

**Meeting Date:** Tuesday 27 August 2013  
**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 7.30pm

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

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**NOTICE OF BUSINESS (continued)**

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**NOTICES OF MOTION**

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**MM20/13      EXTENSION TO TIME LIMIT FOR SUBMITTING  
COUNCILLOR REIMBURSEMENT CLAIMS - The Mayor,  
Councillor Ivan Petch**

**File Number: MYR/07/10/7 - BP13/1231**

September will mark the end of the first year of the Council elected in 2012.

An entitlement of all Councillors is to claim, within policy guidelines, reimbursement of various costs incurred in carrying out their duties as Councillors.

There may be some Councillors who have not claimed their reimbursements as entitled which, under the current policy, must be claimed within three months of being incurred.

To allow Councillors to claim all reimbursements due, I recommend that the three month period be waived temporarily and that Councillors be given the opportunity to submit claims for the past twelve months up until 12 September 2013.

After 12 September 2013, the policy will again apply with all claims to be made within three months of being incurred.

This proposed moratorium does not change any section of the policy other than that concerning the length of time available for Councillors to lodge a reimbursement claim.

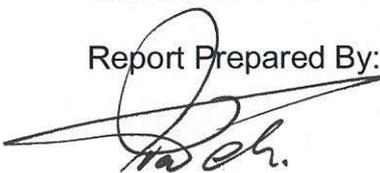
**RECOMMENDATION:**

That Council grant to all Councillors the opportunity to lodge outstanding reimbursement claims for the current term of Council up until 12 September 2013.

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:



**Councillor Ivan Petch  
The Mayor**



**1 CONFIRMATION OF MINUTES - Council Meeting held on 23 July 2013**

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**Report prepared by:** Section Manager - Governance  
**File No.:** CLM/13/1/4/2 - BP13/1047

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**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 15/13, held on 23 July 2013 be confirmed.

**ATTACHMENTS**

- 1 Minutes - Ordinary Council Meeting - 23 July 2013

**ITEM 1 (continued)**

**ATTACHMENT 1**

Council Meeting  
**MINUTES OF MEETING NO. 15/13**

**Meeting Date:** Tuesday 23 July 2013

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

**Time:** 7.30pm

**Councillors Present:** Councillors Chung, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at the meeting at 7.52pm during Public Participation on Items Listed on the Agenda.

Note: Councillor Salvestro-Martin left the meeting at 9.24pm and did not return. He was not present for consideration of Items 5, 6, 7, 8, 9, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Precis of Correspondence 4, Precis of Correspondence 5, Precis of Correspondence 6 or Notice of Motion 1.

**Apologies:** Nil.

**Leave of Absence:** The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media, Coordinator – Digital Communications, Manager – Customer Service and Governance and Section Manager - Governance.

**CHAIRPERSON**

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

**PRAYER**

Reverend Sue Willis of St Anne's Anglican Church, Ryde was present and offered prayer prior to the commencement of the meeting.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**DISCLOSURES OF INTEREST**

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary interest in Item 3(4) – Proposed Community Buildings Licensing Policy for the reason that he is a member of an organisation that has a licensing agreement with Council.

Councillor Perram disclosed a Significant Non-Pecuniary interest in Item 9 – Code of Conduct for the reason that he is the subject of the report.

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 9 – Code of Conduct for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

**TABLING OF PETITIONS**

Councillor Maggio tabled a petition in relation to Notice of Motion 2 – 461-495 Victoria Road (Bunnings).

**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons addressed the Council:-

Joshua Field (representing Oasis Youth Support Network – The Salvation Army)	<b>Item 4 – Establishing an Integrated Youth Service Hub</b>
Peter Simmons	<b>Notice of Motion 3 – Land Acknowledgement Plaque</b>
Ian Grant	<b>Notice of Motion 2 – 461-495 Victoria Road (Bunnings)</b>
Sarath Seethamraju	<b>Notice of Motion 2 – 461-495 Victoria Road (Bunnings)</b>
Peter McFarlane	<b>Notice of Motion 2 – 461-495 Victoria Road (Bunnings)</b>
Richard Stout	<b>Notice of Motion 2 – 461-495 Victoria Road (Bunnings)</b>
Justin Kucic	<b>Notice of Motion 2 – 461-495 Victoria Road (Bunnings)</b>
Annalisa Esposito	<b>Notice of Motion 4 – Landslip at 11 Brush Road</b>

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

No addresses were made to Council.

**MAYORAL MINUTES**

There were no Mayoral Minutes.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**ORDER OF BUSINESS**

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That Council now consider the following Items, the time being 8.01pm:

- Item 4 – Establishing an Integrated Youth Service Hub.
- Notice of Motion 3 – Land Acknowledgement Plaque.
- Notice of Motion 2 – 461-495 Victoria Road (Bunnings).
- Notice of Motion 4 – Landslip at 11 Brush Road.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORT**

**4 ESTABLISHING AN INTEGRATED YOUTH SERVICE HUB**

Note: Joshua Field (representing Oasis Youth Support Network – The Salvation Army) addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council endorse the establishment of an Integrated Youth Service Hub on a two year trial to operate from the vacant Council-owned building at 167 Shaftsbury Road, Eastwood.
- (b) That Council license Oasis Youth Support Network on a two year trial to deliver and coordinate youth services according to the following key terms:
  - Licence Fee: \$4,900 p.a. to cover Council's costs.
  - Licence Hours: 7am and 10pm everyday.
  - Designated Use: Delivery of Youth Services.
- (c) That Council endorse the governance model developed with Oasis, Christian Community Aid and Ryde Family Support Service, documented through a draft Memorandum of Understanding (**ATTACHED**) to support the operation and development of an integrated youth service model.
- (d) That following the trial period (2 years), a review of the Integrated Youth Service Hub governance model be undertaken by Community and Culture and reported to Council.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

**NOTICES OF MOTION**

**3 LAND ACKNOWLEDGEMENT PLAQUE - Councillor Roy Maggio**

Note: Peter Simmons addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

- (a) To celebrate the history, culture and achievements of Aboriginal people at Kissing Point Park Putney that Council consider the purchase of the Land Acknowledgement Plaque and have it attached in the area of the Meeting place along with Councils Plaque recognising the launch and official opening of NAIDOC Week on the 8<sup>th</sup> July 2013. The plaque is of Enamel on aluminium with four corner screw holes. 225x150mm cost \$45.00 with the consideration of the plaque being installed immediately.
- (b) That the Acting General Manager report on the options on how Council recognises the area where it is believed that Woollarawarre Bennelong is believed to be buried.

**Record of Voting:**

For the Motion: Unanimous

**2 461-495 VICTORIA ROAD (Bunnings) - Councillor Roy Maggio**

Note: Ian Grant, Sarath Seethamraju, Peter McFarlane, Richard Stout and Justin Kucic addressed the meeting in relation to this Item.

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

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That having regard to community concerns expressed at the two Community consultation sessions held on 12 June at the Next Generation and on 27 June at Gladesville Library regarding the Planning Proposal for a Bunnings Store and associated uses at 461-495 Victoria Road, Gladesville, that Council hold a further Community Consultation meeting specifically to address traffic concerns prior to the report of the exhibition coming to Council.

The additional meeting should be notified by a letter drop to the residents of Frank, College, Orient, Monash and Eltham Streets, Buffalo Road and roads to the south of Victoria Road as well as other stakeholders who have written submissions or attended the consultation sessions.

The outcome of the consultation session is to provide a range of options addressing community concerns relating to the issue of traffic generation which will be considered when the planning proposal is determined by Council.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

**4 LANDSLIP AT 11 BRUSH ROAD - Councillor Terry Perram**

Note: Annalisa Esposito addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

That the Acting General Manager report on Council's efforts to assist the owner of 11 Brush Road to deal with issues arising from a landslip which damaged that property in April 2012.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 25 June 2013**

**RESOLUTION:** (Moved by Councillors Simon and Yedelian OAM)

That the Minutes of the Council Meeting 14/13, held on 25 June 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 11/13 held on 16 July 2013**

**RESOLUTION:** (Moved by Councillors Simon and Chung)

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

**Record of Voting:**

For the Motion: Unanimous

**3 461-495 VICTORIA ROAD, GLADESVILLE. Local Development Application for the construction of a new vehicular crossing at the intersection of Victoria Road & Tennyson Road, demolition of an industrial building & construction of a new ramp. LDA2012/0412**

**MOTION:** (Moved by Councillors Maggio and Pickering)

(a) That Local Development Application No. 2012/0412 at 461-495 Victoria Road, Gladesville being LOT 1 DP739556 and LOT 3 DP388518 be deferred subject to an independent traffic study being undertaken. The

**ITEM 1 (continued)**

**ATTACHMENT 1**

traffic study, managed by Council, is to examine the following:

- the future traffic loads generated by the site, as envisaged by the Planning Proposal and impacting on local streets.
  - recommended infrastructure improvements on the surrounding road network and protecting the amenity of the surrounding neighbourhood,
  - pedestrian access and safety (in relation to the proposed ramp egress and ingress).
- (b) That following completion and public exhibition of the traffic study a further report be provided to a Council Meeting in conjunction with the Planning Proposal.
- (c) That Council invite Bunnings to negotiate payment for the study as set out in part (a) above.
- (d) That the Group Manager – Environment and Planning immediately make a formal approach to Bunnings seeking agreement that they will fund a further traffic study which addresses (a) and (b) above.

Note: Councillor Salvestro-Martin left the meeting at 9.09pm and was not present for voting on this Item.

**AMENDMENT:** (Moved by Councillors Perram and Pendleton)

- (a) That Local Development Application No. 2012/0412 at 461-495 Victoria Road, Gladesville being LOT 1 DP739556 and LOT 3 DP388518 be approved subject to the following conditions, noting the below addition to condition 13:-
- 13(1) That the pedestrian crossing across the slip lane be signalled to ensure pedestrian safety.

**Stage 1 Intersection upgrade works**

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Site plan/roof plan	23/4/13	030 Amd No. P6
Floor Plan	23/4/13	100 Amd No. P6
Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

**ITEM 1 (continued)**

**ATTACHMENT 1**

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
4. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
5. **Cost of Works.** All works/regulatory signposting associated with the proposed development are to be at no cost the RMS or Council.

**PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

6. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).
7. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy

**ITEM 1 (continued)**

**ATTACHMENT 1**

8. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
9. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

10. **Bus Stop.** Prior to the issue of any Construction Certificate, confirmation is to be provided to the PCA that RMS have been consulted in respect of the location of the existing bus stop. If this bus stop is required to be relocated, this is to be done at the applicant's expense and to the RMS's requirements.
11. **RMS.** The proposed signalised intersections shall be designed in accordance with Austroads, RMS's supplements, RMS's Traffic Signal Design Manual and other Australian Standards and endorsed by a suitably qualified chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The certified copies of traffic signal design and civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

RMS fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority (PCA) until such time that the WAD is executed.

Note: This drawing is indicative only and subject to further refinement at the detailed design stage. In this regard, RMS has reviewed the latest submitted concept drawing and provides comment on this submitted design in Attachment A, which shall be satisfactorily addressed at the detailed design stage.

**ITEM 1 (continued)**

**ATTACHMENT 1**

12. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
13. **Intersection Plan.** The applicant is to provide to Council the final approved TSC plan (RMS stamped plan) of the 4-way intersection that will encompass Victoria Road/Tennyson Road and the new access road (includes the fourth leg of the intersection). This is to clearly demonstrate (validated analytically taking into consideration surveyed journey times) that vehicles will predominantly utilise the Victoria Road access to enter/leave the site. This is to be provided prior to the issue of any Construction Certificate.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

14. **Site Sign**
  - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
    - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
    - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
    - (iii) stating that unauthorised entry to the work site is prohibited.
  - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
15. **Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

16. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

**ITEM 1 (continued)**

**ATTACHMENT 1**

17. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
18. **Construction materials.** All materials associated with construction must be retained within the site.
19. **Site Facilities**  
The following facilities must be provided on the site:
  - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
20. **Site maintenance**  
The applicant must ensure that:
  - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.
21. **Traffic Control.** All traffic control during construction must be carried out by accredited RMS approved traffic controllers.

**PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

**Stage 2 Works associated with the demolition of the industrial building and the construction of the vehicular ramp.**

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

22. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site plan/roof plan	23/4/13	030 Amd No. P6
Floor Plan	23/4/13	100 Amd No. P6
Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

23. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
24. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
25. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
26. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

**DEMOLITION CONDITIONS**

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

27. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
  - (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
28. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

**ITEM 1 (continued)**

**ATTACHMENT 1**

**29. Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

**30. Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

**31. Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal docket must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

**32. Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

**PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

**33. Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

**ITEM 1 (continued)**

**ATTACHMENT 1**

34. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
35. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (other buildings with delivery of bricks or concrete or machine excavation)
36. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
37. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
38. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

  - Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
  - Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.
39. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
40. **Directional Flood Evacuation Plan.** Prior to the issue of any Construction Certificate, a Directional Flood Evacuation Plan (DFAP) must be submitted to the PCA. The DFAP is to direct vehicles to the safest exit location from the flood inundation area of the site.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

**41. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**42. Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

- 43. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
- 44. Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 45. Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
  - (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;

**ITEM 1 (continued)**

**ATTACHMENT 1**

(c) the material is reused only to the extent that fill is allowed by the consent.

46. **Construction materials.** All materials associated with construction must be retained within the site.

47. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

48. **Site maintenance**

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

**PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

49. **Intersection to be operational.** Prior to the issue of any Occupational Certificate, the access to and from Victoria Road via the new TCS access (at Victoria Road, Fourth intersection leg opposite Tennyson Road) is to be operational in its final configuration and fully accessible to the public (vehicle wise) to move seamlessly to/from the development site.

50. **Traffic operational plan.** Prior to the issue of any Occupational Certificate, a detailed Traffic Operations Plan for the site is to be developed and referred to the Ryde Traffic Committee for concurrence. This plan is to incorporate all traffic within the site including delivery trucks, which must as a minimum include:

**ITEM 1 (continued)**

**ATTACHMENT 1**

- a) An “internal vehicle access and load limit signage scheme” covering illuminated signage at the foot of the ramp (and top of ramp) to Council’s satisfaction indicating that vehicles larger than 12.5m in length are not to use the ramp as well as indicating the corresponding gross load and speed limit.
- b) Time of operation for each access location (access may be restricted) and shall be managed via a boom gate or similar.
- c) Sufficient queue length upon entry to the site to ensure that motorists do not queue or reverse across the driveway.

**51. Warning Signage.** Prior to the issue of any Occupation Certificate, warning signage indicating “Do Not Drive Through Water” must be provided on the sides of the internal road near the ponding area. This signage plus any directional signage must have the level of “reflectivity” for night time viewing in accordance with the relevant Australian Standards.

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

On being put to the Meeting, the voting on the Amendment was five (5) votes For and three (3) votes Against. The Amendment was **CARRIED**. The Amendment then became the Motion.

**Record of Voting:**

For the Amendment: Councillors Li, Chung, Pendleton, Perram and Simon

Against the Amendment: Councillors Maggio, Pickering and Yedelian OAM

**RESOLUTION:** (Moved by Councillors Perram and Pendleton)

- (a) That Local Development Application No. 2012/0412 at 461-495 Victoria Road, Gladesville being LOT 1 DP739556 and LOT 3 DP388518 be approved subject to the following conditions, noting the below addition to condition 13:
  - 13(1) That the pedestrian crossing across the slip lane be signalised to ensure pedestrian safety.

**Stage 1 Intersection upgrade works**

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

**ITEM 1 (continued)**

**ATTACHMENT 1**

Document Description	Date	Plan No/Reference
Site plan/roof plan	23/4/13	030 Amd No. P6
Floor Plan	23/4/13	100 Amd No. P6
Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
4. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
5. **Cost of Works.** All works/regulatory signposting associated with the proposed development are to be at no cost the RMS or Council.

**PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

6. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).

**ITEM 1 (continued)**

**ATTACHMENT 1**

7. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
  
8. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
  
9. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.  
Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:
  - Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
  - Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.Or telephone 13 20 92.
  
10. **Bus Stop.** Prior to the issue of any Construction Certificate, confirmation is to be provided to the PCA that RMS have been consulted in respect of the location of the existing bus stop. If this bus stop is required to be relocated, this is to be done at the applicant's expense and to the RMS's requirements.
  
11. **RMS.** The proposed signalised intersections shall be designed in accordance with Austroads, RMS's supplements, RMS's Traffic Signal Design Manual and other Australian Standards and endorsed by a suitably qualified chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The certified copies of traffic signal design and civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of any road works.

RMS fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The Works

**ITEM 1 (continued)**

**ATTACHMENT 1**

Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority (PCA) until such time that the WAD is executed.

Note: This drawing is indicative only and subject to further refinement at the detailed design stage. In this regard, RMS has reviewed the latest submitted concept drawing and provides comment on this submitted design in Attachment A, which shall be satisfactorily addressed at the detailed design stage.

12. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
13. **Intersection Plan.** The applicant is to provide to Council the final approved TSC plan (RMS stamped plan) of the 4-way intersection that will encompass Victoria Road/Tennyson Road and the new access road (includes the fourth leg of the intersection). This is to clearly demonstrate (validated analytically taking into consideration surveyed journey times) that vehicles will predominantly utilise the Victoria Road access to enter/leave the site. This is to be provided prior to the issue of any Construction Certificate.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

14. **Site Sign**
  - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
    - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
    - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
    - (iii) stating that unauthorised entry to the work site is prohibited.
  - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
15. **Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

16. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
17. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
18. **Construction materials.** All materials associated with construction must be retained within the site.
19. **Site Facilities**  
The following facilities must be provided on the site:
  - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
20. **Site maintenance**  
The applicant must ensure that:
  - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.
21. **Traffic Control.** All traffic control during construction must be carried out by accredited RMS approved traffic controllers.

**PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Stage 2 Works associated with the demolition of the industrial building and the construction of the vehicular ramp.**

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

22. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Site plan/roof plan	23/4/13	030 Amd No. P6
Floor Plan	23/4/13	100 Amd No. P6
Sections	23/4/13	120 Amd No. P5
Floor plan Victoria Road Level	23/4/13	101 Amd No. P3
Elevations	23/4/13	130 Amd No. P2

23. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
24. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
25. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
26. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

**DEMOLITION CONDITIONS**

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

**ITEM 1 (continued)**

**ATTACHMENT 1**

27. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
28. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
29. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
30. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
31. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal docket must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
32. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

**PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

**ITEM 1 (continued)**

**ATTACHMENT 1**

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

33. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
34. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
35. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (other buildings with delivery of bricks or concrete or machine excavation)
36. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
37. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
38. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.  
Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:
  - Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
  - Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

**ITEM 1 (continued)**

**ATTACHMENT 1**

Or telephone 13 20 92.

39. **Geotechnical Report.** All works are to be carried out in strict compliance with the recommendations contained in J K Geotechnics report dated 25 September 2012. Where appropriate, these recommendations are to be demonstrated on the approved Construction Certificate plans.
40. **Directional Flood Evacuation Plan.** Prior to the issue of any Construction Certificate, a Directional Flood Evacuation Plan (DFAP) must be submitted to the PCA. The DFAP is to direct vehicles to the safest exit location from the flood inundation area of the site.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

**41. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

42. **Sediment Control.** Prior to the commencement of construction, adequate sediment control devices are to be installed on the site. These devices shall be maintained during the construction period and replaced where considered necessary.

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

43. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

**ITEM 1 (continued)**

**ATTACHMENT 1**

44. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
45. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
46. **Construction materials.** All materials associated with construction must be retained within the site.
47. **Site Facilities**  
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
48. **Site maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.

**PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

49. **Intersection to be operational.** Prior to the issue of any Occupational Certificate, the access to and from Victoria Road via the new TCS access (at Victoria Road, Fourth intersection leg opposite Tennyson Road) is to be operational in its final configuration and fully accessible to the public (vehicle wise) to move seamlessly to/from the development site.

**ITEM 1 (continued)**

**ATTACHMENT 1**

50. **Traffic operational plan.** Prior to the issue of any Occupational Certificate, a detailed Traffic Operations Plan for the site is to be developed and referred to the Ryde Traffic Committee for concurrence. This plan is to incorporate all traffic within the site including delivery trucks, which must as a minimum include:
- a) An “internal vehicle access and load limit signage scheme” covering illuminated signage at the foot of the ramp (and top of ramp) to Council’s satisfaction indicating that vehicles larger than 12.5m in length are not to use the ramp as well as indicating the corresponding gross load and speed limit.
  - b) Time of operation for each access location (access may be restricted) and shall be managed via a boom gate or similar.
  - c) Sufficient queue length upon entry to the site to ensure that motorists do not queue or reverse across the driveway.
51. **Warning Signage.** Prior to the issue of any Occupation Certificate, warning signage indicating “Do Not Drive Through Water” must be provided on the sides of the internal road near the ponding area. This signage plus any directional signage must have the level of “reflectivity” for night time viewing in accordance with the relevant Australian Standards.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Councillors Li, Chung, Pendleton, Perram and Simon

Against the Motion: Councillors Maggio, Pickering and Yedelian OAM

Note: Councillor Yedelian OAM left the meeting at 9.14pm.

Note: Councillor Maggio left the meeting at 9.14pm.

**ADJOURNMENT OF MEETING**

In accordance with Clause 4.2.4 of the Code of Meeting Practice, the Chairperson, Councillor Li adjourned the meeting due to a lack of a quorum, until a Councillor returned to the meeting, the time being 9.14pm.

**The following Councillors were present:** Councillors Li, Chung, Pendleton, Perram, Pickering and Simon.

**Leave of Absence:** The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

**The following Councillors were not present:** Councillors Maggio, Salvestro-Martin and Yedelian OAM.

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**MEETING RECONVENED**

The Meeting reconvened at 9.16pm on Tuesday, 23 July 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

**The following Councillors were present:** Councillors Chung, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM.

**Leave of Absence:** The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

**The following Councillors were not present:** Councillors Maggio and Salvestro-Martin.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Customer Service and Governance and Section Manager – Governance.

**CHAIRPERSON**

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 10/13 held on 16 July 2013**

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

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Perram and Pickering)

That Council determine Items 2 and 4 of the Works and Community Committee report, noting that Items 1, 3, 5, 6, 7 and 8 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Maggio returned to the meeting at 9.20pm.

Note: Councillor Salvestro-Martin returned to the meeting at 9.20pm.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 NEIGHBOURHOOD CENTRES RENEWAL – QUARRY ROAD SHOPS  
PUBLIC DOMAIN UPGRADE CONCEPT PLAN**

**RESOLUTION:** (Moved by Councillors Perram and Pendleton)

That Council approve the Quarry Road Centre Landscape Concept Plan.

**Record of Voting:**

For the Motion: Unanimous

**4 PROPOSED COMMUNITY BUILDINGS LICENSING POLICY**

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary interest in this Item for the reason that he is a member of an organisation that has a licensing agreement with Council.

Note: Councillor Yedelian OAM left the meeting at 9.21pm and was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Perram and Chung)

That Council:

- (a) Endorse the Community Buildings Licensing Policy (ATTACHED).
- (b) Approve the Acting General Manager under delegation to re-licence existing tenants to the key terms indicated in Schedule 1 (ATTACHED).
- (c) Endorse the Local Government Cost Index as the annual increase mechanism for licences of organisations within Community Buildings.
- (d) Approve the three standard licence agreements (ATTACHED).
- (e) Include the additional amount of revenue for Licensing Fees in the Four Year Delivery Plan 2013-2017 including the One Year Operational Plan 2013/14.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 9.22pm.

**4 ESTABLISHING AN INTEGRATED YOUTH SERVICE HUB**

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

Note: Councillor Salvestro-Martin left the meeting at 9.23pm and did not return.

**5 GRAFFITI VANDALISM AND THE CITY OF RYDE**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Perram and Maggio)

- (a) That Council endorse preparation of a Graffiti Action Plan based on the information provided in this report.
- (b) That the Graffiti Action Plan be reported to Council in February 2014.

**Record of Voting:**

For the Motion: Unanimous

**6 INVESTMENT REPORT - June 2013**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council endorse the report of the Chief Financial Officer dated 11 July 2013 on Investment Report – June 2013.
- (b) That Council note the action taken in respect of the Lehman / Grange IMP legal matter, as detailed in the report.

**Record of Voting:**

For the Motion: Unanimous

**7 2013 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - Sydney - 1 to 3 October 2013**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**MOTION:** (Moved by Councillors Yedelian OAM and Maggio)

- (a) That Council nominate Councillors Yedelian OAM, Chung, Etmekdjian, Pickering and Maggio as voting delegates and Councillor Simon as the alternate delegate to attend the 2013 Local Government NSW Annual Conference.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (c) That Council endorse the Motions for inclusion on the 2013 Local Government NSW Annual Conference business paper as set out in Attachment 2 of the Report.

**AMENDMENT:** (Moved by Councillors Simon and Perram)

- (a) That Council nominate Councillors Yedelian OAM, Simon, Etmekdjian, Pickering and Maggio as voting delegates and Councillor Chung as the alternate delegate to attend the 2013 Local Government NSW Annual Conference.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.
- (c) That Council endorse the Motions for inclusion on the 2013 Local Government NSW Annual Conference business paper as set out in Attachment 2 of the Report.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and four (4) votes Against. The Chairperson, Councillor Li used his casting vote in favour of the Amendment. The Amendment was **CARRIED**. The Amendment then became the Motion.

**Record of Voting:**

For the Amendment: Councillors Li, Pendleton, Perram and Simon used casting vote

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

**RESOLUTION:** (Moved by Councillors Simon and Perram)

- (a) That Council nominate Councillors Yedelian OAM, Simon, Etmekdjian, Pickering and Maggio as voting delegates and Councillor Chung as the alternate delegate to attend the 2013 Local Government NSW Annual Conference.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.
- (c) That Council endorse the Motions for inclusion on the 2013 Local Government NSW Annual Conference business paper as set out in Attachment 2 of the Report.

**Record of Voting:**

For the Motion: Councillors Li, Chung, Maggio, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

**ITEM 1 (continued)**

**ATTACHMENT 1**

**8 BIKE FUTURES CONFERENCE - Melbourne - 16 to 18 October 2013**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council confirm the attendance of Councillor Perram at the Bike Futures Conference being held at the Melbourne Cricket Ground on 16 to 18 October 2013.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.

**Record of Voting:**

For the Motion: Unanimous

**9 CODE OF CONDUCT**

Note: Councillor Perram disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the report.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

That this Item be considered in Closed Session at the end of the Meeting.

**Record of Voting:**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 NORTH WEST RAIL LINK (NWRL) - MACQUARIE PARK PRECINCT**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Simon)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 MINISTRY OF TRANSPORT, 2013 TAXI TRANSPORT SUBSIDY SCHEME**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Yedelian OAM)

(a) That the correspondence be received and noted.

(b) That the Access Committee be advised and thanked for their contribution.

**Record of Voting:**

For the Motion: Unanimous

**3 A NEW PLANNING SYSTEM FOR NSW WHITE PAPER - PUBLIC EXHIBITION**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Simon and Yedelian OAM)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**4 JOINT REGIONAL PLANNING PANEL REAPPOINTMENTS**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Chung and Pickering)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**5 LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That the correspondence be received and noted.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

**6 FIRE STATIONS RESPONSE TIMES AND CLOSURES**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Maggio and Simon)

- (a) That the correspondence be received and noted.
- (b) That Council again write to the Minister for Police and Emergency Services and the Local Member, Victor Dominello to urgently request a meeting at Ryde to discuss this issue.

**Record of Voting:**

For the Motion: Councillors Li, Maggio, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillors Chung and Pickering

**NOTICES OF MOTION**

**1 DEFERRED NOTICE OF MOTION: CONFLICTS OF INTEREST - Councillor Jeff Salvestro-Martin**

Note: THIS MOTION LAPSED FOR WANT OF A MOVER AND SECONDER.

**2 461-495 VICTORIA ROAD (Bunnings) – Councillor Roy Maggio**

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

**3 LAND ACKNOWLEDGEMENT PLAQUE – Councillor Roy Maggio**

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

**4 LANDSLIP AT 11 BRUSH ROAD – Councillor Terry Perram**

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**CLOSED SESSION**

**ITEM 9 – CODE OF CONDUCT**

**Confidential**

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

**RESOLUTION:** (Moved by Councillors Pickering and Simon)

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

**Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 9.50pm. The public and media left the chamber.

Note: All staff, with the exception of the Acting General Manager and the Minute Taker left the meeting at 9.51pm.

**9 CODE OF CONDUCT**

Note: Councillor Perram disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the report.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

Note: Councillor Perram left the meeting at 9.55pm and was not present for consideration or voting on this Item.

**MOTION:** (Moved by Councillors Yedelian OAM and

- (a) That Council receive and note the report of the Conduct Review Committee - Sole Reviewer and make it available with the Minutes with any appropriate redactions to be made by the Acting General Manager.
- (b) That Councillor Perram make a full and unreserved written apology to the former General Manager for:
  - (i) the inappropriate statements Councillor Perram made at the Council Meeting of 13 March 2012; and

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (ii) the inappropriate statements Councillor Perram made at the Council Meeting of 27 March 2012 which amounted to a breach of clauses 1.1(e); 1.3; 4.7(e); and 4.7(f) and Clauses 1.1(e), 1.3 and 4.7(f) respectively of the City of Ryde Code of Conduct. A copy of the written apology is to also be provided to the Acting General Manager.
- (c) The written apology is to be completed within 30 days of the Council decision on the report.

Note: Councillor Maggio left the meeting at 10.16pm.

Note: This Motion was not seconded and was not voted upon by the Council, due to Councillor Maggio leaving the meeting, resulting in a lack of quorum.

**ADJOURNMENT OF MEETING**

In accordance with Clause 4.2.4 of the Code of Meeting Practice, the Chairperson, Councillor Li adjourned the meeting due to a lack of a quorum, the time being 10.16pm. The Chairperson, Councillor Li adjourned the meeting to:-

- Tuesday, 13 August 2013
- Following the conclusion of the Ordinary Meeting to be held on that night
- Level 6, Civic Centre, 1 Devlin Street, Ryde

**The following Councillors were present:** Councillors Li, Chung, Pendleton, Pickering and Simon and Yedelian OAM.

**Leave of Absence:** The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

**The following Councillors were not present:** Councillors Maggio, Perram and Salvestro-Martin.

**MEETING RECONVENED**

The Meeting reconvened at 11.00pm on Tuesday, 13 August 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

**The following Councillors were present:** Councillors Chung, Etmekdjian, Li, Laxale, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

**Apologies:** Nil.

**Leave of Absence:** The Mayor, Councillor Petch.

## ITEM 1 (continued)

## ATTACHMENT 1

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Customer Service and Governance and Section Manager – Governance.

### **CHAIRPERSON**

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

### **CLOSED SESSION**

### **ITEM 9 – CODE OF CONDUCT**

#### **Confidential**

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

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Laxale)

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

#### **Record of Voting**

For the Motion: Unanimous

Note: The Council closed the meeting at 11.01 pm. The public and media left the chamber.

Note: All staff, with the exception of the Acting General Manager and the Minute Taker left the meeting at 11.02pm.

## **9 CODE OF CONDUCT**

Note: Councillor Perram disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the report.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the Councillor, in particular of the Code of Conduct.

