



5 DECEMBER 2013

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 10 DECEMBER 2013.

Ordinary Meeting of Council Meeting No. 25/13

Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde - 7.30pm

Meeting Date: Tuesday 10 December 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.

NOTICE OF BUSINESS

Item	Page
MAYORAL MINUTES	
34/13 MAYOR'S BUSHFIRE APPEAL – The Mayor, Councillor Roy Maggio.....	1
COUNCIL REPORTS	
1 CONFIRMATION OF MINUTES - Council Meeting held on 26 November 2013	3
2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 18/13 held 3 December 2013.....	26
3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 18/13 held on 3 December 2013.....	33
4 SECOND AVENUE, EASTWOOD DRAFT SITE SPECIFIC DCP - Outcomes of Consultation	40
5 EASTWOOD TOWN CENTRE MASTER PLAN	83
6 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A MIXED USE DEVELOPMENT. LOT 1 and 2 in DP437223, LOT in DP445440, LOT 2 in DP9135 and plan SP34035, 136-140 Victoria and 2-10 Wharf Roads, Gladesville.	99
7 COUNCIL CONSIDERATION OF FOUR RECOMMENDATIONS MADE BY THE HERITAGE ADVISORY COMMITTEE.....	117
8 2013/2014 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND ACTING GENERAL MANAGER.....	133
9 PUBLIC INTEREST DISCLOSURES	137
10 ACCESS ADVISORY COMMITTEE- MINUTES OF 20 NOVEMBER 2013 MEETING.....	156
11 CODE OF CONDUCT - STATUS REPORT	164
PRECIS OF CORRESPONDENCE	
1 CROWN LANDS AMENDMENT BILL.....	166
2 CLARIFICATION REGARDING CLAUSES 4.21 AND 4.23 OF THE CODE OF CONDUCT.....	169
3 RYDE LOCAL AREA COMMAND - SUPERINTENDANT JOHN DUNCAN.....	174

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NOTICE OF BUSINESS (continued)

Item	Page
NOTICES OF MOTION	
1 CENTENARY OF ANZAC AND COMMEMORATION OF WW1 COMMITTEE FUNDING OPTIONS - Councillor Jerome Laxale.....	176
CONFIDENTIAL ITEMS	
12 REQUEST FOR TENDER - SUPPLY OF SOIL AND AGGREGATE SCREENING PLANT: COR-RFT-17/13.....	178
13 REQUEST FOR TENDER - RALC SURF ATTRACTION - TENSILE MEMBRANE (SHADE) STRUCTURE - COR-RFT-04/13	191
14 ADVICE ON COURT ACTIONS.....	203

MM34/13 MAYOR'S BUSHFIRE APPEAL – The Mayor, Councillor Roy Maggio**File Number: MYR/07/10/20 - BP13/1768**

At Council meeting on Tuesday, 22 October 2013, Council unanimously voted in support of Mayoral Minute 30/13 on the Mayor's Bushfire Appeal as follows:

- (a) That Council endorse the Mayor's Bushfire Appeal and delegate the Acting General Manager to undertake the necessary action to establish the Appeal and the collection of donations.
- (b) That Council allocate \$5,000 as its contribution to initiate this Appeal.
- (c) That Council promote the Mayor's Bushfire Appeal through local newspapers, the Mayor's Community Message and social media.

As a result, Council's Communications and Media staff took all necessary actions to establish the Appeal, which provided City of Ryde staff, residents and Ryde businesses an opportunity to work together to donate towards this worthy cause.

Collection points were located at the Customer Service Centre, Ryde Planning and Business Centre, all Libraries and the RALC. Staff were also able to donate through Social Club events, at the Melbourne Cup BBQ breakfast, and via pay deductions over two pay periods.

The Communications and Media team promoted the Mayor's Bushfire Appeal to the community through local newspapers, social media and the City of Ryde website. In addition, Bush Fire Appeal buckets were taken to recent events such as the Garage Sale Trail, the Family Fun Day at Putney Park and other events attended by me.

A collection bucket was also located at Gladesville Sporties Club and I would like to thank the Club for their support of the Mayor's Bushfire Appeal.

We have all seen the recent devastating reports of the NSW bushfires and the many families affected throughout this natural disaster. I would like to once again highlight the amazing efforts and dedication of all the people that work for our emergency services. Unfortunately, even their hard work was further challenged by the unforgivable winds and devastating fires which swept throughout areas of the Blue Mountains and the Central Coast, with many people losing their homes and belongings.

I am thrilled to advise that Major Topher Holland - Territorial Director Strategic Disaster Response of the Salvation Army and Major San Holland of the Salvation Army Ryde Corp will be present at the Council Meeting on 10 December 2013 to receive a cheque following the Mayor's Bushfire Appeal in the amount of \$7,610.63 (\$5,000 donation from Council and a further \$2,610.63 from a combination of other donation options).

Council Cricket Challenge – Ryde -v- Hornsby

I have also discussed a proposal with the Mayor of Hornsby Shire Council for representatives from both our organisations to play a Twenty20 cricket match in February 2014 in order to support the Bushfire Appeal. I am recommending that the cricket match be hosted by the City of Ryde at a venue in the Ryde Local Government Area. The actual date will be a Sunday and is to be confirmed and promoted by both Councils.

The purpose of this event is to demonstrate communities helping communities during times of devastation and hardship.

The Mayor of Hornsby Shire Council has received endorsement from his Councillors in late November 2013 to donate \$5,000 from its Community Donations Program to the Salvation Army Bushfire Appeal if the event proceeds. This \$5,000 will match the City of Ryde's \$5,000 contribution to the Bushfire Appeal.

RECOMMENDATION:

- (a) That as Mayor, I present the cheque, totalling \$7,610.63 of the funds raised by the Mayor's Bushfire Appeal, to the Salvation Army Bushfire Appeal.
- (b) That Council endorse hosting a Twenty20 cricket match between Hornsby Shire Council and Ryde City Council in February 2014 with all donations being presented to the Salvation Army Bushfire Appeal and that the Acting General Manager be delegated authority to make all necessary arrangements to organise this event.
- (c) That Council promote the event in conjunction with Hornsby Shire Council and advertise through local newspapers, the Mayor's Community Message and social media.
- (d) That the City of Ryde thank Hornsby Shire Council, the City of Ryde staff and community for their support of this Appeal.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Councillor Roy Maggio
Mayor

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 November 2013

Report prepared by: Meeting Support Coordinator
File No.: CLM/13/1/4/2 - BP13/1569

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 24/13, held on 26 November 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 26 November 2013

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 24/13**

Meeting Date: Tuesday 26 November 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, Petch, Pickering, Simon and Yedelian OAM.

Note: Councillor Petch left the meeting at 9.50pm and did not return. He was not present for consideration of Mayoral Minute 33/13, Items 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, Precis of Correspondence 1, Precis of Correspondence 2, Notice of Motion 1 and Notice of Motion 2.

Apologies: Councillor Salvestro-Martin.

Leave of Absence: Councillor Perram.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager – Corporate Services, Group Manager – Environment & Planning, Group Manager – Public Works, General Counsel, Chief Financial Officer, Manager – Urban Planning, Manager – The Environment, Section Manager – Properties, Section Manager – Traffic, Manager – Communications and Media, Coordinator – Digital Communications and Meeting Support Coordinator

PRAYER

Reverend Nicholas Fried of the Eastwood Uniting Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 2(2) – 684 - 686 Victoria Road, Ryde. LOT 71 and 72 DP 633178 for the reason that an objector is known to her.

Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 2(3) – 47 Gaza Road, West Ryde for the reason that he knows family that goes to St. Michael's Catholic School.

Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 2(3) – 47 Gaza Road, West Ryde for the reason that his children attended St. Michaels School 12+ years ago.

Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 17 – Coulter Street Car Park - RSL Proposal for the reason that he is an ordinary member of the Gladesville RSL Club.

ITEM 1 (continued)
ATTACHMENT 1

Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in Item 17 – Coulter Street Car Park - RSL Proposal for the reason that he is a member of the Gladesville RSL Club.

The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 17 – Coulter Street Car Park - RSL Proposal for the reason that he is a member of the Gladesville RSL Club.

TABLING OF PETITIONS

Councillor Simon tabled a petition in relation to Item 3(3) – Neighbourhood Centres Renewal Program - Upgrade of Sager Place Shopping Centre - Concept Plan.

PRESENTATION – 150TH ANNIVERSARY OF PARRAMATTA

Councillor Yedelian OAM presented three books titled “Shaping a City – 150 years of Parramatta City Council” to the Council, on behalf of the Lord Mayor of Parramatta Council, Councillor John Chedid, in celebration of the 150th Anniversary of Parramatta.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Phillip Drew (on behalf of the Bunnings Group Pty Ltd)	Item 4 – 461-495 Victoria Road Planning Proposal - Traffic and Parking Study
Jennie Minifie	Item 14 – Property Investment Portfolio

RESOLUTION: (Moved by Councillors Etmekdjian and Petch)

That those speakers who submitted requests to address Council on Items 2 and 3, Reports of the Committee Meetings held on 19 November 2013, be allowed to address the meeting, the time being 7.41pm.

Record of Voting:

For the Motion: Unanimous

The following person addressed the Council:

Name	Topic
Libby Lawson	Item 3(3) – Neighbourhood Centres Renewal Program - Upgrade of Sager Place Shopping Centre - Concept Plan
Amanda White	Item 2(3) – 47 Gaza Road, West Ryde - LDA2012/0352

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Etmekdjian and Laxale)

That those speakers who submitted late requests to address Council on Items not Listed on the Agenda be allowed to address the meeting, the time being 7.48pm.

Record of Voting:

For the Motion: Unanimous

The following persons addressed the Council:

Name	Topic
Russell Sajadi	General public issues and traffic and road works on Church Street
Vartkes Thomassian	Church Street matters

MATTER OF URGENCY

The Mayor, Councillor Maggio advised that he wished to raise a Matter of Urgency regarding Church Street parking, signage, disabled parking and loading zones.

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

That Council consider a Matter of Urgency regarding Church Street parking, signage, disabled parking and loading zones.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – CHURCH STREET, RYDE

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

- (a) That Council officers facilitate a meeting with the shop owners of Church Street to discuss the impact of the upgrades including timing of parking, signage, disabled parking and loading zones to meet the requirements of the community.
- (b) That the meeting be facilitated within three working days of today with Mr Sajadi to be the contact person to allow him to inform the business owners of the date and time of the scheduled meeting.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council now consider the following Items, the time being 8.03pm:

- Item 2 - Report of the Planning and Environment Committee Meeting 17/13 held on 19 November 2013
- Item 3 - Report of the Works and Community Committee Meeting 17/13 held on 19 November 2013
- Item 4 - 461-495 Victoria Road Planning Proposal - Traffic And Parking Study
- Item 14 - Property Investment Portfolio

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 17/13 held on 19 November 2013

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – 47 Gaza Road, West Ryde for the reason that he knows family that goes to St. Michael’s Catholic School.

Note: Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – 47 Gaza Road, West Ryde for the reason that his children attended St. Michaels School 12+ years ago.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That Council determine Item 2 of the Planning and Environment Committee report 17/13 held on 19 November 2013, noting that Items 1, 3 and 4 were dealt with by the Committee within its delegated powers.

Record of Voting:

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

Against the Motion: Councillor Pendleton

- 2 684 - 686 VICTORIA ROAD, RYDE. LOT 71 and 72 DP 633178. Local development application for the construction of a 3 storey residential flat building containing 18 apartments, basement parking for 22 vehicles and subdivision. LDA2013/0179.**

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that an objector is known to her.

ITEM 1 (continued)**ATTACHMENT 1**

Note: Amanda White addressed the meeting in relation to this Item.

Note: Councillor Etmekdjian tabled a document provided by Amanda White in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Etmekdjian and Chung)

- (a) That Local Development Application No. 2013/0179 at 684 to 686 Victoria Road, Ryde being LOTS 71 and 72 DP633178 be approved with the following amendments to:
- Condition 1 – Deferred Commencement Condition deleted; and
 - Condition 16 – Construction of Boundary Fencing, the condition is to specify the necessary retaining wall is to be fully constructed within the boundary of the subject property, 684 to 686 Victoria Road, Ryde; and
- (b) That the persons who made submissions be advised of Council's decision.

AMENDMENT (Moved by Councillors Pendleton and Petch)

- (a) That Local Development Application No. 2013/0179 at 684 to 686 Victoria Road, Ryde being LOTS 71 and 72 DP633178 be deferred for mediation.
- (b) That a further report be provided to the Planning and Environment Committee.
- (c) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and seven (7) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Li, Pendleton and Petch

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Pickering, Simon and Yedelian OAM

RESOLUTION: (Moved by Councillors Etmekdjian and Chung)

- (a) That Local Development Application No. 2013/0179 at 684 to 686 Victoria Road, Ryde being LOTS 71 and 72 DP633178 be approved with the following amendments to:
- Condition 1 – Deferred Commencement Condition deleted; and

ITEM 1 (continued)

ATTACHMENT 1

- Condition 16 – Construction of Boundary Fencing, the condition is to specify the necessary retaining wall is to be fully constructed within the boundary of the subject property, 684 to 686 Victoria Road, Ryde; and

(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 17/13 held on 19 November 2013

RESOLUTION: (Moved by Councillors Pendleton and Petch)

That Council determine Items 3 and 4 of the Works and Community Committee report 17/13 held on 19 November 2013, noting that Items 1, 2, 5 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 NEIGHBOURHOOD CENTRES RENEWAL PROGRAM - UPGRADE OF SAGER PLACE SHOPPING CENTRE - CONCEPT PLAN

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

Note: Libby Lawson addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pendleton and Simon)

That Council approve the Sager Place Neighbourhood Centre Landscape Concept Plan subject to further investigation with regard to the provision of a public toilet at the site.

Record of Voting:

For the Motion: Unanimous

4 RESTORATION OF BEACH ACCESS FOR NON MOTORIZED CRAFT AT KISSING POINT PARK

RESOLUTION: (Moved by Councillors Pendleton and Petch)

- (a) That Council consider funding in the 2014/15 to 2012/2018 Delivery Plan for the balance of the cost of a study as to suitable measures or works to restore and protect beach access at the beach at Kissing Point Park.

ITEM 1 (continued)**ATTACHMENT 1**

- (b) That Council assist the Concord & Ryde Sailing Club Inc. to extend their grant under the Sharing Sydney Harbour Access Program to enable it to contribute to the study.
- (c) That Council assist in the interim by providing sand to the location to restore the beach.
- (d) That Council seek a meeting with the Minister for Roads and Maritime Services to resolve:
 - (i) the restoration of beaches eroded by Rivercat ferries
 - (ii) the speed of vessels on the Parramatta River west of the Gladesville Bridge.

Record of Voting:

For the Motion: Unanimous

4 461-495 VICTORIA ROAD PLANNING PROPOSAL - Traffic and Parking Study

Note: Phillip Drew (on behalf of the Bunnings Group Pty Ltd) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Chung and Pickering)

- (a) That the Acting General Manager enter into an agreement between Council and the Bunning's Group committing the Bunning's Group Ltd to fund a traffic and parking impact study - bounded by Morrison Rd, Pittwater Road, Higginbotham Road and Cressy Road.
- (b) That the Traffic and Parking Impact Study for 461-495 Victoria Road Gladesville, managed by Council, is presented to a community workshop in draft format as early as practicable in 2014. This community workshop is to be held in the same format as the community workshop of 29 August 2013.
- (c) That consideration of the Planning Proposal for 461-495 Victoria Road Gladesville be deferred until the Traffic and Parking Impact Study is complete.
- (d) That the NSW Department of Planning and Infrastructure be informed of Council's decision and an extension to the timeframe for consideration by Ryde Council of the Planning Proposal be requested.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****14 PROPERTY INVESTMENT PORTFOLIO**

Note: Jennie Minifie addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

(a) That Council endorse the following properties in the Property Investment Portfolio:

- 2 Dickson Avenue, West Ryde
- 1A Station Road, West Ryde
- 8 Chatham Road, West Ryde
- 202 Rowe Street, Eastwood
- 226 Victoria Road, Gladesville
- 7 Anthony Road, West Ryde Car Park site, West Ryde
- Herring Road Air Space Rights
- 7 Coulter Street, Coulter St Car Park, Gladesville
- 6-12 Glen Street, Glen Street Car Park, Eastwood
- 2 Pittwater Road, John Wilson Car Park, Gladesville
- 150 Coxs Road, Cox Rd Car Park, North Ryde
- 33-35 Blaxland Road, Argyle Centre, Ryde
- 19-21 Church Street and 16 Devlin Street, Ryde
- 1 Constitution Road, Operations Centre, Ryde
- 741-747 Victoria Road, Ryde
- 53-71 Rowe Street, Eastwood
- 6 Reserve Street, West Ryde

(b) The properties listed in Part (a) above, be brought to account in Council's financial accounts as its Property Investment Portfolio.

(c) That a further report be provided back to Council on the management framework and objectives for Council's Property Investment Portfolio including a draft Action Plan.

(d) That Council confirms its commitment not to sell or redevelop any of the car park sites in (a) above without substantially increasing the number of available public car parking spaces, together with community benefit, and undertaking comprehensive community consultation.

Record of Voting:

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

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

Note: Councillor Petch left the meeting at 9.50pm and did not return.

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTES

33/13 NIGHT FOOD MARKETS IN EASTWOOD - The Mayor, Councillor Roy Maggio

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

MOTION: (Moved by The Mayor, Councillor Maggio and Councillor Laxale)

- (a) That Council in conjunction with Eastwood Events and Promotions Committee investigate the operation of Night Food Markets including development of objectives, operating parameters and terms and conditions for a potential Market.
- (b) That all funding options be explored as part of the investigation.
- (c) That at the completion of the investigation as outlined in parts (a) and (b), a report be presented to Council.
- (d) That Council further investigate the operation of Night Food Markets as outlined in parts (a) and (b) above in other town centres and that a report be presented to Council.

AMENDMENT: (Moved by Councillors Simon and Laxale)

- (a) That Council in conjunction with Eastwood Events and Promotions Committee investigate the operation of Night Food Markets including development of objectives, operating parameters and terms and conditions for a potential Market.
- (b) That all funding options be explored as part of the investigation.
- (c) That at the completion of the investigation as outlined in parts (a) and (b), a report be presented to Council.
- (d) That Council further investigate the operation of Night Food Markets as outlined in parts (a) and (b) above in Gladesville and that a report be presented to Council.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and six (6) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Li, Laxale and Simon

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

ITEM 1 (continued)**ATTACHMENT 1**

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

- (a) That Council in conjunction with Eastwood Events and Promotions Committee investigate the operation of Night Food Markets including development of objectives, operating parameters and terms and conditions for a potential Market.
- (b) That all funding options be explored as part of the investigation.
- (c) That at the completion of the investigation as outlined in parts (a) and (b), a report be presented to Council.
- (d) That Council further investigate the operation of Night Food Markets as outlined in parts (a) and (b) above in other town centres and that a report be presented to Council.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 12 November 2013**

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

MOTION: (Moved by Councillors Etmekdjian and Pendleton)

That the Minutes of the Council Meeting 23/13, held on 12 November 2013 be confirmed.

AMENDMENT: (Moved by Councillors Simon and Laxale)

That the Minutes of the Council Meeting 23/13, held on 12 November 2013 be confirmed with the following amendment to the Notice of Rescission:

- Part (a): The recommendations listed not be set out in full, but listed by number only as was the case during debate and displayed on screen at the meeting.

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

Record of Voting:

For the Amendment: Councillors Laxale and Simon

ITEM 1 (continued)

ATTACHMENT 1

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Li, Pendleton, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

That the Minutes of the Council Meeting 23/13, held on 12 November 2013 be confirmed.

Record of Voting:

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

Against the Motion: Councillor Laxale

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 17/13 held on 19 November 2013

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 17/13 held on 19 November 2013

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

4 461-495 VICTORIA ROAD PLANNING PROPOSAL - Traffic and Parking Study

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

5 CODE OF CONDUCT ANNUAL REPORT

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

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council receive this report, and note the **ATTACHED** table of Code of Conduct complaints for October 2012 to September 2013; and
- (b) That Council provide this report, including the **ATTACHMENT**, to the Division of Local Government.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

6 CODE OF MEETING PRACTICE

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

- (a) That Council adopt the draft Code of Meeting Practice as **attached** to this report, for public exhibition for a period of not less than 28 days.
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice from 4 December 2013 to 3 February 2014.
- (d) That a further report be provided to Council in late February 2014 to consider adoption of the draft Code of Meeting Practice.

Record of Voting:

For the Motion: Unanimous

7 TOP RYDER COMMUNITY BUS SERVICE

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

- (a) That a further report be provided to Council early in 2014 including investigation of similar models conducted by other Councils.
- (b) That an adjustment to the December review of the 2013/14 budget for the sum of \$100,000 from Working Capital be made to cover Council costs of running the Top Ryder Community Bus Service for the remainder of 2013/14.

Record of Voting:

For the Motion: Unanimous

8 KOTARA PARK TENNIS CENTRE - REPORT ON THE REQUEST FOR PROPOSALS

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

ITEM 1 (continued)**ATTACHMENT 1**

- (a) That Council enter into a five year lease agreement with Rod Fahey Tennis School Pty Ltd for the Kotara Park Tennis Centre, subject to no submissions being received by Council following the statutory advertising of the lease in accordance with Section 47 of the *Local Government Act, 1993* under the terms and conditions outlined in the Requests for Proposal.
- (b) That the Acting General Manager be delegated authority to execute all relevant documents for the Kotara Park Tennis Centre lease agreement.
- (c) That Council undertake a study for consideration to determine future capacity of the demand for and supply of tennis facilities in the City to determine future capacity and other opportunities when renewing the tender.

Record of Voting:

For the Motion: Unanimous

9 SEPTEMBER 2013 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2013-2017 AND 2013/2014 OPERATION PLAN

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

RESOLUTION: (Moved by Councillors Pickering and Simon)

- (a) That the report of the Chief Financial Officer, dated 11 November 2013 on September 2013 QUARTERLY REVIEW REPORT – 2013-2017 DELIVERY PLAN AND 2013/2014 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net reduction of \$0.37 million in Council's Working Capital, to a projected balance as at 30 June 2014 of \$3.56 million, be endorsed and included in the 2013/2014 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$1.29 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer ATTACHED to the report of the Chief Financial Officer dated 11 November 2013 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

ITEM 1 (continued)

ATTACHMENT 1

- (f) That Council approve the creation of a new Internally Restricted Reserve for the restriction of unspent funds paid as part of the Macquarie University Voluntary Planning Agreement.

Record of Voting:

For the Motion: Unanimous

10 INVESTMENT REPORT - October 2013

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

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council endorse the report of the Chief Financial Officer dated 11 November 2013 on Investment Report – October 2013.

Record of Voting:

For the Motion: Unanimous

11 INDEPENDENT HEARING AND ASSESSMENT PANEL WORKSHOP

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

MOTION: (Moved by Councillors Simon and Yedelian OAM)

That Council further investigate the establishment of an IHAP with a view to its introduction in the near future.

AMENDMENT: (Moved by Councillors Pickering and Chung)

That Council further investigate the establishment of an IHAP to consider rezoning matters only, at this time.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and five (5) 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 and Pickering

Against the Amendment: Councillors Laxale, Li, Pendleton, Simon and Yedelian OAM

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That Council further investigate the establishment of an IHAP with a view to its introduction in the near future.

Record of Voting:

For the Motion: The Mayor, Councillor Maggio and Councillors Etmekdjian, Laxale, Li and Simon

Against the Motion: Councillors Chung, Pendleton, Pickering and Yedelian OAM

EXTENSION OF TIME

RESOLUTION: (Moved by Councillors Pickering and Laxale)

That the meeting time be extended by half an hour to allow Council to continue considering Items on the Agenda, the time being 10.58pm.

Record of Voting

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

Against the Motion: Councillor Li

12 UPDATE TO COUNCIL'S ETHICAL LOBBYING POLICY

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

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That a link to The Department of Premier and Cabinet's Register of Lobbyists be provided on Council's website.
- (b) That Council's Ethical Lobbying Policy be amended to establish and maintain a Lobbyist Contact Register listing meetings held for the purposes of lobbying Council officials.

Record of Voting:

For the Motion: Unanimous

13 LOCAL INFRASTRUCTURE RENEWAL SCHEME - ROUND THREE

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

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Simon and Chung)

- (a) That Council make an application under the NSW Local Infrastructure Renewal Scheme – Round Three for Children’s Play areas and equipment, in accordance with the Children’s Play Implementation Plan, at an estimated cost of \$1.5 million.
- (b) That Council endorse a new loan of \$1.5 million to support Council’s application as detailed in part (a) and delegate to the Acting General Manager, the authority to commence the procurement of this loan.
- (c) That the Acting General Manager be requested to provide options to Councillors for the upcoming Budget workshops in 2013, outlining how Council will meet the debt servicing costs of this new loan.

Record of Voting:

For the Motion: Unanimous

14 PROPERTY INVESTMENT PORTFOLIO

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

15 REPORTS DUE TO COUNCIL

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

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 PLANNING PROPOSAL FOR RYDE CIVIC PRECINCT TO AMEND RYDE LOCAL ENVIRONMENTAL PLAN (LEP) 2010

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

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

2 LOCAL GOVERNMENT REVIEW PANEL - LETTER FROM LOCAL GOVERNMENT NSW

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

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

EXTENSION OF TIME

RESOLUTION: (Moved by Councillors Laxale and Chung)

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, the time being 11.31pm.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 FEASIBILITY STUDY – 53-71 ROWE STREET, EASTWOOD CAR PARK - Councillor Craig Chung

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

Note: Councillor Laxale left the meeting at 11.32pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That the Acting General Manager prepare an initial feasibility study for the construction of a mixed use development on the 53-71 Rowe Street, Eastwood car park to be held in Councils investment property portfolio and report back to Council.

Record of Voting:

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Li, Pendleton, Pickering and Yedelian OAM

Against the Motion: Councillor Simon

ITEM 1 (continued)

ATTACHMENT 1

2 FEASIBILITY STUDY - 6 RESERVE STREET, WEST RYDE - Councillor Craig Chung

Note: Councillors Laxale and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

That the Acting General Manager prepare an initial feasibility study for the construction of a development at 6 Reserve Street, West Ryde and report back to Council.

Record of Voting:

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Li, Pendleton, Pickering and Yedelian OAM

Against the Motion: Councillor Simon

Note: Councillor Laxale returned to the meeting at 11.34pm.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor George Simon

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

Note: Councillor Chung left the meeting at 11.35pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Laxale)

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

Record of Voting:

For the Motion: Unanimous

Question:

1. Since being elected Mayor, how much money has the Office of Mayor spent (including expenditure for events scheduled into the future) on the following:
 - (a) Hosting Mayoral events in the Mayoral suite
 - (b) Sponsoring local activities
 - (c) Mayoral clothing

Please provide the expenditure amount in an itemised format per the amount spent on each activity or item.

ITEM 1 (continued)
ATTACHMENT 1
Answer:

- (a) Hosting Mayoral events in the Mayoral Suite

Date	Item	Amount
10/9/13	Finger food following Mayoral election (arranged based on previous practice without consultation with the current Mayor)	\$540.00
16/10/13	Tzu Chi Eastwood	\$28.00
23/10/13	Reception for representatives from local soccer and football clubs	\$191.00
28/10/13	Reception for ERNA State League team No. 1 and 14yrs State age champions	\$270.00
29/10/13	Ryde Youth Theatre reception	\$131.50
29/10/13	Korean Visiting Delegation (Flag Raising)	\$194.00
04/11/13	Club 6 reception - Presidents and CEOs	\$164.00
06/11/13	Meeting with residents	\$194.00
07/11/13	Ryde Business Forum Lunch	\$250.00
13/11/13	SES Reception (Flag Raising)	\$311.50
Various	Morning and afternoon teas for meetings with residents/small groups	\$117.47
<i>Future Events – no expenditure to date</i>		
28/11/13	North West Koalas	
29/11/13	Gladesville Hornsby Football Association Board and Committee	
09/12/13	Clergy Morning Tea	

- (b) Sponsoring local activities

Staff are not aware of any expenditure associated with the sponsorship of local activities at this time.

- (c) Mayoral clothing

To date there has been no expenditure on Mayoral clothing.

CLOSED SESSION
ITEM 16 - NON-COMPLIANCE WITH COUNCIL ORDERS - 3 Brian Street, Ryde
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: (a) personnel matters concerning particular individuals (other than councillors).

ITEM 1 (continued)

ATTACHMENT 1

ITEM 17 - COULTER STREET CAR PARK - RSL PROPOSAL

Confidential

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

ITEM 18 - ADVICE ON COURT ACTIONS

Confidential

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

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 11.35pm. The public and media left the chamber.

Note: Councillor Chung returned to the meeting at 11.36pm.

16 NON-COMPLIANCE WITH COUNCIL ORDERS - 3 Brian Street, Ryde

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

RECOMMENDATION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council seek an order from the Land and Environment Court authorising Council employees to enter the premises at 3 Brian Street, Ryde and give effect to the orders served on the owner of the premises under Section 124 of the Local Government Act 1993 on 18 February 2013.
- (b) That Council recover the costs of the enforcement action from the owner of the premises at 3 Brian Street, Ryde.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

17 COULTER STREET CAR PARK - RSL PROPOSAL

Note: The Mayor, Councillor Maggio, and Councillors Petch and Pickering disclosed Less than Significant Non-Pecuniary Interests in this Item for the reason that they are members of the Gladesville RSL Club.

