i>but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</i></p>
Secondary Dwelling	<p><i>... means a self-contained dwelling that:</i></p> <p>(a) <i>is established in conjunction with another dwelling (the principal dwelling), and</i></p> <p>(b) <i>is on the same lot of land as the principal dwelling, and</i></p> <p>(c) <i>is located within, or is attached to, or is separate from, the principal dwelling.</i></p>

ITEM 3 (continued)

- The key difference between a boarding house and a secondary dwelling is that the secondary dwelling is a wholly self-contained unit associated with a primary residence. A boarding house is a building that is let in lodgings. Generally, the difference can often be distinguished by the number of rooms let in lodgings, the configuration of these rooms and whether facilities are shared. By way of example, a 4 bedroom house and 1 bedroom secondary dwelling on the same property would be considered a boarding house if all the 5 bedrooms were let-in-lodgings.
- Strata titling relates to how the ownership of the property is divided, and not to how the dwelling is used.
- Share house accommodation, and student accommodation are not separately defined under planning instruments. However, both could come under the LEP definition of boarding houses. What distinguishes this accommodation from a boarding house is usually the tenancy arrangements.
- The enforcement policy can only identify circumstances of boarding houses which would receive less priority in enforcement, these being where 4 or fewer rooms are let. Where 5 or more rooms are let, a boarding house is required to be registered. All boarding house proposals require development consent.

It is proposed that information clarifying what is a boarding house is to be developed and provided to allow members of the community to clearly understand what is considered to be a granny flat, boarding house or shared house.

Internal Consultation and Outcomes

As reported in December 2012, internal Council business units consulted in the preparation of draft DCP and draft Enforcement Policy included:

- Environmental Health and Building
- Assessment
- Urban Planning
- Traffic
- Waste

Council's Assessment Unit were consulted on the Draft DCP, providing general comments relating to process, broader boarding houses issues, as well as specific queries and suggestions regarding the Draft DCP.

General comments received from the Council business units consulted included:

- Commend preparation of the policy and DCP controls. DCP is needed, and good for enforcement to have clarity
- Process for referrals and assessment of Plan of Management to be worked out
- Some confusion with definitions generally e.g. "boarding house" versus "bed and breakfast"
- Local area character could be used for other proposals

ITEM 3 (continued)

- Clarity needed regarding whether BASIX applies to boarding houses
- Clarity needed with respect to character – is it built only or is it also social?

Response: Some of the above issues reflect the broader clarity needed regarding boarding houses which may be provided as a result of the Department of Planning and Infrastructure's Boarding Houses Policy Review (in particular definitions, social character, applicability of BASIX requirements). Details of this review are provided within this report in the section Implications for State Policy – Affordable Rental Housing SEPP 2009. A recommendation is attached to this report to forward Council's decisions and report to the Department for consideration also with respect to the Boarding Houses Policy Review. Other comments related to managing the process of assessment of applications and the information submitted. This will be addressed as a matter of course in house as part of the implementation of the Draft Boarding Houses Policy should it be adopted.

The specific comments about the Draft DCP, some of which warranted some minor changes to the draft DCP for clarity, are identified below:

Assessment Unit Comment	Response
Applicants will not need a local area character statement submitted with DA if converting an existing building	Agreed. Draft DCP amended to clarify under what circumstances Local Area Character Statements are required to be submitted with the DA
Manager should also be responsible for checking that there are sufficient number of bins for the scale of development	Schedule 2 – Template for Plan of Management modified to require Manager to be responsible for managing all collection services in accordance with Council's requirements.
What happens if a manager is unknown at the time of submission of the DA	A Plan of Management will still be required to be submitted in the form of the model template provided in the DCP
Will boarding houses occupants be allowed pets	This is an issue for those responsible for the management of the boarding house to address in the Plan of Management
Access and parking can be issues with boarding house development	It is intended that the controls, including rationalisation of Part 9.3 Parking, will assist in improved attention to the design of parking and access
Good to have the example Plan of Management in the DCP as there have been varying quality of such plans submitted.	Noted

ITEM 3 (continued)

Proposed amendments following external consultation and consideration have also been circulated to relevant staff for comment.

In response, no changes were made to the Draft Enforcement Policy – Boarding Houses as a result of internal consultation.

Financial Implications

The ongoing costs associated with the Boarding Houses Policy such as language translation and community education will be covered by funding approved for the 2013/14 Boarding House Project. The 2013/14 budget for the Boarding House Project approved by Council is \$53,040.

The adoption of the Draft Policy – Boarding Houses Policy will not result in a financial impact to Council.

Options

Council has three options at this stage of the process, particularly with respect to the development control plan (as per the *Environmental Planning and Assessment Regulations 2000*). Council also has the opportunity to decide to proceed with only one aspect of the Policy, being either / or the Draft Enforcement Policy and the Draft DCP. However as the Draft Enforcement Policy and the Draft DCP have been designed to work together, the options for Council are considered with respect to the draft Policy comprising both components as one.

In summary these options are that Council:

1. Approve the draft Policy in the form in which it was publicly exhibited, or
2. Approve the draft Policy with such alterations as Council thinks fit, or
3. Decide not to proceed with the draft Policy.

Option 1: Council approve the draft Policy in the form in which it was publicly exhibited

Council can decide to adopt the Draft Boarding Houses Policy as exhibited. Should Council decide to adopt the draft Policy as exhibited, the minor amendments considered appropriate in response to submissions would not be made. This option is not recommended as some improvements are warranted for clarity, consistency and improved readability.

Option 2: Council approves the plan with such alterations as the Council thinks fit

As outlined in this report, the majority of submissions commented on aspects of the policy which are able to be addressed in revisions. Revisions have been made to both the Draft Enforcement Policy and Draft DCP to improve clarity, provide for more flexibility for achieving the intended outcomes, with no change to the intentions of either plan. Revisions are not considered to be of an extent which would warrant re-exhibition of the policy.

This option is preferred and forms the basis for the recommendations of this report.

ITEM 3 (continued)

Option 3: Council decides not to proceed with the plan

Should Council decide not to proceed with adoption of the draft Policy, the uncertainty regarding enforcement would prevail and the consensus Council staff have derived from all relevant stakeholders though consultation would be undermined or lost.

This option is not recommended.

Policy Implications

Draft Enforcement Policy – Boarding Houses

Should Council adopt the draft Enforcement Policy revised in response to submissions (**ATTACHMENT 3**) it will be implemented by Council's Environmental Health and Building Unit.

Draft DCP – Boarding Houses

Should Council adopt the draft DCP revised in response to submissions (**ATTACHMENT 4**) the following amendments will be made to Council's comprehensive DCP (DCP 2010):

- New part, Part 3.6 Boarding Houses, inserted within Part 3.0 Development Types
- Minor amendments to Part 9.3 Car Parking to ensure consistency within DCP 2010 and with the ARHSEPP. These minor amendments include the term "bedroom/s" is to be replaced with "boarding room/s", and a note is to be included to refer applicants to the ARHSEPP.

The DCP will be implemented by Council's Assessment Unit in particular through providing advice to the community via Council's Planning and Business Centre and in the assessment of development applications for boarding houses.

Implications for State Policy – Affordable Rental Housing SEPP 2009

A number of submissions raise issues which relate to the definition of boarding house, relationship of boarding house with other residential dwelling types (e.g. can a granny flat, dual occupancy also be used as a boarding house) and relationship with particular needs of student accommodation (such as provided by universities on a large scale and for which there is currently no definition, except for coming under the definition of boarding house).

The Department of Planning and Infrastructure is undertaking a review of its Boarding House Policy. Council officers have been consulted as part of this review which includes consideration of the definitions applicable to affordable housing. This is part of the review carried out by the Affordable Housing Taskforce referred to in the NSW Government response to the parliamentary inquiry held by the Social Policy Committee of the NSW Parliamentary Legislative Assembly (Inquiry into International Student Accommodation in New South Wales – previously reported to Council December 2012). This is an ongoing review, and part of the work now informing the

ITEM 3 (continued)

new planning system. Department staff has indicated it is expected to have some completion by the end of this year for implementation through the new planning system early next year.

It is recommended a copy of this report, including attachments, and Council's decision be forwarded to the Department of Planning and Infrastructure for attention with respect to the Department's Boarding House Policy Review.

Community Information on Boarding Houses

The Boarding Houses Enforcement Policy will be available to the community for access and download via Council's website (policies page) together with other Enforcement Policies and Council's overarching Enforcement Policy.

The DCP will be available to the community for viewing and download via Council's website (planning controls pages).

To assist the community, an education and awareness program will be developed. This education and awareness program will include:

- information sheets explaining Council's approaches in relation to boarding houses will be provided in community languages being English, Chinese, Korean and Vietnamese,
- adverts notifying the adoption of the new policy in the local community language newspapers, and
- information sessions on Boarding Houses including translation services.

Critical Dates

There are no critical dates for the adoption of the draft Enforcement Policy.

The following deadlines are required to be met with respect to the Draft DCP in accordance with the *Environmental Planning and Assessment Regulation 2000*:

- Council must give public notice of its decision regarding the development control plan in a local newspaper (Northern District Times) within 28 days after the decision is made;
- A development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice;
- Council must, within 28 days of making a development control plan, provide the Director-General with a copy of the plan.

Official notice of the adoption of the Enforcement Policy – Boarding Houses will be included in the same notice advising Council's decision on the draft DCP. It is proposed that the Boarding Houses Policy comes into effect upon the date of the public notice.

The recommendation attached to this report reflects the above requirements.

ITEM 3 (continued)

ATTACHMENT 1

Enforcement Policy - Boarding Houses and Amending Development Control Plan - Boarding Houses

Report on community workshops

Prepared for City of Ryde Council

June 2013



ITEM 3 (continued)

ATTACHMENT 1

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Susan Rudland
Associate Director	Dianne Knott
Consultant	Susan Hatherly
Job Code	SPP06513
Report Number	Outcomes report



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1 Introduction

Urbis was commissioned by the City of Ryde (Council) to assist with stakeholder and community engagement activities during the exhibition of the draft *Enforcement Policy: Boarding Houses* and *Amending Development Control Plan (DCP): Boarding Houses*.

The draft *Enforcement Policy: Boarding Houses* and accompanying *Amending DCP: Boarding Houses* were prepared in 2013 as part of a broader, multi-faceted approach to the provision of affordable, accessible accommodation in the Ryde area. The draft Policy and amending DCP are particularly targeted to student accommodation – a key need in the Ryde area due to the presence of Macquarie University and two campuses of TAFE NSW's Northern Sydney Institute.

The draft Policy is the first of its kind at a local government level and is the result of significant work by Council in this area, which commenced in 2010. The draft Policy is aligned with State legislation in the form of the Boarding Houses Act, which takes effect from 1 July 2013. It is also consistent with the State legislation in the form of the Affordable Rental Housing State Environmental Planning Policy (AHSEPP) 2009, which triggered the permissibility of Boarding Houses as a land use in low density residential zones in the Ryde Local Government Area (LGA). The draft Policy also responds to community concern and resourcing issues associated with unauthorised boarding houses and over-crowded student rental accommodation in the LGA.

Council sought a consultation process to target stakeholders most impacted by and interested in the draft policy. The draft Policy was on public exhibition from Monday 8 April to Monday 20 May 2013. Urbis assisted in the design and facilitated two workshops, held on Wednesday 15 May 2013. The purpose of the workshops, open to industry and educational stakeholders and the community, was to:

- Inform stakeholders of the parameters and benefits of the draft Policy
- Communicate the rights and responsibilities of landlords, tenants and residents neighbouring boarding houses under the draft Policy
- Provide an opportunity to give feedback on the draft Policy, and promote opportunities for feedback on the draft Policy available through the exhibition process.

This report documents the workshop process and the feedback received from participants.

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2 Workshop process

2.1 PREPARATORY ACTIVITIES

Key activities undertaken in the development of workshops included:

- A review of relevant policy documents including:
 - Integrated Enforcement and Education – Illegal Boarding Houses Project, GML Social Research
 - Draft Enforcement Policy: Boarding Houses
 - Draft Amending Development Control Plan (DCP) – Boarding Houses.
- Stakeholder identification, in collaboration with the City of Ryde Community Engagement team and relevant technical team
- Development of a format and presentation materials for the two workshops.

The City of Ryde managed the logistics of the workshops, including invitations, RSVPs, venues and staffing.

The session was advertised by Council via letters to residents within a 250 metre radius of Macquarie University, boarding house owners and operators in the City of Ryde and Macquarie University's Property Services, Community Engagement, Student Accommodation and International Students Office.

2.2 WORKSHOP DETAILS

Two two-hour workshops were held on:

- Wednesday, 15 May 2013 from 3.30pm – 5.30pm
- Wednesday, 15 May 2013 from 6.30pm – 8.30pm

Urbis facilitated each session according to an agreed agenda that provided for:

- Presentations by the Service Unit Managers of the City of Ryde's Environmental Health & Building and Strategic Planning teams
- Discussion, during which time participants could provide feedback and ask questions of technical staff.

The first workshop was open to stakeholders including landowners, boarding house operators, local community groups, student groups and local education providers. The workshop was attended by seven stakeholders including boarding house operators, representatives of Council's Citizen Engagement Panel and representatives of Macquarie University's Property Services and Community Engagement areas. The format of the session was a round table discussion.

The second workshop, for residents and members of the broader community, was attended by 44 people, 25 of whom had registered to attend. The workshop was initially intended to be run as a deliberative process in which attendees broke into small groups facilitated by a Council representative. However, given the higher than anticipated number of attendees and the large number of questions (many of which were common amongst the group), the format was amended to a group question and answer session, facilitated by Urbis. Questions were fielded by the Group Manager Environment and Planning, Service Unit Manager Environmental Health & Building, and Service Unit Manager Strategic Planning.

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3 Workshop outcomes

A total of 51 people attended the workshops. A range of topics were discussed in the workshops and a number of key themes emerged. Further feedback was also provided in feedback forms supplied by Council – nine of these forms were received. The key themes in the discussion and feedback forms are outlined below.

3.1 DEFINITION OF A BOARDING HOUSE

3.1.1 BOARDING HOUSES AND STUDENT ACCOMMODATION

A number of stakeholders and community members made a distinction between boarding houses and student accommodation, noting that the two cater to different demographics. It was suggested that the draft Policy wrongly addresses boarding houses, when student accommodation is the problem.

The policy here is about boarding houses, but the problem is student accommodation.

Stakeholder

[Council is] tackling the problem from the wrong point of view. It's not illegal boarding house accommodation, it's a problem with illegal student housing. It's not a boarding house as such. You could call it a different term.

Community member

Council representatives noted that the use of the term Boarding House is consistent with the terminology used in the relevant State legislation, specifically the AHSEPP. They acknowledged that there are reputable boarding house operators in the LGA and emphasised that the focus of the policy is on illegal boarding houses.

Discussion regarding student accommodation turned, on a number of occasions, to opportunities for Macquarie University to provide appropriate student accommodation. A number of community members and stakeholders felt Macquarie University has a key role to play in combatting illegal boarding houses and overcrowding, and should offer more accommodation to students.

It seems to me all of this has been brought about by Macquarie University not providing accommodation to international students. They take high paying fees but don't want to accommodate them. It's the community's responsibility to then accommodate them. The Uni are choosing instead of providing accommodation to provide commercial facilities. It's been happening for ten or more years.

Community member

Council representatives acknowledged a role for Macquarie University in the provision of safe and accessible student housing and noted that an Accommodation Manager has been appointed by Macquarie University to assist students in finding appropriate and affordable accommodation. Council identified that they and the University are working together on this issue.

3.1.2 GENERAL COMMENTS ON THE DEFINITION OF A BOARDING HOUSE

With respect to the use of four residents as a threshold for identifying boarding houses, some stakeholders and community members commented that the number is too low. A common rationale was that families often have more than four members, however Council representatives reiterated that the policy does not target families.

It seems 'nanny state' to enforce four or more, it's a low number and many families exceed that.

Community member

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I don't know four is the right number. Why not 6, 3. Lots of houses have four or five people living there. I have six family members.

Community member

There was some confusion about the type of household structures addressed by the draft policy, specifically whether the policy targets families. Council clarified that the policy addresses non-related people living in unregistered (illegal) boarding houses.

The remaining discussion regarding the definition of a boarding house primarily involved points of clarification.

Other areas where stakeholders and community members sought clarification included:

- The distinction between a boarding house and shared accommodation that utilises a lease agreement. Council clarified that share houses, where individuals each pay rent to a landlord, are not generally boarding houses. Share house residents are bound by a Residential Tenancy Agreement or by their relationship with the head tenant who is the signatory to that Agreement
- How the draft Policy treats having more than one person per room, particularly in the case of couples living together:

Does that mean couples can't live together in their bedroom?

Community member

- The criteria used to identify and investigate illegal boarding houses, including the presence of key locks on each room door:

On locks, is there any reason why the locks are listed here as a feature? Where people are unrelated, they might want locks.

Community member

- Whether granny flats fall within the definition of a boarding house. Council representatives confirmed granny flats are regulated under a different Council policy.

Council clarified that the scenarios listed in the draft Policy are 'common factors consistent with boarding houses' only. They are not necessarily outright identifiers nor does the draft Policy propose to prohibit some items included in the list:

They are a feature in a lot of the locations found to be boarding houses. We're not prohibiting locks on the door.

Council representative

3.2 IMPACTS OF ILLEGAL BOARDING HOUSES

The impacts of illegal boarding were commented on more extensively, particularly by community members. Impacts identified include:

3.2.1 IMPACTS ON RESIDENTIAL AMENITY AND CHARACTER

A number of community members reported the lack of maintenance associated with illegal boarding houses and overcrowded properties, and this confirms some of the identifiers that Council has included at section 4 of the draft Policy. Maintenance issues reported included unkempt gardens, garbage and dumping, and vermin, and it was noted that these issues impact on local amenity:

The eaves are overgrown, grass is high, mildew. Council are [sic.] having to come in and clean it up. Since I've been here 30 years, it's worse now than it's been before. It is

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unhealthy. Extra garbage, maintenance, extra cars. It's not a major issue, but it all adds up to an unhappy environment.

Community member

The intangible impacts of overcrowded accommodation on the character of local communities were also noted. Comments on the adequacy of draft Policy controls to manage these impacts are discussed at section 3.3.

A good example of [the presence of an illegal boarding house in the street] is a double garage that's been gyrocked into 4 [rooms]. It doesn't make any difference to the physical form of the neighbourhood when the door's shut, but it has impact on the character. Kids used to play with neighbours and now there aren't any.

Community member

3.2.2 IMPACTS ON RESIDENTIAL PROPERTY VALUES

There was a perception that property values are reduced as a result of the amenity and character impacts of overcrowded accommodation:

Our property values are all depressed because of student accommodation.

Community member

3.2.3 IMPACTS ON THE WELFARE OF BOARDING HOUSE RESIDENTS

The negative impacts of overcrowded and poorly maintained accommodation were also thought to extend to residents of these properties. Some stakeholders and community members felt that residents living in overcrowded accommodation due to affordability concerns experience sub-standard and unacceptable living conditions. The need for the draft Policy to improve living conditions and outcomes for residents was noted:

Those people shouldn't be subjected to having to live like that. It's not socially acceptable.

Community member

Council representatives agreed that living conditions in overcrowded accommodation and illegal boarding houses are not satisfactory and noted that this is a key rationale for the draft Policy.

3.2.4 IMPACTS ON REPUTABLE BOARDING HOUSE OPERATORS

Some stakeholders, in particular boarding house operators, felt that the draft Policy will unfairly affect those who run boarding houses legally. While the need to monitor and better regulate illegal boarding houses was acknowledged, some participants felt that new registration requirements and regular inspections will create additional work for those operating facilities legitimately. There was also the view that the draft Policy was reinstating past controls, and this caused some frustration.

The fact that they're calling the boarding houses, casts everyone after the same umbrella. It affects me as a boarding house owner, when student accommodation becomes a focus. The problem is student housing and not boarding houses.

Stakeholder

A number of attendees at the consultation felt that the draft Policy forces landlords, who simply want to let spare rooms and provide accommodation to students, into running boarding houses against their will:

At the moment there are some houses that are used as student houses or boarding houses that are overcrowded but I think that's quite minor but not many of them. The landlords try to provide reasonable accommodation to overseas students. The Council should recognise

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that the landlords contribute to the community and do their best to provide a good environment. It seems these landlords are being punished.

Stakeholder

There are people trying to do the right job, and they're not getting acknowledged.

Community member

Council representatives indicated that the intent of the draft Policy is not to impact legal boarding house operators, but rather regulate and improve illegal houses. Council noted the need to educate operators (whether they consider themselves as such) on their rights and responsibilities:

We want to communicate this as clearly as we can. If you've not done any illegal works and you have four or less lodgers, then you're fine... If someone wants to let out lodgings for five or more people, that is a boarding house. The only way to do it legally, is to put in an application to Council.

Council representative

3.3 PLANNING CONTEXT AND FLEXIBILITY OF THE PLANNING CONTROLS

A limited number of comments were made on the controls outlined in the draft Policy. Comments related to:

3.3.1 MINIMUM AND MAXIMUM STANDARDS

Comments were particularly made in relation to controls for room sizes (12m²) and the number of rooms off a corridor (no more than eight). It was noted by one stakeholder that there are examples of successful student accommodation that do not meet these requirements. A Macquarie University representative noted that a recently approved facility at Damon Place has a minimum room size under 12m². These design features, allow more efficient development, a range of more affordable accommodation options and more common areas. There was interest in whether Council may be flexible on these standards, were a good design to be presented.

Council representatives indicated that there is limited flexibility in varying controls under State legislation, but that Council would be willing to discuss variations to controls under the Amending DCP accompanying the draft Policy.

3.3.2 LOCAL CHARACTER CONTROLS

One stakeholder noted that the urban character controls presented in the draft Policy address only built form and physical character. While built form controls are useful, it was also considered important to address the social impacts of boarding houses on character of a neighbourhood:

The big thing in the student accommodation debate, is not what gets listed as local area character. It's about social, cultural and demographic character... The built form controls aren't going to be responsive to the concerns about the changing character of the neighbourhood. How do you deal with social change? It's not captured in the physical planning controls.

Stakeholder

Council representatives acknowledged the difficulties associated with measuring social change and managing social impact.

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3.3.3 PERMISSIBLE LOCATIONS FOR BOARDING HOUSES

Observing that boarding houses are permissible in most locations across the LGA, a number of community members queried processes to manage potential high concentrations and clustering of boarding houses.

Is there any consideration about the proliferation – about the numbers, density and intensity – of this form of accommodation throughout Ryde? Or is it that every second house could become a boarding house? Can you stop clustering?

Community member

Proliferation of boarding houses in one street should not be allowed, in my view and in the view of lots of neighbours in our area

Community member

Can rates [for a boarding house] be tweaked to provide an incentive and disincentive to encourage houses in some places not others?

Community member

Council representatives explained that under precedents set by the Land and Environment Court, it is not possible to prevent clustering. It is also not possible to charge boarding houses special rates.

3.3.4 FIRE AND SAFETY

A number of community members mentioned the importance of fire safety and mitigation policies, including the installation of smoke alarms and fire extinguishers. Council representatives confirmed that this is a requirement for registered boarding houses and that monitoring against this requirement will be conducted through bi-annual inspections, and an annual fire review of premises.

3.3.5 ACCESSIBILITY

Some community members questioned whether boarding houses cater for people with disabilities. Council representatives indicated that there is no requirement for existing buildings to be retrofitted with disabled access, but that new developments must meet regulations outlined in separate existing disability and access guidelines. It was also noted that the Affordable Housing SEPP outlines a range of accommodation types that may be suited to people with a disability.

3.4 ENFORCEMENT POLICY

There was some interest amongst community members and stakeholders in the process for making complaints, investigating potential infringements and penalising illegal operators. Much of the discussion involved questions about Council's processes and powers, as outlined below.

3.4.1 NOTIFICATION

Clarification was sought on whether neighbours were notified about the approval of a boarding house. Council representatives confirmed that notification is provided before a boarding house application is determined, during the public exhibition stage.

3.4.2 PROCESS FOR REPORTING AND INVESTIGATING INFRINGEMENTS

Community members were interested in how Council is made aware of illegal boarding houses and the type of information that they require in order to commence investigations. There was some scepticism regarding the ability of Council to hold illegal operators to account and some concern about the process' reliance on community members bringing suspicious properties to Council's attention.

But what if I put in a development application [DA] for a six bedroom house with approvable numbers of apartments but then put heaps of people in. How does Council know and how

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do you go about making sure people who are putting multiple people in will register? It's a business. ...I think it's terrific, it's just going to be difficult to enforce it.

Community member

How much information do you need before you investigate an illegal boarding house? A typical scenario is seeing a truck pull up with beds come off. Next we see students arriving with their wheelie bags. And then we do a little search on the internet and see an ad on 'Gum Tree' for people to be borders. I think that would be sufficient evidence.

Community member

Some noted that there is a danger of neighbours making vexatious or speculative complaints based on misinformation or prejudice. One community member recounted a scenario where a legitimate share house of four were investigated, despite there being no prior communication or discussion with neighbours. It was suggested that the draft Policy should include a requirement for communication between neighbours:

Four years ago I shared with three people. Someone reported it and no one communicated it with me. There were multiple inspections from Council. Here it just says initiation of investigation. It doesn't say what that process involves and it should encourage people to engage with the owners first.

Community member

Council representatives responded that Council are required to investigate all complaints, but that they also seek to distinguish between legitimate complaints and those that are unreasonable. With respect to the process for investigation, Council representatives indicated that prior to any investigations, enforcement officers would do background research and notify residents of actions they are taking. It was acknowledged that the draft Policy could include more information on the process.

The matter of Council only investigating anonymous complaints was raised. Some community members felt it should be possible to make complaints without being named:

Anonymous [complaints] should be looked into as well, as if you are a neighbour you may feel concerned for your safety, if the other party is notified [of your name].

Community member

3.4.3 FINES

Clarification was sought regarding fines for infringements and the process for reissuing fines for multiple violations. Council representatives confirmed fines are available as an enforcement mechanism, and that they are able to issue multiple fines if the offender continues to fail to comply. It was noted that fines used by Council will be those specified in the *Environmental Planning and Assessment Act 1979*, rather than the fines outlined in the Affordable Housing SEPP.

3.4.4 TAX EVASION

Participants noted that illegal boarding house operators often do not pay tax on their rental income, which was considered unfair and a loss of revenue to the state. Community members felt that the Australian Taxation Office should be interested in the issue and be engaged to assist in policing the situation.

That doesn't make it fair for the legal operators who are paying their fair taxes, for others to use the cash economy and profit.

Stakeholder

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It's all tax free. The tax office would want to know. A house like that could get the owner \$1,200 a week, tax free.

Community member

The tax office should get involved.

Community member

3.5 COMMUNICATION REGARDING THE POLICY

With respect to communication, there is a desire amongst participants to be kept informed throughout the process, particularly regarding how their feedback is used:

Finding out what comes out of consultation, before it hits the floor of Council, is important ... Did you listen to us, what's changed? You get involved, and then the next time you hear anything it's done and dusted. That's a step that's been missing in the last couple of years. Closing the loop so that the community feels and thinks that they've been listened to is important – I'm pleased with Council's approach on this issue.

Community member

A number of community members also emphasised the importance of translating published materials and guidelines into Ryde's main community languages, for example, Cantonese, Mandarin, Korean and Arabic.

Communication between Council, Macquarie University, the community and incoming students was similarly considered to be important. Some suggested that students should be informed of the options available to them, perhaps through a list of preferred accommodation providers and landlords:

Part of the solution is that we have a well-informed community. Is there a plan to take this body of knowledge to educate new students at the university so that those most vulnerable and here for the first year of their educational life, and in the first three months? The university and staff are a great vehicle to do this.

Community member

You could have a preferred list of landlords that is shared with the universities.

Community member

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4 Conclusion

Stakeholders and community members expressed a range of views in relation to the draft Policy, though there was neither clear support nor objection overall. What is apparent however, based on the quantity and nature of questions received, is that stakeholders and community members are unclear on a number of elements of the draft Policy. In light of this, we support Council's intended next steps to conduct a communication and education program regarding the draft Policy. In particular, areas in which stakeholders and community members would benefit from further clarification include:

- Criteria for what does and does not constitute a boarding house, including the distinction between large family homes, share accommodation and boarding houses
- Distinguishing between legal and illegal boarding house operations
- The rights and responsibilities of landlords, tenants and residents neighbouring boarding houses under the draft Policy
- Council's enforcement processes, powers and the nature of fines
- Council's process for reporting and investigating infringements.

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ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
Submissions from Groups			
D13/41534 (from Macq Uni) And copy at: D13/41565 (from JBA)	JBA Consulting on behalf of Macquarie University: SUPPORTS the need to address issues around illegal boarding houses in the area, shares aim with City of Ryde of increasing quantum of appropriate affordable housing in the Ryde LGA. Raises concern regarding strict compliance with boarding house DCP may be difficult for student accommodation especially in a larger scale.	Support noted.	No change to policy
	The DCP will apply to student accommodation in lieu of specific controls for student accommodation Seeks flexibility in implementation of DCP controls to support the best development outcome for students and student housing provides accommodation development. RAISES CONCERN with Draft DCP Prescriptive numerical standards – see specific clauses referenced below:	In the absence of a separate definition for student accommodation, the policy will apply to student accommodation as a type of boarding house accommodation. It is Council's practice is to consider applications on their merit where variation is sought, in particular in relation to DCP controls. The DCP has been designed to capture issues arising out of the illegal boarding houses project whereby several applications for boarding house development were proposing substandard accommodation, particularly smaller scale proposals in low density residential areas. There is room for flexibility in assessment.	Refer report to DoPI for consideration with respect to the Department's own Boarding House Policy Review.
	Clause 2.4(b) Each boarding room is to have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be	Clause 2.4(b) is designed to mimic the ARHSEPP controls for application to boarding houses development in the areas of the Ryde LGA outside the accessible area. Council has taken a firm stand on these minimum room size consistent with the ARSEPP. New	No change to room size controls under DCP.

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	used by a single lodger, or (ii) 16 square metres in any other case.	purpose-built accommodation should be able to achieve these standards. No change is proposed to the DCP.	
	Clause 3.6(c) Boarding houses are to be designed so that no more than 8 boarding rooms share a stairway, corridor or communal living area.	Agreed that Clause 3.6(c) should enable more flexibility. The intention of this control was to avoid extensive corridors of boarding rooms with lengthy distances to communal living areas and access to other storeys, but rather to encourage better design in response to poorly designed larger scale boarding house development proposal in Ryde.	Modify clause 3.6(c) of DCP to enable more flexibility including performance standard.
	Bicycle parking, motorcycle parking and car parking controls .	Parking requirements in Part 9.3 are to be amended to refer to the ARHSEPP. Section 2.4 of the Draft DCP has been designed to apply the same controls of the ARHSEPP to the areas outside the accessible areas in the low density residential zone for consistency across the LGA, as the ARHSEPP is silent with respect to guidance in these areas. The Draft DCP has been designed for consistency with the ARHSEPP. No changes are proposed to affect that consistency.	Parking requirements in Part 9.3 of DCP are to be amended to reflect those of the ARHSEPP under the draft exhibited DCP. No further modification required.
	Clause 3.6(e)(iii)(c) which requires a combined kitchen and dining area to have a minimum area of 15m ² with an additional 1m ² per room in a development that contains 12 or more bedrooms; Clause 3.6(e)(iv)(c) which requires bathrooms to be a minimum of 5m ² ; and Clause 3.6(e)(v)(a)(iii) which requires 30m of clothesline for every 12 residents in an outdoor area.	Clauses within 3.6 Internal Building Design are included to provide minimum standards for acceptable development in response to poorly designed boarding house development proposals experienced out of the illegal boarding houses project. These standards have been developed for consistency also with the BCA and should remain in the DCP to provide that guidance.	No changes to internal Building Design section of Draft DCP.
D13/40903 (And copy)	Ryde Landlords and Tenants Alliance (LATA):	Noted	

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
at: D13/47633)	Appreciates the work done by Council to develop a policy.		
	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant.	Agreed. In order to be consistent with the <i>Boarding Houses Act, 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants.
	Policy unclear, seeks clarification.	Agreed. There were parts of the draft policy that were a little ambiguous, including clarity of application to granny flats and wording of controls. Changes were made to make the policy simpler and more concise.	Modify policy to improve clarity.
	Objects to restriction on multiple beds....some houses have master or double bedrooms?	Council staff acknowledges that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
	Objects to a limit of 4 people.	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
	Recommends a policy similar to Whitehorse, Victoria.	The policy adopted by the City of Whitehorse is actually more onerous than this policy for the following reasons: a) Registration is required for lodgings with 4 or more people b) Any rental accommodation with 5 or more unrelated people needs to be registered.	No change to policy
	What about granny flats?	There are no restrictions on letting	No change to policy

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
		approved bedrooms in a secondary dwelling as long as the total number of bedrooms let on a property does not exceed 4.	
	Suggest the policy is translated to Chinese and Korean.	Agreed. To assist the community, it is agreed information about the Boarding House Policy will be translated into different languages particularly Chinese and Korean.	Information about boarding houses will be provided in other languages and made available on Council's website.
D13/42624	<p>Tenants' Union of NSW: SUPPORTS Council's intention on clarifying how it will deal with enforcement of the law with respect to boarding houses. Clarification is particularly important in the wake of changes made to law by the Boarding Houses Act 2012 which creates new definitions relating to boarding houses, new requirements for boarding house proprietors, and new enforcement functions for councils.</p> <p>RAISES CONCERNS with some aspects of Enforcement Policy:</p>	Support noted.	
	Does not deal with non-compliance with the Boarding Houses Act, 2012.	Agreed. Reference to <i>Boarding Houses Act 2012</i> should be included in the Enforcement Policy.	Modify policy to include reference to <i>Boarding Houses Act 2012</i>
	Policy cannot exempt share accommodation arrangements from the development approval process as this can only be done by an LEP or higher environmental planning instrument. It would be more appropriate for the draft policy to indicate a priority enforcement system.	Agreed. Use of term "exempt" could potentially cause confusion and is not relevant for the Enforcement Policy.	Modify policy to improve clarity, removing use of term "exempt" to avoid confusion with LEP.
	Does not reference <i>Local Government Act.1993</i>	The relevance of the <i>Local Government Act 1993</i> to boarding	No change to policy

ITEM 3 (continued)

ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
		house regulation is limited. The primary legislation and development standards are contained in the ARHSEPP and <i>Boarding Houses Act 2012</i> .	
	Poor indicators used in policy to describe typical share house accommodation arrangements.	Disagree. Research and investigation evidence by Council staff consistently identified such indicators.	No change to policy
	Enforcement should only target premises operated on a commercial basis as distinct from a typical subsistence share accommodation arrangement.	Disagree. The intent of the policy is to prevent illegal bedrooms and over-crowding. In addition, all properties let are a form of investment for financial and commercial gain.	No change to policy
Submissions from Individuals			
D13/29477	<p>Objects to policy as follows:</p> <p>Even 4 rooms or less is an issue for neighbours.</p> <p>Example given where dwelling has increased in size by adding bedrooms, each with own en-suite – appears to be rented to students.</p> <p>Difficult for Council to prove that residents are all relatives and not renting to students.</p>	<p>The intent of the policy is to prevent the creation of illegal bedrooms and over-crowding. The occupation of a building with the same number of people as bedrooms (up to a maximum of 4) is not considered to be overcrowding, nor a health and safety concern.</p>	No change to policy.
	More people living in houses causes worry and questions – higher fire risk from more cooking, possibly cooking in bedrooms, parking problems Should pay more in rates.	Cooking arrangements can increase risk and safety issues. Measures have been taken in the DCP requirements for Plan of Management to address this issue.	Amendments made to Schedule 2: Plan of Management under DCP.
D13/30745 And D13/40885 PLUS comments	Policy unclear, seeks clarification on enforcement policy.	Agreed. There were parts of the draft policy that were ambiguous. Changes made to make the policy simpler and more concise.	Make minor amendments to draft enforcement policy to improve clarity.

ITEM 3 (continued)

ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
provided with rsvp to workshop	What about families with 5 or more people.	The enforcement policy does not apply to families. It only applies to living arrangements where the tenants are unrelated.	No change to policy
	Does it apply to Granny flats?	There are no restrictions on letting approved bedrooms in a secondary dwelling as long as the total number of bedrooms let on a property does not exceed 4.	No change to policy
	Objects to no locks being permitted in share accommodation.	Agreed. The reference of locks on the door should be removed.	Remove reference to locks on bedroom doors from policy.
	Suspicious of Council staff discretion in determining the existence of a boarding house.	Council staff use a degree of discretion in every enforcement action take. By having a list of common features found in illegal boarding houses, it not only provides guidance to staff but also guidance for the community. The key elements of evidence for Council staff will be the presence of 5 or more people and or the creation of illegal bedrooms.	No change to policy
	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant.	Agreed. In order to be consistent with the <i>Boarding Houses Act, 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Requests that the policy be translated into Chinese and Korean.	Agreed.	Translated versions will be displayed on Council's website.
D13/33309 (no contact details provided)	Objects to policy regarding locks on doors.	Agreed. The reference of locks on the door can be removed from the policy.	Remove reference to locks on bedroom doors from policy.
D13/33311 (no contact details)	Objects to policy regarding: Locks on doors.	Agreed. The reference of locks on the door has been removed.	Remove reference to locks on bedroom doors from policy.

ITEM 3 (continued)

ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
provided)	Only 4 students - should allow more.	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
	Penalty amount should be clearly documented.	Agreed. Penalty amounts are now identified in the enforcement policy.	Modify policy to include information on penalty amounts.
D13/33326	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant.	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
D13/33341	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant.	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Objects to policy regarding locks on doors.	Agreed. The reference of locks on the door can be removed.	Remove reference to locks on bedroom doors from policy.
D13/33400 And D13/40060	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant.	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Does not address affordable accommodation in the City of Ryde. Concerned about standards being too high and restrictive.	Standards are not intended to be inconsistent with the ARHSEPP.	No change to policy
	Why doesn't Ryde adopt the same policy as City of Whitehorse in Victoria?	The policy adopted by the City of Whitehorse is actually more onerous than this policy for the following reasons: a) Registration is required for	No change to policy

ITEM 3 (continued)

ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
		lodgings with 4 or more people b) Any rental accommodation with 5 or more unrelated people needs to be registered.	
	There should be alternatives to the demolition of illegal works!	When a notice is served there is an opportunity for the person served the notice to make representation to Council regarding the terms of the order. Depending on the type and condition of illegal works, there may be opportunity to seek retrospective approval through the lodgement of a building certificate.	No change to policy
D13/33694 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant.	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
D13/35562 (address not provided)	Illegal work done by a prior owner.	In order to find out the legally approved layout of a person's dwelling, there are two options: 1. Obtain a building certificate prior to purchasing property or 2. Seek copies of approved plans from Council.	No change to policy
	Fines issued prior to work rectified.	Irrespective of whether rectification work is carried out, Council staff will issue a fine where illegal works have been found to have been carried out by the current owner. This is consistent with the City of Ryde's "Enforcement Policy".	No change to policy
D13/37169	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant.	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .

ITEM 3 (continued)

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
D13/37269 (no contact details provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	What about a couple using a master bedroom?	Council staff acknowledges that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
	Why doesn't Ryde adopt the same policy as City of Whitehorse in Victoria?	The policy adopted by the City of Whitehorse is actually more onerous than this policy for the following reason: a) Registration is required for lodgings with 4 or more people. b) Any rental accommodation with 5 or more unrelated people needs to be registered.	No change to policy
	Does the policy apply to granny flats?	Yes. There are no restrictions on letting approved bedrooms in a secondary dwelling as long as the total number of bedrooms let on a property does not exceed 4.	No change to policy
	Anonymous complaints	Anonymous complaints will not be investigated as staff will need reliable witnesses and evidence for any potential legal action.	No change to policy
	Objects to only 4 students - should allow more	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy

ITEM 3 (continued)

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
D13/37656 (no contact details provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Objects to policy regarding locks on doors	Agreed. The reference of locks on the door can be removed without change to the intent of the policy.	Remove reference to locks on bedroom doors from policy.
	What about a couple using a master bedroom?	Council staff acknowledges that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
D13/38133 (address not provided)	Objects to draft policy, no reason given.	Noted.	No change to policy
D13/38614 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Objects to policy regarding locks on doors	Agreed. The reference of locks on the door has been removed.	Remove reference to locks on bedroom doors from policy.
D13/39372 And D13/40617	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Objects to only 4 students - should allow more – up to 5	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
D13/39373	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Objects to only 4 students - should allow more	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
D13/39407	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Objects to only 4 students - should allow more	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
D13/39408 (address not provided)	(Marsfield owner) Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .

ITEM 3 (continued)

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	What about a couple using a master bedroom?	Council staff acknowledges that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
D13/39412 (address not provided)	(Marsfield Landlord) Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	What about a couple using a master bedroom?	Council staff acknowledge that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
D13/39414 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Objects to policy regarding locks on doors	Agreed. The reference of locks on the door has been removed.	Remove reference to locks on bedroom doors from policy.

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	What about a couple using a master bedroom?	Council staff acknowledges that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
	Anonymous complaints	Anonymous complaints will not be investigated as staff will need reliable witnesses and evidence for any potential legal action.	No change to policy
	Policy should be translated to Chinese and Korean	The Boarding House Policy will be translated into a number of different languages particularly Chinese and Korean.	Information about boarding houses will be provided in other languages and made available on Council's website.
D13/39443 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
	Objects to policy regarding locks on doors	Agreed. The reference of locks on the door has been removed.	Remove reference to locks on bedroom doors from policy.
	What about a couple using a master bedroom?	Council staff acknowledges that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
	Anonymous complaints	Anonymous complaints will not be investigated as staff will need reliable witnesses and evidence for any potential legal action.	No change to policy

ITEM 3 (continued)

ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Why doesn't Ryde adopt the same policy as City of Whitehorse in Victoria?	The policy adopted by the City of Whitehorse is actually more onerous than this policy for the following reasons: a) Registration is required for lodgings with 4 or more people b) Any rental accommodation with 5 or more unrelated people needs to be registered.	No change to policy
	Does it apply to Granny flats?	Yes. There are no restrictions on letting approved bedrooms in a secondary dwelling as long as the total number of bedrooms let on a property does not exceed 4.	No change to policy
	Why isn't enforcement policy consistent with the SEPP with regards to multiple beds?	The ARHSEPP applies to applications seeking development consent for a boarding house, whilst the enforcement policy relates to how Council will manage and enforce compliance with existing boarding houses.	No change to policy
	Policy should be translated to Chinese and Korean	To assist the community, it is agreed information about the Boarding House Policy will be translated into a number of different languages particularly Chinese and Korean.	Information about boarding houses will be provided in other languages and made available on Council's website.
	What about families with 5 or more people	The enforcement policy does not apply to families. It only applies to living arrangements where the tenants are unrelated.	No change to policy
	Objects to only 4 students - should allow more	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
D13/39444 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .

ITEM 3 (continued)

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Objects to policy regarding locks on doors	Agreed. The reference of locks on the door has been removed.	Remove reference to locks on bedroom doors from policy.
	What about a couple using a master bedroom?	Council staff acknowledges that from time to time there will be circumstances where a couple may share a master bedroom. In these circumstances common sense would prevail. If the bedroom has a bed that is double (or greater in size), then staff would assume that a couple are sharing the room.	No change to policy
	Anonymous complaints	Anonymous complaints will not be investigated as staff will need reliable witnesses and evidence for any potential legal action..	No change to policy
	Why doesn't Ryde adopt the same policy as City of Whitehorse in Victoria?	The policy adopted by the City of Whitehorse is actually more onerous than this policy for the following reasons: a) Registration is required for lodgings with 4 or more people b) Any rental accommodation with 5 or more unrelated people needs to be registered.	No change to policy
	Does it apply to Granny flats?	Yes. There are no restrictions on letting approved bedrooms in a secondary dwelling as long as the total number of bedrooms let on a property does not exceed 4.	No change to policy
	Why isn't enforcement policy consistent with the SEPP with regards to multiple beds?	The ARHSEPP applies to applications seeking development consent for a boarding house, whilst the enforcement policy relates to how Council will manage and enforce compliance with existing boarding houses.	No change to policy
	Policy should be translated to Chinese and Korean	To assist the community, it is agreed information about the Boarding House Policy will be translated into a number of different	Information about boarding houses will be provided in other languages and made

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
		languages particularly Chinese and Korean.	available on Council's website.
	What about families with 5 or more people	The enforcement policy does not apply to families. It only applies to living arrangements where the tenants are unrelated.	No change to policy
	Objects to only 4 students - should allow more	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
D13/39538 (Anonymous questions/comments made at Workshop)	How does Council ensure a boarding house is registered?	Council is given a list periodically identifying registered boarding houses. This list is provided by the Department of Fair Trading.	No change to policy
	Why does Council not accept anonymous complaints?	Anonymous complaints will not be investigated as staff will need reliable witnesses and evidence for any potential legal action.	No change to policy
D13/39545	Fire regulations and safety	All buildings will need to comply with the building code of Australia.	No change to policy
	Rates	Beyond the scope of this project.	No change to policy
D13/39547	(Marsfield Resident) Policy should be translated into other languages.	To assist the community, it is agreed information about the Boarding House Policy will be translated into different languages particularly Chinese and Korean.	The policy to be translated into Chinese and Korean language.
	Proliferation of boarding houses – can Council set a limit on the number of boarding houses in a street or area?	Council is not in a position to prevent the clustering of boarding houses through planning controls. Restrictions on location apply by land use zone under the ARHSEPP and Council's LEP. Market and other forces will determine where boarding houses will be proposed.	No change to policy
	Are fines to be on the spot?	The timing of issuing of a fine usually depends on the type of information available at the time of inspection such as owners details.	No change to policy

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Draft DCP: section 3.6 Plan of Management – seeks clarification on terms such as “loud” music, “gathering” etc	Agreed that references in the Plan of Management referred to are not fully defined, however this is a model template and requires some modification depending on the scale of development proposed. Some common sense will prevail in the clarification of terms.	Note included in Plan of Management under DCP that references may need to be further refined depending on the scale of development.
	BH Registration process	Registration is through the Department of Fair Trading. Forms can be downloaded from the website. Completed forms are to be accompanied by a one off \$100 registration fee.	No change to policy
	Lobby Mac Uni to provide more student accommodation	Macquarie University has currently around 35,000 students, accommodating 1,839 students in University housing (1499 on-campus beds + 340 off-campus beds). In 2009, the Minister for Planning approved the Macquarie University Campus Development Concept Plan which outlines future development of the University as a State Significant Site under a State Environmental Planning Policy. As part of this Concept Plan, Macquarie University and the City of Ryde entered a Developer Agreement (7 February 2013) which identifies that the University will provide an additional 3,450 student beds in response to its anticipated future growth in student numbers (increasing to 50,000 over the next 30 years).	No change to policy
	Council Boarding House provider lists	Beyond the scope and function of Local Government.	No change to policy
	Fire Mitigation Plans	The fire safety of each share accommodation and boarding house will be required to meet compliance with the Building Code of Australia. In terms of approved boarding houses, emergency evacuation plans and fire mitigation plans should for part of the Plan of Management.	DCP and Plan of Management template revised to reflect this.

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Appearance standards of boarding houses	The Draft DCP covers matters related to built character to encourage development particular to local character in the Ryde LGA. External appearance is a matter for consideration in the assessment of development where changes in external appearance are part of the development.	No change to policy.
D13/39552	(Marsfield Resident) Encourage Mac Uni to provide additional student accommodation	Macquarie University has currently around 35,000 students, accommodating 1,839 students in University housing (1499 on-campus beds + 340 off-campus beds). In 2009, the Minister for Planning approved the Macquarie University Campus Development Concept Plan which outlines future development of the University as a State Significant Site under a State Environmental Planning Policy. As part of this Concept Plan, Macquarie University and the City of Ryde entered a Developer Agreement (7 February 2013) which identifies that the University will provide an additional 3,450 student beds in response to its anticipated future growth in student numbers (increasing to 50,000 over the next 30 years).	No change to policy
	Implement a registration number system	Comment to be forwarded to Minister for Fair Trading.	No change to policy
	Establish a boarding house rating system	Not a role for Local Government. Comment to be forwarded to Minister.	Comment to be forwarded to Minister for Fair Trading.
D13/39554	(Marsfield Resident) Issues with maintenance of boarding houses – the properties being used for student accommodation are the responsibility of the owners (not students). Poor maintenance of houses where students are living however this is not the responsibility of the students	Issue of poor maintenance of properties is a concern. Section 4.0 of the Draft DCP contains minimum expectations for ongoing management including maintenance of the external boarding house premises. A Plan of Management is required to be submitted with DA. The approved Plan of Management will form part of any development consent. The Plan of Management can only be	No change to policy

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	but the owners.	amended with the agreement of Council in writing. Copies of the approved Plan of Management must be provided to the relevant managing agent, and are required to be on display and available at all times to lodgers.	
	Growth in overseas students needing accommodation for attending Macquarie University – cause of issues with boarding houses.	Macquarie University has currently around 35,000 students, accommodating 1,839 students in University housing (1499 on-campus beds + 340 off-campus beds). In 2009, the Minister for Planning approved the Macquarie University Campus Development Concept Plan which outlines future development of the University as a State Significant Site under a State Environmental Planning Policy. As part of this Concept Plan, Macquarie University and the City of Ryde entered a Developer Agreement (7 February 2013) which identifies that the University will provide an additional 3,450 student beds in response to its anticipated future growth in student numbers (increasing to 50,000 over the next 30 years).	No change to policy
	Supports Council staff issuing fines.	Noted	No change to policy
D13/39555	(Marsfield Resident) Encourage Mac uni to provide additional student accommodation	Macquarie University has currently around 35,000 students, accommodating 1,839 students in University housing (1499 on-campus beds + 340 off-campus beds). In 2009, the Minister for Planning approved the Macquarie University Campus Development Concept Plan which outlines future development of the University as a State Significant Site under a State Environmental Planning Policy. As part of this Concept Plan, Macquarie University and the City of Ryde entered a Developer Agreement (7 February 2013) which identifies that the University will provide an additional 3,450 student beds in response to its anticipated future growth in student numbers (increasing to 50,000 over the next 30 years).	No change to policy

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Proliferation of boarding houses	Council is not in a position to prevent the clustering of boarding houses through planning controls. Restrictions on location apply by land use zone under the ARHSEPP and Council's LEP. Market and other forces will determine where boarding houses will be proposed.	No change to policy
	Report illegal boarding house owners to the tax office	Council staff have tried this in the past however the Tax Office have not been interested. In addition, it is beyond the role of Council staff to do so.	No change to policy
D13/39556	How many residents are notified when an application for boarding house is approved	Notification for boarding houses occurs with receipt of development application in accordance with Council's Notification of Development Applications DCP (refer Part 2.1 of DCP 2010). Notification of boarding house applications is generally to "extended adjoining land" as defined under the DCP, similarly to a range of other developments including child care centres in residential areas, new multi dwelling housing with 4 or more dwellings, new residential flat buildings.	No change to policy
	Suggests Tenancy Agreement also be required as part of Plan of Management.	Boarding Houses require Occupancy Agreements which are similar to a tenancy agreement in terms of rights and responsibilities of both parties.	No change to policy
	Lobby university on providing adequate accommodation for their enrolments.	Macquarie University has currently around 35,000 students, accommodating 1,839 students in University housing (1499 on-campus beds + 340 off-campus beds). In 2009, the Minister for Planning approved the Macquarie University Campus Development Concept Plan which outlines future development of the University as a State Significant Site under a State Environmental Planning Policy. As part of this Concept Plan, Macquarie University and the City of Ryde entered a Developer	No change to policy

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
		Agreement (7 February 2013) which identifies that the University will provide an additional 3,450 student beds in response to its anticipated future growth in student numbers (increasing to 50,000 over the next 30 years).	
	Streetscape considerations – consider congestion of streetscape/clustering of boarding houses.	Council is not in a position to prevent the clustering of boarding houses through planning controls. Restrictions on location apply by land use zone under the ARHSEPP and Council's LEP. Market and other forces will determine where boarding houses will be proposed.	No change to policy.
D13/39559	Workshop very helpful for understanding what action Council is taking.	Support noted.	No change to policy
D13/39562	Completion of development prior to occupation	A building cannot be occupied until it is suitable for occupation.	No change to policy.
D13/39783 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a <i>search warrant</i> .	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
D13/39831 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act, 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants, for consistency with <i>Boarding Houses Act 2012</i> .
D13/40235 And D13/72854 (address not provided)	Strongly objects to policy - no prior notice for inspection, and to staff being able to obtain a search warrant as violation of landlords and tenants rights. (Translated from Chinese)	Agreed. In order to be consistent with the <i>Boarding Houses Act, 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants.
D13/40262	Raises concerns with Enforcement Policy: Does not address low income employees or the unemployed	Although not specifically mentioning other potential users of share accommodation, the policy will be	No change to policy

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ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
		applicable to any share arrangements and not just those catering for students.	
	Does not address rights and responsibilities of occupants	It is not the intention of the policy nor the role of Local Government to mediate or regulate the rights and responsibilities of tenants. This will remain the jurisdiction of the Department of Fair Trading.	No change to policy
	Does not address right to privacy	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants.
	The policy limits the opportunity of affordable housing to low income earners.	Disagree. The policy provides a flexible enforcement approach to the regulation of illegal boarding houses based on risk and community expectations. The policy will permit short term accommodation opportunities in buildings that are legal.	No change to policy
D13/40270 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants.
D13/40577	Will force landlords to increase rent if limited to 4 people	Disagree. The market will determine the rental value of a dwelling. An investors due diligence and feasibility study of any investment opportunity should be based on lawful land uses and lawful buildings.	No change to policy

ITEM 3 (continued)

ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Should allow up to 5	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
D13/40619	Agrees there should be regulation, but also needs to be affordable accommodation. Raises concern on a number of points: Objects to maximum number of 4, feels it should be greater	The criteria of setting a maximum of 4 people makes the policy consistent with the Boarding Houses Act, 2012 which requires the registration of boarding houses with 5 or more people.	No change to policy
	Objects to room size, feels it should be smaller	Room sizes are based on the State Environmental Planning Policy (Affordable Rental Housing) SEPP. DCP controls should not be inconsistent with environmental planning instruments (SEPPs, LEPs).	No change to policy
	Believes enforcement policy will limit supply of affordable housing	Disagree. The policy provides a flexible enforcement approach to the regulation of illegal boarding houses based on risk and community expectations. The policy will permit short term accommodation opportunities in buildings that are legal.	No change to policy
	Believes policy will not make investment feasible	Disagree. An investor's due diligence and feasibility study of any investment opportunity should be based on lawful land uses and lawful buildings.	No change to policy
D13/40690	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants.
	Objects to policy regarding locks on doors	Agreed. The reference of locks on the door has been removed.	Remove reference to locks on bedroom doors from policy.

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Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Why isn't enforcement policy consistent with the SEPP with regards to multiple beds	The ARHSEPP applies to applications seeking development consent for a boarding house, whilst the enforcement policy relates to how Council will manage and enforce compliance with existing boarding houses.	No change to policy
	Objects to limit of 4 people	The criteria of setting a maximum of 4 people makes the policy consistent with the <i>Boarding Houses Act 2012</i> which requires the registration of boarding houses with 5 or more people.	No change to policy
D13/40694 (address not provided)	Objects to no prior notice for inspection, and to staff being able to obtain a search warrant	Agreed. In order to be consistent with the <i>Boarding Houses Act 2012</i> , Council staff will give written notice prior to inspecting the premises. Should an owner fail to cooperate and provide access, staff will still pursue a search warrant.	Modify policy to clarify procedure regarding inspections and search warrants.
	Objects to policy regarding locks on doors	Agreed. The reference of locks on the door has been removed.	Remove reference to locks on bedroom doors from policy.
	Why isn't enforcement policy consistent with the SEPP with regards to multiple beds Doesn't cater for siblings or relatives!!	The ARHSEPP applies to applications seeking development consent for a boarding house, whilst the enforcement policy relates to how Council will manage and enforce compliance with existing boarding houses.	No change to policy
D13/42861 (address not provided)	Supports Council's approach in recognising the problem, setting out clear guidelines assisting residents to enjoy neighbourhood and overseas students to live in decent surroundings with amenities and in safety.	Comments in support noted.	No change to policy

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ATTACHMENT 2

Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
	Seeks clarification regarding units and townhouses in strata plan – can these be classified as boarding houses, when obvious high number and turnover of residents.	Agreed there is confusion regarding the definition boarding house versus other types of residential accommodation, and applicability with respect to titles (such as Strata Plan). Boarding houses can be located in a range of residential buildings or mixed use developments. The definition relates to the nature of the tenancy or “lodging” as distinct from the type of building (e.g. dwelling, dual occupancy, residential flat building).	Provide clarity in information sheets regarding where boarding houses can apply, and relationship with Strata Title etc.
	Draft DCP: Requests amendments to Draft DCP: Plan of Management: (refer Draft DCP section 4.0 Management and Schedule 2 – Template for Plan of Management).	Comments related to potential for impacts on neighbours as provided for in the template are noted.	Modify the Template for Management Plan (Schedule 2) under DCP to include reference to no smoking in areas which will interfere with neighbour amenity, and manager to be responsible for managing goods put out for kerb side clean up.
	The 10pm cut off time is too late to accommodate overruns. Practically, noise will continue at least until 11pm. Request this be changed to 9pm.	A change to the cut-off time of 10pm is not supported. This is the intended as a cut-off. An over run could be in breach of the Management Plan.	
	No mention of smoking – it should not be permitted in areas where neighbours will be impacted.	Minor changes with respect to smoking not interfering with neighbour amenity. This should also extend to the amenity of other residents of the boarding house. A common sense approach however should apply, as the same issue can apply in reverse (neighbour’s smoking interfering with amenity of residents of boarding house).	
	Cleaning & maintenance: Twice/month mowing in summer is too infrequent for our climate.	Twice/month mowing is considered reasonable in summer, and accords with Council’s usual standards of maintenance.	
	Waste management: The manager should also be responsible for council clean up – nothing on the kerb until the collection time, and when it put out, that it’s stacked neatly.	It is intended that the manager should also be responsible for kerbside clean up and therefore the template be amended for clarity.	