Note: Councillor Perram left the meeting at 11.04pm and was not present for consideration or voting on this Item.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**RECOMMENDATION:** (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Council receive and note the report of the Conduct Review Committee – Sole Reviewer.
- (b) That Councillor Perram make a full and unreserved written apology to the former General Manager for:
  - (i) the inappropriate statements Councillor Perram made at the Council Meeting of 13 March 2012; and
  - (ii) the inappropriate statements Councillor Perram made at the Council Meeting of 27 March 2012 which amounted to a breach of clauses 1.1(e); 1.3; 4.7(e); and 4.7(f) and Clauses 1.1(e), 1.3 and 4.7(f) respectively of the City of Ryde Code of Conduct. A copy of the written apology is to also be provided to the Acting General Manager.
- (c) That Council note that a verbal apology was made by Councillor Perram along the following lines:-
  - (i) He is prepared to accept the recommendations of the report and is willing to comply with the obligations.
  - (ii) He praised the diligence and approach of the Conduct Reviewer in managing the complaint.
  - (iii) He apologised to the Council for those allegations of a breach of conduct that were upheld by the investigation.

**Record of Voting:**

For the Motion: Councillors Li, Chung, Etmekdjian, Laxale, Pendleton, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

That Council resolve itself into open Council.

**Record of Voting:**

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

Against the Motion: Councillor Salvestro-Martin

**ITEM 1 (continued)**

**ATTACHMENT 1**

Note: Open Council resumed at 11.14pm.

**RESOLUTION:** (Moved by Councillors Yedelian OAM 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: Councillors Li, Chung, Etmekdjian, Laxale, Pendleton, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

Note: Councillor Perram returned to the meeting at 11.15pm.

Note: All staff returned to the meeting at 11.15pm.

**NATIONAL ANTHEM**

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

The meeting closed at 11.17pm on 13 August 2013.

CONFIRMED THIS 27TH DAY OF AUGUST 2013

Chairperson

**2 CONFIRMATION OF MINUTES - Council Meeting held on 13 August 2013**

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**Report prepared by:** Section Manager - Governance  
**File No.:** CLM/13/1/4/2 - BP13/1108

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**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 16/13, held on 13 August 2013 be confirmed.

**ATTACHMENTS**

- 1 Minutes - Ordinary Council Meeting - 13 August 2013

**ITEM 2 (continued)**

**ATTACHMENT 1**

Council Meeting  
**MINUTES OF MEETING NO. 16/13**

**Meeting Date:** Tuesday 13 August 2013

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

**Time:** 7.30pm

**Councillors Present:** Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin left the meeting at 9.51pm and did not return. He was not present for consideration of Precis of Correspondence 3, 4, 5, 6 and 7, Notices of Motion 1, 2, 3, 4 and 5 and Item 10.

**Apologies:** Nil.

**Leave of Absence:** The Mayor, Councillor Petch.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Customer Service and Governance, Manager – Urban Planning, Section Manager – Governance, Coordinator Digital Communications and Meeting Support Coordinator.

**CHAIRPERSON**

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

**PRAYER**

Pastor Dr Keith Ng of the Evangel Bible Church, Putney was present and offered prayer prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 3 - Operation of the Dogs off Leash Area - Santa Rosa Park for the reason that he owns a dog that uses the off-leash area in Santa Rosa Park.

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 2(2) - 260-274 Victoria Road, Gladesville – LDA2012/0360, for the reason that he is familiar with the objectors.

**ITEM 2 (continued)**

**ATTACHMENT 1**

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 1 - Options for Reinstating the Netball/Basketball Court at Parry Park Putney, for the reason that he is a resident of Putney, parent of a child at the School and on school committees.

**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following person addressed the Council:

Jennie Minifie	<b>Item 6</b> – Ryde Heritage Advisory Committee Request Council Consider Options for Heritage Listing Ryde Civic Centre Site
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**PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.

**MAYORAL MINUTES**

There were no Mayoral Minutes.

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 16 July 2013**

**RESOLUTION:** (Moved by Councillors Pickering and Simon)

That the Minutes of the Extraordinary Council Meeting 14/13, held on 16 July 2013 be confirmed.

**Record of Voting**

For the Motion: Unanimous

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/13 held on 6 August 2013**

**RESOLUTION:** (Moved by Councillors Pendleton and Chung)

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

**Record of Voting**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**2 260-274 VICTORIA RD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.**

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with the objectors.

Note: A Memorandum from the Group Manager – Environment and Planning dated 12 August 2013 was tabled in relation to this Item and a copy is ON FILE.

Note: A series of submissions made by the objectors and the applicant were tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION** (Moved by Councillors Salvestro-Martin and Maggio)

That Local Development Application No. 2012/0360 at 260 – 274 Victoria Road be referred for the Group Manager Environment and Planning to undertake mediation between the applicant and objectors, and the matter be reported back to Council.

**Record of Voting:**

For the Motion: Councillors Li, Chung, Etmekdjian, Laxale, Maggio, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Pendleton

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 11/13 held on 6 August 2013**

**RESOLUTION:** (Moved by Councillors Perram and Laxale)

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

**Record of Voting**

For the Motion: Unanimous

**4 WATERLOO ROAD UPGRADE - BYFIELD STREET TO COTTONWOOD CRESCENT**

**RESOLUTION:** (Moved by Councillors Perram and Laxale)

(a) That Council approve the transfer of \$174,000 from the Macquarie Park special levy to allow the completion of the public domain upgrade works PM12/40597 Waterloo Road (Byfield Street to Cottonwood Crescent).

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (b) That if Council approves the amendments to the budget, the changes be included immediately.

**Record of Voting**

For the Motion: Unanimous

**4 INTERIM ACTION PLAN- How Council Can Address Risks Raised in the ICAC Hearing**

**RESOLUTION:** (Moved by Councillors Pickering and Chung)

- (a) That Council endorse the program of short term initiatives that will further improve Council's Governance framework, including the amended timeframe for Phase 2 of the Community Strategic Plan Review;
- (b) That Council endorse the intent of the nominated changes to Policy and Procedure contained in this report, noting that any policy documents will be formally reported to Council for adoption in the coming months;
- (c) That Council request the Acting General Manager to schedule a briefing to workshop with Council the various models of IHAP, and their policy and procedural frameworks, with the preferred option to be reported back to Council;
- (d) That Council endorse the allocation of short term resourcing to these functions, as detailed in this report under financial implications, and request that expenditure on these initiatives are separately reported in the next Quarterly Review.

**Record of Voting**

For the Motion: Unanimous

**5 AMENDMENT TO VOLUNTARY PLANNING AGREEMENT (VPA) POLICY**

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That Council approves the amended Voluntary Planning Agreements Policy, issue 19/7/2013, and that the policy be published on Council's website.

**Record of Voting**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**6 RYDE HERITAGE ADVISORY COMMITTEE REQUEST COUNCIL  
CONSIDER OPTIONS FOR HERITAGE LISTING RYDE CIVIC CENTRE SITE**

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

**MOTION:** (Moved by Councillors Pendleton and Salvestro-Martin)

That Council refer this report to the next meeting of the Heritage Advisory Committee for its comment prior to being reported back to Council.

**AMENDMENT** (Moved by Councillors Chung and Pickering)

- (a) That Council receive and note the recommendations of the Ryde Heritage Advisory Committee.
- (b) That the Acting General Manager write to the Heritage Advisory Committee prior to their next meeting advising that the Ryde Civic Centre is not being demolished and that Council has allocated a substantial budget for its upgrade and maintenance.

**Record of Voting:**

For the Amendment: Councillors Chung, Etmekdjian, Maggio and Pickering

Against the Amendment: Councillors Li, Laxale, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

**RECOMMITTAL OF ITEM 6 AMENDMENT - RYDE HERITAGE ADVISORY  
COMMITTEE REQUEST COUNCIL CONSIDER OPTIONS FOR HERITAGE  
LISTING RYDE CIVIC CENTRE SITE**

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That the Amendment for Item 6 be recommitted.

**Record of Voting:**

For the Motion: Councillors Li, Chung, Etmekdjian, Laxale, Maggio, Pendleton, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Perram

Note: the Amendment for Item 6 was then recommitted.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**AMENDMENT** (Moved by Councillors Chung and Pickering)

- (a) That Council receive and note the recommendations of the Ryde Heritage Advisory Committee.
- (b) That the Acting General Manager write to the Heritage Advisory Committee prior to their next meeting advising that the Ryde Civic Centre is not being demolished and that Council has allocated a substantial budget for its upgrade and maintenance.

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

**Record of Voting:**

For the Amendment: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM.

Against the Amendment: Councillors Li, Laxale, Pendleton, Perram, Salvestro-Martin and Simon

**RESOLUTION:** (Moved by Councillors Pendleton and Salvestro-Martin)

That Council refer this report to the next meeting of the Heritage Advisory Committee for its comment prior to being reported back to Council.

For the Motion: Councillors Li, Etmekdjian, Laxale, Pendleton, Perram, Salvestro-Martin and Simon

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

**7 ADVISORY COMMITTEE - AUDIT AND RISK COMMITTEE MINUTES OF MEETING OF 6 MAY 2013**

**RESOLUTION:** (Moved by Councillors Pendleton and Perram)

That Council endorse the attached Terms of Reference for its Audit and Risk Committee (**ATTACHMENT 1**).

**Record of Voting:**

For the Motion: Councillors Li, Chung, Etmekdjian, Laxale, Pendleton, Perram, Pickering, Salvestro-Martin and Simon

Against the Motion: Councillors Maggio and Yedelian OAM

**ITEM 2 (continued)**

**ATTACHMENT 1**

**8 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE**

**RESOLUTION:** (Moved by Councillor Salvestro-Martin and Chung)

That Council confirms the **ATTACHED** draft Terms of Reference for the Economic Development Advisory Committee, noting the following minor changes:

- There are now four Chambers of Commerce following the amalgamation of Ryde and Macquarie Park Chambers.
- A reference to the inclusion of representatives of the Armenian Chamber of Commerce as a member of the Committee.

**Record of Voting**

For the Motion: Unanimous

**9 EASTWOOD EVENTS AND PROMOTIONS COMMITTEE TERMS OF REFERENCE**

Note: Councillors Salvestro-Martin left the meeting at 9.18pm and was not present for voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council endorse the **ATTACHED** draft Terms of Reference for Eastwood Events and Promotions Advisory Committee, noting there were no changes.
- (b) That Councillor Etmekdjian be included as a member of this Committee.

**Record of Voting**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 DETERMINATION OF THE NORTH RYDE STATION PRECINCT-URBAN ACTIVATION PRECINCT (UAP)**

Note: Councillor Salvestro-Martin was not present for voting on this Item.

**RESOLUTION:** (Moved by Councillors Perram and Etmekdjian)

That the correspondence be received and noted.

**Record of Voting**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

Note: Councillor Salvestro-Martin returned to the meeting at 9.27pm.

**2 NORTH RYDE STATION PRECINCT - SUBMISSION**

**MOTION:** (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the correspondence be received and noted.
- (b) That the Acting General Manager determine the lawful means to terminate the contract with the appointed provider and proceed accordingly with the aim to minimise costs to Council.

**AMENDMENT:** (Moved by Councillors Laxale and Pendleton)

- (a) That the correspondence be received and noted.
- (b) That Council contact the Local Member, Mr Victor Dominello MP, to confirm his availability to attend a public meeting on the North Ryde Station Precinct and that his response be reported back to Council.
- (c) That there be a standing invitation to both the Premier and the Minister for Planning to attend any public meetings held in respect to any decision made on the North Ryde Station Precinct.

On being put to the Meeting, the voting on the Amendment was four (4) 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, Pendleton, Salvestro Martin and Simon

Against the Amendment: Councillors Li, Chung, Etmekdjian, Maggio, Perram, Pickering and Yedelian OAM

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the correspondence be received and noted.
- (b) That the Acting General Manager determine the lawful means to terminate the contract with the appointed provider and proceed accordingly with the aim to minimise costs to Council.

**Record of Voting:**

For the Motion: Councillors Li, Chung, Etmekdjian, Maggio, Perram, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Laxale, Pendleton and Simon

**ITEM 2 (continued)**

**ATTACHMENT 1**

Note: Councillor Salvestro-Martin left the meeting at 9.51pm and did not return.

**3 MACQUARIE PARK TASKFORCE - URBAN ACTIVATION PRECINCT PROCESS**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

That the correspondence be received and noted.

**Record of Voting**

For the Motion: Unanimous

**4 THE HON ANTHONY ROBERTS MP, NSW TAXI TRANSPORT SUBSIDY SCHEME**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That the correspondence be received and noted.

**Record of Voting**

For the Motion: Unanimous

**5 A TEN POINT PLAN FOR RESOURCING COMMUNITY PRIORITIES**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Simon and Pickering)

That the correspondence be received and noted.

**Record of Voting**

For the Motion: Unanimous

**6 CLOSURE OF LOCAL FIRE STATIONS**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillors Pickering and Perram)

That the correspondence be received and noted.

**Record of Voting**

For the Motion: Unanimous

**7 NOTICE OF PLANNING ASSESSMENT COMMISSION MEETING -  
CONCEPT PLAN FOR RESIDENTIAL DEVELOPMENT AT WHITESIDE  
STREET AND DAVID AVENUE, NORTH RYDE**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Laxale and Etmekdjian)

That the correspondence be received and noted.

**Record of Voting**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 OPTIONS FOR REINSTATING THE NETBALL/BASKETBALL COURT AT  
PARRY PARK PUTNEY - Councillor Roy Maggio**

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a resident of Putney, parent of the School and on school committees.

Note: Councillor Maggio left the meeting at 9.58pm and was not present for consideration or voting on this Item.

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**MOTION:** (Moved by Councillors Chung and Pickering)

That the Acting General Manager facilitate a meeting with the Putney Public School Principal and Parents of the school to discuss options for reinstating the netball/basketball court at Parry Park Putney and that Donnelly Park, Cudal Reserve Putney should also be investigated to allow recreational use for the students at Putney Public School and the Putney community. That this meeting be organised as soon as practicable and reported back to Council with all findings.

**ITEM 2 (continued)**

**ATTACHMENT 1**

On being put to the Meeting, the voting on the Motion was four (4) votes For and five (5) votes Against. The Motion was LOST.

**Record of Voting:**

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

Against the Motion: Councillors Li, Laxale, Pendleton, Perram and Simon

Note: Councillor Maggio returned to the meeting at 10.22pm.

**2 SUSPENDED COFFEE INITIATIVE IN THE CITY OF RYDE - Councillor Roy Maggio**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Maggio and Laxale)

That council acknowledge and Endorse the success of the Suspended Coffee Initiative in the City of Ryde and commend the local businesses, in particular the Pages Cafe West Ryde who were one of the first cafes to adopt the scheme, for this valuable community initiative to assist the disadvantaged and the less fortunate in our community.

- That the City of Ryde promote by encouraging the introduction of the scheme in cafes in the Local Government Area
- Negotiate with cafes to Sponsor the printing of materials to promote the scheme
- Notify local cafes within the City of Ryde about the suspended coffee scheme
- Promote the scheme with a comprehensive communication strategy utilising the Mayors Column, Councils website, Facebook, local News papers, business E newsletter and at all City of Ryde community events to inform residents of the Council supported charitable scheme
- Promote the scheme by collaborating with local community groups, chambers of commerce's, business forums, Macquarie, Top Ryde shopping centres and local organisations who assist the disadvantaged and the less fortunate in our community that they promote it to their membership.

**Record of Voting**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**3 OPERATION OF THE DOGS OFF LEASH AREA - SANTA ROSA PARK -  
Councillor Denise Pendleton**

Note: Councillor Chung disclosed a Less than Significant Non-pecuniary Interest in this Item for the reason that he owns a dog that uses the off-leash area in Santa Rosa Park.

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Perram)

- (a) That the Acting General Manager make public all complaints and incidents that have occurred in respect of the operation of Dog off Leash areas.
- (b) That the previous report and resolution be made available to all Councillors in relation to this matter.