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

RECOMMENDATION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That Council declines Gladesville RSL's final Development Proposal and advises that there will be a tender process in which they are welcome to participate.
- (b) That Council undertake a public tender process to seek further opportunities for the redevelopment of the Coulter St car park.
- (c) That tenders be invited on the basis that it does not place limitations on the land for which tenders may be submitted, nor the number of submissions any tenderer may lodge.

Record of Voting:

For the Motion: The Mayor, Councillor Maggio and Councillors Etmekdjian, Li, Pickering and Yedelian OAM

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

Note: Councillor Li left the meeting at 12.01am and did not return.

18 ADVICE ON COURT ACTIONS

Note: Councillors Li and Petch were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

OPEN SESSION

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 12.15am.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions 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 12.16am on 27 November 2013.

CONFIRMED THIS 10TH DAY OF DECEMBER 2013

Chairperson

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 18/13 held 3 December 2013

Report prepared by: Meeting Support Coordinator
File No.: CLM/13/1/4/2 - BP13/1726

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 18/13 held on 3 December 2013. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Items 1 and 3 were dealt with by the Committee within its delegated powers.

The following Committee recommendation for Item 2 is submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

2 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Demolition of 2 dwellings and construction of infill development under the Affordable Housing State Environmental Planning Policy - 10 strata titled town houses - LDA2012/0124.

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he lives in Falconer Street.

Note: Peter and Marina Kerrison (objectors on behalf of Ji Chen, Matthew Doane, Joseph Rizk and Mona Mourad), Tim Ireland (objector), John Nader (objector) and Tony Jreige (applicant) addressed the Committee in relation to this Item.

Note: A series of photographs were tabled by Marina Kerrison and a copy is ON FILE.

MOTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Local Development Application No. 2012/0124 (as amended) at 58 to 60 Falconer Street, West Ryde being LOT 1 DP 953646 and LOT 2 DP102049 be approved subject to the **ATTACHED** conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Chung and Yedelian OAM

Against the Motion: Councillors Etmekdjian, Laxale and Pickering

As a result of the voting, the Motion was LOST. The matter was then AT LARGE.

ITEM 2 (continued)

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

(a) That Local Development Application No. 2012/0124 at 58 - 60 Falconer Street, West Ryde, being LOT 1 of Deposited Plan 953646 and LOT 2 of Deposited Plan 102049 be **REFUSED** for the following reasons:

1. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of the R2 Low Density Residential Zone in the Ryde Local Environmental Plan 2010.

Particulars

- a) The proposal does not ensure that *"the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood"*.
 - b) The proposal does not ensure that *"new development complements or enhances the local streetscape."*
2. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.

Particulars

- a) The *proposal* is contrary to Clause 4.3(2C) Height of Buildings in Zone R2.
3. The proposal is contrary to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.

Particulars

- a) The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
 - Not complement existing development and streetscape
 - Result in a housing development that is not designed to a high aesthetic standard
 - Adversely affect the amenity of occupants of adjoining land and
 - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area
- b) The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.
- c) The proposal does not comply with the rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.

ITEM 2 (continued)

- d) The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.
 - e) The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.
 - f) The proposal is unsatisfactory with regard to the Building Form requirements of Part 3.5 of the RDCP.
4. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, Ryde LEP 2010 and Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality.
5. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site.
6. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.

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

Record of Voting:

For the Motion: Councillors Etmekdjian, Laxale, Pickering and Yedelian OAM

Against the Motion: Councillor Chung

Note: This matter will be dealt with at the Council Meeting to be held on **10 DECEMBER 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 3 December 2013

ITEM 2 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 18/13**

Meeting Date: Tuesday 3 December 2013

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Etmekdjian (Chairperson), Chung, Laxale, Pickering and Yedelian OAM.

Apologies: Nil.

Absent: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Acting Service Unit Manager – Environmental Health and Building, Team Leader – Major Development, Senior Development Engineer, Consultant Town Planner – City Plan Strategy and Development, Team Leader – Assessment, Consultant Town Planner – Creative Planning Solutions, Business Support Coordinator – Environment and Planning, Section Manager – Governance and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 58-60 Falconer Street, West Ryde – LDA2012/0124, for the reason that he lives in Falconer Street.

1 CONFIRMATION OF MINUTES - Meeting held on 19 November 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

That the Minutes of the Planning and Environment Committee 17/13, held on Tuesday 19 November 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 2 (continued)

ATTACHMENT 1

2 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Demolition of 2 dwellings and construction of infill development under the Affordable Housing State Environmental Planning Policy - 10 strata titled town houses - LDA2012/0124.

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he lives in Falconer Street.

Note: Peter and Marina Kerrison (objectors on behalf of Ji Chen, Matthew Doane, Joseph Rizk and Mona Mourad), Tim Ireland (objector), John Nader (objector) and Tony Jreige (applicant) addressed the Committee in relation to this Item.

Note: A series of photographs were tabled by Marina Kerrison and a copy is ON FILE.

MOTION: (Moved by Councillors Yedelian OAM and Chung)

(a) That Local Development Application No. 2012/0124 (as amended) at 58 to 60 Falconer Street, West Ryde being LOT 1 DP 953646 and LOT 2 DP102049 be approved subject to the **ATTACHED** conditions (Attachment 2).

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

Record of Voting:

For the Motion: Councillors Chung and Yedelian OAM

Against the Motion: Councillors Etmekdjian, Laxale and Pickering

As a result of the voting, the Motion was LOST. The matter was then AT LARGE.

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

(a) That Local Development Application No. 2012/0124 at 58 - 60 Falconer Street, West Ryde, being LOT 1 of Deposited Plan 953646 and LOT 2 of Deposited Plan 102049 be **REFUSED** for the following reasons:

1. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of the R2 Low Density Residential Zone in the Ryde Local Environmental Plan 2010.

Particulars

- a) The proposal does not ensure that "*the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood*".

ITEM 2 (continued)

ATTACHMENT 1

- b) The proposal does not ensure that *"new development complements or enhances the local streetscape."*
2. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.

Particulars

- a) The *proposal* is contrary to Clause 4.3(2C) Height of Buildings in Zone R2.
3. The proposal is contrary to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.

Particulars

- a) The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
- Not complement existing development and streetscape
 - Result in a housing development that is not designed to a high aesthetic standard
 - Adversely affect the amenity of occupants of adjoining land and
 - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area
- b) The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.
- c) The proposal does not comply with the rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.
- d) The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.
- e) The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.
- f) The proposal is unsatisfactory with regard to the Building Form requirements of Part 3.5 of the RDCP.
4. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, Ryde LEP 2010 and Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality.
5. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of

ITEM 2 (continued)

ATTACHMENT 1

development that the community can reasonably expect to be provided on this site.

6. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.

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

Record of Voting:

For the Motion: Councillors Etmekdjian, Laxale, Pickering and Yedelian OAM

Against the Motion: Councillor Chung

Note: This matter will be dealt with at the Council Meeting to be held on **10 DECEMBER 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

3 77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence and gates. LDA2012/272

Note: Christian Farrell (applicant) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Chung and Pickering)

- (a) That Local Development Application No. LDA2012/272 at 77 Wharf Road, Gladesville, being LOT 2 DP536882 be approved subject to the conditions contained in **Attachment 1**.
- (b) That Council resolves to seek amended plans in relation to the Building Certificate application (Council Reference BCT2012/39) which delete the first floor 'drying room', and further that this drying room be demolished and removed from the building within 90 days of the date of the DA approval.
- (c) That the persons who made submissions to the original application and those who attended the Mediation Meeting be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 5.57pm.

CONFIRMED THIS 4TH DAY OF FEBRUARY 2014.

Chairperson

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 18/13 held on 3 December 2013

Report prepared by: Meeting Support Coordinator
File No.: CLM/13/1/4/2 - BP13/1727

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 18/13 held on 3 December 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 2, 3 and 4(a), 4(b), 4(c), 4(e), 4(f), 4(g), 4(h), 4(i), 4(j), 4(k), 4(l), 4(m), 4(n), 4(o) were dealt with by the Committee within its delegated powers.

The following Committee recommendation for Item 4(d) is submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

4 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE held on 21 November 2013

RECOMMENDATION: (Moved by Councillors Petch and Pendleton)

- (d) (i) That Council investigate the "option" of allowing the waste trucks to undertake a three (3) point turn at the eastern end of Amiens Street by utilising the two (2) existing driveways that directly face each other.
- (ii) That Council seek agreement from the residents who are directly affected.
- (iii) That Council, subject to parts (i) and (ii) being agreed to, undertake the necessary engineering works to facilitate the waste truck three (3) point turn in Amiens Street to be funded from Council's domestic waste reserve.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **10 DECEMBER 2013** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 3 December 2013

ITEM 3 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 18/13**

Meeting Date: Tuesday 3 December 2013

Location: Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Perram (Chairperson), Li, Pendleton, Petch and Simon.

Apologies: Nil.

Staff Present: Acting Group Manager – Community Life, Group Manager - Public Works, Manager – Open Space, Section Manager – Sport and Recreation, Manager – Asset Systems, Manager – Traffic, Transport and Development, Manager – Project Development and Executive Assistant to the Mayor and Councillors.

DISCLOSURES OF INTEREST

Acting Group Manager – Community Life, Baharak Sahebekhtiari declared a Less than Significant Non-Pecuniary Interest in Item (4) Part (k) for the reasons that she is a resident of Norma Avenue, Eastwood.

1 CONFIRMATION OF MINUTES - Meeting held on 19 November 2013

RESOLUTION: (Moved by Councillors Petch and Pendleton)

That the Minutes of the Works and Community Committee 17/13, held on Tuesday 19 November 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

**2 PRIORITISATION, PLANNING AND FUNDING OF CAPITAL WORKS
PROJECTS FOR SPORTING FACILITIES**

RESOLUTION: (Moved by Councillors Petch and Simon)

That Council note the process undertaken to prioritise capital works and the projects identified in the Operational Plan and 4 Year Delivery Plan.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

3 PROJECT STATUS REPORT - PROJECT DEVELOPMENT UNIT

RESOLUTION: (Moved by Councillors Petch and Simon)

That Council receive and note this report.

Record of Voting:

For the Motion: Unanimous

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

4 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE held on 21 November 2013

Note: Acting Group Manager – Community Life, Baharak Sahebekhtiari declared a Less than Significant Non-Pecuniary Interest in Park (k) of this Item for the reason that she is a resident of Norma Avenue, Eastwood.

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (a) That Council install “No Stopping” signs along Wallace Street for approximately 20 metres along the frontage of No. 27 Wallace Street.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (b) (i) That Council introduce “No Parking” restrictions on the east side of Kings Road between Brabyn Street and Lovell Road.
- (ii) That Council relocate the double centre line approximately one (1) metre to the east to reduce the width of the southbound lane from 4.5 metres to 3.5 metres.
- (iii) That Council introduce 2.3 metre wide parking edge lines on the west side of Kings Road between Brabyn Street and Lovell Road.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (c) That Council install a “No Parking” zone to cover the space in between the driveways of No. 2 Hill Crest and No. 4-6 Quarry Road.

Record of Voting:

For the Motion: Unanimous

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

RECOMMENDATION: (Moved by Councillors Petch and Pendleton)

- (d) (i) That Council investigate the “option” of allowing the waste trucks to undertake a three (3) point turn at the eastern end of Amiens Street by utilising the two (2) existing driveways that directly face each other.
- (ii) That Council seek agreement from the residents who are directly affected.
- (iii) That Council, subject to parts (i) and (ii) being agreed to, undertake the necessary engineering works to facilitate the waste truck three (3) point turn in Amiens Street to be funded from Council’s domestic waste reserve.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **10 DECEMBER 2013** as substantive changes were made to the published recommendation.

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (e) (i) That Council install “No Parking” signs along Denistone Road for approximately 6 metres to the east of the driveway of No.54 Denistone Road.
- (ii) That Council install “Motorbikes Only” signs opposite No.54 Denistone Road for two metres at the head of the marked parking bays subject to technical requirements.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (f) That Council convert one of the 20 existing nonspecific use parking spaces to a disabled parking space to help facilitate the short term parking needs at Kissing Point Park for the vulnerable.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (g) That Council not proceed with the implementation of a "2P (8am- 6pm, Mon-Fri)" Resident Parking Scheme (RPS) along Edmondson Street given the low utilisation rates.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (h) That Council replace the existing "No Parking" and "2P: 8am-9pm; Mon – Fri, permit holder excepted Zone 8" signs for a distance of 27 metres, equivalent to 5 parking spaces, on the eastern side of See Street Meadowbank, between Angas Street and Stone Street with "1/4 P: 7am – 5pm; Mon-Fri" signs.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (i) That Council install double barrier lines (BB-Lines) from the "Crest", in Watts Road, for twenty (20) metres in each direction.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (j) (i) That Council install rubber speed cushions along the length of Moncrieff Drive, Ryde, subject to RMS approval of locations.
- (ii) That NSW Police be provided with history of this site and speed data.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (k) That Council request the NSW Police Service to enforce the 50km/hr speed limit along Norma Avenue and Wishart Street.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (l) That Council implement the "Raised Pedestrian Crossing" in Blenheim Road North Ryde, as per the drawing detail (Drg: 59613C) under the "Traffic Committee Capital Works" program subject to confirmation with State Transit following the field trial.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (m) That Council implement the "Raised Pedestrian Crossing" in Railway Road Meadowbank, following a review of the drawing detail (Drg: 59613A) under the "Traffic Committee Capital Works" program to provide a "seamless" pedestrian crossing if practicable.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (n) That Council implement the “Entry Treatment” in Argyle Ave Ryde as per the drawing detail (Drg: 59613B) under the “Traffic Committee Capital Works” program.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Petch and Pendleton)

- (o) That Council request the NSW Police Service enforce the 50km/hr speed limit along Ada Street, Flinders Road, Smalls Road, Baringa Street and Trevitt Road.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 5.45pm.

CONFIRMED THIS 4TH DAY OF February 2014.

Chairperson

4 SECOND AVENUE, EASTWOOD DRAFT SITE SPECIFIC DCP - Outcomes of Consultation

Report prepared by: Strategic Planner

File No.: DCP2012/16/5 - BP13/1647

REPORT SUMMARY

On 11 October 2011 Council resolved to rezone the former Hawks on Second Bowling Club land (at 9-19 Second Avenue, and part (rear) 14-18 Third Avenue, Eastwood) from RE2 Private Recreation to R2 Low Density Residential subject to a master plan being prepared for the site and a deed of agreement to ensure that approximately 10% of the site would be set aside for publicly accessible open space in the event of housing being developed on the site. The proponent has responded to that resolution by proposing a publicly accessible open space area of 640m² in the preferred location on the corner of Second Avenue and Young Parade, by entering into a deed with Council, and by submitting a site specific DCP to provide detailed guidance for future redevelopment of the site for housing.

On 27 August 2013, Council considered a report about the concept master plan and site specific Development Control Plan (DCP) for the Hawks on Second Avenue land submitted by Pier Property Corporation on behalf of the Ryde-Eastwood Leagues Club (land owner). The concept master plan proposes 31 dwellings and as a result the redevelopment of the former Hawks on Second Bowling Club would contravene Ryde LEP 2010 and 2013, clause 4.5A requirements for at least 300m² site area/dwelling in the event of multi dwelling housing in the R2 land use zone. Development in accordance with the LEP clause would yield 22 dwellings for the site which has an area totaling 6748.42m². The concept master plan meets other applicable LEP 2010 development standards including FSR and height controls (for all street front and for dwellings adjacent to existing surrounding residential properties). These requirements are also reinforced as controls in the Draft DCP.

The draft Development Control Plan Part 6.7 Second Avenue Eastwood, concept master plan and supporting documentation, was publicly exhibited for 31 days from 25 September to 25 October 2013 (inclusive). Consultation included two drop-in information sessions. In response 11 submissions were received which are summarised in this report (and Attachment 1). Of these, 5 support the proposal, 3 object to the proposal, and 3 raise matters of concern and make suggestions for changes to the master plan and Draft DCP.

In response to submissions received minor variations are considered warranted to the DCP to address neighbours' concerns regarding setbacks and shadowing of roof areas.

The purpose of this report is twofold:

- To inform Council of the outcomes of consultation following public exhibition of the draft site specific DCP for the former Hawks on Second Bowling Club site.

ITEM 4 (continued)

- Seek a decision by Council on the density of residential redevelopment on this site.

A decision is also now needed to finalise the DCP and Council's direction on an acceptable density for the site to inform the next stage of preparation of a development application for the redevelopment from bowling club to housing.

It is recommended that a revised version of the DCP prepared in response to submissions (and included as Attachment 2) be adopted and that the circumstances in which consideration of a variation to the density control to allow up to a maximum of 31 dwellings on the site be specified in the final DCP.

RECOMMENDATION:

- (a) That Council adopt the Draft *Ryde Development Control Plan Part 6.7 Second Avenue (9-19) Eastwood* as amended in response to submissions and included as **ATTACHMENT 2** and issues outlined in this report.
- (b) That Council place a public notice in the local newspaper in accordance with the *Environmental Planning and Assessment Regulation 2000* to bring into effect the *Ryde Development Control Plan 2010 Part 6.7 Second Avenue (9-19) Eastwood*.
- (c) That Council provides the Director-General with a copy of the *Ryde Development Control Plan Part 6.7 Second Avenue (9-19) Eastwood* amendment to Ryde DCP 2010 as adopted, within 28 days of the making of the plan in accordance with the *Environmental Planning and Assessment Regulation 2000*.
- (d) That Council endorse consideration of a variation to the site area dwelling control under Clause 4.5A Density controls for Zone R2 Low Density Residential to allow a maximum of 31 dwellings on the land the subject of *Ryde Development Control Plan Part 6.7 Second Avenue (9-19) Eastwood*, subject to the submission of a development application which:
 - Includes a request for variation providing the relevant justification under Clause 4.6 Exceptions to Development Standards of LEP 2010
 - Demonstrates compliance in particular with:
 - A maximum FSR of 0.5:1 as required under Council's LEP;
 - A maximum site coverage of 40%;
 - Minimum open space area requirements identified in the Draft DCP attached to this report and implementing Council's resolution of 11 October 2011;
 - Minimum side and rear setbacks identified in the draft DCP attached to this report (that exceed existing multi dwelling housing setbacks); and
 - Minimum car parking requirements identified in the Draft DCP attached to this report.

ITEM 4 (continued)

- (e) That Council advise the proponent and all those who made submissions of Council's decision.

ATTACHMENTS

- 1 Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood
- 2 Draft site specific DCP Part 6.7 revised in response to submissions
- 3 Diagram identifying vehicular access off Second Avenue

Report Prepared By:

Melissa Burne
Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 4 (continued)

History

History of relevance to this matter was reported 27 August 2013 (Item 13 - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club). Of particular relevance is the following background:

Resolution (b) made by Council 11 October 2010 (Item 4) regarding a planning proposal to change the zone from RE2 Private Recreation to R2 Low Density Residential, and report to Council 27 August 2013. That resolution stated:

- (b) *That Council enter into a Deed of Agreement with the Ryde-Eastwood Leagues Club Limited to require a master plan to be prepared for the site(s) in the event of the land being developed for housing. Such a plan is to allocate 10% of the total site area to be publicly accessible open space.*

The Deed of Agreement is to be registered against the land title of all the following parcels of land:

*LOT 1 in DP 455457;
LOT A in DP 386523;
LOTS 77, 78 and 79 in DP 4684;
LOT B in DP 342511;
LOT B in DP 341289; and
LOT B in DP 365296.*

Ryde-Eastwood Leagues Club Inc. (the Club), as owner of the land, has responded to the above resolution by:

- Submitting a site specific DCP and concept master plan for residential development on the former Hawks on Second Bowling Club land at Second Avenue, Eastwood, which identifies a publicly accessible open space area of 640m² in the preferred location on the corner of Second Avenue and Young Parade, and;
- Signing a Deed of Agreement with Council that will implement Council's resolution of 11 October 2011.

The deed of agreement, now executed, includes the following key requirements of the land owner to:

- Develop and provide for the ongoing maintenance of the privately owned public open space area (a Schedule relating to maintenance standards is attached to the deed)
- Design the open space area to be capable of use by the public for recreation purposes, level with the street frontage (for maximized accessibility) and in accordance with safer-by-design principles (a Schedule relating to safety by design standards is attached to the deed)
- Arrange public liability insurance for the public use of the open space area

ITEM 4 (continued)

- Register a plan of consolidation for the land into single title (to consolidate the current several lots and part lots) and ensure continued obligations on the land owner of the subject land in the case of change of ownership (by arranging a public positive covenant under Section 88E of the Conveyancing Act 1919).

The concept master plan and site specific DCP for residential development were reported to Council on 27 August 2013. It was resolved:

- (a) *That Council prepare a site specific Development Control Plan for the land at 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (the former Hawkes on Second Bowling Club site) to be known as Ryde Development Control Plan Part 6.7 Second Avenue Eastwood.*
- (b) *That Council publicly exhibit Ryde Development Control Plan Part 6.7 Second Avenue Eastwood in accordance with the NSW Environmental Planning and Assessment Act for a period of at least 28 days.*
- (c) *That a further report be presented to Council as soon as practicable after the exhibition of the Draft Development Control Plan detailing the outcomes of the consultation process.*

Included in the 27 August 2013 report was discussion about the concept master plan and associated non-compliances with Council's LEP. In particular, a variation sought by the owners of the land to Council's LEP 2010 Density requirements, for multi dwelling housing proposals on R2 Low Density Residential land. Density requirements under Ryde LEP 2010 are:

- FSR of 0.5:1 generally and
- 300m² site area per dwelling in the event of multi dwelling housing in the R2 land use zone under the provisions of clause 4.5A in both Ryde LEP 2010 and 2013.

The concept plan proposes a total of 31 dwellings, equivalent to a site density of 217.7m² per dwelling.

The concept master plan complies with the following planning controls:

- FSR of 0.5:1 for the R2 land use zone (LEP 2010 and 2013 control)
- LEP height controls for the street front buildings (LEP 2010 and 2013 control)
- Site coverage of a maximum 40% (DCP 2010 control for multi dwelling housing).

The concept Master Plan does not comply with:

- Ryde LEP 2010 Clause 4.5A – density provisions requiring 300m² / dwelling
- Maximum 12 dwellings (DCP 2010).

ITEM 4 (continued)

In response to the variation of the density non-compliance issues, the following options were identified:

Three options are available in relation to non-compliance with Ryde LEP 2010 and 2013:

- 1. Comply with the LEP at the time of lodgement of the Development Application. The Club argues that this option will not allow the economic use of the land because the permitted number of dwellings will be reduced from 31 to 21.*
- 2. Amend the LEP, through a planning proposal process. The club argues that this will result in unnecessary delay, taking up to 12 months. The club commenced the rezoning process in December 2010.*
- 3. Utilise Ryde LEP clause 4.6 Exceptions to Development Standards to vary LEP site density requirements for 300m² site area / dwelling.*

The approach outlined in point 3 is considered appropriate but only if a site specific DCP is in place that will ensure workable design outcomes.

It is proposed that a final decision on this matter is made by Council after the Draft DCP is publicly exhibited and the reaction of the community to the site density is better known."

Purpose and Outline of this Report

The purpose of this report is twofold:

- To report the outcomes of consultation, including public exhibition, of the draft site specific DCP for Second Avenue, Eastwood (former Hawks on Second land), and
- To provide strategic planning advice based on appraisal of the planning context, site context, planning merits, and planning-related comments made in submissions so that Council may make an informed decision regarding site density.

Description of Draft DCP and Concept Master Plan

The concept master plan proposes 31 dwellings (4 x single storey and 27 x two storey dwellings), 640 m² publicly accessible open space on the corner of Young Parade and Second Avenue, basement car parking with vehicular access off Second Avenue (only), private open space (courtyards) for each dwelling, and walkways providing internal circulation and pedestrian access points to the both street frontages.

ITEM 4 (continued)

The Draft site specific DCP has been prepared as an amendment to DCP 2010 to incorporate a new Part 6.7 Second Avenue (9-19), Eastwood to identify appropriate guidelines for multi dwelling housing on the site in response to the characteristics of the site and its context. Detailed guidance has been prepared for building form, height, maximum number of dwellings, basement car parking, site coverage, setbacks and the privately owned public space.

Consultation

Consultation with the community regarding the draft DCP for the former Hawks on Second Bowling Club, Second Avenue, Eastwood (draft DCP) was carried out in accordance with legislative requirements and Council's Engagement Framework as follows:

- Public exhibition carried out on the draft DCP for a period of 31 days from 25 September to 25 October 2013 (inclusive)
- Exhibition notice placed in the Northern District Times, and exhibition material placed in three libraries (Ryde, West Ryde and Eastwood), at the Customer Service Centre, Ryde Planning and Business Centre, and made available on Council's website
- Letters were sent to 173 owners within 100m of the site advising of the exhibition of the draft DCP, inviting comment and including an invitation to attend drop-in information sessions
- Two drop-in information sessions were held, attended by City of Ryde staff, and representatives of the proponent, as follows:
 - Thursday 10 October 2013, 3pm – 7pm, West Ryde Community Facility
 - Saturday 12 October 2013, 10am – 1.30pm, Ryde-Eastwood Leagues Club.

Information Sessions

A total of fifteen people attended the drop-in information sessions. Six attended the drop-in information session held Thursday 10 October 2013, and nine (9) attended the drop-in information session held Saturday 12 October, 2013.

Attendees were residents from nearby properties and also properties in nearby streets, including Young Parade, and Second, Third and Fourth Avenues. Attendees asked a range of questions about the proposal, the DCP, and matters relating to construction activity, and sought clarity in particular about the proposed access via Young Parade, as there was a mistaken view that it might be vehicular access. This access is part of the pedestrian circulation for the site.

Submissions

Eleven (11) submissions were received in response to the public exhibition of the draft DCP, comprising 5 submissions in support, 3 submissions which object and 3 submissions which suggest amendments to the master plan and DCP.

ITEM 4 (continued)

A full summary of the comments made in submissions is **ATTACHED** (Attachment 1).

Matters raised in Submissions

Attachment 1 provides a consideration of the submissions and a response to the matters raised. The comments received addressed a range of matters including:

- Support for the proposal, in particular incorporating parking at basement level
- Concerns raised with the concept in relation to access, traffic and density
- Suggestions for amendments to the design and the DCP.

All submissions have been taken into account in the finalisation of the Draft DCP. A copy of the Draft DCP as revised in response to submissions is **ATTACHED** (refer Attachment 2). All suggestions for changes to the Draft DCP improve flexibility and clarity and do not change the intent of the Draft DCP.

A summary of the key issues provided in the submissions is outlined below, including planning comments in response, and minor revisions recommended.

Submissions in Support

Key comments in submissions of support included:

- Basement parking is a sensible solution
- Well-planned residential accommodation is supported
- Open space is a community benefit
- Ryde-Eastwood Leagues Club assists junior football clubs – opportunity for funds from redevelopment to assist these clubs and other groups in future.

Planning Comment:

- This proposal has one vehicular access point on Second Avenue (refer copy of ground level of concept plan **ATTACHED** - Attachment 3). It is agreed that basement parking has merit over ground level parking given the large size of this site and the need otherwise for many driveway crossings to service the buildings. Also basement parking offers the opportunity to create landscaped gardens and the publicly accessible open space area in preference to ground level parking and driveways.
- The layout of the proposal, as revised by the proponent in response to comments by the Urban Design Review Panel, provides for a well-planned response to the site and its context.
- Funds from redevelopment used to assist local sports is not a DCP related matter.

ITEM 4 (continued)Submissions Objecting/Raising Concerns

Reasons for objection or concern include matters relating to the number of dwellings, vehicular and pedestrian traffic, access, parking, shadowing, and setbacks are discussed as follows.

Number of Dwellings:

Comment raised in submissions regarding the number of dwellings is discussed separately later in this report under **Planning Appraisal - Density**.

Traffic, Access and Parking:

- Vehicular access to site via Young Parade
- Increase in road and foot traffic in Young Parade due to number of dwellings proposed
- “No parking” restriction in Young Parade should remain
- Too many cars, dwellings, adds to existing traffic and parking issues (commuter parking), potential spillover effects on Second Avenue.

Planning Comment:

- Young Parade - Vehicular traffic/access: There is no vehicular access proposed off Young Parade. Proposed vehicular access is restricted to Second Avenue only as indicated on the concept master plan, and under controls in the Draft DCP as exhibited. This has been clarified with all those who attended the information sessions. There is no proposal to change the parking restriction in Young Parade. A copy of the ground level of the concept master plan with vehicular access of Second Avenue highlighted is **ATTACHED** (Attachment 3).
- Additional road traffic, parking issues: Council’s Traffic Engineer has advised that there are no significant concerns in terms of traffic impact on the local road network. According to Roads and Maritime Services’ traffic generation rates, the proposal (31 dwellings) will generate less traffic than for the site’s former use as a club with restaurant (60 car parking spaces plus delivery and loading spaces). The Traffic and Parking Assessment report submitted with the site specific DCP in support of the concept master plan, concluded that:
 - *“The residential redevelopment has no unacceptable traffic implications in terms of road network capacity or traffic-related environmental effect*
 - *The residential redevelopment proposal reduces the traffic generation potential of the site (compared to its former bowling club use) such that the redevelopment proposal should result in an improvement to traffic conditions on the road network serving the site in terms of both road network capacity and traffic-related environmental effect.”*

ITEM 4 (continued)

The basement parking offers the opportunity to keep vehicular access points from the street to a minimum which maximises retention of on-street parking opportunities in this location and reduces the impact of the development on the streetscape.