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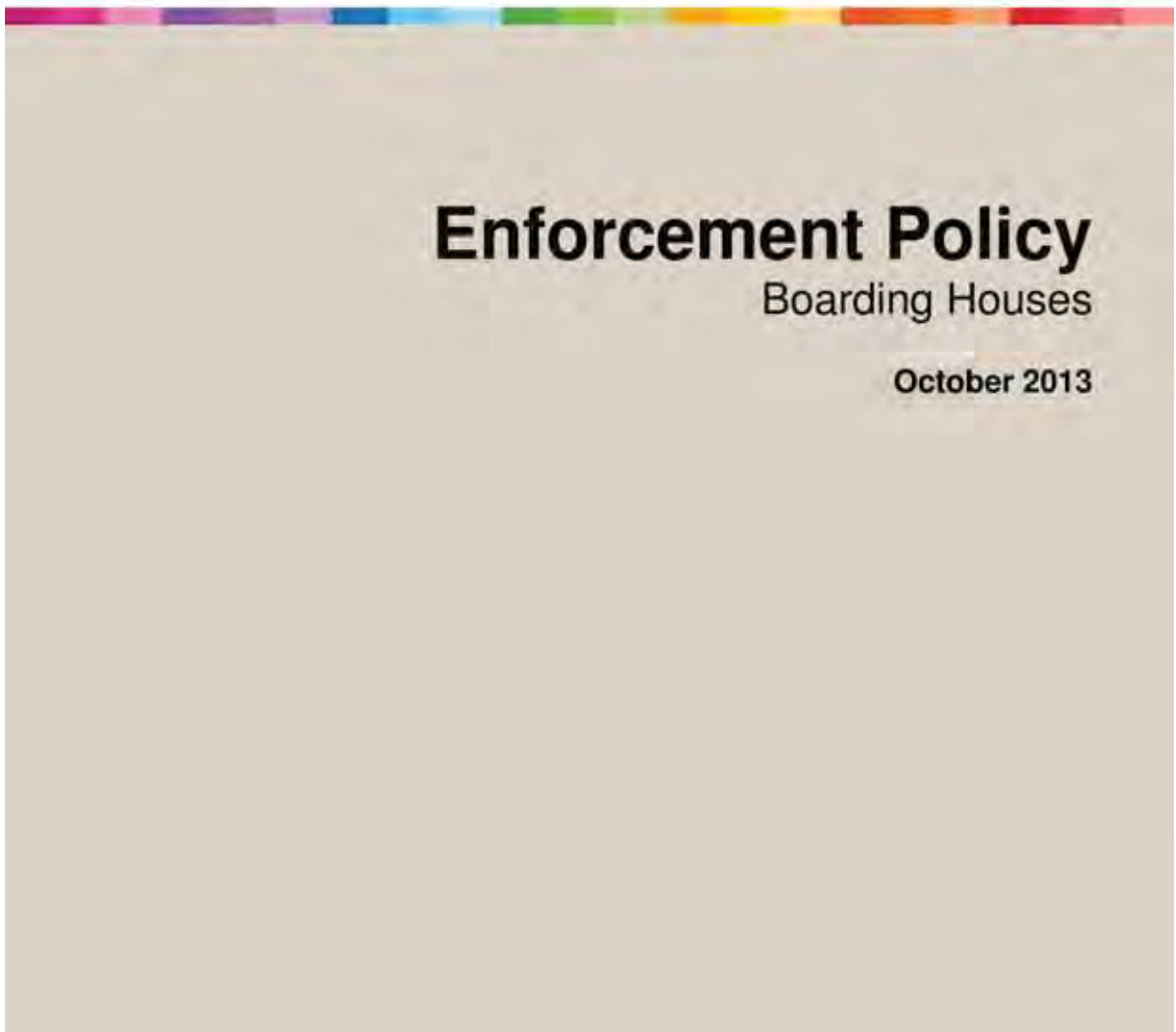
Table – Summary of Submissions to Draft Boarding Houses Policy			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommended Action
D13/59566	<p>Raises concern with respect to share accommodation</p> <p>Potential for misuse of section 5 of Draft Enforcement Policy: “What is Share House Accommodation?” (relating to no more than six lawful bedrooms and residential tenancy agreement the premises not being considered to be an illegal boarding house). Experience in WA is that some operators are using this as a ruse – putting six unrelated people on a lease providing temporary and overcrowded accommodation, not obliged to produce a lease when requested by Council.</p> <p>Suggests looking at WA Tenancy laws – recent changes now specifically cover student accommodation. West Australia’s Tenancy laws: major changes came into effect 1 July 2013, e.g.:</p> <ul style="list-style-type: none"> • now compulsory by law to use a standard tenancy agreement • compulsory to issue a property condition report • apply even if you are a student renting a room to another student • compulsory to lodge the bond with the bond administrator. 	<p>Comments noted. Similar changes have come into effect under the <i>Boarding Houses Act 2012</i> and the <i>Boarding Houses Regulation 2013</i> which became effective 1 July 2013.</p>	<p>No change to policy.</p>
D13/72850 (address not provided)	<p>Supports Policy as “a good and reasonable idea”.</p>	<p>Support noted</p>	<p>No change to policy</p>

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 City of Ryde
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1. Scope

The scope of this policy is to define and regulate boarding houses to appropriate standards. This policy explains the criteria for legal boarding houses and the enforcement approach adopted by the City of Ryde in relation to unauthorised boarding houses and share housing accommodation.

The City of Ryde understands that not all student accommodation arrangements are boarding houses. The broad definition of a *boarding house* under the *Ryde Local Environmental Plan 2010* and the lack of a planning definition for other forms of shared housing has brought a number of living arrangements to be scrutinised as illegal boarding houses, where in fact, no development consent should be required nor any enforcement action taken. These are normally situations where there is no overcrowding of the premises and no illegal building works have been erected.

This policy will detail the appropriate information that determines the difference between a boarding house and a shared house arrangement and the steps taken by Council staff to reasonably determine that difference.

This policy should be read in conjunction with Council's Enforcement Policy - Boarding House Guidelines.

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

2. Purpose of the Policy

The purpose of the policy is to provide the community with a common sense enforcement approach to the regulation of boarding houses and the enforcement of illegal boarding houses whilst allowing for share accommodation that is consistent with the "typical family arrangement" in terms of the number of occupants and quality of accommodation.

3. Guidelines/Procedures

Boarding houses and student share accommodation will have to meet appropriate standards in order to remain operating. The specific standards are detailed in the Boarding House Guidelines attached to this policy.

4. References

The primary legislation for the regulation of illegal boarding houses is the *Environmental Planning and Assessment Act 1979* and the *Boarding Houses Act 2012*.

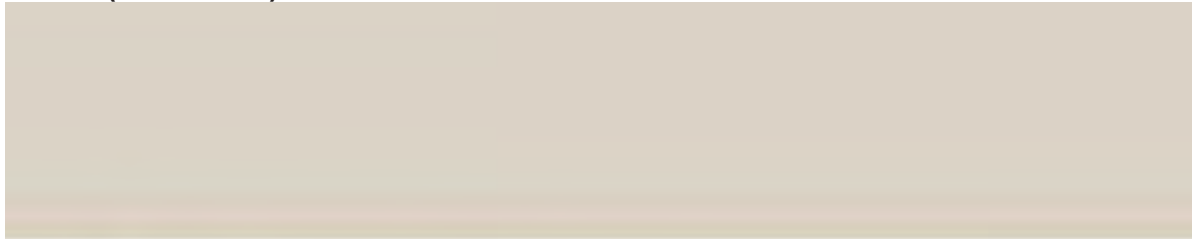
5. Review Process and Endorsement

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

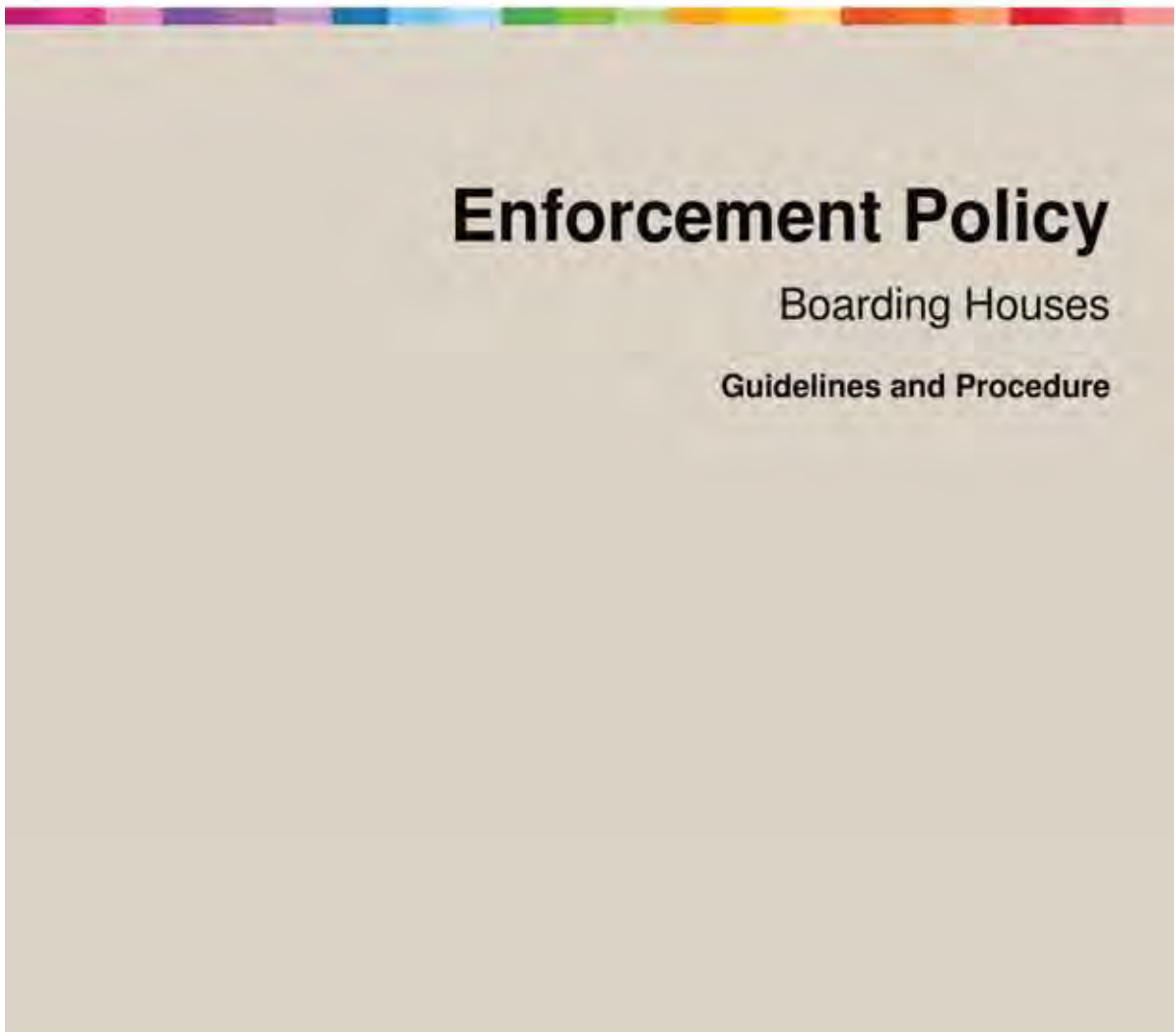


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 City of Ryde
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1. Introduction

This policy guideline explains the enforcement approach adopted by the City of Ryde in relation to share accommodation or rooming house, unauthorised boarding houses and registrable boarding houses.

Due to the significant student population in the City of Ryde and the limited affordable housing supply, a number of unauthorised boarding houses and share accommodation arrangements have been established. These accommodations primarily cater for the overseas student population.

The City of Ryde understands that not all share accommodation arrangements should require formal development consent to operate as a boarding house. The broad definition of a *boarding house* under the *Ryde Local Environmental Plan 2010* (RLEP 2010) and the lack of a planning definition for other forms of shared accommodation housing has brought a number of living arrangements to be scrutinised as illegal or unauthorised boarding houses, where in fact, no development consent should be required nor enforcement action be a priority. These are normally situations where there is no overcrowding of the premises and no illegal building works erected.

This approach co-incides with the introduction of the *Boarding Houses Act 2012* which recognises that boarding houses with more than 5 lodgers should be registered.

This policy guideline is intended to support the *Boarding Houses Act 2012* and the *Local Government (General) Regulation 2005*. The policy aims to provide the community with a common sense enforcement approach to the regulation of unauthorised boarding house development allowing for accommodation that is consistent with the "typical family arrangement" in terms of the number of occupants and quality of accommodation so as to prevent overcrowding and unsafe living arrangements.

This policy will detail the enforcement approach for share house accommodation, unauthorised boarding houses and approved boarding houses.

2. Purpose of the Guideline

The purpose of the policy guideline is

- To provide clarity in the expectations of Council with respect to shared housing arrangements and boarding house developments.
- To provide certainty to residents, landlords and tenants regarding the enforcement of unauthorised boarding houses and to reaffirm that the City of Ryde has a minimal tolerance approach to unauthorised building works and unauthorised boarding houses but is supportive of appropriate shared housing arrangements.
- To provide a practical guide to the community on the types of share accommodation arrangements that are considered appropriate.
- To allow for alternative student accommodation arrangements that can be reasonably deemed to be a share house accommodation arrangement.
- To provide consistency in the enforcement of unauthorised boarding houses, and to ensure transparency, procedural fairness and natural justice to residents, students and landlords.
- To use a standardised matrix of requirements that can assist staff to determine what can be reasonably deemed a boarding house and a share house.
- To establish an annual registration scheme and inspection program of approved boarding houses until a legislated system has been implemented.



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- To promote the supply of appropriate student housing
- To provide certainty and information to landlords and property owners the relevant information as so they may comply with laws that aim to protect public health and safety.
- To provide tenants and students taking up rental accommodation with relevant information.
- To promote tenant/resident safety by way of fire safety measures
- To protect streetscape amenity of existing streets for the residents of Ryde.

3. What is a boarding house?

The NSW planning definition of a boarding house is broad and captures most share house accommodation arrangements where room(s) are let for a fee. The standard definition of a *boarding house* in NSW and in the Ryde LEP is as follows:

3.1 Definition of a Boarding House

A boarding house is defined in the Ryde LEP as a building that:

- (a) *is wholly or partly let in lodgings, and*
- (b) *provides lodgers with a principal place of residence for 3 months or more; and*
- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

In general terms, a boarding house is where the individual room is let.

As most student living arrangements are transient and short term, leases are very rarely entered into. A lease may bind a student into a property for a period longer than the student needs. Tenancy Agreements (Leases) are not mandatory for boarders/lodgers under the *Residential Tenancy Act 2010*.

The only distinguishing difference between an illegal boarding house and a share house is the presence of a residential tenancy agreement (lease).

3.2 Registration of Boarding Houses

The *Boarding Houses Act, 2012* commenced in January 2013 and introduced a number of reforms, including:

- Compulsory registration and inspection of registrable boarding houses
- Enhanced occupancy rights for residents
- Enhanced powers of entry for authorised service providers and advocates
- Increased penalties for offences
- The introduction of a circumstantial evidence provision

A registrable boarding house under the *Boarding House Act 2012* is a boarding premises that provides beds for a fee or reward, for use by 5 or more residents (not counting and residents who are proprietors or managers of the premises or relatives of the proprietors or managers).

3.3 Boarding houses in Ryde

The City of Ryde acknowledges that some legitimate share accommodation arrangements are broadly defined as boarding houses however do not cause safety issues for the lodgers nor amenity issues for neighbours. This would include houses accommodating one lodger per room with a maximum number of 4.



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lodgers. Although still technically requiring development consent, The City of Ryde will categorise these share accommodation arrangements as low priority in terms of enforcement. The priority will be on illegal registrable boarding houses, illegal building works and breaches of development consent of approved boarding houses.

To operate as a legal boarding house within the City of Ryde, the following criteria must be met:

- a) Boarding House (5 lodgers or greater)
 - o Development consent required. The development application must comply with Council's Boarding House Development Control Plan and the State Environmental Planning Policy (Affordable Rental Housing) 2009.
 - o Plan of Management approved and displayed
 - o Licensed and registered with the Department of Fair Trading
 - o Bi-annual inspections carried out by Council staff

4. What is an illegal Boarding House?

An illegal boarding house is a building operating as a boarding house without prior development consent from Council. For the purposes of this policy guideline, priority will be given to the following:

- A house with 5 or more lodgers with no development consent and/or not registered
- A house with 4 or less bedroom and more lodgers than bedrooms
- Houses with lodgers and illegal building works have been carried out
- An approved and registered boarding house with breaches of the development consent and plan of management

This approach has the intention of allowing suitable short term accommodation while preventing overcrowding of existing dwellings and amenity impacts for neighbours.

4.1 What evidence does Council staff look for?

The *Boarding Houses Act 2012* allows Council staff to use circumstantial evidence in order to identify that a property is a boarding house. Some of the evidence may include:


- a) Where additional bedrooms have been created without prior development consent to accommodate more lodgers.

The creation of additional bedrooms requires the prior consent of Council so as to prevent overcrowding. Council staff will commence enforcement action to have the unauthorised walls and bedrooms removed.
- b) Where the number of lodgers is greater than the number of lawfully created bedrooms.

This will be deemed as overcrowding and a potential risk to the health and safety of the occupants as well as a potential impact on the existing amenity of the area.
- c) Where the maximum number of lodgers exceeds the number of lawfully created bedrooms.
- d) "Rooms to let" advertisements in newspapers, education establishment noticeboards and online
- e) The layout of the premises
- f) Sign at the premises
- g) Multiple beds in bedrooms

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- h) Potential fire safety issues such as exposed electrical wires and absence of fire detection/ alarm systems
 - i) The numbers and types of lodgers entering and leaving the premises
 - j) The maintenance standard of the property such as overgrown lawns
 - k) Undersized rooms (less than 12m²) used as bedrooms where no development records are available. This will prevent study's or storage areas being used as bedrooms
 - l) Evidence from neighbours

It should be noted that not all of the above scenarios alone may not deem a building to be operating as a boarding house, however, they represent a number of common factors consistent with boarding houses. Council staff can use these to assess the probability of the use being a boarding house.

5. What is share house accommodation?

5.1.1 Share house accommodation

There is currently no standard planning definition in NSW for *share house accommodation*. The term is often used to describe a group of unrelated people sharing a dwelling. Unrelated people living together often represent a share house arrangement. Often there may be a lease in place but not all lodgers are listed on the lease due to the short term nature of their accommodation.

As a result of the *Boarding Houses Act 2012* prescribing the minimum standards for boarding house registration for 5 bedrooms or more, the City of Ryde proposes to place a greater emphasis on enforcement action on these non-compliant developments.

For the purposes of this policy, Council staff will place a lower priority on the enforcement of non- registrable boarding houses or share house accommodation. Council staff will still apply the following requirements for non- registrable and share house accommodation:

- a) The number of lodgers is to be no more than the number of lawfully created bedrooms (up to a maximum of 4 bedrooms).
Note: this calculation includes bedrooms in secondary dwellings (granny flats).
- b) Where the owner lives on site and sublets the lawfully created bedrooms (one person per bedroom and a maximum of 4 lodgers, excluding the owner).
Note: this calculation includes bedrooms in secondary dwellings (granny flats).
- c) Smoke detectors installed
- d) Documented emergency evacuation procedures provided to lodgers
- e) Lawns and gardens to be maintained
- f) Adequate numbers of rubbish bins provided
- g) Only one kitchen has been installed in the building
- h) No multiple beds in bedrooms
- i) No undersized rooms (less than 12m²) used as bedrooms where no development records are available.

Numerous complaints from neighbours will result in action being taken by Council staff.

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6. Investigating Suspected Illegal Boarding Houses

The City of Ryde has formalised procedures for the investigation of illegal boarding houses. The following describes the process for the investigation of an illegal boarding house:

6.1 Step 1 - Investigation Initiation

When a customer request is received, it is registered in Councils Customer Request Management System and allocated to a Council Officer.

- Council staff will contact the customer to seek further details.
- Council staff will review council records to determine the following:
 - Any previous development approvals for the subject premises.
 - The most recently approved set of floor plans for the subject premises.
 - Any attributes that are connected to the subject premises, i.e. heritage, flood prone etc.
 - View aerial photographs

6.2 Step 2- Site Inspection

- Council staff will inspect the property. Prior written notice of the inspection will be given to owners or lodgers. If no-one is home, a business card will be left on site followed by a further letter seeking access.
- If there is no response to Council's inspection request or access is denied, then staff will obtain a search warrant from the Local Court in accordance with the *Environmental Planning and Assessment Act 1979* and the *Boarding Houses Act 2012*.

6.3 Step 3- Investigation

- When access is provided, Council staff will interview the lodgers, the owners and nearby residents.
- During an investigation staff will be looking for:
 - Illegal bedrooms
 - Conversions of garages to bedrooms
 - A Copy of a Residential Tenancy Agreement or Occupancy Agreements
 - Details of Registration
 - Numbers displayed on bedroom doors
 - Signs detailing "house rules" on walls such as house rules etc.
 - The condition of the property such as lawn maintenance, quality of pool water etc.
 - Smoke alarms installed and working
 - Emergency evacuations plans
 - Availability and management of bins/waste.
 - Number of kitchens.
 - General amenity and safety of house, e.g. no exposed wires.
 - Availability of approved car spaces
- Photographic evidence may be collected.
- Evidence of occupancy contracts will be requested

6.4 Step 4 - Enforcement Action

Council staff has a number of enforcement options to pursue in relation to regulating illegal boarding houses. Typically, the following enforcement actions are used by staff:

6.4.1 **Serve an Order on the owner of the property.**

An order is a written direction to do something. In the case of an illegal boarding house, orders are served for the removal of illegal building works and to stop the use as a boarding house. Council must issue a Notice of Intention to serve an Order prior to serving the Order to allow the owner an opportunity to make representation to the terms and timeframe of the Order. The most common orders that would be served include:

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- Serve an order to demolish illegal walls or to reinstate a room to its original state
- Serve an order requiring the unauthorised use as a boarding house to cease
- Serve an order to upgrade fire safety
- Serve an order requiring the owner to clear overgrown vegetation and treat pool water

Failure to comply with an Order will result in Council serving a fine.

6.4.2 Issue a Fine (Penalty Infringement Notice)

Fines are issued for the erection of illegal works and also for failing to comply with a Council Order as identified below:

- Serve a Penalty Infringement Notice (fine) for carrying out of illegal work. The amount of the fines are \$750 for an individual or \$1500 for a Corporation.
- Serve a Penalty Infringement Notice (fine) for not complying with an order. The amount of the fine are \$1500 for an individual or \$3000 for a Corporation.
- Serve a Penalty Infringement Notice (fine) for not registering a boarding house. The amount of the fines are \$4125 for an individual and \$8250 for a corporation.

Multiple fines will be issued where no action is taken or the owner is slow to act.

6.4.3 Commence legal proceedings

Where there is a lack of co-operation of behalf of the owner to meet the terms of the Order, Council will commence legal proceedings to remedy the breach. This may include seeking the Courts assistance to effect the demolition of illegal works or to prevent the property from being used as a boarding house.

In circumstances where Council staff feel that the occupation of the building by lodgers may be a risk to their safety, Council staff may pursue a Court Attendance Notice (CAN) and bypass Orders to achieve immediate remedy.

6.4.4 Moratorium on illegal boarding houses

For the first three months following the adoption of this policy, the City of Ryde will initiate a moratorium on illegal boarding houses to allow owners and operators to lodge a development application seeking consent for the use of the property as a boarding house and to register with Department of Fair Trading.

7. Seeking development consent to operate a boarding house

Boarding Houses are now a permissible development, with consent, in the City of Ryde in the following zones:

- R1 – General Residential
- R2 – Low Density Residential
- R3 – Medium Density Residential
- R4 – High Density Residential
- B1 – Neighbourhood Centre
- B4 – Mixed Use
- B6 – Enterprise Corridor

To convert an existing dwelling to a boarding house, prior development consent is required.

Before a Development Application for a boarding house suspected as operating as a boarding house can be determined, the following Council resolution must be complied with -

"That Council refuse to consider DA's for boarding houses that are operating illegally until they are fined and the premises restored to an unmodified state".

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Therefore, the following must occur before a development application for a Boarding House can be considered:

- The house is converted back to its original status
- The boarding house use has ceased

Property owners interested in seeking development approval for a boarding house are encouraged to consult the following documentation:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *City of Ryde Development Control Plan 2010 – Part 3.6 Boarding Houses*
- *Ryde Local Environmental Plan 2010*.

Council has a Pre-lodgement service where staff will provide written feedback on the merit of a development application for a fee. Appointments are made through Council's Building and Development Advisory Service in the Ryde Planning and Business Centre.

Supporting information required to accompany a development application that seeks to convert an existing dwelling to a boarding house includes:

- A Building Code of Australia Compliance Assessment Report
- An Access report
- Statement of Environmental Effects
- Plan of Management
- A waste management plan

8. Registration of Boarding Houses

The *Boarding Houses Act 2012* commenced on 1 January 2013. Proprietors of registrable boarding houses which were operating on 1 January have until 30 June 2013 to register. Proprietors of registrable boarding houses which commence operations after 1 January 2013, or new proprietors of existing boarding houses are required to register within 28 days of commencing operations. Registering on the Boarding House Register is a new legal obligation. Proprietors of registrable boarding houses must register with Fair Trading even if they are already registered with the Office of State Revenue or local council, or licensed by Ageing Disability & Home Care.

There is a one-off fee of \$100 to register.

COMPLETING REGISTRATION

To complete registration:

1. The registration form must be completed, including a signed declaration by the proprietor or the proprietor's nominee
2. The registration fee of \$100 must be paid to Fair Trading (see payment details below)
3. The completed form must be lodged with a Fair Trading Centre (phone 13 32 20 or visit www.fairtrading.nsw.gov.au for Fair Trading Centre locations) or post the registration form with payment to:

Boarding House Register,
NSW Fair Trading,
PO Box 972,
PARRAMATTA NSW 2124

ITEM 3 (continued)

ATTACHMENT 3

9. Annual audits of approved boarding houses

Council staff will initially conduct bi-annual audits of approved boarding houses. The audit will review the conditions of development consent and the requirements of the Plan of Management to ensure that the boarding house is being managed according to the consent. There will be a fee applicable for the inspection and will be in accordance with Council's adopted Fees and Charges.

After two years of bi-annual inspections, the owner can apply to Council to have the number of inspections reduced to annually if no breaches of consent have been identified previously.

10. Review of the Policy

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

ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

Boarding Houses

1.0 INTRODUCTION

1.1 Name of this Plan

The name of this Plan is City of Ryde Development Control Plan 2010 Amendment No. xxxx – Boarding Houses.

1.2 Commencement of this Plan

This Plan was adopted by Council on xxxxxxxxxx for the purposes of public exhibition. The Plan comes into effect xxxxxxxxxx.

1.3 Land to which this Plan applies

This Plan applies to all land within the City of Ryde where boarding houses are a permissible land use.

1.4 Purpose of this Plan

The purpose of this Plan is to:

- include a new part under Part 3.0 Development Types of Development Control Plan 2010 containing development controls applying to boarding house development,
- update controls relating to boarding houses under Part 9.3 Parking Controls, and
- add a schedule of amendments to the City of Ryde Development Control Plan 2010.

1.5 Objectives of this Plan

The objectives of Amendment No. xxx to DCP 2010 are:

- To provide development controls for boarding houses to respond to changes in legislation
- To provide clarity and consistency with other revised controls within the context of the NSW planning framework
- To reinforce and build on expectations of boarding house development in the City of Ryde
- To encourage environmental sustainability in the development of boarding houses in the City of Ryde.

1.6 Relationship with other environmental planning instruments

Environmental Planning Instruments applying provisions regarding boarding houses include:

- *Ryde Local Environmental Plan 2010*
- *Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

ITEM 3 (continued)

ATTACHMENT 4

Boarding Houses

**2.0 AMENDMENTS TO THE CITY OF RYDE
DEVELOPMENT CONTROL PLAN 2010**

The City of Ryde Development Control Plan 2010 is to be amended as follows:

1. City of Ryde Development Control Plan 2010 is to have the following inserted after the list of contents:

Schedule of Amendments

Amend. No.	Date approved	Effective date	Subject of amendment
x	XX-XX-XX	XX-XX-XX	i. Insertion of new Part 3.5 Boarding Houses. ii. Amendment of Part 9.3 Parking Controls to reflect parking requirements for boarding houses under State Environmental Planning Policy (Affordable Rental Housing) 2009

2. New Part 3.6 Boarding Houses attached to this document.

ITEM 3 (continued)

ATTACHMENT 4

Boarding Houses

ATTACHMENT

A new Part 3.6 Boarding Houses designed to be inserted in Part 3.0 Development Types under the City of Ryde Development Control Plan 2010 (DCP 2010).

City of Ryde Draft Amending Development Control Plan
Final Draft for Adoption

ITEM 3 (continued)

ATTACHMENT 4

City of Ryde
Development Control Plan 2010

Part 3.6
Boarding Houses



City of Ryde

ITEM 3 (continued)

ATTACHMENT 4

3.6

Boarding Houses

Contents

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا لم تفهم هذا المستند، فيرجو القدوم إلى مركز بلدية رايد Ryde Civic Centre، 1 Devlin Street، Ryde، من الاثنين إلى الجمعة، بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بخدمات الترجمة على الرقم 131 450 لكي نتصل من أحد المترجمين الاتصال بعدد هاتف مدينة رايد على الرقم 9952 8222. نريد منك

ARMENIAN

Եթե այս փաստաթուղթը չէք հասկանում, խնդրում ենք՝ Ըրայդ Կիվիկ Կենտրոն, 1 Տեվլին փողոց, Րայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) ելքաքայքայելու Ռայդում կամ ժամը 8.30 – կես ժամը 4.30, կամ հեռախոսակցելու Տեղափոխման և Քարգանդակման Անգլախոսներին 131 450, և խնդրելու ու թարգմանելու մի Ըրայդ Քարգանդակարանին հար կամ հեռախոսով ձեր քաղաքի համար, հեռախոսակցելով՝ 9952 8222 թիվով:

CHINESE

如果您看不懂本文，請在週一至週五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心辦事處 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。您也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。該服務中心可以要求一位傳譯員為您打如下電話與 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دو شنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street، Ryde مراجعه کنید یا به سرویس ترجمه تلفنی شماره 131 450 تلفن کنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن کند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

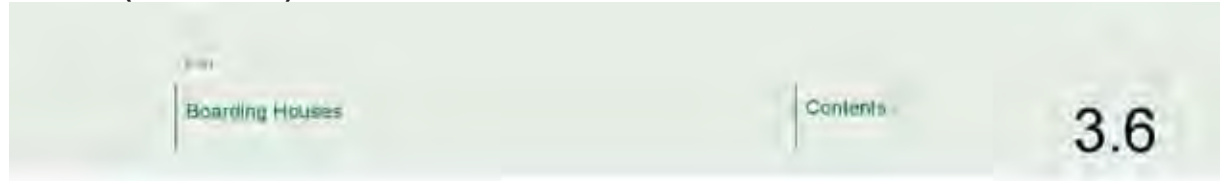
KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 - 금, 오전 8:30 - 오후 4:30), 전화 131 450 번호로 전화 통해 서비스업 업체에서 통역사에게 어려운 대신 Ryde 시청에 전화 9952 8222 번호로 연락을 부탁하십시오.

Amend. No.	Date approved	Effective date	Subject of amendment
X	01/01/1111	01/01/1111	XXXXXXXX

ITEM 3 (continued)

ATTACHMENT 4

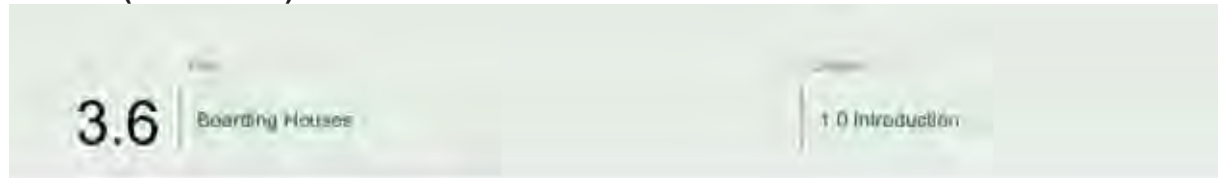


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1.0 INTRODUCTION

1.1 Boarding Houses

Boarding houses play a key role in providing affordable housing for many people on lower incomes needing accommodation close to work, study, transport, and services.

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing in NSW. In particular, the City of Ryde has seen a significant increase in demand for low rental housing for student accommodation in proximity to Macquarie University. This Part includes controls for a new generation of boarding houses providing affordable housing options including for students and key workers in areas close to tertiary education facilities, hospitals, and centres.

In the development of this Part, Council is striving for a balance between a number of factors, including:

- Promoting residential amenity, safety and wellbeing for boarding house occupants as well as for neighbouring residents;
- Encouraging the development of a mix of housing types and affordable housing options, and
- Meeting State government policy requirements whilst seeking development outcomes which are compatible within the local context.

1.2 Purpose

This purpose of this Part is to provide development controls applicable to boarding houses in the City of Ryde.

1.3 Objectives

The objectives of this Part are:

1. To recognise boarding house accommodation as a component of the City of Ryde's residential housing mix.
2. To facilitate the provision of high quality affordable rental housing in the form of boarding houses where permissible in residential and business zones in the City of Ryde.
3. To support government policy which facilitates the retention and mitigates the loss of existing affordable rental housing.
4. To encourage appropriate design of boarding house development to ensure the impact and operation does not interfere with surrounding land uses and amenity.
5. To provide controls for boarding houses that are not within "accessible area" as defined under the ARHSEPP.
6. To ensure that boarding houses are designed to be compatible with and enhance the local area character and the desired future character.
7. To ensure that any building that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike.

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1.4 Land Affected by this Part

This Part applies to land within the City of Ryde where boarding houses are permitted.

1.5 Development covered by this Part

This Part applies to development for the purposes of boarding houses including:

- Establishment of a new boarding house by the conversion of an existing building
- Construction of a new boarding house
- Alterations and additions to an existing boarding house
- Demolition of an existing boarding house.

Note: Boarding Houses referred to in this DCP include both Class 1b and Class 3 Boarding Houses (Refer to Section 1.9 Building Classifications under the Building Code of Australia).

1.6 Relationship of this Part to other Plans and Policies

This Part supplements and gives guidance to the objectives and controls of *Ryde Local Environmental Plan 2010 (RLEP 2010)*, *Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010* and *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)*.

This Part is also to be read in conjunction with:

- Other Parts of the City of Ryde Development Control Plan 2010, including but not limited to:
 - ◊ Part 3.3 Dwelling Houses and Dual Occupancy Attached, 3.4 Residential Flat Buildings and Multi Dwelling Housing [not within the Low Density Residential zone] and 3.5 Multi Dwelling Housing [within the Low Density Residential zone] in chapter 3.0 Development Types.
 - ◊ all parts in chapter 4.0 Urban Centres, and
 - ◊ all parts in chapter 5 Special Areas with respect to local area character, and
 - ◊ Part 7.1 Energy Smart, Water Wise; Part 7.2 Waste Minimisation and Management; and Part 9.3 Parking.
- City of Ryde Enforcement Policy – Boarding Houses.

Where boarding house development is associated with residential flat building design, the provisions of *State Environmental Planning Policy No. 65 Residential Flat Development (SEPP 65)* are also relevant.

1.7 Application of this Part

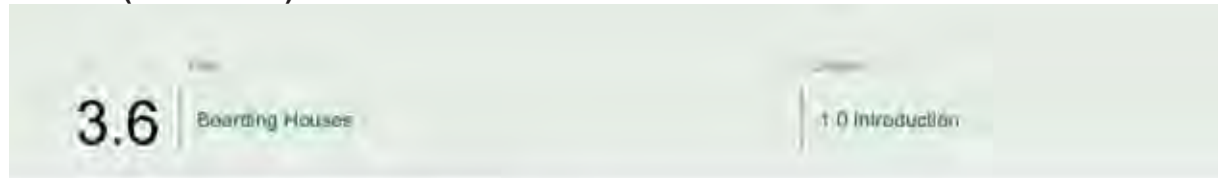
This Part has been designed to apply controls to boarding house development located in all land use zones where boarding houses are permissible with consent in the City of Ryde. This Part is to be applied in conjunction with the provisions of the ARHSEPP.

Division 3 Boarding Houses under Part 2 of the ARHSEPP applies controls to boarding houses on land within any of the following zones:

- R1 General Residential;
- R2 Low Density Residential (if within an "accessible area");
- R3 Medium Density Residential;

ITEM 3 (continued)

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- R4 High Density Residential;
- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B6 Enterprise Corridor (under *Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010*)

Note: "accessible area" is defined under the Affordable Rental Housing SEPP (refer also next section 1.8 Interpretation).

In the City of Ryde boarding houses are permissible with consent in all of the above zones.

Controls

- (a) All boarding house developments in the R2 Low Density Residential land use zone are required to comply with this DCP.

Note: This DCP does not provide for any variation on the minimum and maximum size of boarding rooms identified under the ARHSEPP and applies the requirement to the whole of the R2 Low Density Residential Land Use zone.

1.8 Interpretation

Terms used in this Part are the same as defined in the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP), the RLEP 2010 (and Standard Instrument LEP template), and the Dictionary under Part 10 of this DCP.

Three terms in particular have relevance to this Part, these being "boarding house", "accessible area" and "walking distance".

Boarding House

A boarding house is a type of land use under the group term "residential accommodation" and is distinct from other types under this group such as dwelling house, dual occupancy, hostel, group home, semi-detached dwelling, secondary dwelling, etc (refer RLEP 2010).

"Boarding house" is defined under environmental planning instruments, and is defined under the ARHSEPP and RLEP 2010 as follows:

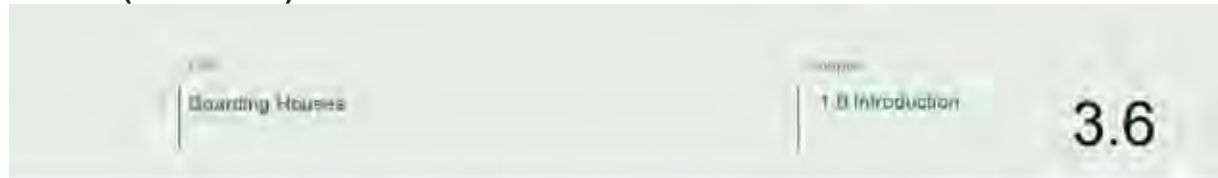
boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
 - (b) that provides lodgers with a principal place of residence for 3 months or more, and
 - (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

Where the living emphasis shifts away from communal living to self contained units, a development may no longer be considered a boarding house, but rather a *serviced apartment* or similar (refer definitions under RLEP 2010).

ITEM 3 (continued)

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A boarding house is generally a building containing a number of rooms available for rent on a relatively short term basis (minimum 3 months). Generally boarding houses provide lodgings (distinct from shared accommodation), which is not subject to a long term residential lease.

A distinction exists between residents of boarding houses (known technically as "lodgers" or "boarders") and "tenants" of residential accommodation under a longer term rental contract such as a residential tenancy agreement (refer *Residential Tenancies Act 2010*).

Accessible Area and Walking Distance

The applicability of the ARHSEPP (refer Part 2 Division 3 Boarding houses) in the R2 Low Density Residential land use zone is dependent on an accessible area test.

The following definitions apply; "accessible area" and "walking distance" have the same meanings as under the ARHSEPP, which are defined as:

accessible area means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

The diagram below indicates approximate locations of areas in the City of Ryde which could satisfy the accessible area test under Part 2 Division 3 of the ARHSEPP.

ITEM 3 (continued)

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Part
3.6 | Boarding Houses

Chapter
 1.0 Introduction

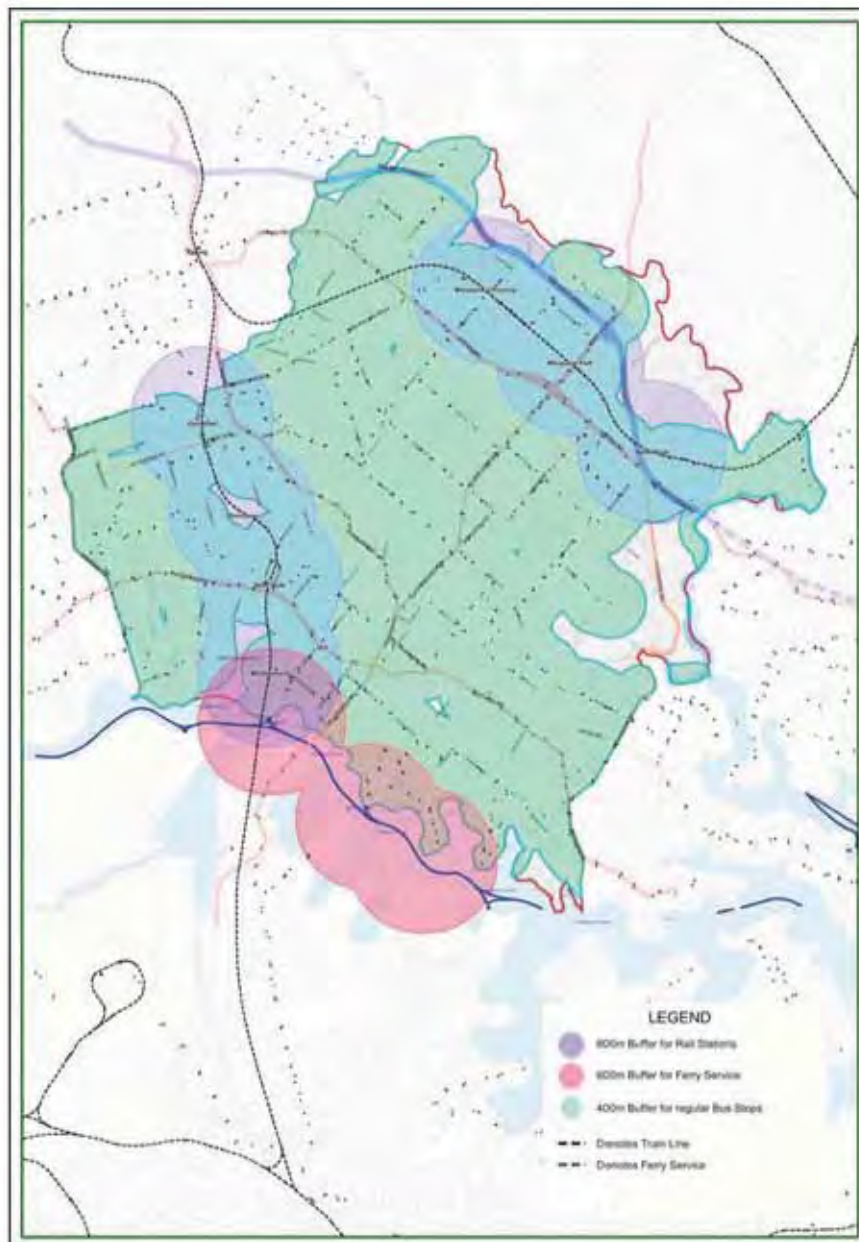


Figure 3.6.01 Potential accessible areas in the City of Ryde according to the "accessible area" test under the ARHSEPP (Part 2 Division 3)

Note: This map is indicative only and not to scale.

ITEM 3 (continued)

ATTACHMENT 4

Boarding Houses	1.8 Introduction	3.6
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1.9 Retention of Low Rental Affordable Accommodation

A boarding house plays a key role in providing affordable housing for people on lower incomes in our community. To support ongoing retention of low rental affordable housing, the ARHSEPP does not permit the strata or community title subdivision of boarding houses (refer Clause 52 ARHSEPP).

The ARHSEPP also applies to buildings which were low-rental residential as at 28 January 2000 (refer Part 3 of the ARHSEPP).

Where a development application proposes the demolition or change of use of an existing boarding house, Council may require the submission of a Social Impact Assessment to accompany the development application which addresses, the social and economic impacts of the potential loss of low-rental accommodation, and the demand for and availability of comparable low-rental accommodation in the City of Ryde.

1.10 Building Classifications under the Building Code of Australia

The Building Code of Australia (BCA) is a national construction code comprising requirements for fire safety, access, amenity, health and safety, and structural standards. The BCA classifies buildings according to the purpose for which they have been designed, constructed or intended to be used. Boarding houses are included in Class 1b and Class 3, as follows:

Class 1b – a boarding house, guest house, hostel or the like with a total floor area not exceeding 300m² and in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.

Class 3 – a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons. Examples include a boarding house, hostel, backpackers accommodation, guest house or residential part of a hotel, motel, school or detention centre.

The distinction in classification is important in understanding design and safety requirements for boarding houses as they vary for each class. This DCP Part addresses the different design and planning requirements for Class 1b and Class 3 Boarding Houses but does not repeat BCA provisions.

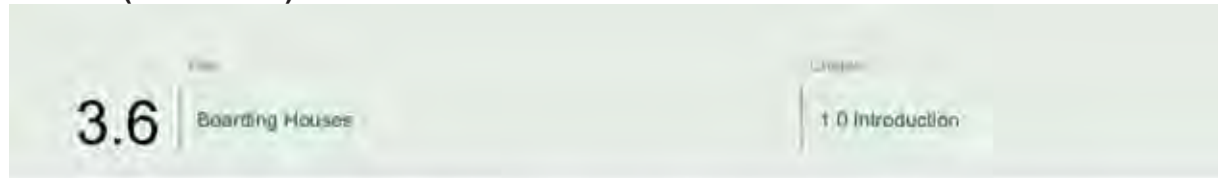
Disability (Access to Premises – Buildings) Standards 2010 (Disability Discrimination Act 1992) apply to both classifications of boarding houses under the BCA.

Existing buildings may require upgrade to meet current BCA requirements. For example, where a dwelling house is proposed to be converted into a boarding house (change of classification to Class 1b) smoke detection systems and emergency lighting will need to be upgraded to meet the Class 1b requirements. In the case of conversion of buildings to Class 3 boarding houses, more stringent fire safety requirements apply.

Reference to the *Environmental Planning and Assessment Regulations 2000* (in particular Clauses 93 - Fire safety and other considerations and 94 - Consent authority may require buildings to be upgraded) also applies.

ITEM 3 (continued)

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A BCA Consultant's report will be required to be prepared and submitted with the Development Application for all applications relating to Class 3 boarding houses.

The following table identifies some of the scope of works and requirements under the two classes of boarding houses.

Development Proposal		Class 1b	Class 3
Existing Building	Establishment of a new boarding house by converting an existing building (change of classification)	Requirements for upgrading existing building to meet BCA include: <ul style="list-style-type: none"> • smoke detection systems • emergency lighting • sound insulation. Note: It is advisable that the applicant seek the advice of a suitably qualified BCA consultant.	Requirements for upgrading existing building to meet BCA include: <ul style="list-style-type: none"> • smoke detection systems • emergency lighting, and • building elements (dividing walls, doors, stairways, hall widths etc) to meet fire safety and resistance requirements. Note: A report prepared by a suitably qualified BCA consultant is required to be submitted with DA.
	Alterations and additions to an existing boarding house	AS ABOVE Note: It is advisable that the applicant seek the advice of a suitably qualified BCA consultant.	AS ABOVE Note: A report prepared by a suitably qualified BCA consultant is required to be submitted with DA.
New Building	Construction of a new boarding house	Building to be designed to comply with BCA (Class 1b).	Building to be designed to comply with BCA (Class 3).

Note: This DCP part does not repeat DCP requirements

ITEM 3 (continued)

ATTACHMENT 4

Boarding Houses	3.0 Other Design Requirements	3.6
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2.0 LOCATION AND CHARACTER

2.1 Design and Local Area Character

This section will assist applicants in designing boarding houses that are compatible with the character of the local area as required under the ARHSEPP (refer Clause 30A of the ARHSEPP).

In the City of Ryde, many boarding house developments occur as infill development in an existing suburban area or centre. Consideration of the local character comprises a number of factors including the site characteristics, the streetscape, the expected and/or desired future character of the area identified through the land use zone objectives and applicable development standards.

Local area character is not a function of the land use. Rather, character is a consideration of the external appearance of the building and how it relates to the context within which it is proposed. For example, where a boarding house is proposed through the conversion of a dwelling house, it is the design of any proposed works that will be assessed in terms of compatibility with the local area and streetscape character, not the change in function of the building from a dwelling-house to a boarding house.

Local area character is shaped by many contributing factors such as

- The underlying natural landform
- Distinctive landscape elements
- The age and style of the existing buildings
- The scale and form of the buildings
- Street and subdivision patterns
- Setbacks of the buildings
- Materials, building techniques and details
- Views, vistas and skylines.

Local area character is also shaped by the planning controls that apply to the land use zone in which the proposal is located. In the City of Ryde, boarding house development is permissible in a number of different residential and business land use zones which in turn may include different character areas. There are also areas in the City which are changing in character. Where areas are in transition, the local area character is also informed by the planning controls and any desired future character statements under the LEP and the DCP.

2.2 Objectives

Objectives

1. To provide controls which support the "deemed to satisfy" and minimum requirements under the ARHSEPP.
2. To provide controls for boarding house development on land where the ARHSEPP does not apply.
3. To ensure boarding houses complement the local area character and streetscape and meet the objectives of the land use zone.

ITEM 3 (continued)

ATTACHMENT 4

3.6

Boarding Houses

3.0 Other Design Requirements

4. To ensure development is of a scale and form that is compatible with the character and quality of streetscapes.

2.3 Development subject to provisions of Part 2 of the ARHSEPP

These controls apply to all boarding houses developments which are subject to the requirements under the ARHSEPP Part 2 Division 3 Boarding Houses, including in particular that require design to be compatible with the local area character (refer Clause 30A of the ARHSEPP).

This section therefore applies to land within any of the following land use zones under RLEP 2010 and RLEP (Gladesville Town Centre and Victoria Road Corridor) 2010 (refer clauses 26 and 27 of Part 2: Division 3 under the ARHSEPP):

- (a) Zone R1 General Residential
- (b) Zone R2 Low Density Residential and within an *accessible area* as defined under the ARHSEPP
- (c) Zone R3 Medium Density Residential
- (d) Zone R4 High Density Residential
- (e) Zone B1 Neighbourhood Centre
- (f) Zone B2 Local Centre
- (g) Zone B4 Mixed Use

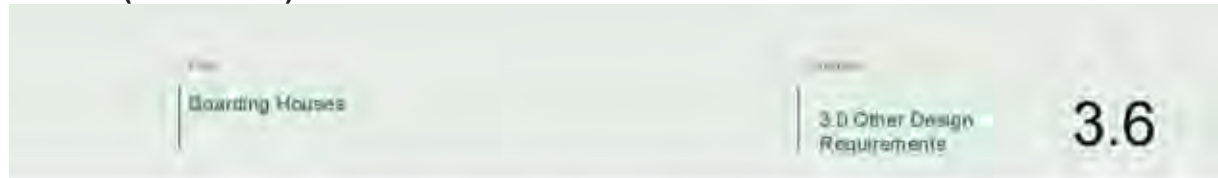
Refer Section 2.4 of this Part for controls applicable to boarding house development on land not included in the above list, for example on R2 Low Density Residential zoned land which is *not* in an *accessible area* as defined under the ARHSEPP, and land within the B6 Enterprise Corridor zone under RLEP (Gladesville Town Centre and Victoria Road Corridor) 2010.

Controls

- (a) All boarding house developments are to be designed to be compatible with the character of the local area.
- (b) Where external changes, including building and/or construction work, are proposed, a Local Area Character Statement is to be prepared and submitted with the development application. This must demonstrate compatibility of the design of the development with the character of the local area. The statement is to include descriptions of:
 - the existing character of the local area (comprising streetscape and visual catchment area) in terms of character elements, and
 - the design responses for the following character elements, as a minimum:
 - (i) predominant building type.
 - (ii) predominant height of buildings.
 - (iii) predominant front setback and landscape treatment.
 - (iv) permissible floor space ratio (FSR) and site coverage.
 - (v) predominant pattern of subdivision and spacing of buildings.
 - (vi) predominant parking arrangements on sites within the area (location, structures).

ITEM 3 (continued)

ATTACHMENT 4



- (vii) predominant side setbacks, and
- (viii) predominant rear alignment of buildings and rear landscaping.
- (c) Boarding house development located in the vicinity of a Heritage Item or within a Heritage Conservation Area must be designed sympathetically to the significance of the Heritage Conservation Area/Item. Character elements identified in (b) above and the following are to be addressed:
 - (i) the significance of the Heritage Item or Heritage Conservation Area
 - (ii) the architectural form (built form and roof form), materials and finishes of existing buildings
 - (iii) the age and style of existing buildings
 - (iv) views, vistas and skylines
 - (v) the curtilage of the Heritage Item.

Note: Heritage Items and Heritage Conservation Areas are listed/ mapped under Rydes LEP and additional information about the significance is included in inventory sheets for each available via Council's website.

- (d) The design of boarding house development is to take into consideration any desired future character objectives of urban centres identified under the RLEP 2010, RLEP (*Gladesville Town Centre and Victoria Road Corridor*) 2010 and Part 4 Urban Centres of this DCP.

Note: To assist preparation of a Local Area Character Statement, a guidance table is attached to this Part (refer Schedule 1 Guidelines for Local Area Character Assessment).

Size and Scale

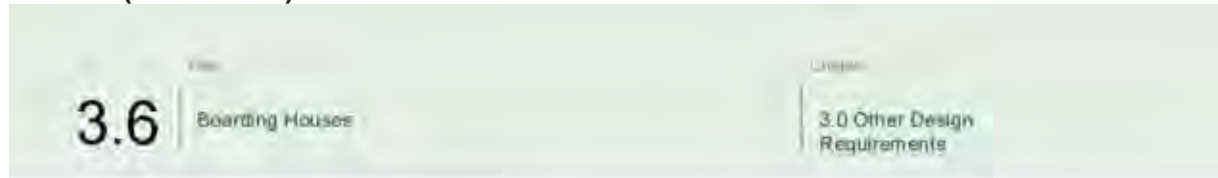
- (e) In the R1 General Residential and R2 Low Density Residential zones, a maximum number of 12 bedrooms per boarding house will be permitted.
- (f) Notwithstanding compliance with numerical standards under the ARHSEPP and LEP, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:
 - (i) Overshadowing and privacy
 - (ii) Streetscape (bulk and scale)
 - (iii) Building setbacks
 - (iv) Parking and traffic generation
 - (v) Landscape requirements
 - (vi) Visual impact and impact on existing views (this must address view sharing)
 - (vii) Any significant trees on site, and
 - (viii) Lot size, shape and topography.

Parking and Traffic

- (g) Parking spaces and access are not to be located within communal open space areas or landscaped areas.
- (h) Notwithstanding the requirements of Part 9.3 Parking Controls under this DCP, a boarding house development for 30 or more bedrooms is to be supported by a

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Traffic and Parking Impact Assessment Report, prepared by a suitably qualified person, addressing as a minimum the following factors:

- (i) the prevailing traffic conditions
- (ii) the likely impact of the proposed development on existing traffic flows and the surrounding street system
- (iii) pedestrian and traffic safety, and
- (iv) justification of any variation to the parking requirements (if proposed).

2.4 Development on land NOT subject to the provisions of Part 2 of the ARHSEPP

The following section applies to boarding house development where it is permissible with consent from Council and is NOT subject to Part 2 Division 3 Boarding Houses of the ARHSEPP by virtue of clauses 26 and 27 under that division where the land is:

- (a) Zoned R2 Low Density Residential NOT within an *accessible area* as defined under the ARHSEPP, and
- (b) Zoned B6 Enterprise Corridor.

Controls

The following controls apply to proposals for boarding house development on land not identified under Clauses 26 and 27 of Part 2 Division 3 Boarding Houses under the ARHSEPP.

Development Standards

- (a) Development is to be designed to comply with development standards applicable to dwelling houses under Ryde Local Environmental Plan 2010, and with development controls under this DCP applicable to dwelling houses (refer Part 3.3 Dwelling Houses and Dual Occupancy (attached)).

Note: A control applies under the ARHSEPP for number of car parking spaces per boarding houses in locations which are not in an *accessible area* as defined under the ARHSEPP.

Accommodation size

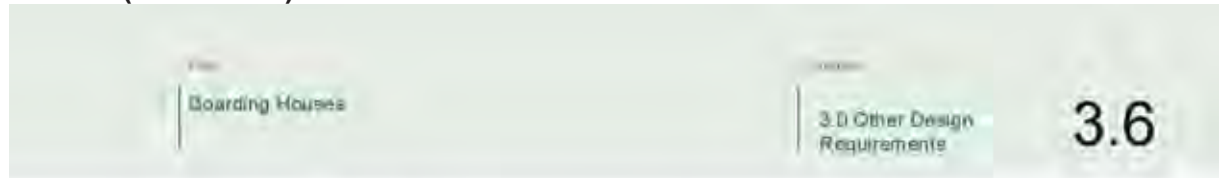
- (b) Each boarding room is to have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:
 - (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
 - (ii) 16 square metres in any other case.

Note: Council will not consider room sizes that are less than the above minimum room sizes. Boarding rooms may include private kitchen or bathroom facilities.

- (c) All boarding rooms are to have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) not exceeding 25 square metres
- (d) All boarding rooms must not be occupied by more than 2 adult lodgers.