**Record of Voting:**

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

Against the Motion: Councillor Laxale

**COMPLETION OF BUSINESS – EXTENSION OF TIME**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Maggio and Etmekdjian)

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, including Items of business on the Agenda of the Adjourned Council Meeting of 23 July 2013, the time being 10.55pm.

**Record of Voting**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**4 COUNCILLOR WORKSHOP TO REFINE ALL PROPOSED AMENDMENTS TO THE LEP 2013 - Councillor Denise Pendleton**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Pickering)

That staff organise a briefing with interested Councillors to discuss all proposed amendments to the LEP 2013 prior to finalising a report of recommendations for consideration at a future Council Meeting.

**Record of Voting:**

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

Against the Motion: Councillor Maggio

**5 VOLUME AND SPEED OF VEHICLES USING ALL THE RESIDENTIAL STREETS BOUNDED BY VICTORIA ROAD, BOWDEN STREET, CHURCH STREET AND CONSTITUTION ROAD - Councillor Jeff Salvestro-Martin**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That the Acting General Manager investigate and report on the volume and speed of vehicles using all the residential streets bounded by Victoria Road, Bowden Street, Church Street and Constitution Road as “through roads” and “rat runs” between these major roads.

**Record of Voting**

For the Motion: Unanimous

**10 ADVICE ON COURT ACTIONS**

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

That the report of the General Counsel be received.

**Record of Voting**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**NOTICES OF RESCISSION**

There were no Notices of Rescission.

**QUESTIONS BY COUNCILLORS AS PER POLICY**

There were no Questions by Councillors as per Policy.

The meeting closed at 10.59pm.

CONFIRMED THIS 27TH DAY OF AUGUST 2013

Chairperson

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING  
12/13 held on 20 August 2013**

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**Report prepared by:** Section Manager - Governance  
**File No.:** CLM/13/1/4/2 - BP13/1110

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**REPORT SUMMARY**

Attached are the Minutes of the Works and Community Committee Meeting 12/13 held on 20 August 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

All Items (1, 2 and 3) were dealt with by the Committee within its delegated powers.

As a result, no Committee recommendations are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees.

**RECOMMENDATION:**

That Council note that all Items of the Works and Community Committee Meeting 12/13 held on 20 August 2013 were dealt with by the Committee within its delegated powers.

**ATTACHMENTS**

- 1 Minutes - Works and Community Committee - 20 August 2013

**ITEM 3 (continued)**

**ATTACHMENT 1**

**Works and Community Committee  
MINUTES OF MEETING NO. 12/13**

**Meeting Date:** Tuesday 20 August 2013

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

**Time:** 5.25pm

**Councillors Present:** Councillors Perram (Chairperson), Etmekdjian, Laxale, Li and Pickering.

**Apologies:** Nil.

**Staff Present:** Acting Group Manager – Community Life, Acting Group Manager – Public Works, Acting Group Manager – Environment and Planning, Service Unit Manager – Infrastructure Integration, Section Manager – Asset Networks, Service Unit Manager – Project Development, Acting Manager – The Environment, Sustainability Programs Coordinator, Section Manager – Governance and Executive Assistant to Mayor and Councillors.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 6 August 2013**

**RESOLUTION:** (Moved by Councillors Li and Laxale)

That the Minutes of the Works and Community Committee 11/13, held on Tuesday 6 August 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 PROJECT STATUS REPORT - PROJECT DEVELOPMENT UNIT**

**RESOLUTION:** (Moved by Councillors Pickering and Li)

- (a) That Council receive and note this report.
- (b) That no report be required for July 2013.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: Unanimous

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

**3 PARRAMATTA RIVER ESTUARY COASTAL ZONE MANAGEMENT PLAN 2013**

**RESOLUTION:** (Moved by Councillors Pickering and Laxale)

- (a) That Council adopt the Parramatta River Coastal Zone Management Plan 2013 as a guide to future prioritisation of capital works relating to catchment management for improving the water quality and aquatic health of the Parramatta River Estuary
- (b) That resourcing of those actions referred to in the Parramatta River Coastal Zone Management Plan 2013 that relate to the Ryde LGA be considered through future Delivery Plans of Council.

**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 5.32pm.

CONFIRMED THIS 3RD DAY OF SEPTEMBER 2013.

Chairperson

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## 4 MAYOR'S ROLES AND RESPONSIBILITIES

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**Report prepared by:** Manager - Customer Service and Governance  
**File No.:** CLR/07/8/23 - BP13/1127

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### REPORT SUMMARY

As reported to Council on 13 August 2013, a number of steps have been planned to strengthen the City of Ryde's governance framework. The purpose of this report is to provide a document that sets out the role of the Mayor, and by extension the Deputy Mayor for Council's endorsement.

**ATTACHED** for Council's endorsement is a document prescribing the roles and responsibilities for the Mayor which aligns with the Local Government Act and Council's policies, including the Code of Conduct.

This report also highlights a change in practice required with regard to the role of Deputy Mayor. This is as a result of advice confirmed by the Division of Local Government.

### RECOMMENDATION:

- (a) That Council endorse the **ATTACHED** Roles and Responsibilities for the Mayor.
- (b) That Council note the advice received from the Division of Local Government with regard to the payment of a fee to the Deputy Mayor.

### ATTACHMENTS

- 1 Mayor's Roles and Responsibilities - for Council's adoption
- 2 Advice from the Division of Local Government dated 15 August 2013 regarding payment of Deputy Mayoral Allowance

Report Prepared By:

**Shane Sullivan**  
**Manager - Customer Service and Governance**

Report Approved By:

**Roy Newsome**  
**Group Manager - Corporate Services**

## ITEM 4 (continued)

### Context

Section 226 of the Local Government Act sets out the role of 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.

Section 231 of the Local Government Act describes the role of the Deputy Mayor as follows:

*The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

### Role and responsibilities of the Mayor

The **ATTACHED** sets out the roles and responsibilities of the Mayor and is drawn in large amount from the Local Government Act, Division of Local Government Guidelines and adopted Council Policies. The aim of this document is to transparently state the scope and scale of the Mayor's role and to provide clarity as to the role of the Deputy Mayor as required.

Aspects that have been added to the roles and responsibilities, beyond the requirements as set out in the legislation and policy, are as follows:

#### **(1) The exercise of, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council**

The **ATTACHED** provides that 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.

It is also provided that 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.

The purpose of this is to ensure all Councillors are aware of actions taken by the Mayor between Council Meetings that would have otherwise be determined by Council. It is believed that this is an appropriate provision and will ensure all Councillors have access to information equally, as provided in the Code of Conduct.

**ITEM 4 (continued)**

It also ensures that any significant decision made by the Mayor, will return to Council for its information and endorsement where required.

**(2) Code of Conduct**

The **ATTACHED** roles and responsibilities sets out details of the Mayor's responsibilities with regard to Code of Conduct complaints about the General Manager. It is noted that the specific procedure is set out in Council's adopted Code of Conduct.

However, an addition has been made to provide that where complaints about the General Manager are received by the Mayor, the Mayor is to advise all Councillors in writing that a complaint has been received and, where appropriate, the nature of the complaint. In addition, the Mayor is to advise all Councillors of the intended course of action and subsequently report the complaint handling plan to Council as a confidential Mayoral Minute.

The purpose of this provision is to ensure all Councillors are aware that a complaint has been received and to ensure there is transparency and accountability with regard to the process to be undertaken.

**(3) Other**

It is proposed that the minutes of all meetings that the Mayor conducts with the Executive Team be provided to all Councillors for their information. It is suggested that the minutes of such meetings will be attached to the Mayor's regular update that is inserted in the Councillor Information Bulletin.

**Role and responsibilities of the Deputy Mayor****(1) Payment of annual fee**

Advice has been received from the Division of Local Government that the current City of Ryde practice of paying the Deputy Mayor an additional fee of 10% (funded from the Mayoral Allowance) is not in accordance with the Act. The advice received is that the Deputy Mayor is only entitled to be paid a fee determined by Council when he or she acts in the position of the Mayor (**ATTACHMENT 2**).

Section 249(5) of the Local Government Act states specifically that:

*A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

As a result, at the Mayoral Election to be held on 10 September 2013, Council is not able to resolve to pay a fee to the Deputy Mayor being 10% funded from the Mayoral Allowance.

**ITEM 4 (continued)****(2) Clarity of position**

As a result of this advice, it is important that there be clarity with regard to when the Deputy Mayor is exercising the functions of the Mayor.

For this reason the following provision has been included in the **ATTACHED** roles and responsibilities.

*Where the Mayor applies for and is granted a Leave of Absence, the Mayor must specifically state as part of the application whether this leave applies only to Council Meetings or whether the Deputy Mayor is to assume the Mayoral duties in accordance with the Act and this document. This will also require a resolution of Council with regard to the payment of any fee to the Deputy Mayor from the Mayor's fee to undertake these duties.*

This provision will provide clarity as to whether the Deputy Mayor is being asked to exercise the functions of the Mayor's office in part, or in full. It will also provide Council an opportunity to determine the appropriate fee in accordance with the Local Government Act.

It is proposed that a report be provided at the Mayoral Election recommending that where the Deputy Mayor is exercising the functions of the Mayor's office in full that the fee payment (from the Mayoral Fee) be calculated on a pro rata basis. For example, if the Deputy Mayor is exercising the functions for a period of four weeks the Deputy Mayor would receive one-thirteenth of the Mayoral fee.

**Financial Impact**

Adoption of the recommendation will have no financial impact.

It is noted that at the Council Meeting to be held 10 September 2013, Council will need to give consideration to the election of a Deputy Mayor noting the changes into the payment of fees for that role.

**Options**

Council may resolve not to adopt the attached Roles and Responsibilities. This is not recommended as much of the information contained in the **ATTACHED** reflects current policies and procedures and the requirements that have been added promote accountability and transparency.

The adoption of the **ATTACHED** Roles and Responsibilities is recommended as it is believed that they best reflect current provisions, promote good governance and minimise risks.

**ITEM 4 (continued)**

**ATTACHMENT 1**

**Mayor's Roles and Responsibilities**



**Scope**

Section 226 of the Local Government Act sets out the role of 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.

Section 231 of the Local Government Act describes the role of the Deputy Mayor as follows:

*The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

This document sets out the roles and responsibilities of the Mayor in accordance with the Local Government, relevant guidelines and Council Policies.

In the absence of the Mayor these roles will be undertaken by the Deputy Mayor by resolution of Council.

This document supports Council's adopted Policies and is provided as a reference document for Council.

**Purpose**

The purpose of this document is to provide clarity and transparency regarding the role and responsibilities of the Mayor in accordance with Section 226 of the Local Government Act, that is "to exercise such other functions of the Council as the Council determines."

**References - Legislation**

Local Government Act NSW 2003

Council Policies: Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor, Code of Conduct, Gifts and Benefits Policy, Media Policy, Internal Reporting Policy – Public Interest Disclosures, Code of Meeting Practice

Mayor's Role and responsibilities		
Owner: Customer Service and Governance	Accountability: Mayoral and Councillor Support Service	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/63623	Review date:	Endorsed: Date and Authority

**ITEM 4 (continued)**

**ATTACHMENT 1**

Division of Local Government Guidelines for the Appointment and Oversight of General Managers

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**Review Process and Endorsement**

This Policy should be reviewed every four years and endorsed by Council within 12 months of the conduct of a Local Government Election.

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**Attachments**

<i>Title</i>	<i>Trim Reference</i>
Mayor's Role and Responsibilities – Details and procedures	

<b>Mayor's Role and responsibilities</b>		
Owner: Customer Service and Governance	Accountability: Mayoral and Councillor Support Service	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/63623	Review date:	Endorsed: Date and Authority

**ITEM 4 (continued)**

**ATTACHMENT 1**

**Mayor's Roles and Responsibilities  
Details and procedures**



**Roles and Responsibilities**

**(1) The exercise of, in cases of necessity, the policy-making functions of the governing body of the council 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.

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.

**(2) Responsibilities with respect to Council Meetings**

In accordance with the provisions of the Local Government Act, the Mayor will preside at Council Meetings.

*Setting the Agenda for Council or Committee Meetings*

The Local Government Act provides in Section 266 that the Mayor presides at meetings of the Council.

Clause 240 of the Local Government General Regulation (2005) states that the General Manager must cause the Agenda for a Council or Committee meeting to be prepared as soon as practicable prior to the meeting.

For meetings where the Mayor is the Chairperson, that Agenda is to include any matter or topic that the Mayor proposes at the time when the Agenda is prepared. This is to be done by way of a Mayoral Minute.

*Extraordinary Council Meetings*

In accordance with Section 366 of the Local Government Act, if the Mayor receives a request in writing signed by at least two Councillors, the Mayor must call an extraordinary meeting of Council to be held as soon as practicable but in any event within 14 days after the receipt of the request.

In accordance with Council's Code of Meeting Practice, the Mayor does not have the authority, in their own right, to call an Extraordinary or Special Council Meeting.

Mayor's Role and responsibilities		
Owner: Customer Service and Governance	Accountability: Mayoral and Councillor Support Service	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/63623	Review date:	Endorsed: Date and Authority

**ITEM 4 (continued)**

**ATTACHMENT 1**

**(3) Civic and ceremonial functions of the Mayoral office**

In accordance with the provisions of the Local Government Act, the Mayor will undertake the civic and ceremonial functions of the Mayoral Office.

Council's adopted *Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor* set out the parameters and procedures for the conduct of civic and ceremonial such functions.

**(4) The exercise of such other functions of the council as the council determines**

Council's adopted *Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor* set out the parameters and procedures for the conduct of the following functions.

**(a) Responsibilities with respect to the General Manager**

*Recruitment of General Manager*

The Mayor will establish and chair a selection panel for the purpose of selecting the General Manager in accordance with the Guidelines for the Appointment and Oversight of General Managers.

At the City of Ryde this selection panel has historically consisted of all Councillors.

*Performance Management of General Manager*

The adopted *Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor* provide that a Performance Review Panel will be chaired by the Mayor who will also oversee the appointment of an external facilitator.

The performance management process is to be conducted in accordance with the Guidelines for the Appointment and Oversight of General Managers.

The Division's guidelines also set out the following actions that are to be taken as part of this process and the Mayor as chair of the Performance Review Panel is responsible for these actions:

- Ensuring all Councillors not on the panel can contribute to the process by providing feedback to the Mayor on the General manager's performance.
- Ensuring all Councillors are notified of relevant dates in the performance review cycle.
- Ensuring all Councillors are kept advised of the Panel's findings and recommendations.
- Reporting to Council in closed session the findings and recommendations of the review panel

<b>Mayor's Role and responsibilities</b>		
Owner: Customer Service and Governance	Accountability: Mayoral and Councillor Support Service	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/63623	Review date:	Endorsed: Date and Authority

**ITEM 4 (continued)**

**ATTACHMENT 1**

*Day to day oversight of the General Manager*

In accordance with the *Guidelines for the Interface and Day to Day Oversight of the General Manager by the Mayor* the Mayor is responsible for the following:

- Approving or declining applications for leave made by the General Manager
- Approving or declining expenses incurred
- Approving or declining requests for training and development opportunities

With regard to the above responsibilities, the Mayor is required to act in accordance with Council's relevant adopted policies and procedures.

**(b) Responsibilities with respect to Council Policies**

*Gifts and Benefits Policy*

In accordance with Council's Gifts and Benefits Policy, the Mayor is the acknowledging authority for all forms completed by the General Manager.

*Media Policy*

In accordance with Council's Media Policy the Mayor and the General Manager are Council's official spokespersons on all matters. The Mayor may nominate another Councillor to speak on a particular matter.

Council's Media Officer is responsible for the coordinating media liaison and issuing press releases. All media enquiries should be directed to the Media Officer.