It should be noted that 22 dwellings may be developed on the site in compliance with the current planning controls. The difference between traffic generation for 22 dwellings to 31 dwellings is considered minimal.

Pedestrian access off Young Parade/Location of Mail Boxes:

- Location of pedestrian access and mail boxes for the site off Young Parade might be in conflict with vehicles on Young Parade due to the narrow width of Young Parade at this location.

Planning Comment:

- Pedestrian access: The “Main Entry” pedestrian access is identified on the plans as located off Young Parade. Separate pedestrian access is also proposed for all street-front facing dwellings (11 dwellings along Second Avenue, and 4 dwellings facing on Young Parade) and three other pedestrian access points are indicated off Second Avenue. The concept master plan identifies pedestrian circulation paths in response to the concerns raised by staff and the Urban Design Review Panel.
- Mail boxes: These are indicated on the plans at the pedestrian access off Young Parade. These may only be servicing the internal dwellings, as 15 of the proposed dwellings have street front access. The location of mail boxes at the pedestrian access off Second Avenue (close to the vehicular ramp) is not preferred due to potential conflict with vehicular access to the basement car parking. The location of mail boxes, however, is a matter for finalization through the development application process and in consultation with Australia Post. Treatment of the pedestrian access along Young Parade and safety will also be a matter for consideration with the development application.

Overshadowing and Setbacks:

- Insufficient setbacks along eastern boundary
- Potential shadowing of roof areas on villas on adjoining land (21 Second Avenue) affecting potential installment of solar panels.

Planning Comment:

- Setbacks: The Urban Design Review Panel stated about the development along the eastern boundary that: “The 3m side setback needs greater clarification. 3m may be suitable for a blank wall or non-habitable windows but is not sufficient for habitable rooms at the upper level or balconies.” The setbacks proposed along the eastern boundary identified in the DCP, as exhibited, require a

ITEM 4 (continued)

minimum of 3m “if the walls contain only windows associated with bedrooms and non-habitable rooms, such as bathrooms and toilets” otherwise a 4.5 metres setback is required. This 3m requirement does not fully meet the recommendations of the Urban Design Review Panel. On consideration together with the submission a greater setback (4m) would be more appropriate to provide greater spatial separation with the existing neighbouring villa development. A minor variation has been included in the DCP attached to this report.

- **Shadowing:** It is agreed that any redevelopment of the subject site should not cause unreasonable shadowing of private open space areas and roof areas of existing adjoining residential development. The concept master plan shows compliance with all required setbacks and the exhibited DCP includes controls requiring no overshadowing of neighbouring private open space areas. There is additional building separation between the proposed dwellings on the subject land and the existing adjoining villa development due to the driveway access for the villa development being located along the shared boundary with the subject site. Due to the orientation of all buildings, it is unlikely that shadowing of roof areas will be an issue. The applicant will also need to submit shadow diagrams with the DA demonstrating compliance with the DCP. However it is also considered that no unreasonable shadowing should occur to any adjoining site which would intrude on the opportunity for energy-saving solar panels. A minor revision clarifying this point should be included in the DCP.

It should be noted that Council has not yet received a development application and that the DCP, should it come into effect, will guide the design of future development on the site. When, or if, Council receives a DA residents will again have the opportunity of making submissions to Council on the proposed design.

Density

As reported previously to Council (27 August 2013) the Club, through the development application process, would be seeking a variation to Council's LEP 2010 and LEP 2013 density requirement applicable under *Clause 4.5A Density controls for Zone R2 Low Density Residential* to enable a maximum of 31 dwellings in a multi dwelling housing development on this site.

The purpose of the density control is to provide for residential amenity through sufficient space on site for:

- The dwellings
- Private landscaped gardens for each dwelling
- Parking, driveway and turning circles for each dwelling

ITEM 4 (continued)

Clause 4.5A states:

4.5A Density controls for Zone R2 Low Density Residential

- (1) *The consent authority must not consent to the erection of multi dwelling housing (attached) on land in Zone R2 Low Density Residential unless:*
 - (a) *the site area for the building is not less than:*
 - (i) *for each 1, 2 or 3 bedroom dwelling—300 square metres, and*
 - (ii) *for each 4 or more bedroom dwelling—365 square metres, and*
 - (b) *each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site.*

The total site area available to the proposal (covered by the site specific DCP) is 6748.42m². This total area could potentially accommodate a total of 22 dwellings (1-3 bedrooms in size) in compliance with Clause 4.5A identified above (previously reported as 21 dwellings due to advice from the club regarding the total site area).

The variation in density sought by the Club is in the order of a 27.5% variation (31 dwellings instead of 22 dwellings based on the total land area of 6748.42m²). The shortfall in areas is explained in terms of required site area per dwelling and total required site area as follows:

- The site area per dwelling for the proposed 31 dwellings equates to 217.7m² per dwelling. The site area per dwelling is therefore 82.3m² deficient per dwelling
- The total land area required for a total of 31 proposed dwellings (not exceeding 3 bedrooms each) would be 9,300m², the subject land therefore is deficient in area by approximately 2,552m².

Approach to Non-Compliance with Density

As reported to Council on 27 August 2013, the suggested approach to address the non-compliance is to utilize Ryde LEP clause 4.6 to enable the economic use of the land and permit up to 31 dwellings. This would be based on:

- A master plan being supported by Council's Urban Design Review Panel
- A Development Control Plan guiding development on the site
- 640m² of publicly accessible open space being implemented
- Basement parking being provided
- Compliance with other density related controls such as FSR and site coverage.

Clause 4.6 *Exceptions to development standards* enables a level of flexibility in applying development standards to a development. The variation to a development standard is sought at the time of lodging development application and the LEP specifies that it must be based on:

- Better development outcomes being achieved
- An argument that compliance with the standard is unreasonable or unnecessary in the circumstances
- Sufficient environmental planning grounds.

ITEM 4 (continued)

The onus is on the applicant to formally request a variation to the standard under Clause 4.6 identifying the justification. Consideration of an appropriate maximum density needs to be made in terms of a range of planning considerations in particular including objectives and controls relevant to the zone and to the type of development proposed (being multi dwelling housing) and to the characteristics of the site, and, in relation to this proposal, the outcomes of the community engagement. Of particular relevance to this appraisal is the requirement that Council is satisfied under Clause 4.6 (4) a (ii) that:

“(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”.

Planning Appraisal – Density

Of particular relevance to the question of appropriate density is that:

- The site characteristics are assessed in relation to the controls having been adopted by Council for the respective development (in this case, controls relating to multi dwelling housing) and
- Any proposal which does not meet the density standard, performs well in all other related development standards and requirements including FSR, site coverage, setbacks, heights, open space areas, space for car parking and access, pedestrian circulation, etc (otherwise it may constitute potential overdevelopment of the site).

In terms of the site characteristics, the following points are of particular relevance:

- The site is unusually large within the R2 Low Density Residential land use zone - at just short of 6750m². A survey of the site areas of the 58 properties in Second and Third Avenues (excluding the subject land) indicates an average site area of approximately 820m². The subject site is 8 times the average size of land parcels in this area.
- The site is in single ownership enabling redevelopment opportunity
- The site has significant street frontage enabling opportunity to afford a unified approach to streetscape treatment.
- Council’s controls for Multi Dwelling Housing were not predicated on sites of this size. The maximum number of dwellings (being 12 under Part 3.5 of DCP 2010) suggests that Council’s controls only envisaged maximum site areas of 3,600 – 4,000m² for multi dwelling housing.
- Council’s Local Planning Study adopted December 2010 requires sites in the R2 Low Density Residential zone larger than 2,000 m² to have master plan studies to support any proposal for intensification of the density. This requirement recognises that larger sites through good design may promote better environmental and amenity outcomes than the present planning controls prepared for smaller, more common sites in the Low Density Residential zone.

ITEM 4 (continued)

The subject large site affords an opportunity to accommodate the greater number of dwellings by virtue of site benefits including the larger land size, corner location and extensive street frontage, enabling efficient design, appropriate setbacks and basement car parking minimising driveways and hard stand areas. The basement parking frees up land that might otherwise have been taken up by driveway access, turning area and garage space for open space for each dwelling and to enable the corner park.

To assist Council further with respect to a request for variation under Clause 4.6, and the purposes of this report, consideration has been given to an appraisal of the proposed density (discussed in the following section) on the basis of:

- R2 Low Density Residential zone Objectives and Density Standards
- Submissions received related to Density
- The public interest

R2 Low Density Residential zone Objectives and Density Standards

The objectives of the R2 Low Density Residential zone are a matter for consideration in a request to vary the density. There are six objectives under LEP 2010, and only three proposed under LEP 2013, two of which are the same as LEP 2010. The LEP 2010 and LEP 2013 objectives are identified in the table below and a brief assessment with respect to the public interest served by the concept master plan and Draft DCP provided against each.

Objectives in LEP 2010 and LEP 2013	Appraisal in Terms of Public Interest
<i>To provide for the housing needs of the community within a low density residential environment.</i>	Meets because the proposal is to provide an additional 31 dwellings to replace a vacated club premises, within a permissible residential land use zone (multi dwelling housing development).
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Meets because the proposal includes an open space of 640m ² located on the corner of Young Parade and Second Avenue which will be of benefit to the community.
<i>To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.</i>	Meets as the proposal retains the existing stone wall and improves existing open space character on the corner of Second Avenue and Young Parade. Also multi dwelling housing is in character and permissible with existing and potential future development in this neighbourhood. The concept design meets maximum FSR, site coverage and setbacks relevant to the site and surrounds.

ITEM 4 (continued)

Objectives in LEP 2010 and LEP 2013	Appraisal in Terms of Public Interest
<i>To ensure that new development complements or enhances the local streetscape.</i>	Meets because the Draft DCP contains objectives and controls to ensure streetscape is complemented and enhanced (retention of part stone walling, street-facing dwellings, front setbacks, open space areas, corner park).
<i>To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.</i>	Meets because the proposal is to drop the levels of the artificially filled bowling greens to reduce impacts from the development and enable basement car parking. The roof forms will be a matter for finalisation with the development application.
<i>To ensure that land uses are compatible with the character of the area and responsive to community needs.</i>	Meets because the proposed residential is in character within the area, changing the private recreation use to private residential with public benefit with the provision of publicly accessible open space.
<i>To provide for a range of housing types</i>	Meets because the proposal is for multi dwelling housing, one of a number of housing types permissible in the R2 Low Density Residential zone. The area already contains a mix of dwellings, dual occupancy and multi dwelling housing developments.

The Public Interest

The site is unusual in its large size. It has long street frontages and is composed of large areas of land artificially filled to create the bowling greens. The filled areas are proposed to be excavated and lowered under the concept master plan to include basement parking with residential above. The surrounding land use is residential with the potential for redevelopment for the mix of residential housing types permissible in the R2 Low Density Residential area, including multi dwelling housing, dual occupancy, detached dwellings etc. A multi dwelling housing proposal, including publicly accessible open space area, is considered an appropriate redevelopment land use for club premises and its context.

It has been demonstrated in the above discussion on R2 zone objectives and density standards, that the concept master plan and Draft site specific DCP prepared for the site demonstrates that appropriate redevelopment which respects the surrounding context can be designed for a site of this scale in this location, despite a higher than normally permissible density. The proposed concept master plan prepared in response to the UDRP's comments, and the Draft DCP attached to this report which provides detailed planning guidance for residential redevelopment on this site within its particular context.

ITEM 4 (continued)

Council required the Club as part of the rezoning of the land from Recreation (RE2) to Residential (R2), to allocate approximately 640m² of site to publicly accessible open space in the event of the land being used for housing. This open space was considered compensation for the loss of recreation and open space in the event of the Club being redeveloped for housing. The executed deed with Council and requirements included in the DCP for design of this open space area also contribute positively to the public interest.

As previously reported, the owner closed the club premises for financial reasons. The premises have been vacated for just over two years, and the rezoning consistent with the surrounding land, has been effective since March 2012.

Submissions received in relation to Density

Of the six letters raising concerns about the master plan/Draft DCP, five raised the number of dwellings (density) as an issue. Not all gave reasons for concern, however some identified traffic and parking issues as consequences of concern as a result of the number of dwellings.

In response to traffic and parking matters raised, as identified earlier in this report, sufficient underground parking is to be provided on site and the proposed redevelopment represents a less intensive use of the site in traffic generation terms than the former use by the Hawks on Second Club (bowling club including restaurant).

The proposal relies on car parking being provided in a basement level instead of at ground level, reducing the area needed at ground level for car parking, vehicular circulation and turning areas for each dwelling.

At least one submission made it clear that low density detached dwellings would be the only acceptable outcome, while another submission included a suggestion that the site retain additional recreational uses. Neither is economically viable.

Planning Conclusions – Density

At the outset it is important to note that it is not the role of a Development Control Plan to include development standards that are not compliant with the respective LEP, but rather to provide detailed provisions and design guidelines to support the provisions of Council's LEP controls. A site specific DCP is relevant in this case where there are matters peculiar to the site (in particular the uncommonly large site area, corner location, and requirement for open space area) which warrant the preparation of new DCP controls.

As the DCP is a guideline document, it is possible to include specific advice on design approaches which might result in improved design and justification for variations to development standards under Council's LEP. The applicant would still be required to seek variation and provide justification for the variation with the DA application.

ITEM 4 (continued)

This report recommends that Council consider a variation in relation to Clause 4.6 Exceptions to Development Standards where the proposal demonstrates compliance in particular with:

- A maximum FSR of 0.5:1 as required under Council's LEP;
- A maximum site coverage of 40%;
- Minimum open space area requirements identified in the Draft DCP attached to this report and implementing Council's resolution of 11 October 2011;
- Minimum side and rear setbacks identified in the draft DCP attached to this report (that exceed existing multi dwelling housing setbacks); and
- Minimum car parking requirements identified in the Draft DCP attached to this report.

Options

Given the particulars of this site, and the reliance of the Draft DCP and concept master plan as exhibited on the variation to density controls under Council's LEP discussed above, there are two main options available to Council with respect to its decision on the draft DCP:

- Adopt the DCP
- Decide not to adopt Draft DCP

The options are discussed separately below:

Option 1: Adopt the DCP

This option refers to adoption of the DCP as proposed identifying a maximum 31 dwellings for the site, and with minor revisions in response to submissions (provided at Attachment 2), inviting the applicant to submit a development application which responds to the DCP as adopted, accompanied by the relevant documentation including a formal request under Clause 4.6 of LEP 2010.

This option is supported because:

- Council's current development controls for Multi Dwelling Housing (Part of DCP 2010) have been designed to apply to much smaller sites
- Council's LEP density controls have been designed to ensure minimum amenity considerations for each dwelling are met at ground level including sufficient space for private landscaped gardens, and for parking, driveway and turning circles. Such considerations are met under the Draft DCP through an alternative design approach which includes parking at basement level which is considered preferable on this larger site in this location
- The Draft DCP, demonstrates a compliance with the FSR, site coverage, and achieves minimum setbacks to all adjoining properties, appropriate open space areas for each dwelling
- The option provides a publicly accessible open space area on the corner of Young Parade and Second Avenue.

ITEM 4 (continued)

On this basis it is considered that a variation could be justified as the development aims to achieve the objectives of the R2 Low Density Residential zone, and accordingly the applicant should be invited to submit a development application with the relevant request for variation of the density development standard, subject to the development proposal demonstrating that it meets all other relevant criteria, including maximum FSR, site coverage, etc.

Relevant matters consistent with the expectations of multi dwelling housing, in particular in the context of this site, have been included in the Draft DCP informed by the advice of the Urban Design Review Panel and relevant staff to ensure a best fit for the site, its context and objectives of the R2 Low Density Residential zone. The concept master plan and associated DCP identify a realistic proposal which could be achieved on the site, meeting Council's other LEP requirements.

The Club premises has been vacated for two years, the land has been rezoned for 18 months, and there exists an opportunity for an unusually large site to be redeveloped as a consolidated lot into low density residential housing in place of now unsightly disused club premises. The concept master plan had been prepared and revised on a number of occasions by the applicant prior to the preparation of the supporting site specific Draft DCP in response to the comments by the Urban Design Review Panel.

Option 2: Decide not to Adopt the DCP

Should the Council decide not to permit consideration of up to 31 dwellings on the site, the DCP should be rejected, rewritten and re-exhibited.

Option 1 is the preferred option and a suitable recommendation is attached to this report that seeks Council's adoption of the Draft DCP revised in response to submissions, and invites the applicant to prepare a development application in accordance with the DCP and LEP accompanied by a request for variation, prepared in accordance with Clause 4.6 of LEP 2010, to the development standard for density for this site to which the Draft DCP applies.

Financial Implications

Should Council resolve to adopt the Draft DCP it will result in nil financial impact to Council.

ITEM 4 (continued)

ATTACHMENT 1

Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood (new Part 6.7 of DCP 2010)			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommendation
D13/82045	(President Eastwood Chamber of Commerce) SUPPORTS proposal.	Support is noted.	
D13/83466	(Ermington) SUPPORTS proposal: <ul style="list-style-type: none"> • Provision of basement parking is effective use of space. • Public open space is a benefit to the community. • Funds potentially generated for club should not only offset losses from bowling club but assist sport and other groups in the local community. 	<ul style="list-style-type: none"> • It is agreed that basement parking has merit over ground level parking especially given the large size of this site, and because basement parking offers the opportunity to keep vehicular access openings to the street to a minimum maximising retention of on-street parking opportunities. • Publicly accessible open space is a benefit to the community and came out of Council's resolution to support the rezoning of the land to R2 Low Density Residential. • Opportunity for funds is not a matter related to development controls. 	No change to DCP.
D13/83749	(Resident: Young Parade) OBJECTS, requests amendments: <ul style="list-style-type: none"> • Vehicular access should not be permitted via Young Parade • Number of dwellings – potential increase in traffic congestion, parking issues additional noise • Concerns over vehicular access and additional traffic using Young Parade, potential road safety issues, especially with young children pedestrians using Young Parade Suggests: <ul style="list-style-type: none"> • Vehicular access be via Second Avenue only. • Redesign to restrict vehicular access from Young Parade to assist reduction in risk to safety of pedestrians using Young Parade as shortcut through to Eastwood 	<ul style="list-style-type: none"> • This submission was received at a drop-in information session, when it was confirmed to the author that vehicular access is not proposed from Young Parade. • Based on site area, the site could yield 22 dwellings. The proponent seeks a higher density/number of dwellings for the site. This is potentially a matter for Council to decide upon formal request with the development application. There is planning merit to support the higher density as the concept master plan still meets FSR, site coverage and other requirements expected of this type of development. • Potential traffic generation is less than the former use as a club with restaurant. Vehicular access restricted to Second Avenue and basement parking 	No change to DCP.

ITEM 4 (continued)
ATTACHMENT 1

Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood (new Part 6.7 of DCP 2010)			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommendation
		is likely to reduce the impacts of noise from parking when compared with the outdoor uncovered car parking area utilised by the club when it was operational. <ul style="list-style-type: none"> • There is no proposal to change the parking restriction in Young Parade. • The publicly accessible open space area was located on the corner of Young Parade and Second Avenue by Council resolution so the residents of both streets could share the benefits. 	
D13/83854	(President Carlingford Cougars J.R.L.F.Club) SUPPORTS: <ul style="list-style-type: none"> • Basement parking a sensible solution • Ryde-Eastwood Leagues Club a strong supporter of junior football clubs. 	<ul style="list-style-type: none"> • It is agreed that basement parking has merit over ground level parking especially given the large size of this site, and because basement parking offers the opportunity to keep vehicular access openings to the street to a minimum maximising retention of on-street parking opportunities. • Opportunity for funds for local sports is not a matter related to development controls. 	No change to DCP.
D13/83855	(President Holy Cross Rhinos Rugby League Club) SUPPORTS: <ul style="list-style-type: none"> • Consistent with residential in surrounding area • Car parking at basement instead of at street level provides for effective use of space • Basement car parking should assist reduction in noise levels from when used by club • Ryde-Eastwood Leagues Club strong financial supporter of rugby league and junior sports in area – potential for funds to assist in future. 	<ul style="list-style-type: none"> • It is agreed that basement parking has merit over ground level parking especially given the large size of this site, and because basement parking offers the opportunity to keep vehicular access openings to the street to a minimum maximising retention of on-street parking opportunities. • Opportunity for funds is not a matter related to development controls. 	No change to DCP.

ITEM 4 (continued)

ATTACHMENT 1

Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood (new Part 6.7 of DCP 2010)			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommendation
D13/85893	<p>(President North Ryde Junior Rugby League Football Club) SUPPORTS:</p> <ul style="list-style-type: none"> • Basement parking results in a “softer” environment. • Well planned accommodation of new residents, without crowding, whilst adding new park area, and aesthetics to assist blending in. • Opportunity for Club to recoup costs associated with bowling club and funds to continue to assist junior sport in the area. 	<ul style="list-style-type: none"> • It is agreed that basement parking has merit over ground level parking especially given the large size of this site, and because basement parking offers the opportunity to keep vehicular access openings to the street to a minimum maximising retention of on-street parking opportunities. • Opportunity for funds is not a matter related to development controls. 	No change to DCP.
D13/85899	<p>(Resident Third Avenue) OBJECTS:</p> <ul style="list-style-type: none"> • Adverse impact on lifestyle and environment of neighbourhood of 31 dwellings, mostly 2 storeys. • Significant increase road and foot traffic in Young Parade (proposed 4x2 storey dwellings fronting Young Parade). • Relocate the proposed park along Young Parade to assist preserving Young Parade’s current atmosphere, and remove the need for additional vehicular access to Young Parade. • The current parking restriction of Young Parade should remain the same – i.e. no parking on the side of the proposed development. This will aid in alleviating congestion issues. • Re-designing the proposed development to restrict vehicular access from the complex to Young Parade. 	<ul style="list-style-type: none"> • Based on site area, the site could yield 22 dwellings. The proponent seeks a higher density/number of dwellings for the site. This is potentially a matter for Council to decide upon formal request with the development application. There is planning merit to support the higher density as the concept master plan still meets FSR, site coverage and other requirements expected of this type of development. • Vehicular access is not proposed from Young Parade. • The park was located on the corner of Young Parade and Second Avenue by Council resolution so the residents of both streets could share the benefits. • There is no proposal to change the parking restriction in Young Parade. • Proposed vehicular access is restricted to Second Avenue only as indicated on the concept master plans, and as identified as a control under the Draft DCP as exhibited. 	No change to DCP.

ITEM 4 (continued)
ATTACHMENT 1

Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood (new Part 6.7 of DCP 2010)			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommendation
D13/86620 and D13/87003	(Local land owner) RAISES CONCERNS, makes suggestions to mitigate: <ul style="list-style-type: none"> • Entry via young Parade – proximity to garages on Young Parade – concern over walking flow created at this point, safety of people, especially children with potential conflict with cars reversing out of garages opposite in Young Parade which is a narrow street with curve. • Suggest relocate entry via Young Parade to be closer to corner of Second Avenue and Young Parade. • Proposed location mail boxes Young Parade – again concern over safety at this point – potential car/people (especially children) conflict. • Suggest mail boxes be located instead at entry on Second Avenue as this is a wider street and has footpath, fewer safety concerns. • Setback of 4.5 metres to Young Parade insufficient, potential environmental impacts. Suggest minimum 6 metres. • Density: proposed 31 dwellings with 71 cars – too much. Suggests reducing number of dwellings to minimise environmental impacts for surrounding area. 	<ul style="list-style-type: none"> • Vehicular access is not proposed from Young Parade. • There are defined pedestrian access points proposed to the site as required for appropriate pedestrian circulation for this site. Pedestrian access off Young Parade is a critical part of this circulation. Proposed vehicular access is restricted to Second Avenue only as indicated on the concept master plans, and as identified as a control under the Draft DCP as exhibited. No relocation of access should be required. • All mail boxes for the development do not need to be in this location, as minor revision to the DCP could clarify this point. • Based on site area, the site could yield 22 dwellings. The proponent seeks a higher density/number of dwellings for the site. This is potentially a matter for Council to decide upon formal request with the development application. There is planning merit to support the higher density as the concept master plan still meets FSR, site coverage and other requirements expected of this type of development. Potential traffic generation is less than the former use as a club with restaurant. 	No change to DCP.
D13/86999	(Resident Second Avenue) OBJECTS: <ul style="list-style-type: none"> • Young Parade – narrow street – recommend no driveway or walkway access to site from Young Parade – safety and parking concerns 	<ul style="list-style-type: none"> • There is no vehicular access proposed off Young Parade, only pedestrian access. The existing vehicular access via Young Parade is not included in the concept master plan. Proposed vehicular access is restricted to Second Avenue 	No change to DCP.

ITEM 4 (continued)

ATTACHMENT 1

Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood (new Part 6.7 of DCP 2010)			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommendation
	<ul style="list-style-type: none"> • Too many dwellings, too many people, too many cars, adds to existing traffic. Suggest maximum 20 townhouses. • Privacy and outlook facing Young Parade – looking into proposed townhouses, request larger park area to assist outlook and privacy. 	<p>only as indicated on the concept master plans, and as identified as a control under the Draft DCP as exhibited. There is no proposal to change the parking restriction in Young Parade.</p> <ul style="list-style-type: none"> • Based on site area, the site could yield 22 dwellings. The proponent seeks a higher density/number of dwellings for the site. This is potentially a matter for Council to decide upon formal request with the development application. There is planning merit to support the higher density as the concept master plan still meets FSR, site coverage and other requirements expected of this type of development. Potential traffic generation is less than the former use as a club with restaurant. • Young Parade is a public street. The proposed dwellings shown in the concept master plan are designed to face the street, at relevant setbacks. The proposed area of park satisfies Council's resolution of 11 October 2011. 	
D13/87001	<p>(Resident Second Avenue) OBJECTS:</p> <ul style="list-style-type: none"> • Section 2.5 Building Form re height - concern over impact for proposed future installation of solar panels for villas in adjoining villa development, and on existing solar panel for lighting system villa Lot 3. • Section 2.6.2 Side and Rear setbacks – inadequate setback to side boundary for habitable rooms of adjoining villas. Inadequate compared to setback proposed for 14-18 Third Avenue. 	<ul style="list-style-type: none"> • The heights are required to comply with LEP 2010. The master plan shows lowering of existing bowling green heights as a platform for new residential development. Shadow diagrams will need to be submitted with the DA, however it is agreed that the roof areas should be considered also in the assessment of shadowing and a suitable control is proposed in the Draft DCP recommended for adoption by Council. • The Draft DCP stipulates objectives and controls for setbacks, overshadowing, privacy recommended by the Urban Design Review Panel 	<p>Amend DCP with minor change to Clause 2.10 Overshadowing and Access to Sunlight to include reference in objectives and controls of minimising shadowing of roof areas of adjoining dwellings.</p> <p>Minor change to Clause 2.6.2 (a) of DCP, to increase required side setback from 3m to 4m (for</p>

ITEM 4 (continued)
ATTACHMENT 1

Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood (new Part 6.7 of DCP 2010)			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommendation
		taking into account the expectations of multi dwelling housing under Council's usual controls, and the design and configuration of the existing adjoining residential development to address potential issues. No additional setbacks are considered warranted.	walls).
D13/87026	(Resident Second Avenue) Appreciate openness and transparency consultation RAISES CONCERNS, makes suggestions to mitigate: <ul style="list-style-type: none"> • Too many dwellings, out of character and scale with surrounding, large and permanent impact on street • Small park – token in gesture – suggest at least 1000m² • Concern over potential occupants – temporary residents e.g. international students, many cars, ghetto. • Parking issue - potential spill-over Second Avenue, increase current issues from commuter parking. 	Support for consultation noted. <ul style="list-style-type: none"> • The proponent seeks a higher density for the site. There is planning merit to support the higher density as the concept master plan still meets FSR, site coverage and other requirements expected of this type of development. • The proposed area of park, at a minimum of 640m², satisfies Council's resolution of 11 October 2011. • Potential occupants of the dwellings is not a DCP related matter. • Adequate parking is proposed in a basement level car park with only one access off Second Avenue, which assists maximising on-street parking opportunities in Second Avenue. Potential traffic generation is less than the former use as a club with restaurant. 	No change to DCP.

ITEM 4 (continued)

ATTACHMENT 1

Summary of Submissions in response to Draft Site Specific DCP: Second Ave, Eastwood (new Part 6.7 of DCP 2010)			
Submission No.	Summary of Comments made in Submission	Comments in Response	Recommendation
	<p>Suggestions:</p> <ul style="list-style-type: none"> • Fewer dwellings, no underground parking (avoid expensive excavation and concrete infrastructure) but double garages each dwelling, significant on-site visitor parking. Or • Develop mixture high quality sizable freestanding homes (4-5 bedrooms) and small proportion townhouses/villas, larger park (1000m²). • High quality, fewer prestige dwellings, attract owner occupiers. Or • Council buy the site, redevelop as partially freestanding houses, include larger park with 2-4 tennis courts, potentially funded by special levy on rates notices, improved neighbourhood – not overcrowded. 	<p>Suggestions for alternative designs and approaches are noted.</p> <p>The proponent has already provided a number of alternatives which did not all satisfy Council requirements and urban design considerations provided by the Urban Design Review Panel. The exhibited option was the most recent preferred option and includes range of dwelling sizes to meet expectations of multi dwelling housing.</p> <p>The proposed area of park satisfies Council's resolution of 11 October 2011. Council has required the land to be developed and maintained by the land owner for public benefit and at no cost to Council.</p>	
END OF TABLE			

ITEM 4 (continued)

ATTACHMENT 2

City of Ryde
Development Control Plan 2010

Part 6.7
Second Avenue (9-19)
Eastwood



City of Ryde

ITEM 4 (continued)

ATTACHMENT 2



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 تعذر عليك فهم محتويات هذه الوثيقة، نرجو للحضور إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي تطلب من أحد المترجمين الاتصال بمجلس مدينة رايد، على الرقم 9952 8222، نيابة عنك.