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Local Area Character

- (e) Development is to be designed to be compatible with the character of the local area comprising the streetscape and visual catchment area of the proposed development.
- (f) The front setback and its landscape treatment is to be designed to be compatible with the streetscape in which the building is located.
- (g) The applicant is to demonstrate compliance with controls 2.4 (e) and 2.4 (f) through the submission of a Local Area Character Statement with the development application identifying compatibility of the development with the character of the local area. The statement is to refer to character elements and design compatibility responses in **Schedule 1 Guidelines for Local Area Character Assessment**.

Note: A Local Area Character Statement will only be required where external changes, including construction/building work, are proposed as part of the development.

- (h) Development is to be designed to be consistent with the desired future character of low density residential areas in the City of Ryde (refer section 2.1 Desired Future Character under Part 3.3 Dwelling Houses and Dual Occupancy (attached)).

Communal Living Room and Solar Access

- (i) Communal living room/s, where proposed, are to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.
- (j) Where development has 5 or more boarding rooms, at least one communal living room is to be provided.

Note: *communal living room* means a room within a boarding house or on site that is available to all lodgers for recreational purposes, such as a lounge room, dining room, recreation room or games room.

Private open space

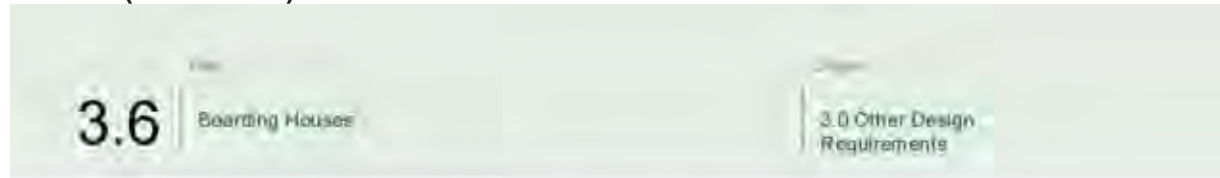
- (k) The following private open space areas are to be provided (other than within the front setback area) as a minimum:
 - (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,
 - (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,
- (l) Where provided, private open space is to be clearly identified and designated for private use.

Communal Open Space

- (m) All communal open space is to be:
 - (i) north-facing to receive a minimum 2 hours solar access to at least 50% of the open space area between 9am and 3pm on 21 June;
 - (ii) provided at ground level in a courtyard or terrace area, and wherever possible adjacent to the main circulation areas;
 - (iii) provided with partial cover from weather;

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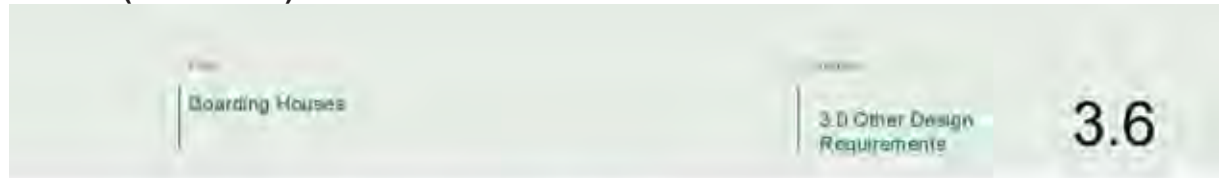
- (iv) connected to communal indoor spaces, such as kitchens or living areas;
- (v) provided with communal facilities such as barbecues, seating and shade structures where appropriate; and
- (vi) screened from adjoining properties and the public domain.

Access, Parking and Traffic

- (n) Parking is to be provided on the site in accordance with the rates and requirements identified under this DCP (refer Part 9.3 Parking Controls). For every 5 boarding rooms or part thereof, area equivalent to one parking space must be provided for a bicycle parking and area equivalent to one parking space one must be provided for motorcycle parking.

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3.0 OTHER DESIGN REQUIREMENTS

Boarding houses, are generally for occupants who are unrelated. It is therefore important to maintain a level of safety, amenity and security for all occupants in the design while providing for opportunities for social interaction.

Proposals should also consider the impact of Boarding Houses on adjoining properties, where both noise disturbance and visual intrusion should be minimised.

The ARHSEPP includes provisions regarding the following matters:

- minimum and maximum sizes of boarding rooms and maximum occupancy per boarding room;
- manager's accommodation (when to be provided and minimum size);
- kitchen and bathroom facilities required; and
- communal living rooms (when required) and minimum requirements for solar access.

Additional matters also apply as required under the BCA.

This section identifies design requirements which are not covered in the ARHSEPP, addressing matters such as privacy, waste management, internal building design, sustainability and energy efficiency.

This section applies to all boarding house development in the City of Ryde, unless otherwise stated.

3.1 Objectives

Objectives

1. To ensure all new boarding houses and building conversions are designed to provide an acceptable level of safety, amenity and privacy for occupants of boarding houses, and also for occupants of neighbouring developments.
2. To promote opportunities for energy and water use efficiency in boarding house development to assist the affordability of low rental accommodation.
3. To require facilities that are designed to meet the long term needs of residents and to promote student/lodger interaction and a sense of community.
4. To identify adequacy with respect to kitchen, bathroom and laundry facilities to meet resident's needs.
5. To provide for adequate space and appropriate location of management functions.

3.2 Privacy (Acoustic and Visual) and Amenity

Controls

- (a) The main entrance of the boarding house is to be located and designed to address the front (street) elevation.
- (b) Accessways to the front entrance of the boarding house are to be located away from windows to boarding rooms to maximise privacy and amenity for lodgers.
- (c) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.

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3.6

Boarding Houses

3.0 Other Design Requirements

- (d) An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.

3.3 Accessibility

The design of boarding houses needs to provide an environment that is physically accessible to all members of the community, including those with disabilities.

The ARHSEPP contains parking rates for boarding houses. The design of boarding houses, including parking spaces and access thereto, will also need to take into consideration the following controls.

Controls

- (a) All boarding house developments are to be accompanied by an Accessibility Report which addresses the accessibility requirements for people with disabilities, where required, under the BCA and *Disability (Access to Premises – Buildings) Standards 2010*.

3.4 Waste Minimisation and Management

Controls

- (a) Waste storage and recycling facilities shall be provided on the premises in accordance with the requirements for boarding houses contained in Part 7.2 Waste Minimisation and Management of this DCP.

3.5 Sustainability and Energy Efficiency

Attention to energy efficiency and sustainability in the development and establishment of boarding houses is important for ongoing affordability and amenity for occupants as well as environmental sustainability more broadly.

Controls

- (a) A BASIX Certificate is to be submitted with the Development Application.

Note: From July 2007, all residential development (including boarding house development) of a total estimated cost of works of \$50,000 or more requires which must be submitted with the development application. A Certificate is issued once a BASIX assessment has been satisfactorily completed, using the on-line tool. Refer NSW Department of Planning and Infrastructure website at: www.planning.nsw.gov.au

3.6 Internal Building Design

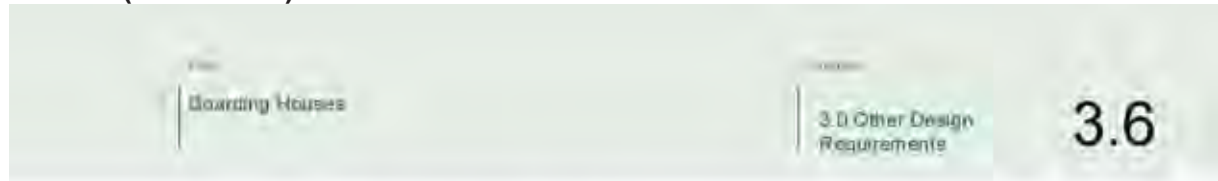
Controls

General

- (a) As a minimum, in the R2 Low Density Residential zone (and where Class 1b under the BCA) boarding houses shall make provision for the following facilities within each building:
 - (i) storage for occupants;
 - (ii) laundry facilities;
 - (iii) sanitary facilities.
- (b) As a minimum, in all other cases boarding houses shall make provision for the following facilities within each building:

ITEM 3 (continued)

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- (i) manager/operator accommodation where there are 20 or more lodgers;
 - (ii) laundry facilities;
 - (iii) communal food preparation facilities (in addition to private provision where required);
 - (iv) sanitary facilities;
 - (v) storage area for each occupant.
- (c) Boarding houses in larger scale developments (more than 20 boarding rooms) are to be designed so that:
- (i) no more than 8 boarding rooms share a stairway and / or corridor
 - (ii) 1 communal living area is provided per every 8 boarding rooms or part thereof.

Consideration may be given to varying this number where it can be demonstrated that the design incorporates opportunities for social interaction within reasonable distance of boarding rooms, whilst maximising privacy and minimising thoroughfares through corridors containing boarding rooms.

- (d) All boarding house developments are to be designed to optimise safety and security, both internal to the development and for the public domain by employing design criteria including:
- (i) maximising overlooking of public and communal spaces while maintaining internal privacy;
 - (ii) avoiding dark and non-visible areas;
 - (iii) locating communal and common areas in safe and accessible locations;
 - (iv) providing lighting appropriate to the location and desired activities; and
 - (v) providing clear definition between public and private spaces

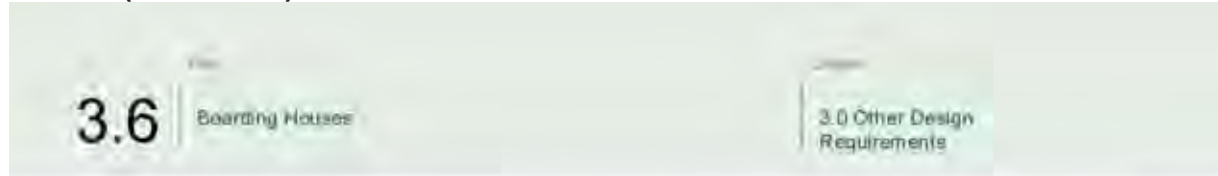
Specific Rooms, Areas and Facilities

- (e) The development is to be designed to meet the requirements identified in the following table. Details relating to compliance with this section are to be included on plans and in the statement of environmental effects submitted with the development application:

Elements	Controls
<p>(i) Bedrooms/ Boarding Rooms</p> <p>Note: Bedrooms also refer to boarding rooms, especially where additional facilities are provided other than bedroom facilities</p>	<p>a. Boarding rooms are to be designed as the principal place of residence for occupants.</p> <p>b. No boarding rooms shall open directly onto communal living, dining and kitchen areas.</p> <p>c. Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified in the ARHSEPP. Plans shall clearly show the size and maximum occupation of each room. Boarding rooms less than the minimum size will not be supported.</p> <p>d. Where additional facilities are proposed in boarding rooms, the</p>

ITEM 3 (continued)

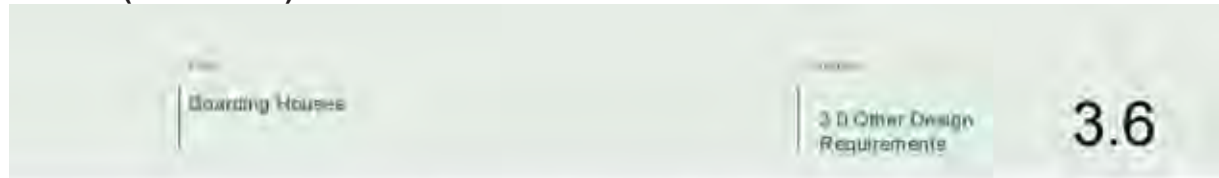
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	<p>following additional gross floor areas apply:</p> <ul style="list-style-type: none"> (i) Minimum 2.1m² for any ensuite, which must comprise a hand basin and toilet; plus (ii) 0.8m² for any shower in the ensuite (in addition to above); plus (iii) 1.1m² for any laundry, which must comprise a wash tub and washing machine; plus (iv) 2m² for any kitchenette, which must comprise a small fridge, cupboards and shelves (in addition to required wardrobe space), a microwave, and a minimum of 0.5m² bench area. <p>Note: For fire safety reasons no other cooking appliances are permitted.</p>
<p>(ii) Communal Living Rooms</p>	<ul style="list-style-type: none"> a. Indoor communal living rooms/areas are to be located: <ul style="list-style-type: none"> (i) near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office; (ii) adjacent to the communal open space; and (iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation. b. Class 1b boarding houses must have indoor communal living areas of a minimum 12.5m² or 1.25m²/resident, whichever is greater. Class 3 Boarding Houses must provide a common living area a minimum 15m² in area, with a further 15m² provided for each additional 12 persons thereafter. <p>Note: The communal living area calculation can include any dining area, recreation room or games room, but cannot include bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like.</p> c. Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.
<p>(iii) Communal Kitchen and Dining Areas</p>	<ul style="list-style-type: none"> a. Where communal kitchens are provided, they are to be in a location accessible to all residents. b. A communal kitchen area is to be provided with a minimum area of 6.5m² in total or 1.2m² for each resident occupying a boarding room that does not contain a kitchenette, whichever is greater, and is to contain: <ul style="list-style-type: none"> (i) One sink for every 6 people, or part thereof, with running hot and cold water; and (ii) One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation. c. A combined kitchen and dining area must have a minimum area of 15m² with an additional 1m² per room in a development that contains 12 or more bedrooms. d. No bathrooms, toilets or boarding rooms shall open directly on to communal kitchen facilities.

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	<p>e. Where food is proposed to be provided as part of Boarding House operations, or is for sale, kitchen and food areas shall comply with the National Code for the Construction and Fitout of Food Premises and be provided with sufficient ventilation in accordance with the BCA.</p> <p>f. Kitchen facilities shall be available for all lodgers 24 hours per day/ 7 days per week.</p>
(iv) Bathroom Facilities	<p>a. In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day.</p> <p>b. Bathrooms should be a minimum of 5m²</p> <p>c. Where ensuite bathroom facilities are provided in boarding rooms, the overall facilities must comply with the minimum facility requirements for the total occupancy of the overall premises.</p>
(v) Laundries and Drying Facilities	<p>a. Laundry and drying facilities are to be provided for all lodgers. Where lodgers do not have their own laundry facilities, the following is to be provided:</p> <p>(i) A minimum space of 4m² for every 12 lodgers, an additional 3m² for every additional 12 lodgers or part thereof.</p> <p>(ii) 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable).</p> <p>b. Outside drying areas shall be located in a communal open space in a location which maximises solar access and ensures that the usability of the space is not compromised.</p> <p>c. Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.</p>
(vi) Management office design	<p>a. Where management offices are to be provided, they are to be located at a central, visible point which is convenient to occupants of and visitors to the boarding house.</p>

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ATTACHMENT 4

3.6

Boarding Houses

4.0 Management

4.0 MANAGEMENT

Council encourages boarding houses which are well maintained and operated in a manner that ensures a high level of amenity for the occupants as well as for the residents of neighbouring properties.

4.1 Objectives

Objectives

1. To require management and operational practices that ensure the safety and wellbeing of occupants within boarding house accommodation.
2. To require boarding houses to be operated and maintained in a manner that minimises impacts on adjoining owners and residents.
3. To assist Council in monitoring the operations of boarding houses and affordable rental housing generally in the City of Ryde.

4.2 Management Controls

Controls

(a) All boarding houses are required to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management arrangements are to be set out in a Plan of Management.

(b) A Plan of Management is to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the boarding house identified in the template attached to this Part (refer **Schedule 2 Template for Plan of Management**).

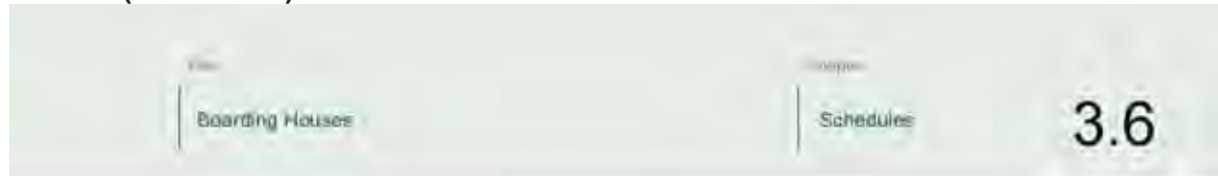
Note: The approved Plan of Management will form part of any development consent. The Plan of Management can only be amended with the agreement of Council in writing. Copies of the approved Plan of Management must be provided to the relevant managing agent, and are required to be on display and available at all times to lodgers.

(c) The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house.

(d) Occupiers of adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

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SCHEDULES

Schedule 1 – Guidelines for Local Area Character Assessment

The table below is a guide to be used in the preparation of a Local Area Character Statement required under this Part (refer Section 2.0 Location and Character).

At the minimum, all questions provided in this table which are relevant to the development should be answered for preparation of a satisfactory Local Area Character Statement.

TABLE: Guidelines for Local Area Character Assessment		
Design Elements	Local Area Character Analysis (How to analyse and identify the Local Area Character)	Design Responses and Compatibility Tests (How to identify the design characteristics and respond to the local area character)
Building Type	<i>What is the predominant building type?</i> E.g. dwelling house, residential flat building (refer definitions under Ryde LEP 2010), multi-unit dwellings (villas, townhouses)	<i>How does the design respond to the predominant building type in the area?</i> E.g. the proposal converts an existing dwelling house building. Properties adjoining, opposite and in the streetscape contain dwelling houses. <i>Note: "boarding house" is a development type, NOT a building type</i>
Height	<i>Is there a predominant height of buildings in the streetscape/ visual catchment area?</i> <i>What is the predominant height?</i> For example, are buildings single storey, 2 storey, 4 storeys etc? <i>Is there a mix of heights? e.g 1-4 storeys?</i> <i>What is the permissible height of buildings under Ryde LEP 2010?</i>	<i>Does the proposed height comply with Ryde LEP controls and Ryde DCP controls?</i> <i>How does the design respond to the predominant building height? Is it similar?</i> <i>Note: Where there is a mix of heights/ significant differences in height, design compatibility is expected to be achieved via a gradual transition in height. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.</i>
Site Coverage and Floor Space Ratio (FSR)	<i>Site coverage: Is there a predominant site coverage for existing buildings in the street/ visual catchment area?</i> <i>Floor space ratio: What is the floor space ratio (FSR) of existing buildings?</i> <i>What is the permissible FSR under RLEP 2010/ Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010?</i>	<i>What is the proposed site coverage and FSR? How does the design respond to the predominant site coverage and floor space ratio? Does the proposed FSR comply with LEP and DCP controls?</i> <i>Note: The FSR of existing buildings may be difficult to determine if site area and floor space calculations are unknown or unavailable. Estimates can be made by approximating site coverage (e.g. building covers 40% of the site, and is 2 storeys in height therefore FSR is approximately 0.8:1)</i>

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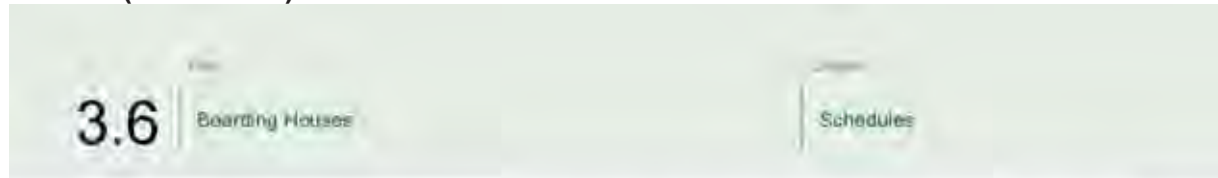


TABLE: Guidelines for Local Area Character Assessment

Design Elements	Local Area Character Analysis (How to analyse and identify the Local Area Character)	Design Responses and Compatibility Tests (How to identify the design characteristics and respond to the local area character)
*The scale and form of buildings	<p><i>Is there a dominant form/ scale of existing buildings in the streetscape/visual catchment area? What is the dominant form/ scale?</i></p> <p><i>What is the dominant scale and form of buildings within the streetscape/ visual catchment?</i></p> <p>For example, are buildings single or two storey detached dwellings with hipped roof forms?</p>	<p><i>What scale and form is the design and how does the design respond to the scale and form of buildings in the streetscape/visual catchment area?</i></p> <p>Note: Where the scale proposed is larger than within the context of the site (e.g. medium density scale within low density context), the scale of the larger scale proposal should be visually broken up.</p>
<p>Frontage Treatment including:</p> <ul style="list-style-type: none"> Streetscape setting Landscape Character/ Open Space 	<p>Streetscape Setting (outside the site): <i>What is the treatment of the streetscape in front of the subject site and properties in the local area?</i></p> <p>E.g. Are there grassed nature strips, paved path, street trees, one driveway crossing per site?</p>	<p>Design Compatibility:</p> <p><i>How does the design of the proposal respond to the existing streetscape setting? Are any changes proposed, e.g. new driveway, removal of street trees etc.? Will proposed changes be compatible?</i></p> <p>Note: The road reserve located outside the front of the property between the road surface and the front boundary forms part of the visual catchment and relates directly with the frontage treatment.</p>
<ul style="list-style-type: none"> Front setbacks (building line/s) 	<p>Landscape Character/ Open Space (within the site):</p> <p><i>What is the treatment of the front yard – are there fences on the boundaries, no fences, landscaping?</i></p> <p><i>What is the dominant character of landscape treatment within the front yard of properties in the streetscape/visual catchment area? (i.e. the area inside the front boundaries of the properties in front of the building). Is there an established pattern of landscaping? E.g. Lawn areas behind low fences with shrub borders, and narrow paved driveways.</i></p>	<p>Design response – landscaping of front area:</p> <p><i>How does the proposed development respond to the established landscaped treatment of front setbacks in the streetscape?</i></p> <p><i>Does the proposal increase the amount of paved area/alter fencing, propose removal of existing established trees?</i></p> <p><i>What landscaped treatment is proposed and how is this compatible with that in the local area character?</i></p>
	<p>Front Setbacks (building line/s):</p> <p><i>What are the front building setbacks in the streetscape/visual catchment area? i.e. how far back are the</i></p>	<p><i>What are the proposed front setbacks in the street?</i></p> <p><i>How does the proposed front boundary setback/s respond to the existing front</i></p>

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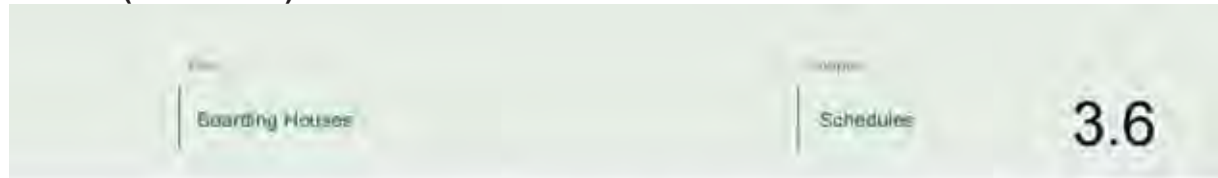


TABLE: Guidelines for Local Area Character Assessment

Design Elements	Local Area Character Analysis (How to analyse and identify the Local Area Character)	Design Responses and Compatibility Tests (How to identify the design characteristics and respond to the local area character)
	<p>buildings located from the front boundary?</p> <p><i>Is there a predominant setback, or a range of setbacks?</i></p> <p><i>If located on a corner, what is the dominant setback in the secondary street?</i></p> <p><i>Does another Part of this DCP prescribe a front setback for the building type or area?</i></p>	<p><i>setbacks of:</i></p> <ul style="list-style-type: none"> • buildings in the local area? • of properties either side of the development? • DCP setback requirements <p>Note: Front setbacks and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity.</p>
Main Entrance	<p>Location of main entries:</p> <p><i>Where is the main entry of the buildings in the local area located? E.g. main entry at ground level facing the street.</i></p>	<p>Proposed siting of main entry: <i>How does the design of the proposal respond to the siting of main entries? (At ground level facing the street?)</i></p> <p>Note: The main entry is the main point where residents and visitors enter and leave the premises. Side entries are discouraged, unless facing side street frontage (corner lots). If proposed at the side (corner lot) is it clearly visible?</p>
<p>Treatment of side and rear areas</p> <ul style="list-style-type: none"> • Setbacks of buildings (side and rear), pattern and spacing of buildings • Landscape Character/ Open Space (side/ rear) 	<p>Side setbacks: <i>What are the side boundary setbacks of buildings in the streetscape/visual catchment area? Is there a consistent pattern of side boundary setbacks?</i></p> <p><i>What are the requirements for side setbacks for the relevant building type under other parts of this DCP?</i></p> <p>Pattern of subdivision and spacing of buildings</p> <p><i>Is there an established subdivision pattern and spacing of buildings including, consistency in size of lots, frontage width, and regular spacing between buildings?</i></p> <p>Rear setbacks:</p> <p><i>Is there consistency in the rear alignment of buildings on properties either side and within the streetscape/visual catchment?</i></p>	<p><i>What are the proposed side boundary setbacks? Do they meet DCP requirements?</i></p> <p><i>Are the proposed side boundary setbacks consistent with the existing side setbacks of:</i></p> <ul style="list-style-type: none"> • buildings either side of the development? • buildings in the local area? <p>Note: Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.</p> <p>What is the proposed rear setback?</p> <p><i>Has consistency in the rear alignment been retained in the proposed development when compared with buildings on properties either side and beyond?</i></p>

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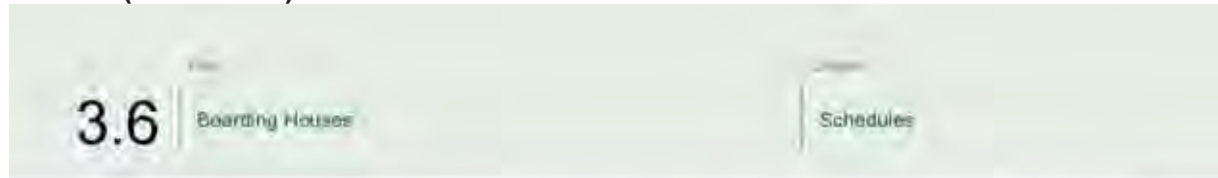
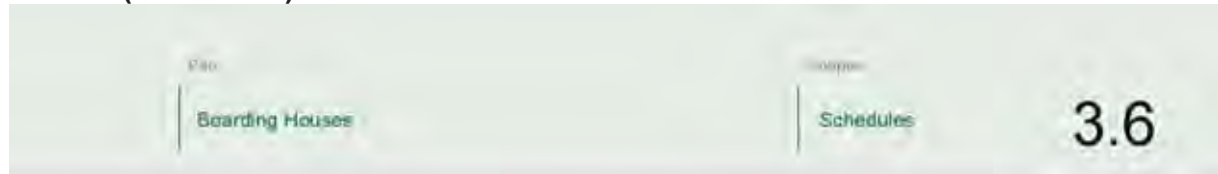


TABLE: Guidelines for Local Area Character Assessment		
Design Elements	Local Area Character Analysis (How to analyse and identify the Local Area Character)	Design Responses and Compatibility Tests (How to identify the design characteristics and respond to the local area character)
	<p>Landscaping in side and rear areas</p> <p>What is the dominant character of landscaping treatment in the side setbacks and rear yards of properties in the streetscape/visual catchment area?</p> <p>Is there opportunity for deep soil planting? Is there a minimum site coverage required? (Refer section 2.5.1 under Part 3.3 of this DCP)</p>	<p>How does the proposed development respond to the established landscaped treatment of rear area?</p> <p>What landscaped treatment is proposed and how is this compatible with that in the local area character? Does the proposal increase the amount of paved area, fencing, or propose removal of existing established trees and deep soil zone?</p>
* The style of existing buildings	<p>Is there a predominant style of buildings within the streetscape/visual catchment area?</p> <p>What is the dominant age/style?</p> <p>E.g. "interwar" style, post world war 2.</p>	<p>How does the design respond to the age and style of buildings?</p> <p>Note: Where new materials and forms are introduced, this should be done with sensitivity to the existing forms and materials.</p>
* Materials and Finishes	<p>What are the predominant building finishes and materials in the locality (streetscape/visual catchment area)?</p> <p>E.g. brick and tile roof?</p>	<p>What materials and finishes are proposed and how do these respond to the predominant building finishes and materials in the locality?</p> <p>Note: Where new materials and finishes are introduced, this should be done with sensitivity to the existing forms and materials. Colours should be complementary to existing.</p>
* Views vistas and skylines	<p>Are there significant views, vistas or skylines in the streetscape/visual catchment area of the proposed development?</p> <p>Are there water views, are there views of significant buildings (e.g. heritage building/s)?</p>	<p>How does the design respond to the significant views, vistas and skylines?</p> <p>Does the proposal open up or close views?</p> <p>Note: Building height/s and side setbacks most often affect views. (Reference should be made to section 2.13.4 View Sharing under Part 3.3 of this DCP.)</p>
<p>* Optional except where the proposal is located on land which is within the vicinity of heritage item, within a conservation area, within a character area identified under Ryde DCP 2010.</p>		

ITEM 3 (continued)

ATTACHMENT 4



Schedule 2 – Template for Plan of Management

This schedule contains a template for use in the preparation of a Plan of Management for a Boarding House required under this Part (refer Section 5.0 Management). The Plan of Management sets out the various requirements and responsibilities of management and lodgers and includes:

- (a) Management arrangements and Manager's contact details
- (b) Council consent compliance details
- (c) Inspection and recording records
- (d) Maintenance of an Incidents Register
- (e) Requirements for keeping Council informed of any change in management

Note: Requirements may change from time to time, and consultation should be made with Council to ensure currency of requirements.

PLAN OF MANAGEMENT Boarding House [INSERT ADDRESS]

1. INTRODUCTION

- 1.1 This Plan of Management provides directions and controls on the use and management of the premise as a Boarding House. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements for both the occupants and surrounding residents.
- 1.2 The Plan of Management refers to the plans prepared by [INSERT NAME] dated [INSERT DATE OF PLANS] and Development Application No. [INSERT NUMBER].
- 1.3 The Plan of Management has been prepared for a Boarding Housing at premises: [INSERT ADDRESS, SUBURB].
The Boarding House was approved on [INSERT DATE OF DA CONSENT] and is subject to compliance with the Conditions of Consent [INSERT DA CONSENT NUMBER].
The Conditions of Consent and a copy of the approved plans are provided as **Annexure A** [PROVIDE COPY OF RELEVANT CONSENT AS ANNEXURE A].
- 1.4 The Boarding House is to be managed by [INSERT WHETHER AN Off-site Manager, or On-site Manager] who will be familiar with the content of the Plan of Management.

[INSERT MANAGER CONTACT DETAILS]

ITEM 3 (continued)

ATTACHMENT 4

3.6

Boarding Houses

Schedule

- 1.6 The location of the premises is shown on Figure 1 – Location Plan



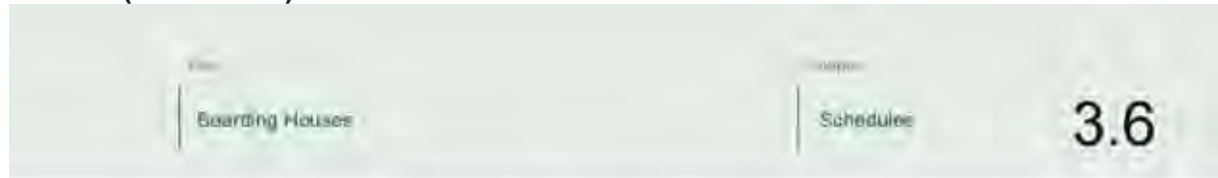
2. DEFINITIONS

2.1 In this Plan of Management:

- (a) **Building:** means the building known as **[INSERT ADDRESS]**
- (b) **Business:** means the operation of the building as a Boarding House
- (c) **Common Room:** means the room identified as the dining room on the approved plans.
- (d) **Common Areas:** means the common room, kitchen, laundry/bathroom, downstairs WC, first floor bathroom opposite the stairs, hallways and the stairs as identified on the approved plans.
- (e) **Common Open Space Area:** means the external communal area including the front yard, side yard, rear yard, ground floor patios and porches as identified on the approved plans.
- (f) **Council:** means City of Ryde Council.
- (g) **Boarder, Lodger:** means a person having the benefit of the use a nominated bedroom and the common rooms /areas within the building.
- (h) **Manager:** means the Manager engaged by the business proprietor.
- (i) **Owner:** means the registered proprietor/s of the building.
- (j) **Room:** means that part of the building occupied and used by a lodger.

ITEM 3 (continued)

ATTACHMENT 4



3. DUTIES OF THE MANAGER

- 3.1 The proprietor shall engage a Manager whose responsibilities are, but not limited to, the following:

The Manager shall:

- (a) Be contactable between the hours of 8.00 am to 6pm Monday to Saturday inclusive.
- (b) Oversee all residential concerns.
- (c) Enforce the minimum occupancy period.
- (d) Organise the cleaning and maintenance of the common areas and common open space areas.
- (e) Enforce the maximum occupancy levels.
- (f) Provide lodgers with appropriate information prior to the commencement of occupation.
- (g) Carry out inspections on a regular basis at a minimum of once every 3 months to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
- (h) Record all inspections in a log book which must be made available to Council upon request.
- (i) Organise the waste collection and facility needs for the site, and the ongoing storage and collection of waste on-site including transfer of waste to and from collection points for the waste collection service as required, and regular cleaning of bins/waste storage areas/rooms.
- (j) Maintain an incident register.
- (k) Maintain the electrical circuits to a safe standard.
- (l) Notify the Council in writing within 1 month of any change in the management and provide contact details for the new management.

4. MAXIMUM NUMBER OF LODGERS

- 4.1 The maximum number of lodgers in the building is [INSERT NUMBER IN TEXT AND IN NUMERALS]. The maximum number of persons per bedroom is as follows:

- Bedroom one (1): [INSERT number in text and in numeral]
- Bedroom two (2): [INSERT number in text and in numeral]
- Bedroom three (3): [INSERT number in text and in numeral]
- Bedroom four (4): [etc]
- Bedroom five (5): [etc]
- Bedroom (etc): [etc]
- Bedroom (etc): [etc]

It is the Manager's responsibility to ensure that these numbers are not exceeded.

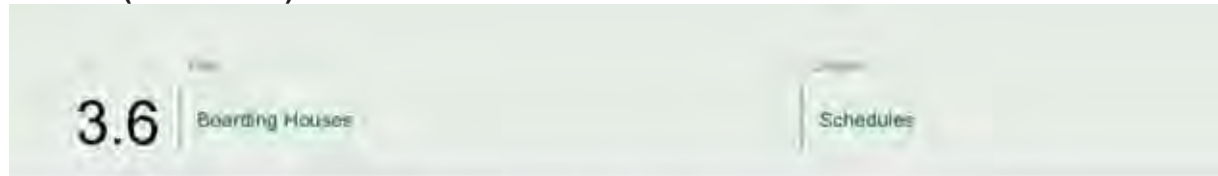
5. MINIMISING IMPACTS ON RESIDENTS

So as to minimise impacts upon the residents of adjoining premises as well as residents of the building the following rules are to apply:

- a. No loud music or television noise is permitted after 10.00pm.

ITEM 3 (continued)

ATTACHMENT 4



- b. No parties or gatherings are permitted upon the premises after 10.00pm.
- c. No visitors other than residents of the property are permitted after 10.00pm.
- d. No use of the outdoor areas is permitted after 10.00pm.
- e. No smoking in areas which may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.

Note: More specific references may be required to define the terms such as "loud" and "noise", maximum number of persons after 10pm, etc depending on the scale of development proposed.

6. DISPLAY OF HOUSE RULES

The house rules are to be clearly displayed throughout the premises and are to detail the following:

- a. Boarder behaviour, including that no smoking or cooking to be permitted in bedrooms.
- b. Visitor policy
- b. Activities and noise
- c. Operating hours of outdoor common areas
- d. Emergency contact details
- e. Advice concerning the responsible consumption of alcohol, and
- f. A zero tolerance policy on illegal drugs.

[Note: the above list is provided as a minimum. Other house rules may also relate to:

- use of communal space and facilities, quiet enjoyment etc.
- keeping shared facilities clean and tidy
- keeping of pets
- use of parking spaces (bicycle parking and motorcycle parking spaces available on first come first use).
- incidents register will be referred to prior to renewing any lease.
- balconies or porches not to be used for the purpose of drying clothing.)

7. FIRE SAFETY

Emergency Management & Evacuation Plans and Fire Mitigation Plans (no smoking or cooking in bedrooms) are to form part of this Plan of Management.

All fire safety features within the building are to be regularly maintained in accordance with any statutory requirements.

A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area.

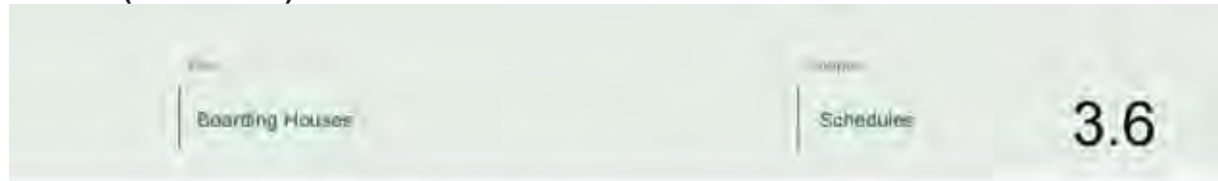
A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.

All residents are to be made aware of the fire safety features of the building and what to do in the event of an emergency.

All staff shall be trained in relation to the operation of the approved Emergency Management & Evacuation Plan.

ITEM 3 (continued)

ATTACHMENT 4



8. CLEANING & MAINTENANCE

The subject premises are at all times to be maintained in a safe and healthy condition. In this regard all common areas are to be cleaned to a professional standard at least once a week. The cleaning and maintenance is to occur to both the area and fixtures and fittings in the area.

In addition all boarders are to be made aware, upon their entering into an agreement to occupy, of their responsibilities in relation to the maintenance and cleaning of the facility.

Further, the common open space areas are to be maintained in a neat and orderly manner. This will require twice/month mowing and garden maintenance during spring and summer and once/month mowing and garden maintenance during autumn and winter.

9. BOARDER/ LODGER INFORMATION

All boarders are to be made aware of the contents and their obligations under approved Plan of Management.

In this regard:

- A full copy of the approved Plan of Management is to be permanently displayed in each boarding room and each common area.
- A copy of the approved Plan of Management is to be made available upon request.

10. BOARDING HOUSE FURNITURE & FACILITIES

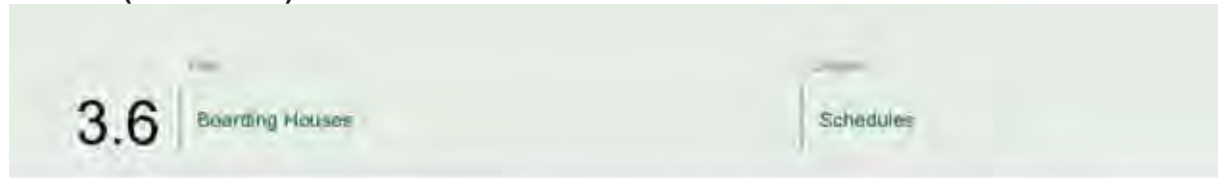
[THIS SECTION IS TO BE USED TO LIST THE FURNITURE AND FACILITIES PROVIDED WITHIN EACH ROOM OF THE BOARDING HOUSE. AN EXAMPLE LIST IS PROVIDED]

[Example List.]

1. *Each boarding room shall be provided with:*
 - (a) *One (1) single bed, mattress and bedding*
 - (b) *One student desk & chair*
 - (c) *One desk lamp*
 - (d) *Clothes storage facility of 1.0m³*
 - (e) *Window furnishing/blind*
2. *The communal kitchen is to be provided with a sink, one stove (or an oven and cook top) and two large refrigerators/freezer.*
3. *The laundry is to be provided with at least one washing machine.*
[Note: the ratio will vary according to number of boarders and must be in accordance with section 3.6 of this Part]
4. *The common room is to be provided with a dining table and [insert number] chairs*
[Note: Ratio of 1 chair minimum per approved boarder]

ITEM 3 (continued)

ATTACHMENT 4



5. *A broom, bucket and mop are to be kept in the laundry for use by lodgers as necessary.*
6. *The entrance door, doors from boarding rooms to patios or porches and each boarding room shall be fitted with a classroom latch (dead bolt) which is able to be opened from the inside by a single handle motion.*

[Note: additional inclusions should also be listed here, such as television, sofas, etc, and identification of access and facilities for people with disabilities.]

[End of example list]

11. WASTE MANAGEMENT & RECYCLING

Residents of the facility are to be encouraged where possible to take advantage of Council's waste and recycling facilities. It is the responsibility of the boarder to sort garbage and place it in the appropriate receptacles.

The manager is to be responsible for the collection arrangements, including making sure that the waste containers are placed adjacent to the kerb on the day of collection and removed back onto the property promptly after collection, and including the servicing of special waste such as "sharps" and/or sanitary napkin receptacles. Where receptacles are provided for the disposal of sanitary napkins, these are to be serviced and readily cleaned on a regular basis.

Collection responsibilities of the manager include all regular garbage, recycling and green waste collection services, as well as household cleanup collection, ensuring goods for collection are managed in accordance with Council's collection requirements (information available on Council's website at: www.ryde.nsw.gov.au or via Council's Customer Service Centre ph: 9952 8222).

12. SAFETY & SECURITY

The following matters are to be provided within the property:

- Internal signage indicating the property caretaker or manager and contact numbers;
- Emergency contact numbers for essential services including fire, ambulance, police and utilities such as gas, electricity, plumbing and the like;
- Perimeter lighting;
- Individual room keys (a master key is to be maintained by the manager and made available to the fire brigade);
- Landline telephone within a common area available for use by residents in the event of an emergency.

[Note: other safety and security measures for reference in the POM might also include:

- surveillance or security camera systems;
- fencing and secure gates;
- identification of access and facilities for people with disabilities
- information about maximum loading of electrical circuits.

[END OF PLAN OF MANAGEMENT]

ITEM 3 (continued)

ATTACHMENT 4



Ryde City Council
Civic Centre
1 Devlin Street
Ryde NSW 2112

www.ryde.nsw.gov.au

4 461-495 VICTORIA ROAD, GLADESVILLE - Outcomes of Community Consultation on Planning Proposal and Draft DCP

Report prepared by: Strategic Planner

File No.: LEP2012/5/003 - BP13/1102

REPORT SUMMARY

This report summarises the outcomes of the community consultation process for the planning proposal to rezone land at 461-495 Victoria Road, Gladesville from IN2 Light Industrial to B5 Business Development, provide new building heights and a draft site specific Development Control Plan (DCP). The planning proposal, Draft DCP and associated documentation was submitted to Council by Bunnings Group Ltd in March 2012 and was supported by a concept Master Plan for a Bunnings retail outlet and bulky goods retailing development. The proposal seeks amendment to Council's existing planning controls only and does not include a development application for any building work.

The planning proposal, draft DCP and supporting documentation was publicly exhibited for 31 days from 11 June to 11 July 2013 (inclusive) and consultation included two drop-in information sessions. The vast majority of submissions received, and comments made at the drop-in sessions, related to traffic and associated matters. Council resolved on 23 July 2013 that an additional community workshop be held focusing specifically on traffic. This community workshop was held on 29 August 2013 and was attended by fifty-four members of the community.

This report outlines the outcomes of all consultation activities on the planning proposal and associated documentation. It recommends that that Council defer a decision on the planning proposal until a *Parking / Traffic Model Study and Impact Assessment* be prepared and considered by Council and the community. It should be noted that some amendments to the planning proposal and draft DCP are warranted but that these should be considered in conjunction with the outcomes of the *Parking / Traffic Model Study and Impact Assessment* as this study may affect the redevelopment potential on the subject site.

Bunnings Group Ltd has offered to co-operatively fund the traffic study, subject to conditions.

It should be noted that some changes affecting this land will also take effect in the event of LEP 2013 (formerly known as Draft LEP 2011) being notified. In particular, under Schedule 1 Additional Permitted land uses, bulky goods premises will be permitted with consent and height controls of a maximum 10 metres will apply. This planning proposal, however, proposes a change in the zone from IN2 Light Industrial to B5 Business Development and amends the maximum height established on the site under when LEP 2013 is notified. As such this planning proposal will still need to be determined. Based on recent advice from the Department of Planning and Infrastructure, LEP 2013, is anticipated to come into effect in October/November 2013.

ITEM 4 (continued)**RECOMMENDATION:**

- (a) That Council defer the determination of the Planning Proposal and supporting site specific Draft Development Control Plan to allow for a *Parking / Traffic Model Study and Impact Assessment* to be prepared and considered.
- (b) That Council accept the offer from Bunnings Group Ltd to co-operatively fund the *Parking / Traffic Model Study and Impact Assessment*.
- (c) That Council delegate to the General Manager to negotiate and finalise a Memorandum of Agreement between Bunnings Group Ltd and the City of Ryde with respect to the final scope and co-operative funding of the *Parking / Traffic Model Study and Impact Assessment*.
- (d) That Council allocate an amount up to \$100,000 with \$25,000 from the Planning Proposal income account and the balance plus GST from the Bunnings Group Ltd for the purpose of preparation of funding the *Parking / Traffic Model Study and Impact Assessment*.
- (e) That the outcomes of the *Parking / Traffic Model Study and Impact Assessment* are presented to the community, prior to the study and the planning proposal being considered by Council.
- (f) That Council advise the Department of Planning and Infrastructure of its decision in relation to the planning proposal and request an extension to the timeframe for completion of the planning proposal.

ATTACHMENTS

- 1 Map showing Notification Area for Community Consultation
- 2 Summary of Submissions Table
- 3 Summary of Issues Raised at Community Workshop held 29 August 2013
- 4 Map identifying issues raised at Community Workshop
- 5 Bunnings Ltr - offer to fund traffic study 28 Aug 13

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Acting Group Manager - Environment and Planning

ITEM 4 (continued)**History**

On 13 November 2012, Council considered a report to rezone 461-195 Victoria Road, Gladesville. The proposal was submitted by Bunnings Group Ltd to Council in March 2012. It is proposed to include additional land uses in *Schedule 1 Ryde Local Environmental Plan 2010* (LEP 2010) and to amend the Height of Buildings Map in LEP 2010. At the above meeting, it was resolved:

- (a) That Council note the Planning Proposal for 461-495 Victoria Road, Gladesville to amend Clause 4 'Use of certain land at 461-495 Victoria Road, Gladesville' of Schedule 1 under Ryde Local Environmental Plan 2010 to include the following land uses, bulky goods premises, hardware and building supplies and garden centre, and to amend the Height of Building Map (06) under Ryde Local Environmental Plan.*
- (b) That Council forward the planning proposal to 461-495 Victoria Road, Gladesville to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.*
- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.*
- (d) That Council support a site specific addition to the Ryde Development Control Plan 2010 be prepared for 461-495 Victoria Road, Gladesville and public exhibited together with the planning proposal.*

On 1 March 2013, the Department of Planning and Infrastructure (DoPI) issued a gateway determination. The full details of the gateway determination were reported to Council on 9 April, 2013. Of particular relevance are items 2, 3, 4 and 6 of the gateway determination. Items 2 and 3 required amendments to the planning proposal as follows and were considered by Council 9 April, 2013:

"...(2) Council's proposed provision to include 'bulky goods premises', 'garden centre' and 'hardware and building supplies' as additional permitted uses on land at 461-495 Victoria Road, Gladesville is not supported and should be removed from the planning proposal. Council is to zone the site B5 Business Development or another appropriate business zone to permit the abovementioned land uses. Council is to amend the planning proposal and mapping to reflect the above approach prior to proceeding to public exhibition.

(3) Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to include advice on the changes proposed to be made to draft Ryde LEP 2011, in the event the draft LEP is notified prior to the making of this planning proposal.

ITEM 4 (continued)

(4) Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal....”

*“(6) The timeframe for completing the LEP is to be 9 **months** from the week following the date of the Gateway determination....”*

Item 4 required consultation with NSW Transport – Roads and Maritime Services (RMS). The submission received from the RMS is considered elsewhere within this report. Item 6 identified the timeframe for completion of the process for the making of the LEP for this planning proposal was by 1 November 2013. A change to this timeframe is discussed elsewhere within this report.

On 9 April 2013, Council considered a report to rezone the site from IN2 Light Industrial to B5 Business Development in response to the Gateway Determination requiring amendments to the planning proposal. At this meeting it was resolved:

- (a) That Council endorse amendments to the planning proposal to for 461-495 Victoria Road, Gladesville to change the zone of land from IN2 Light Industrial to B5 Business Development and to delete Clause 4 Schedule 1 Additional Permitted Uses relating to the use of Building H (on the site) for business and office premises under Ryde Local Environmental Plan 2010.*
- (b) That Council proceed to community consultation and public exhibition of the planning proposal in accordance with the gateway determination issued 1 March 2013 and the communication plan identified in this report.*
- (c) That Council advise the Department of Planning and Infrastructure of its decision in response to the gateway determination issued 1 March 2013 for 461-495 Victoria Road, Gladesville.*

In accordance with the above resolution, the planning proposal, draft site specific DCP and associated documentation was placed on public exhibition from 11 June to 11 July 2013 (inclusive). The outcomes of this exhibition are detailed and considered as part of this report.

At its meeting on 23 July 2013, Council considered a Notice of Motion that raised concerns with the planning proposal, with reference to traffic. A petition containing 220 signatures and accompanied by 3 signed submissions (the submissions were duplicates of submissions received during the exhibition period) was tabled together with the Notice of Motion on 23 July 2013. At this meeting, Council resolved:

ITEM 4 (continued)

“That having regard to community concerns expressed at the two Community consultation sessions held on 12 June at the Next Generation and on 27 June at Gladesville Library regarding the Planning Proposal for a Bunnings Store and associated uses at 461-495 Victoria Road, Gladesville, that Council hold a further Community Consultation meeting specifically to address traffic concerns prior to the report of the exhibition coming to Council.”

The additional meeting should be notified by a letter drop to the residents of Frank, College, Orient, Monash and Eltham Streets, Buffalo Road and roads to the south of Victoria Road as well as other stakeholders who have written submissions or attended the consultation sessions.

The outcome of the consultation session is to provide a range of options addressing community concerns relating to the issue of traffic generation which will be considered when the planning proposal is determined by Council.”

In accordance with the above resolution, a community workshop was held on 29 August 2013. The outcomes of this meeting are detailed and considered as part of this report under “Outcomes of Community Consultation”.

Currently but separately to the planning proposal, Bunnings Properties Pty Ltd lodged a Development Application with Council on 2 November 2012, for the demolition of a building (corner Victoria Road and Frank Street), construction of vehicle ramp and subdivision. This includes road works to allow for the provision of a deceleration lane along Victoria Road.

On 16 July 2013, Council’s Planning and Environment Committee (P&E) resolved to approve Local Development Application No. 2012/0412 at 461-495 Victoria Road, Gladesville subject to conditions.

As a result, on 23 July 2013, development consent was issued for construction of a new vehicle crossing at the intersection of Victoria Road and Tennyson Road, demolition of an existing industrial building and construction of a new vehicle ramp down to the ground level of the subject site and associated landscaping works (LDA2012/0412). Of relevance to this report is information regarding the resubdivision, as follows:

Comment: *As part of the development application, it is proposed to include a boundary re-alignment to suit the intersection upgrade. This will include the dedication of the intersection to Council.....[illustrated in figure 2 of that report]..... The intent of the dedication is to ensure that the intersection is located wholly on public land and the internal access ramp will be located wholly within the subject site. The development has also identified land that is to be acquired by RMS. The land to be acquired by the RMS currently belongs to the applicant rather than being Crown land. Other than the RMS, the State Government is not required to be included in this proposal.*

ITEM 4 (continued)

It should be noted that this work has already commenced on the site. To date the building at the corner of Frank St and Victoria Rd has been demolished and it is understood that matters regarding the works and resubdivision have been underway between the applicant and the RMS.

Community Consultation

Consultation with the community regarding the Planning Proposal and Draft DCP was carried out in accordance with legislative requirements, Council resolutions and the communication plan endorsed by Council at its meeting on 9 April 2013. Key dates and events of the community consultation are as follows:

- Public exhibition for a period of 31 days between 11 June and 11 July (inclusive) 2013.
- A copy of the exhibition notice, Planning Proposal, draft DCP and all supporting material was available for public viewing at Gladesville and Ryde Libraries, Customer Service Centre, and Ryde Planning and Business Centre. The documents were also made available on Council's website.
- Two community information sessions were held as follows:
 - 12 June 2013, 5.30pm - 8.30pm at "Next Generation", Gladesville, and
 - 27 June 2013, 3.00pm – 6.00pm at Gladesville Library.
- Notification was sent to all land owners within the area bound by Victoria Road, Cressy Road, Buffalo Road, Monash/Ryde Road, Westminster Road, Tennyson Road, Potts Street and Margaret Street. The area notified is identified on the map (**ATTACHMENT 1**).
- Community Workshop held at Ryde Civic Hall on 29 August 2013. Invitations were sent to all who made submissions and all who attended the information sessions on 12 and 27 June 2013. Invitations were also distributed by letterbox drop to all occupiers (including all residential and businesses) in the area previously identified for notification (**ATTACHMENT 1**).

As reported (9 April 2013) the proponent undertook to assist with the consultation. Activities carried out by the proponent included:

- Pre-exhibition contact with the community by door knocking properties in the vicinity of the subject land (including properties in nearby streets – residences, businesses, school, etc)
- Preparation of laminated storyboards describing the proposal and the process to date.
- Engagement of consultants to assist with the consultation (Eltons Consulting, Transport and Traffic Planning Associates) including attendance at information sessions to answer questions, attendance at meetings with Council staff, input to the consultation process.

ITEM 4 (continued)**Outcomes of Community Consultation**

Given the above, feedback from the community was gathered from the following:

- Community Sessions
- Written submissions
- Community Workshop

The outcomes of each of the community consultation exercises are considered and detailed below.

Community Information Sessions

A total of forty-five (45) community members attended the community information sessions. Seventeen (17) attended the session at Next Generation on 27 July 2013 and twenty-eight (28) attended the session at Gladesville Library on 27 June 2013. Of these, six people attended both sessions. The information sessions were facilitated by Council staff and representatives of the proponent.

A number of comments and questions were discussed with staff and the proponent's representatives about the planning proposal, draft DCP, concept plans and the exhibited traffic study. Matters discussed included:

- Proposed height controls – in particular to potential difference in heights between existing and potential future development
- A range of traffic-related issues including anticipated traffic generation, the large number of parking spaces proposed, loading and unloading, access to and from the site (both vehicular and pedestrian)
- Likely hours of operation – week days and on weekends
- Amenity – acoustic and visual privacy, noise generation from traffic and loading, unloading activities
- Proposed draft DCP controls for landscaping, setbacks and existing street trees (College Street)
- Scale, size and bulk of the proposed concept – as viewed from residential areas

The majority of people attending the information sessions also made submissions in response either at the sessions or separately later (refer next section).

Written Submissions

A total of eighty-three (83) submissions were received in response to community consultations.

All submissions included names and contact addresses/email address, with the exception of one submission which included a first name only. Source and number of submissions are as follows:

ITEM 4 (continued)

- Seventy-two (72) submissions from residents/owners of residential properties located within the local area around the subject site (within 2km), including from the following streets (listed in alphabetical order):
 - Arnold Street
 - Brereton Street
 - Buffalo Road
 - Cambridge Street
 - College Street
 - Cressy Road
 - Eltham Street
 - Monash Road
 - Nelson Street
 - Pearson Street
 - Percy Street
 - Potts Street
 - Searle Street
 - Thompson Street
 - Victoria Road
 - Weaver Street
- Five (5) from surrounding businesses and the school
- One (1) from Local MP, five (5) from within the Ryde LGA but outside the area surrounding around the site.

All submissions have been summarized and attached (**ATTACHMENT 2**). The submissions have been grouped by location where possible. Multiple submissions were made by the same person (some duplicate, some with slight variations) have been incorporated in summary of submission/s and counted as one submission. Also included in the table is the submission from RMS which is discussed later in this report (refer section headed "Referrals"). A copy of all submissions received will be available for viewing upon request at the Council meeting when this report is considered.

Following the exhibition period, a petition was also tabled together with the Notice of Motion considered at Council's meeting on 23 July 2013. The petition comprised 220 signatures. Details of the petition are included in the summary of submissions table attached to this report.

Issues raised by the community in the submissions received related to the following key matters:

- Traffic, parking and access
- Appearance and Character
- Amenity and Environmental impacts
- Economic and Social impacts

Key matters raised are considered below. A summary of all submissions received is provided (**ATTACHMENT 2**).

ITEM 4 (continued)***Traffic, parking and access***

All except one submission raised concerns relating to traffic and traffic-related matters. Issues raised in submissions relating to traffic also include comments made on access issues (for vehicles and pedestrians) and parking issues. The issues can generally be summarised as:

- General impacts on traffic and road network (local and arterial),
- Validity of the traffic and parking study exhibited with Planning Proposal,
- Safety of residents and school children / parents,
- Current traffic issues for local residents potentially increased,
- Impacts on on-street parking
- Parking for staff,
- Cumulative impacts of other developments approved in the area, and
- Suggestions for Local Area Traffic Management measures such as road closures, one-way roads, etc.

Comment

Traffic issues are relevant to the consideration of the planning proposal. Issues raised have highlighted the need for further study on the impacts of traffic on the local area, as discussed separately under the Community Workshop section of this report.

Recommendation

That a *Parking / Traffic Model Study and Impact Assessment* be carried out as described later in this report, and Council defer decision on the planning proposal pending consideration of the outcomes of that study.

Appearance and Character (Height, Bulk, Scale)

Concerns were raised regarding:

- Visual Impact,
- Scale and size of proposal
- Change of character of the area as a result of the change in zone from Industrial to commercial, specifically that this will allow retailing activities
- Impact on nearby heritage items (Holycross School)

Comment

The land parcel fronts busy Victoria Road and is significantly larger than many other light industrial land parcels in the vicinity. Any redevelopment of the site will require consideration of the impacts of potential scale and bulk. The Draft DCP contains provisions to guide development design to minimise potential visual impacts, and guidelines to modulate the facades and to assist to reduce the potential bulk and scale of the development. These matters will also be considered in depth as part of the assessment of any future development application.