In addition:

1. Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position, but Councillors must carefully identify the role in which they speak or write.
2. Whenever Councillors publicly express their own opinions they must make it clear they are speaking for themselves, unless delegated by the mayor, and not for Council, unless they are supporting a Council position.
3. When Councillors speak "for the Council" when delegated by the Mayor, they must express and support Council's entire policy on the issue at hand.

*Code of Conduct*

In accordance with Council's Code of Conduct the Mayor is responsible for receiving written Code of Conduct complaints about the General Manager. Where the complaint cannot be made in writing the Mayor is to confirm the complaint in writing as soon as possible after the receipt of the complaint.

The Mayor must give consideration to the complainant's preferences in deciding how to deal with the complaint.

Where the Mayor becomes aware of a possible breach of the Code of Conduct by the General Manager, they may initiate the process for the consideration of the matter in accordance with the Code of Conduct without a written complaint. The Mayor also has senior staff available to assist in such matters including Council's Group Manager Corporate Services, General Counsel or the Manager, Risk and Audit.

<b>Mayor's Role and responsibilities</b>		
Owner: Customer Service and Governance	Accountability: Mayoral and Councillor Support Service	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/63623	Review date:	Endorsed: Date and Authority

**ITEM 4 (continued)**

**ATTACHMENT 1**

The specific provisions regarding Code of Conduct complaints about the General Manager are set out below:

How are code of conduct complaints about the general manager to be dealt with?

*The Mayor must refer the following code of conduct complaints about the general manager to the Division:*

- a) *complaints alleging a breach of the pecuniary interest provisions of the Act,*
- b) *complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and*
- c) *complaints the subject of a special complaints management arrangement with the Division under clause 5.40.*

*Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.*

*Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.*

*Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.*

*The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.*

The procedure for complaint management is set out in the Code of Conduct.

In addition, where complaints about the General Manager are received by the Mayor, the Mayor is to advise all Councillors in writing that a complaint has been received and, where appropriate, the nature of the complaint. In addition, the Mayor is to advise all Councillors of the intended course of action and subsequently report the complaint handling plan to Council as a confidential Mayoral Minute.

*Public Interest Disclosures*

The provisions for the reporting of Public Interest Disclosures are set out in Council's adopted *Internal reporting Policy – Public Interest Disclosures* which aligns to the Public Interest Disclosures Act.

The Mayor is identified as a Public Interest Disclosure Officer and as such is able to receive complaints regarding Councillors or the General Manager.

<b>Mayor's Role and responsibilities</b>		
Owner: Customer Service and Governance	Accountability: Mayoral and Councillor Support Service	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/63623	Review date:	Endorsed: Date and Authority

**ITEM 4 (continued)**

**ATTACHMENT 1**

In this role the Mayor is responsible for:

- deciding if a report is a protected 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.

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 Independent Commission Against Corruption.

To support the Mayor in this role, training will be provided regarding the management and handling of protected disclosures. This training will also be offered to the Deputy Mayor where possible. The Mayor also has senior staff available to assist in such matters including Council's Disclosure Coordinator, General Counsel or the Manager, Risk and Audit.

**(5) Other**

It is proposed that the minutes of all meetings that the Mayor conducts with the Executive Team be provided to all Councillors for their information. It is suggested that the minutes of such meetings will be attached to the Mayor's regular update that is inserted in the Councillor Information Bulletin.

**(6) Role of the Deputy Mayor**

*Mayoral Leave of Absence*

The Local Government Act deals with an endorsed Leave of Absence in relation to attendance at Council Meetings only.

Where the Mayor applies for and is granted a Leave of Absence, the Mayor must specifically state as part of the application whether this leave applies only to Council Meetings or whether the Deputy Mayor is to assume the Mayoral duties in accordance with the Act and this document. This will also require a resolution of Council with regard to the payment of any fee to the Deputy Mayor from the Mayor's fee to undertake these duties.

*Exercise of functions*

Where the Mayor is on an endorsed Leave of Absence, the Deputy Mayor by resolution of Council will undertake the roles as responsibilities of the Mayor in accordance with this document, legislation and relevant Council policies.

Where the Mayor is not present at a Council Meeting, the Deputy Mayor will preside at that meeting without the requirement of a resolution of Council.

<b>Mayor's Role and responsibilities</b>		
Owner: Customer Service and Governance	Accountability: Mayoral and Councillor Support Service	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/63623	Review date:	Endorsed: Date and Authority

ITEM 4 (continued)

ATTACHMENT 2



**Premier & Cabinet**  
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A344064  
Your Reference:  
Contact: Sonya Cochrane  
Phone: 02 4428 4138

Ms Danielle Dickson  
Acting General Manager  
Ryde City Council  
Locked Bag 2069  
NORTH RYDE NSW 1670

*Danielle*

Dear Ms Dickson

I am writing in response to Ms Sheron Chand's email to the Division of Local Government of 7 August 2013 regarding the payment of a Deputy Mayoral allowance by Ryde City Council.

There is no provision in the *Local Government Act 1993* for the payment of a Deputy Mayoral fee. Section 249(5) of the Act only allows a council to pay the Deputy Mayor a fee for the time a Deputy Mayor acts in the office of the Mayor. The amount of the fee is to be determined by the Council and must be deducted from the Mayor's annual fee.

I hope this information is of assistance.

Yours sincerely

*Ross Woodward 15/8/13*

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet



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**5 SANTA ROSA PARK AMENITIES BUILDING**

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**Report prepared by:** Section Manager - Sport and Recreation  
**File No.:** GRP/09/3/10 - BP13/1107

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**REPORT SUMMARY**

Council approved the construction of an amenities block in Santa Rosa Park in the operational plan 2012-13 and approved the tender for construction works in June 2013.

The need for an amenity block servicing Santa Rosa Park was identified through feedback received from general park users, local residents and sporting groups and documented in the Shrimpton's Creek Plan of Management.

Santa Rosa Park forms a part of the important Shrimpton's Creek recreation corridor and is well used for passive recreational purposes, has a shared pedestrian/bike path that passes through the park, an existing sporting field area (currently not used in winter due to the lack of amenities), the community nursery and garden, popular dog off leash area and a small playground that is planned to be upgraded to a district level environmental themed playground in the near future.

Following a community information day in Santa Rosa Park in June 2013 to promote a number of upcoming initiatives planned for the park (including the proposed construction of an amenities block) and community notification letters sent to 1,000 residences surrounding the park with detailed drawings and information specific to the amenities block proposal, Council received feedback from a number of residents that whilst they supported the construction of an amenities block in the park, they were concerned about the location of the facility, potential anti-social behaviour and the visual impact on their properties (consultation and feedback received is detailed in the body of the report).

Council has also received positive feedback from users of the park and specific support and request from the local sporting association about this project.

Construction works were planned to commence after the community notification process and following an independent assessment of the Review of Environmental Factors (REF). To allow for the community feedback to be fully considered by Council, the works have been placed on hold.

During the masterplanning process for the Santa Rosa Park in 2009 and 2012, Council considered a number of locations for the park amenity building, based on the following criteria:

- Needs to service (acceptable walking distance) the current and future users of the park, including casual users, dog owners, sporting field users and future BBQ and playground facilities users

**ITEM 5 (continued)**

- Needs to be in close proximity to existing services such as water, sewer and electrical services
- Not subject to any planning restrictions, in particular flooding
- Not encroach on the Shrimpton's Creek riparian zone

Based on the above criteria, and in consultation with the local community, the following locations were considered and discounted due to the reasons outlined below (more details provided in the body of the report):

- Close to the Air League building, however comments were received from the community that location was too far away from the southern end of the Park,
- Close to the Scout Hall on its south eastern boundary, however objections were received from the community to this location
- Near Quarry Road and the existing playground, however the area was marked to accommodate the community nursery and garden thus this location was no longer acceptable.

During the preparation of the 2012 Masterplan, Council engaged a consult team to assist in the design and consultation of the plan. As a part of the planning and design process, consideration was given to the distribution of community facilities, including playgrounds, sporting facilities and public toilets. Santa Rosa Park is located at the southern end of the nearest public toilet within the Corridor is located at ELS Hall Park, in excess of 1,500m walking distance from Santa Rosa Park.

Various iterations of the amenities block locations were considered and rejected until the final location was presented to the community at the community information day and subsequent public exhibition of the Plan of Management and Masterplan. This final location of the building was positioned with the following rationale:

- Placement near to the centre of the park so balance proximity to all surrounding residents,
- In a suitable distance from the creek line with respect to the Riparian zone of the Shrimpton's Creek
- Within sightlines and acceptable walking distance for both the active areas (sports field) and future passive areas (playgrounds) within the park

Provision of amenities block will ensure that the Council is catering for the current and future uses of the Park for both passive and active recreation. Given the importance of Santa Rosa Park within the Shrimpton's Creek Corridor, its categorisation as a Level 2 District Park with the future provision of a district level playground and associated amenities and the increase in demand and lack of supply of sporting grounds within our local government area, it is difficult to justify continued lack of provision of suitable amenities for the community.

This report recommends that the amenities block be constructed in the identified location within the park and that appropriate measures are instigated, where possible, to mitigate the aesthetic and safety concerns that have been raised by residents nearby to the park.

**ITEM 5 (continued)**

**RECOMMENDATION:**

- (a) That Council construct an amenities block within Santa Rosa Park in the location outlined in this report.
- (b) That Council ensure all concerns raised by local residents are addressed in the future operational/management plan for the facility.

**ATTACHMENTS**

- 1 Santa Rosa Amenities Floor Plan
- 2 Santa Rosa Building Elevations
- 3 Santa Rosa Park New Amenities Building Neighbour Notification
- 4 Santa Rosa Park Proposed Amenities Building, Meeting Minutes 18 July 2013
- 5 Summary of Written Feedback Received for Santa Rosa Park Amenities
- 6 Letters and Submissions received regarding Santa Rosa Amenities -  
CIRCULATED UNDER SEPERATE COVER - CONFIDENTIAL
- 7 Santa Rosa Park Amenities Building Opposed Petition -  
CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 8 E-mail Feedback received regarding Santa Rosa Amenities -  
CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 9 Santa Rosa Park, Submission on upgrade proposal, Judith Nicholas -  
CIRCULATED UNDER SEPERATE COVER - CONFIDENTIAL

Report Prepared By:

**Simon James**  
**Section Manager - Sport and Recreation**

Report Approved By:

**Tatjana Domazet**  
**Service Unit Manager - Open Space**

**Baharak Sahebekhtiari**  
**Acting Group Manager - Community Life**

**ITEM 5 (continued)****Project Background and Context**

Santa Rosa Park is the southernmost Park located along Shrimptons Creek and is classified as a Level 2 Park within Council's Integrated Open Space Plan. This linear park with the unusual, almost rectangular shape (length of approx. 580m with width between 50 to 125m) is bordered on the longer sides by residential development. Santa Rosa Park is located at the southern end of the Shrimpton's Creek recreation corridor that is 3.3 km in length.

Santa Rosa Park is utilised by the community for passive recreational purposes and has a shared pedestrian / bike path that passes through the park. The park has been identified as a dog off leash area and is popular with dog owners. It is utilised on Saturdays during the summer season by the Inner West Harbour Cricket Association for junior competition games. Currently, the park is not utilised during winter season for soccer competition games however, the park was utilised by the In Christ Ministry Church for competition games on Sundays up until 2012. The park was utilised by Gladesville Hornsby Football Association (GHFA) for completion games until 2011. Santa Rosa was the home ground of the Northern HFC Soccer Club and the lack of amenities has been cited by the GHFA as the main reason for no longer utilising the park for its competition. Casual users occasionally hire the park from Council for sport training and social activities, however a regular complaint that Council receives is about the lack of toilet facilities servicing the park. The visitors/users of the Community Garden "The Habitat" located near to Quarry Road will also use this amenity.

The construction of an amenity block servicing Santa Rosa Park has been identified as a community need through feedback received from general park users and sporting groups over many years.

Since 2009, consideration has been given to a number of options for locating an amenity building within Santa Rosa Park. Construction of the facility was first identified on Councils 2010/11 Operational Plan. At its meeting on the 13 November 2012, Council adopted the Shrimptons Creek Parklands Plan of Management which included a Masterplan for Santa Rosa Park. This Masterplan included an amenities block within the park and outlined a location. This location has the benefit of servicing the existing sporting field area and the proposed playground, casual users of the park and those users of the community garden and nursery.

***Santa Rosa Park Masterplan Development***

Outlined below is the process Council undertook in developing the Shrimptons Creek Parklands Plan of Management including the Santa Rosa Park Masterplan.

**ITEM 5 (continued)**



Approximately 30 people attended the community workshop held on 4 June 2012 and the feedback from the community was as follows:

Item	Support	Opposition
Use of the park as an off leash area for dogs	19	1
Creation of a community plant nursery	19	0
Provision of a toilet block	12	2
Provision of park lighting	8	0
Relocation of the children's playground away from Quarry Rd	7	0
Provision of an additional bridge over the waterway	5	0
Provision of additional picnic and BBQ facilities	3	1

During the formal public exhibition period (September – October 2012), five submissions were received from the community, two of which specifically raised the issue of an amenities building. One submission recommended (along with a number of other suggestions) locating public toilets within Santa Rosa Park whilst the other expressed concerns about the construction of amenities not being indicated as a high priority for Council in the document. No submissions were received expressing concerns on the location of an amenities block within Santa Rosa Park as outlined in the Masterplan.

***Project Implementation History***

The funds for the construction of an amenities building in Santa Rosa Park were approved in Council's 2012/13 Capital Works Budget within the Open Space, Sport & Recreation Program.

**ITEM 5 (continued)*****Design***

Building designs were prepared for the facility giving consideration to servicing the users of the park and nearby to the location as detailed in the adopted Santa Rosa Park Masterplan.

The architectural brief required for a building that was contemporary, durable and lightweight in construction and complementary to the surrounding environment. The design required to incorporate anti-graffiti and vandalism minimisation measures that were transparent and highly visible. Material selection was to be environmental sustainable, include provision for natural ventilation. All areas are to comply with the DDA (Disabilities Discrimination Act) and Building Code of Australia (BCA). The design was to take advantage of passive surveillance and have unobstructed vistas from the park to the building. The material selection was to be attractive, repairable and robust. Good ventilation into the interiors while maintaining privacy to vital areas at the same time. It was to be inclusive of all facilities including storage room for the sporting groups who use the park. Safer by design considerations were also to be made. A copy of the building design and footprint are included in **ATTACHMENT 1 & ATTACHMENT 2**.

***Tender***

Based on the design, the tender documentation was prepared and Council proceeded to the tender process. At its meeting on the 11<sup>th</sup> of June 2013, Council accepted the tender from Terrafirma Property Developments P/L for the construction of the Santa Rosa New Amenities Building. The quote provided by Terrafirma is valid for 120 days from the date which it was submitted (7 May), thus expiring on 4 September 2013. After this date, the builder is not obligated to honour the quote provided and Council may need to re-tender the works.

***Planning requirements***

The planning approval pathway for this development is through Clause 65 of the State Environmental Planning Policy (Infrastructure 2007) ISEPP as legislated by the State Government. Within this policy, amenity facilities may be constructed by or on behalf of a Council without consent on a public reserve under the control of or vested in the Council as specified by the ISEPP as detailed below:

State Environmental Planning Policy (Infrastructure) 2007

Division 12 Parks and other public reserves

65 *Development permitted without consent*

(3) *Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:*

(f) *amenity facilities,*”

### **ITEM 5 (continued)**

In this regard, Part 5 of the EP&A Act operates and applies to any such proposal, with the requirement for a Review of Environmental Factors (REF).

Council prepared a RF document for the proposed amenities block in June. This document has been assessed by an organisation independent to Council, 'The Design Partnership' with the following excerpt from their assessment report.