ARMENIAN

Եթե այս գրությունը չէք հասկնալ, խնդրեմ եկե՛ք՝ Բայր Միվին Սենթրը, 1 Տեվլին փողոց, Բայր, (Ryde Civic Centre, 1 Devlin Street, Ryde) էրկուշաբթի են Ուրբաթ կա. ժամը 8.30 – կէ. ժամը 4.30, կամ հեռաձայնեցե՛ք հեռաձայնի եւ Թարգմանութեան Սպասարկութեան 131 450, եւ խնդրեցե՛ք որ թարգմանիչ մը Բայր Բարդսապարաբանին հետ կապ հասարալ: ձեզի համար, հեռաձայնելով՝ 9952 8222 թիփն:

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 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。你也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接通後你可以要求一位傳譯員為你打如下電話和 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 دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن بزند.

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 번으로 전화 통역 서비스에 연락하셔서 통역사에게 여려분 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁하십시오.

Amend. No.	Date approved	Effective date	Subject of amendment

Presented to Council for FINAL adoption 10 December 2013

ITEM 4 (continued)

ATTACHMENT 2

<p>Part</p> <p>Second Avenue, Eastwood</p>	<p>Contents</p> <p style="font-size: 2em;">6.7</p>
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Contents

1.0 INTRODUCTION	4
1.1 Land to which this Part applies	4
1.2 Objectives of this Part	5
1.3 Purpose of this Part	5
2.0 DEVELOPMENT CONTROLS	6
2.1 Consolidation	6
2.2 Density	7
2.3 Dwelling Mix	7
2.4 Streetscape	8
2.5 Building Form	9
2.6 Setbacks	9
2.7 Privately Owned Public Open Space	11
2.8 Private Outdoor Space	13
2.9 Landscaping	13
2.10 Overshadowing and Access to Sunlight	14
2.11 Visual and Acoustic Privacy	14
2.12 Car Parking	15
2.13 Accessibility	15
2.14 Stormwater Management	16
2.15 Waste Minimisation and Management	16

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

ITEM 4 (continued)

ATTACHMENT 2

6.7	Part Second Avenue, Eastwood	Chapter 1.0 Introduction
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1.0 INTRODUCTION

1.1 Land to which this Part applies

This part applies to land contained in:

- Lots 77 to 79, DP 4684;
- Lot B and part of Lot C, DP 341289;
- Lot B and part of Lot A, DP 342511;
- Lot B, DP 365296;
- Lot A and B, DP 386523; and
- Lot 1, DP 455457.

The land to which this Part applies is shown on Figure 6.7.1.



Figure 6.7.1 – Land to which Plan Applies

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

ITEM 4 (continued)

ATTACHMENT 2

Part	Chapter	
Second Avenue, Eastwood		6.7

1.2 Objectives of this Part

The objectives of this Part are:

1. To ensure the economic use and development of the land (to which this Part applies) for residential purposes.
2. To create high quality well used publicly accessible open space that is overlooked by buildings and pedestrian ways.
3. To promote development that is compatible with surrounding residential development.
4. To maintain appropriate residential amenity to existing adjoining and surrounding residential developments.
5. To provide safe well used pedestrian access to the site and within the site.
6. To provide safe and convenient vehicular access and servicing of the site.
7. To implement Ryde Council's resolution (b) of 11 October 2011 (ITEM 4) as follows:

That Council enter into a Deed of Agreement with the Ryde-Eastwood Leagues Club Limited to require a master plan to be prepared for the site(s) in the event of the land being developed for housing. Such a plan is to allocate 10% of the total site area to be publicly accessible open space. The Deed of Agreement is to be registered against the land title of all the following parcels of land:

- LOT 1 in DP 455457;
- LOT A in DP 386523;
- LOTS 77, 78 and 79 in DP 4684;
- LOT B in DP 342511;
- LOT B in DP 341289; and
- LOT B in DP 365296.

1.3 Purpose of this Part

The purpose of this DCP Part is to provide guidance on:

- giving effect to the aims and objectives of *Ryde Local Environmental Plan 2010*;
- facilitating development that is permissible under that *Plan*; and

This Part has been prepared to provide guidance for the design and assessment of any application to be submitted for the redevelopment of the land to which it applies.

The controls contained in this Part are not focussed on compliance with numerical requirements, but are predicated on achieving the objectives specified for various design elements.

These controls are based on development outcomes which relate to:

- the character of the streets in this locality;
- achieving desired development outcomes; and
- achieving a desirable streetscape presentation,

and are to be applied flexibly to achieve the desired urban design outcome for the redevelopment of the land.

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

ITEM 4 (continued)

ATTACHMENT 2

6.7	Part	Chapter
	Second Avenue, Eastwood	2.0 Development Controls

2.0 DEVELOPMENT CONTROLS

This section provides controls designed to guide the redevelopment of the land to which this Part applies and to ensure that:

- Development is appropriately designed to be compatible with and have a satisfactory interface with surrounding residential development;
- Development does not have any adverse effect on the amenity enjoyed by residents of surrounding properties;
- Development provides satisfactory and desirable streetscapes in both Second Avenue and Young Parade; and
- Privately owned public space is implemented adjacent to the corner of Second Avenue and Young Parade.
- The development controls promote an appropriate degree of flexibility in applying certain development standards to the development,
- The development controls achieve better outcomes for and from development by allowing flexibility in particular circumstances.

2.1 Consolidation

Objectives

1. To ensure the development is carried out as a single fully planned and integrated complex.
2. To meet the aims of the *Metropolitan Plan for Sydney 2036* to locate 80% of all new housing within walking catchments of existing centres with good public transport.

Controls

- a. The allotments comprising the land to which this Part applies should be consolidated to form a single allotment.
- b. Once consolidated, the land will not be re-subdivided unless the subdivision:
 - i. is by way of strata title under the *Strata Schemes (Freehold Development) Act 1973*; and
 - ii. identifies the privately owned public open space within the common property of the proposed strata scheme.

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

6

ITEM 4 (continued)

ATTACHMENT 2

Part	Chapter
Second Avenue, Eastwood	6.7

2.2 Density

Objectives

1. To create a balanced relationship between the site area, dwelling size and residential population living on the site.
2. To ensure the economic use and development of the land for residential purposes in terms of area and opportunities available for its redevelopment and to facilitate the establishment of public open space on the land.

Controls

- a. Development on the land must not exceed a floor space ratio of 0.5:1.
- b. Where multi dwelling housing is proposed:
 - i. A master plan is to be prepared for the site that illustrates how this DCP is implemented including the location and quantum of privately owned public space.
 - ii. Provide 645m² privately owned public space on the corner of Young Parade and Second Avenue (Refer 2.5 Privately Owned Public Space).
 - iii. A maximum of 31 dwellings is permitted.
 - iv. The maximum site coverage for dwellings is 40% calculated at the time of the Development Application.

Note: For the purposes of calculating site coverage the land that is to be provided as privately owned public space may be included as unbuilt upon land.

2.3 Dwelling Mix

Objectives

1. To create a balanced relationship between the site area, dwelling size and residential population living on the site.
2. To ensure the economic use and development of the land for residential purposes
3. To ensure multi dwelling housing developments contain a mix of dwelling sizes to meet the needs of different household groups.

Controls

- a. Where multi dwelling housing is proposed not more than 80% of dwellings should have the same number of bedrooms.

Note: Information regarding the % breakdown of dwelling size by number of bedrooms is to be included with the development application.

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

7

ITEM 4 (continued)

ATTACHMENT 2

6.7	Part	Chapter
	Second Avenue, Eastwood	

2.4 Streetscape

Objectives

1. To ensure that the development is designed and constructed to complement and enhance the existing streetscape of the locality.
2. To provide interest and variation in the appearance of the development and enhance and complement the existing streetscapes.
3. To ensure a satisfactory presentation of buildings to the street, with dwellings facing the street, wherever possible, to enable casual surveillance from living rooms and verandas to the street, internal driveways, public spaces and public parks.

Controls

- a. The development should be compatible in scale and form with the established streetscape patterns along both Second Avenue and Young Parade.
- b. Dwellings adjacent to the Second Avenue and Young Parade boundary should be oriented toward the street and to the privately owned public open space.
- c. Direct access from the street should be provided to the dwellings fronting both Second Avenue and Young Parade.
- d. The existing sandstone wall along the Second Avenue boundary should be retained to a maximum of 1.5 metres in height above the adjoining footpath level to provide a front fence for the dwellings fronting Second Avenue.
- e. The sandstone fence should be punctuated to provide direct pedestrian access to each dwelling fronting Second Avenue.

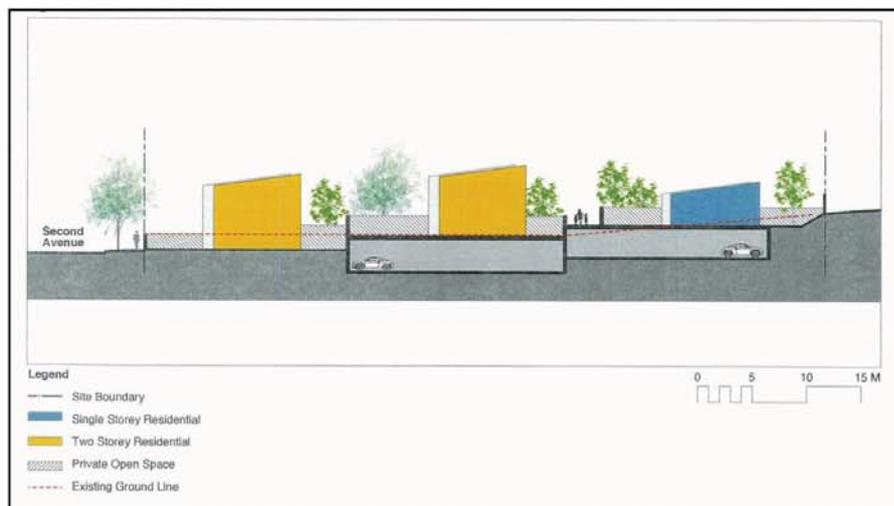


Figure 6.7.2 - Ground Plane Section

Presented to Council for FINAL adoption 10 December 2013

ITEM 4 (continued)

ATTACHMENT 2

<p>Part</p> <p>Second Avenue, Eastwood</p>	<p>Chapter</p> <p style="font-size: 2em; font-weight: bold;">6.7</p>
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2.5 Building Form

Objectives

1. To ensure the scale of development is related to the character and streetscape of the surrounding area.
2. To ensure compliance with height controls under *Ryde Local Environmental Plan 2010*.
3. To ensure privacy of adjoining development.
4. To ensure maximum opportunity for natural light and ventilation through the dwellings.

Controls

- a. The design of the development should be modulated to provide a built form transition to adjoining residential properties and articulated to provide visual interest.
- b. All buildings are to have a maximum depth dimension of 12 metres.
- a. Where multi-dwelling house development is proposed, dwellings fronting Second Avenue and Young Parade (including the privately owned public space) should not exceed two (2) storeys and a building height of 8 metres, in accordance with multi dwelling housing (attached) *Ryde Local Environmental Plan 2010* Clause 4.3(2A)(a).
- b. Dwellings adjacent to the land's common boundary with 14-18 Third Avenue should not exceed one (1) storey in height and a building height of 5 metres.
- c. Where multi dwelling housing is proposed, the remainder of the dwellings on the land should not exceed two (2) storeys in height and a building height of 6.5 metres measured from the ground level, as provided for in Clause 4.3(2A)(b) of *Ryde Local Environmental Plan 2010*. Flexibility in the style of roof forms may be considered for dwellings in order to achieve maximum height requirements.
- d. A ground plane section demonstrating indicative building heights relative to existing ground levels is contained in Figure 6.7.2.
- e. A minimum floor to ceiling height of 2.7m should be provided within dwellings.
- f. Figure 6.7.3 indicates the built form plan for development on the land.

Note: Under Ryde LEP 2010, "building height" is defined as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building.

2.6 Setbacks

Objectives

1. To allow sufficient building separation within the development and with adjoining properties to ensure privacy.
2. To allow for substantial landscaping and pervious areas.
3. To ensure the development is in keeping with the existing streetscape.
4. To ensure that the density of development to be permitted can be achieved.

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

9

ITEM 4 (continued)

ATTACHMENT 2

6.7	Part	Chapter
	Second Avenue, Eastwood	

2.6.1 Front Setbacks

Controls

- a. The setbacks of dwellings from streets and privately owned public space must be in accordance with Figure 6.7.3.



Figure 6.7.3 - Building Form Plan

Presented to Council for FINAL adoption 10 December 2013

ITEM 4 (continued)

ATTACHMENT 2

Part	Chapter	
Second Avenue, Eastwood		6.7

2.6.2 Side and Rear Setbacks

Controls

- a. The walls of dwellings adjacent to the land's eastern common boundary with 21 Second Avenue should be setback 4 metres minimum from that boundary. Habitable rooms, balconies and upper levels must be setback a minimum of 4.5 metres.
- b. Walls at the first floor level of buildings adjacent to the eastern boundary which contain windows to habitable rooms, (such as living rooms and kitchens), and balconies should be setback 4.5m minimum from the boundary.
- c. The walls of dwellings adjacent to the land's southern common boundary with 14-18 Third Avenue should be setback a minimum of 6m.
- d. Development should be designed to maintain the appropriate spatial separation, privacy and amenity to adjoining residential properties.
- e. The setbacks required of dwellings is indicated on Figure 6.7.3.

2.6.3 Internal Setbacks

Controls

- a. The development should be designed so that the windows of habitable rooms of one dwelling do not overlook habitable room windows of another dwelling.
- b. A minimum of 9m separation should be provided between the windows of habitable rooms of facing dwellings within the site.

2.7 Privately Owned Public Open Space

Objectives

- 1. To provide public open space on the land as part of its redevelopment.
- 2. To enable the development design to be integrated with the public open space.
- 3. To improve the public domain areas surrounding the site.

Controls

- a. Privately owned public open space with a minimum area of 645m² is to be provided at the intersection of Second Avenue and Young Parade in accordance with Figure 6.7.4.
- b. Privately owned public open space is to have a minimum dimension of 18m in any direction.
- c. The privately owned public open space must be accessible to the public at all times.

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

11

ITEM 4 (continued)

ATTACHMENT 2

6.7	Part	Chapter
	Second Avenue, Eastwood	

- d. The privately owned public open space is to be developed in accordance with a landscape plan that is to be submitted and approved by Council prior to the commencement of any works on the site (including demolition). The landscape design must reflect Safer by Design Principles.
- e. The privately owned public open space must be complete and ready for public access prior to any occupation or any issue of a subdivision certificate (whichever occurs first).
- f. The privately owned public open space is to be provided as a deep soil zone.

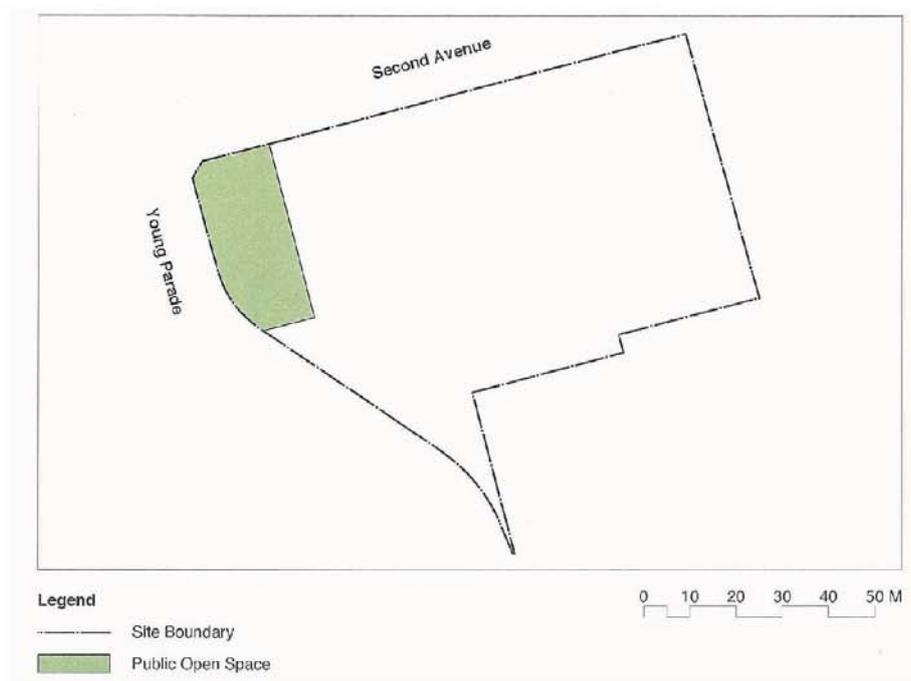


Figure 6.7.4 - Location of Publicly Accessible Open Space

Presented to Council for FINAL adoption 10 December 2013

ITEM 4 (continued)

ATTACHMENT 2

<p>Part</p> <p>Second Avenue, Eastwood</p>	<p>Chapter</p> <p style="font-size: 2em; text-align: right;">6.7</p>
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2.8 Private Outdoor Space

Objectives

1. To provide private outdoor spaces that are functional and relate to the activity areas of the dwelling.
2. To ensure all private outdoor spaces receive satisfactory access to sunlight..

Controls

- a. Primary private outdoor areas should provide the following minimum areas:
 - i. 30m² for 2 bedroom dwelling; and
 - ii. 35m² for 3 or more bedroom dwelling.
- b. Primary private outdoor space should have a minimum dimension of 4m and should generally coincide with the level of the living room in the dwelling.
- c. Primary private outdoor space should be orientated or be sufficiently large enough so that sunlight to at least 50% of the area is achieved for 2 hours between 9am and 3pm on June 21.
- d. Primary private outdoor space should be securely enclosed (fences and gates), clearly visible from the living areas of the dwelling to enable young children to play in a safe environment.
- e. Fencing adjacent to internal pedestrian ways is to be designed to be 1m high if solid and 1.5m high maximum if transparent.(Height is to be measured from the pedestrian walkway.
- f. A minimum 1.2m wide landscaped privacy strip should be provided adjacent to the land's common boundary with adjoining properties.

2.9 Landscaping

Objectives

1. To ensure the landscaping of the site complements or enhances the desired future neighbourhood character by:
 - i. providing sufficient open space for planting trees and shrubs;
 - ii. retaining, protecting, or replacing, existing vegetation where possible; and
 - iii. protecting neighbouring trees from damage to their root systems.
2. Landscaping designs should seek to:
 - i. ensure that trees and shrubs will have a softening effect on buildings and the overall environment and trees should be planted in sufficient numbers and scale to achieve this aim;
 - ii. give privacy to occupants and neighbouring properties;
 - iii. be easily maintained;
 - iv. use native plant material, particularly material indigenous to the area; and
 - v. provide for sufficient depth of soil to support the long term viability of the landscaping.

Controls

- a. A Landscape Concept Plan is to be submitted with the Development Application.
- b. A final landscape plan is to be submitted and approved prior to the issue of the Construction Certificate.

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

13

ITEM 4 (continued)

ATTACHMENT 2

6.7	Part	Chapter
	Second Avenue, Eastwood	

- c. Landscaping should include a watering system that meets current Sydney Water usage requirements, to assist in the establishment and maintenance of the landscaping.
- d. Landscaping, including for publicly accessible open space area, is to be completed prior to the dwellings being occupied.

2.10 Overshadowing and Access to Sunlight

Objectives

- 1. To ensure buildings are sited and designed to maximise access to daylight to habitable rooms.
- 2. To ensure daylight to habitable rooms in neighbouring dwellings is not significantly reduced.
- 3. To maximise winter sunlight to courtyards within the site and the open space areas and roof areas of neighbouring dwellings.

Controls

- a. Habitable room windows should face a courtyard or other outdoor space which is open to the sky. Habitable room windows should be no closer than 1.5 m (horizontal distance) from the wall of a building.
- b. Sunlight to at least 50% of each courtyard within the development the principal area of ground level private open space of adjacent properties should not be reduced to less than 2 hours between 9am and 3pm on June 21. Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight should not be further reduced by more than 20%.
- c. The proposed development should not overshadow the roof areas of adjoining development.
- d. Shadowing diagrams are to be submitted to Council with the Development Application indicating solar access within the development and to adjoining properties. Fences and existing vegetation maybe required to be provided on the shadow diagram where Council considers it necessary.
- e. Dwellings should have a maximum depth of 12m to facilitate natural ventilation and daylight access.

2.11 Visual and Acoustic Privacy

Objectives

- 1. To ensure that direct overlooking of main internal living areas and private open spaces of other dwellings both within the development and adjoining is minimised by the design of windows, screening devices and/or landscaping.

Controls

- a. Direct overlooking of private outdoor areas and/or living rooms of adjoining residential properties should be prevented by fixed screening, landscaping, spatial separation or a combination of these elements. Details of all such treatments, including locations

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

ITEM 4 (continued)

ATTACHMENT 2

<p>Part</p> <p>Second Avenue, Eastwood</p>	<p>Chapter</p> <p style="font-size: 2em; text-align: right;">6.7</p>
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and dimensions of screening, are to be included on the plans and elevations submitted with the development application.

2.12 Car Parking

Objectives

1. To provide sufficient car parking on-site to satisfy the needs of the residents and visitors to the site.

Controls

- a. Except as provided in this part, on-site parking is to be provided in accordance with the requirements of Part 9.3 Parking Controls in this DCP.
- b. Parking is to be provided in a basement level under the complex if the density is greater than 300 m² site area per dwelling.
- c. All vehicular access is to be provided from Second Avenue, and designed so as to minimise conflict with pedestrians.

2.13 Accessibility

Objectives

1. To ensure that the development meets the needs of all households including older persons and people with disabilities.

Controls

- a. The development should be designed and constructed so that dwellings are safe and accessible for pedestrians, including children, people with disabilities and older people.
- b. Pedestrian access should be provided throughout the development using a continuous accessible path of travel to all dwellings where the level of the land permits. Such access where practicable should be separate from vehicle access.
- c. Dwellings which have been designed in accordance with AS 4299 should be able to access the street, car parking and common areas using a continuous path of travel.
- d. An access audit of development should be conducted by a qualified and accredited access auditor.

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Development Control Plan 2010

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ITEM 4 (continued)

ATTACHMENT 2

6.7	Part	Chapter
	Second Avenue, Eastwood	

2.14 Stormwater Management

Objectives

1. To provide an acceptable means of controlling stormwater runoff from properties that will not cause nuisance or damage to other private or council properties.

Controls

- a. A stormwater management system is to be provided in accordance with the requirements of Part 8.2 Stormwater Management provisions of this Development Control Plan.

2.15 Waste Minimisation and Management

Objectives

1. To provide a storage area for rubbish and recycle bins which has minimal visual impact on adjoining dwellings, the streetscape and within the development.

Controls

- a. The storage, management and collection of waste is to be in accordance with the requirements of Part 7.2 Waste Minimisation and Management of this Development Control Plan.
- b. A central garbage bin enclosure should be provided.
- c. The garbage bin enclosure should be located behind the building line and suitably screened by landscaping. A plan indicating the design and location of the garbage bin enclosure should be submitted with the development application.

Presented to Council for FINAL adoption 10 December 2013

Development Control Plan 2010

Revised Draft | Adoption

16

ITEM 4 (continued)

ATTACHMENT 2



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Civic Centre
1 Devlin Street
Ryde NSW 2112

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ITEM 4 (continued)

ATTACHMENT 3

ATTACHMENT 3: The diagram below shows the ground level layout of the concept master plan. The area identified by the green arrow shows vehicular access proposed via a single entry point off Second Avenue only. No vehicular access is proposed off Young Parade. The red arrow indicates the approximate location of an existing vehicular access point off Young Parade which is not included in the proposal or the DCP.



Proposed vehicular entry and exit

(Approximate location of existing vehicular access off Young Parade)

5 EASTWOOD TOWN CENTRE MASTER PLAN

Report prepared by: Team Leader - Design and Development
File No.: UPS2009/9/005 - BP13/1636

REPORT SUMMARY

A draft Master Plan for the Eastwood Town Centre has been developed following consultation with the local community to understand their expectations, concerns and aspirations for the town centre. The draft Master Plan offers an opportunity to reinforce Eastwood as a significant and commercially successful town centre that will have a lively streetscape, improved pedestrian amenity and increased housing stock. The public domain improvements identified will augment the experience of people using the centre.

The Master Plan sets a direction for the future built form and the public domain of the town centre. The built form includes the height and density of buildings and the character of the streetscape. The public domain comprises the open spaces, footpaths and roadways.

The draft Master Plan proposes changes to building heights and the introduction of floor space ratios (FSRs) in the Eastwood centre. The implementation of these changes will require an amendment to Ryde Local Environmental Plan 2013 and a planning proposal. It is recommended that the draft Eastwood Master Plan forms the basis for the preparation of a planning proposal of the Eastwood Town Centre.

RECOMMENDATION:

- (a) That Council adopts the draft Eastwood Master Plan and endorses it as the basis for the preparation of:
 - a planning proposal to amend Ryde Local Environmental Plan to amend heights and introduce floor space ratios in the Eastwood Town Centre
 - a review of draft Part 4.1 - Eastwood Town Centre Development Control Plan 2013
- (b) That a further report be brought to Council on the Eastwood Town Centre planning proposal and draft Development Control Plan.
- (c) That the Chambers of Commerce in Eastwood, the Member for Bennelong and the Members for Ryde and Epping be consulted as part of the preparation of the planning proposal and the draft development control plan.

ATTACHMENTS

- 1 Draft Eastwood Town Centre Master Plan - CIRCULATED UNDER SEPARATE COVER
- 2 Draft Eastwood Cultural Analysis - CIRCULATED UNDER SEPARATE COVER

ITEM 5 (continued)

Report Prepared By:

Margaret Fasan
Team Leader - Design and Development

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 5 (continued)

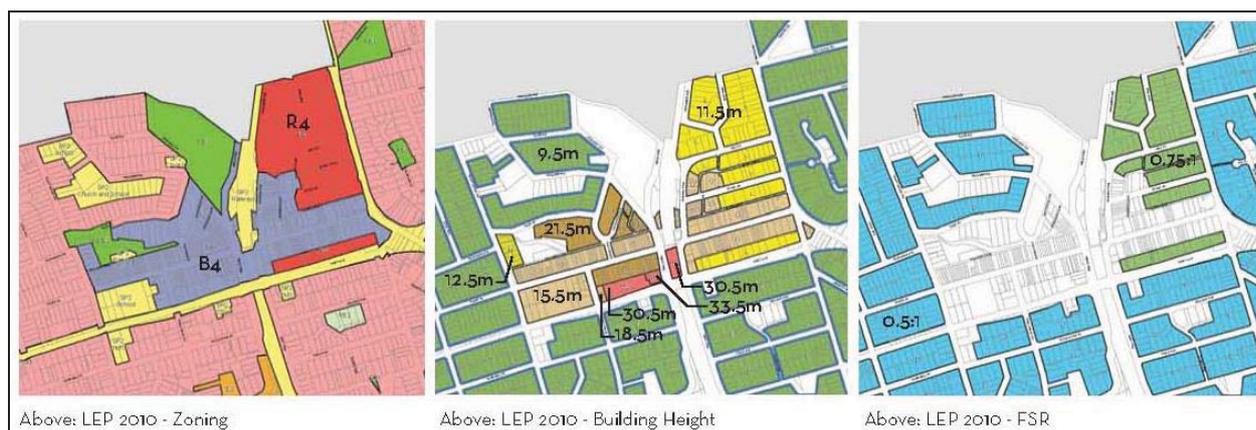
History and Context

The Eastwood town centre is bounded by Rutledge Street / First Avenue to the south; Shaftsbury Road to the west; Hillview Road, Eastwood Park and May Street to the north; and Blaxland Road to the east. The centre is the area zoned B4 – Mixed Use.

Arterial roads bypass the town centre and reinforce the boundaries. This configuration supports Rowe Street and the core of the town centre as pedestrian intensive areas.

The rail line bisects the centre and is a significant physical constraint. The area surrounding the centre is largely low scale residential with an area of residential flat buildings to the North West.

The existing planning controls became effective in 2003. These are shown below.



The existing centre is largely zoned B4 – Mixed Use. The existing height controls are in metres. Converting these to storeys they range from 4-5 storeys in Rowe Street, 6-7 storeys around Progress Avenue/ Lakeside Road up to 11 storeys on the corner of Rutledge Street and West Parade. The R4 High Density Residential area adjoining the centre has a height control of 3 storeys. Current development approvals such as the Eastwood shopping centre site exceed the current height controls on parts of the site.

The centre does not have FSR's under LEP 2010. Development is controlled by height and controls such as setbacks contained within the DCP. The Master Plan is developing appropriate FSR's for the centre.

A draft master plan for Eastwood was exhibited in 2007. This study was initiated to ensure that the local Master Plan, Local Environment Plan (LEP) and Development Control Plan (DCP) are coordinated and responding to best design practice.