ITEM 4 (continued)

It should also be noted that the outcomes of the *Parking / Traffic Model Study and Impact Assessment* recommended under this report (described later) may have implications for the redevelopment of the subject site which will necessitate revisiting the draft DCP and planning proposal. Therefore consideration of the planning proposal and site specific DCP should be deferred pending the preparation and consideration by Council of the *Parking / Traffic Model Study and Impact Assessment*.

Recommendation

The findings of the traffic study, recommended under this report, may have an impact on the development outcomes for the site. Accordingly, is recommended that consideration be deferred until such time as the traffic study is completed.

Amenity and Environment

Concerns were raised regarding the proposal's potential to impact on residents amenity in neighbouring streets:

- Noise and privacy impacts/overlooking, in particular disruption due to weekend operating hours,
- Overshadowing, and
- Stormwater (particularly as it impacts on downstream neighbours)

Comment

The site is unusual in its topography and scale compared with surrounding sites because it was a quarry. The draft DCP contains provisions for setbacks, height controls to address amenity issues particularly the transition between development of this site and the adjoining residential areas, overshadowing and overlooking. The Draft DCP also contains provisions to address potential acoustic impacts. It should be noted that these matters will also be considered in depth as part of the assessment of any future development application.

The land is subject to some slope instability (moderate risk), due to the steeply sloped portions, and to overland flow. The management of stormwater, overland flow consideration of the slope instability will be required to be addressed in detail with any future development application. Such environmental matters do not preclude the opportunities for redevelopment, but rather are constraints to be considered in any future design. Proposed management of stormwater on and from the site will be subject to assessment against Councils existing controls for stormwater contained within Part 8.2 Stormwater of Development Control Plan 2010.

Economic and Social

Concerns were raised regarding potential economic and social issues caused by the proposal. The submissions raised concerns specifically regarding:

- Cumulative impact on existing retail centres,
- Direct impact on existing industrial and retail areas in Ryde,
- Impact on property values,
- Community Benefit impacts, and
- Social Issues, potential for increase in crime.

ITEM 4 (continued)**Comment**

Local Planning Directions (s117 Direction) under the *Environmental Planning and Assessment Act 1979* apply in the making of LEPs. When Council prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary), Council is required to consider such matters as all relevant local planning directions, state policies and strategies.

In particular, section 117 direction 1.1 Business and Industrial Zones has been mentioned in submissions. The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres.*

The direction states that a planning proposal must:

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

As previously reported (9 April 2013) Correspondence from DoPI dated 1 March 2013 accompanying the Gateway Determination advises that the planning proposal's inconsistency with this Direction is of "*minor significance.*"

The land will remain employment land under the proposed rezoning. An economic assessment formed part of the planning proposal. The study concluded that the proposed land use and potential for redevelopment would contribute significantly to the retention and creation of employment in the Gladesville Light Industrial area in particular and in the Ryde LGA more generally.

With regards to social issues, in particularly the potential for increased crime, these matters will be addressed during the development application stage. At this stage consideration will be given to the Crime Prevention Through Environmental Design principles.

Recommendation

Given the advice received by Council from the Department, it is considered that no further action is required in response to these issues.

ITEM 4 (continued)

Community Workshop

Council resolved on 23 July 2013 to hold a community workshop to specifically consider community concerns with regards to traffic.

This workshop was held on 29 August 2013 at Councils Civic Hall.

The format of the meeting was a 'Community Workshop' style meeting with presentations by Council Staff and the proponent at the beginning of the meeting, questions from the floor and facilitated discussions / workshopping at individual tables that were allocated to attendees based on street. The concerns of the community were identified through table-focused discussions with brief presentations by each table and a questions and answer section at the end of the session.

A total of 54 (fifty-four) community members and 2 Councillors attended the meeting. These were allocated to 8 separate working groups based on areas as follows:

Table 1	College Street
Table 2	College Street
Table 3	Orient Street
Table 4	Orient Street
Table 5	Eltham Street, Nelson Street and Monash Road
Table 6	Buffalo Road, Cressy Road and Frank Street
Table 7	South of Victoria Road
Table 8	Other

Many issues were raised by the community as part of a large group discussion either before or after the facilitated discussions and these comments were recorded by staff. To facilitate discussions at the tables, facilitators were provided with maps of the surrounding areas and two work sheets that sought the identification of:

1. Traffic Issues – Current Experience
 - a. What – What is the traffic, parking, access issue CURRENTLY being experienced,
 - b. Where - Where is the CURRENT traffic, parking, access issue being experienced,
 - c. When - When is this CURRENT issue being experienced

2. Traffic Issues – Anticipated Experience
 - a. What – What is the traffic, parking, access issue you ANTICIPATE will be experienced
 - b. Where – Where do you ANTICIPATE this traffic, parking, access issue will be experienced
 - c. When – When do you ANTICIPATE this issue will be experienced

Issues raised as part of the session can be divided into those relating to traffic and those not relating to traffic. **ATTACHMENT 3** includes a list of all matters raised as part of the Community Consultation Session. **ATTACHMENT 4** is a map identifying

ITEM 4 (continued)

the specific areas raised by the community as part of this workshop. In this respect the critical issues identified by the community under the existing situation were:

- Excessive traffic and congestion on local roads as a result of 'rat-runs',
- Surrounding area is quiet on the weekends and evenings when existing businesses are closed,
- Existing parking problems due to commuter parking and patrons and staff of existing industrial / commercial businesses in the area,
- Intersections surrounding the site are already failing,
- Speeding through local streets, and
- Unreasonable traffic queues to get onto Victoria Road in the peak hours.

Following on from this, the critical issues identified by the community to be experienced should the planning proposal proceed are:

- Traffic and congestion to be worsened given additional vehicular movements,
- Quiet weekends and evenings will be lost,
- Existing parking problems will be worsened, and
- Worsened traffic queues in local streets.

Given the matters raised and the level of concern expressed by the community with regards to traffic impacts, it is recommended that the planning proposal be deferred to allow for an independent localised Parking / Traffic Model Study and Impact Assessment be undertaken.

In this respect, a consultant brief for the preparation of a localised Parking / Traffic Model and Traffic Impact Assessment has been prepared to determine:

- The impacts of the Planning Proposal,
- The appropriate traffic study area and necessary data,
- whether potential impacts resulting from the proposal are within acceptable limits,
- potential mitigation measures that could be implemented and their benefits, including testing mitigation measures identified through the community consultation process, and
- Examine and evaluate the concerns raised by the community regarding traffic generated by the proposed development, and
- Impacts of parking / appropriate parking rates to be applied.

The deliverables of the consultancy are:

- Parking / Traffic Model that:
 - Identifies the study area utilised by the model and includes every street within this area,
 - Includes a comprehensive set of data that considers current traffic demands, travel times and queues used to establish the base case, including weekdays and weekend peak and off peak periods,
 - Includes consideration of the changing nature of Gladesville Town Centre and the Victoria Road Corridor,

ITEM 4 (continued)

- Is capable of testing traffic mitigation measures,
 - Is capable of identifying the details and specific of all 15 scenarios to be tested by the model and the impacts on the surrounding road network (including consideration of community concerns raised through the consultation process and the 'switching on and off' of various traffic mitigation mechanisms such as road closures in College St, Orient St, and Eltham St),
 - Is capable of allocating impact and mitigation item responsibilities to specific developments in the area,
 - Identifies the traffic generation rates for the proposed uses under the planning proposal,
 - Identifies the appropriate traffic generation rates for the proposed uses permissible under the zoning change,
 - Includes a traffic model capable of being extended should associated issues arise.
- Impact Assessment Report that:
 - Assesses and identifies the impacts of up to individual 15 scenarios (and associated mitigation measures) entered into the model on the road network, including but not limited to Orient St, Cressy Rd, College St, Eltham St, Monash Rd, Buffalo Rd, Searle St, and Frank St, Recommends a suite of mitigation measures, indicative costings and details attributable traffic flows based on percentage to the planning proposal and other regions of development within the study area for each of the 15 scenarios,
 - In the event that the proposed quantum of floor space is unacceptable, recommends a maximum amount of floor space on the subject site giving consideration to the maximum potential uplift permissible under the existing planning controls.

The study brief also requires any forthcoming proposal must demonstrate that the selected modelling platform is a combination of meso-micro approaches. It must also have the capacity to be presented to the community members in a readily understandable fashion. Potential packages may be Aimsun or VISUM/VISSIM.

As part of the development and finalisation of the Parking / Traffic Model and Traffic Impact Assessment, meetings and briefing sessions with Council staff, the RMS and the Community will be required.

The study brief emphasises that the successful tender will demonstrate an understanding of the community concerns and that these are to be addressed. The study must assess and test various scenarios, one of which will include the base case with no development. The full suite of scenarios to be developed in consultation with Council with the successful consultant. These scenarios will include consideration of the anticipated uplift in the surrounding areas under Councils existing planning controls. The study will also test a variety of Local Area Traffic Management schemes and the impact of these schemes on the flow of traffic throughout the local traffic network.

ITEM 4 (continued)

It should be noted that Council has received an offer from Bunnings Group Pty Ltd to co-operatively fund the Parking / Traffic Model Study and Impact Assessment subject to:

- A reasonable scope for the study being prepared in consultation with Bunnings Group Pty Ltd,
- Study being undertaken in a professional and timely manner,
- Procurement of consultants being subject to appropriate discipline with regard to costs and resourcing,
- Opportunity to review the scope,
- Obtaining access to the draft report and final reports prior to their release to the public, and
- Total costs to Bunnings capped, yet to be determined

This offer has been provided as **ATTACHMENT 5**. Given the limitations on the offer and that the cost of the study will not be known until after the tender process is concluded, it is recommended that the Council accept the offer in principle and delegate to the General Manager to negotiate a Memorandum of Agreement with Bunnings Group Ltd with regard to the final scope and the funding agreement. Council will be pursuing a cost sharing arrangement for the traffic study, with the majority of the cost borne by Bunnings Group Ltd.

It should be noted that the total costs of the study will not be known until the Tender process is concluded and the successful consultant selected.

During the meeting a range of additional matters not relating to Traffic were identified. These matters included issues that had been previously raised in written submissions received by Council in response to the Public Exhibition of the Planning Proposal.

Additional matters identified in the workshop that were not raised in submissions included:

Questions relating to previous road closure/reopening proposals, reasons for decisions made by Council***Comment***

It is proposed as part of the Parking / Traffic Model Study and Impact Assessment that scenarios to be tested include the potential of road closures nominated by the community and consideration of the approvals process / viability of undertaking this work.

Concerns about potential impacts of activities during construction, particularly as experienced out of current construction activity in the area of the 1-9 Monash Road development.

ITEM 4 (continued)**Comment**

The potential impacts of construction of developments are normally addressed as part of a Construction Management Plan required as a condition of consent imposed on a Development Application. Any such plan must conform would be required to conform with the applicable *Australian Standards* and *Ryde Development Control Plan 2010 Part 8.1 Construction Activities*. Adherence to these plans are the responsibility of the Principal Certifying Authority in charge of any given development. Accordingly, it is not considered appropriate to address or give weight to these matters at this stage.

Referrals

The gateway determination required consultation with NSW Transport – Roads and Maritime Services (RMS). The RMS is the authority responsible for Victoria Road. The RMS raised no objection to the proposed rezoning and requested changes to Draft DCP regarding Victoria Road, as follows:

- **Section 2.3 Setbacks:** amend to require a 6 metre setback to new boundary Victoria Road (Figures 6.8.4 and 6.8.5) to enable space for RMS maintenance work
- **Section 4.2b Access:** amend to state that access to the site shall be provided via the signalised intersection at Victoria Road/Tennyson Road

In addition to the required referral, Council has also been consulting specifically with the RMS regarding this site, the issues relating to traffic in this area around Gladesville and the parameters for the potential Parking / Traffic Modelling Study and Traffic Impact Assessment. Council staff and the RMS are working cooperatively on this matter.

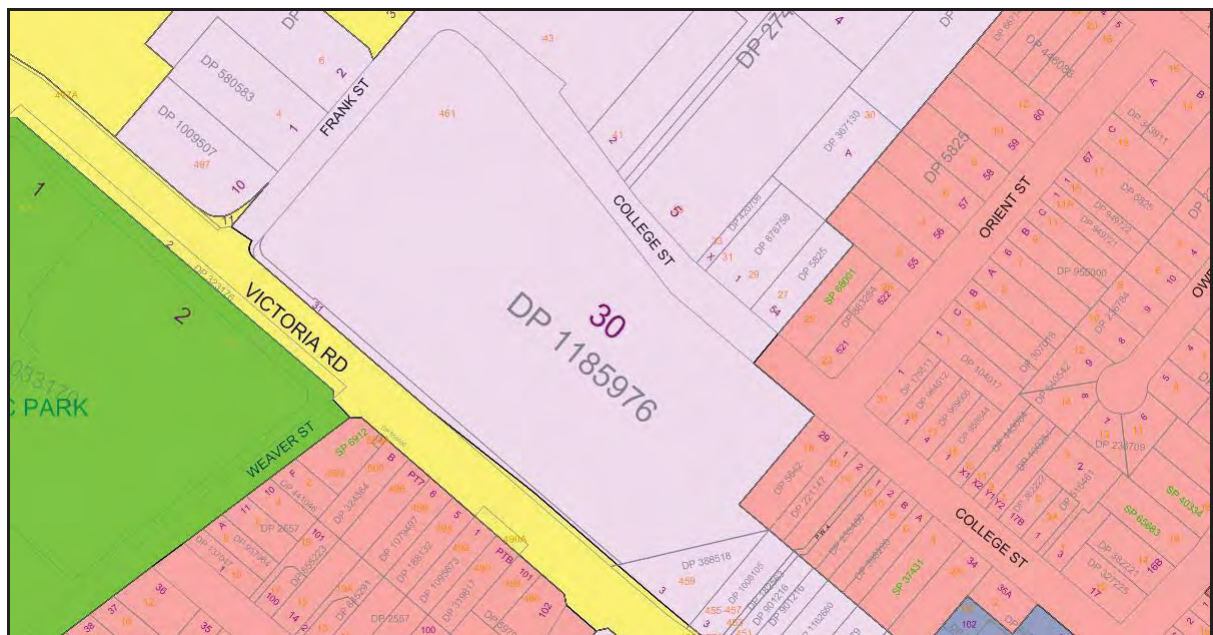
It is not considered that there are any issues with the changes requested to the Draft DCP. A greater setback on Victoria Road is also desirable from an urban design perspective. The changes requested to the DCP are necessary as the property boundary has now also changed as a result of the LDA approved by Council on 23 July 2013 and subsequent subdivision.

With regards to the subdivision, it should be noted that the land identified in the planning proposal was originally identified as Lot 1 in DP 739556. This land is predominantly zoned Light Industrial with a thin sliver of land along part of the Victoria Road frontage zoned SP2 Classified Road. The SP2 land is also identified in the Land Reservation Acquisition Maps (proposed for acquisition by RMS) under LEP 2010 and Draft Ryde Local Environmental Plan 2011 (to be known as LEP2013). The land area for acquisition by the RMS has been finalised through the recent land subdivision since the planning proposal was submitted and exhibited.

The single land parcel which was the subject of the land planning proposal has been re-subdivided into two lots to identify the land to be acquired by the RMS for road widening. The land parcels are now Lot 31 in DP 1185976 which is located along the

ITEM 4 (continued)

Victoria Road boundary to be acquired by the RMS for Road widening) and Lot 30 in DP 1185976 owned by Bunnings Group Ltd (being new Lot 30 in DP 1185976) and consequently to be the land desired to be rezoned to B5 Business Development. The current land use zones and new lot boundaries can be seen in the map extract below.



The land subdivision is of minor consequence to the planning proposal as it was the land zoned Light Industrial only being changed to be B5, however there is a minor adjustment required to the land zoned SP2 to match the newly subdivided land parcel as the differs slightly to the zone boundaries currently identified under LEP 2010. The subdivision is to be noted in the future land acquisition maps under LEP 2013 as part of areas identified for acquisition by the RMS.

Implications in the event of LEP 2013 coming into effect

It should be noted that some changes affecting this land will also take effect in the event of LEP 2013 (formerly known as Draft LEP 2011) being notified. In particular, under Schedule 1 Additional Permitted land uses, bulky goods premises will be permitted with consent and height controls of a maximum 10 metres will apply. This planning proposal, however, proposes a change in the zone from IN2 Light Industrial to B5 Business Development and amends the maximum height established on the site under when LEP 2013 is notified. As such this planning proposal will still need to be determined. Based on recent advice from the Department of Planning and Infrastructure, LEP 2013, is anticipated to come into effect October/November 2013.

Financial Implications

Should Council resolve to undertake the preparation of a traffic study as described above, it will result in a financial impact to Council. The funding will be sourced in part The Bunnings Group Ltd which has offered to jointly fund the traffic study under a Memorandum of Understanding between Council and the applicant. This is to be negotiated by the Acting General Manager (subject to council adopting the recommendations of this report).

ITEM 4 (continued)

It should be noted that the cost of the traffic study is not known and will be determined by the market through an open procurement process that complies with Councils' policies. It is estimated that it will cost between \$75,000 and \$100,000.

Bunnings offer is yet to be determined. However it is considered reasonable that Council \$25,000 to undertake the study. These funds will be sourced from the Planning Proposal income account. There is approximately \$58,000 uncommitted funds in the Planning proposal account at the present time.

	Current approved budget	Estimated Cost to council	Deficit
<i>Parking / Traffic Modelling Study and Impact Assessment for Bunning's site at 461-495 Victoria Rd Gladesville</i>	\$0	\$25,000	\$25,000

Options

The draft DCP relies on the planning proposal, and therefore for the purposes of considering options, both are considered together. Planning Proposals are managed under the gateway plan-making process which has five main steps:

1. Planning proposal
2. Gateway
3. Community Consultation
4. Assessment
5. Decision (final plan-making by the Minister)

Council is currently in the third stage, Community Consultation, which is complete only when the Council (as the relevant planning authority) has considered submissions received. In addition to the option of supporting the planning proposal and draft DCP for adoption, Council may, at any time, vary the planning proposal under section 58(1) of the *Environmental Planning and Assessment Act 1979*, as a consequence of its consideration of any submission or report during consultation, or for any other reason. Council can also decide not to proceed with the proposal at any stage of the plan-making process after a gateway determination is made. The following options are relevant to the subject planning proposal:

Option 1: That Council supports the planning proposal and draft DCP as exhibited

Should Council choose this option, it risks failing to adequately address planning considerations raised through community consultation identified in this report. This option is not preferred.

ITEM 4 (continued)**Option 2: That Council decides not to proceed with the planning proposal and draft DCP**

Council has effectively considered the expansion of uses on the site on four occasions:

1. Adoption of the Local Planning Study in December 2010;
2. Supporting the planning proposal for gateway determination on 13 November 2012;
3. Endorsing the DLEP 2011 to be forwarded to the Minister with an expanded uses to the subject site under Schedule 1 on 12 March 2013; and
4. Supporting the Planning Proposal for community consultation on 9 April 2013.

Deciding not to proceed at this stage of the process is not preferred as it is considered Council should investigate and consider the outcomes of the local area traffic study recommended under this report before it makes a decision.

Option 3: That Council defers its decision pending further study

Council has the option to amend the planning proposal in response to submissions, associated report or for any other reason. Council can also seek further information to make an informed decision.

At this stage, as identified through community consultation, it is considered that there is insufficient planning evidence to make an informed decision on the planning proposal and draft DCP. In particular, there is insufficient evidence for an informed decision to be made with respect to the potential traffic issues.

Accordingly, this report recommends that a Parking / Traffic Model Study and Impact Assessment be undertaken to further consider the potential impacts of the development on the surrounding area. The outcomes of the Parking / Traffic Model Study and Impact Assessment may have consequences for the planning proposal and draft DCP, requiring consideration. The outcomes of the *Parking / Traffic Modelling Study and Impact Assessment* and implications for the on this planning proposal and Draft DCP will form the basis of a further report to Council.

The option to defer making a decision on the planning proposal and draft DCP is the preferred option, and forms the basis for the recommendations attached to this report.

Critical Dates and Timeframe

Timeframes and critical dates apply to the LEP plan-making process, and the making of a Draft DCP.

ITEM 4 (continued)

Planning Proposal – Making of an LEP

The gateway determination requires completion of the plan-making process for this amending LEP by the DoPI by Friday 9 November 2013, which is within 9 months from the week following the date of the gateway determination (1 March 2013). In order to meet this timeframe, Council must refer its request to Parliamentary Counsel (under delegation) to draft and finalise the LEP by Friday 28 September (6 weeks prior to the completion date). A letter has been sent to the Department advising of the status of the planning proposal.

As previously reported (9 April 2013), Council has been authorised to use its delegations. As required of the plan-making process, and use of delegation, a planning proposal must include a project timeline, and the progress of the planning proposal be discussed with the Department's Regional Office at key stages.

The timeframes for the final three key stages of the plan-making process are affected by the extension to the community consultation (workshop held 29 August 2013) and will be affected by the recommendation attached to this report, as identified in the table below.

Key Stages	Anticipated dates as at Exhibition	Revised anticipated date (if deferred pending preparation and consideration of outcomes of traffic study)
Timeframe for the consideration of the proposal post exhibition	10 September 2013	February-March 2014
Anticipated date RPA will forward to Parliamentary Counsel's Office for Opinion (if delegated)	12 September 2013	March - April 2014
Anticipated date RPA will make the plan and forward to the department for notification (if delegated)	30 October 2013	May – June 2014

The Department's regional office has been advised of the results of consultation, the further community consultation (workshop held 29 August 2013) and the possibility of the need for a Parking / Traffic Model Study and Impact Assessment. The Department has indicated informal support for the need for a traffic study and for an extension of 6-12 months to the plan-making process. A suitable recommendation to seek the Department's formal approval for an extension to the timeframe is included in the recommendation attached to this report.

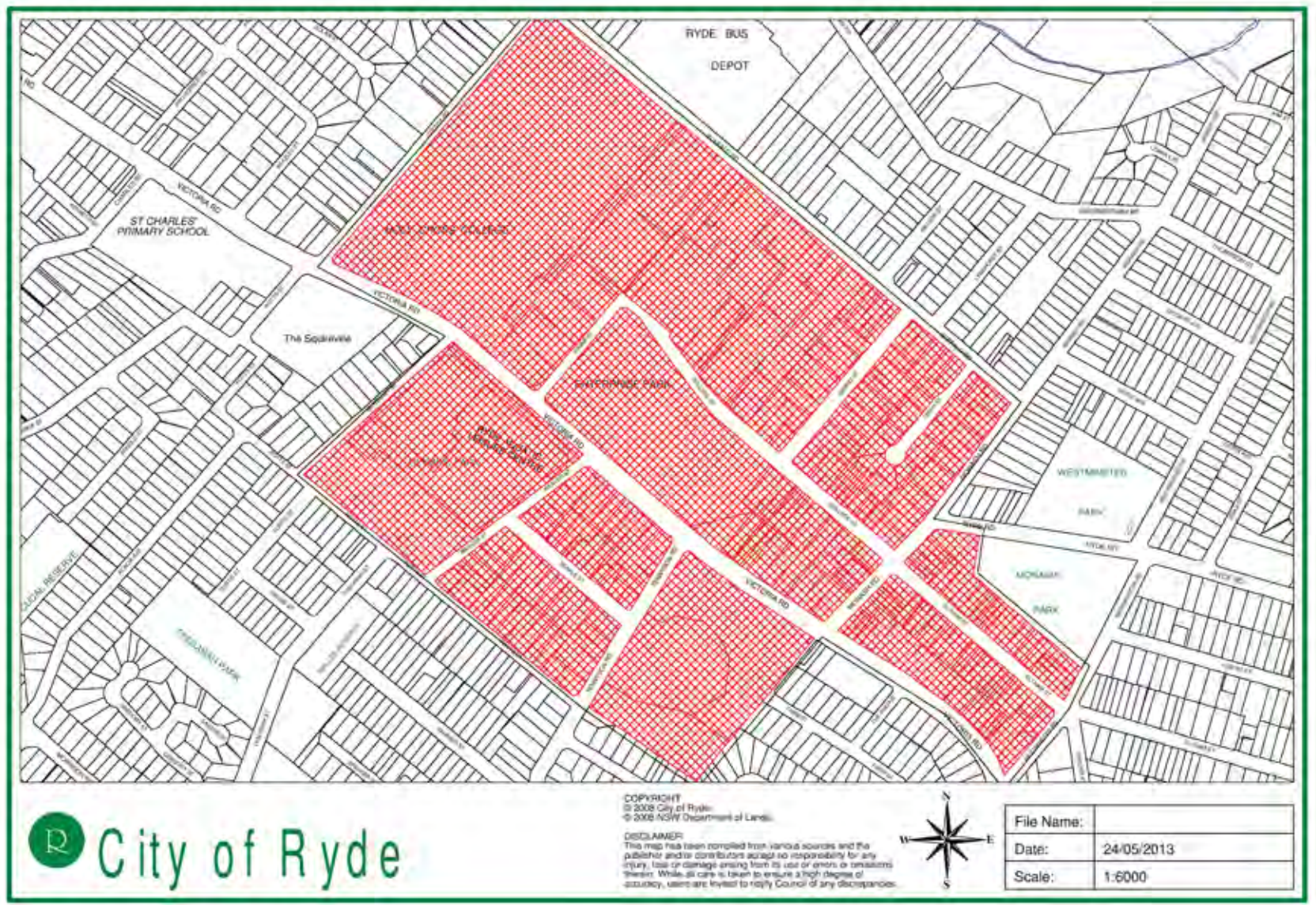
ITEM 4 (continued)Draft DCP

As identified in this report and attachments, some changes are recommended to the draft DCP. Finalisation of the draft DCP however should be deferred with the planning proposal pending the preparation and consideration of outcomes of the recommended *Traffic Modelling Study and Impact Assessment*.

In the event that Council decides to adopt the Draft DCP, it should be noted that timeframes for notification will apply.

ITEM 4 (continued)

ATTACHMENT 1



ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
Specific Submissions (Public Authorities, Local MP)		
(Referral to RMS) Support for rezoning	Support for rezoning as proposed is noted.	Noted
(Referral to RMS) Draft DCP: <ul style="list-style-type: none"> • Setbacks from Victoria Road • Clarity about access via Victoria Road 	Agree with amendments proposed to Draft DCP. They are minor, and provide clarity following new subdivision of land (reference to "new boundary" relates to recent subdivision creating two lots, one of which to be acquired by RMS). Following the subdivision into two lots, the SP2 boundary identifying the lot proposed for acquisition by the RMS is being adjusted on the Draft LEP 2013 maps under delegation. Draft LEP 2013 maps are currently being finalised for the LEP to be published and take effect.	Decision on the planning proposal (PP) and Draft Development Control Plan (DCP) is recommended to be deferred pending a parking/traffic study. In the event of the PP and Draft DCP proceeding, the Draft DCP to be amended in response to RMS request: <ul style="list-style-type: none"> • to show minimum 6 metre setback requirement from new boundary to Victoria Road in text and in diagrams, and • to clarify Victoria Road access to site.
(Local MP) <ul style="list-style-type: none"> • Concern about traffic impacts on safety and amenity of residents in College Street. • Requests Council and RMS work together on a closure of College Street to separate residential from industrial. 	Concerns about traffic, and request regarding RMS, noted and letter issued in reply: <ul style="list-style-type: none"> • Advising that Council and RMS have been meeting and working together on this matter • Inviting attendance at Community Workshop held 29 August 2013. 	That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study, and it be noted that Council and the RMS are working together in the scoping and preparation of the parking/traffic study.
All other submissions: <ul style="list-style-type: none"> • Local (Surrounding) Area – Residential Properties • Local (Surrounding) Area – Business/Industrial • Other Community - Outside Local Area, within Ryde LGA 		
Land Use – change of zone from Industrial to Commercial – allows some retailing: <ul style="list-style-type: none"> • Impact on existing industrial, potential for subsequent use of industrial land for bulky goods 	Council has carried out study into the industrial area as part of its strategic planning work under the Local Planning Study project. Council's study also considered the	That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
<ul style="list-style-type: none"> retailing • Inappropriate land use given surrounding environment • Bulky goods should be within purpose zoned land • Likely to impact on character of local area • Impact on existing retail centres hierarchy • Potential weakening of existing business sustainability • Spot rezoning from IN2 to B5 against State Government policy for industrial lands. • Fragment connection with existing IN2 land and result in loss of industrial land. • Planning proposal should only permit Bunnings bulky goods and not other future bulky goods centre/associated uses • Will this lead to more opening up of industrial land for bulky goods retailing – more impacts on existing retail centres in Ryde. • Unclear community benefit given potential impacts on retail centres hierarchy 	<p>State Government strategies and directions.</p> <p>The study identifies actions including permitting bulky goods on this site in the Gladesville Industrial area. The Department has supported the Local Planning Study, and the PP, recommending purpose zoned land on this site for bulky goods by requiring a change in zone. There is strategic support for maintaining the employment lands in this location, not rezoning to a zone that includes residential.</p> <p>Council only has limited opportunity to be involved with competition and market forces.</p> <p>This site has a significant frontage to an arterial road (Victoria Road) which sets it apart from other light industrial land in Gladesville. Consideration of changes in planning controls is made on a case-by-case basis.</p>	
<p>Impacts on Traffic and road network (local and arterial)</p> <ul style="list-style-type: none"> • Increase in local traffic and congestion • Increased demand for on-street parking • Increased noise from traffic • Risk to safety of residents - particularly children • Cumulative impact of traffic with future / existing development • Loss of residential nature of streets • Increase in heavy / large vehicles through residential • Proposed entry/exits from Bunnings site • Increased "through" traffic in residential streets particularly during Bunning's peak on Thursday night and at weekends • Residential traffic/access and 	<p>Traffic/Parking:</p> <p>Concerns regarding traffic, parking, access (vehicular and pedestrian) issues and potential impacts for residents are noted. In response to submissions raising traffic concerns, further consideration of traffic/parking issues are warranted and a parking/traffic study is recommended.</p> <p>Consideration of impacts of within the local streets feeding to the site, and options for traffic management measures form, part of the scope of the study identified in the report.</p> <p>The outcomes of that study may have implications for redevelopment opportunity on the subject land, and therefore a decision on the PP and Draft DCP should be deferred pending the outcomes of that study.</p>	<p>That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.</p>

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
<ul style="list-style-type: none"> industrial traffic/access should be separated • Council should sort out traffic before considering planning proposal • Road Closures at Orient St, College St and Eltham St • Consider College Street Road closure as considered previously by Council (1997, 2006) • Should be a solution that can suit all including Bunnings. • Traffic should be considered on both sides of Victoria Road • Oneway roads at Cressy Rd and Eltham St 	<p>The proponent (Bunnings) has undertaken to co-operatively fund the study.</p>	
<p>Traffic Study exhibited with Planning Proposal - Validity of traffic and parking study:</p> <ul style="list-style-type: none"> • Date of baseline data – from 2002 • Validity of traffic counts and traffic modelling • Need for remodelling to take into account recently approved developments • Need for modelling of level of service for intersection College St, Monash Road, Eltham Street • Assumptions about where traffic will come from not given – accuracy queried • Traffic generation rates not in accordance with RMS most recent recommendations • Bunnings should provide actual traffic generation rates • Large number of parking spaces does not seem to align with average traffic generation rates in study • Assumptions about origin points not provided/justified 	<p>Concerns regarding the information and data used in the traffic study with the PP are noted.</p> <p>In response to submissions raising traffic concerns, further consideration of traffic/parking issues are warranted and a parking/traffic study is recommended. The traffic study will include detailed consideration of surrounding streets and intersections and will include the gathering of new data.</p> <p>Potential mitigation measures and their associated timing will also be considered within the study.</p> <p>The proponent (Bunnings) has undertaken to co-operatively fund the study.</p>	<p>That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.</p>
<p>Road Safety - Safety of residents and school children / parents:</p> <ul style="list-style-type: none"> • Safety of residents, particularly children in residential streets and accessing schools in area (Frank St, Eltham St) 	<p>Community members raised concerns regarding the safety of pedestrians around the site. Accordingly, it is recommended that</p>	<p>That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.</p>

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
<ul style="list-style-type: none"> Increased in heavy/large vehicles using streets – safety and noise issues Holy Cross College sports fields are accessed from College/Frank Street on the weekends – parking and pedestrian safety Delivery vehicles in local streets College / Monash Roads 	<p>a parking/traffic study is undertaken.</p> <p>The scope of the study includes considering the existing traffic environment, including impacts of within the local streets feeding to the site. Options for traffic management measures form part of the scope of the study.</p>	
<p>Parking:</p> <ul style="list-style-type: none"> Increased impacts on availability of on-street parking Concern about availability of parking for staff on-site and potentially parking on surrounding streets Large number of spaces proposed shows massive scale of development. 	<p>Traffic issues are noted. It has been highlighted through community consultation that further consideration of traffic/parking issues are warranted and a parking/traffic study is recommended.</p> <p>The scope of the study includes considering the existing traffic environment, including impacts of within the local streets feeding to the site. Options for traffic management measures form part of the scope of the study identified in the report.</p> <p>Testing of the potential effects on the existing local area traffic conditions is recommended under the proposed parking/traffic study.</p>	<p>That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.</p>
<p>Potential negative impacts on property values</p> <ul style="list-style-type: none"> The bulky goods/ Bunnings in close proximity to residences will reduce the property values of surrounding areas. Landowners had bought into the area knowing about existing industrial uses nearby but not expecting they would open up on weekends 	<p>Property value:</p> <p>Impacts on value relate to a range of issues which vary for each property, and relate to a broad range of factors and variations such as condition of individual premises, zoning and affectations on valued land, economy and market conditions, etc. Property values are outside the scope of the planning proposal.</p>	<p>That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.</p>
<p>Hours of operation:</p> <ul style="list-style-type: none"> Concern over longer trading hours and into weekends too long near residential area 	<p>Hours of Operation: these are not fixed and are a matter for finalisation at DA stage, however concerns over weekend and longer trading hours and their impacts in relation to traffic are noted. This issue is included in scope for consideration in parking/traffic</p>	<p>That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.</p>

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	study.	
Stormwater and Flooding <ul style="list-style-type: none"> • Insufficient information about how stormwater is to be managed • Site is affected by flooding. 	Stormwater: The PP land is subject to overland flow. A preliminary water management plan was submitted (and exhibited) with the PP. The management of stormwater and potential flooding will be required to be addressed in detail with any future development application. Such environmental matters do not preclude the opportunities for redevelopment, but rather are constraints to be considered in any future design. The any forthcoming DA must comply with the requirements of Council's Part 8.2 Stormwater Management of DCP 2010.	That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.
Amenity and Built Form Impacts: <ul style="list-style-type: none"> • Overshadowing • Excessive building bulk • Excessive height scale and size that is not in keeping with surrounding area • Detrimental impact on local area character, including heritage items • Compatibility of built form • LEP amendment needs to be more precise to control the scale and use, suggest including an FSR control • Noise from the activity impacting on weekends and early morning and evening trading hours • Deliveries – noise from loading/unloading – times of day • Privacy impacts – nearby residential (acoustic and overlooking) • Overlooking from ramps and car parking into next door houses • Potential for increased crime 	Many of the matters raised in response to amenity impacts are addressed within the proposed site specific DCP, or would be considered as part of the DA process. However, notwithstanding the above, The outcomes of that study may have implications for redevelopment opportunity on the subject land, and therefore a decision on the PP and Draft DCP should be deferred pending the outcomes of that study.	That Council defer decision on the PP and Draft DCP pending preparation and consideration of parking/traffic study.

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Table 2: Summary of Submissions to Planning Proposal and Draft DCP 461-495 Victoria Road, Gladesville	
Submission Reference No.	Summary of Comments made in Submission
Public Authorities	
D13/57461 (original letter) D13/57952 (duplicate)	NSW Transport – Roads and Maritime Services (Parramatta): No objection to proposed rezoning. Requests changes to Draft DCP regarding Victoria Road, as follows: <ul style="list-style-type: none"> • Section 2.3 Setbacks: amend to require a 6 metre setback to new boundary Victoria Road (Figures 6.8.4 and 6.8.5) to enable space for RMS maintenance work • Section 4.2b Access: amend to state that access to the site shall be provided via the signalised intersection at Victoria Road/Tennyson Road.
Local (Surrounding) Area – Residential Properties	
D13/59866 Petition (tabled with Notice of Motion 23 July 2013)	Petition tabled with Notice of Motion at meeting of 23 July 2013, included the wording reprinted below and a total of 220 signatures (including street addresses). Attached to the petition were also three submissions. These are duplicates of submissions already received and are summarised and commented on separately in this table (under “Local (Surrounding) Area – Residential Properties” section). “PETITION Bunnings are proposing to build one of their biggest stores along with a retail ‘bulky goods’ centre at 461-495 Victoria Road, Gladesville. This is a HUGE development – 38000m² of retail space and parking for 900 cars. <i>While residents are generally not against the proposal concept, there is great concern over the impacts on traffic, safety and residential amenity. Under the proposal traffic volumes on residential streets will increase to unbearable levels, particularly on weekends.</i> <i>Residents have long sought separation from the commercial/industrial areas in Gladesville and this, along with all other traffic issues need to be resolved prior to the granting of rezoning for the site.</i> <i>The undersigned share these concerns and feel that the community consultation has not been extensive enough for a development of this size and type. We request that the community consultation be extended to allow adequate consideration and resolution of traffic and residential amenity issues.”</i>
D13/59303 (Weaver Street)	(Resident Weaver Street) RAISES CONCERN re TRAFFIC <ul style="list-style-type: none"> • No objection to planning proposal except traffic management needs to be professionally managed. • Traffic congestion on Tennyson Road and Weaver Street continue to be an issue for local residents. • Development and zoning appear to make sense.
D13/57908 D13/50847 D13/55179 (College Street)	(Resident College Street) RAISES CONCERN over impacts on residential property, and rejects rezoning to business based on current concept, on basis of: <ul style="list-style-type: none"> • Potential noise from heavy vehicle deliveries – requests sound barriers • Environmental aspect changes with proposed building heights and vicinity to house, effect on outlook • Loss of privacy, potential viewing into property - requests trees and walls to deflect

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	viewing into residential property <ul style="list-style-type: none"> • Overbuild and height - concern over changes in height – from current low scale, to up to 6 storeys viewed from College Street • Potential devaluation of property value (10% reduction on property value suggested by local real estate) • Increased traffic and transformation of a residential street into a commercial area, introduction of heavy traffic activity on weekends • Potential for residential streets to be rat runs for people avoiding Victoria Road to get to the site • Cumulative effect of development activity in this area on traffic • Traffic should be restricted to main roads • Requests Council consider closure of access from College Street to Frank Street so Bunnings have access Frank St • Potential for other industrial properties becoming haven for home hardware/home renovation stores • Potential crime from increased flow of foot traffic through residential area. 	
D13/55699 (D13/57946 duplicate) (College Street)	(Resident College Street) OBJECTS STRONGLY to planning proposal to rezone to business, and to the concept, reasons: <ul style="list-style-type: none"> • Impact on safety in street, increased car and foot traffic, increased strangers - potential crime • Cumulative effect on quiet residential area of Bunnings concept, Aldi, possible NRMA processing centre • Extended opening hours – increased visitors and vehicle movements – noise impacts on residential amenity • Big difference in potential height and scale compared with existing development • Effect on outlook, over shadowing • Effect on property value 	
D13/51441 (Orient Street)	(Resident Orient Street) OBJECTS STRONGLY on traffic grounds: <ul style="list-style-type: none"> • Concern over impacts of traffic on young children in Orient Street • Requests blocking College and Orient Streets from industrial/business area • Concerns re parking issue in Orient Street – site should provide sufficient staff parking. 	
D13/51469 (in CRS2013/1623)	(Resident Orient Street) RAISES CONCERN re traffic planning - Orient Street: <ul style="list-style-type: none"> • Orient Street parked out on weekdays by workers employed in nearby industries and commuters using Victoria Road • Potential increased congestion by proposed Bunnings warehouse. 	
D13/51626 and D13/53721 (Orient Street)	(Resident Orient Street) OBJECTS to both rezoning from IN2 to B5, and to Bunnings retail outlet and bulky goods warehouse, for reasons including: <p>Traffic, amenity, noise, parking:</p> <ul style="list-style-type: none"> • Traffic plan in place for Victoria Road but not Orient St • Potential use of Orient St by trucks • Noise from loading docks affecting local residential area • No evidence consideration of reducing flow of traffic through residential streets • Roundabout in College St/Frank St – encourages truck movements through Orient and College (residential) 	

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Employees likely to park in surrounding residential streets • Excessive opening hours of Bunnings stores • Change to quiet local residential streets/traffic flow on weekends if Bunnings and retail outlet allowed • Decrease in value from change in zone <p>If Council is to proceed with PP, submission requests restriction on any access to College Street from Orient Street.</p>	
D13/51669 (Eltham Street)	(Resident Eltham Street) SUPPORTS positive effects of rezoning and heights changes Objects on following traffic grounds: <ul style="list-style-type: none"> • Bunnings scant regard to likely impacts local residential streets • Independent traffic studies should be commissioned before DA stage • Estimated over 500 employees – parking – needs to be addressed by proper advance consideration • Bunnings should be upfront, transparent and thorough in assessment traffic impact on local residents (before and after effects of huge stores e.g. Ashfield). 	
D13/51886 D13/52338 D13/52665 D13/52666 D13/57929	(Residents College Street) [Summary of all submissions from same authors:] OBJECTS to proposal for following reasons: <ul style="list-style-type: none"> • Impact on safety and residential amenity of large scale of development (900 car spaces, 550 employees) from traffic volumes on suburban streets • Vehicle movements increase on College Street/Frank St on weekends, impacts on residential amenity • Cumulative impact traffic including from Aldi, 1-9 Monash Road • Change in character of suburb in College, Orient and surrounding streets • Parking currently difficult in College Street • Traffic - Impact on children's safety and safety of older people, nearby schools Request Council reject the proposal or, should Council consider supporting proposal, requests modifications to traffic flow: <ul style="list-style-type: none"> • Closure of Frank Street to further traffic beyond the entrance to the Bunnings' Frank Street entrance, or • Closure of College Street between No.s 25 [zoned residential] and No. 27 [zone IN2]. 	
D13/52481	(Resident College Street) OBJECTS STRONGLY to large scale commercial development in College Street: <ul style="list-style-type: none"> • Residential area becoming entirely commercial – impacts on amenity and safety • Increased traffic congestion and noise pollution, existing parking issues to worsen • Cumulative impacts with other developments – Bunnings combined with Monash Hill development - change character of neighbourhood • Safety of children and school students – schools in area - risks to safety from increased traffic including large trucks. <p>Requests more thorough impact analysis on neighbourhood.</p>	
D13/53592	(Resident College Street) OBJECTS to proposal. Extremely concerned that already approved by Council, potential increased traffic flow not considered. Reasons for objection: <ul style="list-style-type: none"> • Large scale of development, 900 car spaces, 550 employees, traffic volumes on suburban streets, impact on safety and residential amenity • Existing commercial area (Frank Street) – vehicles using College St to bypass Victoria Road – potential to increase on weekends. 	

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Cumulative impact traffic including from development activity in area • Change in character of suburb in College, Orient and surrounding streets. • Parking currently difficult in College Street • Consequent increase in trucks and car traffic - potential impact on children's safety and safety of older people. <p>Requests Council reject the proposal or, should Council consider supporting proposal, requests modifications to traffic flow:</p> <ul style="list-style-type: none"> • Closure of Frank Street to further traffic beyond the entrance to the Bunnings Frank Street entrance, or • Closure of College Street between No. 25 [zoned residential] and No. 27 [zone IN2]. 	
D13/51914 D13/51915	(Resident Orient Street) OBJECTS to planning proposal and DCP due to:	<ul style="list-style-type: none"> • significant traffic increases on local residential streets • impact of traffic volumes on quiet residential streets on weekends • impact on children's safety.
D13/52466	(Resident College Street) Requests closure of College Street.	
D13/52467 D13/52469	(Resident College Street) OBJECTS to planning proposal:	<ul style="list-style-type: none"> • Residential area, will be impacted by the weekend and extended trading hours. • Cumulative impact with other development (1-9 Monash Road). • Traffic impacts – noise, congestion, pollution, danger to children and elderly, difficulty accessing own driveways, • Negative Impacts on property value. • Existing traffic/access conditions are bad. • Concern over College St/Monash Road intersection worsening. • Requests closure of College Street at boundary 25 with 27 to separate the residential from industrial land.
D13/52468 D13/52870 D13/53679	(Resident College Street)	<ul style="list-style-type: none"> • Requests closure of College Street or Frank Street – all Bunnings access via Victoria Road • Acceptable busy traffic flow during week to industrial area, but Bunnings proposal will impact weekends and longer hours weekdays. • Stop the through traffic – cars and trucks - using College, Orient and Eltham • Safety for Holy Cross schoolkids – walking to/from school • Both business and residents need a win out of the proposal • Closures suggested at College Street between residential area and industrial area, an option - close Frank Street • Before anything finalised, a complete road plan should be made with full community and business involvement
D13/52765	(Resident Orient Street) OBJECTS to planning proposal - rezoning will lead to issues:	<ul style="list-style-type: none"> • Increased traffic flow, noise • Worsen existing parking problems Orient Street) • Extended opening times – Orient Street potential thoroughfare • Has seen many changes over 25 years, not opposed to change except not good if causes impacts

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Orient Street was previously closed off at College Street – suggests this be done again, unsure why Orient St was opened up. 	
D13/52872 D13/55282 D13/51226	(Resident Orient Street) OBJECTS to planning proposal and concept plan - concerned with traffic management and impacts on residential amenity in surrounding streets. <ul style="list-style-type: none"> • Issues regarding traffic, and lack of separation industrial/retail and residential traffic • History of advocacy by residents for separation of industrial and residential traffic in College/Orient St area • 1997 Council Traffic Committee resolution to “support in principle” closure of College Street west of Orient St after installation of traffic lights at Frank St/Victoria Road (copy of letter 30 May 1997 advising of Council’s resolution supplied with submission) • 2006 – Council concluded that a closure of College St not justified at that time, but to monitor development with future closure in mind (no attachment supplied). • Proposed Bunnings plus retail centre - huge scale development, potential influx of further development in industrial area – more increase traffic volumes, impacts on amenity and safety of residents • Concerns with concept plan: underestimates negative impacts, study denies traffic issues in College & Orient Streets • Increased traffic safety issues for residents • Traffic study uses out-of-date data and development-biased assumptions • Staff parking not addressed in concept plan although potential staff of 500. • Traffic issues for entire project need to be addressed before rezoning granted • Seeks closure of College Street west of Orient St to separate residential from industrial/retail. • Identifies potential benefits of road closure • Other industrial landowners and businesses north of closure may oppose closure, but also benefit from improved value, improved access to/from Victoria Road via Frank Street, and increased exposure from proximity to proposed development. 	
D13/55622	(Resident Orient Street) STRONGLY OBJECTS to proposed rezoning and concept plans. <ul style="list-style-type: none"> • Would be one of largest Bunnings in Australia • Adds to area already struggling with weekday volume of traffic and hazardous intersections (Monash/College/Eltham). • Cumulative effects new developments - Aldi store and apartments (Monash Hill Development) • Lack of comprehensive and detailed traffic studies/solutions If approved in current form – the proposal will have negative impact on family and lifestyle in that it will: <ul style="list-style-type: none"> • Destroy residential area • Lessen street safety • Greatly increase through traffic, 7 days per week. Weekends - currently only time for respite from traffic generated by businesses in College St and Buffalo Road • Increase in noise, including early mornings • Significantly lowers property values. • Opens floodgates for other businesses in College Street • Only acceptable solution – full street closure at College St to completely separate residential from industrial. 	
D13/55626	(Resident Orient Street) OBJECTS to proposed rezoning due to negative impacts on lifestyle of residents: <ul style="list-style-type: none"> • Destroy residential nature of street • Result in huge increase in traffic, every day of week – noisy, busy, not safe 	

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Compromised lifestyle of family • Compromised safety of local residents Best solution - closure of College Street to separate residential from industrial area.	
D13/53355	(Resident College Street) RAISES CONCERN for residents of the suburb: <ul style="list-style-type: none"> • Worsening of current access/egress and parking issues (full from 6am) • Cumulative impact - addition of Aldi and Bunnings • In area since 1946 – seen some very good changes, but not of late • As previously fought for, College Street should be blocked off from Frank Street - be for residents only. 	
D13/53568	(Resident Orient Street) STRONGLY OBJECTS: <ul style="list-style-type: none"> • Substantial increase in vehicular traffic to be borne by Orient & College Streets, potential rat-run • Impacts on residential amenity and on-street parking on weekends on Orient St. • Change to current usage, in particular – changing from “low-key” to large scale • Change in activity times from weekdays, to 7 days, long hours • Proposal ignores traffic management issues affecting streets to the north, needs traffic management solution • Massive scale, 895 car spaces- anticipating major visitation • Failings in exhibited traffic report • [Estimates of traffic generation prepared by objector included in submission] • Predicts major impacts traffic generation on residential amenity on weekends • Suggests closure College St, consider other options. 	
D13/56171 D13/56498	(Resident Orient Street) OBJECTS to proposed rezoning due to fundamental changes expected to current traffic conditions in street. <ul style="list-style-type: none"> • Current tolerable level of traffic in Orient St – two definably busy times; weekday am and pm peaks. • If PP & development proceeds – huge increase in current flow of cars in Orient & College Streets, used as through route, noise and dangers to driveway access, parking issues, long hours each day • Compare with issues from Harris Farm development in Gannet Street • Only solution – close College St between residential and industrial. 	
D13/53636	(Resident Eltham Street) STRONGLY OBJECTS to scale of Bunnings proposal: <ul style="list-style-type: none"> • Local road network not designed for significant levels of traffic likely from both developments (Bunnings and Monash Hill) without appropriate planning and management • Concerned re impact of development on lifestyle of local residents. 	
D13/53919	(Residents College Street) OBJECTS <ul style="list-style-type: none"> • Existing parking issues in street 6am – 7pm. • Requests two closure options be considered – College Street between 25 and 27 (diagram provided): <ul style="list-style-type: none"> - Full closure OR - One way in northerly direction. 	
D13/54049	(Residents Eltham Street)	

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<p>RAISE CONCERNS re traffic/traffic measures for local streets</p> <ul style="list-style-type: none"> • Questions what traffic measures to control large amount of traffic to/from via residential streets, impacting local residents • What traffic analysis on expected volumes of traffic generated, and on what basis other developments of similar size? • Will residents be consulted on the traffic issues, and have a say on the traffic management options? <p>Feels strongly concerned about potential impact on residential amenity if concerns not addressed properly.</p>	
D13/54115 (duplicate: D13/54680)	<p>(Resident College Street)</p> <p>OBJECTS to planning proposal:</p> <ul style="list-style-type: none"> • Substantial increased traffic on local residential streets especially College St • Impact on safety from increased traffic, and impacts on weekends • Requests closure College St west of Orient St intersection (between residential and industrial) • Questions accuracy traffic report, potential impacts grossly understated. Issues - date of data, vacancy some buildings in area, indication of unacceptable traffic through residential area, current Monash Hill development not considered – potential cumulative impact • Parking – should be contained on site, no pedestrian access should be allowed via College St to discourage on street parking. • PP of this scale requires appropriate traffic management • Requests closure College Street at western end Orient St. • Height – not in keeping with surrounding. Height identified in RLs is confusing – requests it be given in metres above street level for clarity. • Impact on sunlight access for residential, negative impact on lifestyle, property value, vastly alter streetscape • Requests parking level to be lower than street level on College Street side • Requests protection of existing street trees in College Street. 	
D13/54607	<p>(Resident College Street)</p> <p>CONCERNED about amount of traffic if oversized proposal proceeds.</p> <ul style="list-style-type: none"> • Unconvinced that has been properly considered - impact of traffic on College Street not fully accounted for • Questions traffic report - Traffic to increase greater than indicated • Large trucks, frequent car movements • Height, length, width not in keeping with streetscape. 	
D13/54264 (Duplicates:D13/ 56083 D13/56674)	<p>(Residents College Street)</p> <p>RAISING CONCERNS:</p> <ul style="list-style-type: none"> • Cumulative impact of developments – (Monash Hill, Bunnings) • Significant increase to traffic in area, impacts on residential amenity, property values • Could be positive if traffic managed correctly • Requests consideration of road closure on College St between residential section and commercial area • Install time-limited parking on local residential streets, residents excepted, deter use of streets for staff parking. Existing parking problems with construction workers vehicles taking up on-street parking also. 	
D13/54266	<p>(Residents College Street)</p> <p>STRONG CONCERNS:</p> <ul style="list-style-type: none"> • Increased traffic in College Street • Parking issues for College Street increased (employees and patrons) 	

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> Noise: Industrial/commercial traffic should be separated from residential traffic Safety: impact on safety of residents from increased traffic flow.	
D13/54275	(Resident Nelson Street) STRONGLY OBJECTS: <ul style="list-style-type: none"> Enormity of store and retail spaces will have dramatic effect on quiet of residential area Increase in traffic on residential streets Traffic flow not appropriately considered Adverse effects on house prices. 	
D13/54276	(Resident Buffalo Road) OBJECTS: <ul style="list-style-type: none"> Increased traffic problems for residents through potential access via College Street. Current streets are already affected by large volumes traffic which eases on weekends – Bunnings proposal raises prospect of noise, traffic all week long. Questions the need for another Bunnings store within 10-15km of others. Impact of further industrialisation of suburb. 	
D13/54598	(Residents Buffalo Road) RAISE CONCERNS: <ul style="list-style-type: none"> Employee parking – already concerns with industrial employees parking too close to driveways Traffic noise if traffic is not directed to Victoria Road Trading hours of Bunnings 6am – 10pm affecting sleep Rezoning IN2 to B5 – effect on land values.	
D13/54603	(Resident Buffalo Road) OBJECTS STRONGLY to planning proposal due to potential huge impacts on residents of rezoning, height changes and retail nature: <ul style="list-style-type: none"> Current residential proximity OK given light industrial area operates during weekdays Traffic volumes: traffic study is inadequate, no account of recent development, or potential for bypassing main road via residential streets. Requests Closure College St between residential and industrial Safety: issues of vandalism and theft around these types retail outlets Parking: existing parking problems to worsen. Lifestyle: change to character of area, impacts on residential area on weekends Financial: potential drop in residential property values Setting a precedent: there are large areas within industrial park in need of redevelopment – supporting this proposal risks other proposals for industrial area to allow for retail. Requests Council look at future of area as a whole, not treat each application separately.	
D13/54619	(Resident Orient Street) OBJECTS to planning proposal: <ul style="list-style-type: none"> Height facing on College Street too high for next to residential Hours of operation too long near residential Questions accuracy of traffic study data, use of 2002 data Streets around Orient, College and Buffalo will no longer be quiet on weekends Increase in traffic – impact on safety and wellbeing Staff should park on site. Requests no pedestrian access from College St to discourage people from wanting to park in College Street Requests closure College St between No.s 25 and 27 (residential and industrial). 	

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
D13/54624	(Resident Orient Street) OBJECTS to planning proposal: <ul style="list-style-type: none"> • Too close to school – potential impacts on safety of schoolchildren. Traffic measures needed. • Height from College Street unacceptable despite setback from street, impacts on residential area. requests height be reduced on College St side. • Long hours of opening are proposed. Need to reduce hours. • Possible use of invalid traffic data. Dated 2002. • Significant traffic – adverse effect on safety and residential amenity in Orient Street. Current quiet weekends, streets not designed for traffic levels expected, will compound current traffic issues, 3 tonne limit in Orient St. • Potential for staff parking out surrounding streets • Requests closure in College St at No.25 to separate the residential from industrial/commercial area. 	
D13/54627 (duplicate: D13/54631)	(Resident College Street) OBJECTS due to impacts on residential property: <ul style="list-style-type: none"> • Inadequate traffic management plans • Scale of development • Traffic– increased noise levels and impacts on safety • Suggests closure of College Street where residential meets semi-industrial – allow residential access on eastern end College Street, help funnel industrial and customer traffic via Victoria Road and Frank Street. 	
D13/55680	(Resident Cambridge Street) RAISES CONCERNS re impacts on residential: <ul style="list-style-type: none"> • Concern re impact traffic flow • Cars and truck movements • Suggest separating industrial/commercial from residential area should be high priority. • Suggests closure of College Street where residential meets semi-industrial • proposal of this size (expected number of people and operating hours) at odds with continued harmony of "local" area. 	
D13/55280	Resident Orient Street) RAISES CONCERNS: Took surrounding location into consideration when purchased, noted that busy during week, quiet on weekends. Concerns about size, scale, nature of proposal in relation to: <ul style="list-style-type: none"> • Traffic and parking: number proposed parking spaces, proportion of increased traffic will be through residential areas • Staff may be encouraged to park on street – increase existing parking issues, increased noise. • Security and safety: risk to safety of young children/families in area from increased traffic on local streets. • Opportunistic theft/vandalism from increased trading hours and through traffic will increase. • Property values: potential drop in property value. • Request road closure in College St - alternate access would still be available for industrial/ commercial area, and assist retention amenity for residential area. 	
D13/55281	(Residents Orient Street) Not opposed to redevelopment of the site, but concerned with scale of concept – major impact on residential amenity, adverse change to local area. Issues: <ul style="list-style-type: none"> • Scale: at odds with existing mixed uses in area. Question appropriateness of large hardware warehouse and bulky goods warehouse. 	