*'The REF prepared by City of Ryde Council provides adequate assessment of the proposed development, and meets the requirements under Part 5 of the Act. The approach taken in terms of approval path for the proposed development, being a Part 5 assessment instead of a Part 4 assessment is considered to be an appropriate one given the type of work proposed, and the proponent of this work. No amendment to this approvals path is required.'*

### ***Proposed Location of the Amenities Building***

Details of the proposed location for the amenities building are shown below including the perspective of the site within the park and the more detailed view.

ITEM 5 (continued)



**ITEM 5 (continued)*****Community Information on the Proposed Construction***

Council conducted a community information day on Saturday, 1<sup>st</sup> of June and promoted a number of initiatives that it had planned for the park over the coming year. This included details on the proposed amenities block as well as information on the Community Garden and Nursery and the Stormwater improvement works. Council also sent out written notification on the proposed project on 9 July 2013 to 1,000 residences in the vicinity of Santa Rosa Park with detailed drawings and information on the amenities block proposal. A copy of the letter and the distribution area is included in **ATTACHMENT 3**. Works were planned to commence after the community notification and following an independent assessment of the REF. Construction has been delayed to allow for the feedback received from interested stakeholders to be fully considered.

**Community consultation and feedback**

Following the community information day on 1 June 2013, Council was contacted by a resident expressing concerns regarding the proposed location of an amenities building. A meeting with interested residents was held on-site on 28 June to discuss the specific details of the proposal. A number of matters were raised at this meeting which were considered by staff.

A further meeting was then arranged to discuss the proposal further and determine if the matters raised by the residents could be addressed. This meeting was held on 18 July where further specific details of the proposal were presented. The meeting minutes are included in **ATTACHMENT 4**.

Council also received 18 written correspondence (including a petition signed by 62, however it included 63 names of people from 44 different addresses, 28 local and 16 non-local) as a result of the written advice to residents surrounding the park - **CIRCULATED UNDER SEPARATE COVER**.

Whilst all correspondence indicates support for the construction of an amenities block, 11 were not supportive for the construction of the facility to occur in the proposed location. Generally, those that were not supportive stated the risk to safety, potential vandalism, ruining the aesthetic appeal of the park and attracting anti-social behaviour as the reasons for opposition. Those that were supportive of the proposal mentioned the community need for an amenities facility and the increased use of the park as requiring such facilities. The GHFA also indicated that unless toilet facilities were available in the park, the Association would be unable to utilise the ground during winter for its competition games. A summary of the feedback received is provided in **ATTACHMENT 5**.

Given the level of interest by the local community regarding the location of the facility, it was considered necessary to report this matter to Council.

**ITEM 5 (continued)**
**Examination of Community Feedback**

The community has raised a range of concerns about the construction of the amenity building within Santa Rosa Park. The following table examines each of these concerns and provides analysis within the context of existing amenity buildings within the City of Ryde and options for mitigation as implemented at other locations in City of Ryde open space.

<b>Issue</b>	<b>Examination / Mitigation Options</b>
Risk to safety	<p>The long term intention for Santa Rosa Park is to become a destination park with the Habitat, future playground expansion and increased sporting usage.</p> <p>The provision of an amenity building is an important step in realising the potential for this park encouraging increased usage and more passive surveillance by the community.</p>
Potential vandalism	<p>The external and internal finishes of the building have been selected in consideration of the potential for vandalism. This has included treatment of each of the vertical walls so as to remove large flat areas that may be perceived as a canvas for vandalism and the use of anti-graffiti treatments of all flat surfaces.</p> <p>The ongoing management of the facility will be in alignment with the management approach of other amenity building in the City with sunrise to sunset opening hours only. The facility will not be open in the evening and thus opportunity for evening vandalism of the interior of the building will be reduced.</p> <p>The proposed location of the building has also considered the passive surveillance from surrounding residential properties and this will also act as a deterrent to future vandalism.</p>
Ruining the aesthetic appeal of the park	<p>The design of the proposed amenity building in Santa Rosa Park has been prepared by an architect who was provided with a brief to create a building that was innovative and would become a feature within the Park.</p> <p>The selection of materials for the external facades of the building was guided by this brief as was the shape of the building. Inspiration for the design of the roof line was taken from the skillion picnic shelters used across the City in open spaces.</p> <p>This design of building is new for the City and was supported to establish a park building that was light and airy for users while being an attractive design within the Park.</p>

**ITEM 5 (continued)**

Issue	Examination / Mitigation Options
	<p>The use of an architect to design a unique facility for Santa Rosa Park was a considered decision to offset potential community anxieties of unattractive public amenity buildings within the Park due to the proximity of residential properties surrounding the Park.</p>
<p>Attracting anti-social behaviour</p>	<p>The design of the proposed amenity building has considered the use of the building and design decisions have been made to directly manage the potential for antisocial behaviour. The building has broken down the wholly enclosed design of the facilities with the hand washing areas being unisex.</p> <p>This change will not encourage people to gather within the cubicles.</p> <p>The ongoing management of the facility will be in alignment with the management approach of other amenity building in the City with sunrise to sunset opening hours only. The facility will not be open in the evening and thus will not become a place for evening antisocial behaviour in the Park.</p>

***Consideration of Other Location Options***

Listed below is the summary of other locations considered within the park against the criteria and the reasons for and against each location.

Scout Hall

Council has recently undertaken the Macquarie Park Floodplain Management Study and Plan. Flood modelling shows overland flows near the western end of Santa Rosa Park with overland flows coming from Rocca Street and Quarry Road. This is around the area of the existing Scout Hall and therefore makes this area at risk of flooding and not suitable for the construction of an amenities block.

Air League Building

The existing lease for the Air League Building at the eastern end of the park (Bridge Rd) expires in August of this year. This building is approximately 150m from the sporting field playing area and 400m from the area where play equipment and BBQ facilities are proposed to be installed. It is also approximate 30m from one property on Bridge Road and one property in Zola Avenue. Due to the distance from the active and passive recreation areas within the park, this is not the preferred location as it will not best service the park users.

Closer to the Creek

Locating the building closer to the creek (at any location) would increase the risk of flood waters affecting the building. A location adjacent to the sporting field would also reduce the visibility of the amenities block from other areas of the park. Costs for construction in this location would also increase due to the distance to the water, sewerage and electrical services.

**ITEM 5 (continued)****Proposed Location**

It is considered that the proposed location best services the users of the park for its current and expected future use as outlined in the Master plan. It offers a location that best services casual park users including those that are attracted by the dog off leash status of the park, the users of the sporting fields within the park and the area that is proposed to have BBQ facilities and children's play equipment installed.

**Financial Implications**

Whilst the adoption of the recommendation will have no financial impact, it should be noted that to date Council has spent around \$40,000 on the design for the building, \$50,000 on the project management fees and approved the tender from Terrafirma Property Developments P/L for the amount of \$282,095. These funds were available within Council's Capital Works Open Space Sport & Recreation Program.

**Options**

Council may consider the following options:

**Not to proceed with the construction**

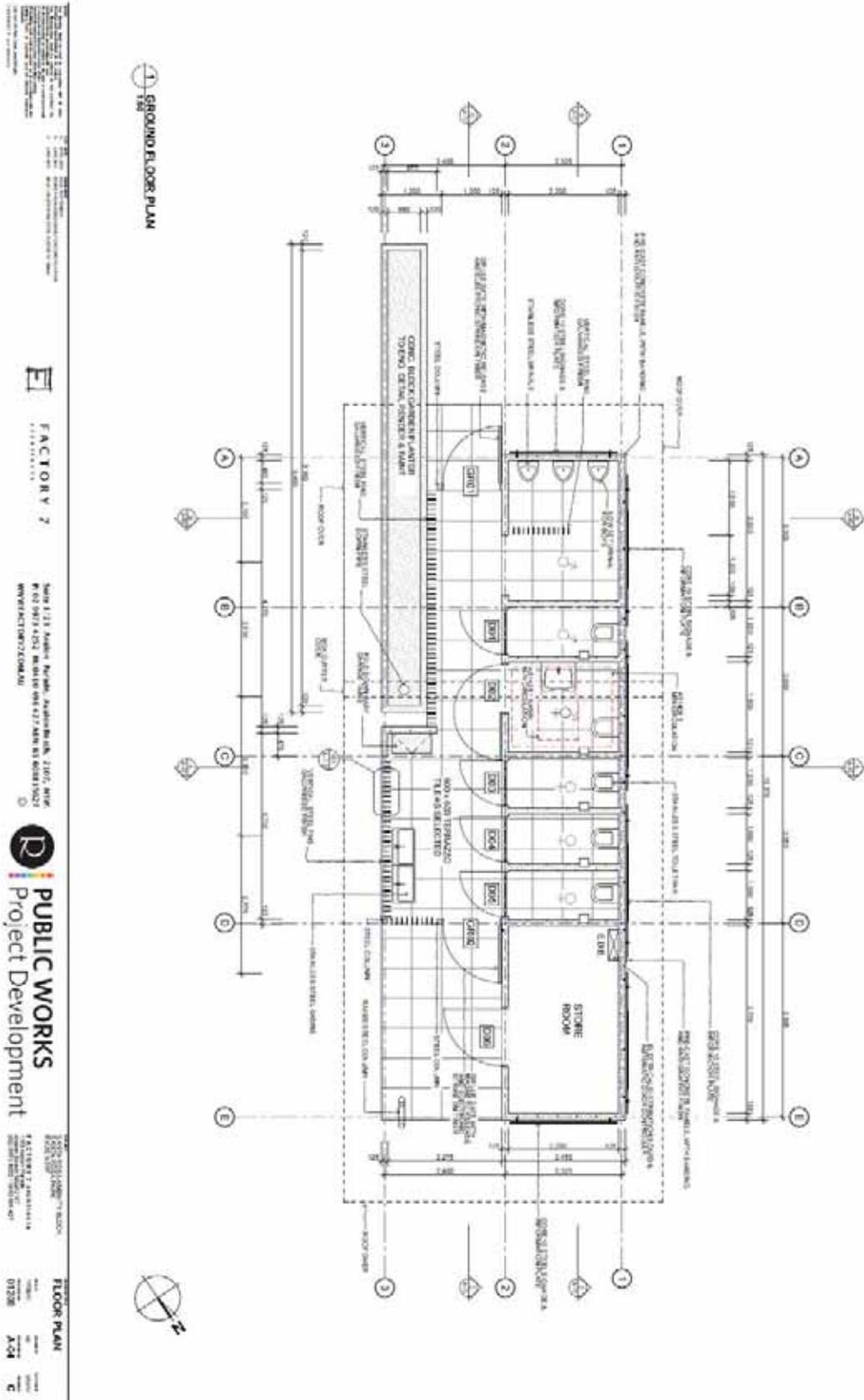
Council may choose not to proceed with the construction of an amenities block in Santa Rosa Park. Other location options were considered during the process and were not considered suitable for the reasons outlined earlier in this report. As a result, if the existing location is not considered suitable, it is recommended that funds be diverted to another Council project that can be effectively address community need. The risk associated with this option is that an identified community need for this type of facility in the park go unmet. The costs incurred on the project to date (approximately \$90,000) would also not be able to be recovered. Furthermore, one of the sporting fields would continue not to be utilised for winter competition games due to lack of suitable amenities, which is difficult to justify given the increase in demand and lack of supply of sporting fields within the local government area.

**Proceed with the construction of a smaller building in the existing location**

Council may choose to construct a smaller building in the existing location. The current building footprint is approximately 13 metres in length. By deleting the provision of the store room for the sports club storage, this would reduce the length to approximately 9.5m. Width for the building would remain as the current 4.725 metres. The risk associated with this option is that the building will not meet the needs of the sporting community if features such as the club store room are removed. Dependent on the significance of these changes, Council may need to re-tender for these works which will further delay the project.

ITEM 5 (continued)

ATTACHMENT 1

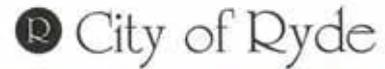






ITEM 5 (continued)

ATTACHMENT 3



  
Lifestyle and opportunity @ your doorstep

The Resident  
Vicinity of Santa Rosa Park

9<sup>th</sup> July 2013  
Our ref: PM12/11/115/01

**Dear Resident**

**Re: Construction of a new Amenities Building at Santa Rosa Park**

Council recently conducted an information day providing residents with further details on the projects Council is soon to undertake in Santa Rosa Park. These include 'The Habitat' Community Garden and Nursery, stormwater works to reduce the risk of flooding and the construction of a new amenities building. Further to this Council provide detailed information on the construction of an amenities building in Santa Rosa Park.

The City of Ryde recently developed the Shrimptons Creek Parklands Plan of Management (PoM) and Master plan in consultation with all stakeholders, residents and sports user groups. The development of this plan took into account the way the community uses the Park, the role of the park in the broader Shrimptons Creek Parklands corridor, specific site conditions and the desire to provide park amenities that cater for all park users.

When determining the location for a structure such as amenities buildings Council has to balance optimising use for the facility, access, safety and impact on surrounding properties. These issues were considered comprehensively when developing the Park's Plan of Management and Masterplan for the Park.

The amenity building is a contemporary design, delivering accessible amenities as well male and female cubicles. The materials, structures and finishes have been selected to minimise maintenance, providing durable and hygienic user friendly facility for all park users. Please find attached a copy of plans for the building. Plans of the building can also be viewed at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

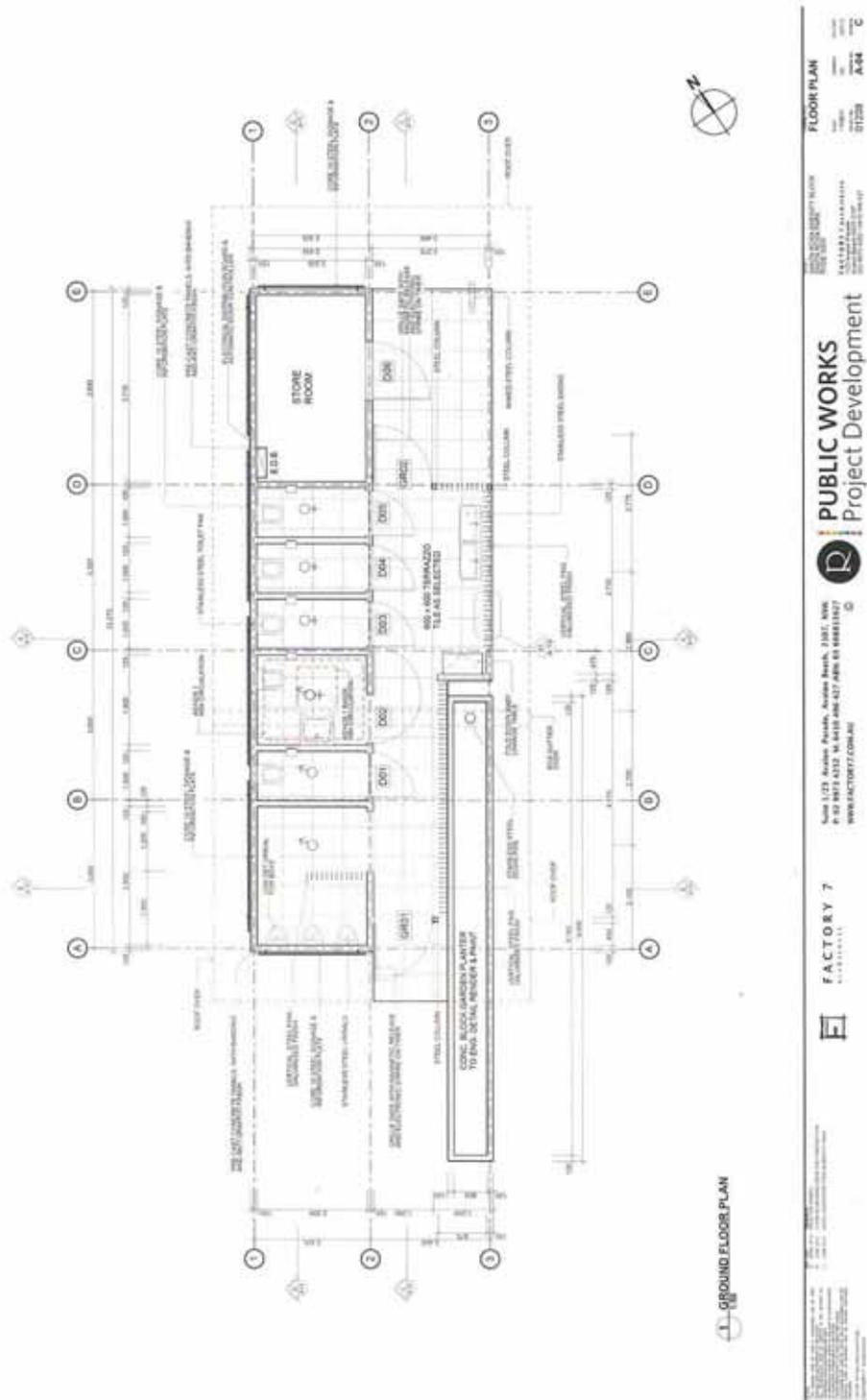
Council is interested in your feedback. Should you have any enquiries please contact Council's Project Manager Garo Aroutunian on 9952 8396. Could you please provide your feedback in writing by 5<sup>th</sup> August 2013.