ITEM 5 (continued)

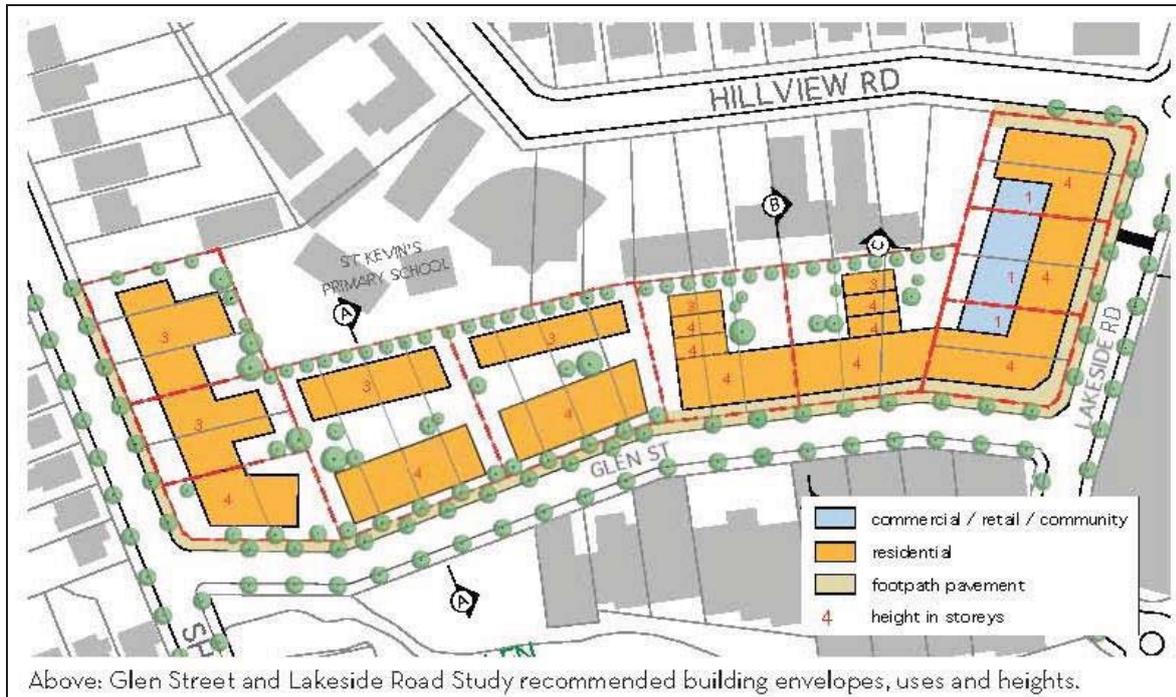
Following exhibition, the 2007 plan was put on hold so that detailed traffic and flooding studies of the area could be undertaken. Thus the planning controls were not updated when the other town centres in Ryde were reviewed as part of the Local Planning Study. The traffic and flood studies have now been completed and endorsed by Council which has allowed the Master Plan to proceed. A map of the Master Plan study area is shown below.



In addition to the recommendations of flood and traffic studies there have been a number of new issues for the Master Plan to consider in the years since the 2007 Draft Plan was exhibited. These include several approved DAs within the centre; integration with SEPP 65 and changes in the state wide planning controls.

In 2010 a Master Plan of the Glen Street / Lakeside Road area north of the town centre was completed and endorsed by Council as part of the local planning study on 7 December 2010. It proposed zoning changes from R2 to B4 and R4 and height changes from 2 storeys to 4 storeys. The outcomes of this Master Plan have been incorporated into Draft LEP 2013. An extract of the 2010 Master Plan is shown below.

ITEM 5 (continued)



Reconsideration of the draft Master Plan for the whole of the Eastwood town centre commenced in July 2011. The Master Plan study process remains committed to the delivery of a coordinated local Master Plan, LEP and DCP. In addition the study aims are to promote excellence in urban design through an urban form that integrates long term flood mitigation and traffic outcomes. The plan considers the need for viable development that could contribute to significant public space and streetscape improvements. A cultural analysis of the town centre is integrated into the study. This has informed the Master Plan so it reflects the current and future needs of its community. The Master Plan was prepared by independent external consultants.

Community feedback and analysis

In the first stage of the Master Plan detailed analysis of the study area was prepared. As part of the cultural analysis, preliminary consultation was undertaken to gain better insight into the community's expectations, concerns and aspirations for the town centre. Consultation was undertaken using a range of methods including:

- Face to face interviews
- Online and written surveys
- Site inspections and
- Telephone interviews

The community engagement completed for the 2021 Strategic Plan and the Community Harmony Reference Group were also used to inform the study.

Through this process the views of over 20 community groups and numerous individuals were included in the cultural analysis.

ITEM 5 (continued)

These discussions have guided the development of the Master Plan. More details of the consultations are noted in the Master Plan and Cultural Analysis studies (**ATTACHMENTS 1 AND 2 – CIRCULATED UNDER SEPARATE COVER**). Note the outcomes of the Cultural Analysis were incorporated into the 'Connecting Communities after the Eastwood Fire' study which was reported to Council on 13 December 2011.

The key findings of the analysis and consultation are that Eastwood Town Centre is:

- A safe peaceful multicultural community
- A vibrant economically successful area
- Easy to walk around in the day and evening
- Recognised for great community spaces where the community can sit together in the shade and chat
- Well connected with good transport and cultural links to wider Sydney
- Flood affected, impacted by traffic and parking is at a premium
- Affected by the poor connection across the town centre east and west of the railway line
- In need of a tidy up and modernising but the existing character of the centre should be maintained as it is special.
- In need of better access to community facilities and new facilities for all sections of the community are required
- Made up of successful businesses, small lots, strata lots and flood impacts that means only a few sites are likely to be renewed or redeveloped

Council is to note that the Four Year Delivery Plan 2012-16 contains a number of projects that address issues raised by the community.

Councillor Workshop 1

Three Councillor Workshops and one Briefing Session have been held on the Eastwood Master Plan.

The first Councillor Workshop was held on 22 May 2012. Three built form scenarios were presented. A fourth scenario of no increase in existing height was suggested at the workshop. A summary of the discussion of these scenarios is shown below.

ITEM 5 (continued)

Scenario	1	2	3	4
Proposal	<p>1-2 storey height increase along Rowe Street up to 6 storeys and a 2-3 storey height increase up to 8 storeys on landmark sites.</p> <p>No height increase otherwise.</p> <p>Built form integrated with public domain</p>	<p>Generally. Height up to 8 storeys on Rowe Street and 12 storeys on landmark sites</p> <p>2 storey height increase otherwise</p>	<p>Heights up to 18 storeys in the business centre and 21 storeys in the R4 area.</p> <p>Note this scenario was based solely on economic viability and for illustration only. It was not supported by the consultant team</p>	<p>Maintaining existing height controls</p>
Advantage	<p>Supports gradual renewal of the centre.</p> <p>Maintain 2 storey datum to Rowe Street.</p> <p>Maintain sunlight and pedestrian amenity on Rowe Street.</p> <p>Builds on the existing character of the area</p> <p>Supports some upgrade of the public domain</p>	<p>Greater but still gradual support for renewal of the centre.</p> <p>Maintains a 2 storey datum to Rowe Street.</p> <p>Supports greater upgrade of the public domain</p>	<p>Would support major infrastructure upgrades, such as flood mitigation</p>	<p>Minimal change to existing built form</p>
Disadvantage	<p>Will not support major infrastructure upgrades</p> <p>Renewal will occur over a long period of time.</p>	<p>Will not support major infrastructure upgrades</p> <p>Potential overshadowing of Rowe Street.</p> <p>Poor urban form outcomes could eventuate unless a number of sites are developed.</p>	<p>Rapid change to the town centre. Creation of 'towers' which</p> <ul style="list-style-type: none"> • Are out of character • Lead to poor urban outcomes • and not supported by the community consultation <p>Sits outside the parameters of the TMAP</p> <p>May compromise amenity of the centre</p>	<p>Will not support major infrastructure upgrades</p> <p>Not well integrated with the public domain.</p> <p>Potential overshadowing of Rowe Street</p>
Workshop conclusion	Support	Some support	No support	Some support

ITEM 5 (continued)

Other comments and questions made at the workshop are summarised below:

- Economically there is little incentive to change the many small allotments or strata sites in Eastwood. Much of the retail area is commercially successful and fully developed which makes redevelopment less viable. The existing planning controls for 4-6 storeys have been in place since 2003 and have resulted in little redevelopment. Providing incentives (as per scenario 3) could compromise the character and the amenity of the town centre. The community does want upgrading and modernising of the centre but not a change in character.
- There are some major infrastructure upgrades needed in Eastwood such as flood mitigation and the Glen Street car park. These are unlikely to be funded through redevelopment in scenarios 1,2 or 4 as development will be gradual and not of the scale that will provide major contributions for infrastructure. Other sources of funding will be required to fund large infrastructure and public domain upgrades.
- Changes recommended to alleviate pedestrian bottle necks and improve the flow of traffic around the town centre were discussed.
- An option for better connection east-west across the town centre was discussed.
- A question was raised about the opportunity for a large development straddling the railway. Currently there are not enough land either side of the line to develop over the railway. Development would require resumption of roadways and nearby sites which would have a major impact on the existing amenity of the centre.

Of the four scenarios the first option had the most support at the Workshop and has been refined into the preferred Master Plan option which is discussed below.

Councillor Workshops 2 and 3

A preferred Master Plan option was prepared following feedback from the first Councillor Workshop. A presentation on the preferred Master Plan was split over two Councillor Workshops on 11 June and 3 September 2013. These subsequent Workshops provided further information on the scenarios and examined them in relation to the public domain upgrades.

Briefing Session

The Councillor Workshops were followed by a Briefing Session on 10 October 2013 that considered the preferred scenario in relation to the current height controls and the height of the existing and proposed built form.

ITEM 5 (continued)

The key finding of the Briefing Session was that whilst building heights within the R4 zone have reached their full development potential, only a handful of sites within the B4 zone are at their permissible building height. In addition, the majority of approved DAs over the past 5 years exceed the current permissible heights in the centre. As the current building heights have been in place since 2003, these findings suggest that there is insufficient development potential to encourage redevelopment within the centre.

The Draft Eastwood Masterplan

The draft Master Plan (**ATTACHMENT 1 - CIRCULATED UNDER SEPARATE COVER**) offers an opportunity to reinforce the significance of Eastwood as a town centre. It will contribute to a lively streetscape along with increased pedestrian amenity. The existing retail shops will be improved. Over time new dwellings will be available in the town centre. A number of public domain improvements have been identified to improve the amenity and function of the centre.

From the cultural assessment of the area the local community is looking for gradual renewal and modernisation of the centre. They support the vibrancy of the on-street character of the centre. The Master Plan recognises that wholesale change in Eastwood is not appropriate. The plan balances the need to revitalise the centre to allow it to grow whilst maintaining an appropriate scale and street presence between any new and existing businesses and buildings. Further consultation on the proposed planning controls will confirm if this approach has the support of the community.

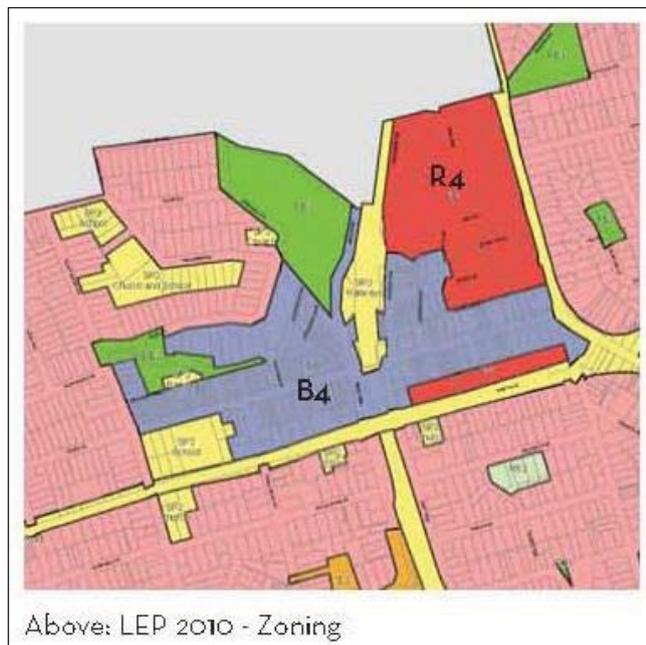
An extract of the preferred option is shown below.

Uses and zoning

The current zoning controls in the Town Centre are:

- B4 – Mixed use,
- R4 – High density residential
- SP2 - Infrastructure
- RE1 – Public Recreation

The Master Plan does not propose any changes to existing zoning controls.



ITEM 5 (continued)

In the B4 – Mixed Use zone the economic analysis undertaken as part of the Master Plan indicates that there is no current demand for additional commercial office space. Any development is likely to be a combination of retail and residential uses.

Built form

The aim of the Master Plan is to reinforce Rowe Street as the main retail and activity spine. Under the Master Plan built form is controlled so that the mall and southern side of Rowe Street will receive sunlight all year round. The existing small scale shopfront pattern that characterise Eastwood will be maintained or extended in future developments. Progress Avenue will remain the important secondary retail spine. Glen Street and Lakeside Road will become more integrated with the town centre

A number of key sites have been identified in the Master Plan report. Some are sites that mark town centre entries along Rutledge Street and First Avenue. Others are sites that reinforce the centre of Eastwood and can visually link the east and west sides of the centre. On these sites greater height is proposed and this is to be linked to demonstrable public benefits such as:

- generous street setbacks along Rutledge street
- improved public parking and active edges to Lakeside Road and Glen Street
- improved links to Glen Reserve
- widened foot path and through site links at Rowe Street East and Railway Parade.

Current building height controls typically range from four to seven storeys in the commercial centre. On certain sites 10 -11 storeys are allowed. There are no Floor space ratio (FSR) controls to control the density of development. The R4 sites have a 3 storey height limit and a maximum FSR of 0.75:1.



ITEM 5 (continued)**Height controls proposed in the draft Master Plan**

The master plan generally proposes building heights ranging from three to six storeys. To support the redevelopment of key sites an eight storey height is proposed on the southern side of Glen Street and the landmark site on the corner of First Avenue and East Parade. For those sites where there are current approved DA's the Master Plan heights match the approvals. For example, the 10-12 storey buildings on the Eastwood Shopping Centre site identified in the Master Plan were approved as part of the development approval for this site.

Apart from key sites, changes in height are limited to Rowe Street. Along Rowe Street the 2 -3 storey podium is retained. Six storey heights are distributed to the south of Rowe Street and to the north at the rear along the laneways to retain sunlight access to Rowe Street. The additional height on Hillview Lane would assist in supporting an upgrading of the lane including a setback on the southern side for a footpath.

No changes in height are proposed for other sites or the area zoned R4 where there are existing 3 storey residential flat buildings.

Public domain

The Master Plan proposes a number of public domain upgrades:

- Widened footpaths (eg the Avenue, Rowe Street east) which would improve pedestrian amenity
- Street tree planting in the centre
- More opportunities for outdoor dining and cafes (eg Rowe Street east).
- Improved pedestrian connection across the railway line at Rowe Street.
- Creating a consistent public domain on both sides of Rowe Street to visually link the centre across the rail line.
- Encourage pedestrian links through sites for example between Rowe Street and Glen Reserve
- A cycle link on First Ave from Blaxland Road to West Parade.
- Upgrade of Glen Reserve to make it more usable.
- New footpath on the southern side of Hillview Lane

Community facilities

The Master Plan identifies sites bordering Glen Reserve as a potential location for a new community building. Three of the sites on Shaftesbury Avenue are owned by Council and three are privately owned. The sites currently house older facilities and are located on flood affected land. This location is based partly on the opportunity to develop the reserve as urban parkland, activation of the western end of the centre, good access and parking and partly on the ownership pattern and limited economic viability of these sites. In proposing this option the master plan assumes the flooding issues in this part of the centre have been resolved.

ITEM 5 (continued)

This option will be investigated as part of the Eastwood Community Hub Feasibility Study.

Traffic infrastructure

The proposed Master Plan is within the parameters of growth set by the Eastwood traffic management and access plan (TMAP) endorsed by Council in 2008. It supports a number of the TMAP aims such as modification of Hillview lane, improved access to parking and encourages circulation around the town centre. Two additional localised changes are proposed to promote pedestrian access:

- Widening of the Avenue footpath and changing the direction of traffic around the Avenue, Lakeside Road, Progress Avenue intersection.
- Upgrading the east-west tunnel across the railway line at Rowe Street.

Parking is a concern for the local community. It is proposed to reconfigure the parking in Glen Reserve which will maintain the number of spaces but improve the design of the reserve. Additional parking spaces can be provided as angled parking in Ryedale Road at the eastern edge of the town centre.

The redevelopment of the Glen Street Reserve car park, while considered in the master plan, is considered in more depth separately in Council's Highest and Best-Use study, which Council will consider at a later date.

Commercial viability of the draft Master Plan

Hill PDA has provided an economic assessment of the town centre. The study looks at the commercial viability of the built form in the proposed Master Plan by examining five example sites. As noted Eastwood is a successful retail centre and the value of the retail business makes redevelopment less attractive. In addition Eastwood is characterised by many small lots and strata lots which are unlikely to develop on their own. These factors reduce the incentive for redevelopment of sites in Eastwood. The economic assessment indicates that the Master Plan generally has limited viability and would encourage only gradual change in the town centre. The Master Plan suggests amalgamation of smaller sites is necessary to provide both good design outcomes and economic sites for redevelopment. Further consideration on the means of achieving lot consolidation will be undertaken in the development of the planning proposal.

Flood Mitigation

Eastwood and Terrys Creek Floodplain Risk Management Study and Plan recommended a number of flood mitigation works that were endorsed by Council on 3 November 2009. The study shows that the Eastwood Town Centre is flood affected. The flood risk is identified as high in a number of streets in the town centre.

ITEM 5 (continued)

As the Master Plan provides a long term vision for the centre it assumes the flood mitigation works will be completed and the flood risk in the town centre is reduced to either medium or low. The Master Plan vision and many of the associated building controls are dependent on the completion of the flood mitigations works.

Infrastructure Delivery

The Master Plan proposes public domain upgrades that would improve the amenity and accessibility of the town centre. The flooding and traffic studies identified a range of infrastructure requirements for the centre.

The mechanisms to fund the public domain upgrades and infrastructure would be investigated as part of the development of the planning proposal. Mechanisms to be investigated could include:

- Upgrades to the footpath adjoining a development site required as a condition of consent.
- Controls in the DCP to deliver new footpaths and through site links
- Use of development incentives and the voluntary planning agreement process to deliver infrastructure
- Funding via development contributions or general revenue – as per projects listed in the Four Year Delivery Plan

A full cost estimate of the implementation of all of the public domain works identified in this plan has not been undertaken. However, it is estimated that the proposed improvements to Rowe Street alone, including an upgrade of the mall and the railway tunnel would require approximately \$12 million. Therefore the overall costs to deliver the public domain works is roughly estimated to be in the vicinity of \$18 million.

In addition to the public domain works, infrastructure is required to be provided to address the flooding and traffic/ parking issues within the centre. The cost of the flooding infrastructure is roughly estimated to be over \$15million. The funding required to address the traffic and parking issues is not known at this stage as such works involve a range of actions including the redevelopment of the Glen Street car park and changes to the road network.

It is estimated that approximately \$21,550,000 would be gained from s94 contributions if the preferred built form in the master plan was constructed in its entirety. This amount compares with approximately \$17,360,000 in s94 contributions if the existing LEP controls are retained. An additional \$4 million of s94 funds would be received under the preferred option. It is noted however, that with either option there will be a shortfall between the s94 contributions and the total cost of implementing the public domain works and infrastructure works.

Under either scenario, development will be gradual over a long period of time due to the numbers of small lots, fragmented land ownership and the success of the centre which often slows the rate and need for redevelopment.

ITEM 5 (continued)**Draft Ryde LEP and DCP**

The draft Master Plan proposes changes to heights and the introduction of floor space ratios (FSRs) in the Eastwood centre. The implementation of these changes will require an amendment to Ryde Local Environmental Plan 2013 and a planning proposal. Whilst built form modelling and feasibility testing of 5 sites within the centre were undertaken as part of the Master Plan, floor space ratios have not yet been determined for all sites within the B4 zone. It is noted that the proposed FSRs for the 5 sites ranged from 2:1 to 3:1. Further work needs to be done to ensure the proposed floor space ratios will achieve the desired built form and to ensure there is equitable development potential within the centre. An incentives scheme will be considered as a means of achieving the delivery of public domain outcomes.

Part 4.1 - Eastwood Town Centre of Ryde Development Control Plan 2013 will need to be amended so that it incorporates controls that will achieve the desired future character of the centre. The controls will address matters such as setbacks, streetscape design elements, active retail frontages, building massing, pedestrian access, solar access to the public domain and residential amenity. The controls will reflect the preferred built form option in the Master Plan.

It is anticipated that the draft LEP and DCP amendments will be finalised by early 2014. A report on the proposed amendments to Ryde LEP and DCP 2013 will be brought to Council to consider prior to the forwarding of a planning proposal for the Eastwood Town Centre to the Department of Planning and Infrastructure for a gateway determination and subsequent public exhibition.

Consultation

Internal cross unit consultation would be undertaken in the preparation of the planning proposal and draft DCP.

A briefing / consultation session on the planning proposal and draft DCO will be held with the Member for Bennelong, the Local Member for Ryde and the Chambers of Commerce in Eastwood.

Further community consultation would be undertaken if the planning proposal proceeds to gateway determination and public exhibition. Details on the consultation program would be reported to Council with the planning proposal.

Financial Implications

There is approximately \$31,000 available in the current Urban Planning budget for the preparation of the draft LEP and DCP. Adoption of the recommendation will have no financial impact.

Options

Two alternative options are included in the Masterplan.

ITEM 5 (continued)

Option 2 proposes maintaining the current height controls in Council’s Local Environment Plan (LEP) and approved Das but introduces FSRs. This option is based on scenario 4 at the Councillor Workshop on 22 May 2012. Note this option requires exhibition as FSRs will be introduced to the area.



Option 2

Option 3 proposes increased heights over the preferred option. Heights are increased to 8 storeys along parts of Rowe Street. Landmark sites have heights of up to 12 storeys. Most other sites will have an increase in height of 2 storeys above existing controls. This option gives some sites greater viability in terms of development potential.



Option 3

ITEM 5 (continued)

Possible alternative recommendations are:

- a) That Council endorses Option 2 in the draft Eastwood Master Plan as the basis for the preparation of:
 - a planning proposal to amend Ryde Local Environmental Plan to amend heights and introduce floor space ratios in the Eastwood Town Centre
 - draft Part 4.1 - Eastwood Town Centre Development Control Plan 2013
- b) That Council endorses Option 3 in the draft Eastwood Master Plan as the basis for the preparation of:
 - a planning proposal to amend Ryde Local Environmental Plan to amend heights and introduce floor space ratios in the Eastwood Town Centre
 - draft Part 4.1 - Eastwood Town Centre Development Control Plan 2013
- c) That Council does not proceed with the preparation of a planning proposal for the Eastwood Town Centre.

6 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A MIXED USE DEVELOPMENT. Lot 1 and 2 in DP437223, Lot in DP445440, Lot 2 in DP9135 and plan SP34035, 136-140 Victoria and 2-10 Wharf Roads, Gladesville.

Report prepared by: Team Leader - Building and Development Advisory Service
File No.: GRP/09/5/6/4 - BP13/1651

REPORT SUMMARY

Council is in receipt of Local Development Application LDA2013/220, for 2-4 Wharf Road & 134-140 Victoria Road, Gladesville for the demolition of existing structures and construction of a part 7 and a part 8 storey mixed use building containing 87 units, commercial / retail tenancies on the ground floor and basement car parking.

The development application includes both private land as well as public (road reserve). The latter is owned by City of Ryde.

The Wharf Road reserve is subject to a "Put and Call" option between the owners of 2-10 Wharf, 136-140 Victoria Road and also 1-3 Wharf Road and Council. The option agreement includes the purchase of the northern end (closed) end of Wharf Road and footpath.

The proposal includes a range of public benefits such as the following:

- Provision of a publically accessible plaza
- The reconstruction and dedication of a wider Pearson Lane
- Road resurfacing
- Construction of a new footpath to Pearson Lane
- Provision of a publically accessible toilet
- A contribution to the refurbishment of the clock tower.

As the capital investment value is over \$5 million and the development involves Council owned lands, the Development Application will need to be determined by the Joint Regional Planning Panel and is subject to independent planning assessment with a report submitted to and determined by the Joint Regional Planning Panel (JRPP) (Meeting date to be determined).

As part of the proposal, the proponents are seeking to enter into a Voluntary Planning Agreement (VPA) with Council. The VPA forms a contractual agreement between Council and the Developer. The purpose of this report is for Council to determine whether it will endorse the VPA should the application be approved by the Joint Regional Planning Panel (JRPP). The VPA offers significant public benefit.

It is recommended that Council enter into the Voluntary Planning Offer and that this be communicated to the JRPP.

ITEM 6 (continued)

Date DA Lodged: 28 June 2013

Street Address: 136–140 Victoria Road & 2-10 Wharf Road, Gladesville

Site area: 2,294m²

Zoning: B4 Mixed Use

Applicant: Hindmarsh Development Australia Pty Ltd

Notification/Advertising: 19 July & 24 July 2013 to 21 August 2013

Number of Submissions: 56

Key issues raised in the submissions:

- Council's sale of Wharf Road and the road closure - potential for fraud and corruption,
- VPA dependent on the sale of rate payers land
- Key Elements listed in the VPA appear to be of direct benefit to developer
- Non compliances with Council's LEP & DCP controls for Gladesville
- Adverse traffic and parking impacts
- Adverse impacts on neighbourhood amenity by noise, privacy, overlooking & overshadowing, baulk, scale and height.

RECOMMENDATION:

- (a) That if Joint Regional Planning Panel resolves to approve Local Development Application 2013/0220 at 2-10 Wharf Road, Gladesville & 134-140 Victoria Road, Gladesville then Council give 'in principle' support to the Voluntary Planning Agreement made by Hindmarsh Development Australia Pty Limited as prepared by Sparke Helmore Lawyers.
- (b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application, and
- (c) That the Group Manager Environment and Planning be delegated to finalise the Voluntary Planning Agreement with Hindmarsh Development Australia Pty Limited in accordance with the submitted Voluntary Planning Agreement and the applicable legal requirements under the *Environmental Planning and Assessment Act 1979*;

ATTACHMENTS

- 1 VPA document including plans - CIRCULATED UNDER SEPARATE COVER
- 2 Indicative layout plan

ITEM 6 (continued)

Report Prepared By:

Vince Galletto

Team Leader - Building and Development Advisory Service

Report Approved By:

Liz Coad

Manager Assessment

Dominic Johnson

Group Manager - Environment & Planning

ITEM 6 (continued)

Site (Refer to map.)



Address: 2-10 Wharf Road, 136-140 Victoria Road, Gladesville

Site Area: 2294m²
Frontage of 61 metres to Victoria Road, 50.915 metres to Pearson Lane, 9.38 metres to Meriton Street & 38.9 metres to Wharf Road.

Topography and Vegetation: The site has a fall from North to South
Street trees exist on the Wharf Road frontage

Existing Buildings: A series of 1-2 storey commercial and retail use buildings.

Planning Controls

Zoning: B4 Mixed Use

Other: Ryde LEP 2010 DCP 2010

ITEM 6 (continued)**Political Donations or Gifts**

Any political donations or gifts disclosed ? No

Background

At its meeting of 10 May 2011, Council resolved to enter into a non-binding Memorandum of Understanding (MOU) as well as a Deed of Put and Call option for the conditional sale of land depicted in the Road Closure Plan attached to the Deed, being areas adjacent to 2-8 Wharf Road and 136-140 Victoria Road, Gladesville. The Deed further includes the conditional sale of land at 1-3 Wharf Road, Gladesville which is not the subject of this application.

A previous application LDA 2011/0621 associated with the same private and public land proposed construction of a 9 storey mixed use building containing retail and residential uses with a total of 7 retail premises and 104 residential units and parking for 170 vehicles over 3 basement levels. Works to partially establish the publicly accessible plaza and other public domain works were also proposed including the reconstruction of Pearson Lane.

The DA was subject to an independent assessment report to the Sydney East JRPP meeting of 2 May 2012, which recommended refusal of the application. The applicant withdrew the application immediately prior to the JRPP considering the assessment report.

Prior to lodgement of the current Development Application, the proponent submitted a concept development proposal which was the subject of an Urban Design Review Panel (UDRP) and pre-lodgement meeting on 21 March 2013, and a follow up meeting on 30 April, 2013. The UDRP and Council officers provided both UDRP and pre-lodgement advice to the applicant in writing, raising a number of issues including building height, poor solar access to some units, vehicular access and manoeuvring as well as other more minor issues. Further details and information were sought including the submission of a draft VPA offer.

The proponent undertook to make changes to the concept development proposal in an effort to address the various issues raised and lodged the Development Application and draft VPA on 28 June 2013.

As the capital investment value is over \$5 million and the development involves Council owned lands, the Development Application will need to be determined by the Joint Regional Planning Panel (meeting date to be determined). It is also subject to independent planning assessment.

The draft VPA and supporting documentation was placed on public exhibition together with the Development Application for a period of 28 days in accordance with the relevant provisions of the Environmental & Planning & Assessment Act, with submissions closing on 21 August 2013. A total of 56 submissions were received, 35 of which are considered objections as relating to the development proposal and 21 in support.