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Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Height: potential eyesore for all around. Sufficient space for development to be proposed at lower height. • Trading hours: proposed trading hours are incompatible with residential interface, longer hours than other Bunnings. • Increased traffic flows – major impact residential amenity and safety • Errors in traffic modelling: exhibited traffic model is flawed – date of data, days of week, recent development. • Noise: from delivery vehicles, advised by Bunnings that will be in early hours of day, via northern border (College Street). • DA for Victoria Road lights and widening but no other streets – what about plans for other streets? <p>Suggests the following:</p> <ul style="list-style-type: none"> • Conduct independent traffic study • Introduce traffic control measures for streets • Reduce scope of proposed development • Ensure adequate parking onsite for employees and patrons 	
D13/55284	(Resident College Street) Not opposed to proposal/ redevelopment as will provide employment opportunities for Ryde residents and access to good shopping outlets. RAISES CONCERNS re impacts and how proposal fits with residential area: <ul style="list-style-type: none"> • Catchment areas: given size, scale, proposed hours – Bunnings alone will have impacts on surrounding streets • Questions estimates under traffic study. Counter-estimates made of 5585 additional weekend movements in Orient/ College Sts. • Potential for increased shortcuts made through residential streets, especially cross suburb visits to large retailers • Catchments likely to use College/Orient Sts are from varying suburbs [some assessment included in submission]. More local people will likely use short cuts through residential streets than might be assumed. • Traffic management should be considered on local roads area around not just changes proposed to Victoria Road. • Traffic to site various visitors at various times of day/week will include shoppers (including trades), sales reps, deliveries Requests closure of College Street at No.27, to benefit industrial commercial area as well as residential area.	
D13/56173 (Duplicate: D13/56496)	(Resident College Street) OBJECTS to rezoning and increased height – visual impact on College Street being lower than Victoria Road, potential overshadowing effects. RAISES CONCERN regarding traffic issues: <ul style="list-style-type: none"> • Increased parking on street • Safety of vehicles and pedestrians • Accesses to site – need only two - keep to main road only • Increased through traffic Requests a traffic study be carried out. Requests closure College Street at No. 27 to: <ul style="list-style-type: none"> • Prevent through traffic in College and Orient Streets • Address increased traffic from development in this area • Address increased traffic on weekends and longer times during week from longer trading hours. 	
D13/55341	(Resident Brereton Street)	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Questions accuracy of 2002 assumptions in Traffic Study • Objects to access from Tennyson Road because traffic study under estimates volumes using Tennyson Road • Considers entrance from Frank St is sufficient. 	
D13/55379	(Resident Buffalo Road) OBJECTS to planning proposal due to impacts: <ul style="list-style-type: none"> • Increased local traffic: questions data in traffic study as out-of-date • Loss of local light industry: light industrial in decline, potential for wave of applications from other light industrial to request retail • Safety: impacts of increased traffic on access to/from residential properties, road safety for pedestrians, particularly the elderly. Increased potential for vandalism/theft. • Parking: potential for increased issues on-street parking • Lifestyle: change to character of area – bringing retail and weekend trading, impacts on residential area on weekends • House prices: potential drop in property value. 	
D13/55403	(Re College Street property) RAISES CONCERN: <ul style="list-style-type: none"> • Requests Council retain residential character of College Street (Monash Road end), and Orient Street, by alleviating increased traffic • Local residents should not be subjected to 200 plus cars per hour on weekends, and increased traffic during the week. • Requests permanent road closure at T-intersection of Orient St with College St restrict access to Bunnings via Victoria Road/Frank Street. 	
D13/55444	(Residents Percy Street) OBJECTS: <ul style="list-style-type: none"> • Concerns re impact of increase in traffic on residential streets • Requests Council investigate and consider traffic management solutions including road closures to protect neighbouring residents. Requests College Street road closure.	
D13/55614	(Resident Orient Street) OBJECTS: Concerns include <ul style="list-style-type: none"> • Increased traffic levels in Orient St • Loss of childcare centre [from Bunnings land] affects 200plus children – Council should address shortage in places in this area • Parking will overflow on Orient St, increase current parking issues caused from parking overflow from Buffalo Road • Traffic for Bunnings from north will use Orient St off Buffalo Road • Traffic study provided by Bunnings did not include Sundays (a peak shopping time for consumers) and only minimal Saturday data. Requests the following action re traffic: <ol style="list-style-type: none"> 1. Conduct a comprehensive and objective traffic analysis on the surrounding streets to determine the effect of the change in zoning 2. Close the end of Orient Street leading into College Street to avoid this residential street becoming a secondary main road and unsuitable for habitation by families, and the current, elderly residents. 	
D13/55618	(Resident Orient Street) OBJECTS:	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Concerned about impact on residential parking, does not want parking meters. • Bunnings will increase traffic and noise, potential impact of crime in the area. • Requests road be closed at end of Orient Street 	
D13/55628	(Resident Buffalo Road) STRONGLY OBJECTS to rezoning: <ul style="list-style-type: none"> • Change of this scale to current usage effectively "rezones" other surrounding streets due to impacts on residential area – increase in traffic 7 days per week for extended hours, loss of amenity, loss of property values. • Traffic study: underestimates both current and projected traffic flows, impact of predicted parking in surrounding streets, does not address expected increase in traffic generated by new development (Monash Hill) • Existing traffic issues: through traffic and speeding traffic in local streets, trucks over 3 tonne limit, streets parked out (Orient and College Streets). Requests closure College Street between 25 and 27, and Orient St at intersection of Buffalo Road.	
D13/55632	(Residents Pearson Street) OBJECTS on traffic grounds: <ul style="list-style-type: none"> • Increased traffic from such large development • Request closure of College Street to all traffic assist retaining residential character 	
D13/55678	(Residents Eltham Street) RAISES CONCERNS: <ul style="list-style-type: none"> • Traffic impacts, increased traffic on streets in the area of College Street including Orient, Eltham, and Monash • Impacts of increased traffic on noise levels, traffic flow and safety of neighbourhood Traffic report concerns re Monash Road development – hope for due diligence and thorough investigation.	
D13/55679	(Resident Orient Street) STRONGLY OBJECTS: <ul style="list-style-type: none"> • Increased traffic to be generated through Orient and College Streets • College Street should be closed at industrial end, request industrial and residential traffic be separated. • Impact on quiet safe suburban streets of extra and heavier vehicle traffic • Potential increased risks for vehicle movements by residents • Increased noise from long trading hours 	
D13/55682	(Resident Orient Street) RAISES CONCERNS: <ul style="list-style-type: none"> • Objects to rezoning, objects to Bunnings and allowing commercial use • Disagrees with Assessment of Traffic and Parking • Impacts on road safety from increased traffic during the week, and more on weekends • Heavy traffic 7 days a week from 5am to 10pm • Potential safety issues driving in and out of residential driveways • Potential worsening of existing parking problems • Noise impacts on residences on weekends • Invasion of residential privacy • Potential crime – break ins on vehicles in Bunnings' carpark and also beyond the site into the residential area • Potential drop in land value. Requests road closure end of Orient Street and part of College Street to separate	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	industrial and residential.	
D13/55683 (Duplicate: D13/57906)	(Resident Eltham Street) OBJECTS: Generally supportive of development, but concerns with this planning proposal including: <ul style="list-style-type: none"> • Lack of road network upgrades proposed • Concerns with traffic and parking Assessment report • Remodelling is needed to include additional traffic that will be generated by nearby new development in this area • Level of service at intersection of College St, Monash Rd and Eltham St needs to be modelled as none carried out for planning proposal • Bunnings should be requested to provide actual traffic generation rates from existing comparable developments • Estimate of existing site traffic generation discount too high given buildings on site were considerably vacant at time of survey • Traffic report: questionable traffic distribution weekdays versus weekends, College St, Monash Road and Eltham Street. • Traffic report: Unrealistic assumptions that no additional traffic will use Eltham Street • Parking: Twice the required parking is being proposed – does this reflect expectations to exceed traffic generation rates provided in study • More information should be set out to community than that provided 	
D13/55685	(Resident Eltham Street) RAISES CONCERNS: Greatly concerned on traffic grounds: <ul style="list-style-type: none"> • Impact of traffic volumes on surrounding roads • Issues with intersection Monash and College St already at capacity – Eltham used as rat run to avoid intersection, already accidents and near misses • Eltham St should not carry large volumes traffic • Cumulative impact other development (1-9 Monash Road) Requests all traffic leaving the site be routed north on College St to re-join Victoria Rd via Frank St to help reduce the volumes of traffic added to the local roads.	
D13/55686	(Resident College Street) OBJECTS re traffic concerns: <ul style="list-style-type: none"> • Traffic volumes College St and impact on safety of residents • Long trading hours increase noise of trucks Requests closure College Street to help reduce noise and traffic flow.	
D13/55687	(Residents College Street) RAISES CONCERNS on traffic, noise, trading hours: <ul style="list-style-type: none"> • Traffic volumes on residential streets (College and surrounding streets) • Request closure of College Street • Long trading hours • Noise of trucks and forklifts. 	
D13/55692	(Resident College Street) OBJECTS to rezoning: <ul style="list-style-type: none"> • Adverse impact on residential area/College Street • Increased intensity from potential change in character to retail • Safety issues: increased through traffic in College St • Parking issues: impacts on parking in College and Orient Streets • Noise issues: impacts on residential amenity on weekends and evenings from Bunnings' longer trading/operational hours. • Property values: potential devaluation in residential property value 	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Pollution: increased due to increased trucks and other vehicles using residential streets. 	
D13/56502	(Resident College Street) RAISES CONCERNS with proposed rezoning, impacts on residential area: <ul style="list-style-type: none"> • Site context: proposed rezoning and intended massing indicates no consideration of two separate contexts surrounding the site – frontage to Victoria Road (commercial/retail corridor envisaged under Gladesville Town Centre and Victoria Road Master Plan), versus rear mix of light industrial and residential (<u>not</u> commercial). • Scale: questionable scale and height excluding use of lower level. Suggests height to College St be lowered. • Traffic and parking: increased traffic generation weekdays, and into weekends, in local residential streets. Questions why 3 entrances are needed, Questions why staff parking not provided for. Requests access to College St be deleted to discourage staff parking in College St. • Hours of operation: impacts on residential area from traffic accessing via local street longer weekday, and weekend trading hours. • Noise: longer trading hours, including weekends – potential noise and disruption to residential amenity evenings and on weekends. • Pollution and loss of amenity: from increase in vehicular traffic longer trading hours, impacts on road safety • Safety: increase in through traffic. Points of access, road management and closures should be considered and implemented. • Property value: potential devaluation of residential property. 	
D13/55693	(Resident Monash Road) CONCERNED regarding traffic issues: <ul style="list-style-type: none"> • Agrees with suggestion to close College Street between 25 and 27 College Street to separate residential from industrial/commercial area • Existing issues College Street – extremely noisy, used as rat run/shortcut between Monash/Victoria Road • College and Orient should retain residential ambience. 	
D13/55696	(Resident Potts Street) OBJECTS based on traffic concerns: <ul style="list-style-type: none"> • Existing parking/traffic issues in Potts St • Potential “fait accompli” • Concern over intrusion on Victoria road streetscape of large advertising used by Bunnings style development – impacts on heritage features Holy Cross tower, St Charles Borromeo, sacred and iconic precinct. • Already numerous Bunnings in other suburbs. 	
D13/55698	(Resident Arnold Street) OBJECTS to rezoning: <ul style="list-style-type: none"> • Concerns with traffic management • Congestion on Victoria Road • Impacts on residential street from increase in traffic and noise pollution, longer trading hours including weekends • Suggests separating residential traffic from industrial traffic be considered in traffic management plan. • Supports closure of College Street or Orient Street. 	
D13/55702	(Resident Victoria Road) STRONGLY OBJECTS <ul style="list-style-type: none"> • Traffic increases affecting residential amenity 	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Impacts from long trading hours, including weekends • Traffic study underestimates current projected traffic flows and impact of predicted parking in surrounding streets • Impacts of delivery trucks, trades vehicles, in residential streets • Parking – impacts of staff wanting parking – provisions for staff parking • Street closures needed for managing increased traffic and impacts on residential streets – suggests closure of College St between No. 25 and 27 (to separate residential from industrial) and close Orient at intersection with Buffalo. • Property values – negative impacts for residential properties. 	
D13/56198	(Resident Buffalo Road) OBJECTS to rezoning on traffic and property value grounds: <ul style="list-style-type: none"> • Traffic management and parking: impacts of traffic on residential amenity, includes heavy vehicle traffic, speeding and rat-running through residential area • Road safety: sight distances from footpath, difficulty for vehicular entry and exits • Expected traffic increase: how will existing road capacity cope with anticipated increase in traffic • Property values: negative impacts on residential property values. • Amenity: impacts on residential amenity, especially on weekends. 	
D13/56200	(Resident Buffalo Road) OBJECTS to proposed rezoning: <ul style="list-style-type: none"> • Increase in car and heavy vehicle traffic on residential streets as well as Victoria Road • Traffic report: does not appear to take into account traffic from new developments currently under construction, and impacts on weekends • Impacts on residential amenity for residences on access routes to the site of traffic movements expected for Bunnings outlet • Bunnings and bulky goods trading centre traffic should be separated from local traffic network – suggests road closure College St • Impacts on availability of street parking, air pollution impacts. 	
D13/56495	(Resident College Street) RAISES CONCERN on traffic grounds: <ul style="list-style-type: none"> • Concerned over increased amount of traffic, impact on safety • College Street currently a rat run (out of Monash Road), very busy in peak hour • Other Councils block suburban streets to clear commuter traffic from quiet streets • Road safety for young children Requests closing College Street between industry and residential.	
D13/56501	(Resident Buffalo Road) OBJECTS to rezoning: <ul style="list-style-type: none"> • Increase to traffic in an already busy area, including increase in number of trucks and commercial vehicles • Impacts of increase in traffic on noise, on residential amenity and road safety for residents including children • Parking – where are staff going to park, adding to existing on-street parking issues • Suggests limit access to via Victoria Road only, and include road closure in College St • Impacts on small business in the area – e.g. on local hardware in Gladesville. 	
D13/56503	(Resident Buffalo Road) RAISES CONCERN about proposed Bunnings/and homemaker store: <ul style="list-style-type: none"> • Traffic generated, increase to existing peak times volume and speeding in Buffalo/Monash • Increase in trucks during construction, and for ongoing access to the site 	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Concerns over how high and close to the boundary the proposed development can be • Impacts on small business in the area – e.g. on local hardware in Gladesville. 	
D13/56505	(Resident Thompson Street) OBJECTS to rezoning entirely, on traffic grounds, concerned regarding: <ul style="list-style-type: none"> • Massive change to current use of site • Impacts on residential streets and property owners • Traffic study underestimates projected traffic flows and impact of predicted parking in surrounding streets • Traffic is heavy at other Bunnings stores • Existing traffic study does not consider rat runs. 	
D13/56852	(Resident College Street) OBJECTS on grounds of traffic, scale, property value, impact on residents: <ul style="list-style-type: none"> • Parking – currently employees and city bus commuters parking out College Street • Parking – where will employees park, concern they will add to existing problem • Issues re truck movements in residential streets • Cumulative impact with other developments • Current issues accessing Monash Road, concern over potential worsening • Impacts of overdevelopment on property values • Concern over scale of development in residential street • Requests residents be taken into consideration. 	
D13/57948	(Resident Searle Street) RAISES CONCERN re traffic management in local streets: <ul style="list-style-type: none"> • Concerned especially with flow on effects in Searle Street from increased traffic volumes at top of Tennyson Road/access to new entrance to Bunnings • Current issues: parking spill over from RALC car park, long traffic queues at roundabout Searle/Tennyson, • Cumulative effect with RALC traffic • Access routes for trucks for other bulky goods premises off Victoria Road is unclear • Concern for who will be responsible for coordination of overall traffic management in the local area on both sides of Victoria Road if proposal goes ahead 	
D13/65330	(Residents Eltham Street) RAISES CONCERN based on traffic issues: <ul style="list-style-type: none"> • Potentially increased traffic congestion • Concern over access, potentially impacting Monash Road intersection and Eltham Street • Cumulative effect with Aldi development • Add to existing “rat run” issues • Impacts on children – road safety • Impact on parking • Concern over weight of vehicles using local streets • Recommend closure of Eltham Street at Monash Road end. 	
D13/68554	(Resident Cressy Road) Requests traffic issues be addressed: <ul style="list-style-type: none"> • Current lack of on-street parking • Requests Cressy Road be made one-way southwards • Suggests Holy Cross School use another access and egress. • Increase in bus depot staff parking out Buffalo Road and surrounding streets bigger issue than 461 Victoria Road 	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<ul style="list-style-type: none"> • Supports Bunnings providing off-street parking • Supports development of the area with consideration for residents. 	
Local (Surrounding) Area – Business/Industrial		
D13/59301	(Holy Cross College: Victoria Road, Frank Street) Requests traffic management in Frank Street especially to enhance pedestrian safety for and access to Holy Cross sportsgrounds (via Frank Street access to the grounds).	
D13/53684 (Victoria Road)	(Business owner Victoria Road) SUPPORTS proposal as believe will have significant benefits to local area including: <ul style="list-style-type: none"> • Increasing employment to the site • Allow greater use for the site as “bulky goods retailing” which is under represented in City of Ryde • Complementing services already offered by surrounding business within the Ryde LGA • Providing effective and efficient brownfield redevelopment opportunities. • Providing better access off Victoria Road. 	
D13/54611 (Victoria Road)	(Business owner Victoria Road) SUPPORTS planning proposal – site underutilised for many years and considers site ideal for proposed type of use contemplated by Bunnings: Significant benefits to local area: <ul style="list-style-type: none"> • Increased business and economic activity for surrounding businesses, benefit from patronage of Bunnings • Improved access for local community to “bulky goods retailing”, which appears to be underrepresented in Ryde LGA • Vastly improved marginalised and derelict property with first class brownfield redevelopment and proven high quality user • Less congestion, better and improved access along Victoria Road with additional land Eastbound • Facilitate improved public transport via new bus lane • Improved employment opportunities to local residents. 	
D13/55700 And D13/67470	(Industrial owners College Street) SUPPORTS rezoning to B5 and proposed height controls. B5 – potentially aids new business and employment opportunities. Height – relative to current and likely future skylines in geographical vicinity. RAISES CONCERNS re: <ul style="list-style-type: none"> • Traffic – proposed traffic flows via Frank and College Streets, also no apparent consideration to cumulative effects of traffic of new developments in area • Stormwater management – does not appear to have been addressed at appropriate level Submission to workshop: <ul style="list-style-type: none"> • Thank Council for arranging workshop • Want to keep College Street safe and fully open and minimise traffic flows. Request re traffic management measures: <ul style="list-style-type: none"> • Keeping College Street safe and open from both ends: (i.e Victoria Road/Frank Street and Monash Road/Orient Street) – enable emergency vehicle access from both ends • Minimising “Bunnings” customer and delivery traffic in College Street – support for residents’ concerns about quantity, type and periodicity of traffic flows into and out of the Bunnings site. 	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
Other Community - Outside Local Area, within Ryde LGA		
D13/62635 (Received after closing date)	Letter received from The Hon. Anthony Roberts MP, Member for Lane Cove, including the following statements: <i>"There are considerable and justifiable concerns in the community regarding the impact this development would have on the safety and amenity of residents living on College Street. I ask that both RMS and Ryde Council work together to create a road closure that would act to separate local traffic from commercial and industrial traffic on College Street, Gladesville."</i>	
D13/55677 D13/56166	<p>(Business owner Ryde)</p> <p>OBJECTS - concern over significant scale and resultant impacts of retail on Top Ryde City, and traffic, and suggests more cautious and staged approach with planning proposal. Specific comments:</p> <ul style="list-style-type: none"> • Regional hierarchy of retail centres should be upheld • Rezoning decisions creating new retail uses on industrial land should not negatively impact on existing established centres. • Observance of state policy, impacts on established centres affects investor confidence. <p>Requests Council consider that:</p> <ul style="list-style-type: none"> • Planning proposal should only permit the Bunnings warehouse and not allow for future bulky goods centre and associated uses: The proposed bulky goods centre of 22,000m², will draw customers from a wide catchment and create wide range of operational impacts. Effects of filling a bulky goods centre of this size flow-on to tenants that would otherwise be in established retail centres - potentially impacting on trade at Top Ryde City. • LEP amendment needs to be more precise to control the scale and use: It does not include FSR control, only a height control – not consistent with how other specialised retail uses have been controlled. Suggests a maximum floor space be applied to restrict to Bunnings development only. • Traffic Impacts: Scale of proposal will create significant increase in traffic generation to the site and locality. Peak traffic generation on weekends for hardware & bulky goods businesses, will worsen the existing traffic volumes and poor intersection performance in locality. Premature for any reasonable forecast to understand traffic impacts of proposal – recommend zoning occur incrementally to allow Bunnings only to be developed first, enable future land use decision to be made on more reliable traffic data, to determine appropriate further intensification of uses on the site. • Requests further time to consider impacts of proposal on own investment. 	
D13/57766 (Planning consultant on behalf of Ryde landowner)	<p>(Consultant on behalf of Ryde resident)</p> <p>OBJECTS to planning proposal in current form: impacts on residents and businesses and the local community in general.</p> <p>Requests Council consider that the proposal:</p> <ul style="list-style-type: none"> • Is inconsistent with current S117 Directions as it results in the loss of existing industrially zoned land; • Results in the fragmentation of existing land zoned for industrial purposes; • Results in an inappropriate land use given the surrounding context. It also exhibits an inappropriate built form resulting in adverse visual impacts particularly to adjacent residential properties; • Results in adverse traffic and parking impacts, particularly on the surrounding local domestic street network and arterial road network; and • Results in adverse economic impacts to existing centres and similar land uses. 	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
D13/58385 (Received after closing date)	(Denistone resident) OBJECTS on following grounds: <ul style="list-style-type: none"> • Inappropriate land use • Inappropriate use as bulky goods (usually purpose zoned land) • Compatibility with built form • Visual impacts • Spot rezoning from B5 to IN2 goes against DoPI's rezoning principles, and fragments connection with existing IN2 land. 	
D13/58677 (Received after closing date)	(Denistone resident) OBJECTS on grounds of policy conflicts, economic impacts, traffic, amenity and visual impacts as follows: [Policy and Economics:] <ul style="list-style-type: none"> • Conflicts with industrial land policy reducing employment capacity • Over-sized, opportunistic rather than planned land development for benefit of community • Evaluate effect of such development on other activity centres not individual businesses - smaller retailers of same goods in Ryde area will lose out • Queries the economic assessment argument that existing trade of hardware, home improvement and nurseries of a floor space of less than a third of the proposed Bunnings will not be affected. • Potential conflict/impacts with retail hierarchy of Ryde • Dis-benefit for consumers if need to drive to retail centres for regular shopping, and separately to Victoria Road site for home improvement • Potential loss of product range - as local specialists pull out [of market], Bunnings will reduce its range. [Traffic:] <ul style="list-style-type: none"> • Combined proposed floor area of 37,000+sq.m retailing will add to current traffic • Concern re Traffic study regarding staff mainly using Victoria Road, and less than current level of employees using back streets. • Fails to take into account trade traffic and deliveries in early morning and off peak periods. • Current gridlock issues on Victoria Road - another signalised intersection and dedicated bus land will complicate matters, and add to traffic gridlock. • Original, supposedly unrelated DA for traffic (ramp, slip lane etc) was predicated on closing off access/egress via College Street, appears to be going through options until finding one to suit. • Suggests there is no traffic solution to proposed overdevelopment. [Visual impact:] <ul style="list-style-type: none"> • Negative impact on nearby heritage buildings • Big box for big box retailing, visual impact (should not rely on landscaping to screen). 	
D13/58718 (Received after closing date)	(Denistone Resident) OBJECTS on grounds of policy conflicts, economic impacts, traffic, amenity and visual impact/heritage as follows: [Policy/Economics:] <ul style="list-style-type: none"> • Inappropriate location for bulky goods and retailing and conflicts with State government policy • Undermines and conflicts with Council's retail hierarchy and weakens sustainability of centres such as Ryde • Will attract revenue \$100M pa from 37,000sq.m – most of which taken away from existing retail centres in City of Ryde • No strategic support for opportunistic siting of retail – planning for the landowner – not 	

ITEM 4 (continued)

ATTACHMENT 2

Table 1: Consideration of Issues identified in Submissions (461-495 Victoria Road, Gladesville)		
Issues identified in submissions	Consideration of issues	Response/ Recommendation
	<p>the community.</p> <p>[Traffic:]</p> <ul style="list-style-type: none"> • Will add to traffic chaos Victoria Road and adjoining streets both sides Victoria Road (College Street and Tennyson Road) • Addition of traffic (customers, staff, deliveries) will add traffic duress to Victoria Road and bus lane in this location. Benefits of dedicated bus lane will be negated by adding traffic lights and fourth input to intersection Tennyson and Victoria Roads • Traffic – unacceptable, will result in rat runs on streets not intended to be such carriers • Community benefit will be disturbed and reduced both sides Victoria Road <p>[Amenity/heritage impacts:]</p> <ul style="list-style-type: none"> • Big box format unsympathetic to neighbourhood and especially heritage sites nearby. 	

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Current)		
Street (Table)	Issue	Time
College St(1)	Shortcuts and rat running through College St with speed being an ongoing issue.	Peak hours
	People park in College St and then travel to work.	Week days
College St(2)	Businesses along Monash Road use College St for parking.	Business hours
	Parking of trucks along College St is a problem and prevents residents from accessing driveways.	7am-6pm, Worse 7am-10am and 5pm-7pm
	Noise is a problem (especially ongoing demolition in area)	All the time, even during weekends
	There is no parking for residents	8am – 6pm.
	College St is used as a quick side track to avoid Victoria Rd.	7-9:30am and 3-5pm.
	Speeding vehicles along College St.	Early morning and 7am-7:30pm
	Oversized trucks take up lots of parking spaces for residents.	Business hours
	Orient (3)	Orient St was closed 30 Years ago. Why was it reopened?
Limited parking already on Orient st due to parking from workers in industrial site. This occurs		Monday – Friday 7am-6pm
Long term parking of vehicles associated with the industrial uses park in the street.		All the time
Speeding and constant traffic flow.		During the week
Tonne limit of the road is exceeded during the week.		During the week
Buffalo Road right hand turn into Orient St is a problem due to safety issues and dangerous speeds.		All the time
Traffic congestion and illegal parking along Eltham / Monash is a problem.		All the time
Orient (4)	Monash / College intersection fails currently. This has been exacerbated by the construction and large trucks blocking the intersection.	All the time
	Overflow parking for existing buildings occurs in the street. Residents have trouble getting into their driveways.	Not specified but mostly

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Current)		
Street (Table)	Issue	Time
		likely during business hours
	Oversize trucks illegally use Orient St.	Unspecified
	Plenty of parking on weekends in Orient, quiet residential streets and existing businesses only work on weekends. This will change with a new Bunnings.	N/A
Eltham Street & Monash Road (5)	Along Eltham St: <ul style="list-style-type: none"> • Too much traffic • Vehicles travel at excessive speeds • Used it as a rat-run. • Functions as Quasi Collector Road • Used by heavy vehicles when it should be a lightweight residential street. 	All the time
	Intersection of Eltham / College / Monash is a dangerous intersection.	All times but worse outside 10am-2pm
	Queuing along Buffalo Road is a problem	Not specified
	Access to the bus depot is a problem.	Bus change over time
	Intersection of Monash Rd / Buffalo Rd is problem at peak hour	Peak hour
	Roundabouts at Morrison Rd / Tennyson Rd and Searle St / Tennyson Rd are dangerous	Not specified
	Planning proposal will result in spill on effect to rezone the rest of the IN2 Zone to bulky goods which will then worsen the traffic everywhere. I.e. compound problem.	Not specified
	Eltham St should be closed to not allow access. Previously this has been raised but told exclusively no, not permissible by Council.	Not specified
	The length of deceleration lane along Victoria road is not sufficient	Not specified
	Cressy & Buffalo (6)	Parking is heavily restricted along Cressy Rd between Buffalo Rd and Victoria Rd.
still present but minimal other times		

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Current)		
Street (Table)	Issue	Time
	Cressy Rd is currently used as a rat run.	All the time and with speed at night.
	Heavy traffic and congestion along Cressy Rd.	School pick up and morning peak
	Buses are destroying road furniture.	All times buses are operating
	Cars speed along Monash Rd into Buffalo Rd	Monday – Friday 6:30am-10am 3:30pm – 7pm All day Saturday
	Cars from smash repairs are parked all along the street. Specifically, Buffalo, Orient, Owen, Nelson and Lyndhurst.	Monday – Friday, 7am-6pm All the time for dumped cars.
	Workers from industrial sites are parking across driveways.	Monday – Friday 7am-7pm
	Traffic congestion from Buffalo Rd to get onto Monash Rd.	7:45am-9:15am
South of Victoria Road (7)	Traffic queues down Tennyson road are excessive and go through the roundabout of Tennyson / Searle. Worse when workers leaving 484 Victoria Rd.	Weekdays 5pm-6pm
	Constant side swiping of cars Tennyson Rd, Searle St and Carpark due to cars rushing to find parking.	All hours
	Traffic congestion and noise in Searle St. Includes people talking in the street. This is around Searle St and car parking.	5am – midnight Sat / Sun morning, after school and seasonal

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Current)		
Street (Table)	Issue	Time
		events (swimming carnivals)
	Already experience significant noise (traffic).	all hours of the night and day
	Road widening has increased traffic volumes (cars / buses / trucks / motorbikes).	Weekends
	Unable to have visitors to property due to restrictive parking controls.	All the time
	Not fair that residents have to pay for additional parking permits in 2hour zone and still have to park a long way from their home. This is an issue along Searle St.	All the time
No Street (9)	Unacceptable traffic queuing in local streets already i.e. Tennyson and Cressy due to RALC.	Saturday and Sunday Morning Monday – Friday AM/PM peak
	Local streets are already rat runs	Monday – Friday AM/PM peak School Hours
Unknown Table	No street parking along Cressy Rd.	All the time
	Frank St access of families and young children during.	Weekends
	Frank St exit and exit is a problem with School drop off and collection	School days
	Limited parking in surrounding streets for residents during working hours.	7am-11pm

Small Group Discussions (Anticipated)		
Street (Table)	Issue	Time
College(1)	Loss of quietness on weekends and early mornings in College St. Cressy Rd should be diverted to a one way road.	Weekends and early morning
	Air pollution from diesel trucks.	Not specified

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Anticipated)		
Street (Table)	Issue	Time
	Any road closure may worsen bus traffic.	Not specified
	Loss of residential feel to street at the eastern end of College st.	Not specified
	Increased traffic volumes and noise from cars and trucks	Not specified
	During the construction phase, there will be impacts from extra traffic, loud trucks and dust.	Not specified
	The tuck entrances and exits must be identified.	Not specified
	Pedestrian safety for crossing the road along College and Frank St will be worsened due to more traffic	Not specified
College Street (2)	Excessive traffic along College St and Orient St.	All the time
	Large amount of traffic movements	6am-10pm
	Heavy delivery trucks along Frank St and College St.	Outside 6am-10pm
	Staff parking will not be within building but will be outside on the streets just like businesses do now. This will be along College St and Orient St.	6am – 10pm.
	Noise from within inside site for loading and unloading will be echoed through to adjoining properties.	Not specified
	Currently, limited traffic movements on the weekends but this will worsen after Bunnings.	Weekends and evenings
	In the future, land around the area will be rezoned, increasing traffic and parking issues.	Not specified
Orient (3)	Increased traffic flows along Orient.	All the time
	Excessive parking problems for traffic and workers.	All the time
	The access points along College and Frank will be problems.	Not specified
	College / Monash / Eltham will be worsened.	All the time
	Construction traffic will be an issue	Not specified
	Due to increased traffic speeding and rat running, safety for residents will be a problem.	Not specified
	Delivery trucks will impact traffic.	During delivery times.

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Anticipated)		
Street (Table)	Issue	Time
	Ongoing problems will be worsened. To resolve should close orient at Buffalo street and only allow a left hand turn from orient into Buffalo.	Not specified
	Should seek to separate residential and industrial traffic.	Not specified
Orient (4)	Need to consider contingency plans for overflow peak times i.e. Christmas.	Christmas shopping periods
	Orient street will be used as a rat run with excessive traffic on weekends that will change nature of the local streets.	All the time
	Intersections of Eltham / Orient / College will fail. This already occurs.	All the time
	Victoria Rd is already failing and drivers are trying to avoid Victoria Rd.	Most of the Day
	Excessive traffic movements as orient St will be used as a ratrun. This will also make it difficult to get in / out of properties.	All the time with no respite on weekends.
	Parking scheme restrictions should not be seen as a solution as affects residents.	Not specified
Eltham Street & Monash Road (5)	The proposal will amplify existing issues currently experienced.	All the time with no respite on weekends.
	Access for supplies and unloading at Bunnings will impact: <ul style="list-style-type: none"> • Surrounding Streets – Vehicular Traffic • Access from Victoria Road • Intersections ALONG Buffalo Road and Monash Road • Intersection OF Buffalo Road and Monash Road This will take place during operating hours (including short time leading into and after)	During operating hours and before / after.
	The length of the deceleration lane is not sufficient.	Not specified
	Should look at master planning the whole IN2 Zone and consider specifically extending Frank St so that it connects to Buffalo Road	Not specified

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Anticipated)		
Street (Table)	Issue	Time
Cressy & Buffalo (6)	Limited parking for residents along Cressy Rd between Buffalo Rd and Victoria Rd.	Weekends
	The proposal will increase traffic along Cressy Rd between Buffalo Rd and Victoria Rd.	All the time
	Increased speeding of vehicles everywhere, in particular: <ul style="list-style-type: none"> • Buffalo Rd, • Cressy Rd, • Orient St, • Monash Rd, • Eltham St, • Lyndhurst St, and • Nelson St 	Monday – Sunday 6am-7pm Worse in loading / unloading hours
	Worsened traffic will force heavy vehicles into surrounding areas: <ul style="list-style-type: none"> • Buffalo Rd, • Cressy Rd, • Orient St, • Monash Rd, • Eltham St, • Lyndhurst St, and • Nelson St 	Monday – Sunday 6am-7pm Worse in loading / unloading hours
	No parking outside residents properties: <ul style="list-style-type: none"> • Buffalo Rd, • Cressy Rd, • Orient St, • Monash Rd, • Eltham St, • Lyndhurst St, and • Nelson St 	Monday – Sunday 6am-7pm Worse in loading / unloading hours
	Heavy vehicles will be parking on residential streets: <ul style="list-style-type: none"> • Buffalo Rd, • Cressy Rd, • Orient St, • Monash Rd, • Eltham St, • Lyndhurst St, and • Nelson St 	Monday – Sunday 6am-7pm Worse in loading / unloading hours
South of Victoria Road (7)	Increased traffic along Tennyson Rd and Morrison Rd, with grid lock at the intersection of Tennyson Rd / Victoria Rd going down to Searle Street.	All the time

ITEM 4 (continued)

ATTACHMENT 3

Small Group Discussions (Anticipated)		
Street (Table)	Issue	Time
	Large Vehicle entry points need to be identified as it is unclear whether trucks will be using Tennyson Rd	Not specified
	The proposal will worsen access to driveways and side streets in Victoria Rd. There is currently limited parking within Tennyson Rd. This will be worsened by Bunnings.	Not specified
	All the existing issues will be exacerbated on already stressed, narrow residential roads. Traffic volumes will be increased and dangerous driving and parking habits will be worsened, in particular Searle St.	All the time
	Noise of traffic volumes will be bounced off the Bunnings site towards existing residents.	All the time
	Intersection of Tennyson / Victoria Road will increase horn blasting, gear crunching, car revving and accidents.	All the time
	Unclear where large vehicle entry points will be and what impacts will be.	During operation
	Intersection of Tennyson / Victoria will be made a 4-way intersection. Houses fronting onto Victoria will not be able to leave as a result.	Not specified
Not specified	Truck Traffic Management Study need to be prepared and exhibited with numbers and hours of operations.	Not specified
	Staff parking needs to completely contained within the site.	During operation
	Relocation of bus stops needs to be identified.	Not specified
	Need to understand what sort of uses include bulky goods and what hours of operation will be applied.	Not specified
	Queuing into site from Victoria Rd is too short.	Not specified
	Need to determine 'average bunnings sale size' so that real customer numbers and associated traffic can be determined.	Not specified
	Entire locality will be gridlocked.	All the time
	Rat running will be worsened, especially on the Tennyson Rd Side.	All day
	Weekend sports at Holy Cross College will pose dangers to young children crossing. Frank St should be widened.	Not specified

ITEM 4 (continued)

ATTACHMENT 3

Non-traffic Related Concerns Raised		
Street (Table)	Issues	Response
College (1)	Street light at the corner of Monash and College does not work satisfactorily.	<p>Not a matter related to the consideration of the Bunnings planning proposal.</p> <p>Notwithstanding this, a call has been logged with customer service</p>
	The development should be staged to allow for sufficient space on site to prevent heavy traffic from 4am/5am in the morning as experienced under 1-9 Monash Rd.	<p>To be considered as part of any forthcoming Development Application should the planning proposal be approved.</p> <p>Generally resolved as part of a Construction / Traffic Management Plan imposed as a condition of consent.</p>
	Have any property valuations been done?	No separate property valuations have been undertaken. Impacts on value relate to a range of issues which vary for each property. Property values relate to a broad range of factors and variations such as condition of individual premises, zoning and affectations on valued land, economy and market conditions, etc.
	What will be the hours of operation for staff and deliveries?	To be considered as part of any forthcoming Development Application should the planning proposal be approved.
	What benefit to residents get?	<p>The planning proposal is considered on the basis of the wider community benefit. In this respect, consideration has been given to the employment generation on site.</p> <p>Any amenity impacts to residents will be considered in detail as part of a</p>

ITEM 4 (continued)

ATTACHMENT 3

Non-traffic Related Concerns Raised		
Street (Table)	Issues	Response
		forthcoming Development Application, should the planning proposal be approved.
	LEP changes should only be approved if they approved in conjunction with traffic changes.	Noted and proposed Parking / Traffic Model Study and Impact Assessment will recommend traffic mitigation mechanisms if warranted.
	Cynical about consultation process as developers always win.	Noted.
	Why was college St closure rejected in 1997 and 2006?	The proposed Parking / Traffic Model Study and Impact Assessment will recommend traffic mitigation mechanisms if warranted and will specifically consider the closure of College St, potential approvals required and whether this is a feasible outcome.
	What will the hours of operation be?	To be considered as part of any forthcoming Development Application should the planning proposal be approved.
	Overshadowing / solar access for buildings to the west of Bunnings.	To be considered as part of any forthcoming Development Application should the planning proposal be approved.
	Dust, noise and pollution from operation of Bunnings	To be considered as part of any forthcoming Development Application should the planning proposal be approved.
	Noise from trucks and loading	To be considered as part of any forthcoming Development Application should the planning proposal be approved.
	Will there be increased street lighting / flood lighting?	To be considered as part of any forthcoming

ITEM 4 (continued)

ATTACHMENT 3

Non-traffic Related Concerns Raised		
Street (Table)	Issues	Response
		Development Application should the planning proposal be approved.
	If surrounding properties are damaged, who will be responsible for damages?	To be considered as part of any forthcoming Development Application should the planning proposal be approved. Generally a Dilapidation Report is required where there is a chance of damage to adjoining and adjacent properties.
Orient (3)	Zoning should not be changed to suit the needs of large companies. Council should protect the community. Why did Bunnings buy a site that does not suit their needs?	The planning system in NSW allows for amendments to Zoning, subject to meeting all necessary planning requirements. This proposal is currently in the process of being assessed against the applicable planning requirements.
	Proposal will create security issues along Orient St.	To be considered as part of any forthcoming Development Application should the planning proposal be approved.
	Heights and setbacks of buildings are a concern.	Heights will be further considered pending the outcomes of the Parking / Traffic Model Study and Impact Assessment.
	It will encourage future development of the industrial area.	Each further planning proposal / development application will be considered on its merits of its individual situation.
	Noise, light and air pollution	To be considered as part of any forthcoming Development Application should the planning proposal be approved.

ITEM 4 (continued)

ATTACHMENT 3

Non-traffic Related Concerns Raised		
Street (Table)	Issues	Response
	Orient St was closed before why was it opened?	The proposed Parking / Traffic Model Study and Impact Assessment will recommend traffic mitigation mechanisms if warranted and will specifically consider the closure of Orient St, potential approvals required and whether this is a feasible outcome.
Orient (4)	<p>Lightspill from the site</p> <p>Should the proposal go ahead because of its proximity to residential properties?</p>	<p>Night / late evening</p> <p>The amenity impacts of the proposal are considered as part of the site specific DA.</p> <p>With regards to traffic movements, it is recommended that a Parking / Traffic Model Study and Impact Assessment be undertaken to consider this matter further.</p>
Eltham (5)	Height of buildings and that the RL control should be replaced with a meterage control.	Heights will be further considered pending the outcomes of the Parking / Traffic Model Study and Impact Assessment.
	Extent of basement cavity and ability to be reused for other purposes. Overall height should be reduced.	Heights will be further considered pending the outcomes of the Parking / Traffic Model Study and Impact Assessment.
	Why is Eltham St closure now a possibility when it wasn't before?	The proposed Parking / Traffic Model Study and Impact Assessment will recommend traffic mitigation mechanisms if warranted and will specifically consider the closure of Eltham St, potential approvals required and whether this is a feasible outcome.
South of Victoria Rd (7)	Bunnings will replace nice painted wall. Worse view from houses opposite.	N/A
	Height of buildings and vista from	Heights will be further

ITEM 4 (continued)

ATTACHMENT 3

Non-traffic Related Concerns Raised		
Street (Table)	Issues	Response
	residences along Victoria Rd.	considered pending the outcomes of the Parking / Traffic Model Study and Impact Assessment. Additionally, the draft DCP provides controls relating to the presentation of future buildings towards Victoria Rd.
	Lots of 'tumble weed' rubbish from the development	Operational aspects of the development will be considered as part of any forthcoming Development Application should the planning proposal be approved.
	Who will be held accountable if it all goes 'pear shaped'?	Decision will be made by Council as to whether the proposal is to proceed based on recommendations made by Council Staff.
	If the works have already started, what comfort to residents have that the development will not go ahead regardless of issues.	Construction work already taking place on site is considered as part of report on planning proposal.
	Noise, light and air pollution	Not specified

Questions asked in Large Group Question and Answer Session (responded by Meryl Bishop, Group Manager, Environment and Planning on the night)

About process – is the outcome of the traffic study to be viewed by the community?

What are the plans for accommodating staff parking on site as well as customers? – normal and standard requirement to provide all parking for both staff and customers on site

What is the estimated length of construction from start to finish and what benefits do residents get out of this? – estimated time for construction will be in excess of 12 months. The site is currently underutilized and Bunnings would like to work with the community. May give the community an opportunity to finalise some outstanding issues such as road closures. This development will give local access to services and facilities and local

ITEM 4 (continued)

ATTACHMENT 3

employment.

Would like to look at the site and see where the traffic movements were going, where the entrances are and who is going to use what entrance?

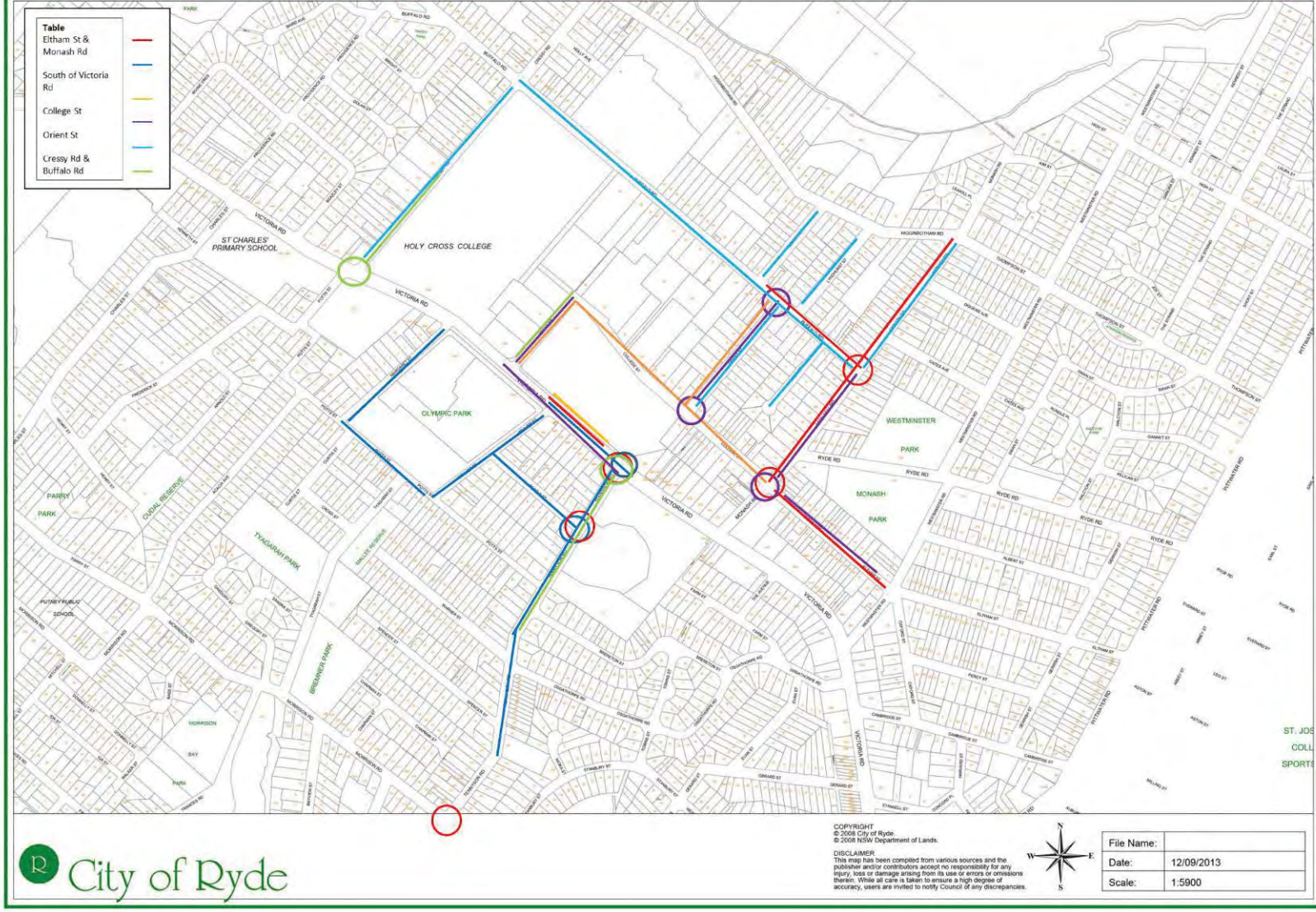
Is this going to be like the brothel that got knocked back and then approved – are we wasting our time here tonight?

Can you from an urban design point of view, what do you see as the best outcome?

If this matter goes to JRPP – is there anything Council can do and can residents be involved?

ITEM 4 (continued)

ATTACHMENT 4



ITEM 4 (continued)

ATTACHMENT 5



28 August 2013

General Manager
Ryde City Council
Civic Centre
1 Devlin Street
RYDE NSW 2112

Attention: Meryl Bishop

**OFFER TO FUND LOCAL AREA TRAFFIC STUDY
GLADESVILLE WEST IN THE VICINITY OF MONASH, COLLEGE, ORIENT, & FRANK
STREETS AND VICTORIA ROAD**

Dear Meryl,

I refer to the Planning Proposal submitted by Bunnings Group Ltd for the rezoning of 461-495 Victoria Road, Gladesville, the adopted Notice of Motion of Ryde City Council on 23 July 2013; discussions with Councillors Maggio and Chung, and Council officers, and hereby provide the undertaking of Bunnings Group to co-operatively fund a local area traffic study of the area generally including the above listed streets.

This undertaking to fund the study is made on the basis of a reasonable scope for the study being established in consultation with Bunnings; the study being undertaken in a professional and timely manner; and the procurement of consultants by Council being subject to appropriate discipline with regard to costs and resourcing. Bunnings will however not commit to appointment of the successful consultant until it has reviewed and is satisfied with the proposal put to it, and once agreed the costs will be capped.

The purpose of the study is agreed to be identification of existing local traffic issues, the likely impacts of additional traffic generated by the Bunnings proposal, and the consideration of measures (if any) to address traffic concerns. We anticipate that the study will identify and clearly distinguish between what measures are warranted as a result of the Bunnings development and what are remedial measures to address existing or current issues. Bunnings Group will not be bound to necessarily adopt/implement any of the recommendations of the study as it is acknowledged that those recommendations are the opinions of the consultant only.

We look forward to assisting wherever possible with input data, and being kept informed of progress with the study by a Council project manager. Bunnings would insist on obtaining access to the draft and final reports prior to them being released to the public.

This offer is made in good faith and with an expectation that both Bunnings and Council will act reasonably at all times.

This offer is made conditionally that a cost agreement be executed between the Council and Bunnings to reflect the terms and spirit of this offer. Bunnings will prepare the initial draft of this agreement and submit it to Council for consideration and their response.

Bunnings Group Limited
ABN 26 008 672 179
A member of the Wesfarmers Limited
Group of Companies

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ITEM 4 (continued)

ATTACHMENT 5

If there are any queries regarding the above, please do not hesitate to contact the undersigned on 02 9846 7334 or 0413 098 609, or email pdrew@bunnings.com.au.

Yours sincerely,



Philip Drew
Development Approvals Manager
Bunnings Group Ltd

5 NATIONAL DISABILITY STRATEGY IMPLEMENTATION PLAN

Report prepared by: Section Manager - Community Services
File No.: GRP/09/5/6/4 - BP13/1250

REPORT SUMMARY

At its meeting on 26 March 2013, Council resolved to receive a report that provides an initial assessment of the areas of action required by local government as identified in the National Disability Strategy NSW Implementation Plan 2012-2014; identifies the anticipated resourcing issues and outlines the proposed management mechanism to plan and coordinate the implementation of the required action and consult the Access Committee regarding the proposed action plan required by Council.

Staff commenced initial assessment of the areas of action required by Council. From the NSW Implementation Plan, relevant actions that relate to the work and responsibilities of Council were identified to improve inclusion locally.

The action plan (**ATTACHED**) has been developed in consultation with representatives of Service Units nominated to contribute to this project. Majority of the actions identified are base budget activities. This report has also collated a comprehensive list of achievements by Council in building an inclusive and accessible community.

To further determine areas of action and service gaps, external stakeholders were consulted and they were also asked to prioritise the key actions required for Council.

This report recommends that Council accepts the key actions identified (**ATTACHED**) and approves the resourcing framework and timeframe to implement the recommendations across the organisation from 2013 to 2016.

RECOMMENDATION:

That Council endorses the recommendations, resourcing framework and timeframe as outlined in this report to implement the prioritised key actions required for Council in implementing the NSW National Disability Strategy NSW Implementation Plan 2012-2014.

ATTACHMENTS

- 1 National Disability Strategy suggested key actions for Council from 2013 to 2016

ITEM 5 (continued)

Report Prepared By:

Persis Koo
Section Manager - Community Services

Report Approved By:

Baharak Sahebekhtiari
Acting Group Manager - Community Life

ITEM 5 (continued)

Background

The National Disability Strategy (NDS) is a ten year national plan (2010-2020) for improving the life experiences of Australians with disability, their families and carers.

It seeks to foster an inclusive society that enables people with disability to fulfil their potential as equal citizens. It was endorsed by the Council of Australian Governments in February 2011.

The NDS focuses on six policy areas that require a whole-of-government, whole-of-life approach to disability planning and service delivery. The six policy areas are:

1. Inclusive and accessible communities
2. Rights protection, justice and legislation
3. Economic security
4. Personal and community support
5. Learning and skills
6. Health and wellbeing

National Disability Strategy within NSW

On 3 December 2012, the Minister for Disability Services Andrew Constance launched the National Disability Strategy NSW Implementation Plan 2012 -2014, which is the first whole-of-government plan outlining NSW's commitment to removing structural and attitudinal barriers to access and participation that impact on the lives of people with disability.

The plan complements the reforms to the specialist disability system through *Stronger Together* and the National Disability Insurance Scheme (NDIS), and is aligned with the six policy areas.

The NSW plan focuses on improving access to mainstream services so people with disability can enjoy equal rights and opportunities including access to education, entertainment, health, recreation, transport and housing.

A NSW National Disability Strategy Interagency Implementation Committee will oversee implementation of the plan over the next two years and will work with partners such as local government and non-government organisations.

Discussion

At its meeting on 26 March 2013, Council resolved to receive a report that:

- Provides an initial assessment of the areas of action required by local government as identified in the plan;
- Identifies the anticipated resourcing issues and outlines the proposed management mechanism to plan and coordinate the implementation of the required actions; and

ITEM 5 (continued)

- Consult with the Access Committee regarding the proposed action plan required by Council.

Initial assessment of the areas of action required by local government as identified in the plan

The NDS focuses on six policy areas that require a whole-of-government approach to disability planning and service delivery. Out of the six policy areas, four policy areas were further broken down to identify the specific roles that local government does and can play in implementing the NDS NSW Implementation Plan.

Policy area	Areas of action by local governments	The City of Ryde can progress these actions through:
1. Inclusive and accessible communities	The physical environment including public transport; park, building and housing; digital information and communications technologies; civic life including social, sporting, recreational and culture life.	<ul style="list-style-type: none"> • Planning regulations • Town centre, park, streetscape and building design • Advocacy • Community events
2. Rights protection, justice and legislation	Statutory protections such as anti-discrimination measures, complaints mechanisms, advocacy, the electoral and justice systems.	<ul style="list-style-type: none"> • Communication and complaints management
3. Economic security	Jobs, business opportunities, financial independence, adequate income support for those not able to work and housing.	<ul style="list-style-type: none"> • Policy development in areas including, social procurement, access and equity and workforce planning
4. Personal and community support	Inclusion and participation in the community, person centre care and support provided by specialist disability services and mainstream services; informal care and support.	<ul style="list-style-type: none"> • Providing accessible community buildings • Home modification and maintenance service • Developing partnerships and advocating on behalf of the service sector

ITEM 5 (continued)

Council Achievements:

As a result of consultations with internal stakeholders to provide an initial assessment of areas of action required by local government, a number of initiatives Council has already achieved were identified:

1. Inclusive and accessible communities

Ryde DCP 2011-Part 9.2 Access for People with Disability.

Boronia Park and Agincourt Road Shopping Centres public domain upgrades.
Rowe Street Public Domain Plan.

Aquatic wheelchair and hoist to lift wheelchair users into the pool at Ryde Aquatic Leisure Centre (RALC).

Access Advisory Committee.

Wayfinding signs currently being installed in Macquarie Park to ensure that pedestrians can navigate their way around the centre.

The daylight key lock sensor system enables people with disability to gain access to accessible toilet blocks in parks and open space.

Top Ryder bus service. Wheelchair access and lifting mechanisms have been provided on both Top Ryder buses; bus stop audit in 2010.

Bus shelter and bus seat program and footpath expansion program (which incorporates kerb ramps).

Home Library Services for residents of Ryde and Hunters Hill Council.

Ryde Outdoor Dining Policy ensures that a continuous path of travel is provided for all footpath users.

Community events made accessible with site inspections to assess accessibility for people with disability. Screening of Cinema in the Park with subtitles for the hearing impaired.

Pedestrian Access Mobility Plans (PAMPs) are underway to complete for each of Ryde's six key centres, having completed PAMPs at Eastwood and Macquarie Park.

Hearing loops installed in several community halls to assist people with hearing impairment.

Ryde/Hunters Hill Home Modification and Maintenance Service (HMMS), administered by Council funded by the Commonwealth and State governments since 1 July 1998.

Maxi Cab usage at Top Ryde Shopping Centre. Redesign and move taxi stand at Top Ryde Shopping Centre to improve accessibility.

Hungry for Art Festival actively promotes venues with wheelchair access to art exhibitions and events.

Livvi's Place Playground at Yamble Reserve designed for children with a disability.

ITEM 5 (continued)

2. Rights protection, justice and legislation
Complaint Management. Council's Coordinator Feedback and Business Improvement commenced in August 2012. The role incorporates dealing with and managing complaints and compliments, coordinating the complaints management process, business improvement initiatives and reporting on the organisation's complaints management performance.
3. Economic security
Workforce plan articulates Council's intent regarding this area through a commitment to explore employment (paid or unpaid) opportunities for people with disability.
Ryde Hunters Hill Volunteer Referral Service to assist people with disability with volunteering opportunities.
<i>Ozanam</i> , a local agency supporting people with disability which have been engaged to undertake ad hoc projects in relation to events.
4. Personal and community support
Access and Equity Coordinator. Position jointly funded by Council and State Government- working with disability and on access issues in Ryde LGA. The role entails facilitation of cross-agency joint planning and approaches to improve referral, coordination and service access for all people with disability.
Active in Ryde programs extended to target people with disability.
Grant program provides funding for disability services.

Consult with the Access Committee regarding the proposed action plan required by Council

On 4 September 2013, the Access Committee was consulted on the action plan developed and feedback was sought in particular on the priority areas. The Committee endorsed the action plan in general and made the following comments. Suggestions from Committee members include the importance of raising awareness of the community on accessibility and available opportunities. The Committee emphasised the importance to consider the breadth of disability which include people who are sight and hearing impaired, people with mobility difficulties, older people and those with intellectual disability. The Committee noted opportunities for participation in social, arts and recreation by people with disability as important.

It was also mentioned that the accessibility of Ryde Aquatic Leisure Centre (RALC) for people with severe disability could be improved with the inclusion of an adult change table with a fixed ceiling lifter in the change room.

A feasibility study was conducted in 2011 to investigate the feasibility of installing a fixed ceiling hoist and adult change table in the disabled/family change room however this was not feasible due to the capacity of the ceiling to bear the load. This issue has been well documented and will be considered when opportunity arises.

ITEM 5 (continued)

Another issue raised was present Council and committees' representation from women and people with disability is poor.

Feedback incorporated in the action plan were engagement with people with disability and the disability and health sector; customised information for different users and promotion of volunteering opportunities to people with disability.