Yours faithfully,

**Jeff Dearden**  
A/Service Unit Manager – Project Development

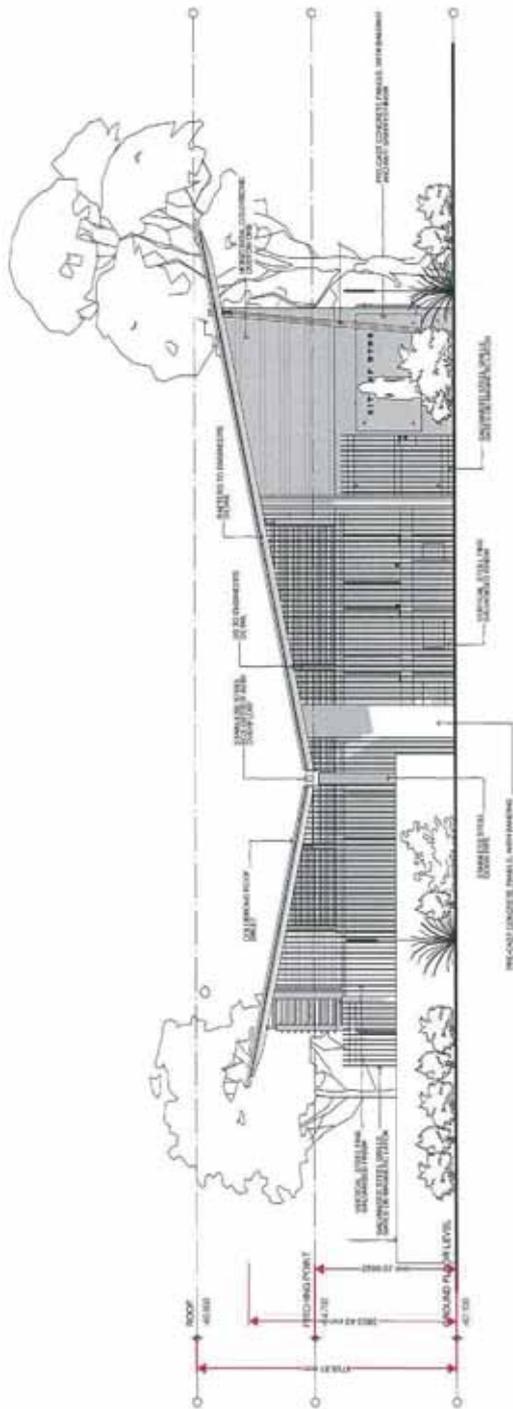
**ITEM 5 (continued)**

**ATTACHMENT 3**



**ITEM 5 (continued)**

**ATTACHMENT 3**



North Arrow

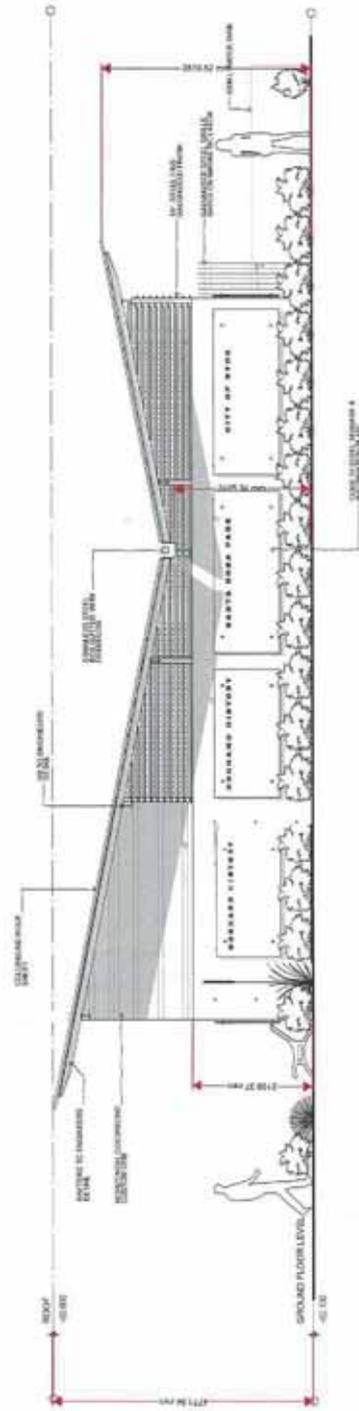

**PUBLIC WORKS**  
 Project Development

FACTORY 7  
 700-100 Ryde Road, Ryde NSW 1513  
 Tel: 02 9372 7000 Fax: 02 9372 7001  
 www.cityofryde.nsw.gov.au

SANDRUS ARCHITECTS BLOCK  
 ELEVATIONS  
 A-05

**ITEM 5 (continued)**

**ATTACHMENT 3**



North Elevation

FACTORY 7  
100-102, 104-106, 108-110, 112-114, 116-118, 120-122, 124-126, 128-130, 132-134, 136-138, 140-142, 144-146, 148-150, 152-154, 156-158, 160-162, 164-166, 168-170, 172-174, 176-178, 180-182, 184-186, 188-190, 192-194, 196-198, 200-202, 204-206, 208-210, 212-214, 216-218, 220-222, 224-226, 228-230, 232-234, 236-238, 240-242, 244-246, 248-250, 252-254, 256-258, 260-262, 264-266, 268-270, 272-274, 276-278, 280-282, 284-286, 288-290, 292-294, 296-298, 300-302, 304-306, 308-310, 312-314, 316-318, 320-322, 324-326, 328-330, 332-334, 336-338, 340-342, 344-346, 348-350, 352-354, 356-358, 360-362, 364-366, 368-370, 372-374, 376-378, 380-382, 384-386, 388-390, 392-394, 396-398, 400-402, 404-406, 408-410, 412-414, 416-418, 420-422, 424-426, 428-430, 432-434, 436-438, 440-442, 444-446, 448-450, 452-454, 456-458, 460-462, 464-466, 468-470, 472-474, 476-478, 480-482, 484-486, 488-490, 492-494, 496-498, 500-502, 504-506, 508-510, 512-514, 516-518, 520-522, 524-526, 528-530, 532-534, 536-538, 540-542, 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**ITEM 5 (continued)**

**ATTACHMENT 3**



**ITEM 5 (continued)**

**ATTACHMENT 3**





**ITEM 5 (continued)**

**ATTACHMENT 4**

<b>Meeting:</b>	Santa Rosa Park Proposed Amenities Building Meeting with Residents
<b>File No:</b>	D13/61471
<b>Venue:</b>	Eucalyptus Meeting Room, 1A Pope Street, Ryde
<b>Date:</b>	Thursday, 18 July 2013
<b>Time:</b>	6:00 pm to 7:30 pm
<b>Chair:</b>	Baharak Sahebekhtiari, Acting Group Manager Community Life
<b>Attendees:</b>	Winnie Kong, Garry Sommerville, Natalie Chanelian, Mr Asadour and Mrs Ohanes
	<p><b>City of Ryde Officers:</b> Simon James, Acting Service Unit Manager Open Space Fiona Morrison, Section Manager Open Space Planning and Assets</p>
<b>Apologies</b>	

Item	Topic/Discussion	Action
1	A request from Mrs Ohanes to voice record the meeting on her iPhone was declined by Council staff, as the meeting minutes were to be taken.	
2	<p>Council staff provided background information about the project at the meeting. The information provided included:</p> <p>In the development of the Masterplan for Santa Rosa Park in 2011/12, the feedback that was received by the community in preparation of the 2009 Masterplan and Plan of Management was considered. This included feedback on the location of the future playground, picnic areas and the park amenity building and this guided the development of the masterplan for Santa Rosa Park in 2012.</p> <p>The location of the park elements within Santa Rosa Park considered the current and future use of the Park by the community. As new activities were being encouraged within the Park (such as the community garden and nursery) the design of the Masterplan sort to consider the needs of the community today as well as ensure that flexibility of use within the Park remained to respond to the changing needs of the community into the future.</p> <p>In past iterations of the Masterplan, both in 2009 and in 2012, the park amenity building was considered in various locations. This included the following:</p> <ul style="list-style-type: none"> <li>• Near the Air League building however comments were received from the community that this location was too far away from the southern end of the Park</li> <li>• Near the Scout Hall on its south eastern boundary, however objections were received from the community to this location</li> <li>• Near Quarry Road and the existing playground – however with the change of use in the area to accommodate the nursery, this location was no longer acceptable.</li> </ul>	

**ITEM 5 (continued)**

**ATTACHMENT 4**

<p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p>	<p>During the preparation of the 2012 Masterplan, Council engaged a consultant team to assist in the design and consultation of the plan. Various iterations of the locations were considered and discounted until the final location was presented to the community at the community information day and subsequent public exhibition of the Plan of Management and Masterplan. This final location of the building was positioned with the following rationale:</p> <ul style="list-style-type: none"> <li>• Placement near to the centre of the park so balance proximity to all surrounding residents</li> <li>• In a suitable distance from the creek line with respect to the Riparian zone of the Shrimptons Creek</li> <li>• Within sightlines and acceptable walking distance for both the active areas (sports field) and future passive areas (playgrounds) within the park.</li> </ul> <p>Question was asked regarding the Air League building and when the lease is up.</p> <p>Council staff advised that no toilet is required for the nursery, as there is one planned already to service nursery users. There will be some external garden beds where users of this will require access to public toilets when the nursery is locked.</p> <p>Question was asked why no consideration was given to putting two small toilets at either end of the park. <i>A. Plan intended to consolidate buildings to ensure they effectively service park users and minimise building footprint.</i></p> <p>Concern was raised about the negative impact on house price by having a public facility in close vicinity to residents.</p> <p>Fiona Morrison gave a presentation outlining the project progress to date and details on what is proposed.</p> <p>Issue was raised regarding vandalism to the storage area. <i>A. Facility is being constructed with this in mind and measures will be taken to reduce the opportunity for vandalism.</i></p> <p>Concerns were raised about the size of the facility as compared to the Masterplan. <i>A. Masterplan provides an indicative sketch of what is planned, during the detailed design stage clearer detail on what is to be built becomes apparent.</i></p> <p>Why was the building located closer to Dorothy Street than Fawcett Street? <i>A. A location was arrived upon to best service the needs of all park users and to have minimum impact on residents.</i></p> <p>Reference was made in relation to contact some of the residents have had with Clr Yedelian. <i>A. Staff reaffirmed that Council has final determination on the progress of the project.</i></p>	<p><b>Staff will investigate lease and feasibility of site as an option.</b></p>
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**ITEM 5 (continued)**

**ATTACHMENT 4**

<p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p>	<p>The building proposal and Review of Environmental Factors (REF) will be assessed by a planning assessor independent to Council.</p> <p>Will the feedback from residents be considered as part of the approval process?</p> <p>Were the other options considered as part of determination of the best location within the park? <i>A. Yes, but these were discounted and the current location was arrived at in terms of providing the best outcome within the Masterplan and in meeting the objectives set out in the relevant Plan of Management.</i></p> <p>Council staff explained that consideration was given to the existing way in which the park is used, proposed future use and feedback received during the Master planning process.</p> <p>Each resident in attendance indicated that they had not received information from Council during the Masterplan process. <i>A. Fiona Morrison briefly identified the consultation activities that were undertaken.</i></p> <p>There was detailed discussion on this issue. Baharak Sahebkhari said that she was happy to accept that the residents had not received the information if residents were happy to accept that Council had sent out information – Baharak reiterated that the meeting had to progress and we would agree to disagree.</p> <p>Attendees were given the opportunity to put forward their views individually.</p> <p><b>Mr Asadour and Mrs Ohanes:</b></p> <ol style="list-style-type: none"> <li>1. Concerned about location of the amenities block having an immense impact on their quality of life.</li> <li>2. Security risk to the family and surrounding residents. The risk of anti-social behaviour in an isolated location, a location away from street activity.</li> <li>3. Not willing to entertain the building in the vicinity of location proposed. Trees for landscaping would not help.</li> <li>4. Suggested moving the building closer to playing fields (in the corner next to the field).</li> <li>5. Stated that they were not considered as part of the process. (It was noted at the meeting that the residents in attendance said they were not consulted by Council during this process). <i>Council staff acknowledged these comments.</i></li> <li>6. Mrs Ohanes requested the presentation slides, as presented at this meeting, be distributed to attendees.</li> <li>7. Mrs Ohanes requested a written response to her initial letter to Council dated 1<sup>st</sup> July 2013.</li> <li>8. Mr Asadour asked in conjunction with Natalie Chanelian, what were the other options for location.</li> </ol>	<p><b>Meeting minutes and any correspondence received to be included in the final consideration of approval.</b></p> <p><b>Additional feedback and concerns can also be provided through written feedback as outlined in the letter sent.</b></p> <p><b>Staff will</b></p>
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**ITEM 5 (continued)**

**ATTACHMENT 5**

**Summary of Written Feedback Received for Santa Rosa Park Amenities**

Opposed	
Respondent	Summarised Feedback
D13/65798 Resident	<ul style="list-style-type: none"> <li>- Supportive of an amenities building although do not recall being consulted about the development of a Master Plan.</li> <li>- Concerned about the location and the size of the building, will be a building out of context until the new facilities are constructed. It ensures that it will become a feature, rather than a discreet facility sympathetic to its surroundings.</li> <li>- Potential for massive security issues.</li> </ul>
D13/62553 Resident	<ul style="list-style-type: none"> <li>- Council must give public notice of adoption of the amended Plan of Management if it is not re-exhibited. I have received nothing.</li> <li>- Posed some queries in regards to the detail of the Master Planning process, when did the public meeting take place and when is the formal public exhibition of the Plan of Management taking place.</li> <li>- By placing a building in the middle of the park it will not 'soften' the park as recommended in the Master Plan.</li> <li>- The location of the building is not in a spot that is safe and Community Crime Prevention Gladesville should be consulted.</li> <li>- Was servicing the users of Flinders Park considered when choosing a potential location for the building?</li> <li>- Accessibility is not easy from both the soccer fields and the two car parks.</li> <li>- Was the Air League building and the Scout Hall considered as a location for the amenities building?</li> <li>- Can a two cubicle facility be located near to the Community Garden and Nursery that is accessible to all park users and therefore have two amenities blocks servicing the park one at either entry to the park.</li> <li>- The current proposal for an amenities will severely impact on the park's characteristics and aesthetics.</li> </ul>
D13/65477 Petition signed by 62 people  (63 names on the petition)	<ul style="list-style-type: none"> <li>- Not opposed to an amenities building in the park, however opposed to the location as outlined in the Masterplan developed without consultation with affected residents.</li> <li>- Creates risks to residents by providing a haven for anti-social behaviour.</li> <li>- Hinders the view of children across the park between the sporting field, proposed playground and bike track.</li> <li>- Impacts on the quality of life, safety and property value of those residents in the</li> </ul>