ITEM 6 (continued)

The VPA Panel reviewed the draft VPA offer submitted with the development application on 16 July 2013. The Panel found the VPA unacceptable and requested further clarification and a number of issues be addressed. The issues included further details of the public benefit, general costing, Put & Call option for Pearson Lane and Wharf Road, true benefits of road dedications and improvements, non-acceptance of Victoria Road footpath as part of the VPA offer, Section 94 contribution rates, costing for Plaza works as well as legal queries on the VPA and Implementation Deed documents in general.

In response the applicant submitted a revised Draft VPA document as prepared by Sparke Helmore Lawyers. This was considered by the VPA Panel meeting on 18 October 2013. The revised draft VPA is considered to now achieve a significant level of public benefit that warrants Council's consideration and is the subject of this report.

Report

Council has received Local Development Application LDA2013/220, at 2-10 Wharf Road, and 136 -140 Victoria Road, Gladesville. The development proposes the following works:

- Construction of part 2, part 7 and part 8 storey mixed residential and retail building
- A total of 87 apartments, consisting of 18 x studio apartments, 37 x 1 bedroom apartments, 12 x 1 bedroom & study apartments, 20 x 2 bedroom apartments and 6 retail premises on the ground floor.
- Parking is proposed for 147 vehicles in 4 basement levels.
- Public domain works including the provisions a publicly accessible plaza in private ownership (works to deliver the plaza shared with an adjacent development site 1-3 Wharf Road) on the northern end of Wharf Road
- The reconstruction of a widened Pearson Lane and footpath to be dedicated to Council as a stratum lot.

A Voluntary Planning Agreement has also been lodged with the development application, which is the subject of this report. A VPA is a contractual agreement between Council and a developer under which public benefit for a public purpose is delivered as part of a Development Application. As the Development Application is to be determined by the JRPP and the VPA is a contractual agreement between Council and the Developer, Council must determine whether the VPA is supported.

The application includes both private land and public land (road reserve). The latter is owned by Council. The "site area" is 2294m², comprising 2-10 Wharf Road and 136 – 140 Victoria Road (1492m²), Wharf Road reserve (446m²), Pearson Lane (356m²).

The Wharf Road reserve is subject to a non-binding Memorandum of Understanding MOU as well as a Deed of Put and Call option for the conditional sale of land which Council resolved to enter into at its meeting of 10 May 2011. The Deed further includes the conditional sale of land at 1-3 Wharf Road, Gladesville which has been the subject of a separate development application (LDA 2012/417) and VPA which has been determined and approved by the JRPP.

ITEM 6 (continued)

The JRPP will be notified of Council's resolution regarding the VPA prior to its determination of the Development Application

Independent assessment of the Development Application

As the development involves Council owned lands, the application is subject to an independent planning assessment. In this regard Stuart McDonald, consultant town planner from SJB Planning P/L has been engaged to complete an independent planning assessment of the DA and submit a report for determination by the Joint Regional Planning Panel (JRPP). The assessment report will be made available to Councillors at the same time that it is provided to the JRPP with a meeting date yet to be scheduled.

Council's consultant town planner has carried out a preliminary assessment of the DA against the Ryde LEP 2010 & DLEP 2011, the design principles contained in State Environmental Planning Policy No 65 (SEPP 65); Some of the key "rules of thumb" contained in the NSW Residential Flat Design Code (RFDC); and the Ryde Development Control Plan 2010. Further the application has been the subject of a briefing to the Sydney East Joint Regional Planning Panel (JRPP), who is the consent authority.

This initial assessment together with the briefing of the JRPP and the Council's pre-lodgement comments has revealed several non-compliances and issues of concerns with the proposal which have been detailed in a letter to the applicant dated the 17 October 2013.

The issues can be categorised under four broad headings:

- Building envelope, building height, and relationship with Victoria Road and Pearson Lane.
- Amenity of the residential units and other design matters
- General technical compliance issues (drainage, vehicle access, servicing, waste)
- Design of the Wharf Road plaza.

The main issues raised as part of this independent assessment that are relevant for the consideration of the VPA are as follows:

- The majority of the development "site" is land that is classified as public road under the NSW Roads Act 1993, being sections of Wharf Road & Meriton Street. Until such time as the public road is formally closed and declassified a consent authority is unable to consent to any development within or upon the public road. The JRPP has indicated that, even if generally supportive of any DA that included the public road area, it will require evidence of the certainty that road closure has occurred or will occur. It is to be noted that this process is now well advanced.

ITEM 6 (continued)

- The proposal has some departures with the applicable planning controls, and in particular it exceeds the maximum 22m and 6 storey height development standard. Exceeding by one (1) storey along Victoria Road and to 2 storey towards the south – eastern end of the site on the corners of Pearson Lane.

The proponents have been requested to undertake certain amendments to the design of the development so as to address the issues raised. Once the DA is amended as detailed in Council's letter, and subject to a further detailed independent assessment, the major issues are likely to be largely addressed, with a final report to be submitted to the JRPP. The assessment report will be made available to Councillors at the same time that it is provided to the JRPP with a meeting date yet to be scheduled.

Summary of VPA Offer

Matters proposed by the proponent to be delivered as part of the VPA are as follows:

- Provision of a publicly accessible plaza in private ownership to the northern (closed) end of Wharf Road. The works will include:
 - Public domain works which includes granite paving
 - Planters & landscaping/trees
 - Footpaths
 - Public area lighting
 - Drainage systems
 - Street furniture & bicycle racks
 - Public signage
 - Pedestrian safety balustrade
 - Chair lift
- Reconstruction of an increased width to Pearson Lane, to be dedicated to Council as a stratum lot. The works include construction of the new lane, footpath, drainage system, lighting and landscaping.
- A monetary cash contribution of not less than \$119,184.30 which will be placed in a heritage reserve fund to enable Council to apply such funds if so desired to the refurbishment of the clock tower which is identified as a significant landmark and listed as Heritage under Ryde LEP 2011
- Provision of a unisex publicly accessible toilet in private ownership accessed from the plaza and designed to meet the current access standards for persons with disabilities
- Exclusion of the provision of section 94.

ITEM 6 (continued)

A plan identifying the extent of the proposed works to be included as part of the VPA, forms part of **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER** for this report.

The above works are to be carried out at the developer's expense and completed prior to any occupation certificate, following the granting of development consent to the development application. The VPA will be registered on the title of the subject property, ensuring that if the property is sold any future purchasers will be required to adhere to the VPA. Given that the JRPP will be determining the application, this matter will be dealt with by the JRPP at time of determination.

Consultation

The development application and draft VPA was notified and advertised between the period of 24 July and 21 August 2013. During this period a total of 56 submissions were received 35 of which are letters of objections to the proposed development, some of which are in the form of various “form” letters raising the same issues. The issues raised in the submissions are summarised as follows:

- Council’s sale of Wharf Road and the road closure - potential for fraud and corruption,
- VPA dependent on the sale of rate payers land
- Key Elements listed in the VPA appear to be of direct benefit to developer
- Non compliances with Council’s LEP & DCP controls for Gladesville
- Adverse traffic and parking impacts
- Adverse impacts on neighbourhood amenity by noise, privacy, overlooking & overshadowing, baulk, scale and height.

21 letters of support to the development were also received.

These submissions and objections will further be addressed as part the independent planning assessment with a report to be submitted for determination by the Joint Regional Planning Panel (JRPP). The assessment report will be made available to Councillors at the same time that it is provided to the JRPP with a meeting date yet to be scheduled.

Consideration of the Voluntary Planning Agreement

The Section 93F of the *Environmental Planning and Assessment Act 1979* details various matters that must be addressed by a VPA.

It should be noted that the VPA satisfies all requirements of Section 93F and that the VPA has identified that substantial public benefit is being provided. A detailed consideration of Section 93F is provided as follows.

ITEM 6 (continued)

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
<p>1) A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):</p> <p>(a) who has sought a change to an environmental planning instrument, or</p> <p>(b) who has made, or proposes to make, a development application, or</p> <p>(c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies, under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.</p>	<p>The proponents are seeking to provide:</p> <p>Provision of a publicly accessible plaza to the northern (closed) end of Wharf Road with an approximate land area of 784m².</p> <p>The works include :</p> <ul style="list-style-type: none"> Public domain works which includes granite paving Planters/ landscaping/trees Footpaths Public area lighting Drainage systems Street furniture & bicycle racks Public signage Pedestrian safety balustrade Chair lift <p>Accessible toilet</p> <p>Reconstruction of Pearson Lane to be made wider with a new footpath. This land which is approximately 470m² in area is to be dedicated to Council as a stratum lot</p> <p>A monetary contribution of not less than \$119,184.30 which will be placed in a heritage reserve fund to enable Council to apply such funds if so desired to the refurbishment of the clock tower which commemorates the work and service of Alderman James Y Sheridan and is identified as a significant landmark and listed as Heritage item no 224 under Ryde LEP 2011</p> <p>Exclusion of the provision of section 94.</p> <p>The provisions of the above constitute land dedication and material public benefit which shall be used and applied towards a public purpose.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(2)A public purpose includes (without limitation) any of the following:</p> <p>(a)the provision of (or the recoupment of the cost of providing) public amenities or public services,</p> <p>(b)the provision of (or the recoupment of the cost of providing) affordable housing,</p>	<p>All matters included within the VPA constitute public amenity, with the exclusion of the undefined cash contribution.</p> <p>No affordable housing is provided.</p>	<p>Yes</p> <p>N/A</p>

ITEM 6 (continued)

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
<i>(c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,</i>	No transport or other infrastructure provided	N/A
<i>(d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,</i>	The VPA includes a total of \$119,184.30 cash contribution	Yes
<i>(e) the monitoring of the planning impacts of development,</i>	No monitoring of planning impacts is provided.	N/A
<i>(f) the conservation or enhancement of the natural environment.</i>	No conservation or enhancement of the natural environment is provided.	N/A
(3) A planning agreement must provide for the following:		
<i>(a) a description of the land to which the agreement applies,</i>	It is considered that the VPA adequately satisfies the requirement of this part.	Yes
<i>(b) a description of:</i>		
<i>(i) the change to the environmental planning instrument to which the agreement applies, or</i>		
<i>(ii) the development to which the agreement applies,</i>		
<i>(c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,</i>		
<i>(d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 94, 94A or 94EF to the development,</i>		

ITEM 6 (continued)

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
<p>(e) <i>if the agreement does not exclude the application of section 94 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 94,</i></p> <p>(f) <i>a mechanism for the resolution of disputes under the agreement,</i></p> <p>(g) <i>the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.</i></p>		
<p>(3A) <i>A planning agreement cannot exclude the application of section 94 or 94A in respect of development unless the consent authority for the development or the Minister is a party to the agreement.</i></p>	The VPA does not exclude the operation of Section 94 on the proposed development.	N/A
<p>(5A) <i>A planning authority, other than the Minister, is not to enter into a planning agreement excluding the application of section 94EF without the approval of:</i></p> <p>(a) <i>the Minister, or</i></p> <p>(b) <i>a development corporation designated by the Minister to give approvals under this subsection.</i></p>	Section 94EF does not apply to the proposal.	N/A
<p>(6) <i>If a planning agreement excludes benefits under a planning agreement from being taken into consideration under section 94 in its application to development, section 94 (6) does not apply to any such benefit.</i></p>	The VPA does not seek the exclusion of Section 94.	N/A

ITEM 6 (continued)

Environmental Planning and Assessment Act 1979 Clause 93F		
Clause 93F	Proposal	Complies?
(7) <i>Any Minister, public authority or other person approved by the Minister is entitled to be an additional party to a planning agreement and to receive a benefit under the agreement on behalf of the State.</i>	No additional parties are proposed.	N/A
(8) <i>A council is not precluded from entering into a joint planning agreement with another council or other planning authority merely because it applies to any land not within, or any purposes not related to, the area of the council.</i>	No joint planning agreement with another council or planning authority is proposed.	N/A
(9) <i>A planning agreement cannot impose an obligation on a planning authority:</i> (a) <i>to grant development consent, or</i> (b) <i>to exercise any function under this Act in relation to a change to an environmental planning instrument.</i>	The planning agreement does not impose an obligation to grant development consent or change an environmental planning instrument. Whilst the VPA forms part of the Development Application, support of the VPA does not grant approval to the Development Application.	Yes
(10) <i>A planning agreement is void to the extent, if any, to which it requires or allows anything to be done that, when done, would breach this section or any other provision of this Act, or would breach the provisions of an environmental planning instrument or a development consent applying to the relevant land.</i>	The works proposed under the VPA are to be subject to further consideration by the JRPP and will be determined as part of the application. Subject to careful consideration of the proposed works by JRPP and standard conditions of consent, it is unlikely that the matters to be dealt with under the VPA will breach to <i>Environmental Planning and Assessment Act 1979</i> , applicable environmental planning instruments or development consent applying to the subject site.	Yes

As identified above, it can be seen that the proposed Voluntary Planning Agreement satisfies the principles underlying the use of planning agreements and fulfils several categories of works that Council will consider as part of a VPA. Notwithstanding the above, further consideration of the Voluntary Planning Agreement and the public interest and benefit is detailed below.

ITEM 6 (continued)

The merits of the Voluntary Planning Agreement were discussed in detail during several meetings of an internal Panel chaired by Council's General Counsel.

It was considered that the proposal provided a significant public benefit and was in the public interest due to scope of matters to be provided by the proponents. The table below summarizes the matter proposed and the public benefit delivered.

Matter proposed	Public Benefit
Construction works for the provision of a publicly accessible plaza to the northern end of Wharf Road including public domain works upgrades, granite paving Planters/ landscaping/trees, footpaths, public area lighting, drainage systems, street furniture & bicycle racks, public signage, pedestrian safety balustrade, chair lift Total area of 784m²	The delivery of the public plaza will rejuvenate and activate this section of the Gladesville town centre and will provide for a civic gateway as well as improved streetscape and public amenity The plaza is a requirement under the key site diagram as part Development Control Plan 2010 and will provide a significant public benefit and a much improved Gladesville town centre
The reconstruction of Pearson Lane which will be made wider by up to 2 metres and provided with a footpath. The lane will then be dedicated to Council as a stratum lot. The developer will reconstruct the lane including public domain works, new kerb, road sub-base and surfacing, line marking, footpath, street signage, stormwater drainage, paving and public lighting. Total area of 470m²	The reconstruction of Pearson Lane, will provide for improved through traffic, together with improved pedestrian and vehicular access and carriageway to the development. This will provide a significant public benefit.
A monetary contribution of not less than \$119,184.30 to Council which will be placed in a heritage reserve fund.	These funds provide a resource to Council which may be used for the upgrade, refurbishment and embellishment of the clock tower which commemorates the work and service of Alderman James Y Sheridan and is identified as a significant landmark and listed as Heritage item no 224 under Ryde LEP 2010. The clock tower has fallen into a state of disrepair and structurally unsound and requires extensive restoration works both of a structural and cosmetic nature including landscaping to bring it back to a sound and rejuvenated condition to ensure longevity.

The value of proposed works exceeds the required Section 94 Contributions that are currently applicable to the development which has been calculated at \$786,484.12.

As part of the VPA process, the value for the works to be delivered to Council and the land to be dedicated, have been checked and are considered acceptable and consistent with applicable rates.

ITEM 6 (continued)

A breakdown of the value of works being undertaken and the Section 94 Contributions is provided below.

Item	Proponent's Value as agreed to by Council
Construction of new public accessible Plaza on the northern end of Wharf. Total 784m2	\$546,556.43 (50% of value)
The reconstruction and dedication of a wider Pearson Lane (value of the additional land for the new footpath) Total 165m2	\$208,780.64 (100% of value)
Road resurface value	\$14,763.00
Construction of new footpath to Pearson Lane Total 65m2	\$53,732.58
Provide an accessible toilet to service new Plaza	\$15,527.00
A monetary contribution for the refurbishment of the clock tower (50% of a total with 2-8 Wharf Road)	\$119,184.30
Total Public benefit by this developer incl GST	\$958,543,94
Contribution under the Council's Section 94 Contribution Plan	-\$786,484.12
Total of offer in excess of Section 94 Contributions	\$172,059.82 (22%)

It can be seen that the value of the proposed VPA provides a significant uplift in public benefit above and beyond the applicable Section 94 Contributions, and represents 22% in excess of the applicable s94 contribution well above the expected 20% above the contribution amount.

It is to be acknowledged that the delivery of the publicly accessible plaza, the new widened lane and footpath as part of the VPA in conjunction with the already approved development and VPA for 1-3 Wharf Road, will provide a significant public benefit which will rejuvenate and activate this section of Gladesville Town Centre and provide a civic space and improved streetscape and public amenity which has been envisioned as part of the Ryde LEP and DCP2010.

Normally, to ensure that the VPA is registered on the title of the land it would be necessary to impose a condition on the consent for this to occur prior to the issue of any Construction Certificate. This issue will be addressed by the JRPP at time of determination.

ITEM 6 (continued)

Notwithstanding the above, given the nature and complexities of any such VPA, Council's General Counsel is undertaking a final review of the document before it is submitted to Council. As such, it is recommended that should the matters included as part of the VPA as relating to the commercial terms of the document be supported by Council, that the Group Manager Environment and Planning be granted delegation to finalise the negotiation of the legal VPA instrument to ensure that the document is legally sound and binding on both parties.

Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2006 - Part 2.1, Notification of Development Applications. The application was advertised on 24 July, 2013. Notification of the proposal was from 19 July until 21 August, 2013.

56 submissions were received, 35 of which were objections to the proposal. The issues raised in the submissions were;

- Council's sale of Wharf Road and the road closure - potential for fraud and corruption,
- VPA dependent on the sale of rate payers land
- Key Elements listed in the VPA appear to be of direct benefit to developer
- Non compliances with Council's LEP & DCP controls for Gladesville
- Adverse traffic and parking impacts
- Adverse impacts on neighbourhood amenity by noise, privacy, overlooking & overshadowing, baulk, scale and height.

Policy Implications

There are no policy implications through adoption of the recommendation.

Consultation – Internal and External

The VPA was considered by the VPA panel on 16 July 2013 and 18 October 2013.

Critical Dates

There are no critical dates required to be met: at this stage, however a recommendation as to whether Council supports the VPA is to be submitted to the JRPP for the determination of the application (meeting date yet to be determined).

Financial Impact

The proponents have nominated to enter into a VPA with Council to off-set Section 94 contributions.

ITEM 6 (continued)

Other Options

There are three options in considering the VPA:

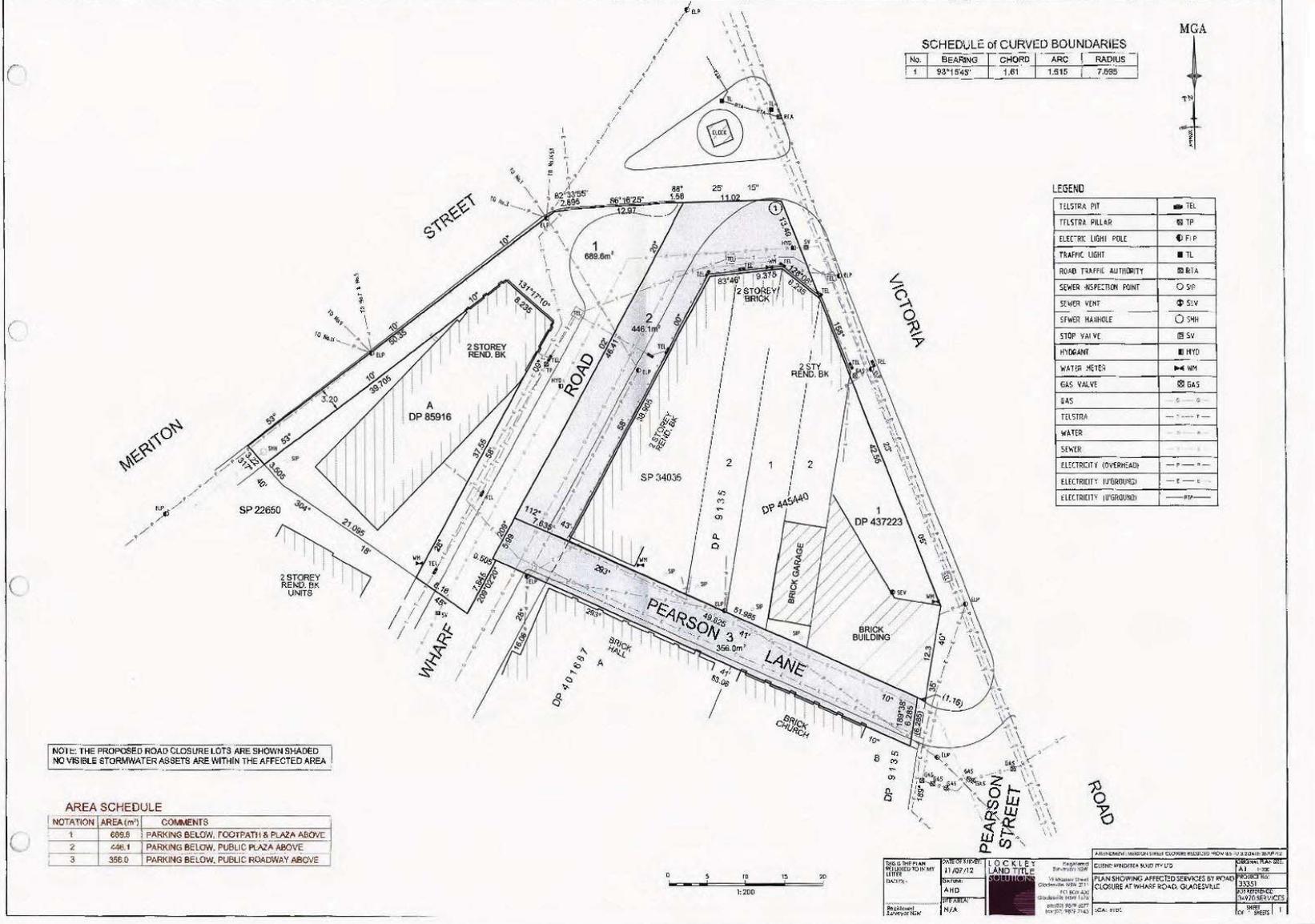
- Endorse the VPA in its current form as recommended by this report,
- Refuse the VPA for reasons deemed appropriate by Council, or
- Seek amendments to the VPA as deemed appropriate by Council.

Conclusion

The draft VPA is considered to achieve a level of public benefit that warrants Council's consideration.

ITEM 6 (continued)

ATTACHMENT 2



7 COUNCIL CONSIDERATION OF FOUR RECOMMENDATIONS MADE BY THE HERITAGE ADVISORY COMMITTEE

Report prepared by: Heritage/Strategic Planner

File No.: URB/08/1/10/2/13 - BP13/1552

REPORT SUMMARY

At the Heritage Advisory Committee (HAC) held on 16 October 2013 the members of the Committee made four recommendations that require Council's endorsement and/or direction (see Minutes **ATTACHED**). These are:

1. That Council congratulate Council Staff and consultants Tanner and Associates Architects for undertaking the Stage 1 Conservation works on Addington House.
2. That Council as part of the ongoing maintenance program remove the two tree stumps in the front garden of Addington House and replant the area with lawn.
3. That Council gives the members of the Heritage Advisory Committee in-kind support for a series of events celebrating the 150th anniversary of the birth of Banjo Patterson to be held commencing February 2014.
4. That Council notes the value of archaeological mapping and will give due consideration to such a project should funding become available.

On the 16 October 2013 HAC meeting was held at Addington House. HAC members undertook a site inspection of the Stage 1 conservation works conducted by Dr Roy Lumby (Heritage Consultant from Tanner Architects and Associates) and Garo Aroutunian (Council's Project Manager). The members of the HAC were delighted with the works undertaken on-site.

Consequently HAC recommended that Council and the Consultant Architects are congratulated for their conservation works to Addington House. During the site visit HAC commented on two protruding tree stumps within the front gardens of Addington House adjoining the Victoria Road fence line. It was therefore recommended that Council take action to remove these unsightly tree stumps which detract from the impressive conservation works completed at the State Heritage Listed Addington House.

In relation to item 6 of the Minutes information was provided to the HAC members about historic figure Banjo Patterson and his links to Ryde. The opportunity to undertake a festival of events to commemorate the 150th anniversary since his birth, on 17 February 2014 was highlighted to the committee.

The HAC recommended that "Council investigate commemorating the 150th Anniversary of Banjo Patterson by carrying out activities such as:

1. Talks in the library by Greg Blaxell and Judith Godden; and

ITEM 7 (continued)

2. Conducting children's activities in February; and
3. Conducting a book launch in the library; and
4. A wreath laying ceremony at Northern Suburbs crematorium the location of Banjo's cremated remains"

This report notes that Council does not have a budget allocated to the project but can include this theme into existing annual programs, Council resources can accommodate a talk event at the library within the existing program of talks and a children's activity as part of the Library's school holiday program.

As part of the discussions on Item 8) of the Minutes – Report from Community Representatives the HAC recommended that Council investigate Archaeological Potential Mapping to identify areas where archaeological resources may exist. This would provide greater certainty to the Town Planners and Heritage Officers in terms of mapping areas where there is known potential archaeological significance and assist in ensuring Conditions of Consent are imposed and that Archaeological Assessments are prepared. This would be modelled on similar examples in place at Parramatta Council and the City of Sydney. These studies cost up to \$100,000.

Council has no budget to undertake the projects proposed by the HAC and it is not in Council's current Four Year Delivery Program. Furthermore, this process is not considered a priority given the anticipated work programme eventuating from planning reforms.

RECOMMENDATION:

- (a) That Council congratulate Council Staff and consultants Tanner and Associates Architects for undertaking the Stage 1 Conservation works on Addington House.
- (b) That Council as part of the ongoing maintenance program remove the two tree stumps in the front garden of Addington House and replant the area with lawn.
- (c) That Council gives the members of the Heritage Advisory Committee in-kind support for a series of events celebrating the 150th anniversary of the birth of Banjo Patterson to be held commencing February 2014.
- (d) That Council notes the value of archaeological mapping and will give due consideration to such a project should funding become available.

ATTACHMENTS

- 1 Heritage Advisory Committee Minutes - 16 October 2013
- 2 Ryding with Banjo by Greg Baxell - 16.10.2013

ITEM 7 (continued)

Report Prepared By:

Nancy Tarlao
Heritage/Strategic Planner

Report Approved By:

Lexie Macdonald
Team Leader - Strategic Planning

Meryl Bishop
Manager - Urban Planning

ITEM 7 (continued)**Discussion**

During the HAC meeting held on the 16 October 2013 various items were raised that require endorsement and consideration by Council.

The HAC members raised four items listed in detail below, see the **ATTACHED** HAC Minutes.

1. That Council staff be congratulated for undertaking the works on the stage 1 restoration and that the works of the consultants be recognised for Addington House.
2. It is recommended that Council remove the two tree stumps in the front garden of the property by grinding and that lawn replaced in the area where the stumps were located (Addington House).
3. That the Heritage Advisory Committee gives in principle support for a series of events celebrating the 150th anniversary of the birth of Banjo Patterson to be held commencing in February 2014 and requests that Council support suitable recognition of the anniversary of Banjo Patterson.
4. That the Heritage Advisory Committee recommend to Council that archaeological potential mapping of the City of Ryde be undertaken. This would be based on mapping important historic sites (including those demolished).

Addington House (State Listed Item)

Addington House is located at 813-815 Victorian Road in Ryde circa 1820-1830's it is a rare example of early Colonial Georgian architecture in the City of Ryde.

During the last 6 months Council and external contractors have been undertaking the repair works which implement the Conservation Management Plan (CMP) prepared by Tanners Architects and Associates in 2012.

The CMP directed that urgent repair works were required to ensure the building is watertight and address issues of existing water damage. The majority of the damage to the Council owned property was a result of water entering and or penetrating into the building fabric. Works included repairs to flashings, downpipes, gutters, stone paving, painting of the external façade and the front fence addressing Victoria Road.

Items 1) and 2) above relate to the Stage 1 works undertaken on Addington House in accordance with the CMP. As a result of the site visit on the 16 October 2013 HAC would like to formally congratulate Council on their efforts and hard work in relation to the conservation works. Council's project team consisted of Chris Hellmundt - Coordinator Community Projects, Garo Aroutunian - Project Manager, Lexie Macdonald and Nancy Tarlao - Heritage Advisors and Dr. Roy Lumby - external consultant Tanner Architects and Associates. Together their input and knowledge has resulted in Addington House conservation works ensuring its preservation and on-going use.

ITEM 7 (continued)

During the site visit HAC commented on two protruding tree stumps within the front gardens of Addington House adjoining the Victoria Road fence line. It was therefore recommended that Council take action to remove these unsightly tree stumps which detract from the impressive conservation works completed at the State Heritage Listed Addington House.

The Group Manager Public Works has agreed to remove the two tree stumps and replace the area with turf as part of Council's on-going maintenance program, with no associated cost. The timing for the works is anticipated to be early 2014.

Commemoration of "Banjo" Paterson

"Banjo" Paterson (17 February 1864 – 5 February 1941) was an Australian bush poet, journalist and author. He wrote many ballads and poems about Australian life, focusing particularly on rural and outback areas. Paterson's more notable poems include "The Man from Snowy River", "Clancy of the Overflow" and "Waltzing Matilda" (later put to music).

Paterson had several links with the Ryde District including living with his grandmother at Rockend Cottage on Punt Road in Gladesville. He participated in equestrian events in the area and was a rower on the Parramatta River. Paterson's ashes are held at North Suburbs crematorium after passing away on 5 February 1941.

It is understood that Orange Council, where Paterson was born is undertaking various small projects. Due to his prominence in the Ryde area and his connection to Rockend Cottage HAC considered that it may be fitting to commemorate the 150th birth of Paterson by the City of Ryde.