Overall, Committee members agreed that it is encouraging that this report is in preparation and that the recommendations will be implemented in Council's Four Year Delivery Plan.

In order to receive additional feedback, in August/September 2013 a number of local disability service organisations were also consulted. These groups included:

- Side by Side Advocacy
- Riding for the Disabled
- ParaQuad NSW
- Royal Rehabilitation Centre NSW

Consultations with the Access Committee and others provided insight that aided the establishment of the recommendations and priority setting. In general, 'social inclusion and accessibility', and 'economic security' were rated highly as overall priority areas for people with a disability.

A priority is assigned to each of the actions on the attached document:

Priority	Rationale
High	Nominated by disability sector as most important to improve the quality of life for people with disability
Medium	Enhancement to existing business as usual for Council
Low	No urgency and subject to funding availability

Anticipated resourcing issues and outline the proposed management mechanism to plan and coordinate the implementation of the required actions

The initial assessment, determining the areas of the NDS Plan that impact local government, and identifying the initiatives already underway, in addition to information resulting from a number of internal and external stakeholder consultations, provided the basis for the following recommendations. These recommendations, as indicated through the consultations with the disability sector, would make a significant and positive impact on the lives of people with a disability in the community.

Each of the recommendations presented are accompanied by information to identify a source of funding.

ITEM 5 (continued)

The most effective and efficient management mechanism for implementation of the actions proposed is the annual business planning cycle. It is proposed that once approved by Council the Action Plan would become a linked plan to the Delivery Plan. The projects would be considered and included annually during the process of developing the delivery plan and the operational plan. Approved recommendations that can be achieved through base budget or through partnerships would be listed in future individual service unit business plans.

The progress would be reported annually to Council in June.

Financial Implications

Adoption of this report's recommendations will not have a financial impact.

Projects that may require additional funding will be considered annually as part of the development of the four year Delivery Plan, and one year Operation Plan.

Opportunities for government funding will be explored as part of the implementation phase, it is likely that State and Federal governments will provide specific support to enable projects that enhance inclusion as part of their implementation strategy.

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy Suggested Key Actions for Council from 2013 to 2016

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
1. Inclusive & accessible communities	Need to further promote inclusiveness and enhance accessibility to Council's facilities and surrounds.	Council's community buildings and amenities are increasingly and progressively more accessible and meet the required standards.	Develop public mapping interface that displays inclusive and accessible Council facilities such as parks and playgrounds, sports grounds, community buildings, toilet blocks and parking.	December 2013	Information System	Base budget	High
1b) Systematically improve access to buildings and housing in NSW.			Install way finding signs for the vision impaired in town centres.	4 years delivery plan in line with planned upgrade projects	Urban Planning	Considered as part of capital project budget schedule development	Low
			Upgrade footpaths in town centres to improve disabled access.	4 years delivery plan from 2014/15 to 2017/18	Urban Planning	Capital project budget	Medium
			Audit and carry out maintenance work on hearing loops in all community halls.	2014/15	Community Capacity and Events	Base budget	High

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
1c) Implement measures to improve the availability of accessible toilets.	Need to audit and ensure high usage accessible toilet blocks are compliant with latest Australian Standards across Council's sportsgrounds and amenities.	Council's sportsgrounds and amenities are increasingly and progressively more accessible and meet the required standards in order to encourage people with disability to participate in mainstream sports events.	Ensure high usage accessible toilets are given priority to be upgraded as part of sportsground upgrades and renewal projects.	4 years delivery plan from 2014/2015 – 2017/18	Open Space	Considered as part of capital project budget schedule development	High
1d) Continue to improve the provision of accessible and adaptable social housing to people with disability.	Low number of people with disability living in social housing with access to home maintenance service.	Deliver home modification and maintenance services to people with disability in partnership with Housing NSW.	Promotion of home maintenance service to people with disability in partnership with Housing NSW in Ryde LGA.	4 years delivery plan from 2014/15 – 2017/18	Community and Culture	Base budget and partnerships	High

ITEM 5 (continued)
ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
1g) Support Local Government to plan and provide for more inclusive communities.	- Lack of an overarching Council policy, which promote the principles of inclusiveness and accessibility for people with disability. - No social procurement principles and policy for Council.	Council's services and corporate responsibilities are progressively more inclusive.	- Develop an overarching Council policy/procedure, to integrate consideration of accessibility in the usual business of Council including development of policies, reports and services. - Inclusion of social procurement principles within Council's procurement processes. Selection of service providers and contractors that are inclusive and adhere to the social procurement principles.	2014/15 4 years delivery plan from 2014/15 to 2017/18	Community and Culture	Base budget	Medium
		Development of the 4 year Delivery Plan 2014-2018 and Operational Plan 2014/18- project related to NDS can be included in the plans for the next four years.	Inclusion of approved actions in the Operational Plan, Delivery Plan and Service Unit Business Plans to ensure implementation, regular review and monitoring.	4 years delivery plan from 2014/15-2017/18	Corporate Planning and Reporting	Base budget	High

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
1h) Implement a NSW strategy to improve participation in arts.	Lack of opportunities to for people with disability to participate in the arts sector.	Connect and facilitate participation of artists with disability into the mainstream arts sector activities.	Invite Accessible Arts organisation to conduct audit of arts events and information sessions for arts sector on reaching out to people with disability.	2014/15	Community and Culture	Base budget	High
1i) Increase information available on sport and physical activity options available to people with disability. - Develop local level inclusive sports directories to provide information, support and network opportunities available in the community for people with disability. - Develop an online calendar of events for sport for people with disability.	Lack of information on sport and physical activity options available to people with disability.	Ensure web-based sports directory, community information directory and events calendar are up to date and accessible for people with disability.	-Improve existing web-based sports directory to include information on inclusive sports and opportunities for people with disability. -Improve existing events calendar to include information on events for people with disability and promote to the disability sector. - Enhancement of Community Information Directory as an online only resource to provide information on locating support and network opportunities for people with disability.	4 years delivery plan from 2014/15-2017/18	Library Services Communication and Media Open Space	Base budget	Medium

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
<p>1j) Increase participation in mainstream sport and recreation and improve access to sport and recreation facilities across NSW.</p> <ul style="list-style-type: none"> - Work with School Sport Unit to introduce students with disability to community sporting opportunities. - Work in partnership with Royal Rehabilitation Centre Sydney to promote sports and recreation opportunities for people with disability, particularly in rehabilitation. 	<p>Opportunities for social interaction and physical activity for health and well-being is lacking for people with disability.</p>	<p>Develop a three year strategic plan which include:</p> <p>2014 - Review "Active in Ryde Program and develop partnerships</p> <p>2015 - Delivery of pilot program and review</p> <p>2016 - Implementation of disability specific "Active in Ryde" program.</p>	<ul style="list-style-type: none"> - Review "Active in Ryde" program to ensure people with a disability have access to sport and recreation participation opportunities. - Engage with stakeholders and develop partnerships with the disability, health, sport and recreation sectors (including the Royal Rehabilitation Centre) to create sustainable programs and ongoing participation pathways. - Research barriers to mainstream sports and recreation participation by people with a disability. - Undertake an audit of venue/facility availability and suitability for the conduct of sport, recreation and physical activities for people with a disability. - Provide local sport and recreation clubs with training, resources and incentives to 	<p>2014/15 – 2015/16</p>	<p>Open Space - Sports and Recreation program</p>	<p>Base budget but may require extra funding to meet the direct cost of providing the "Active to Ryde" program targeting disability sector</p>	<p>High</p>

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
			develop and implement participation plans that are inclusive of people with a disability.				
			Educate and communicate with NSW Health, case workers and managers from disability sector in regards to sport and recreation pathways and physical activity opportunities available to people with disability.	2014/15 – 2015/16	Open Space Community and Culture	Base Budget	High
1k) Implement the Event Access and Inclusion Project to improve access and the participation for people with disability in major Sydney and other NSW community events. - Develop and promote best practice outcomes in terms of inclusion and access in event policy, strategy and program initiatives.	Lack of talented performers with disability to perform at community events.	Council's community events are accessible and promoted as assessable.	To source, plan and formally invite performers with disability to participate and showcase their talent at high profile community events such as Granny Smith Festival.	2014/15	Community Capacity and Events	Base Budget	Medium

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
<p>2. Rights protection, justice and legislation</p> <ul style="list-style-type: none"> - Adopt resources developed by NSW Ombudsman for government agencies to improve access to complaints handling in relation to people with disability. - Encourage more people with disability to stand for election at the Local Government elections in 2016. 	<ul style="list-style-type: none"> - Lack of participation from people with disability to represent their local community. - Accessibility is a barrier for people in wheelchair to access Council Chamber and meeting rooms in Civic Centre. 	<p>Accessibility for people in wheelchair could be a scope within the Civic Centre renewal and upgrade project.</p>	<p>To develop an inclusive engagement strategy that targets people with a disability to actively participate in civic life.</p>	<p>4 years delivery plan from 2014/15-2017/18</p>	<p>Governance</p>	<p>Base budget</p>	<p>Medium</p>

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
<p>3. Economic security</p> <ul style="list-style-type: none"> - Implement the EmployABILITY strategy across the NSW public sector aimed at enhancing the employment, development and retention of employees with disability. - Implement measures outlined in the NSW Volunteering Strategy to increase number of people with disability participating in volunteering activities including activities that are potential pathways to employment. - Develop strategies to increase the diversity of workforces 	<ul style="list-style-type: none"> - Low number of employees with disability working for Council. - Accessibility is a barrier for employees in wheelchair to access the Civic Centre. 	<ul style="list-style-type: none"> - Ensure Council identifies suitable work and establishes itself as an employer for people with disability in the long term workforce plan. - Establish links with local disability employment agencies to: <ol style="list-style-type: none"> 1. Increase the organisations' knowledge about requirements to accommodate people with disability in Council's workforce and build Council's capacity to develop strategies to improve employment outcomes for people with a disability. 2. To give priority to workforce strategies relating to increasing the workforce participation by people with disability in Council's workforce plan. 	<ul style="list-style-type: none"> - Organise information sessions at Leadership Forum on employment of people with disability in partnership with disability employment agencies. - Organise trainings, site visits and case studies for Managers to organisations that have created a successful workforce plan for people with disability. - ET to adopt a recommendation to fill vacant positions with people with disability with the assistance from disability employment agencies that will select suitable candidates for the job. 	<p>4 years delivery plan from 2014/15-2017/18</p>	<p>Human Resources</p>	<p>Base budget</p>	<p>High</p>

ITEM 5 (continued)

ATTACHMENT 1

National Disability Strategy - Recommended Council Actions	Gaps Identified	Recommendations	Actions by Council	Timeframe	Service Unit	Resourcing	Priority
to include more people with disability.	Low number of volunteers with disability participating in volunteering activities including activities that are potential pathways to employment.	Ensure Council promote and encourage people with disability to participate in volunteering activities in the city.	<ul style="list-style-type: none"> - Formulate a checklist with disability employment agency for volunteer managers to indicate whether their organisations could accommodate people with disability in vacant volunteer positions. - In partnership with disability employment agency, recruit and refer people with disability to volunteer with community organisations. 	2014/15-2015/16	Community and Culture	Base budget	High
4. Personal and Community support	Need to focus on issues faced by the disability sector due to the implementation of National Disability Insurance Scheme (NDIS) in the near future.	Engage and build the capacity of the local disability sector and build capacity to support people with disability.	<ul style="list-style-type: none"> - Support NGO Sector and State government through facilitating cross-agency joint planning and approaches to improve referral, coordination and service access for all people with disability. - Allocate project resource to engage local disability sector and build capacity to support people with disability to make choices and manage individual budgets. 	4 years delivery plan from 2014/15-2017/18	Community and Culture	Base budget/ external grant funding/ partnerships	High

6 ENFORCEMENT OF PARKING POLICY - REVIEW AND SELECTION OF STATE DEBT RECOVERY OFFICE ADMINISTRATIVE SERVICE

Report prepared by: General Counsel, Public Officer; Manager - Communications and Media
File No.: GRP/09/5/6/4 - BP13/1219

REPORT SUMMARY

This report seeks to review the procedures for appealing infringement notices provided for in Clause 10 of Council's Enforcement of Parking Policy and to identify the two administrative services for processing penalty notices offered by the State Debt Recovery Office with the requirement for Council to select one administrative service.

RECOMMENDATION:

- (a) That Council no longer provide an internal procedure for appealing infringement notices as provided for by Clause 10 of Council's Enforcement of Parking Policy.
- (b) That Council endorse the Enforcement of Parking Policy with the removal of Clause 10.2.
- (c) That Council renew the 'Premium' Service Level Agreement with the State Debt Recovery Office for the provision of administrative services for processing penalty notices issued by Council's Rangers in accordance with **Option 1** of this report.

ATTACHMENTS

- 1 Ombudsman Discussion Paper - The Management of Representations About Fines
- 2 Enforcement of Parking Policy dated 16 August 2013

Report Prepared By:

Bruce McCann
General Counsel, Public Officer

Angela Jones-Blayney
Manager - Communications and Media

Report Approved By:

Roy Newsome
Acting General Manager

ITEM 6 (continued)**Discussion**

The Fines Act 1996 establishes a system for the issuing, review and enforcement of fines (referred to as penalty notices).

The Fines Act establishes a system for the review of penalty notices which provides that the recipient of a notice has the legal right to seek a review by either the issuing authority (Council) or the State Debt Recovery Office (SDRO), or both.

Having alternative avenues of review of the penalty notices results in a system where, depending on whether requests for review are made to the issuing authority or SDRO, or both:

- The recipient of a fine may achieve a different outcome or
- The recipients of similar fines in similar circumstances may achieve different outcomes

All Councils have a service level agreement with the SDRO. There are two levels of agreements basic and premium.

Council currently has a Service Level Agreement for Premium Processing Service. The Agreement expired in March 2013 but continues in accordance with carry over provisions specified in the Agreement. An updated Service Level Agreement has been provided to all Councils for renewal by the SDRO.

Clause 2.44 of the renewed Premium Service Level Agreement with SDRO states:

If the Commercial Client adopts its own set of guidelines or opts to conduct its own review of representations for instance by the operation of a review panel or similar arrangements for review, the Commercial Client agrees it will revert back to a Basic Processing Service whereby the Commercial Client is responsible for all requests for reviews, correspondence in relation to representations and elections to have a court determination of Penalty Notice. In reverting to a Basic Processing Service this premium service agreement will be terminated without prejudice to any accrued rights or remedies of the parties.

This means that if City of Ryde is to enter into a Premium Service Level Agreement with SDRO and continue with Council's internal review process, SDRO will terminate the Premium Service Level Agreement and replace it with a Basic Service Level Agreement. Essentially, the Premium Service Level Agreement will be breached by Council if Council continues to utilize an internal adjudication service.

ITEM 6 (continued)

The difference between the two levels relates to the treatment of representations made by penalty notice recipients and the management of court elected penalty notices:

- **The Basic Service:** the Council as issuing authority is responsible for answering written inquiries, handling letters of representation and dealing with correspondence. The SDRO manages court elected penalty notices and police prosecutors appear only at the first return date on behalf of the Council.
- **The Premium service:** this service allows the SDRO to use its guidelines to adjudicate on representations and reply to correspondence on behalf of the issuing authority (Council). In addition, police prosecutors appear at first mentions and hearings for vehicle related court elected penalty notices.

It should be noted that only 4 Councils in the Greater Sydney Region, including Ryde, currently have operating adjudication panels. The Greater Sydney Region contains 43 Councils stretching from Wyong in the North, to Wollondilly and Campbelltown in the South, and to the Blue Mountains in the West.

Sydney Councils with an Adjudication Panel	Sydney Councils referring reviews to the SDRO only
Botany Bay, Hurstville, Parramatta, City of Ryde.	Ashfield, Auburn, Bankstown, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunter's Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Strathfield, Sutherland, City of Sydney, Hills, Warringah, Waverly, Willoughby, Wollondilly, Woollahra, Wyong.

During the 2012/2013 financial year, there have been 27,478 Infringements issued by the City of Ryde. Of these infringements:

- 2476 representations have been provided to SDRO for review.
- 70 have been provided to Council for Adjudication review.
- 182 have gone to mention and 52 have gone to hearing in Court relating to vehicle offences.
- Council have received 1121 phone calls, averaging 7.5 minutes per enquiry.
- Council have received 551 in over the counter enquiries, averaging 10.5 minutes per enquiry.

From the above figures only 2.83% of representations have requested adjudication review as opposed to 7.35% of representations requesting the matter be taken to Court.

ITEM 6 (continued)

The Ombudsman's view is that the SDRO has development significant expertise in the overall management of the fines system and established sophisticated systems that support good administration and decision – making processes in the review of fines based on criteria of general application.

If it were accepted that the system would be far more efficient and outcomes would be far more consistent and fair if there were a single avenue of review of decisions about penalty notices issued by Councils, it may be appropriate for the SDRO to be the single avenue for review of and decisions on all penalty notices. This issue remains open and will be determined once the Ombudsman's final report on the issue following on from the discussion paper is compiled.

Council's Enforcement of Parking Policy at Clause 10 "Procedures for appealing infringement notices" provides for the adjudication of representations made by appellants by the Adjudication Officer (General Counsel) if the appellant is dissatisfied with the review conducted by the SDRO in the first instance.

This dual avenue of appeal is of concern to the Ombudsman. In recent emails between the General Counsel and the Deputy Ombudsman, Mr Chris Wheeler initiated to bring some clarity to the issue of dual avenue of appeal and to guide Council in the absence of a final report from the Ombudsman, the General Counsel wrote inter alia:

In light of the Ombudsman's discussion paper and correspondence from the SDRO, Council only withdraws the PIN (Penalty Infringement Notice) if there is a technical issue with the PIN rendering it invalid. Extenuating circumstances are no longer taken into account as such matters are considered to be for the Court (and SDRO) to determine. May I have your comments on this approach.

Mr Wheeler's response was inter alia:

In our view, Ryde's approach sounds sensible in recognising it is already paying the SDRO to do reviews and will only now deal with PINs where there is a technical issue.

If Council were to discontinue its internal procedure for appealing infringement notices, the review process for customers would be to request a review of their infringement through SDRO and appeal the matter in Local Court.

Referring appeals for penalty notices to the SDRO and Local Courts provides the maximum level of probity and integrity. This approach reduces the potential for perceived Conflicts of Interest to arise by providing a fully independent review mechanism, while also allowing Councillors to make representations on behalf of the community.

ITEM 6 (continued)

It is therefore recommended that Council cease the operation of the internal adjudication process for the following reasons:

- 1) Continued utilization of the internal adjudication process would amount to a contravention of the Premium Service Level Agreement,
- 2) Council would incur substantial additional costs in processing fines and appeals to the Court if Council were required to participate in the Basic Service Level Agreement by the SDRO due to the contravention,
- 3) Council would be unable to optimize services provided by the SDRO,
- 4) Council is not resourced to internally service the processing of fines and the appeals to the Court,
- 5) Customers of Council would be significantly inconvenienced by a blow out in service delivery time, and
- 6) There would be an unnecessary duplication of services provided by Council and the SDRO.

Financial Implications

Currently the Premium Service provides for a cost to Council of \$17.45 per PIN for processing payments and customer enquiries/requests, the review of a PIN and representation in Court by Police Prosecutions. This represents \$450,000 annually.

If Council were not in a Premium Service Level Agreement with the SDRO last financial year, it is estimated that costs, additional to the \$450,000.00 paid to the SDRO, would have been as follows:

Legal costs for Council representations in Court	\$93,600.00
Staffing costs for extra Customer Service assistance with additional customer enquiries/requests	\$7,844.32
Staffing costs for an additional administrative staff member to prepare the documentation for review and customer correspondence for representations in court proceedings	\$46,846.89
Staffing costs for additional time required by Legal Counsel to consult and review PINs.	\$43,330.00
Basic Service Level Agreement SDRO fees (Note: the SDRO processing fee per PIN under the Premium Service is \$17.50 whereas the fee under the Basic Service is \$19.50 per PIN.	\$56,329.90
TOTAL	\$247,951.11

Non-participation in the Premium Service Agreement would represent an ongoing additional cost of \$247,951.11 to Council per annum.

ITEM 6 (continued)**Option 1**

That Council resolves to discontinue its internal appeal process for infringement notices and renew its Premium Service Level Agreement with the SDRO. Council's current annual expenditure of \$450,000 would continue.

Option 1: No additional funds required as Council would continue to only pay the Premium fee and nothing else.

Option 2

That Council resolves to enter a Basic Service Agreement with the SDRO, the cost to Council would be \$19.50 per PIN for the processing of payments only, with no processing of customer enquiries/requests, and no review of a PIN or representation by Police Prosecutions in Court beyond the first mention.

In addition to the Basic Service Level Agreement fee payable to the SDRO, this option would require:

- An additional base budget allocation for legal costs - \$93,600
- Two additional full time staff (1 x regulatory officer and 1 x legal officer) - \$90,200
- One additional Base Budget allocation to Customer Service for the processing of additional enquiries - \$7,800
- An additional base budget allocation for the additional Basic Service Level fees - \$56,300

This option would require an additional \$247,900 per annum.

If this option was adopted, Council would need to explore a new infringement structure that would be dedicated to processing the following:

- Enquiries and requests.
- Reviewing written representations.
- Court processing procedure.

This structure may require additional resourcing and would be subject to a separate report to Council.

ITEM 6 (continued)

ATTACHMENT 1



ITEM 6 (continued)

ATTACHMENT 1

Submissions can be sent:

By email to:


submissionfines@ombo.nsw.gov.au

Or by post to:

Helen Ford
Manager Projects and Major Investigations
NSW Ombudsman
Level 24
580 George Street
Sydney NSW 2000

Submissions should be received within three weeks of the date of this letter.

Yours sincerely



Bruce Barbour
Ombudsman

Enc

ITEM 6 (continued)

ATTACHMENT 1



Discussion Paper
The management of representations about fines
May 2012

Introduction

The *Fines Act 1996* establishes a system for the issuing, review and enforcement of fines (referred to as penalty notices). Penalty notices can be issued by approximately 250 authorities in NSW, including 152 local councils.

The *Fines Act* establishes a system for the review of penalty notices which provides that the recipient of a notice has the legal right to seek a review by either the issuing authority or the State Debt Recovery Office, or both.

The *Fines Act 1996* provides that:

“S.24A Application for review of penalty notice

1. An application may be made by or on behalf of any person for a review of the decision to issue a penalty notice in respect of the person.
2. An application for a review:
 - a) is to be made in writing to the issuing agency for the penalty notice or to the State Debt Recovery Office (if the fine under the penalty notice is payable to the State Debt Recovery Office),...

The summary of the penalty notice procedure set out in the Act provides in relation to such reviews:

“A reviewing agency may conduct a review of the decision to issue the penalty notice. If a review is conducted, the agency may withdraw the penalty notice or confirm the decision and issue a penalty reminder notice...” (s.19)

Having alternative avenues of review of the penalty notices results in a system where, depending on whether requests for review are made to the issuing authority or SDRO, or both:

- the recipient of a fine may achieve a different outcome, or
- the recipients of similar fines in similar circumstances may achieve different outcomes.

Background

Arising out of complaints received at the NSW Ombudsman, we decided to review the policies, procedures and practices in relation to the handling of representations and correspondence about the issuing of penalty notices by councils.

What we found is that the system in place for the review of representations is overly complex and confusing for the public and results in inconsistent outcomes depending on which avenue of review is chosen and in fact which council is the issuing authority for the fine.

In considering various measures that would need to be taken to make the system more transparent, simple and to improve consistency, we took a step back to consider whether in fact the legislative scheme is flawed in principle. The fundamental issue that needs to be considered is whether the current scheme, which allows for two avenues of review in relation to fines (ie, the issuing authority and/or to the SDRO) serves a sufficiently good purpose to justify the duplication and complexity that results.

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Discussion Paper
The management of representations about fines
May 2012

This is an operational issue not canvassed by the NSW Law Reform Commission in Report 132, "Penalty Notices", of February 2012.

Reviewing how councils manage representations and correspondence about fines

We are aware of the interaction between the SDRO and local councils around the collection and enforcement of fines through our complaint handling work. Complaints made to us indicate that members of the public who make representations about fines either to the SDRO or to a council can receive confusing information about who is handling the request and there can be a lack of transparency about which agency is the ultimate decision-maker.

In the first quarter of 2011, we commenced a project to examine how councils and the SDRO manage representations and correspondence about fines issued by councils. To better understand how the interaction works in practice, we undertook to examine in more detail the relevant processes, procedures and practices in four councils. These councils were selected as examples of different types of councils rather than out of particular concerns about their practices.

Our review led to concerns that there may be inadequate administrative arrangements in place in some councils to manage representations and correspondence about fines. In particular, it appeared that there was:

- a lack of written policies or procedures for handling representations and correspondence about fines, including the circumstances in which they should be referred to the SDRO
- unclear wording in proforma letters
- inconsistent practices about when and how matters were referred to the SDRO
- lack of knowledge by council staff about the respective responsibilities of the council and the SDRO under the service level agreement
- lack of consistency/clarity between council and SDROs standard letters
- lack of transparency about how threshold issues for the exercise of discretion are determined between councils and the SDRO under premium service contracts.

Agreements between issuing authority and SDRO

All councils have a service level agreement with the SDRO. Under these agreements the SDRO charges a council for the provision of administrative services for processing penalty notices and for enforcement of outstanding fines and penalty notice amounts. There are two levels of agreement – basic or premium contract. The difference between the two levels relates to the treatment of representations made by penalty notice recipients and the management of court elected penalty notices:

- *the basic service:* the council as issuing authority is responsible for answering written inquiries, handling letters of representation and dealing with correspondence. The SDRO manages court elected penalty notices and police prosecutors appear at the first return date on behalf of the council

ITEM 6 (continued)

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Discussion Paper
The management of representations about fines
May 2012

- *the premium service:* this service allows the SDRO to use its guidelines to adjudicate on representations and reply to correspondence on behalf of the issuing authority. In addition, police prosecutors appear in first mentions and hearings for vehicle related court elected penalty notices.

After our council visits, we sought information from the SDRO to better understand the entire process. We found a number of problems:

1. *Service Level Agreements:* There is every indication that service level agreements are not viewed as operational documents by councils and are seldom referred to. The standard basic and premium contracts between the SDRO and our sample of councils did not contain practical guidance about how to manage representations about fines, which means that the practices for managing representations vary considerably between the councils we looked at.
2. *Clarity of information given to members of the public:* Members of the public can make representations to either the SDRO or the issuing council. Councils and the SDRO have brief, standard explanations as to how the representation will be dealt with. In combination this information can be confusing and even contradictory. Based on documents we have reviewed in the course of the project and our general complaint handling work, we are aware that the following scenarios are not uncommon:
 - A representation is sent to the SDRO. The SDRO responds with a standard letter confirming it will be dealing with the matter. The representation is subsequently referred to the issuing authority. This leads to further advice to the member of the public that the matter has been sent to the council for investigation and/or further information, apparently contradicting the initial advice.
 - A representation is sent to a council which advises it is sending it to the SDRO which deals with such matters on its behalf. The SDRO subsequently advises the member of the public that the representation was transferred to the council for investigation and/or further information. Again this apparently contradicts the initial advice.

In isolation, each piece of information is accurate. In combination, to members of the public who are not familiar with how the relationship between councils and the SDRO operates, it is confusing, potentially aggravating and suggests a level of inefficiency which is in fact not the case.

3. *Different processes in councils for initial handling of representations:* We found substantial variations in how councils deal with representations. Of the four councils in our sample each had very different practices:
 - one council transfers all representations to the SDRO
 - one council keeps all the representations it receive
 - one council sends representations back to the sender and tells them to send them to the SDRO
 - one council keeps some representations and refers others to the SDRO.

ITEM 6 (continued)

ATTACHMENT 1



Discussion Paper
The management of representations about fines
May 2012

We appreciate each council is an autonomous entity and, pursuant to section 24(J) of the Fines Act can enter into arrangements with the SDRO to exercise its internal review functions on its behalf. However, based on the information we saw, it appeared the details of the arrangements between the SDRO and each council were not currently documented. Indeed we were unable to ascertain if there are any explicit agreements between the SDRO and councils about the practicalities of the arrangements between them or if in fact what occurs is based on custom and practice.

4. *Variations between premium level council clients about what the SDRO is engaged to do:* Even in the small sample of premium council clients we examined there was a substantial disparity about what the SDRO is engaged to do on behalf of each council:
- one council aims to retain decision making responsibility for local matters, referring only technical and legal matters to the SDRO. However, there was no discernible arrangement for the SDRO to refer local matters which it received to the council.
 - one council makes decisions on all matters which are sent directly to it regardless of their content.
 - one sends all matters to the SDRO to deal with, confining its role to answering questions and making recommendations to the SDRO on the basis of whether a fine could be successfully enforced in court.

These differences are not documented in these councils' service level agreements. This means the terms reflected in what are standard contracts do not reflect what is happening in practice, with a resulting lack of transparency and, potentially, lack of accountability.

5. *Consistency in decision making:* We were unable to ascertain how the SDRO can be confident any or all of the 152 councils are using the same criteria as the SDRO when making their respective decisions. It is also unclear what processes or procedures are in place to enable the SDRO and each of the 152 councils to compare and bench mark decisions each are making on representations to ensure consistency. None of the councils in our sample could identify any mechanism which allowed this to occur.
6. *Inconsistencies about when reasons for decisions are given in SDRO letters when councils have made the decision:* We observed differing practices about the giving of reasons when councils have made the decision on a representation:
- one council did not provide reasons to the SDRO resulting in a lack of reasons being given in the letter from the SDRO to members of the public
 - two councils provided brief reasons which the SDRO then included in some of its letters. We were unable to identify why some SDRO letters contained reasons and others did not.

Options to address these problems

It would be possible to recommend a number of measures to address each of the problems identified that, if accepted and properly implemented, should largely address those problems, although any such implementation would need to be closely monitored over time. However, the issue these problems really highlight is whether there is a fundamental flaw in the design of the system for the review of representations about penalty notices.

ITEM 6 (continued)

ATTACHMENT 1



Discussion Paper
The management of representations about fines
May 2012

To assist a discussion on these issues, it is helpful to consider the costs vs benefits of the current systems from the perspectives of the different stakeholders, ie, people making representations on fines, councils and the NSW community as a whole. The relevant costs vs benefits of a system that provides two alternative avenues of a review would appear to be:

1. from the perspective of people who seek a review of a fine:
 - the benefits include the availability of alternative avenues of review and therefore a greater possibility of a preferable result
 - there are no costs.
2. from the perspective of NSW councils:
 - the benefits include the ability to choose to determine the outcome of fines issued by the council and the ability to implement a local approach to the enforcement of fines
 - the costs include the staff time involved in implementing the review process and the loss of revenue from fines that are cancelled by the council
3. from the perspective of the NSW community as a whole:
 - the benefits include the availability of another option to seek a review and possibly an alternative outcome in relation to fines issued by councils
 - the costs include confusion, duplication, potential for forum shopping and inconsistent outcomes on similar facts.

One of the justifications for the current scheme which allows representations to be made to the issuing council or the SDRO is the argument that the issuing authority 'owns' the penalty notice. On this basis it is argued that there will be occasions where the issuing authority will want to make its own decision on the fine. An alternative argument, however, is that while the issuing authority may 'own' the right to issue penalty notices, the State of NSW actually 'owns' the penalty notice once issued because each notice is only permitted to be issued in response to a breach of a State law.

In relation to the issuing of penalty notices, authorities have a wide discretion as to the circumstances in which their staff issue penalty notices and can instruct their staff as to the circumstances in which such notices are to be issued. They are best placed to ensure that those discretions are exercised in ways that are appropriate to the subject matter of the offence and the specific circumstances in which the offence occurred. For example, they could direct their staff as to the circumstances where it is appropriate to give a person or official caution instead of issuing a penalty notice (per s.19A, *Fines Act 1996*).

In relation to the review of penalty notices, from our review it appears that the SDRO has developed significant expertise in the overall management of the fines system and established sophisticated systems that support good administration and decision-making processes in the review of fines based on criteria of general application.

ITEM 6 (continued)

ATTACHMENT 1



Discussion Paper
The management of representations about fines
May 2012

The bigger picture

This issue would appear to be equally relevant to other issuing authorities. The *Fines Act* 1996 lists over 100 statutory provisions under which penalty notices can be issued and the SDRO has informed this office that there are approximately 250 authorities that can issue penalty notices.

If it were accepted that the system would be far more efficient and outcomes would be far more consistent and fair if there were a single avenue of review of decisions about penalty notices issued by councils, it leads to the question whether the SDRO should be the single avenue for review and decisions about all penalty notices.

Should the answers to either of these questions be in the positive, it would still be the case that:

1. The SDRO on occasion need to consult issuing agencies and possibly seek additional information in order to adequately consider approaches from recipients of penalty notices. This especially applies to circumstances which are not covered by the Review Guidelines and the more involved offences around developmental or environmental offences.
2. After the issue of a penalty notice the issuing agency might identify that either the penalty notice should not have been issued or it has been issued for the incorrect offence. In either case the agency could seek to have the penalty notice withdrawn.
3. The issuing agency also has the right to decide not to proceed to Court with a matter, irrespective of whether it is being prosecuted by Police on their behalf or by separate legal representation.

Questions

To assist our consideration of this issue, we would welcome the views of authorities authorised to issue penalty notices on the following questions:

1. *“Does the current scheme which allows alternative avenues for representations serve a sufficiently good purpose to justify the duplication, complexity, consistency and costs that can result?”*
2. *“Is it fair and reasonable that a person seeking a review of a penalty notice, or people seeking a review of penalty notices issued in similar circumstances, may well get a different outcome depending on whether the representations are sent to the SDRO or the issuing council, and if to a council, depending on which one?”*
3. *“Should the SDRO be the single avenue for review and decision about penalty notices issued by councils under the Fines Act?” If not, why not?*
4. *Should the SDRO be the single avenue of review and decisions about penalty notices issued by all non-police issuing authorities under the Fines Act? If not, why not?*
5. *Should the SDRO be the single avenue for review and decision about penalty notices issued by all issuing authorities under the Fines Act? If not, why not?*

ITEM 6 (continued)

ATTACHMENT 1



Discussion Paper
The management of representations about fines
May 2012

Submissions

Please address all submissions in this Discussion Paper to either:

- Email to: submissionfines@ombo.nsw.gov.au

Or

- Post to:
Helen Ford
Manager Projects and Major Investigations
Level 24
580 George Street
SYDNEY NSW 2000

ITEM 6 (continued)

ATTACHMENT 2

Enforcement of Parking Policy

Policy Statement

The purpose of this policy is to provide objectives, standards and procedures to assist in the fair, transparent and equitable enforcement of parking within the City of Ryde. The policy provides guidance for enforcement officers in the performance of their duties as well as detailing appeals procedures for the benefit of the community and councillors.

Objectives

The following objectives are designed to assist and define the actions to be undertaken by each enforcement officer within the Regulatory Services Unit. Each officer should seek to:

- Standardise procedures to be adopted in the undertaking of routine enforcement duties.
- Clearly identify his or her responsibilities and accountabilities.
- Adhere to the standard uniform requirements of the Regulatory Services Unit.
- Adhere to Safe Working Procedures when encountering high-risk operational situations.
- Observe the statutory provisions and powers of Enforcement Officers.
- Engage in on-going training to ensure a high level of service provision.
- Pursue corporate and business unit service agreements.
- Pursue excellence in customer service.
- Contribute to an efficient, effective and professional Regulatory Services Unit within the City of Ryde LGA.
- Establish uniformity and consistency in Regulatory Services Enforcement.
- Establish and adopt a high standard litigation procedure.
- Monitor and enforce the appropriate use of parking permits and Mobility Parking Scheme (MPS) permits in the City of Ryde.

Code of Ethics

Ethics is the code of moral and legal conduct required of all Regulatory Services staff.

Officers are required to be professional in their approach to their duties, and must always conduct themselves in an ethical and professional manner.

Officers must have a code of ethics to self-regulate their behaviour in the pursuit of their duties.

Enforcement of Parking Policy		
Owner: Rangers & Parking Services	Accountability: Traffic & Parking Regulatory	Policy Number: # <i>Provided by Governance</i>
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ITEM 6 (continued)

ATTACHMENT 2

This code of ethics is regulated by legal obligations under various regulations and statutes including Council's Code of Conduct.

Enforcement Officers will not engage in any activity that will bring discredit upon himself or herself or the City of Ryde.

Officers shall:

- Not permit personal views, or prejudices to influence their attitude towards any person or duty required to be undertaken as part of the Regulatory Services Unit.
- Respond to any reasonable request or lawful direction of any supervisor or manager of the Council.
- Not commit any act which constitutes dereliction of duties.
- Not commit any act that brings the City of Ryde or the Regulatory Services Unit into disrepute.
- Not publicly criticise Council in any way that is demeaning, defamatory or brings disrespect, or embarrassment to the City of Ryde.
- Not publicly criticise any Council employee in any way, which is demeaning, defamatory or brings disrespect to Council or the Regulatory Services Unit.
- Not obey any order or direction which is contrary to any law.
- Report any such unlawful order to the attention of an immediate supervisor, manager or if required the General Manager.
- Not solicit or receive any gift, gratuity, reward, fee, compensation or payment, which may compromise the officer or the City of Ryde in the execution of their duty.
- Abide by the City of Ryde's Code of Conduct

Dress Code

All Officers must be mindful that they are high profile, highly visible ambassadors of the City of Ryde, before clients, staff and the public. Officers' individual appearance reflects the image portrayed by the City of Ryde.

Officers are issued with uniforms, and must be properly attired in full uniform, including name badge, at the commencement of duty. All Officers are required to wear a High Visibility Vest whilst carrying out any duties on any road or road related area irrespective of the duties undertaken.

Officers must maintain their uniforms in a clean and presentable manner and report any loss or damage to such immediately to the Senior Ranger – Regulatory Services. Uniforms are issued or replaced as part of a set program. However, footwear will be replaced on a needs basis based on wear and tear.

All uniforms must be worn in accordance with any policy or procedure adopted by the Regulatory Services Unit or any policy adopted by the City of Ryde and/or its OHS Management Unit. This includes the wearing of all issued PPE, long sleeve shirts, hats, vests, steel cap boots etc.

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ITEM 6 (continued)

ATTACHMENT 2

Conduct

All Officers shall:

- Be courteous and conduct themselves in a professional manner at all times.
- Reply to internal or external customer inquiries in a prompt and polite manner.
- Perform their duties impartially and in the best interest of the community, uninfluenced by fear or favour.
- Act in good faith in the interest of the City of Ryde and the community.
- Always act in accordance with their obligations of fidelity to their Council.

The Public is entitled to expect that:

- The business of the Regulatory Services Unit and Council is conducted with efficiency, impartiality and with integrity.
- All members of staff obey the law, particularly, the provisions of all relevant Acts, Regulations and instruments.
- Duty to the public is always given absolute priority over the private interests of individuals or staff.

Formal Complaints

Formal complaints about the conduct of enforcement officers of council must be addressed in writing to the General Manager.

Parking Definitions

On-Street Parking

This relates to all public streets, roads, or car parks within the City of Ryde.

Off-Street Parking

Off-Street parking relates to all areas under Council jurisdiction regardless of area, and includes Council's Council Free Car Parks, allocated areas, parks, reserves and privately owned car parks that have Council approved Enforcement Agreements.

Delegated Authority to Enforce Parking

The Commissioner of Police, on the 19th July 2002, gave the authority for all Councils to enforce the provisions of the Australian Road Rules, effective the 22nd July 2002.

Enforcement of Parking Policy		
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Presently, Council's Rangers are engaged in the core parking enforcement role generally between the hours of 7.50am – 5.40pm Monday – Sunday, including Public Holidays.

The Senior Ranger or Manager – Regulatory Services will determine and designate an appropriate area/s that requires enforcement coverage. Rangers are required to carry out these duties and to follow instruction at all times.

Procedures for Parking Patrol Enforcement

Efficient and effective parking regulation relies heavily on systematic presence of officers. Consistency in enforcement is the key component in avoiding undue criticism to both the individual and the Unit as a whole. Officers will not act in a covert way in enforcing parking rules and restrictions.

Parking offences are strict liability offences, which mean that a breach of the law is sufficient to justify the issuing of a PIN. However, officers should:

- display sound judgment in exercising any discretion to issue a PIN,
- ensure that the Road Rules are pursued in a fair and equitable manner in keeping with this policy,
- put public safety first,
- exercise discretion in keeping with industry best practice.

It is acceptable to obtain photographic evidence of any vehicle that is committing an offence within the City of Ryde area.

The photographic evidence once obtained must be secured in Council's record system to restrict accessibility by the public and unauthorised members of staff.

It is expected Council Rangers will always enforce the provisions of the regulations in a pro-active manner and it is acceptable that there are times officers may act without warning to motorists, where specific safety issues are concerned.

Enforcement Officers shall adopt the following procedures and work practices in all but approved extenuating circumstances.

- Officers shall discharge and comply with the designated program of enforcement, as designated by the Manager – Rangers and Parking Services.
- All officers must be outfitted with the relevant equipment to carry out parking enforcement at all times whilst on patrol. This includes PDA's, Printer, Official Notebook, pens (stylus), camera, delegations, chalk and envelopes.
- It is acceptable for infringement notices to be issued by post to offending vehicles after the relevant details are checked with the NSW Police or through the RTA Drives24 system.

Enforcement of Parking Policy		
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Where an officer issues a caution, it shall be issued electronically where possible and all enforcement staff are to follow the set protocol and issue an official caution through the PDA with a \$0.00 amount.

- Empty envelopes will not be left without an Infringement Notice being issued. This may be construed as giving a caution to a vehicle and draw untold criticism upon the individual or unit.
- School Zone enforcement shall be conducted in an ethical and consistent manner. All Officers shall ensure at all times during their enforcement that they are visible to all users of the area (students, staff and parents).
- Notwithstanding the policy all officers shall further comply with and discharge every requirement of the State Debt Recovery Office (SDRO), in regards to the issuing of Infringement Notices.
- Any Officer that does not comply with this Policy may be in breach of Council's Code of Conduct Policy.

Procedures for Appealing Infringement Notices

The City of Ryde has a current premium service agreement with the SDRO; this agreement is for the provision of Infringement Processing, data collection and revenue collection from the infringement notices issued by council officers. The current fee for this service is \$17.45 per infringement notice, plus GST.

Another service provided by the SDRO is the administration of all representations in relation to all Infringement Notices issued by Council; this includes parking fines, companion animal offences, pollution matters etc.

The following procedure will be followed if a member of the public wishes to raise representations with the Council or the SDRO in relation to an infringement notice:

1. The representation must be in writing, containing the full name, address, date of offence, registration number of vehicle, make of vehicle, location of offence, and infringement notice number. This information should be forwarded directly to the SDRO, in the first instance, as the appropriate authority to action infringements.
2. ~~In the event that the appellant is not happy with the decision of the SDRO, they may request a formal review of this decision by the City of Ryde's Adjudication Officer (General Counsel). All requests must be made in writing to the General Manager.~~

~~The decision for the Infringement Notice to be actioned as~~

- 1) ~~Cautioned~~
- 2) ~~Cancelled~~
- 3) ~~Penalty to Stand~~

~~will be referred to the SDRO for action.~~

~~The determination of the Adjudication Officer (General Counsel) is final and no further correspondence will be entered into by the City of Ryde. The final~~

Enforcement of Parking Policy		
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ITEM 6 (continued)

ATTACHMENT 2

option for appellants will be to have the matter determined through the Local Court. Requests for matters to be forwarded to the Court are to be made in writing to the SDRO.

Parking Offence photographs are available to be viewed at Council's Customer Service Centre during Council's business hours of 8.30am-4.30pm Monday to Friday. There is no fee for viewing an offence photograph, however there is a processing fee in line with Council's Management Plan if a copy of the photograph is required. Photographs are only able to be provided in hard copy.

Procedures for Councillors

Councillors are encouraged to advise constituents to forward their representations in writing to the SDRO in the first instance. Where Councillors make representations on behalf of constituents, any such representation must be made consistent with Council's Code of Conduct. Some particular requirements of the Code are:

- Clause 4.3 – you must not act in order to gain financial or other benefits for yourself, your family, friends or business interests.
- Clause 6.1(d) and (e) – you must not act in a way that is an abuse of power or otherwise amounts to misconduct or that causes, comprises or involves intimidation, harassment or verbal abuse.
- Clause 8.7 – you must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or someone else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- Clause 9.2 – Councillors must not:
 - direct staff other than the General Manager;
 - in any public or private forum, direct or influence or attempt to direct or influence a member of staff;
 - contact a member of staff other than in accordance with approved procedures for such contact;
- Clause 9.7 – Inappropriate interactions
 - Councillors being overbearing to or threatening staff
 - Councillors directing or pressuring staff in the performance of their work

Enforcement of Parking Policy		
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7 CODE OF CONDUCT POLICY REVIEW

Report prepared by: Governance Support Coordinator
File No.: CLR/07/8/9/8 - BP13/1344

REPORT SUMMARY

This purpose of this report is to describe proposed changes to City of Ryde Code of Conduct (**ATTACHED**) as identified during Council's recent consideration of the organisation's governance policy and practice on 13 August 2013 (Item 4 - INTERIM ACTION PLAN – How Council Can Address Risks Raised in the ICAC Hearing). This review of the Code was one of a number of initiatives endorsed by Council.

Although Council does currently meet its Code of Conduct obligations within the adopted City of Ryde Code of Conduct, there is an opportunity to further improve and clarify expectations, processes and standards in a revised Code. The proposed changes will ensure current Council policies and recent Council resolutions are included in the City of Ryde Code of Conduct. Additions to definitions and information access processes are also made.

These changes are consistent with the requirements of the Local Government Act 1993, which allows Council to supplement the Local Government Model Code of Conduct. The key changes proposed to Council's Code of Conduct include:

- Public Interest Disclosures
- Voluntary Declarations by Council Officials
- Declarations as part of recruitment or tendering processes

This report recommends adoption of the **ATTACHED** Code of Conduct documents.

RECOMMENDATION:

That Council adopt the **ATTACHED** Code of Conduct October 2013 documents (Code of Conduct - Policy, Code of Conduct - Standards of Conduct and Code of Conduct – Complaints Procedure).

ATTACHMENTS

- 1 Code of Conduct - Policy - October 2013
- 2 Code of Conduct - Standards of Conduct - October 2013
- 3 Code of Conduct - Complaints Procedure - October 2013

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 7 (continued)

Discussion

At the Council meeting of 13 August 2013 (Item 4 - INTERIM ACTION PLAN – How Council Can Address Risks Raised in the ICAC Hearing), it was recognised that while Council is compliant with all regulatory requirements, there are opportunities to review and further enhance governance policies and practices. One of the initiatives proposed at that meeting was the review of the City of Ryde Code of Conduct.

The revised Code of Conduct documents (**ATTACHED**) clarify specific issues, processes and standards, and ensures that current Council policies and recent resolutions are included in the City of Ryde Code of Conduct. Additions to definitions and information access processes are also made.

A related initiative, also proposed as part of Item 4 on 13 August 2013, was the introduction of a Guideline on Interactions between Councillors and staff. This protocol is intended to clarify expectations and provide service standards for communication actions between Councillors and staff, and is proposed to form part of the enforceable Standards of Conduct within the City of Ryde Code of Conduct. This draft Guideline will be considered in Item 8 of this meeting – Interaction Between Councillors and Staff Guideline.

Background

The City of Ryde Code of Conduct was last adopted on 12 February 2013, in preparation for the commencement of the NSW Local Government Model Code of Conduct (2013) on 1 March 2013.

Section 440 of the *Local Government Act 1993* requires that

- (3) *A council must adopt a code of conduct (the adopted code) that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.*

The City of Ryde Code of Conduct is a reproduction of the Model Code as provided by the Division of Local Government, with additions to reflect local policy and practice. It is therefore consistent with the requirements of the Local Government Act. The changes proposed below, further supplement the Model Code.

Proposed Changes to the City of Ryde Code of Conduct

Council's adopted Code of Conduct is made up of three documents

- Code of Conduct - Policy
- Code of Conduct – Standards of Conduct
- Code of Conduct – Complaints Procedure

ITEM 7 (continued)

Additions are proposed to the 'Standards of Conduct' (**ATTACHMENT 2**) and 'Complaints Procedure' (**ATTACHMENT 3**). No amendments are proposed to the Code of Conduct 'Policy' (**ATTACHMENT 1**) however it is included for reference purposes.

Please note that additions to the Code of Conduct documents are shown in **bold italic**. No deletions are proposed.

The following additions to the City of Ryde Code of Conduct – Standards of Conduct, are proposed to ensure it reflects current Council policies, procedures and expectations.

3.19 Public Comment (in part)

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

If Council officials make comment on Council business using their personal social media accounts, they are to ensure it is clear that they are sharing their personal opinion not the official position of City of Ryde. (Reference: Social Media Policy, and Procedure on Representing City of Ryde on Social Media)

Public Interest Disclosures

3.21 Council has an adopted Public Interest Disclosures Internal Reporting Policy. The handling of public interest disclosures is to be undertaken in accordance with this Policy.

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

Voluntary Declarations by Council Officials

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

4.50 Declarations by the Mayor or Councillors are to be signed by the General Manager. Declarations by the General Manager are to be signed by the Mayor. Declarations by staff are to be signed by the General Manager or relevant Group Manager.

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

ITEM 7 (continued)**Declarations as part of recruitment or tendering processes**

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

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

How are offers of gifts and benefits to dealt with? (Part 5 – Personal Benefit)

5.8 *In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined in accordance with Council's adopted Gifts and Benefits Policy and a form completed. No gift or benefit should be personally retained by a Council official. (Reference: Gifts and Benefits Policy).*

Information Contact Officers

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

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

Relationship between Council Officials – Part 6

This addition ensures that the *Guideline on Interaction between Councillors and Staff* is included in the Standards of Conduct and is thus requisite behaviour. This Guideline was proposed at the Council Meeting of 13 August 2013, and will be considered in Item 8 of this meeting.

ITEM 7 (continued)

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

Corrupt conduct (Part 9 Definitions)

The addition of this term to the table of definitions will assist to establish a common understanding.

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:

- **the improper use of knowledge, power or position for personal gain or the advantage of others**
- **acting dishonestly or unfairly, or breaching public trust**
- **a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.**

Complaints regarding the General Manager or Senior Staff (Complaints Procedure)

This process was considered and endorsed by Council on 13 August 2013. These additions to Part 5 of the Complaints Procedure - How are Code of Conduct Complaints to be managed? - reflect the endorsed process, and provide transparency and clarity when managing complaints about the General Manager and senior staff.

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

5.23 (part) **The Mayor must advise all Councillors in writing that a complaint about the General Manager has been received and, where appropriate, the nature of the complaint. The Mayor is to advise all Councillors of the intended course of action, and subsequently report the complaint handling plan to Council as a confidential Mayoral minute.**

Section 5.23 (above) is also reflected in the *Mayor's Roles and Responsibilities*, as adopted by Council on 27 August 2013.

ITEM 7 (continued)**Financial Implications**

Adoption of the recommendation will have no financial impact.

It is proposed to provide Councillors with training should Council adopt the Code of Conduct. This would be funded from the current provisions for Councillor training. Should Council adopt the draft Interaction Between Councillors and Staff Guideline included in this Agenda, this would also be covered in the proposed training.

ITEM 7 (continued)

ATTACHMENT 1

CODE OF CONDUCT - POLICY
October 2013

Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

For the purposes of section 440 of the Act, the City of Ryde Code of Conduct is in three Parts:

- **Part 1: Policy** - defines and describes the purpose of the Code, and the principles and values that are used to interpret the Standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- **Part 2: Standards of Conduct** - set out the conduct obligations required of all council officials. The City of Ryde Charter of Respect is included and exists to strengthen the working relationship between Councillors and Council's Senior Management Team. This Part contains the enforceable Standards of Conduct.
- **Part 3: Complaints Procedure** - contains the methods to make a complaint, and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

City of Ryde's Code of Conduct - **October 2013**, is the Model Code of Conduct and Procedures as issued by the Division of Local Government in December 2012, with some additions.

The City of Ryde Code of Conduct - **October 2013** commences ~~1 March~~ 2013.

Purpose

The City of Ryde Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Code is prescribed by regulation. It is the personal responsibility of Council Officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind.

Council Officials are defined in the Code as including "Councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council".

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the Local Government Act 1993. The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

Code of Conduct – Policy – October 2013		
Owner: Customer Service and Governance	Accountability: Manager, Customer Service and Governance	Policy Number: CSG002
Trim Reference: D13/69447	Review date:	Endorsed: Council – DRAFT

ITEM 7 (continued)

ATTACHMENT 1

Key Principles and Values

The Code of Conduct is based on a number of key principles and values. They underpin, and thus can inform and guide Council Officers' understanding of the Standards of Conduct.

They may be used as an aid to interpret and apply the Standards of Conduct, but do not themselves constitute separate enforceable standards of conduct.

<p>Integrity You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.</p>	<p>Accountability You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. <i>This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.</i></p>
<p>Selflessness You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. <i>This means making decisions because they benefit the public, not because they benefit the decision maker.</i></p>	<p>Leadership You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. <i>This means promoting public duty to others in the council and outside, by your own ethical behaviour.</i></p>
<p>Impartiality You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. <i>This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.</i></p>	<p>Honesty You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. <i>This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.</i></p>
<p>Openness You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. <i>This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.</i></p>	<p>Respect You must treat others with respect at all times. <i>This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.</i></p>

Code of Conduct – Policy – October 2013		
Owner: Customer Service and Governance	Accountability: Manager, Customer Service and Governance	Policy Number: CSG002
Trim Reference: D13/69447	Review date:	Endorsed: Council – DRAFT

ITEM 7 (continued)

ATTACHMENT 1

Questions to Guide Council Officials

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with City of Ryde policy, objectives and Code of Conduct
- Does the decision or conduct reflect City of Ryde Values of *Safety, Teamwork, Ethics* and *Professionalism*
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Seeking advice

You have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Division of Local Government, the NSW Ombudsman's Office, and the Independent Commission Against Corruption.

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Review Process and Endorsement

This Policy should be reviewed annually.

Council must, within 12 months after each ordinary election, review its adopted Code of Conduct, and make such adjustments as it considers appropriate.

Attachments

<i>Title</i>	<i>Trim Reference</i>
Code of Conduct – Standards of Conduct – October 2013	D13/51916
Code of Conduct – Complaints Procedure – October 2013	D13/69382

Code of Conduct – Policy – October 2013		
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ATTACHMENT 2

**CODE OF CONDUCT -
STANDARDS OF CONDUCT
October 2013**

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PART 1 INTRODUCTION

The Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) is made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council’s code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

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

Failure by a member of staff to comply with Council’s Code of Conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

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

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PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, bully, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Any person who causes, instructs, induces, aids or knowingly permits another person to engage in bullying, harassment or discrimination in the workplace shall be deemed to have committed the act and shall also be treated accordingly. (Reference: City of Ryde Anti Discrimination, Bullying and Harassment Policy).

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Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

Lobbying

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

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Drugs and Alcohol

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

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

Health, Wellbeing and Safety

3.16 The City of Ryde is committed to providing a workplace that is safe and without risk to health or the welfare of all employees, contractors and members of the public in our workplaces, and the effective rehabilitation of injured employees.

3.17 Council officials should take accountability and responsibility for the health, safety and welfare of other Council officials. (Reference: City of Ryde OHS Policy Statement)

Gender Equity

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

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

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

Public Comment

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

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

If Council officials make comment on Council business using their personal social media accounts, they are to ensure it is clear that it is a personal opinion not the official position of City of Ryde. Reference: Social Media Policy and Procedure on Representing City of Ryde on Social Media)

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Sponsorship

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

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

Public Interest Disclosures

3.21 Council has an adopted Public Interest Disclosures Internal Reporting Policy. The handling of public interest disclosures is to be undertaken in accordance with this Policy.

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

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PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(section 442)*
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. *(section 443)*
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
 - c) designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

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What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

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- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

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- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing.
(section 353)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

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Personal dealings with council

4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

Political support and community participation

- 4.33 Staff must ensure that any participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.
- 4.44 If employees become aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Group Manager or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

Council officials and future employment

- 4.45 Councillors and employees should not use their position to obtain opportunities for future employment.
- 4.46 You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.

Former Council Officials

- 4.47 You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.
- 4.48 Former Council officials must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit. At the end of your involvement with Council you must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of your involvement with Council.

Voluntary Declarations by Council Officials

- 4.49 Declarations by Councillors or staff are to be made on the specified form.**
- 4.50 Declarations by the Mayor or Councillors are to be signed by the General Manager. Declarations by the General Manager are to be signed by the Mayor. Declarations by staff are to be signed by the General Manager or relevant Group Manager**
- 4.51 All declarations will be held in the Disclosure of Interest Register. This is a public document accessible in accordance with the GI(PA)Act provisions.**

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Declarations as part of recruitment or tendering processes

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

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

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PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation. (Reference: City of Ryde Gifts and Benefits Policy)

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
 - a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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

5.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical. This must be done in accordance with City of Ryde’s Gifts and Benefits Policy.

5.8 *In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined in accordance with Council’s adopted Gifts and Benefits Policy and a form completed. No gift or benefit should be personally retained by a Council official.*

Improper and undue influence

5.9 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

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

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PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (section 352)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (Schedule 6A of the Act)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Councillors or administrators:

- a) can expect all staff to be courteous to councillors at all times.
- b) may mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable
- c) can contact the General Manager regarding Council matters, Group Managers regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for any issue or request.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

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6.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

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

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

Inappropriate interactions

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

- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
- b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

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City of Ryde Charter of Respect

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

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

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

Evaluate and constructively challenge our performance

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

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

1. Debating the issue without denigrating staff (play the ball not the person)
2. Respecting that staff are bound by Council's policies and procedures
3. Telling us what is required not how to do it

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

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

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

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

Receptive and responsive to Community concerns and Council's decisions

Ethical and apolitical in carrying out my duties

Supportive of Councillor requests and requirements

Professional in managing and optimising Council's resources and knowledge

Equal in my interactions with and treatment of all Councillors

Communicating in a frank, honest, clear and consistent way with Councillors and represent their views clearly to staff

Timely in all of our communications, responses and actions (within our recourse limitations)

NOTE

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

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

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

City of Ryde Guideline on Interaction between Councillors and Staff

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

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PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

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Use and security of confidential information

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

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

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*
- b) *the Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) council's privacy management plan
- e) the Privacy Code of Practice for Local Government
- f) *Government Information (Public Access) Act 2009* and Regulation

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate. (Reference: Council's Use of Assets and Facilities Policy and the Mobile Telephone Use Policy for staff).

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

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

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

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

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- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

Information Contact Officers

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

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

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PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

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Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

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PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
<i>corrupt conduct</i>	<i>is the dishonest or partial exercise of official functions by a public official.</i>
	<i>For example, this could include:</i>
	<ul style="list-style-type: none"> • <i>the improper use of knowledge, power or position for personal gain or the advantage of others</i> • <i>acting dishonestly or unfairly, or breaching public trust</i> • <i>a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.</i>
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor

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delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

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**CODE OF CONDUCT -
COMPLAINTS PROCEDURE
October 2013**

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PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW (“the Model Code”). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* (“the Act”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

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

PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

“the Act”	the <i>Local Government Act 1993</i>
“administrator”	an administrator of a council appointed under the Act other than an administrator appointed under section 66
“code of conduct”	a code of conduct adopted under section 440 of the Act
“code of conduct complaint”	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council’s code of conduct
“complainant”	a person who makes a code of conduct complaint
“complainant councillor”	a councillor who makes a code of conduct complaint

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“complaints coordinator”	a person appointed by the general manager under these procedures as a complaints coordinator
“conduct reviewer”	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
“council committee”	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
“councillor”	a person elected or appointed to civic office and includes a Mayor
“council official”	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
“delegate of council”	a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated
“the Division”	the Division of Local Government, Department of Premier and Cabinet
“investigator”	a conduct reviewer or conduct review committee
“the Regulation”	the <i>Local Government (General) Regulation 2005</i>
“subject person”	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures

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PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

The City of Ryde has entered into such an arrangement with other Councils through the Northern Sydney Region of Councils (NSROC).

- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

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- f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
- g) a person who has a conviction for an indictable offence that is not an expired conviction.

- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

At City of Ryde the General Manager has appointed the Service Unit Manager – Risk and Audit, as Council's Complaints Coordinator, and the Group Manager Corporate Services as the alternate.

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3.16 The role of the complaints coordinator is to:

- a) coordinate the management of complaints made under the council's code of conduct,
- b) liaise with and provide administrative support to a conduct reviewer or conduct review committee,
- c) liaise with the Division of Local Government, and
- d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a "code of conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a "code of conduct complaint" are to be dealt with under council's routine complaints management processes.

When must a code of conduct complaint be made?

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

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

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

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- 4.8 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.12 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.

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

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- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.
- 5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision.
- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure,
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation, or
 - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of council's

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- code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

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

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

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

- 5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.15 The general manager must notify the complainant of the referral of their complaint in writing.

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

- 5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:
 - a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
 - c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - d) complaints that are the subject of a special complaints management arrangement with the Division under clause 5.40.
- 5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.
- 5.18 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.

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5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.21 The Mayor must refer the following code of conduct complaints about the general manager to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.

5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.

The Mayor must advise all Councillors in writing that a complaint about the General Manager has been received and, where appropriate, the nature of the complaint. The Mayor is to advise all Councillors of the intended course of action, and subsequently report the complaint handling plan to Council as a confidential Mayoral minute.

5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

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Referral of code of conduct complaints to external agencies

- 5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.
- 5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.

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5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.

5.37 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

5.39 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.41 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

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- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

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PART 6 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interests in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
 - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

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Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
 - d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
 - e) to investigate the matter, or
 - f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.

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- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a “code of conduct complaint” for the purposes of these procedures, and
 - b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Mayor for resolution

- 6.22 Where the conduct reviewer determines to refer a matter back to the general manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.
- 6.24 The general manager or Mayor may decline to accept the conduct reviewer’s recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer’s recommendation.
- 6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer’s recommendation once these steps have been completed.

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Complaints assessment criteria

6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:

- a) whether the complaint is a “code of conduct complaint”,
- b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
- c) whether the complaint discloses prima facie evidence of a breach of the code,
- d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
- e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
- g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- h) whether the conduct complained of forms part of a pattern of conduct,
- i) whether there were mitigating circumstances giving rise to the conduct complained of,
- j) the seriousness of the alleged conduct,
- k) the significance of the conduct or the impact of the conduct for the council,
- l) how much time has passed since the alleged conduct occurred, or
- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- a) the qualifications and experience of members of the panel of conduct reviewers, and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.

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- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretarial support,
 - c) attend meetings of the conduct review committee in an advisory capacity, and
 - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

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PART 8 INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
 - a) disclose the substance of the allegations against the subject person, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.

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8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.

8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.

8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.

8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.

8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

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How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.

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8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.

8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.

8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.

8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

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- 8.34 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,
 - b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
 - c) that the subject person be counselled for their conduct,
 - d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
 - e) that findings of inappropriate conduct be made public,
 - f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - h) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,
 - b) that a person or persons undertake any training or other education.

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8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,
- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,
- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

8.38 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.

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- 8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.

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- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public,
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - e) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

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- 8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.
- 8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

PART 9 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

- 9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

- 9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).
- 9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 9.4 Where the Division makes a practice ruling, all parties are to comply with it.
- 9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.

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- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
 - b) the general manager or Mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or Mayor must consider the Division's recommendation in doing so.

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- 9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Division's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 10 PROCEDURAL IRREGULARITIES

- 10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.
- 10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 11 PRACTICE DIRECTIONS

- 11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.
- 11.2 The Division will issue practice directions in writing, by circular to all councils.
- 11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

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PART 12 REPORTING ON COMPLAINTS STATISTICS

- 12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
 - b) the number of code of conduct complaints referred to a conduct reviewer,
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
 - d) the number of code of conduct complaints investigated by a conduct reviewer,
 - e) the number of code of conduct complaints investigated by a conduct review committee,
 - f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
 - g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
 - h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.
- 12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

PART 13 CONFIDENTIALITY

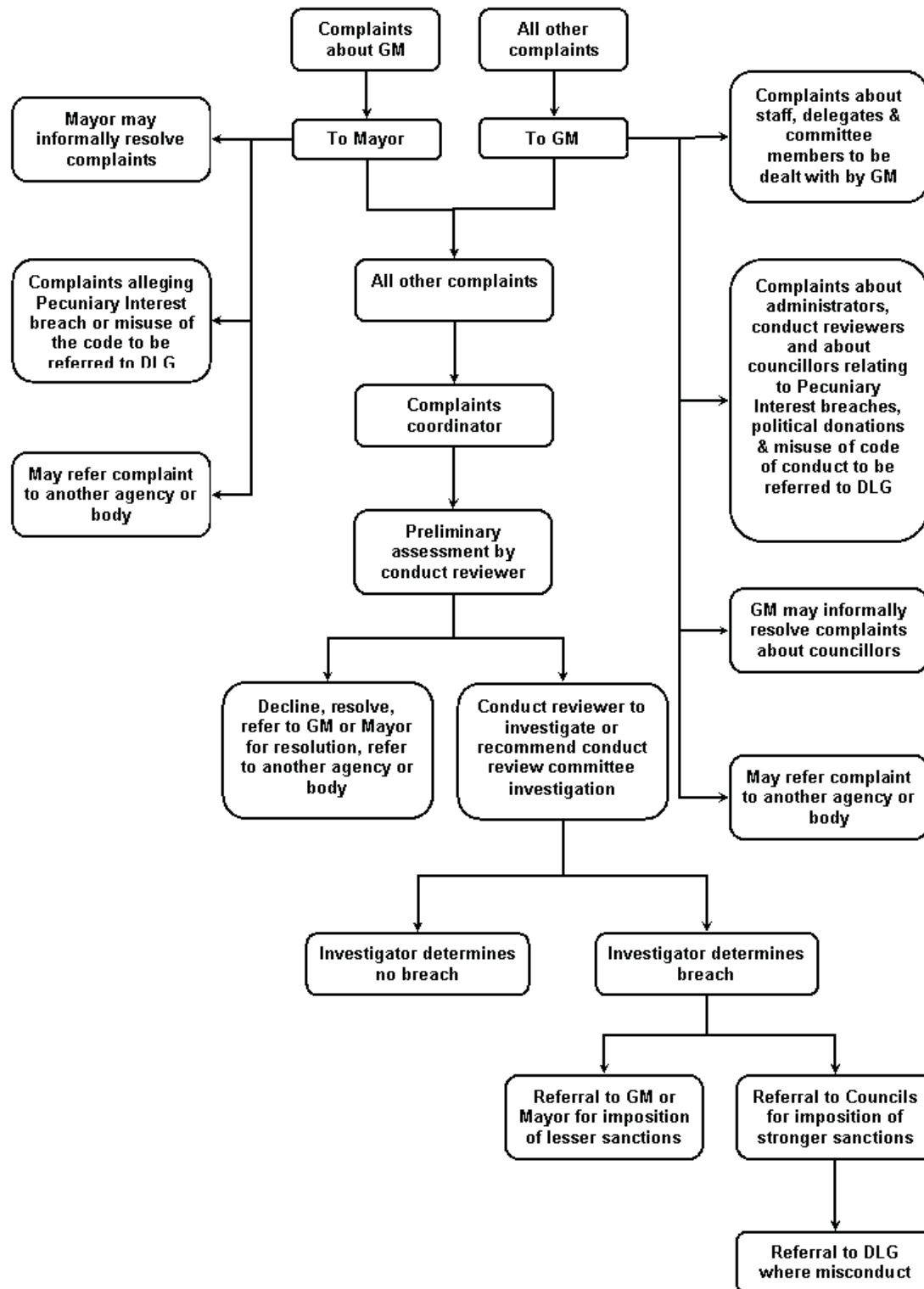
- 13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

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Model Code Procedure Flowchart



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8 INTERACTION BETWEEN COUNCILLORS AND STAFF GUIDELINE

Report prepared by: Councillor Support Coordinator
File No.: CLR/07/8/9/8 - BP13/1304

REPORT SUMMARY

This report is presented to Council to consider a Guideline on the Interaction Between Councillors and Staff. The Guideline has been developed as a result of Council's resolution on 13 August 2013 with regard to INTERIM ACTION PLAN – How Council Can Address Risks Raised in the ICAC Hearing.

The Guideline complements Council's draft Code of Conduct which is listed as Item 7 on this Agenda.

The Guideline aims to provide a standard of appropriate interactions between Councillors and Council staff. It prescribes the process for Councillors to access information and documents. Moreover, the Guideline aims to assist Councillors in undertaking their civic duty in a supported and efficient manner.

RECOMMENDATION:

That Council adopt the **ATTACHED** Guideline on Interaction Between Councillors and Staff, noting that it is an enforceable part of the Code of Conduct.

ATTACHMENTS

- 1 Interactions Between Councillors and Staff Guideline

Report Prepared By:

Sheron Chand
Councillor Support Coordinator

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 8 (continued)

Discussion

Background

Council's governance framework and processes are currently being reviewed to align with legislation, enhance transparency and accountability and reflect current practices. In particular, Council's draft Code of Conduct which is listed as Item 7 on the agenda has been reviewed to further improve and clarify expectations, processes and standards.

This report is presented to Council for consideration and adoption of an Interaction Between Councillors and Staff Guideline (**ATTACHED**).

The Guideline is supplementary to the Code of Conduct. Whilst the Code sets the standard of conduct expected of council officials, this Guideline governs the interactions between Councillors and council staff specifically and as such, would be enforceable under the Code.

It is noted that a similar Guideline was presented to Council on 21 June 2011. At that meeting, Council resolved to note the report and did not adopt the Guideline.

Purpose of the Guideline

The aim of the Guideline is to facilitate a positive working relationship between Councillors and staff. Councillors can expect to receive advice and access to information in an orderly, courteous and consistent manner.

It is important to note that the Guideline sets out clear systems for staff to follow with regard to their interactions with Councillors and that it includes specific service standards for the provision of information and the conduct of communication.

The Guideline also aims to clarify which staff Councillors should communicate with and how the communication should occur. Accordingly, the Guideline sets a protocol for staff to determine the best method to communicate information to Councillors and within an established service standard.

Should Council adopt the draft Guideline, training for Councillors will be provided and this is likely to form part of general training regarding the Code of Conduct. A quick reference information sheet for Councillors and staff is also proposed to be developed identifying the key aspects of the Guideline.

ITEM 8 (continued)Provisions of the Guideline

The Guideline addresses interactions between Councillors and staff with regard to:

- *Appropriate Staff Contacts*

This section outlines the acceptable staff and Councillor interactions authorised by the General Manager.

- *Personal Interactions between Councillors and Staff*

The Code of Conduct and this Guideline governs the interactions between staff and Councillors. This section states that in instances where Councillors and staff are both present at functions outside of Council, both parties must refrain from discussing matters relating to council business.

- *Councillors HelpDesk*

This section details the protocols and service standards of Councillor requests sent to the Councillors HelpDesk. It states the responsibilities of staff and Councillors in the management of information sent and received by the HelpDesk.

- *Emails*

The protocols on sending emails are outlined in this section. The protocols apply to both Councillors and staff.

- *Phone Calls and Messaging*

This section acknowledges that at times, it is necessary for Councillors and staff to communicate via phone calls or text messages. The protocol on the appropriate forms of phone contact and the service standards Councillors can expect from staff are also detailed in this section.

- *Social Media*

Reference has been made in this section to Council's Social Media Policy and Procedure on Representing City of Ryde on Social Media.

- *Accessing Information*

The General Manager and the Public Officer are responsible for ensuring that Councillors have adequate access to information and documents to perform their role as a Councillor. This section confirms the obligations of Councillors and staff to treat information appropriately and adhere to any confidentiality requirements.

ITEM 8 (continued)*- Personal Enquiries*

On occasions, Councillors and staff may seek information or advice on a personal matter. This section provides that in such instances, Councillors and staff follow the same processes as a member of public.

Supplementary Information and Advice

In drafting the provisions of the Guideline, staff considered the following supplementary information and advice:

- Best practice

The Guideline captures the City of Ryde's commitment for innovation and best practice principles in delivering premium service to Councillors. It sets the standard for a positive and successful relationship between Councillors and staff.

- Current Practice

The provisions of the Guideline, to a large extent, reflect and articulate current practice.

- Recommended by the Division of Local Government

The Division of Local Government has recently made recommendations to several Councils to adopt and implement a guideline governing the interactions between Councillors and staff.

- Code of Conduct Training

In 2011 and 2013, all Council staff attended a mandatory Code of Conduct training which was provided by Mr Jeff Williams from Fraud Prevention and Governance.

On 4 October 2012, Mr Williams provided Councillors with training on the Code of Conduct as part of Councillor's induction process.

Following the training to staff and Councillors, Mr Williams' post training report recommended that Council would benefit from implementing a policy or procedure which guides interactions between Councillors and staff.

ITEM 8 (continued)

- *Local Government Act 1993 and Councillors Handbook 2012*

The adoption of this Guideline would satisfy section 352 of the Local Government Act 1993 and the City of Ryde Code of Conduct which states that “Councillors must not contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of Councillors and council staff that have been authorised by the council and the general manager”

- *Government Information (Public Access) Act (GIPA) 2009 and Councillors Handbook 2012*

Under the GIPA Act, the General Manager and the Public Officer are required to provide Councillors with sufficient information to allow Councillors to exercise their civic duties.

The Guideline captures this requirement by including a section on *Accessing Information*.

- *Council Resolution of 13 August 2013 on Item 4 - INTERIM ACTION PLAN – How Council Can Address Risks Raised in the ICAC Hearing*

At its meeting on 13 August 2013, Council considered Item 4 - *INTERIM ACTION PLAN – How Council Can Address Risks Raised in the ICAC Hearing*. This Guideline has been developed as result of one of the short term initiatives noted in the report which requires that a policy on the interaction between Councillors and staff be developed.

In preparing the Guideline, consideration was given to ensure that the provisions guiding the interactions are not only applicable and enforceable to Councillors but to staff as well. The standards of behaviour expected of Councillors and staff when interacting with each other aims to be balanced and reasonable.

The Guideline aims not to restrict Councillors access to staff and information but to create positive dealings between staff and Councillors.

Financial Implications

Adoption of the recommendation will have no financial impact.

GUIDELINE ON INTERACTION BETWEEN COUNCILLORS AND STAFF

Related Policy

This guideline is part of Council's Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team.

Scope

The City of Ryde Council acknowledges that Councillors require access to Council information and staff in order to exercise their civic duties under the Local Government Act. Interactions between Councillors and staff are necessary to facilitate well-formed policies and decisions and to provide optimum service delivery.

The Act requires Councillors and staff to:

- Act honestly and responsibly when carrying out their functions.
- Not take advantage of their position by unduly influencing Councillors or staff in the performance of their duties or functions.
- Not use their position to obtain, either directly or indirectly, an advantage for them or any other person.

Council's Code of Conduct provides that "Councillors must not contact a member of the staff of the Council on Council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager".

This Guideline governs the interaction of Councillors and Council staff and as such is an enforceable part of the Code of Conduct.

Objectives

The objectives of this guideline are to:

- Ensure that Councillors receive advice to assist them in the performance of their civic duty in an orderly, courteous and regulated manner.
- Ensure Councillors have adequate access to information in order for them to exercise their statutory roles.
- Ensure Councillors have clarity on which staff they can communicate with and the processes for contacting staff.
- Ensure staff understand their obligations with regard to providing information to Councillors and the set service standards.
- Maintain transparent decision making and governance arrangements.

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The aim of this Guideline is to facilitate a positive working relationship between Councillors as elected representatives of the community and the staff employed to administer the operations of Council.

It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Introduction

Good governance and effective service delivery are dependent on a good relationship between the elected members and the organisation, and an understanding of the roles and responsibilities of both groups.

Good governance requires clear and effective communication protocols for Councillors and senior staff which provide for courteous and respectful communication.

Both Councillors and senior staff should strive for a work-life balance between their work commitments and their personal, community and cultural responsibilities, interests and obligations.

This Guideline addresses Interaction between Councillors and Staff with regard to:

- *Appropriate Staff contacts*
- *Personal Interaction between Councillors and Staff*
- *Councillors' HelpDesk*
- *Emails*
- *Phone Calls and messaging*
- *Social Media*
- *Accessing Information*
- *Personal Enquiries*

It also provides a table of service standards with regard to Councillor and Staff interaction.

Interactions that are not conducted in accordance with these Guidelines may be inappropriate.

Councillors are encouraged to advise the General Manager where an interaction is inappropriate.

Staff are empowered to advise Councillors where an interaction is inappropriate and refer them to these Guidelines. Alternatively, staff should inform their Manager of any inappropriate actions.

Interaction Between Councillors and Staff Guideline		
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Appropriate Staff contacts

The General Manager authorises the following staff interaction:

- Contact between Councillors and Group Managers is appropriate for matters specific to that Group Manager's area of individual responsibility.
- Contact with HelpDesk staff is appropriate for all Councillor service requests and enquiries.
- Contact with other specific staff is appropriate as part of a Councillor's role on an Advisory Committee, at Council events or meetings and similar situations.
- In some instances, a Group Manager or the General Manager will direct individual staff to contact Councillors to provide specific information or clarification relating to a specific matter.

Personal Interaction between Councillors and Staff

While this Guideline and the Code of Conduct governs the interactions between Councillors and staff, it does not prevent Councillors and staff from communicating generally. From time to time, Councillors and staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to council business.

Councillors' HelpDesk

The Charter of Respect requires that Councillors make service requests to staff through the Councillor HelpDesk.

The HelpDesk allows Councillors to:

- Forward service requests for information and/or actions,
- Seek updates on Council's operations; and
- Forward queries and complaints received from residents.

All requests from Councillors to the HelpDesk are logged and then forwarded to the relevant Council officer for a response, with all Councillor requests to the HelpDesk acknowledged by email (with a reference number).

The service standard for an initial response to a Councillor is five(5) working days, with HelpDesk responses to include the name and details of the relevant Group Manager. Reports regarding the performance of the HelpDesk will be provided to Councillors each month through the Councillor Information Bulletin. In addition, Councillors will be surveyed annually to measure satisfaction levels regarding the HelpDesk and areas for improvement.

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In the case of enquiries regarding Development Applications, planning matters and procurement processes, responses will be provided to all Councillors each week through BoardVantage. This is to promote openness, transparency and accountability in what is considered a high risk area of Council's operations.

Where a Councillor's request requires the allocation of resources or expenditure of funds, the Councillor will be requested to consider a Notice of Motion.

If a Councillor would like staff to contact and update a resident directly, they should indicate this in their request. When sending a service request to the HelpDesk, Councillors should include sufficient information to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact them.

The HelpDesk is provided for Councillors only and emails should not be copied to residents. The HelpDesk provides support to Councillors with the responses provided for the information of Councillors only.

Staff will endeavor to indicate to Councillors if a response contains confidential information and it is not in the public interest to circulate to residents.

Any requests that are not sent via the HelpDesk will be forwarded or redirected to the HelpDesk by staff. This may impact upon the time taken to respond.

Documents such as the Executive Team Minutes and Minutes of the Mayor's Meeting with the Executive Team will be provided to all Councillors by the HelpDesk using BoardVantage.

While it is acknowledged that the procedures relating to the conduct of the Councillor HelpDesk are an operational matter to be determined by the General Manager, Councillors will be consulted on any proposed changes.

Emails

The following email protocols apply to Councillors and staff:

Reply to all – This function is to be used with discretion. Think about whether "all" really need to be aware of your reply to conduct business.

Attachments – Where possible limit the size and number of attachments. Instead consider providing links to websites or BoardVantage as this reduces the message size.

Provision of Information – Information provided to Councillors is to assist them in the conduct of their civic duties. Care should be given prior to forwarding information and regard must be given to the potential confidentiality requirements regarding information.

Interaction Between Councillors and Staff Guideline		
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Circulation of resident correspondence – Correspondence will be circulated only when the author has specifically requested it be forwarded to all Councillors or specific Councillors.

BoardVantage – The circulation of information to Councillors will be done through BoardVantage as the preferred method of information provision.

Phone Calls and SMS messaging

(a) Councillors contacting staff

It is acknowledged that Councillors will require personal contact with Senior Staff, including the General Manager, when an urgent matter arises and an immediate response is required. In these circumstances, Councillors are requested to contact the Senior Staff member, Customer Service or the Councillor HelpDesk as follows:

- *During Office hours (Monday to Friday: 8.30am to 4.45pm):*

Callsto any member of the Executive Team during these times will be answered by either the relevant staff member or an assistant. On rare occasions it may be necessary for Councillors to leave a message. This will be returned as soon as practicable.

- *Outside Office hours (Monday to Friday: 7.30am to 8.30am and 4.45pm to 8pm):*

Councillors can contact members of the Executive Team on their mobile phone numbers. Should it be necessary to leave a message, the Councillor can expect a return call as soon as possible.

- *Other times*

At any other time Councillors should only contact a member of the Executive Team by phone or SMS in a genuine emergency.

It is noted, that some events are conducted outside of work hours and phone calls or messages regarding these specific events may be appropriate.

- *Customer Service 9952 8222 and After Hours Requests*

Councillors can contact 9952 8222 at anytime. The City of Ryde has an on-call officer available at all times to respond to urgent matters. When a Council request or complaint is received after hours, a call centre operator at “Well Done Services” refers the request/complaint to the relevant on-call Council Officer via SMS if appropriate.

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In addition, the request or complaint is emailed to Council's after hours email address by "Well Done Services". These emails are reviewed and replied to, as appropriate, by Council's Customer Service Centre the next working day. All request/complaints are then registered with Council's CRM System –Merit.

Where Councillors identify themselves as such, this will be specifically recorded and the Councillor will receive a follow up email or phone call.

- *Councillor HelpDesk*

Calls to the Councillor HelpDesk during office hours will be answered by a member of the Governance Section. Outside office hours, Councillors can leave a message. Messages will be checked every weekday morning and phone calls will be returned.

In addition, if a Councillor leaves a message and their phone number, the request will be identified as a Councillor request and recorded in the Councillor HelpDesk.

- *SMS messages*

SMS messages from Councillors requesting information or service will be forwarded to the HelpDesk to be acknowledged and actioned.

(b) Staff contacting Councillors

It is acknowledged that staff will be required, on occasion to contact Councillors. In these circumstances, staff will follow these protocols:

- *Calls to Councillors*

Staff will attempt to limit calls to Councillors. Calls will be made in response to a request or where an email is considered inappropriate.

Staff will not call Councillors outside office hours unless it is urgent, in response to a request to call or a message left. Staff will endeavour to contact Councillors using their preferred method of contact whether it be email or phone call, and to their preferred location, whether it be home, office or mobile.

- *During Office hours (Monday to Friday: 8.30am to 4.45pm):*

Calls to Councillors during office hours will be limited unless it is in response to a particular query or message from a Councillor.

- *Outside Office hours (Monday to Friday: 7.30am to 8.30am and 4.45pm to 8pm):*

Calls or SMS messages to Councillors during these hours will be limited to responses to requests or messages, or matters of urgency.

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- *Other times*

At any other time staff will only contact Councillors by phone or SMS in the case of a genuine emergency.

It is noted, that some events are conducted outside of work hours and phone calls or messages regarding these specific events may be appropriate.

(c) Phone Calls – Residents

Residents seeking assistance should be directed to Council’s Customer Service Centre on 9952 8222 between Monday to Friday 8am to 5.30pm. All calls outside these hours to Council, that is Monday to Friday 5.30pm to 8am and all day Saturday and Sunday, are directed to Council’s after hours service by contacting 9952 8222.

It is not appropriate for Councillors to provide residents with a staff member’s direct contact details. Similarly, staff will not provide residents with Councillors contact details, other than the details which Councillors have designated for public use.

Social Media

Councillors and staff should be mindful of the following issues when using Social Media:

- Privacy
- Confidentiality
- Discrimination, Bullying and Harassment
- Misrepresentation of City of Ryde
- Improper interactions between Councillors and staff
- Seeking or obtaining advantage or preferential treatment because of their position or role

Councillors and staff should refer to the Social Media Policy and Procedure on Representing City of Ryde on Social Media.

Accessing Information

The General Manager and the Public Officer are responsible for ensuring that members of the public, Councillors and administrators can gain access to documents under the *Government Information (Public Access) Act2009*.

Where the General Manager and/or the Public Officer determine to refuse access to a document or information sought by a Councillor, they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor to perform his or her civic duty. The General Manager or the Public Officer must state to the Councillor the reasons for the decision if access is refused.

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Councillors can appeal the decision for refusal by contacting either the NSW Information Commissioner on 1800 194 210 and/or the Administrative Decisions Tribunal on 9223 4677. It should be noted that the *Government Information (Public Access) Act* only allows appeal to these bodies if an initial *Formal Access to Information* Application has been made and a *Request for Review* of determination sought.

Councillors are required to treat all information provided by staff appropriately and adhere to any confidentiality requirements. If a Councillor is unsure whether a document or advice is confidential they should contact the relevant Group Manager or Councillor HelpDesk for clarification prior to releasing the information.

Where possible, staff will clearly identify information which is confidential to assist Councillors in the appropriate handling of such information.

From time to time, it may be necessary to have specific protocols for access to information and Councillors and staff are expected to respect and adhere to these protocols. This is particularly the case for sensitive and confidential information where information management protocols are required to allow Council to protect and monitor confidential documents while balancing the need to assist Councillors and staff in the performance of their duties.

Personal Enquiries

Councillors and staff must follow the same process as all other members of the public if they require information, action or advice in relation to a personal or private matter.

Councillors and staff should be mindful of the public perception of their request and direct all general enquiries to the Councillors' HelpDesk or the Customer Service Centre as appropriate.

If a staff member receives a request from a Councillor which is not considered relevant to the Councillor's civic duties, the General Manager is entitled to require the Councillor to demonstrate how the request relates to the Councillor's civic duties.

If the General Manager is not satisfied that the request relates to the Councillor's civic duties, the General Manager is entitled to refuse to action the request or advise the Councillor of the normal process for members of the public to make such requests.

Examples of Appropriate Interactions

- Informal briefings and Councillor Workshops are opportunities for staff who are experts in their area to convey and disseminate information to Councillors. Staff can seek feedback from Councillors and Councillors are encouraged to ask questions from staff. In this 'relaxed' environment, care must be taken to ensure that both parties show respect and courtesy to each other.
- Councillors and staff present a positive and united front in public forums.

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- Care must be taken to ensure that Councillors and staff do not discuss individual or operational staff matters other than broader workforce policy issues.
- Staff must ensure that information provided to one Councillor is available to all Councillors so that there is equity and transparency in the distribution of information.
- Council staff must contact Councillors within the provisions of this Guideline and must refrain from providing ad hoc advice to Councillors. Staff must ensure that information provided to Councillors is valid, up-to-date and impartial.

Service Standards

Item	Standard
Councillor HelpDesk Requests: Acknowledged	Within 1 working day
Councillor HelpDesk Requests: Response	Within 5 working days
Councillor Requests: Not through the HelpDesk	No service standard will apply
Councillor HelpDesk Requests (Development Applications and Planning Matters)	Weekly update to all Councillors regarding all requests
Phone Calls to Group Managers: During Office Hours	Office phone will be attended by either the Group Manager or their assistant. Messages will be returned by a staff member the same day.
Phone Calls to the HelpDesk During Office Hours	HelpDesk phone will be attended by Governance staff.
Phone Calls to the HelpDesk Outside Office Hours	Messages left will be returned the next working day.

Important Note – Code of Conduct

The General Manager will retain responsibility for enforcing and delegating the decision to provide or refuse to provide information. This will be subject to the decisions of Council and will be in accordance with the Code of Conduct, particularly Part 6 of the Standards of Conduct – Relationship Between Council Officials.

In addition, this Guideline governs the interaction of Councillors and Council staff and as such is an enforceable part of the Code of Conduct. Accordingly, complaints regarding breaches of this Guideline will be handled in accordance with the Code of Conduct Complaints Procedure.

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9 COUNCILLOR ATTENDANCE TO THE CODE OF CONDUCT WORKSHOP AND TRAINING

Report prepared by: Councillor Support Coordinator
File No.: CLR/07/8/9/8 - BP13/1408

REPORT SUMMARY

At its meeting on 24 September 2013, Council resolved that a report be presented to Council outlining the recent training provided to Councillors regarding the Code of Conduct and Disclosures of Interest and the attendance by Councillors to the training.

The following is a summary of the training provided to Councillors with regard to these areas since the conduct of the Local Government Election in 2012:

- *Code of Meeting Practice Training – 24 September 2012*

Kath Roach of Sinc Solutions gave an overview to Councillors on Council's Code of Meeting Practice. Councillors were provided with information on moving motions and amendments, points of order, conflicts of interest and the voting and microphone system.

- *Code of Conduct Training – 4 October 2012*

Jeff Williams of Fraud Prevention Services provided Councillors with training on the Code of Conduct, Gifts and Benefits Policy, Ethical Lobbying Policy and Interaction between the Mayor and General Manager.

- *Code of Conduct Workshop – 4 June 2013*

Mr Williams gave a further presentation on the changes to the Model Code of Conduct, which commenced on 1 March 2013. There was discussion on conflicts of interest, both pecuniary and non-pecuniary; particularly around procurement, participation in decision making processes and an emphasis on the importance of public perception.

ATTACHED is a copy of the Record of Attendance sheet for Councillors with regard to the above-mentioned trainings and workshop.

RECOMMENDATION:

That Council receive and note this report.

ATTACHMENTS

1 Attendance Record of Councillor Attendance

ITEM 9 (continued)

Report Prepared By:

Sheron Chand
Councillor Support Coordinator

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 9 (continued)

ATTACHMENT 1

RECORD OF ATTENDANCE:



Councillor Induction Session 1
 Code of Meeting Practice
 Facilitator – Kath Roach

24 September 2012
 7.30pm to 10.00pm
 Council Chambers

Attendance:

8.05pm	Councillor Petch
Present	Councillor Maggio
Present	Councillor Laxale
Present	Councillor Etmekdjian
Present	Councillor Chung
8.05pm	Councillor Li
Present	Councillor Simon
Present	Councillor Yedelian OAM
Present	Councillor Pendleton
Present	Councillor Pickering
8.05pm	Councillor Salvestro-Martin
8.05pm	Councillor Perram

Staff in attendance:

General Manager, Group Manager Corporate Services, Group Manager Community Life,
 Group Manager Environment and Planning, Group Manager Public Works, Manager
 Governance, Meeting Support Coordinator.

Documents provided:

Councillors were provided with a Code of Meeting Practice and hint sheets for Motions and
 Amendments, Points of Order and the Voting and microphone system.

ITEM 9 (continued)

ATTACHMENT 1

RECORD OF ATTENDANCE:

Councillor Induction Session 2
Code of Code
Facilitator – Jeff Williams



4 October 2012
6.30pm to 10.00pm
Room 2, Level 5, Civic Centre

Attendance:

Present	Councillor Petch
Apology	Councillor Maggio
Present	Councillor Laxale
Present	Councillor Etmekdjian
Present	Councillor Chung
Present	Councillor Li
Present	Councillor Simon
Absent	Councillor Yedelian OAM
Present	Councillor Pendleton
Present	Councillor Pickering
Absent	Councillor Salvestro-Martin
Present	Councillor Perram

Staff in attendance:

General Manager, Group Manager Corporate Services, Group Manager Community Life,
Group Manager Public Works, Manager Governance.

Documents provided:

Councillors were provided with a Code of Conduct, Gifts and Benefits Policy, Ethical
Lobbying Policy and Interaction between the Mayor and General Manager.

ITEM 9 (continued)

ATTACHMENT 1

RECORD OF ATTENDANCE:

Councillor Workshop
Code of Conduct



4 June 2013
7.30pm to 8.30pm
Civic Centre, Level 5, Room 2

Attendance:

Present	The Mayor, Councillor Petch
Apology	Councillor Maggio
Absent	Councillor Laxale
Present	Councillor Etmekdjian
Present	Councillor Chung
Absent	Councillor Li
LOA	Councillor Simon
LOA	Councillor Yedelian OAM
Present	Councillor Pendleton
Present	Councillor Pickering
Present (left early)	Councillor Salvestro-Martin
LOA	Councillor Perram

Staff in attendance:

Acting General Manager, Group Manager – Corporate Services, Manager – Customer Service and Governance, and Governance Support Coordinator.

The Workshop commenced at 7.40 pm

Discussion:

Jeff Williams, of Fraud Prevention Services, gave a presentation on the changes to the Model Code of Conduct, which commenced on 1 March 2013. There was discussion on conflicts of interest, both pecuniary and non pecuniary, particularly around procurement and participation in decisions, and emphasised the importance of perception.

The Workshop concluded at 8.45pm

10 ECONOMIC DEVELOPMENT AUSTRALIA CONFERENCE - Melbourne - 27 to 29 October 2013

Report prepared by: Councillor Support Coordinator
File No.: CLR/07/8/83/2 - BP13/1402

REPORT SUMMARY

This report is presented to Council for its consideration of Councillor attendance at the Economic Development Australia Conference held in Melbourne on 27 to 29 October 2013.

RECOMMENDATION:

That Council consider the attendance of Councillor/s at the Economic Development Australia Conference being held in Melbourne on 27 to 29 October 2013.

ATTACHMENTS

- 1 Economic Development Australia Conference Brochure
- 2 Councillor Attendance at Conferences - Guidelines

Report Prepared By:

Sheron Chand
Councillor Support Coordinator

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 10 (continued)

Discussion

The Economic Development Australia Conference will be held in Melbourne on 27 to 29 October 2013.

The Conference provides an opportunity for attendees to:

- Obtain insights into trends and impacts of global, national and local programs.
- Participate in case studies.
- Network with other professionals with a background in economic development.

ATTACHED (Attachment 1) is a copy of the Conference brochure.

An invitation was placed in the Councillors Information Bulletin dated 26 September 2013 calling for expressions of interest for Councillors to attend this Conference. Councillor Etmekdjian has submitted an interest to attend.

Critical Dates

The Conference Coordinator has verbally advised Council that they will accept registrations up until 28 October 2013.

Financial Implications

The following is a summary of costs that would be incurred per person for travel to the Conference:

- Registration cost - \$1,150
- Flights – \$258 return
- Accommodation - \$356 for two nights at the Albert Park Hotel which is the Conference venue.

In addition to the above summary, it is anticipated that additional costs for incidentals, meals and taxi fares would also be incurred. This would be determined after the Conference.

The total cost for attending this Conference would approximately be \$1764 per person (excluding meals, incidentals and taxi fare charges).

Currently there is an allocation of \$30,000 in the 2013-2014 budget for Councillor attendance at conferences. The table below outlines an estimation of the balance remaining.

ITEM 10 (continued)

Date of Resolution	Item	Average cost per attendee	Councillors	Balance
Budget for 2013/2014				\$30,000
23/7/2013	Bike Futures Conference	\$2,345	Perram	\$27,655
10/9/2013	Local Government NSW Annual Conference	\$880	Maggio Etmekdjian Pickering Simon Yedelian OAM Chung Petch	\$21,495
Balance				\$21,495

The amount remaining in the budget is \$21,495.

Policy Implications

There is no policy implication through adoption of the recommendation. The Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors sets out the entitlements for Councillors attending such Conferences.

ATTACHED (Attachment 2) are the Guidelines for Councillor Attendance at Conferences. The Guidelines provide that in addition to the Local Government Association Conference and the National General Assembly of Local Government Conference, every Councillor is entitled to attend a conference in NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The Guideline provides that a Councillor can attend more than one conference per year but this determination will be dependent on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to attend conferences.

Other Options

Council can resolve not to send a Councillor to this Conference.

ITEM 10 (continued)

ATTACHMENT 1



Influence or Intervention

EDA
ECONOMIC DEVELOPMENT AUSTRALIA

EDA
National Conference
27-29 October 2013
30 October Masterclass

Economic Development Australia presents

Influence or Intervention

Venue: Pullman Melbourne, Albert Park Hotel
65 Queens Rd Melbourne

For Bookings: Quote EDA National Conference
Phone: 1800 633 888

Overview

Sunday 27 October:	Welcome Reception
Monday 28 October:	Conference Day 1 7.45am - 4.15pm 5.45pm EDA National Awards 7.00pm EDA Dinner
Tuesday 29 October:	Conference Day 2 7.45am - 3.30pm
Wednesday 30 October:	Master Class 8.30am - 3.30pm

This conference is a "must attend" for all private and government sector Economic Development Practitioners. The program will provide insights into trends and impacts of global, national and local programs.

Importantly the program has been developed to ensure it is relevant to all Economic Development Practitioners.

Global: "Impact and Opportunities"

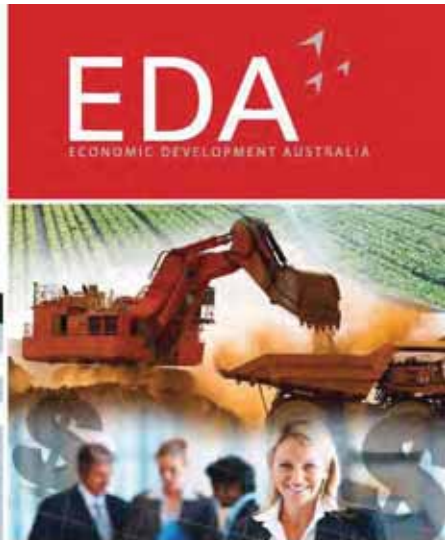
National: "Is What's Good for the Country Good for Your Region?"

Local: "On the Frontline; Case Studies at the Local Level"

ITEM 10 (continued)

ATTACHMENT 1

FEATURING	Neil McInroy CEO, Centre for Local Economic Strategies (UK)
	Professor Neville Norman Associate Professor of Economics University of Melbourne
	Professor Bruce Wilson Director of the European Union Centre, RMIT University
	Martin Farley Principal Consultant, Creating Preferred Futures
	Kirsten Larsen Research Manager, Victorian Eco-Innovation Lab
	Stephen Mayne Journalist, Shareholder Activist, Melbourne City Councillor
	Justin Hanney Deputy Secretary, Department of Premiere & Cabinet Victoria
	Brad Dunstan CEO, Victorian Centre for Advanced Materials Manufacturing
	Peter Harris Chairman Productivity Commission
	Paul Krutko (USA) Chair International Economic Development Council
Tim Costello CEO World Vision Australia	
Conference Program	
Venue for all events	Pullman Hotel
Sunday 27 October	
4.30pm – 7.00pm	Welcome & Networking Event including finger food and beverages
Monday 28 October	
7.45am	Registration, Coffee & Tea
8.15am	Welcome and Day 1 Overview
8.30am	State of the Nation Professor Neville Norman Associate Professor of Economics University of Melbourne
9.15am	Local Government, Private Enterprise – Bringing it all together Stephen Mayne Journalist Shareholder activist, Melbourne City Councillor
10.00am	Morning Tea at the Innovation Café
10.40am	Performance and Productivity Peter Harris Chairman Productivity Commission
11.10am	Sustainable Food Systems and the Need for Innovation Kirsten Larsen Research Manager, Victorian Eco-Innovation Lab
11.40am	Creating New Industries Brad Dunstan CEO Victorian Centre for Advanced Materials Manufacturing
12.10pm	Best Practices for Fostering Local Economic Development in the USA Paul Krutko (USA) Chair International Economic Development Council
12.40pm	Lunch
2.00pm	Practitioner Case Studies (Comprising 3 streams, 4 papers per stream) 1. Economic Development in the Global Context 2. Creating Great Places 3. Building Local Employment Case studies from all corners of Australia, New Zealand and Asia
4.15pm	Day Session One Concludes
4.30pm	EDA Annual General Meeting
Monday 28 October – Evening Program	
5.45pm	EDA Awards Cocktail function
7.00pm	EDA National Conference Dinner 3 Course Dinner / Beverages / Entertainment
Tuesday 29 October	
7.45am	Registration, Coffee & Tea
8.15am	Welcome and Day 2 Overview
8.05am	Merging the Boundaries of Social & Economic Development Neil McInroy (UK) Chief Executive, Centre for Local Economic Strategies
8.45am	Regionalism Post Election Professor Bruce Wilson Director of the European Union Centre at RMIT
9.15am	Economic Development in a Dynamic, Connected and Contested World Martin Farley Principal Consultant Creating Preferred Futures
9.45am	An Economy for All Panel Discussion
10.05am	Morning Tea at the Innovation Café
10.45am	Practitioner Case Studies (Comprising 3 streams, 3 papers per stream) 1. Economic Development Regional Practices 2. Sector Diversification 3. Food, Creative and Energy Sectors Case studies from all corners of Australia.
12.35pm	Lunch
1.50pm	Federalism: Our Critical Economic Development Challenges in Australia Justin Hanney Deputy Secretary, Department of Premiere & Cabinet Victoria
2.30pm	What Cost Economic Development? Tim Costello CEO World Vision Australia
3.15pm	Conference Wrap Up
3.30pm	Post function beverages
Wednesday 30 October	
Masterclass	
8.30am – 3.30pm	Evidence Based Analysis of Economic Development Strategies – Are they any Value? Full program to be advised



Cost (per person including GST)

Full Conference, Dinner, EDA Awards and Welcome Reception

Members:	\$980.00
Non Members:	\$1,150.00

One Day Conference

Members:	\$500.00
Non Members:	\$600.00

Dinner, EDA Awards Only

Members:	\$160.00
Non Members:	\$180.00

Master Class

Members:	\$200.00
Non Members:	\$250.00

Register at: www.edaaustralia.com.au
Enquiries: **Matthew Gould**
Email: eo@edaaustralia.com.au
Phone: 0407 530 168

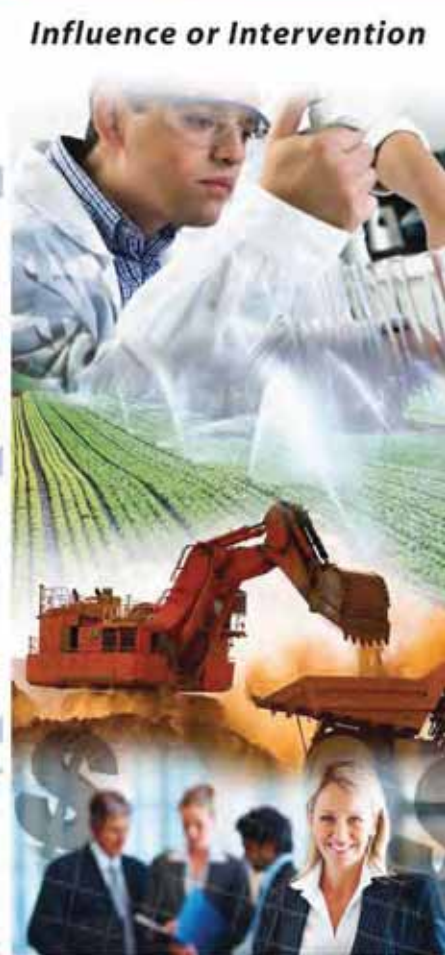
Sponsors:



ITEM 10 (continued)

ATTACHMENT 1

PRACTITIONER CASE STUDIES	
Case studies from all Corners of Australia, New Zealand and Asia.	
Monday 28 October	
Stream 1: Economic Development in a Global Context	
2.00pm	Comparing the Roles of the Government & Private Sectors in ASEAN Member States <i>Sarah Alexander, SKM & Veronique Sabze-Lazac'h, Asia Foundation Thailand</i>
2.30pm	Pursuing the Future – Economic Development Paradigms and Practicalities <i>Vanessa Barnett & Julie Wilson, RAI & Professor Anthony Sorenson, University of New England</i>
3.00pm	The New Zealand Business Growth Agenda and the Role of Regional and Local ED <i>Samantha Seath, Economic Development Agencies New Zealand</i>
3.30pm	Developing an Economic Development Strategy for Beyond the Boom: Central Highlands Qld <i>James Mathews, KPMG</i>
Stream 2: Creating Great Places	
2.00pm	Complete Streets – Holistic Approach to Traffic Planning and Public Space - Bondi Junction <i>George Bramis, Waverley Council, NSW</i>
2.30pm	Economic Intervention and Indigenous Economic Development: The Case of Mornington Island <i>Christopher Francis, Morning Shire Council, NT</i>
3.00pm	Townsville: Queensland's Second Capital <i>David Lynch, Townsville City Council, QLD</i>
3.30pm	Regional Digital Marketing Strategy – "Find Your Everything": Unley Precincts Marketing Campaign <i>Matt Grant, City of Unley, SA</i>
Stream 3: Building Local Employment	
2.00pm	Best Practice Partnerships Between BEC's and Local Government ED Practitioners <i>Peter Murray, Box Hill Business Enterprise Centre, VIC</i>
2.30pm	Community Lead Innovation in Employment <i>Daniel Willett & Darren Harrison, Logan City Council, QLD</i>
3.00pm	Establishing Support Infrastructure for Social Enterprises <i>Emina Hamzic, City of Greater Dandenong, VIC</i>
3.30pm	Local Jobs for Local People – Achieving Results Through Influence <i>George Osborne, Hume City Council, VIC</i>
Tuesday October 29	
Stream 1: Economic Development Regional Practices	
10.45am	The Benefits and Risks of Active Development Project Facilitation <i>Jay Hardison, City of Belmont, WA</i>
11.15am	Growth in the Suburbs: The Story of a New Partnership and the Birth of a Region <i>David Wilkinson, City of Casey, VIC</i>
11.45am	Katherine, The Land of Economic Opportunity <i>James Rowe, Katherine Town Council, NT</i>
Stream 2: Sector Diversification	
10.45am	Human Capital & Industry Structure: Determining Comparative Economic Advantages <i>Michael Behar, id Consulting</i>
11.15am	The Pilbara: Harnessing the Power of the Nation's Engine Room & Managing a Two-Speed Economy <i>Ross Holt, LandCorp, WA</i>
11.45am	Picking Economic Winners: How "Big Data" Can Improve the Odds <i>Dr Kevin Johnson & Matt Law, Geographia</i>
Stream 3: Food, Creative and Energy Sectors	
10.45am	The Energy Industry in Toowoomba and the Surat Basin – Benefits for Regional Communities <i>Shane Charles, Toowoomba and Surat Basin Enterprise Pty Ltd</i>
11.15am	Creative Industries: Global trends, Digital Economy and the Importance of Place for Economic Development <i>Sasha Lennon, Sasha Lennon & Associates Pty Ltd</i>
11.45am	The Pilbara: Feeding the Future <i>Felicity Gilbert, Pilbara Development Commission, WA</i>



ITEM 10 (continued)

ATTACHMENT 2



Councillor Attendance at Conferences Guideline

Related Policy

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

Guidelines

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

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

Councillor Attendance at Conferences guideline		
Owner: Governance Unit	Accountability: Mayoral and Councillor support service	
Trim Reference: D10/77193	Policy: Payment of Expenses and Provision of Facilities for the Mayor and other Councillors	One Page only

11 2013/2014 CHRISTMAS/NEW YEAR ARRANGEMENTS - Business Operations

Report prepared by: Manager - Human Resources
File No.: CLM/13/1/5 - BP13/1401

REPORT SUMMARY

This report seeks Council's endorsement of the proposed business operations during the 2013/2014 Christmas / New Year Period, with this report recommending that Council's operations close from noon on Friday, 20 December 2013 and recommence on Thursday, 2 January 2014.

The report details that during this period, Council will have staff on duty in key areas, supported by staff on call, to ensure essential services are undertaken. Also, during this period Council's Ryde Aquatic Leisure Centre (RALC) and the Ryde Library will be operating on revised business hours as detailed in the report.

RECOMMENDATION:

- (a) That the changes to normal City of Ryde business operations over the 2013/2014 Christmas/New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, on Council's website, through Social Media and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff Christmas Party being held at the Civic Hall on Friday, 20 December 2013.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Melissa Attia
Manager - Human Resources

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 11 (continued)**Background**

In recent years, normal City of Ryde business operations, except Ryde Aquatic Leisure Centre (RALC) have ceased over the Christmas / New Year period. A skeleton staff has remained on duty supported by staff on-call to continue essential services and to respond to urgent customer requests. This report seeks Council's endorsement for the proposed arrangements for Council's operations to close from 12 noon on Friday, 20 December 2013 and recommence on Thursday, 2 January 2014.

The Library service and the RALC will have modified hours during this period.

Report

For the upcoming Christmas / New Year period it is proposed that business operations cease at 12 noon on Friday, 20 December 2013 and recommence on Thursday, 2 January 2014. These dates are proposed due to Christmas Day falling on a Wednesday.

This will result in Monday, 23 December 2013 and Tuesday, 24 December 2013 being declared a shut down day and staff other than those required to work (skeleton staff and critical operations/services) will be required to take two days of accrued leave. This proposal will reduce Council's current accrued leave liability.

During the shutdown period, the following service functions will remain operational with on-duty staff;

- Cleansing operations:
 - Shopping Centres – streets, footpaths and bin collections.
 - Parks – bin collections.
 - Public Toilets.
- Urgent infrastructure repairs (public safety).
- General Parks Maintenance and mowing of Regional Parks.
- Rangers – normal patrols.
- Hall Hire – pre bookings.
- Details of the hours of operation and services in respect of the Top Ryder bus service over this period will be outlined in a further report to Council in November 2013.

ITEM 11 (continued)
Ryde Aquatic Leisure Centre

The proposed RALC operation hours for this period are as follows:

Tuesday	Dec 24	5.30am – 1.00pm
Wednesday	Dec 25	CLOSED (Christmas Day)
Thursday	Dec 26	10.00am – 5.45pm (Boxing Day)
Friday	Dec 27	10.00am – 5.45pm
Saturday	Dec 28	10.00am – 5.45pm
Sunday	Dec 29	10.00am – 5.45pm
Monday	Dec 30	10.00am – 5.45pm
Tuesday	Dec 31	10.00am – 5.45pm
Wednesday	Jan 01	10.00am – 5.45pm (New Year's Day)
Thursday	Jan 02	5.30am – 8.45pm (Resume Normal Operations)

The RALC returns to normal hours of operation on Thursday, 2 January 2014.

City of Ryde Libraries

The proposed Library operations are as follows:

Friday, 20 December 2013 – from 12 noon	All libraries closed
Saturday, 21 December 2013 – Monday, 23 December 2013	All libraries open normal hours (skeleton staff)
Tuesday, 24 December 2013	All libraries closed
Wednesday, 25 December 2013 and Thursday, 26 December 2013	All libraries closed
Friday, 27 December 2013	All libraries closed except Ryde Library (open 10am to 5pm with skeleton staff)
Saturday, 28 December 2013 and Sunday, 29 December 2013	All libraries closed except Ryde Library (Saturday 9.30am - 5pm and Sunday 2pm - 5pm)
Monday, 30 December 2013 to Wednesday, 1 January 2014	All libraries closed
Thursday, 2 January 2014	All libraries resume normal operations

On-Call Arrangements

The Operations Centre will be closed from 12 noon on Friday, 20 December 2013 through to Wednesday, 1 January 2014, returning to regular hours of operation on Thursday, 2 January 2014.

A roster of on-call staff will be prepared for all other service units and these staff will be available to respond to urgent matters if required. This would include other functions such as information systems (IT) support and Development Application (DA) notifications. All details of on-call staff will be provided to Councillors prior to the Christmas/New Year shutdown.

ITEM 11 (continued)

The normal after-hours call centre arrangements will apply during this period, whereby any customers calling Council's main phone number will speak to an operator who will then allocate the enquiry to the relevant officer for action.

The proposed changes to normal business operations for the Christmas/New Year period are proposed to be advertised in the Mayor's Column, on Council's website and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre. It is also proposed to utilise social media avenues for notification.

It is proposed the staff Christmas Party will be held from 12 noon on Friday, 20 December 2013. Consistent with previous years, Council will provide a meal for staff, with the costs of this function included in Council's 2013/2014 Budget.

It is proposed for the staff Christmas Party to be held in Council's Civic Hall and Councillors will be advised of the details once confirmed, with all Councillors welcome to attend.

Financial Impact

Adoption of the recommendation outlined in this report will have no financial impact as the funding of staff resources over the Christmas/New Year shutdown is already included into existing operational budgets. It is noted that the proposed arrangements will result in a reduction in Council's leave liability.

Policy Implications

There are no policy implications through adoption of the recommendation, however, the proposed arrangements are consistent with those in place for Christmas/New Year 2012/2013.

Other Options

Levels of services could be increased or decreased during this period. The arrangements proposed, however, will ensure the community is provided with appropriate levels of service throughout this period.

Critical Dates

To allow adequate notice in accordance with Award requirements, staff must be notified on the proposed shut-down no less than four weeks prior to the date of shut-down. However, it is appropriate to provide as much notice as possible to both the community and staff.

Conclusion

This report seeks Council's endorsement for the proposed arrangements for Council's operations to close from noon on Friday, 20 December 2013 and recommence on Thursday, 2 January 2014.

PRECIS OF CORRESPONDENCE**1 WESTERN SYDNEY LIGHT RAIL - PART 2 FEASIBILITY REPORT**

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/09/6/5 - BP13/1383

CORRESPONDENCE:

Submitting correspondence from Parramatta Council, dated 9 September 2013, regarding the Part 2 of the Western Sydney Light Rail feasibility study which outlines the details of the first stage of the network.

RECOMMENDATION

That the correspondence be received and noted.

ATTACHMENTS

- 1 Western Sydney Light Rail Network Feasibility Report - Part 2 - August 2013

Report Prepared By:

Sandra Warbrick
Executive Assistant to Group Manager

Report Approved By:

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 1 (continued)

ATTACHMENT 1



Our Reference: F2011/03613
Contact: David Gray
Telephone: 9806 5466
Email: dgray@parracity.nsw.gov.au

Mr Roy Newsome
A/General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

9 September 2013

Dear Mr Newsome,

Western Sydney Light Rail - Part 2

It is my pleasure to enclose Part 2 of Council's Western Sydney Light Rail feasibility study which outlines the details of the first stage of the Network.

The light rail Network will transform Western Sydney, delivering a transport solution and the opportunity to build cities with strong centres. Urban renewal and development will follow bringing jobs and people into our urban centres from new residential areas. The region will be connected and have north south links, which have been missing for far too long in Western Sydney.

Part 1 of the feasibility study, released in May 2013 identified a Network of four lines from Parramatta to Castle Hill, Macquarie Park, Rhodes (via Sydney Olympic Park) and Bankstown. The report prioritised Lines to Castle Hill and Macquarie Park as the first stage to meet the future economic and social needs of Western Sydney.

Part 2 further investigated the first stage in terms of transport and land use planning. It identified preferred routes and stops, with a service operating every 10 minutes. The two Lines overlap in Parramatta CBD connecting employment, health and education, strengthening Sydney's second city. We have estimated that the first stage could support 180,000 jobs and 50,000 dwellings by 2031, increasing to 300,000 jobs and 85,000 dwellings by 2061.

We are continuing to call on both, State and Federal Governments to fund a detailed study (up to \$20m) including a business case for the first stage. Council is also continuing to promote the scheme to regional stakeholders and request a letter of support to assist us in delivering infrastructure to support the growth of future generation in Western Sydney.

Yours sincerely,



Dr Robert Lang
Chief Executive Officer



ITEM 1 (continued)

ATTACHMENT 1

If you do not understand this letter, please ring the Telephone Interpreter Service (131 450) and ask them to contact Council (9806 5050). Office hours are 8.30am to 4.30pm, Mondays to Fridays.