At the Heritage Advisory Committee (HAC) meeting on the 16 October 2013 a detailed proposal to celebrate Banjo Paterson was provided by Mr Blaxell a HAC member (**ATTACHMENT 2**). The proposal suggests that the following organisations may express an interest in contributing to the proposed festival, these may include:

- Macquarie University
- Northern District Times
- The Weekly Times
- Macquarie College
- Marist College
- Primary and high schools within the City
- Ryde District Historical Society, Brush Farm Historical Society, Canada Bay Council
- Heritage Societies / Museum
- Riding for the Disabled
- Ryde District Concert Band
- Sydney Grammar School
- Northern Suburbs Crematorium

ITEM 7 (continued)

Various individuals as listed within **ATTACHMENT 2**, who may also be interested in volunteering their time to participate in a festival of events which has the potential to gain media attention and link the City of Ryde with a significant Australia poet and reinforce historic connections with the LGA. The attachment has been prepared by Mr Gregory Blaxell a member of the HAC.

At this stage it is anticipated that the commemoration could start in mid-February and could run throughout part of the year (2014), depending on help from interested parties, stakeholders and volunteers. The existing lifelong learning and children's story time library programs could accommodate some appropriately themed events, including a history talk, an evening of music and readings from Banjo Patterson's works, and Australiana themed children's storytimes.

Various steps would be required to develop such an event/festival including:

- Contacting interested stakeholders / parties with identified funding opportunities
- Suggested activities and events
- Timing, schedule and location of events
- Logistical organisation of the event/festival.
- Allocation of library lifelong learning events in February
- Allocation of library children's storytimes for a week of February

Archaeological Potential Mapping

During the HAC meeting held on the 16 October 2013 the members were presented with evidence by Dr Peter Mitchell. Dr Peter Mitchell is HAC member and discussed redevelopment sites in the City of Ryde that have not involved archaeological investigations, despite their direct connection to early European occupation of the area. For example, a new two storey house (plus basement level) has been built on the archaeological ruins of an historic house called "Cleves" located on the corner of Waterview Street and Charles Street Putney. No archaeological investigations were undertaken due to the lack of information available to the Heritage Officer and Town Planners about the importance of the house that had once stood on the site. Refer to the attached HAC Minutes (**ATTACHMENT 1**) for further information.

The Committee recommends that Council investigate Archaeological Potential Mapping to allow a thorough understanding of the early European occupation of the entire Ryde Local Government Area (LGA). This mapping system would document the locations of now demolished historic places/houses together with existing heritage items and their ancillary buildings of significance. As a result any re-development of identified sites would require archaeological investigations to ensure excavation and new developments to do occur in sensitive areas or at a minimum the site is recorded appropriately.

ITEM 7 (continued)

This would aim to provide certainty to Town Planners and Heritage Officers in terms of mapping and identifying areas where there is known potential archaeological significance and also appropriately ensure Conditions of Consent and Archaeological Assessments are prepared. Parramatta Council and City of Sydney have undertaken similar studies which cost up to \$100,000.

At this stage there is no allocated budget to allow the mapping of potential archaeological sites in the Ryde LGA and there are many competing work priorities in the Urban Planning work program, in particular responding to the planning reforms. Nonetheless this report recommends that Council acknowledge the value of such a study should funds become available.

Financial Implications

According to HAC the suggested events for the commemoration is able to be financially neutral. The proposed events would require some involvement from Council staff, yet this would be minor involvement. The use of Council owned venues would be beneficial to the success of the project and would incur no cost to the project.

No Council budget is allocated to this project or the Archaeological Potential Mapping project.

The stump grinding at Addington will be undertaken as part of the maintenance by the Public Works section of Council.

Consultation with relevant external bodies**Options**Option 1

Do not support the proposals to remove the stump and provide in kind support to the Banjo Patterson celebration. This option is not supported as the tree stumps visually detract from the conservation works completed at Addington House and Banjo Patterson has significant historical links to Ryde.

Option 2

Support the HAC members and relevant interested groups to undertake a Banjo Patterson series of events and grind the stumps and grass the front yard of Addington. This option is supported because there is little cost to council and there are considerable benefits in terms of promoting Ryde's heritage.

ITEM 7 (continued)
ATTACHMENT 1

Subject:	Heritage Advisory Committee – Draft Minutes of Meeting		
File No:	URB/08/1/10/2/13		
Document Ref:	D13/85868		
Venue:	Addington		
Date:	Wednesday, 16 th October 2013		
Time:	6.00pm	Started at: 6.10pm	Closed at: 8.15 pm
Chair:	Councillor Ivan Petch		
Meeting Support (MS):	Linda Smith		
Staff Convenor:	Lexie Macdonald, Team Leader Strategic Planning		
Circulation:			

Committee Role:
The primary role of the Heritage Advisory Committee is to:

- Provide advice to Council about the preservation and enhancement of items and places within the City of Ryde that are of natural, indigenous, cultural, social, aesthetic or historic significance.

Committee Members as per the Terms of Reference

Present	Apology	Name	Position Title	Organisation
✓		Councillor I Petch	Chairperson	City of Ryde
	✓	Councillor T Perram	Delegate	City of Ryde
✓		Councillor D Pendleton	Delegate	City Of Ryde
		Ms Jennifer Noble	Community Representative	Brush Farm Historical Society National Trust of Australia
	✓	Ms Eleanor Chaine	Community Representative	Putney Progress Association
		Ms Jennie Minifie	Community Representative	Ryde Community Alliance
✓		Lyn Langtry	Community Representative	Ryde-Hunters Hill Flora & Fauna Preservation Society
		Mr Richard Wright	Community Representative	Ryde District Historical Society
✓		Dr Peter Mitchell	Community Representative	
	✓	Ms Suzanne Marks	Community Representative	
✓		Ms Beth Kosnik	Community Representative	
✓		Mr Gregory Blaxell	Community Representative	
		Ms Cate Fisher	Community Representative	
✓		John Hull	Community Representative	

Additional Attendees

Name	Position Title	Organisation
Angela Phippen	Ryde Local Studies Librarian	City of Ryde
Nancy Tarlao	Heritage Officer	City of Ryde
Lexie Macdonald	Acting Manager – Urban Planning	City of Ryde
Linda Smith	EA to Mayor and Councillors	City of Ryde
Garo Aroutunian	Project Manager	City of Ryde
Roy Lumby	Consultant	Tanner Architects

ITEM 7 (continued)
ATTACHMENT 1

Details	Action
<p>5. Discussion and status update on Centenary of ANZAC</p> <p>Angela Phippen provided an update on the work of the Centenary of ANZAC Committee.</p> <p>She advised that each federal electorate has been provided \$100,000 by the Federal Government to issue to groups to commemorate the centenary of ANZAC.</p> <p>The City of Ryde Committee has lodged a grant application seeking funding to create a data base and purchase a touch screen. This project will support research by the Ryde Historical Society about soldiers from the Ryde area who were involved in the war.</p> <p>If additional funding is available, other possible works to be considered include providing plaques in ANZAC Park to tell stories about some of Ryde's soldiers.</p> <p>The Library is also investigating activities it will carry out. Angela is investigating voluntary workers associations which built homes for war widows and those disabled by war. Many homes were given the name of battlefields.</p> <p>Other areas of investigation are:</p> <ul style="list-style-type: none"> • viewing the Council minutes and putting out a "what happened in Ryde on this day" article on social media; • series of workshops to instruct people how to research WW1 ancestors; • scanning documents that belong to individuals for later incorporation into the library collection; • talks on voluntary workers; some sort of event to honour the knitters of WW1; • photos of what Ryde looked like; • possibility of creating a quilt using sea of poppies of scanned photos. 	
<p>6. 150th Anniversary of Banjo Patterson's birth</p> <p>Greg Blaxell spoke about the 150th Anniversary of Banjo Patterson which will take place on 17th February 2014. A copy of 'Ryding with Banjo' is ATTACHED to these minutes.</p> <p>Banjo spent some of his early life in Ryde and Greg would like to see a festival or similar arranged to celebrate him.</p> <p>Greg has held discussions with Macquarie University and also people in the Orange Local Government Area as Banjo was born in Narrambia.</p> <p>City of Ryde could recognise the anniversary at minimal cost if it chooses. The movie Man from Snowy River could be shown as one of Council's Cinema in the Park movies. Council could provide venues for events to be held. Macquarie Uni and Orange Council could also be asked to provide venues and run events.</p> <p>Greg has provided costing's and further suggestions in papers submitted to the HAC. A copy is ATTACHED to these minutes.</p> <p>Greg provided the following details about the life of Banjo Patterson</p> <ul style="list-style-type: none"> • He was a jockey, played polo and also rowed. • He learnt about writing from his grandmother at Rock End. • He married into the Walker family 	<p>Noted</p> <p>The Heritage Advisory committee gives in principle support for a series of events celebrating the 150th anniversary of the birth of Banjo Patterson to be held commencing in February 2014 and requests that Council support suitable recognition of the anniversary of Banjo Patterson.</p>

ITEM 7 (continued)
ATTACHMENT 1

Details	Action
<ul style="list-style-type: none"> • He was a war correspondent in the Boer War • He wrote three novels and prose • He edited "The Sportsman" a racing paper • He played bridge and belonged to the Australia Club • He bought a farm in Yass • In WW1 as there was little work as a war correspondent, he took a job as an ambulance man and tended the horse belonging to the Light Horse in Egypt. <p>The Heritage Advisory Committee recommends investigating commemorating the 150th Anniversary of Banjo Patterson by carrying out affordable activities such as:</p> <ul style="list-style-type: none"> • Talks in the library by Greg Blaxell and Judith Godden • Conducting children's activities in February • Showing the movie "The Man From Snowy River" • conducting a book launch in the library • contacting Canada Bay Council with regard to the use of Yaralla. • A wreath laying ceremony at Northern Suburbs crematorium where Banjo's cremated remains are." 	
<p>6. Assessment of Heritage Grant Application received</p> <p>The Committee reviewed the information provided by Nancy Tarlao with regard to the funding application received for 78 West parade Denistone.</p>	<p>The Heritage Advisory Committee recommends grant funding of \$660.00 be awarded.</p>
<p>7. Schedule 5 RLEP housekeeping update (based on Council resolution)</p> <p>Nancy Tarlao provided information regarding minor amendments that are required to Schedule 5 of the Ryde LEP 2013.</p> <p>The Committee noted the amendments</p>	<p>Noted</p>
<p>8. Report from Community Representatives</p> <p>Brush Farm and Lambert Park Master Plan and archaeological Management Plan</p> <p>The Chairman advised that the Works Committee of Council had unanimously rejected the officer recommendation in relation to the above item.</p> <p>The matter will be considered by Council at its meeting of 22nd October 2013.</p> <p>Kissing Point – "Cleves"</p> <p>Peter Mitchell provided photos of the home "Cleves" which had stood on the corner of Charles and Waterview Streets Putney until its demolition.</p> <p>He stated that it would be valuable for Council to carry out archaeological surveys of properties when old homes were demolished before new buildings were erected.</p> <p>It would be good to have a system in place so that the appropriate</p>	<p>Noted</p> <p>Matter of archaeological surveys to be listed on agenda of next meeting</p> <p>That the Heritage Advisory Committee recommend to Council that archaeological potential mapping of the City of Ryde be undertaken. This would be based</p>

ITEM 7 (continued)

ATTACHMENT 2



Ryding with the Banjo

Rationale

The festival will be a commemoration of the 150th anniversary of the birth of A.B. (Banjo) Paterson. As Paterson had several direct links with the Ryde District, this anniversary should be commemorated by the City of Ryde. Paterson was born in Narrambia (Orange District) on 17 February 1864 and died in 5 February 1941. His ashes are held at Northern Suburbs Crematorium.

He spent time at Sydney Grammar School and while there, lived with his grandma at Rockend Cottage at Gladesville. He participated in equestrian events in the area and was a rower on the Parramatta River. He retained his strong links with the area until after the death of his grandmother (Emily Mary Barton) in 1909 by which time Paterson was probably the best known and loved Australian poet.

Title of festival

Ryding

Ryding plays on words and incorporates notions of riding horses and the City of Ryde. A.B. Paterson was brought up in the bush and was a very experienced horseman being both an amateur jockey and an excellent polo player. He was also a member of the Sydney Hunt Club that was located and conducted events on Terry's Eastwood House property (of which the Marist College is now part). Paterson's verse is filled with poems about horses and horsemen including his 'Man from Snowy River' first published in the *Bulletin* in 1890 and as a book in 1895. Paterson was also the author of the words of 'Waltzing Matilda'. In later years, Paterson was the Editor of the *Sportsman*, a newspaper devoted to thoroughbred racing.

The Banjo

When Paterson first submitted verse to the *Bulletin*, he used the pseudonym 'The Banjo' as he was a practicing solicitor. It was not until the publication by Angus & Robertson's in 1895 of *The Man from Snowy River and other verses* that it was revealed that A.B. Paterson and

ITEM 7 (continued)

ATTACHMENT 2

The Banjo were one and the same person. Paterson took the pseudonym presumably from the first race horse owned by his family. That horse was called 'The Banjo'.

Some assumptions underlying the proposed Paterson festival

- The festival might only contain events that are at least financially neutral.
- Overall, the festival should be at no cost to the citizens of Ryde.
- The Festival should be spread over a limited, intensive period of no more than 2 weeks
- Events will use materials and persons who are already available and are willing to work as community volunteers.
- The following organisations may express an interest in being a contributor to this Festival. They might include:
 - Macquarie University
 - *Northern District Times*
 - *The Weekly Times*
 - Macquarie College
 - Marist College
 - Primary and high schools within the City
 - Ryde District Historical Society, Brush Farm Historical Society, Canada Bay Heritage Society/Museum
 - Riding for the Disabled
 - Ryde District Concert Band
 - Sydney Grammar School
 - Northern Suburbs Crematorium
- Individuals who might participate in the Festival are:
 - Dr Judith Godden (of the Darval family)
 - Angela Phippen (Local Studies Librarian)
 - Gregory Blaxell as Co-ordinator, lecturer and tour guide
 - Dr Andrew Simpson, Macquarie University and students in Museum Studies
 - Paul Terry (author of forthcoming book on Paterson to be published by Allen and Unwin)
 - Elissa Macdonald (an MA graduate in Museum Studies from Macquarie University)
 - Lois Michel, Canada Bay Heritage Society and co-ordinator of the Canada Bay Museum at Concord

Timing of the Festival

It is suggested that the festival commence on Saturday, 15 February 2014 and conclude Sunday 2 March 2014.

Activities planned for that period might include:

ITEM 7 (continued)

ATTACHMENT 2

Event	Presenter	Venue
Paterson lecture	Gregory Blaxell	Ryde Library
The Darvals – background to Paterson	Dr Judith Godden	Ryde Library
Book launch	Allen and Unwin and author Paul Terry	Ryde Library or Rockend Cottage or Brush Farm
Festival opening	Mayor	Brush Farm House
Paterson supplement <i>NDT</i>	Editor: Colin Kerr/Gregory Blaxell	No venue required
Paterson Festival dinner	Mayor and paying guests	Rockend Restaurant
The Paterson/Parramatta River Cruise	Gregory Blaxell commentary for paying participants	Rosman ferry with the assistance of the <i>NDT</i> or <i>TWT</i>
Inspection of Yaralla & grounds	Lois Michel and Canada Bay Heritage Society with students from Macquarie University	Yaralla and grounds
Paterson and the Walkers (Paterson married Alice Walker and their daughter had her wedding reception at Yaralla)	Canada Bay Museum & students from Macquarie University co-ordinated by Lois Michel and Canada Bay Local Studies Librarian	Canada Bay Museum
An event of Riding for the Disabled	Riding for the Disabled organisation	At new headquarters for Riding for the Disabled
Music of the Paterson era	Ryde District Concert Band	Rotunda at Ryde Park
School visits	Dr Judith Godden & Gregory Blaxell	Various schools
A day at the Races	Co-ordinated by Gregory Blaxell who is an Australian Turf Club member	Rosehill Racecourse
A morning tea at the Grammar boatshed	Sydney Grammar School rowing master	Sydney Grammar School boatshed, Wharf Road, Gladesville
Lecture: Paterson the horseman and Paterson at WWI	Paul Terry	Marist College auditorium and open to other schools and the general public. Invitation to also go to Lancers at Parramatta Barracks
Paterson for children	Session for 4-8yo reading poems from <i>The Animals Noah Forgot</i> (A.B. Paterson, 1933). Read by Gregory Blaxell and/or Elissa Macdonald	West Ryde Library
Film: <i>The Man from Snowy River</i>	No speaker	Anderson Park open air picture show
Wreath laying ceremony and morning tea at the conclusion of the Festival	Mayor and interested public but mainly as a focus for media attention	Northern Suburbs Crematorium

ITEM 7 (continued)

ATTACHMENT 2

Conclusion

I hope that from the material above that Council might consider supporting this festival. The benefits to the City are:

- Paterson is still one of the most loved Australian poets and many contemporary poets strive to write verse in the ' Paterson' style; for example The Ryde Rhymer.
- Knowledge that the City of Ryde had close links with A.B. Paterson and his family. These links extended to his sporting interests in horses and rowing, both of which were fostered in the Ryde area.
- The festival would have media attention, not only from the local press but through metropolitan daily newspapers, radio and television. Involving the publishers Allen and Unwin in some events and the author Paul Terry would extend the media interest in the Festival.
- There is room for close links with the City of Canada Bay through the Sydney Rowing Club and the Walker's properties.
- There is a possibility that a book could eventuate that includes the events from the Festival.
- The events use few of Council's staff and/or Councillors. Most of the activities are generated from outside Council but Council venues are favoured for most activities.

Gregory Blaxell

8 2013/2014 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND ACTING GENERAL MANAGER

Report prepared by: Acting Group Manager - Corporate Services
File No.: CLR/07/8/23 - BP13/1732

REPORT SUMMARY

This report seeks Council's endorsement to delegate any functions of Council in accordance with Section 377 of the Local Government Act 1993 to the Mayor and Acting General Manager during the Christmas/New Year period from 11 December 2013 to 4 February 2014.

RECOMMENDATION:

- (a) That during the period 11 December 2013 to 4 February 2014, the Mayor and Acting General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and Acting General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible.

ATTACHMENTS

- 1 Local Government Act 1993 - Section 377: General Power of the Council to delegate

Report Prepared By:

Shane Sullivan
Acting Group Manager - Corporate Services

Report Approved By:

Roy Newsome
Acting General Manager

ITEM 8 (continued)

Report

In accordance with the Meeting Schedule endorsed by Council, the final Council meeting for the year is Tuesday, 10 December 2013. The first Committee meetings in 2013 will be held on Tuesday, 4 February 2014. If considered necessary at any time an extraordinary meeting can be called during this period.

As in previous years, it is necessary to grant the Mayor and Acting General Manager the normal delegation of authority for the period of the Christmas/New Year break in between Council meetings. This power is delegated pursuant to Section 377 of the Local Government Act (**ATTACHED**).

Critical Dates

As 10 December 2013 is the final Council Meeting scheduled for 2013, it is appropriate that Council makes this determination to allow any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act to be undertaken by the Mayor and General Manager.

Financial Impact

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

Policy Implications

Section 226 of the Local Government Act sets out the role of the Mayor as follows:

- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- *to exercise such other functions of the council as the council determines*
- *to preside at meetings of the council*
- *to carry out the civic and ceremonial functions of the mayoral office.*

In addition, at its meeting held 27 August 2013, Council adopted the Mayor's Roles and Responsibilities document. This document sets out the following requirements in relation to the exercise of, in cases of necessity, the policy making functions of the governing body of the Council in between meetings of the Council:

Where the Mayor exercises the policy-making functions of the Council in between Council meetings, this is to be communicated to all Councillors and the General Manager as soon as possible. Where practicable, the intent to exercise such functions should be communicated prior to the taking of any action. In addition, it is recommended that the Mayor liaise and seek guidance from the General Manager.

ITEM 8 (continued)

Where the Mayor exercises the policy-making functions of the Council in between Council meetings, any action taken is to be reported to the next available Council Meeting by way of a Mayoral Minute.

As a result, any policy-making functions exercised by the Mayor during the period 11 December 2013 to 4 February 2014 will be reported to the Council Meeting to be held 11 February 2014 by way of a Mayoral Minute.

The above provisions do not preclude the calling of an Extraordinary Council Meeting in accordance with Council's adopted Code of Meeting Practice and the Local Government Act.

ITEM 8 (continued)**ATTACHMENT 1****LOCAL GOVERNMENT ACT 1993 - SECTION 377****General power of the council to delegate****377 General power of the council to delegate**

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
- (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders which are required under this Act to be invited by the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

9 PUBLIC INTEREST DISCLOSURES

Report prepared by: Governance Support Coordinator
File No.: COR2010/347 - BP13/1679

REPORT SUMMARY

This report recommends the adoption of a revised 'Public Interest Disclosures Internal Reporting Policy' and Procedure. In accordance with the *Public Interest Disclosures Act 1994* (the PID Act), Council is required to develop and implement a policy and reporting procedure.

At the Council meeting of 13 August 2013, as part of the ICAC Interim Action Plan, Council resolved to review and update the City of Ryde 'Public Interest Disclosures Internal Reporting Policy' and Procedures. The proposed policy reflects the Model policy as provided by the NSW Ombudsman Office.

RECOMMENDATION:

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

ATTACHMENTS

- 1 Public Interest Disclosures Internal Reporting Policy
- 2 Public Interest Disclosures Internal Reporting Procedure

Report Prepared By:

Lorie Parkinson
Governance Support Coordinator

Report Approved By:

Amanda Janvrin
Section Manager - Governance

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 9 (continued)**Discussion**

At the Council meeting of 13 August 2013, an Interim Action plan was adopted to address risks raised in the 2013 ICAC hearing. This plan included the review and update of Council's 'Public Interest Disclosures Internal Reporting Policy' and Procedures.

The Policy was last adopted by Council on 27 September 2011 to reflect the NSW Ombudsman 2011 *Model Internal Reporting Policy*. It has now been reviewed and amended to reflect the NSW Ombudsman's *Model Internal Reporting Policy (Local Government)* of July 2013.

These amendments provide:

1. Consistency with the City of Ryde Code of Conduct

In February 2013, Council adopted a new City of Ryde Code of Conduct drawn from the Division of Local Government's *Model Code of Conduct (December 2012)*. This *Model Code of Conduct* specified that appropriate Public Interest Disclosures should be managed through the Code of Conduct complaints procedures.

This requirement has been included in the NSW Ombudsman *Model Internal Reporting Policy (Local Government)* of July 2013.

It should be noted that while the most recent version of Council's Code of Conduct was adopted on 8 October 2013, the amendments did not impact upon Public Interest Disclosures and the related policy.

2. 'Local Government pecuniary interest contravention'

This reporting category has been included to align with the Model Internal Reporting Policy provided by the NSW Ombudsman.

3. External Investigation Authorities

The details of relevant investigating agencies and the types of reports they receive from Councils have been updated and align with the Model Internal Reporting Policy.

4. Within the document, it has also been reviewed to emphasise that both the obligations and the protections provided by the PID Act apply to Councillors, staff, consultants, and contractors etc.

Additions are shown in ***bold italic*** and deletions are shown in ~~strikethrough~~. Please note that deletions have only been made to improve the readability of the document.

ITEM 9 (continued)

Following adoption of this draft policy the NSW Ombudsman will be engaged to provide a workshop to Council's Public Interest Disclosures Officers who provide advice and receive disclosures.

The NSW Ombudsman 2011 *Model Internal Reporting Policy* provides that the Mayor is identified as a Disclosure Officer and, as a result, the Mayor of the day will be included in any training provided regarding Public Interest Disclosures.

Prior to this training, steps will be taken to increase the number of Public Interest Disclosures Officers to ensure there continues to be wide representation across Council facilities and operations.

Additionally there will be an internal campaign to raise awareness of the provisions of the Policy, including the types of complaints it addresses, the process of making a disclosure, and the protections provided by the legislation to which Council is committed.

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

Financial Implications

Adoption of the recommendation will have no financial impact, as:

- the NSW Ombudsman's Office is funded to provide these workshops without charge, and
- promotional resources will be provided from within Council.

ITEM 9 (continued)

ATTACHMENT 1

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING POLICY**

Purpose

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

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

Scope

This Policy applies to Councillors, staff (permanent, full-time, part-time, temporary and casual), consultants and individual contractors working for Council. It may also apply to other people who perform public official functions such as volunteers.

Reports regarding these five categories of serious wrongdoing:

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

will be dealt with under the *Public Interest Disclosures Act, 1994* (the PID Act) as public interest disclosures.

Commitment

The City of Ryde is committed to encouraging and supporting the reporting of wrongdoing.

The City of Ryde is committed to protecting those who make disclosures from any adverse action motivated by their report, and keeping their identity confidential where possible.

The City of Ryde is committed to dealing with reports thoroughly and impartially and if wrongdoing is found, taking appropriate action to rectify it.

The City of Ryde is committed to providing adequate resources to support this Policy and its implementation.

Public Interest Disclosures Internal Reporting Policy		
Owner: Customer Service and Governance	Accountability: Governance Framework	Policy Number: CSG006
Trim Reference: D13/39494	Review date: Endorsed date + 1 year	Endorsed: Council on xx month 2013

ITEM 9 (continued)

ATTACHMENT 1

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING POLICY**

Procedures

The procedures give further information and details on:

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

References – Legislation

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

This Policy and the associated Procedure reflect the NSW Ombudsman's Public Interest Disclosures Model Internal Reporting Policy (Local Government) **of July 2013**.

Review Process and Endorsement

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

Attachments

<i>Title</i>	<i>Trim Reference</i>
Public Interest Disclosures Internal Reporting Procedures, including Internal Reporting Workflow	D13/39406

Public Interest Disclosures Internal Reporting Policy		
Owner: Customer Service and Governance	Accountability: Governance Framework	Policy Number: CSG006
Trim Reference: D13/39494	Review date: Endorsed date + 1 year	Endorsed: Council on xx month 2013

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

Related Policy

This procedure relates to the City of Ryde Public Interest Disclosures Internal Reporting Policy, as adopted by Council on *[insert date]*.

1. What should be reported?

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

a. Corrupt conduct

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

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a Council official using their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b. Maladministration

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

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

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

c. Serious and substantial waste in local government

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

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 1 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

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

d. Government information contravention

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

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

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

e. Local government pecuniary interest contravention

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

For example, this could include:

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

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

f. Other wrongdoing

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

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 2 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

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

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

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

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

2. When will a report be protected?

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

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to a position nominated in this policy (see Section 6) or an investigating authority

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

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

3. How to make a report

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

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

~~If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.~~

~~Documentation relating to reports will be filed appropriately and handled in such a way as to ensure appropriate confidentiality.~~

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 3 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

4. Can a report be anonymous?

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

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

5. Maintaining confidentiality

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

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

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

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

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

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

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with the Council's disclosure procedures – this means the policy and these supporting procedures.

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

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

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 4 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

~~If you are Council staff and your report involves a Councillor, you should make it to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Mayor.~~

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

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- ensuring there are systems in place to support and protect people who report wrongdoing
- ***dealing with disclosures made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures***
- referring actual or suspected corrupt conduct to the Independent Commission against Corruption (ICAC).

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

b. Mayor

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

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- ***dealing with disclosures made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures.***

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

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

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

c. Disclosures Coordinator

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

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 5 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

The Disclosures Coordinator is the Group Manager Corporate Services. The Group Manager can be contacted on 9952 8011.

d. Disclosures Officers

Disclosures Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with the Public Interest Disclosures policy and procedure.

Details of Council's Disclosure Officers are attached to this procedure.

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

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

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

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

~~You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the City of Ryde. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.~~

~~You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.~~

a. Investigating authorities

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

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Director-General of the Division of Local Government, Department of Premier and Cabinet – for disclosures about local government agencies
- the Information Commissioner — for disclosures about a government information contravention.
- ~~the Police Integrity Commission (PIC) — for police misconduct~~
- ~~the PIC Inspector — for disclosures about the PIC or its staff~~

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 6 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

- ~~the Division of Local Government, Department of Premier and Cabinet for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)~~
- the ICAC Inspector for disclosures about the ICAC or its staff

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

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

b. Members of Parliament or journalists

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

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

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

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

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

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

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

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 7 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

11. Feedback to people who report wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

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

After a decision is made about how your report will be dealt with, you will be given:

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

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

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

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

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 8 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

12. Protection against reprisals

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

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

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

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

a. Responding to reprisals

The City of Ryde will act to protect people who report wrongdoing from reprisals. When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

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

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

If the Disclosures Coordinator becomes aware of ***or reasonably suspects*** that reprisal action is ***or has been taken*** against a person who has made a disclosure, they will ***ensure that the matter is reported under Council's Code of Conduct and dealt with in accordance with the Council's Code of Conduct procedures.***

- ~~ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal~~
- ~~give the results of that investigation to the General Manager for a decision~~
- ~~give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager~~

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 9 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

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

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

~~If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions~~

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

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

b. Protection against legal action

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

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 10 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

13. Support for those reporting wrongdoing

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

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

Human Resources staff can provide details of support services.

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

14. Sanctions for making false or misleading disclosures

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

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

15. Support for the subject of a report

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

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

16. Review

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

17. More information

You can access advice and guidance from the City of Ryde Disclosures Coordinator, the disclosures officers, your manager and the Governance section.

Links to more information about public interest disclosures is available on the NSW Ombudsman's website at www.ombo.nsw.gov.au.