ARABIC

إذا لم تستطع فهم هذه الرسالة، الرجاء الاتصال بخدمة الترجمة الهاتفية على رقم ١٣١ ٤٥٠ وأسألهم أن يتصلوا بالبلدية على رقم ٩٨٠٦ ٥٠٥٠. دوام ساعات العمل هي من الساعة ٨:٣٠ صباحاً إلى ٤:٣٠ بعد الظهر من الاثنين إلى الجمعة.

CHINESE

如您看不懂此信，請打電話給「電話翻譯服務台」(131 450) 請他們聯絡市政廳 (市政廳電話 9806 5050)。市政廳辦公時間，星期一至星期五，上午八點半至下午四點半。

CROATIAN

Ako ne razumijete ovo pismo, molimo nazovite Službu prevodilaca i tumača (Translating and Interpreting Service – na broj 131 450) i zamolite ih da nazovu Općinu (na 9806 5050). Radno vrijeme je od 8.30 ujutro do 4.30 popodne, od ponedjeljka do petka.

FRENCH

Si vous avez des difficultés à comprendre cette lettre, vous pouvez contacter le service d'interprètes par téléphone au 131 450 et leur demander de contacter la mairie (Council) au 9806 5050. Les bureaux de la mairie sont ouverts du lundi au vendredi de 8h30 à 16h30.

GERMAN

Wenn Sie diesen Brief nicht verstehen können, rufen Sie bitte den Telefon Dolmetscher Dienst (Telephone Interpreter Service) (131 450) an und lassen Sie sich vom Personal mit dem Gemeinderat (Council) in Verbindung setzen (9806 5050). Geschäftsstunden sind von 8:30 bis 16:30 Uhr, montags bis freitags.

GREEK

Αν δεν καταλαβαίνετε αυτό το γράμμα, σας παρακαλούμε να τηλεφωνήσετε την Τηλεφωνική Υπηρεσία Διερμηνέων (131 450) και να τους ζητήσετε να επικοινωνήσουν με το Δημοτικό Συμβούλιο (9806 5050). Τα γραφεία του είναι ανοιχτά από τις 8.30 πμ μέχρι τις 4.30 μμ, από Δευτέρα μέχρι και Παρασκευή.

HINDI

अगर आप इस पत्र को पढ़कर समझ नहीं पाते हैं तो टेलीफोन अनुवादक सेवा (फोन नंबर १३१ ४५०) को फोन करिए और उन्हें काउंसिल (फोन नंबर ९८०६ ५०००) से बात कराने के लिए कहिएगा। आफिस का समय प्रातः ८:३० से सायं ४:३० बजे प्रतिदिन सोमवार से शुक्रवार ।

ITALIAN

Se non comprendi questa lettera, telefona al Servizio traduzioni e interpreti al numero 131 450 chiedendo di essere messo in contatto con il Comune (telefono 9806 5050). Orario d'ufficio: ore 8.30-16.30, dal lunedì al venerdì.

KOREAN

만일 이 편지를 이해하지 못하시면, 전화 통역 서비스 (131 450)에 전화하여 카운슬(9806 5050)에 연락해 달라고 부탁하십시오. 근무 시간은 월~금, 오전 8시 30분부터 오후 4시 30분까지입니다.

MALTESE

Jekk na tifhimx din-il-ittra, jekk joghgbok čempel lis-Servizz ta' l-Interpretu (131 450) u itlobhom biex jikkuntatjaw lil-Kunsill (9806 5050). Il-hinijiet ta' l-Ufficcju huma mit-8.30 a.m. sal-4.30 p.m., mit-Tnejn sal-Ġimgħa.

POLISH

Jeśli nie rozumiesz treści niniejszego pisma, zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service) pod numer 131 450 i poproś o telefoniczne skontaktowanie się w Twoim imieniu z Radą Miejską pod numerem 9806 5050. Godziny urzędowania: 08.30-16.30 od poniedziałku do piątku.

SPANISH

Si Ud. no entiende esta carta, por favor llame al Servicio Telefónico de Intérpretes (131 450) y pídales que llamen a la Municipalidad (Council) al 9806 5050. Las horas de oficina son de 8:30 am a 4:30 pm, de lunes a viernes.

TAGALOG

Kung hindi ninyo maunawaan ang liham na ito, tawagan lamang ang Telephone Interpreter Service (131 450) at makiusap na makipag-alam sila sa Konseho para sa inyong kapakanan (9806 5050). Oras ng trabaho 8.30 n.u. hanggang 4.30 n.h., Lunes hanggang Biyernes.

TURKISH

Bu mektubu anlayamazsanız, lütfen Telefonla Tercüme Servisi'ne (131 450) telefon ederek, Belediye ile (9806 5050) ilişkiye geçmelerini isteyiniz. Çalışma saatleri Pazartesi — Cuma günleri arasında saat sabah 8.30'dan öğleden sonra 4.30'a Kadardır.

VIETNAMESE

Nếu quý vị không hiểu thư này, xin điện thoại Telephone Interpreter Service (Dịch Vụ Thông Ngôn bằng Điện Thoại) ở số 131 450 và nhờ họ liên lạc với Council (Hội Đồng) số 9806 5050. Giờ Làm Việc từ 8 giờ sáng đến 4 giờ chiều, Thứ Hai đến Thứ Sáu.

National Relay Number: 133 677

Callers who are deaf or have a hearing impairment or speech/communication impairment may call through the National Relay Service using modem or textphone (TTY) by dialling 133 677 and quoting Parramatta City Council's Customer Service Number, 9806 5050.

ITEM 1 (continued)

ATTACHMENT 1



**Unlocking Western Sydney's
Potential with Light Rail**

Western Sydney Light Rail Network
Part 2 Feasibility Report

AUGUST 2013



PARRAMATTA
FUTURE GENERATION

ITEM 1 (continued)

ATTACHMENT 1

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Next Steps	19

This report has been prepared with the support of:

**PARSONS
BRINCKERHOFF**

HASSELL

For more information

Parramatta City Council
30 Darcy Street, Parramatta NSW 2150
T – 02 9806 5050
E – transport@parracity.nsw.gov.au

ITEM 1 (continued)

ATTACHMENT 1

FOREWORD



It is my pleasure to release Part 2 of the Western Sydney Light Rail Network Feasibility Report.

This report follows the release of Part 1 in May 2013, which identified the preferred first stage of the Network comprising two lines from Parramatta: one to Castle Hill and the other to Macquarie Park. This is the start of a Light Rail Network that will grow and evolve to meet the future economic and social needs of Western Sydney, with future lines to Bankstown and Rhodes via Sydney Olympic Park already identified.

Part 2 of Council's study further investigated the first stage lines in terms of transport and land use. We undertook an initial engineering feasibility and identified preferred alignment and stops as well as refined the cost. We also investigated the land use change potential to accommodate population and employment growth that could be anticipated as consequence of the Network.

This document strengthens the case for the Western Sydney Light Rail network. Council is now calling on both State and Federal Governments to fund the next stage study including a detailed business case.

It is a question of when this network will be built, not if. Parramatta and Western Sydney are growing and need better public transport to support the growth of the region and a future generation of Sydney-siders.

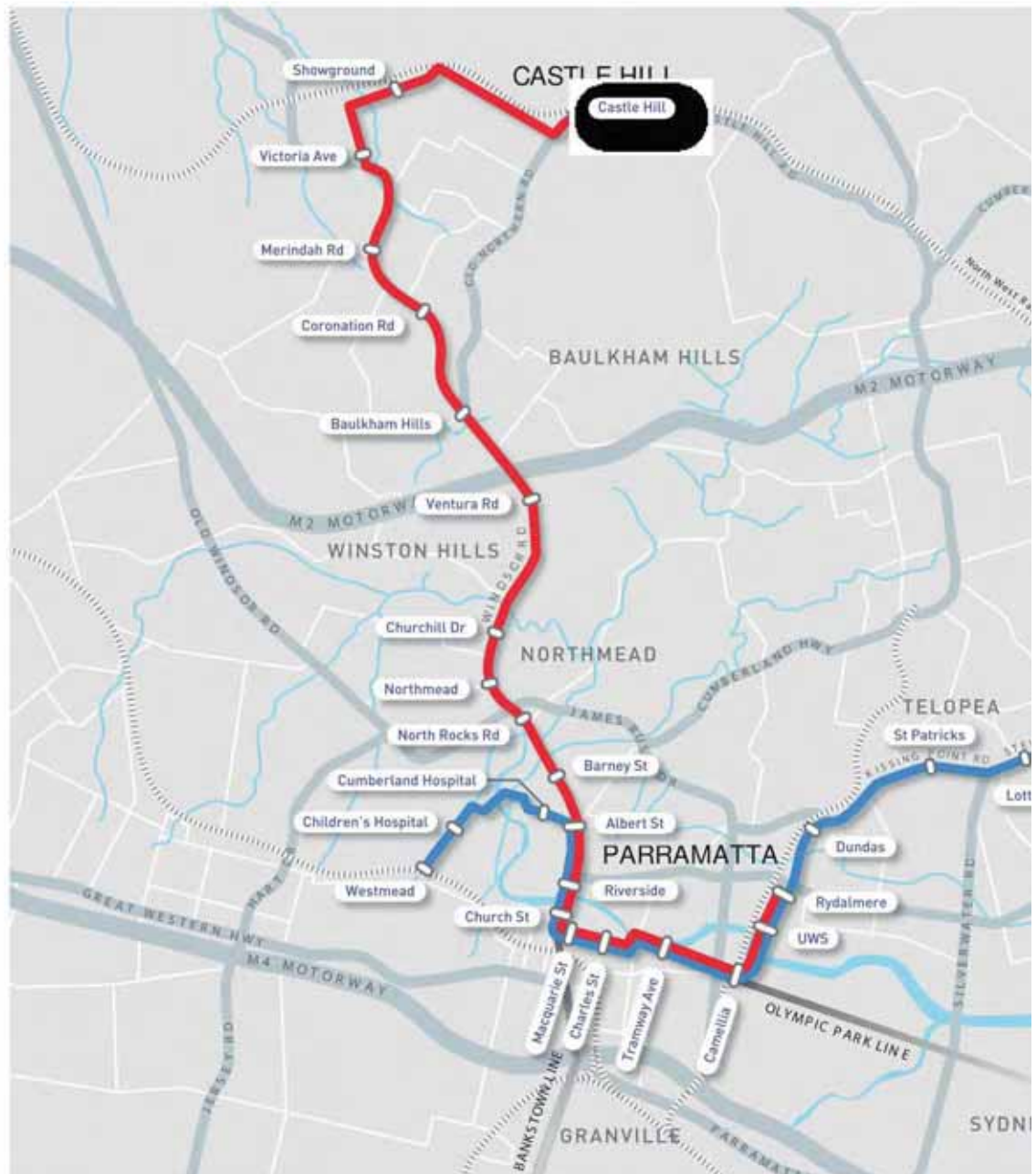


Cr John Chedid
Lord Mayor of Parramatta

ITEM 1 (continued)

ATTACHMENT 1

OVERVIEW FIRST STAGE OF THE NETWORK



ITEM 1 (continued)

ATTACHMENT 1



Parramatta City Council has undertaken the Western Sydney Light Rail Feasibility Study to address the challenges of a growing Western Sydney region.

In Part 1 of the study (see separate document), Council with the support of consultants undertook five separate but integrated studies focussed on transport, land use, environmental, economic and health and social areas to design a Light Rail Network and identify a preferred first stage scheme.

Lines to Macquarie Park and Castle Hill emerged as the most feasible two alignments.

Part 2 of the study, this document, further investigated the two lines.

The central section of the first stage is common to both lines and covered in detail (pages 8-9). The eastern section, Rydalmere to Macquarie Park (pages 10-11) and northern section, North Parramatta to Castle Hill (pages 12-13) is also covered in detail.

The study recommends that the Macquarie Park Line be constructed before the Castle Hill Line. The revised cost for both lines is \$1.525b for 30km including a depot and 21 light rail vehicles to operate a service every 10 minutes on both Lines.

ITEM 1 (continued)

ATTACHMENT 1

OVERVIEW FEASIBILITY STUDY

Objectives

Parramatta City Council instigated the \$1m Western Sydney Light Rail Feasibility Study to gain a better understanding of how light rail could advance the following regional priorities:

- > **Economic** – increase economic productivity
- > **Lane Use** – accommodate residential growth and stimulate employment growth
- > **Transport** – provide greater transport options to Parramatta and across the region
- > **Social and health** – improve social disadvantage and quality of life for all residents.

Part 1 of Study

Part 1 of the study identified 15 strategic transport corridors within 15 km of Parramatta and assessed them for their potential to address the challenges of the region.

A series of multi-criteria gateway assessments were undertaken to filter and refine corridors to identify the preferred network of four lines and first stage of two lines (see map below).

Part 1 concluded that light rail was feasible along the alignments considered and investment in light rail will significantly transform the social, economic and physical function of Western Sydney.

Part 2 of Study

Part 2 of the study, this document, is a more detailed transport and land use analysis of the proposed first stage of two lines.

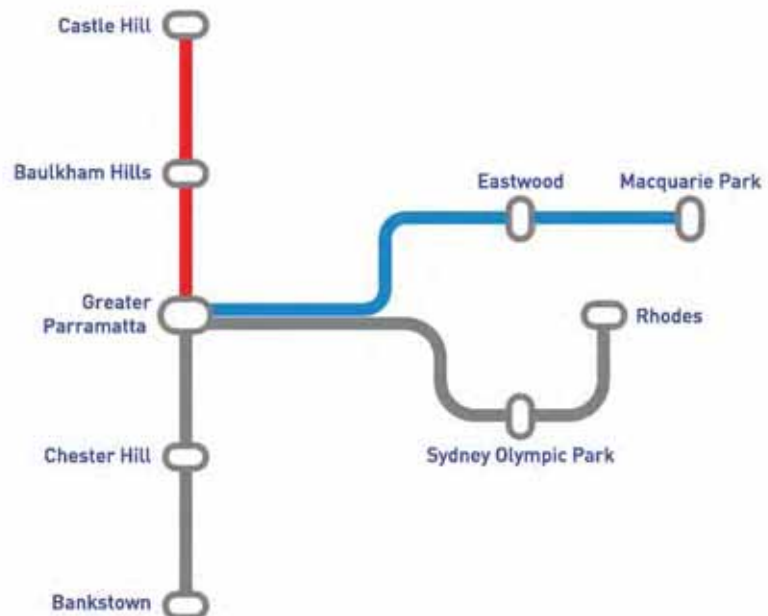
It includes an initial engineering assessment, potential land use change and urban renewal opportunities with potential dwelling and job numbers and refinement of capital costs including staging.

The study demonstrates how light rail will change the urban form along an alignment and activity centre, and how it contributes to urban renewal, particularly where underutilised and less accessible neighbourhoods are transformed into desirable and attractive places.

Proposed Western Sydney Light Rail Network

Key

- First Stage Macquarie Park Line
- First Stage Castle Hill Line
- Future Stages



ITEM 1 (continued)

ATTACHMENT 1

LIGHT RAIL IN WESTERN SYDNEY

What is Light Rail?

The terms tram and light rail are often used interchangeably.

Light rail in this study refers to a system predominately operating in a segregated alignment with less frequent stops and higher average speeds than local bus services.

A 'tramway' is an on-street rail system operating in shared traffic conditions and resembling a local bus service with frequent stops and a slower speed.

Tram is also used for an older style of vehicle with less capacity and less accessibility whereas light rail vehicle is used to describe its modern cousin.

Role of Light Rail in the region

The Western Sydney Light Rail Network will help build a new city at Parramatta; changing the structure of Greater Sydney from a mono-centric to a poly-centric model.

The Network also connects Parramatta to the major economic centres of the region, and these centres to each other. It provides new access and opportunity to the residents, business owners, commuters and students of Western Sydney, helping to unlock the social and economic potential of the region.



ITEM 1 (continued)

ATTACHMENT 1

GREATER PARRAMATTA WESTMEAD → PARRAMATTA → RYDALMERE

Route Description

This section focuses on the route through Greater Parramatta, the core of the network. The route between North Parramatta and Rydalmere is common to both lines while the North Parramatta to Westmead section is part of the Macquarie Park Line.

From Westmead Station the light rail operates in segregated lanes in the centre of Hawkesbury Rd. Through Cumberland Hospital the route shares the road with limited traffic. Church St then reallocates the road space from buses to light rail with segregated lanes in the centre of the road. From Riverside Theatres the light rail shares the road with limited traffic.

Macquarie St has two segregated lanes for light rail. The route through Harris Park uses a combination of segregated lanes (road corridor widening) and lightly trafficked roads. The line passes under James Ruse Drive where a road flyover is constructed as part of the Western Sydney Regional Ring Road. The line parallels the Carlingford Line between Camellia and Rydalmere on a dedicated right-of-way.

Connections

The Greater Parramatta section of the network connects:

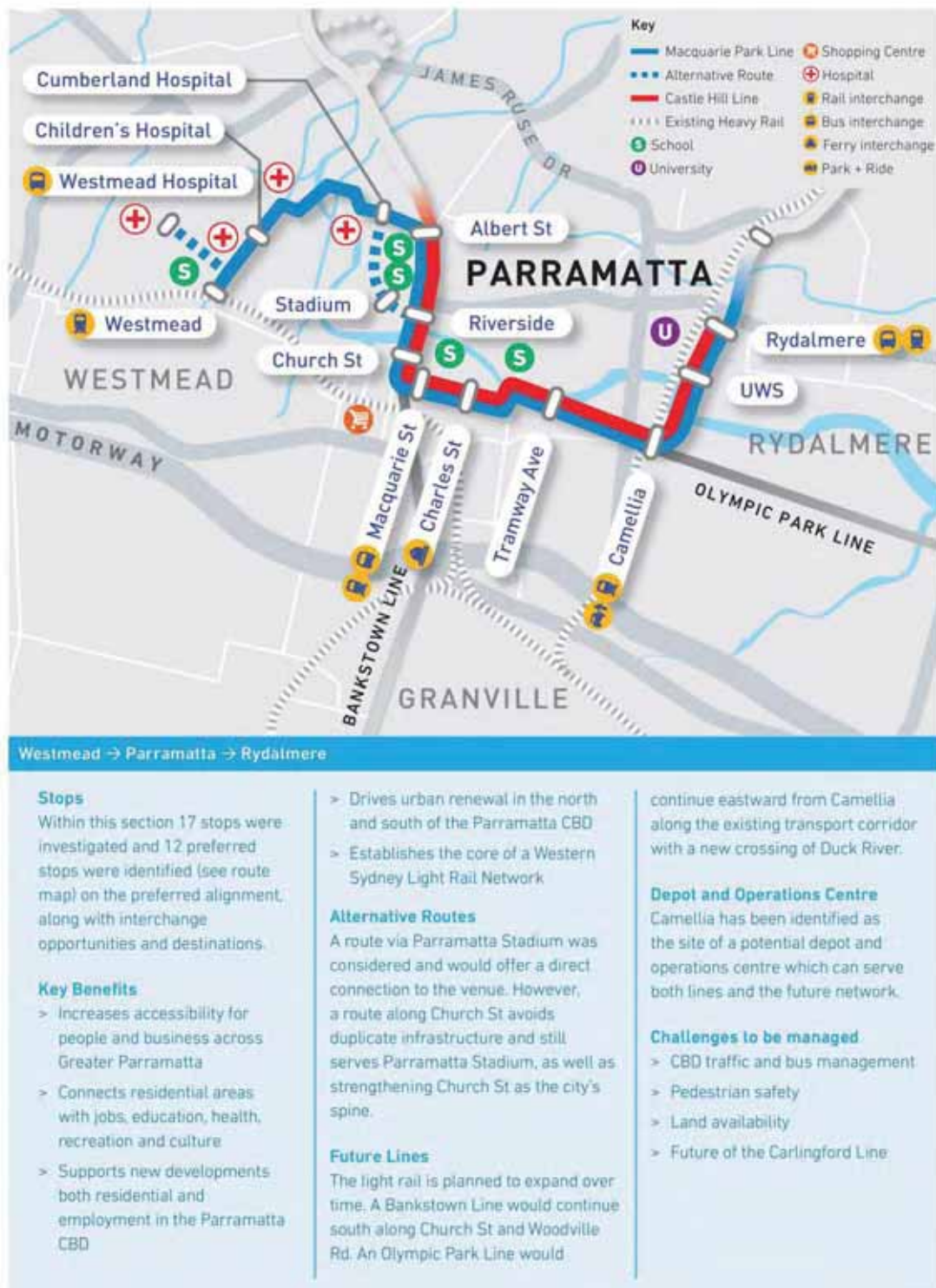
- Westmead Medical Precinct including the Cumberland Hospital
- North Parramatta with Parramatta Stadium and Riverside Theatres
- Parramatta CBD, a regional city with significant employment and large retail services presence
- Harris Park local centre
- Camellia with access to Rosehill Racecourse
- Rydalmere including University of Western Sydney



Hawkesbury Rd, Westmead (artist's impression)

ITEM 1 (continued)

ATTACHMENT 1



ITEM 1 (continued)

ATTACHMENT 1

MACQUARIE PARK LINE RYDALMERE → MACQUARIE PARK

Route Description

The Macquarie Park Line connects Westmead to Macquarie Park via Parramatta, Rydalmere, Dundas and Eastwood. This section focuses on the route between Rydalmere and Macquarie Park.

From Rydalmere the light rail will parallel the Carlingford Line to Dundas on a dedicated right-of-way and then use segregated lanes in the centre of Kissing Point Rd. The line crosses Brush Farm Park with a viaduct limiting the impact on the environment. The County Rd freeway reserve is utilised with segregated lanes in the centre of a widened Rutledge St.

Rowe St is the preference through Eastwood on a shared road with limited traffic. The line then uses the County Rd freeway reserve through Marsfield with a dedicated right-of-way mainly. Herring Rd leads to the regional shopping centre in Macquarie Park and uses a combination of shared and segregated lanes.

Connections

The Macquarie Park line connects:

- Westmead, Parramatta, Harris Park, Camellia and Rydalmere (see Greater Parramatta section)
- Dundas local centre
- Telopea
- Eastwood town centre
- Marsfield
- Macquarie Park including business parks, Macquarie University and large shopping centre



ITEM 1 (continued)

ATTACHMENT 1



ITEM 1 (continued)

ATTACHMENT 1

CASTLE HILL LINE NORTH PARRAMATTA → CASTLE HILL

Route Description

The Castle Hill Line connects Rydalmere to Castle Hill via Parramatta, Northmead and Baulkham Hills. This section focuses on the route between Albert St North Parramatta and Castle Hill.

From Albert St North Parramatta to Northmead the light rail travels in segregated lanes in the centre of road utilising existing bus lanes. There is road reserve along Windsor Rd to Baulkham Hills which allows for the centre lanes to be used for light rail and the road to be widened to maintain four traffic lanes.

The route from Coronation Ave to Showground Rd is either located in the centre of the road, or on one side to manage the impact on turning traffic at intersections and the topography of Carrington Rd.

The approach to Castle Hill is along Showground Rd where there is land reserved for road widening. There is scope for two light rail lanes and four traffic lanes where there are currently just two traffic lanes.

Connections

The Castle Hill Line connects:

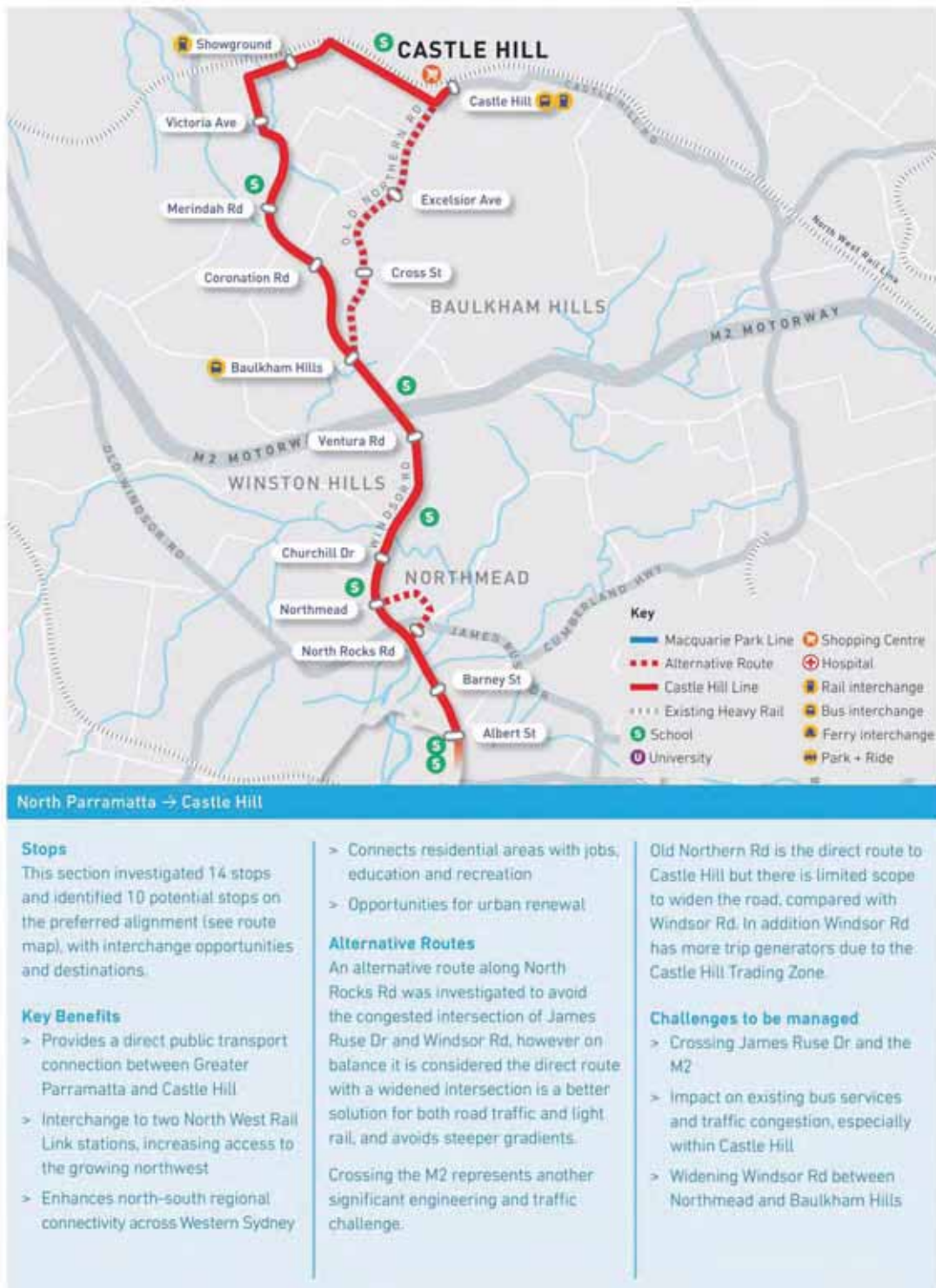
- Parramatta, Harris Park, Camellia and Rydalmere (see Greater Parramatta section)
- North Parramatta
- Northmead
- Baulkham Hills
- Castle Hill Trading Zone
- Castle Hill with large shopping centre



Old Northern Rd at Crane St, Castle Hill (artist's impression)

ITEM 1 (continued)

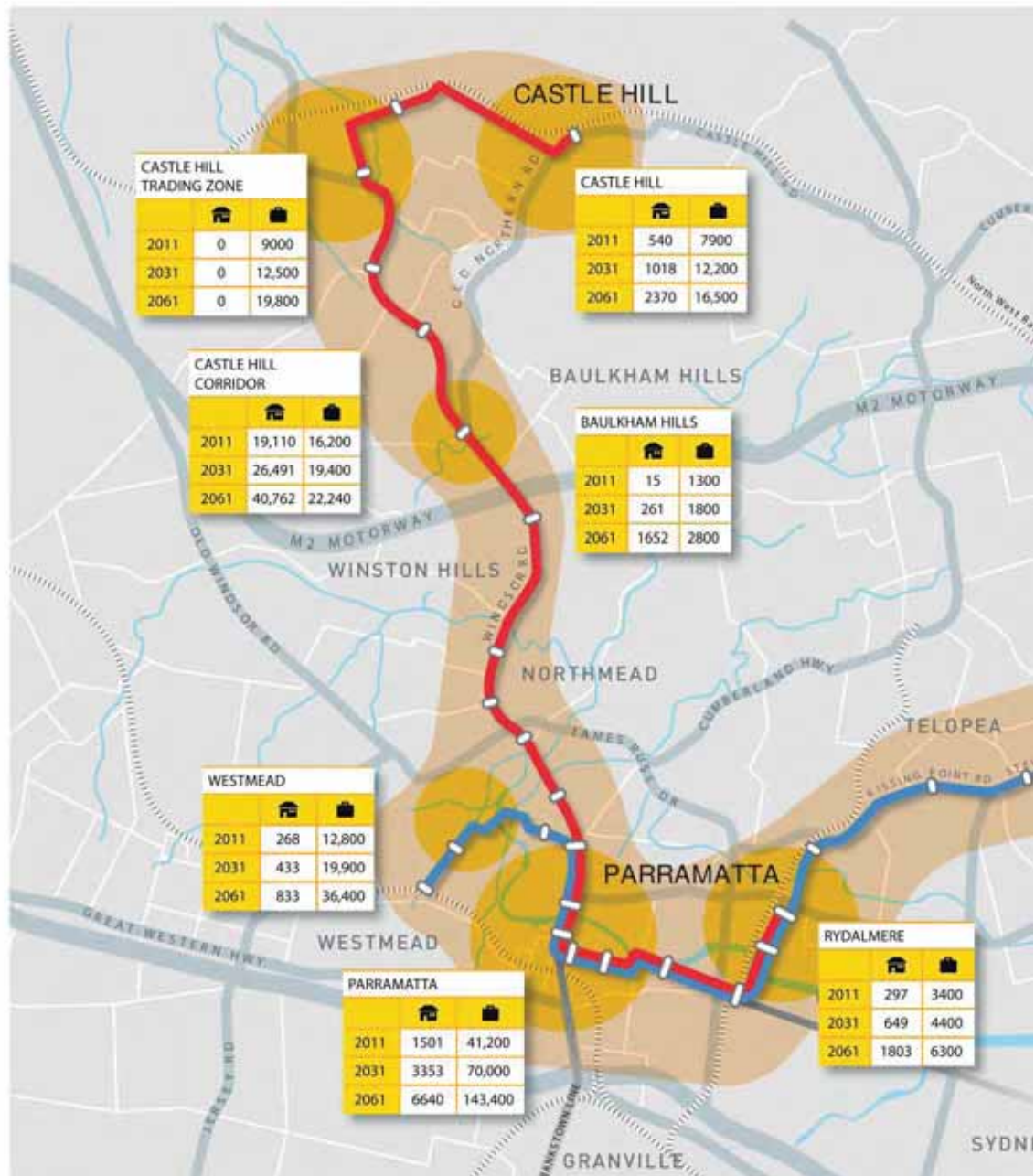
ATTACHMENT 1



ITEM 1 (continued)

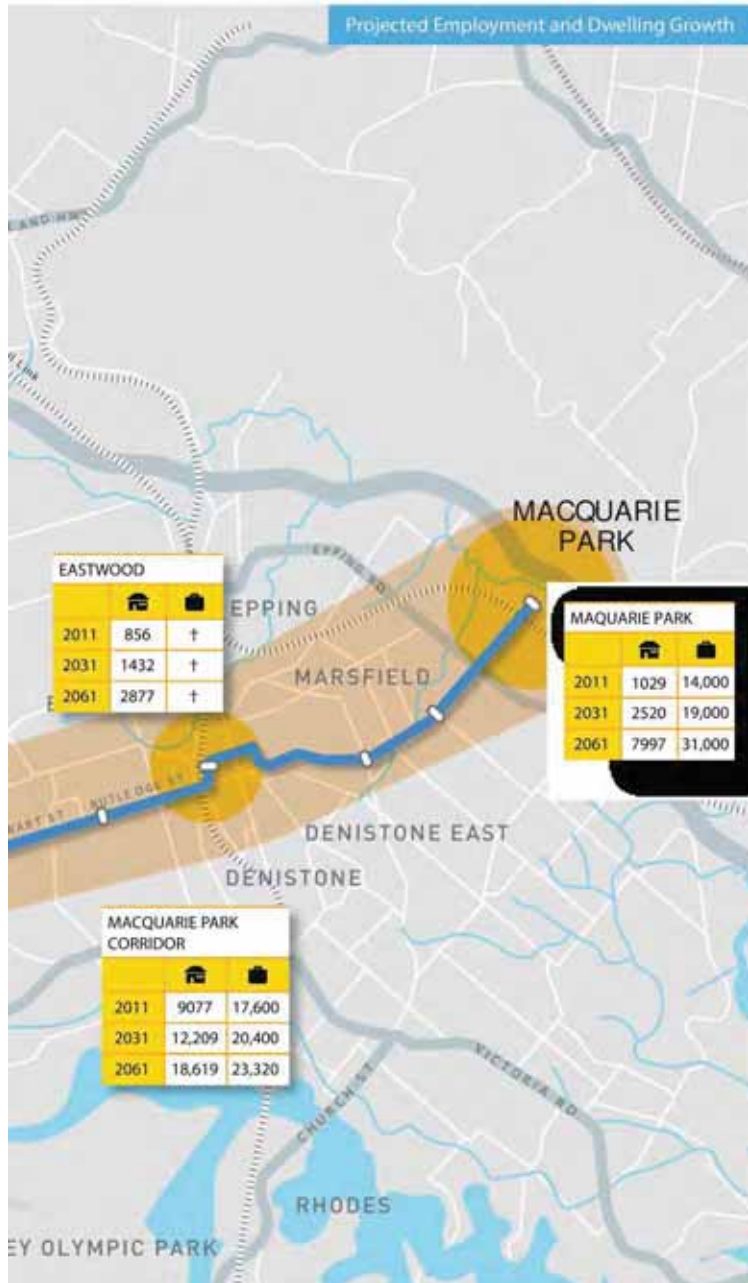
ATTACHMENT 1

REGIONAL GROWTH AND DEVELOPMENT



ITEM 1 (continued)

ATTACHMENT 1



Growth and Renewal

The first two lines of the Western Sydney Light Rail Network will generate significant potential for new jobs and dwellings, above the current Bureau of Transport Statistics forecast. It will support greater diversity, integration of land uses and design quality. The majority of the growth will be focused on consolidating existing centres and intensification along the immediate light rail corridor.

Potential Growth

- > Further growth of Eastwood
- > New knowledge precinct at Rydalmere
- > Renewal of Westmead and Carlingford Line Corridor
- > Renewal of Parramatta CBD and growth to the north of the CBD
- > Renewal of Cumberland Hospital site
- > Diversification of Castle Hill Trading Zone
- > Infill development in existing residential areas

Employment Forecast *

2011	123,400
2031	180,100
2061	301,760

Dwelling Forecast *

2011	32,723
2031	48,366
2061	84,809

* Based on 2011 Bureau of Transport Statistics
† Growth included within corridor growth

ITEM 1 (continued)

ATTACHMENT 1

PRECINCT URBAN RENEWAL

The Western Sydney Light Rail Network will drive development and renewal in key centres.

The images illustrate the scale and extent of new development possible around a light rail stop. The example shown here is Albert St North Parramatta which will experience growth in both residential and commercial property.

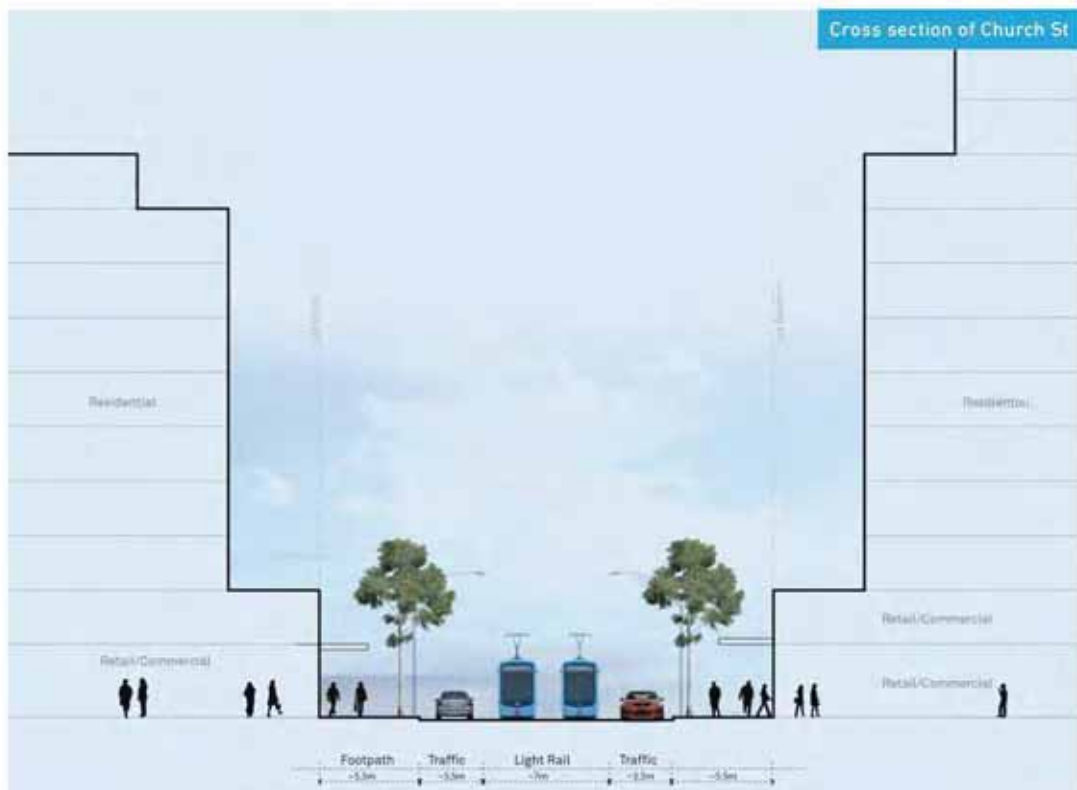
Several existing new residential and mixed use buildings are well suited to supporting a future light rail along Church Street.

The cross section demonstrates how the light rail will use the space at ground level integrating with pedestrians, traffic and buildings.



ITEM 1 (continued)

ATTACHMENT 1



ITEM 1 (continued)

ATTACHMENT 1

COSTS AND STAGING

The initial estimate for the first two lines was \$1.7b. The cost has been refined (see table) and includes more detailed elements identified during the engineering feasibility assessment as well as light rail vehicles and a depot/operations centre. The revised cost estimate is \$1,525b.

It is recommended that the Macquarie Park Line be constructed before the Castle Hill Line. This spreads the investment cost and establishes revenue, patronage and operations.

Both lines serve Parramatta CBD and the University of Western Sydney, however the Macquarie Park Line additionally serves Westmead, Eastwood and Macquarie Park (university, business parks and large shopping centre).

In comparison the Castle Hill Line serves Northmead, Baulkham Hills and Castle Hill (large shopping centre and Trading Zone). It is predicted that further patronage work will demonstrate the Macquarie Park Line has higher patronage than the initially estimated when student trips, and trips to Westmead are considered.

The proposed service pattern for the Macquarie Park and Castle Hill Lines is shown below. It is suggested that both have a service frequency of 10 minutes in the peak and 15 minutes at other times. The overlap of services within Greater Parramatta doubles the frequency to a service every 5 minutes.



	Length (km)	Light Rail Vehicles (No.)	Estimated Cost (\$M)
Macquarie Park Line Westmead to Macquarie Park	17 km	10	\$ 919
Castle Hill Line North Parramatta to Castle Hill	13 km	11	\$ 606
TOTAL	30 km	21	\$ 1525

ITEM 1 (continued)

ATTACHMENT 1

NEXT STEPS

Part 2 of the Feasibility Study concludes Parramatta City Council's \$1 m investigation of the Western Sydney Light Rail Network.

Council is calling on both the State and Federal Governments to fund a detailed study to further investigate the Western Sydney light rail network and the preparation of a business case for the first stage.

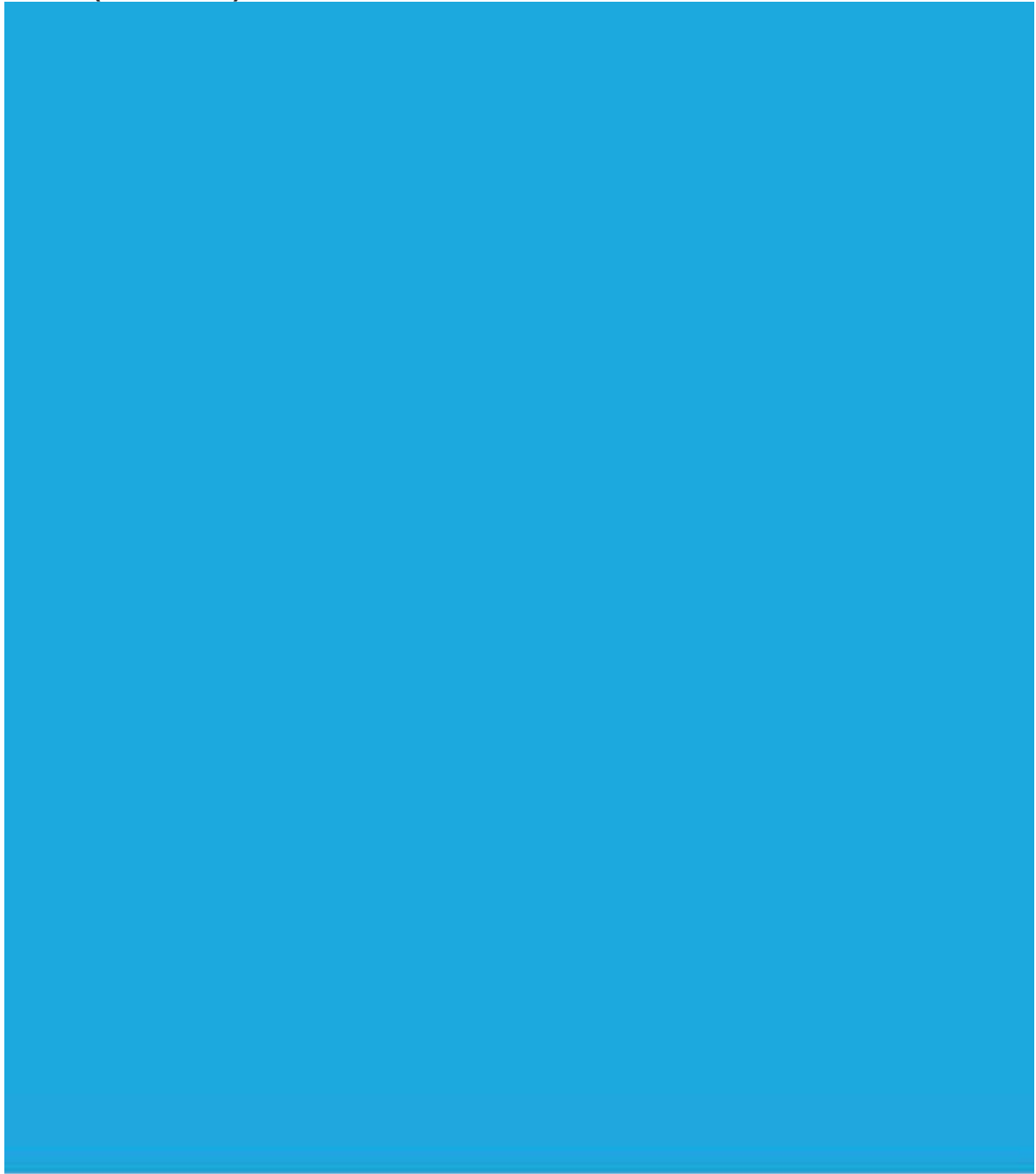
The recommended next steps:

- > Community consultation and engagement
- > Identification and implementation of short term options for strengthening public transport on the preferred alignments
- > Refinement of patronage modelling and expand to include all trips
- > Road network analysis
- > Public transport network analysis
- > Detailed cost estimation
- > Funding sources and models for both capital and operation
- > Detailed engineering feasibility
- > Utilities investigations
- > Planning controls
- > Land use development capacity
- > Alignment, stop and depot site finalisation
- > Future extension including the Bankstown Line and the Olympic Park Line

Council, with its key and regional partners, will continue to advocate for the further development of this scheme with all levels of government, businesses and community to delivery better connectivity to the future generation of Western Sydney.

ITEM 1 (continued)

ATTACHMENT 1



Parramatta City Council
30 Darcy Street, Parramatta NSW 2150
T 02 9806 5050 F 02 9806 5917
parracity.nsw.gov.au



PARRAMATTA
FUTURE GENERATION

2 CLOSURE OF FIRE STATIONS

Report prepared by: Executive Assistant to Group Manager
File No.: GRP/09/5/6/4 - BP13/1390

CORRESPONDENCE:

Submitting correspondence from Mr Geoff Provest MP Parliamentary Secretary for Police and Emergency Services, dated 2 September 2013, regarding Closure of Local Fire Stations.

The correspondence relates to Council's resolution for Fire Station Response Times Closures from the Council meeting held on 28 May 2013 (**ATTACHED**).

RECOMMENDATION

That the correspondence be received and noted.

ATTACHMENTS

- 1 Closure of Fire Stations - reply by Parliamentary Secretary for Police and Emergency Services
- 2 Council - 11/13 - 28 May 2013 - Notice of Motion 3 - Fire Station Response Times And Closures

Report Prepared By:

Lorraine Abboud-Safi
Executive Assistant to Group Manager

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 2 (continued)

ATTACHMENT 1



Mr Geoff Provest MP

Parliamentary Secretary for Police and Emergency Services

MIN13/002015

Councillor Ivan Peich
Mayor
City of Ryde Council
Locked Bag 2069
NORTH RYDE NSW 1670

7 SEP 2013

Dear Mayor

Thank you for your correspondence to the Minister for Police and Emergency Services, the Hon Michael Gallacher MLC, regarding fire station response times and closures. The Minister has asked me to reply on his behalf. I have also written to Mr Roy Newsome, Acting General Manager, in similar terms.

I am advised by Commissioner Greg Mullins that Fire and Rescue NSW was experiencing an escalation in sick leave and overtime costs, which was not sustainable. Without intervention, Fire and Rescue NSW's overtime budget was on track to exceed the budget of \$10 million by roughly \$15 million last financial year. As such, strategies were developed to maximise the attendance of firefighters to duty, thereby reducing the need for overtime or other measures.

One of the key strategies has been temporarily taking selected fire stations or fire engines offline (TOLing) for short periods. A significant reduction in absenteeism has seen limited need to use this strategy.

Within the greater Sydney area, all local councils contribute to funding the entire network of Fire and Rescue NSW resources, not those specific to a council area. As such, it is important to understand that each fire engine and its crew is a mobile, not fixed, resource. Each fire engine is a part of a large network of nearly 100 fire stations throughout Sydney.

Fire and Rescue NSW has a well practised system of conducting risk assessments before deploying resources when and where required. This gives Fire and Rescue NSW the capacity and the capability to routinely move fire engines and crews to areas of higher need. This is determined by senior fire officers following a daily risk assessment having regard to incidents such as major structure fires, bush fires, chemical spills, rescues, storms and flooding.

On any given day, up to 20 Sydney fire stations can be offline or redeployed without compromising community safety or the meeting of response time targets. This is because TOLing only takes place in localities where the density of fire stations means response times can be maintained even when one or more stations have been taken offline.

ITEM 2 (continued)

ATTACHMENT 1

With specific reference to Gladesville Fire Station, from 19 November 2012 until 24 June 2013, which equates to 434 shifts (two per day), Gladesville Fire Station was TOled 11 times and moved up to other fire stations as a result of staff shortages on 8 occasions. On these occasions there was no need to move fire crews into that locality as it is well protected by fire crews from Drummoyne and Ryde.

During the same period, Ryde Fire Station was TOled 8 times and moved up to other fire stations on 14 occasions. Again, as this area is well protected by Concord, Gladesville, Gordon and Eastwood fire crews, there is no need to move fire crews to this location.

With regards to Eastwood Fire Station, it has been identified as a location where a fire engine and crew must always be available. In the event of staff shortages, relief staff and sometimes a whole fire crew are sent to Eastwood Fire Station to ensure it remains online.

For short periods at the start and end of shift, some stations can be briefly unstaffed while replacement crews travel to and from Eastwood. Sometimes replacement crews may not report directly to the station but patrol the area to familiarise themselves with the region. During the replacement crews' brief transit periods, crews from adjoining areas such as Ryde, Beecroft and Rydalmere are available to provide a timely response to any incident in the area. Since 19 November 2012, this has only occurred on three occasions. It should, however, be noted that the Eastwood heavy rescue can be TOled and this has occurred on five occasions.

Gladesville, Ryde and Eastwood firefighters are often called upon to respond to emergencies in other parts of Sydney and fire crews from other areas are routinely deployed to these locations in the event of an incident or emergency. For example, in the early hours of Friday 31 May 2013, a major fire broke out on James Ruse Drive at Paramatta, which required the attendance of 20 fire engines and crews. Amongst resources deployed were fire crews from Gladesville, Eastwood and Hornsby. During this incident, Fire and Rescue NSW redeployed resources from the Sydney network to unattended locations to ensure community safety.

You may also be interested to know that Fire and Rescue NSW recently rolled out an advanced automatic vehicle location system using real-time satellite tracking. This technology ensures that the computer-aided dispatch system automatically selects and responds the closest available resource to an emergency, meaning faster response times.

Should you require any further information, please do not hesitate to contact Assistant Commissioner Jim Hamilton, Director Metropolitan Operations, on (02) 9265 2701 or email at Jim.Hamilton@fire.nsw.gov.au.

Yours sincerely



Geoff Provest MP
Parliamentary Secretary for Police and Emergency Services

ITEM 2 (continued)

ATTACHMENT 2

**EXTRACT FROM MINUTES OF COUNCIL MEETING
NO. 11/13 AT ITS MEETING HELD ON 28 MAY 2013.**

NOTICE OF MOTION

3 FIRE STATION RESPONSE TIMES AND CLOSURES - Councillor Roy Maggio

Note: Jim Casey (representing Fire Brigade Employees Union) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council, in support the recent resolution of NSROC board on this matter, note that the City of Ryde's contribution in the 2012/13 year is \$1.485 million and that due to recent budget restrictions imposed on Fire and Rescue Services response times by Fire Brigades are being compromised funding cuts to local services.
- (b) That Council reinforces its position that it is unacceptable for Gladesville, Ryde and Eastwood Fire Stations not to be fully operational 24 hours a day; and that Council is especially concerned that the increased response times, resulting from fire apparatus having to travel from other suburbs, pose an unacceptable safety risk for our residents. It is imperative that such a dense urban area, with many boarding houses, halfway houses, high care nursing homes, retirement villages, highly developed apartments, shopping centres, schools and hospital facilities, has a permanently operational fire station; and
- (c) That Council write to the Hon Barry O'Farrell, Premier of NSW Services expressing its grave concern over fire station closures and increased local response times, with copies to the Hon Michael Gallacher MP, Minister for Police and Emergency Services, and the Hon Victor Dominello MP, Member for Ryde.
- (d) That the Acting General Manager make urgent representation to both the Commissioner of Fire and Rescue NSW and the Minister for Police and Emergency Services, to receive assurances that as Local Government make significant contributions to support the delivery of these services, Beecroft and Hornsby Stations will be fully serviced to reduce the regular backup of services from surrounding Brigades.
- (e) That Council seek a report from the Department of Emergency Services detailing to the dates of the closures of the local fire stations due to staffing shortages or any other reasons and that the Acting General Manager report the response to Council through the CIB.

Record of Voting:

For the Motion: Unanimous

3 KU-RING-GAI AND LANE COVE COUNCILS - Mayoral Elections

Report prepared by: Executive Assistant to the General Manager
File No.: GRP/09/7/1/7 - BP13/1404

CORRESPONDENCE:

Correspondence from Ku-ring-gai Council General Manager, John McKee, dated 18 September 2013 (**ATTACHMENT 1**), notifying City of Ryde that at their Ordinary Meeting of Council on 17 September 2013, Clr Jennifer Anderson was elected Mayor of Ku-ring-gai, and Clr Elaine Malicki was elected Deputy Mayor.

Correspondence from Lane Cove Council General Manager, Craig Wrightson, dated 19 September 2013 (**ATTACHMENT 2**), notifying City of Ryde that at their Ordinary Meeting of Council on 16 September 2013, Clr David Brooks-Horn was elected Mayor of Lane Cove, and Clr Soo-Tee Cheong was elected Deputy Mayor.

MOTION:

- (a) That the correspondence from Ku-ring-gai and Lane Cove Councils be received and noted.
- (b) That Council write letters of congratulations to the Mayors of Ku-ring-gai and Lane Cove Councils.
- (c) That Council write letters of congratulations to any newly elected or re-elected Mayors in the NSROC region.

ATTACHMENTS

- 1 Mayoral Election - Ku-ring-gai Council - Notification of elected Mayor and Deputy Mayor
- 2 Mayoral Election - Lane Cove Council - Notification of elected Mayor and Deputy Mayor

Report Prepared By:

Roxanne Thornton
Executive Assistant to the General Manager

Report Approved By:

Roy Newsome
Acting General Manager

ITEM 3 (continued)

ATTACHMENT 1

818 Pacific Highway, Gordon NSW 2072
Locked Bag 1056, Pymble NSW 2073
T 02 9424 0000 F 02 9424 0001
DX 8703 Gordon TTY 133 677
E kmc@kmc.nsw.gov.au
W www.kmc.nsw.gov.au
ABN 86 408 856 411



Reference: S03662

18 September 2013

Mr Roy Mewsome
A/General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Roy

I am writing to advise that at the Ordinary Meeting of Council held on 17 September 2013, Cr Jennifer Anderson was elected Mayor of Ku-ring-gai, and Cr Elaine Malicki was elected Deputy Mayor.

Yours sincerely


John McKee
General Manager



ITEM 3 (continued)

ATTACHMENT 2



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 02 9911 3555

Fax: 02 9911 3600

Date: 19 September 2013

Roy Newsome
Acting General Manager
City of Ryde Council
Locked Bag 2069
North Ryde NSW 1670.

Dear Roy,

Mayoral Election

I am writing to advise that at the Ordinary Meeting of Council on 16 September 2013, Cllr David Brooks-Horn was elected Mayor of Lane Cove, and Cllr Soo-Tee Cheong was elected Deputy Mayor.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Wrightson'.

Craig Wrightson
General Manager

4 NATIONAL POLICE REMEMBRANCE DAY - Friday 27 October 2013

Report prepared by: Executive Assistant to the General Manager
File No.: GRP/09/7/1/7 - BP13/1405

CORRESPONDENCE:

Submitting correspondence from Department of Premier and Cabinet, dated 24 September 2013 as **ATTACHED**, providing details of the National Police Remembrance Day 2013 that requests Council give consideration to the flying of flags at half-mast all day on Friday 27 September 2013.

It is advised that Council did observe National Police Remembrance Day and flew all flags at half-mast as requested.

RECOMMENDATION

That Council note the details and the action taken by the City of Ryde in observing the National Police Remembrance Day that took place on Friday 27 September 2013.

ATTACHMENTS

- 1 National Police Remembrance Day 2013

Report Prepared By:

Roxanne Thornton
Executive Assistant to the General Manager

Report Approved By:

Roy Newsome
Acting General Manager

ITEM 4 (continued)

ATTACHMENT 1



New South Wales Government

To all Flag Marshals and CEOs
NATIONAL POLICE REMEMBRANCE DAY
27 SEPTEMBER 2013

In 1991 the Australasia and South West Pacific Region Police Commissioners Conference resolved to observe Police Remembrance Day each year on Friday 27 September.

This year the New South Wales Police Force Remembrance Ceremony will be held on Friday 27 September 2013.

National Police Remembrance Day commemorates all Police Officers who have lost their lives in the performance of their duties.

This day of commemoration is also a poignant reminder to the community of the role Police play in our society in providing assistance, help and protection.

In view of the solemn significance of this day, it is requested that you give consideration to the flying of flags at half-mast all day on Friday 27 September 2013.

Departments are requested to advise all agencies within their portfolios of these arrangements.

For further information please contact Protocol and Special Events.

Your assistance is appreciated.

State Flag Officer

24 September 2013

Department of Premier and Cabinet
Protocol & Special Events

Level 41 - Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000
GPO Box 5541, SYDNEY NSW 2001, AUSTRALIA
Telephone: +61 2 9228 4513 Facsimile: +61 2 8243 9456

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: CODE OF CONDUCT - Councillor George Simon, Councillor Jerome Laxale, Councillor Denise Pendleton

File Number: CLM/13/1/4/7 - BP13/1412

That Council rescind the previous resolution in relation to CODE OF CONDUCT, passed at the Council Meeting held on 24 September 2013, namely:

- (a) *That Council endorse the recommendations as detailed in the Conduct Reviewers report on pages 13-14, with the following amendments to points:*
 - *2.1.4 on page 13, taking out the words “or non-pecuniary interest”*
 - *2.1.14 on page 14, deleting the second sentence “This includes any communication with Group Managers and the General Manager”, for the reason that Councillor Maggio is now the Mayor.*
- (b) *The Mayor, Councillor Maggio be requested to provide written apologies to affected parties.*
- (c) *That all Councillors be provided with the opportunity to undertake Code of Conduct training.*
- (d) *That Council address the review of the processes to ensure timely investigation and reporting of complaints.*
- (e) *That a Status Report be submitted to Council at the Council Meeting on 22 October 2013.*

CONFIDENTIAL ITEMS**12 INDEPENDENT INVESTIGATOR FINDINGS - Dealing With Direct Health Solutions and any other Companies operated by The Obeid Family**

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (e) information that would, if disclosed, prejudice the maintenance of law.

Report prepared by: General Counsel, Public Officer

File No.: COR2013/624 - BP13/1409

CONFIDENTIAL REPORT CIRCULATED SEPARATELY