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 11 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

18. Resources

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

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: picinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

For disclosures about Council:

Director-General, Division of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street, Sydney NSW 2000

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 12 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

INTERNAL REPORTING WORKFLOW

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

Breaches of confidentiality can result in disciplinary action and dismissal.

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

Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 13 of 14

ITEM 9 (continued)

ATTACHMENT 2

**PUBLIC INTEREST DISCLOSURES
INTERNAL REPORTING PROCEDURE**

PID Disclosure Officers (25 November 2013)

Location	Disclosure Officers	
Level 1 Pope Street	Derek McCarthy 9952 8384 or 0418 465 603	
Operations Centre	George Dedes 9952 8101 or 0434 563 804	Darren Ward 9952 8163 or 0409 099 215
RALC	Paul Hartmann 8878 5101 or 0407 407 984	
Libraries	John Maunder 9952 8378 or 9817 1960	
Civic Centre	Shane Sullivan 9952 8034 or 0478 322 132	Wayne Moy 9952 8184 or 0408 167 925
	Chris Young 9952 8237 or 0417 068 607	Amanda Janvrin 9952 8026 or 0466 144 570
	Angela Jones Blayney 9952 8480 or 0407 958 023	

A/General Manager

Civic Centre Level 1	Roy Newsome 9952 8052
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Disclosures Coordinator

Civic Centre Level 2	Shane Sullivan 9952 8011 or 0478 322 132	Acting Group Manager, Corporate Services
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Civic Centre Level 5	Mayor 9952 8330
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Public Interest Disclosures Internal Reporting Procedure		
Owner: Customer Service and Governance	Accountability: Governance Framework	Issue: Date
Trim Reference: D13/39406	Policy: Public Interest Disclosures Internal Reporting Policy	Page 14 of 14

10 ACCESS ADVISORY COMMITTEE - MINUTES OF 20 NOVEMBER 2013 MEETING

Report prepared by: Acting Service Unit Manager - Community and Culture
File No.: GRP/09/4/1/7 - BP13/1763

REPORT SUMMARY

The Access Advisory Committee met on 20 November 2013. The Committee made two recommendations submitted in the Minutes **ATTACHED** for Council's consideration.

These recommendations are reported to Council for endorsement.

RECOMMENDATION:

- (a) That Council endorse nomination of Seaja Chang, Community Services Coordinator, Catholic Community Services, for a position on this Advisory Committee.
- (b) That Council write to the State Minister for Transport, The Hon. Gladys Berejiklian MP, supporting an increase in the financial support available to eligible people under the NSW Taxi Transport Subsidy Scheme, indicating Council's support for the Spinal Cord Injury Australia's campaign.
- (c) That Council write to local Members of Parliament requesting that they make representations to the State Minister for Transport, The Hon. Gladys Berejiklian MP, on behalf of City of Ryde residents seeking an increase in the financial support available to eligible people under the NSW Taxi Transport Subsidy Scheme and indicating Council's support for the Spinal Cord Injury Australia's campaign.

ATTACHMENTS

- 1 Access Committee Minutes - 20 November 2013

Report Prepared By:

Gunjan Tripathi
Acting Service Unit Manager - Community and Culture

Report Approved By:

Baharak Sahebekhtiari
Acting Group Manager - Community Life

ITEM 10 (continued)

Discussion

The Access Advisory Committee Minutes for 20 November 2013 are (**ATTACHED**) for Council's consideration. Following discussions further outline the basis for Committee's recommendations.

1. Nomination of new committee member

The Committee recommends Council to consider nomination of Ms. Seaja Chang for a position on the committee. Ms Chang represents Catholic Community Services (CCS) in her current role as Service Coordinator. Her previous roles included working as a Case Manager at Settlement Services International (SSI) working with migrant and refugee communities. Ms Chang comes from Korean heritage and is passionate about working with the local communities.

The Access Advisory Committee Terms of reference outline 12 membership places with current membership of nine members. There are three additional places available on the committee.

Ms Chang's nomination will add diversity and robustness to the Committee membership in line with its primary role to:

- *Provide advice to Council to ensure that **all** residents and visitors to the City of Ryde are able to participate actively in all aspects of community and civic life and that Council recognises and values the diversity of its community.*

2. NSW Taxi Transport Subsidy Scheme (TTSS)

The Spinal Cord Injury Association of Australia has requested ongoing support for its campaign to improve the level of support for people with disability eligible to use this scheme.

In a letter to the State Minister for Transport, The Hon. Gladys Berejiklian MP and local Members of Parliament in May 2013, Council had raised concerns with regards to TISS subsidies. An acknowledgement of this letter was received from the Minister's office in June 2013, reassuring that Transport for NSW will be reviewing subsidy levels for the TTSS.

There is no further information on any proposed changes to the subsidy so far.

TTSS has been in operation since 1981 to assist people with a disability using the taxi network by covering 50 percent of the cost up to a maximum of \$30. This maximum level has been in place since 1999 when it was raised from \$25. In the 14 years since cab fares have risen significantly and the subsidy level has not kept pace with the increases in prices.

ITEM 10 (continued)

The TTSS has not increased since 1999, despite a considerable increase in taxi fares. As a consequence, people with disability who rely on taxis to access the community spend a disproportionately high amount of their income on transport.

People with disability generally have fewer options for accessible and affordable transport. The cost of taxi transport is relatively expensive and the TTSS is currently inefficient and ineffective. Many people with a physical disability who use wheelchair accessible taxis use TTSS as their only accessible transport option. Many of them receive CentreLink benefits or are lower-income earners.

Accessible and affordable transport provides people with disability with the opportunity to participate in society as active citizens by increasing the opportunity to access and maintain their education, training, and employment as well as increasing community access and minimising social isolation.

In 2008, Victoria doubled its subsidy level of the Multi-Purpose Taxi Program, from \$30 to \$60. This means that people can travel greater distances than in NSW up to a fare of \$120 and still pay only half this amount. Also, Victoria has double the budget of NSW with Victoria spending \$50 million per annum. It is also worth noting that Victoria has a far greater membership than the TTSS.

Consultation with relevant external bodies

Further consultation on the matter with Anthony Jones, Policy & Advocacy Officer, Spinal Cord Injuries Australia.

Financial Impact

Adoption of these recommendations will have no financial impact.

ITEM 10 (continued)
ATTACHMENT 1
MEETING RECORD

City of Ryde

Subject:	Access Advisory Committee – Minutes of Meeting 20 November 2013	Page 1 of 5
-----------------	--	-------------

Subject:	Access Advisory Committee
File No:	COR 2013/207
Document Ref:	D13/95165
Venue:	Meeting Room 1, Level 5, Civic Centre
Date:	20 November 2013
Time:	Started at: 5.00pm Closed at: 6.25pm
Chair:	Councillor Denise Pendleton
Meeting Support (MS):	Linda Smith – EA to the Mayor and Councillors
Staff Convenor:	Gunjan Tripathi
Circulation:	

Committee Role:

Advises and makes recommendations to Council on matters relating to access issues, with particular emphasis on issues for people with disabilities as defined by UN Convention on the Rights of Persons with Disabilities.

Present	Apology	Name	Position Title	Organisation
x		Clr Denise Pendleton	Chairperson	City of Ryde
x		Brian Bernard	Community Representative	
		Victoria Brookman	Community Representative	
x		Connie Netterfield	Community Representative	
		Diane O' Brien	Community Representative	
x		Doris Carrall	Community Representative	
x		Greg McClure	Community Representative	
		Barbara Stannard	Community Representative	
x		Hazel Myers	Community Representative	
		Neita Matthews OAM	Community Representative	
	x	William Davies	Access & Equity Coordinator	City of Ryde

Other Attendees

Name	Position Title
Baharak Sahebekhtiari	A/ Group Manager – Community Life, City of Ryde
Gunjan Tripathi	Section Manager – Community Projects, City of Ryde
Persis Koo	Section Manager – Community Services

ITEM 10 (continued)
ATTACHMENT 1
MEETING RECORD

City of Ryde

Subject:	Access Advisory Committee – Minutes of Meeting 20 November 2013	Page 2 of 5
-----------------	--	-------------

	Details	Action	Responsibility and Date
1.	Present: As above	Noted	
2.	Apologies: As above	Noted	
3.	New member of committee		
	Seaja Chang has nominated herself for a position on this committee.	Noted	To be forwarded to Council for endorsement
	The Committee welcomed the nomination of Ms Chang.		
	It was recommended that groups such as Ryde Rehabilitation, Cerebral Palsy Assoc and Achieve Australian be contacted with regard to these groups nominating members who may wish to join the Access Committee in 2014.	Noted	Contact to be made re membership of Access Cttee
	All members of the local network are to be contacted and advised that they are welcome to attend any meeting of the Access Committee, in particular the first meeting for 2014.	Noted	Advice to be forwarded
	Discussion – Volunteering for people with disability		
	Persis Koo addressed the committee and advised here role is to refer on enquiries re volunteering.		
	Council receives an average of 300 requests each year. Some requests come from people with intellectual disabilities who wish to volunteer, but these are rare. It is difficult to place people with physical disabilities due to the nature of tasks required to be carried out by volunteers.	Persis to hold discussions with local employment agencies with regard to furthering volunteering opportunities.	Persis
	It was noted that in addition to Council's volunteer coordinator that Royal Rehabilitation and CCA have dedicated volunteer organisers.		
	A possibility exists to perhaps place disabled volunteers with groups such as Migrant groups and the West Ryde hub groups which require administrative assistance.	Persis to contact local service providers such as Achieve to further develop volunteering opportunities for	Persis
	It was noted that now is a good time to recruit volunteers who are keen, but not as able bodied as others, due to the groundwork that has been carried out with organisations		

ITEM 10 (continued)
ATTACHMENT 1
MEETING RECORD

City of Ryde

Subject:	Access Advisory Committee – Minutes of Meeting 20 November 2013	Page 3 of 5
-----------------	--	-------------

Details	Action	Responsibility and Date
<p>who use volunteers.</p> <p>The point was raised that volunteering is for everyone. Even the library and Council's community organisations could benefit from additional volunteers.</p> <p>There is a greater sharing of information between volunteer groups now. Combined training will take place in the future.</p> <p>Greg gave examples of the volunteering work that he carries out. He has been volunteering for 14 years.</p> <p>The Committee unanimously agreed that Council be commended for its effort to commence dialogue between service providers with regard to expanding volunteering opportunities.</p> <p>Insurance is major consideration for older volunteers. At present it would appear that insurance cover may end at a certain age.</p>	<p>their clients.</p> <p>Committee to be informed as information becomes available following the Hunter Valley project.</p> <p>Baharak to ensure that the thanks of the Committee is passed to Council.</p> <p>Update to be provided to this committee at the second meeting of 2014.</p>	<p>William</p> <p>Baharak</p> <p>William</p>
<p>4. Confirmation of minutes – 4 September 2013</p> <p>The minutes were confirmed.</p> <p>Matters arising</p> <ul style="list-style-type: none"> National Disability Strategy NSW Implementation Plan 2012-14- suggested key Council actions <p>No additional comments were received from the committee following the last meeting. The report presented to Council was subsequently adopted by Council and will be actioned.</p> <ul style="list-style-type: none"> Taxi Fare Subsidy <p>Briefing paper is attached to these minutes. A media release has been prepared but not issued yet. Still no response from Minister on this matter.</p> <p>Recommendation that Council write again to the Minister</p>	<p>Noted</p> <p>Noted</p>	

ITEM 10 (continued)

ATTACHMENT 1

MEETING RECORD

City of Ryde

Subject:	Access Advisory Committee – Minutes of Meeting 20 November 2013	Page 4 of 5
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Details	Action	Responsibility and Date
<p>seeking that this matter be given serious consideration.</p> <p>Request that this issue be raised with the local State members of parliament and their support requested to bring this matter to the attention of the Minister.</p> <ul style="list-style-type: none"> • Top Ryde City accessible taxi rank <p>Following inspection of the taxi rank at the conclusion of the last Access Committee meeting, it has become apparent that the usage of the rank is causing issues, not the construction of the ramp. Signage improvements are required and will be arranged. Publicity as suggested in the briefing notes will also be arranged.</p>	<p>Council to be requested to write to Minister again</p> <p>Representation sought between Council and the local State Members.</p> <p>Noted. Signage changes to be arranged. Publicity to be organised</p>	<p>William</p> <p>Baharak</p> <p>William</p>
<p>5. Other Business</p> <ul style="list-style-type: none"> • Taxi Fare subsidy (see above) • Top Ryde City accessible taxi rank <p>Signage changes are required with regard to use of the rank by larger vans which are used to transport people to the shopping centre. Timing of the use of the rank will need to be clarified prior to the matter going before the Local Traffic Committee.</p> <ul style="list-style-type: none"> • Gladesville Age Friendly Project- update <p>An information sheet is attached to the minutes. It provides an update of the way Council is responding to the needs of an aging population in Gladesville. A consultation process will take place early in 2014. This</p>	<p>Matter to be referred to the Local Traffic Committee</p> <p>Update to be provided in 2014</p>	<p>Baharak</p> <p>William</p>

ITEM 10 (continued)
ATTACHMENT 1
MEETING RECORD

City of Ryde

Subject:	Access Advisory Committee – Minutes of Meeting 20 November 2013	Page 5 of 5
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Details	Action	Responsibility and Date
<p>process will be aligned with the PAMP.</p> <p>More information will be provided to the Committee following the consultation process.</p> <p>A PAMP discussion will be held on 4th December 2013 and feedback will be sought with regard to issues of concern. Details were circulated.</p> <p>Other Business</p> <p>Signage</p> <p>Hazel advised of her recent experience at the Fleet Review which highlighted a lack of signage which often occurs at major events. The importance of adequate signage was noted and should be taken into consideration for the Granny Smith Festival.</p> <p>Invitation to organisations with expertise.</p> <p>A suggestion was made that various organisations be invited to make presentations to this Committee which will enhance the committees understanding of various disabilities, eg spinal cord injuries, autism etc. This suggestion to be looked into by staff. A15 minute time limit would apply to presentations.</p>	<p>Information to be passed to Courtney Long and Festival Committee</p> <p>Staff to consider for 2014</p>	<p>William</p> <p>William</p>
<p>6. Next Meeting</p> <p>Dates for 2014 meetings will be provided by William Davies prior to 2014.</p> <p>Meetings will take place in the Civic Centre Room 2 level 5 Committee Room.</p>		

11 CODE OF CONDUCT - STATUS REPORT

Report prepared by: Acting General Manager
File No.: GRP/09/7/6 - BP13/1769

This report provides an update on the Code of Conduct matter which was resolved by Council at its reconvened meeting of 19 November 2013. The resolution was as follows:

- (a) *That Council endorse the recommendations 2.1.1, 2.1.9, 2.1.10, 2.1.11, 2.1.12 and 2.1.18 as detailed in the Conduct Reviewer's report and set out below:*
- 2.1.1 *Councillor Maggio be required to apologise to his fellow Councillors for failing to properly declare and clarify his pecuniary interests in relation to matters pertaining to the two sporting bodies he is affiliated with and also Westminster Oval.*
 - 2.1.9 *Councillor Maggio personally and publicly (during a Council Meeting) apologise to **NAME REMOVED** in relation to the contents of the TWT article appearing on 20 October 2012.*
 - 2.1.10 *Councillor Maggio publicly (during a Council Meeting) apologise to Council staff generally in relation to the contents of the TWT article appearing on 20 October 2012.*
 - 2.1.11 *Councillor Maggio personally apologise to **NAME REMOVED** for any inappropriate comments he had made in relation to the deployment and activities of the Rangers.*
 - 2.1.12 *Councillor Maggio personally apologise to **NAME REMOVED** for the manner in which he spoke to him over the deployment of the Rangers.*
 - 2.1.18 *Councillor Maggio personally apologise to **NAME REMOVED** and the other help desk staff in relation to the tone and content of his emails.*
- (b) *That Council note in respect of recommendations 2.1.13, 2.1.14, 2.1.15, 2.1.16 and 2.1.20, that the Acting General Manager will consider these recommendations in reviewing the relevant Council Policies and Procedures, that will be the subject of a future report to Council.*
- (c) *That Council endorse the necessary amendments to recommendations 2.1.14 on page 13 by removing the words "or non-pecuniary interest",*
- (d) *That Councillor Maggio be requested to provide written apologies to the affected persons acknowledging his wrongdoing.*
- (e) *That Councillor Maggio's apology as detailed in part (d) includes recommendations 2.1.8 and 2.1.17.*

ITEM 11 (continued)

- (f) *That Councillors be provided with the opportunity to undertake Code of Conduct training.*
- (g) *That Council include in its review of Policies and Procedures as referred to in part (b), consideration of provisions that ensure the timely investigation and reporting of complaints.*
- (h) *That a Status Report be submitted to Council at the Council Meeting on 10 December 2013.*

In accordance with part (h) of the above resolution, this status report is provided on this matter.

Since the last Council Meeting, the following actions have been taken:-

- The Acting General Manager issued a letter to Councillor Maggio on 25 November 2013, detailing Council's resolution of 19 November 2013.
- It should be noted that following this matter being reported to Council on 24 September 2013, Councillor Maggio has advised that he provided a written apology to each respective staff member.
- Councillor Maggio has prepared letters of apology and meetings have been scheduled for the respective staff. The Acting General Manager will be present at these meetings.

Further, in accordance with the resolution, Councillor Maggio will be providing a verbal apology to each of the respective parties at the Council Meeting on 10 December 2013.

A further update will be provided by the Acting General Manager at this Council Meeting if required.

RECOMMENDATION:

- (a) That Council note the actions taken as detailed in this report.
- (b) That Councillor Maggio now provide verbal apologies to both Councillors and Council staff in accordance with Council's resolution.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Roy Newsome
Acting General Manager

PRECIS OF CORRESPONDENCE

1 CROWN LANDS AMENDMENT BILL

Report prepared by: Executive Assistant to the General Manager
File No.: GRP/09/7/6 - BP13/1697

CORRESPONDENCE:

The **ATTACHED** correspondence from the Hon Andrew Stoner, Minister for Trade and Investment and Minister for Regional Infrastructure and Services, is seeking Council's support for the Crown Lands Amendment (Multiple Land Use) Bill 2013.

Given the benefits for Council and community groups, it is proposed Council write to members of the Upper House, seeking their support for this bill.

It is noted that there may have been some minor amendments that have occurred since this letter was prepared, however the overall intent should still be supported by Council.

It is advised that this Bill was recently passed by Parliament.

RECOMMENDATION:

- (a) That the City of Ryde write to all members of the NSW Legislative Council seeking their support for the Crown Lands Amendment (Multiple Land Use) Bill 2013.
- (b) That Council endorse a media release being issued promoting the benefit of the Bill.

ATTACHMENTS

- 1 Crown Lands Amendment Bill

Report Prepared By:

Roxanne Thornton
Executive Assistant to the General Manager

Report Approved By:

Roy Newsome
Acting General Manager

Precis of Correspondence 1 (continued)

ATTACHMENT 1



The Hon. Andrew Stoner MP
Deputy Premier
Minister for Trade and Investment
Minister for Regional Infrastructure and Services

5 November 2013

Clr Roy Maggio
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Clr Maggio

I write to inform you of recent developments in the NSW Upper House which threaten the ongoing operation of many of our local community facilities and businesses that are located on Crown reserves – this includes tenures issued by local councils.

The NSW Government recently introduced the *Crown Lands Amendment (Multiple Land Use) Bill 2013*. The Bill is important because a NSW Court of Appeal decision of 9 November 2012 (known as the "Goomallee case") means that up to 7,000 community and commercial facilities operating under secondary tenures on Crown reserves may be considered legally invalid.

In some cases the NSW Government directly manages Crown reserves and issues tenures over them. In many other cases, local councils are responsible for the management of these important public assets, including the issuing of tenures over them.

Some examples of the kinds of facilities that may be impacted include Country Women's Association halls, Men's Sheds, Rural Fire Services, Marine Rescue facilities, surf lifesaving clubs, pre-schools, recreational sporting clubs, kiosks and local businesses.

Many of these tenures have been in place for decades and provide an important community service. Further, the revenue collected by local councils from these tenures is reinvested back into community assets such as parks, showgrounds and sporting facilities.

Without a minor change to existing laws, the tenures issued to many of our valued community operations and local businesses could be considered legally invalid and may be forced to close.

The *Crown Lands Amendment (Multiple Land Use) Bill 2013* validates those existing secondary tenures on Crown reserves that are not causing material harm to the primary purpose of the reserve. Importantly, the Bill supports the multiple use principle in the *Crown Lands Act 1989* that Crown land should be used for multiple purposes where appropriate.

The Bill is currently before the Upper House, but unfortunately Labor, the Greens and the crossbenchers have indicated that they will continue to oppose the Bill, despite not having proposed any amendments.

Precis of Correspondence 1 (continued)

ATTACHMENT 1

As an affected stakeholder, I urge Ryde City Council to contact members of the Upper House seeking their support for the Bill, as well as raising this important issue in your local media.

Should you require more information please contact Laura Clarke, Regional Policy Officer, on 02 9228 5209 or laura.clarke@deputypremier.nsw.gov.au.

Yours sincerely



The Hon. Andrew Stoner MP
Deputy Premier

Cc Mr Roy Newsome, General Manager, Ryde City Council

2 CLARIFICATION REGARDING CLAUSES 4.21 AND 4.23 OF THE CODE OF CONDUCT

Report prepared by: Meeting Support Coordinator
File No.: CLM/13/1/4/11 - BP13/1725

CORRESPONDENCE:

Submitting correspondence from the Department of Premier and Cabinet – Division of Local Government, dated 15 November 2013 (**ATTACHMENT 1**), in response to a letter dated 1 November 2013 from the Acting Group Manager – Corporate Services seeking guidance on Clauses 4.21 and 4.23 of the *Model Code of Conduct for Local Councils in NSW* (**ATTACHMENT 2**).

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1** Response to letter dated 1 November 2013 - seeking clarification regarding Clauses 4.21 and 4.23 of the Code of Conduct. Department of Premier and Cabinet
- 2** Letter to Division of Local Government dated 1 November 2013 - seeking clarification regarding Clauses 4.21 and 4.23 of the Code of Conduct

Report Prepared By:

Carol Mikaelian
Meeting Support Coordinator

Report Approved By:

Amanda Janvrin
Section Manager - Governance

Shane Sullivan
Acting Group Manager - Corporate Services

Precis of Correspondence 2 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A356530
Your Reference:
Contact: John Davies
Phone: 02 4428 4139

Ms Shane Sullivan
Acting Group Manager, Corporate Services
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670



Strengthening local government

Dear Ms Sullivan

Thank you for your letter of 1 November 2013 seeking guidance on clauses 4.21 and 4.23 of the *Model Code of Conduct for Local Councils in NSW*.

Clauses 4.21 and 4.23 were incorporated into the Model Code of Conduct in response to recommendation 20 made in the ICAC's position paper, *Corruption Risks in NSW Development Approval Processes* issued in September 2007.

They were amended as a result of the 2011/12 review of the Model Code of Conduct to align them with amendments that had subsequently been made to the *Election Funding, Expenditure and Disclosures Act 1981* and to close off a loophole.

Clauses 4.21 and 4.23, like other provisions contained in the Model Code of Conduct, are designed to promote community confidence in the integrity of council decision making. They are intended to address the potential for councillors to be influenced or perceived to be influenced by any reportable political donation (ie of \$1K or more) they have received or knowingly benefitted from when dealing with a matter concerning the donor.

The four-year timeframe specified in clause 4.21 was designed to align with the election cycle. In effect, clause 4.21 only relates to reportable political donations made at the most recent elections preceding the consideration of a matter concerning the donor. It was considered that a councillor should not be precluded from dealing with matters concerning a particular donor in perpetuity simply because they had received or knowingly benefitted from a reportable political donation made by them in the distant past.

Clause 4.23 simply serves to remind councillors that political donations that are not otherwise captured under clause 4.21 may still potentially give rise to a non-pecuniary conflict of interests and that, where this occurs, must be managed accordingly. The question of whether a political donation gives rise to a non-pecuniary conflict of interests will depend on the application of the test contained in clause 4.1, namely whether a reasonable and informed person would perceive that the councillor could be influenced by the political donation when carrying out their

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E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



Precis of Correspondence 2 (continued)

ATTACHMENT 1

2

public duty. In circumstances where a councillor is not aware that a political donation has been made, it would be unlikely that this test would be satisfied.

I hope this information is helpful.

Yours sincerely



John Davies
Leader, Council Governance

15-11-13

Precis of Correspondence 2 (continued)

ATTACHMENT 2



Lifestyle and opportunity @ your doorstep

Mr Ross Woodward
Chief Executive, Local Government
Division of Local Government
Locked Bag 3015
NOWRA NSW 2541

1 November 2013

Dear Mr Woodward,

CODE OF CONDUCT POLICY REVIEW

At its meeting on 8 October 2013, Council considered the Code of Conduct and resolved inter alia:-

- (b) *That Council write to the Division of Local Government seeking clarification in relation to Clauses 4.21 and 4.23 of the Code of Conduct.*

Clause 4.21 of Council's Code of Conduct reflects the Model Code and states:

Where a Councillor has received or knowingly benefited 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).

Council has raised the provision that an interest must be declared for donations made by a major political donor in the previous four years. Council believes there should not be a specified time constraint on this and that the provision should be open to any reportable political donation made by a major political donor.

Clause 4.23 of Council's Code of Conduct reflects the Model Code and states:

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.

Council submits that this clause should provide for political donations a Councillor has knowingly received as provided in the following clause. Council has highlighted that in some instances they may not be aware of a donation that has been made.

Precis of Correspondence 2 (continued)

ATTACHMENT 2

Division of Local Government

2

1 November 2013

These comments are submitted to the Division for their consideration with regard to any future revisions or reviews of the Model Code of Conduct.

Yours sincerely



Shane Sullivan
Acting Group Manager – Corporate Services

3 RYDE LOCAL AREA COMMAND - SUPERINTENDANT JOHN DUNCAN

Report prepared by: Executive Assistant to the General Manager
File No.: GRP/09/7/6 - BP13/1729

CORRESPONDENCE:

The **ATTACHED** correspondence from Duncan Eddington, Inspector NSW Police Force, advises Council of the amalgamation of the Eastwood Local Area Command and the Gladesville Local Area Command to form the new Ryde Local Area Command. The letter also acknowledges the appointment of Superintendent John Duncan as the Commander for the new Ryde Local Area Command.

Day to day operations will continue with no closure of any police stations as a result of the amalgamation. Eastwood, Ryde and Gladesville Stations will continue to operate on a 24/7 basis.

RECOMMENDATION:

That this correspondence be received and noted.

ATTACHMENTS

1 NSW Police Force - Letter received 8 November 2013 from Duncan Eddington

Report Prepared By:

Roxanne Thornton
Executive Assistant to the General Manager

Report Approved By:

Roy Newsome
Acting General Manager

Precis of Correspondence 3 (continued)

ATTACHMENT 1



Dear Community Member,

The New South Wales Police Force is currently undergoing a number of structural changes that will affect 8 Local Area Commands in the Sydney Metropolitan Area.

On the 10th of November 2013, Eastwood Local Area Command and Gladesville Local Area Command will amalgamate to form the new Ryde Local Area Command. Superintendent John Duncan has been appointed as the Commander for the new Command.

The purpose of the amalgamation is to increase the number of police on the street by returning 10 officers to the front line. This is part of the New South Wales Police Forces determination to enhance the operational capacity of Commands to meet the changing needs of the community.

Day to day policing operations will continue with NO closure of any Police Stations as a result of the amalgamation. Eastwood, Ryde and Gladesville Stations will continue to operate on a 24/7 basis.

Should you have any concerns regarding how the amalgamation will affect you, please contact myself, Inspector Duncan Eddington at Eastwood Police Station on 9858 9299.

Regards,



Duncan Eddington
Inspector

Ryde Local Area Command

Eastwood Police Station

3 Ethel Street, Eastwood, NSW 2122

Telephone 02 9858 9299 Facsimile 02 9858 9228 TTY 9211 3776 (Hearing/Speech impaired)

NSW POLICE FORCE RECRUITING NOW 1800 222 122
WWW.POLICE.NSW.GOV.AU/RECRUITMENT

NOTICES OF MOTION

1 CENTENARY OF ANZAC AND COMMEMORATION OF WW1 COMMITTEE FUNDING OPTIONS - Councillor Jerome Laxale

File Number: CLM/13/1/4/6 - BP13/1779

MOTION:

That the Acting General manager consult with the Ryde Centenary of Anzac and Commemoration of WW1 committee in regards to funding a "Ryde Remembers" commemorative programme of events from 2014 and beyond.

That the Acting General Manager report back on funding arrangements for events identified as a priority by the committee.

CONFIDENTIAL ITEMS**12 REQUEST FOR TENDER - SUPPLY OF SOIL AND AGGREGATE
SCREENING PLANT: COR-RFT-17/13**

Confidential

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

Report prepared by: Environmental Engineer - Waste

File Number: GRP/09/3/10 - BP13/1713

Page No.: 178

**13 REQUEST FOR TENDER - RALC SURF ATTRACTION - TENSILE
MEMBRANE (SHADE) STRUCTURE - COR-RFT-04/13**

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.

Report prepared by: Project Manager

File Number: GRP/09/3/10 - BP13/1755

Page No.: 191

14 ADVICE ON COURT ACTIONS

Confidential

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

Report prepared by: General Counsel, Public Officer

File Number: COR2013/624 - BP13/1759

Page No.: 203