**ITEM 5 (continued)**

**ATTACHMENT 5**

	<p>proximity of the toilet block.</p>
<p>D13/64603 Resident</p>	<ul style="list-style-type: none"> <li>- It will only bring unwanted issues such as drug and alcohol abuse to the park. It could provide a place for potential antisocial behaviour.</li> <li>- Proposed to install more lights in the park.</li> </ul>
<p>D13/64498 Resident</p>	<ul style="list-style-type: none"> <li>- Concerned about the central location which would reduce the free flowing activity along the park.</li> <li>- Location away from the road could present safety issues and an amenities block located at either end of the park, suggest the Bridge Rd end would be preferable.</li> </ul>
<p>D13/65344 Resident</p>	<ul style="list-style-type: none"> <li>- Concerned about potential security risks, which would be heightened without lighting along walkways or across the field.</li> <li>- Concerned that the building will become a magnet for unsightly graffiti.</li> <li>- Would like to see design, lighting and appropriate security measures to alleviate these issues.</li> </ul>
<p>D13/65334 Resident</p>	<ul style="list-style-type: none"> <li>- Not opposed to amenities building in the park, however opposed to the location and its timing of construction.</li> <li>- Suggested a more appropriate location to be at either end of the park as they are closer to car parking, easier to patrol by security personnel and provide easier access to the services required (power, water, drainage, storage, etc) at the toilet amenities.</li> <li>- Best to have the amenities block constructed at the same time as other works are undertaken (picnic areas, playground and pathways).</li> </ul>
<p>D13/65287 Resident</p>	<ul style="list-style-type: none"> <li>- Very concerned about amenities building being built in the park.</li> <li>- Having lost a husband this year, would not feel safe at night due to security and safety reasons.</li> <li>- Facilities at Midway Shopping Centre and Yamble Reserve close by which are more than adequate.</li> </ul>
<p>D13/65665 Resident</p>	<ul style="list-style-type: none"> <li>- Suggestion for construction of an amenities block in the community garden that is accessible for the general public.</li> <li>- Move the toilet block to where the Air League Building is would also cater for Flinders Park.</li> <li>- Will have a negative impact on our quality of life and safety as well as the value of our home.</li> </ul>
<p>D13/65880 Resident</p>	<ul style="list-style-type: none"> <li>- Why break the last remaining reasonable stretch of Open Space worth an amenities block. It won't make it less 'stark'.</li> <li>- Is the proposed toilet at the Quarry Rd end of the park exclusively for the use of the Habitat, and if so, why?</li> </ul>

**ITEM 5 (continued)**

**ATTACHMENT 5**

	<ul style="list-style-type: none"> <li>- The toilet facilities should be as close to the rest stop for cyclists, walkers and joggers in Flinders Park picnic area as possible.</li> <li>- Why is the amenities block not in front or behind the Air League building or adding onto the Air League building as all the infrastructure (water, sewerage &amp; power is there).</li> <li>- Generally concerned about the associated safety issues and identified that a public toilet located in the middle of a park is not as safe as one located close to a busy road.</li> </ul>
<p>D13/64283 Resident</p>	<p>We believe the design of the amenities block was good, perhaps the exact location could be improved. Closer to the Community Garden and further from residents backyard.</p>

**ITEM 5 (continued)**

**ATTACHMENT 5**

Supportive	
Respondent	Summarised Feedback
D13/56897 Resident	The toilet amenities will be most welcome; on a few occasions I have escorted people to my home to use our toilets. The guys who play football usually just go into the bushes.
D13/65771 GHFA	Advised Council that we have had to stop utilising the park for Soccer competition games due to the number of complaints the Association received due to their being no amenities at the Park. Asked that Council consider constructing an amenities block in close proximity to the sporting grounds and with a storeroom which could be used to store sporting equipment required for the games.
D13/48160 Resident	We are really excited by the work City of Ryde Council is doing in this area and we look forward to the creation of a new amenities building.
D13/65343 Resident	<ul style="list-style-type: none"> <li>- Supportive of toilet amenities. The toilet blocks installed by Council in places such as Jim Walsh Park has improved the park no end, and is very popular with people who attend the park. Does not appear to be any problems when attending that park with the grandchildren.</li> <li>- Please do not allow a noisy minority to spoil the amenity of the park for other park users.</li> </ul>
D13/65284 Resident	<ul style="list-style-type: none"> <li>- Finds it incredible that a park of this size, used for full length sporting games and other recreational purposes is still without a basic and essential amenity.</li> <li>- Nearest toilets located at Midway Shopping Centre or further up Quarry Road is too far away for small children, elderly and people with incontinence problem, let alone the fit and well.</li> <li>- Has been frequently asked by park visitors where the toilets and bubblers are.</li> </ul>
D13/64207 Resident	<ul style="list-style-type: none"> <li>- I have correspondence from Council going back to 2009 about the block being built in 2009-2010.</li> <li>- It was announced by the Mayor in the speech relating to the opening of the community garden that it would be constructed in May. Consultation is again delaying something that should have been built years ago.</li> <li>- If the problem is the location, it can surely be landscaped to fit in. No-one wants to walk from Quarry to Bridge Rd and vice versa just to do a pee.</li> <li>- If you want security, take note of the mobile surveillance camera they use at the Macquarie Aquatic Car Park – it's clever.</li> </ul>
D13/64966 Resident	I am very grateful for the free walking of my dogs and enjoy the social aspects for my dogs. Please continue to provide toilet arrangements for owners as it will be gratefully appreciated.

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**6 LANDSLIP AT 9 AND 11 BRUSH ROAD, EASTWOOD**

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**Report prepared by:** Team Leader - Building Compliance  
**File No.:** CLM/13/1/4/6 - BP13/1126

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**REPORT SUMMARY**

This report outlines Council staff's efforts to assist the owners of No.11 Brush Road Eastwood to deal with issues arising from the failure of the retaining wall and landslip on the common boundary of No. 9 & No. 11 Brush Road, Eastwood.

Since the Executive team's consideration of this matter Council staff have been able to provide further assistance to the land owner of No.11 Brush Road and this report concludes that the matter should be resolved by the mutual agreement of both property owners to have a replacement retaining wall designed, approved and constructed on the common boundary.

**RECOMMENDATION:**

- (a) That the action and efforts of Council staff to assist the owners of 11 Brush Road be noted;
- (b) That Council officers pursue the notices served in relation to the low scale block wall in the carport and timber retaining wall at No.9 Brush Road;
- (c) That the owner of No.11 Brush Road Eastwood be advised that the issue is a civil matter and its resolution requires the cooperation of both property owners to work together; and
- (d) That Council restate its offer to assist facilitating a meeting between the parties to achieve (c) if requested by the landowners.

**ATTACHMENTS**

- 1 Aerial photograph of 9 & 11 Brush Road, Eastwood
- 2 Diagram of slip section
- 3 A.H.BAIGENT & Associates Report dated 4 February 1998
- 4 G.Georgiou & Associates Report dated 28 January 2013
- 5 Douglas Partners Report dated 18 April 2012

Report Prepared By:

**Sergio Pillon**  
**Team Leader - Building Compliance**

Report Approved By:

**Scott Cox**  
**Manager Environmental Health & Building**

**Dominic Johnson**  
**Group Manager - Environment & Planning**

**ITEM 6 (continued)****History**

In April 2012 Council officers investigated the failure of a retaining wall on the common boundary of No.9 and No.11 Brush Road Eastwood. The retaining wall was approximately 1m in height and constructed of masonry concrete blocks. There is no dividing fence erected on this boundary.

A review of the history of both properties has revealed that the various different owners of both properties have at different times carried out cut and fill activities and retaining wall construction on the boundary. The dwelling at No.9 Brush Road was erected in 1958 whilst the dwelling at No.11 was erected in 1973.

The investigation was the result of a customer request from the land owner of No.11 Brush Road. Council staff investigated shortly after receiving the request. As the retaining wall was the shared responsibility of both the owners of No.9 and No.11, Council staff were of the opinion that the matter should be resolved between the two property owners.

The reason for this approach was as follows:

- 1) The advice from Council's General Counsel was that an emergency order could not be issued as there was no threat to public safety.
- 2) The owner of No.11 provided Council staff with an engineering assessment undertaken by Douglas Partners dated 18 April 2013 (Attached). The report was commissioned by the owner. The report identified that the structures at No.9 "do not visually appear to have been affected".
- 3) A building certificate was issued by Council staff in 1998 for all of the structures on No.9 Brush Road. The information Council relied on for this determination was an engineering report prepared by AH Baigent and Associates Pty Ltd dated 4 February 1998. The report certifies the carport/garage and verandah to be structurally adequate as "the footings of the supporting columns have been found to be within the safe bearing zone".
- 4) An engineering assessment was commissioned by the owner of No.9 Brush Road. The report prepared by C Georgiou and Associates dated 28 January 2013 certified that all stormwater structures such as downpipes were intact and that the rear concrete structure was stable.
- 5) A temporary retaining wall was built and certified within the property boundaries of No.9 in order to secure part of the site until further geotechnical investigations could be carried out as part of a redevelopment of the property.
- 6) Both engineers commissioned by the owners of both properties and Council staff believe the cause of the landslip to be natural surface water runoff as a result of the natural topography and not the existing structures at No.9 Brush Road.
- 7) A large crib wall erected adjacent to the dwelling of No.11 Brush Road provides support to both properties.
- 8) That the matter is not dissimilar to a dividing fence dispute, which are dealt with via mediation or the local court.

**ITEM 6 (continued)**

- 9) Council staff could have issued an order under No.21 of the Local Government Act, 1993, however, it would have to have been served on both owners and enforcement would be complex. It was deemed appropriate for the civil mechanisms to be utilised by the parties to resolve the issue.

The owner of No.11 Brush Road was advised by Council staff that in their opinion the issue was a civil matter. In November 2012, the owner of No.11 Brush Road expressed concern that the cause of the failure was due to unauthorised works at No.9 Brush Road and requested Council to investigate.

The alleged unauthorised works consisted of the following;

1. Concrete slab at the rear of the site.
2. Cladding to the underside of the carport.
3. Low scale block wall erected along the perimeter of the carport slab.

Council staff wrote to the owner of No.9 Brush Road in November 2012 and brought the allegation to their attention.

The cladding was removed, the concrete slabs had appeared to have been in existence for at least 20 years and therefore were allowed to remain. The only unauthorised structure that staff had any reasonable grounds to take action on was the concrete low scale block wall. A notice has been served for its removal.

Council staff pursued the removal of the unauthorised block wall and sought details of the stormwater management system by serving a notice on 21 December 2012. The owner of No.9 Brush Road made representation to Council regarding the stormwater management system providing certification that all downpipes were intact and that disposal was to the rear of the site away from the slip zone.

The notice was subsequently modified to specifically relate to the low scale wall. An inspection for compliance with the terms of the order is due in September 2013.

In addition to the above, a small temporary timber retaining wall was erected within the confines of No.9 Brush Road without Council approval in December 2012. Staff did not request the removal of this structure as it was consistent with the provisions for Exempt development, was engineer certified and acted as a temporary stabiliser. Due to recent heavy rains in June 2013, a small section of this temporary timber retaining wall failed. Council was made aware of this via email from the landowner of No.11 Brush Road. As sufficient time had elapsed for the owner of No.9 Brush Road to pursue a permanent retaining wall on the property, Council staff served a notice to have the retaining wall upgraded by requiring the owner to submit a certified design for Council's approval and to have it subsequently constructed. It should be noted that this work will not resolve the issue of retaining the boundary as it is solely within the confines of No.9 Brush Road and was erected as a temporary measure until a complete geotechnical assessment could be conducted and a suitably designed boundary retaining wall approved and erected.

**ITEM 6 (continued)**

Following a request by the owner of No.11 Brush Road, a meeting was held on the 26 July with the Acting General Manager, the Group Manager Environment and Planning, and the owner of No.11 Brush Road. The purpose of the meeting was to understand the landowners concerns. The main concerns were the structural adequacy of the carport and verandah at No.9 Brush Road also lack of communication from Council staff. The complaint was referred to Council's Coordinator of Feedback and Business Improvement for an independent review. The conclusion to this review will be provided later in the report. The owner was also advised that the construction of a new retaining wall on the property boundary was unfortunately a civil matter and Council staff had limited regulatory powers in such boundary disputes. The landowner was however assured that where Council staff had regulatory power such as the removal of the low scale block wall within the carport, it would exercise its power to resolve the matter.

Following this meeting a site inspection of both properties was conducted by the Group Manager of Environment and Planning. Following the site inspection, the Group Manager was of the opinion that the issue would be best resolved as a civil matter.

**Service Complaint**

The complaint lodged by the landowner of No.11 Brush Road was investigated by Council's Coordinator of Feedback and Business Improvement. The main issues raised and the outcomes of the investigation were as follows:

Complaint 1.

That staff did not adequately address the concerns of the landowner regarding the safety of the site despite numerous requests for this information to be provided.

Response 1.

Council staff have acted in line with obligations to mediate an outcome within the regulatory powers available. Council staff conducted a site inspection, sought structural certification and served a notice for the removal and demolition of non-approved structures, however it is acknowledged that Council staff had not addressed the residents specific concerns in relation to providing the structural safety evidence the resident required.

Council staff have since forwarded the landowner of No.11 Brush Road copies of the 3 engineering reports it used as evidence for the structural adequacy of the existing structures at No.9 Brush Road.

Complaint 2.

That there had been a lack of response to the resident's correspondence and telephone calls by Council staff.

**ITEM 6 (continued)**Response 2.

A review of Council records provides evidence to support staff responding to correspondence and telephone calls. It is acknowledged that there may have been some instances where this action did not occur and it is appreciated that this may have resulted in an additional level of frustration to the resident.

Complaint 3.

That there was a general lack of communication in relation to the overall handling of the matter.

Response 3.

Whilst it has been established that the appropriate action was undertaken it is recognised that Council staff did not appear to effectively communicate these steps and actions to the resident throughout the process.

In summary, although a complex issue, staff had acted within their regulatory limitations and tried to mediate an outcome, it was felt that at times communication could have been more effective.

The feedback from the investigation has been adopted by the Service Unit involved to modify some of its procedures in order to improve its services.

**Future works**

Council staff believe the following works are required to resolve the matter:

- 1) Owners of No.9 and 11 Brush Road agree to engage a geotechnical engineer to assess both sites as well as a structural engineer to design a replacement wall and agree on works required.
- 2) Both parties seek development consent for a replacement wall. Council staff will expedite the determination of any application lodged.
- 3) Both parties agree on a building contractor to do the work and agree on the apportionment and payment of costs.
- 4) The Orders served by Council are actioned

**Financial Implications**

Adoption of the recommendation will have no financial impact.

**ITEM 6 (continued)****Options**

One option that Council staff has been reluctant to pursue is the serving of a Notice (Order 21- *Local Government Act, 1993*) to ensure that both properties are made safe. The terms of the Order could be that a geotechnical assessment of both sites be undertaken to determine the stability of both sites. If the sites are found to be unstable and at risk, a further notice could be served to ensure appropriate works are undertaken to stabilise the site. The reasons for not pursuing this action to date are as follows:

- 1) The notice would have to be served on both parties and co-operation of both parties would still be required.
- 2) Enforcement would be difficult as two separate property owners are involved.
- 3) Difficulty in enforcement if neither party has the financial resources to pay for the geotechnical assessment and any recommended stabilising works.
- 4) If neither party complies with the order, would the Council be willing to take liability and action the terms of the order by doing the works itself at its own cost?
- 5) If neither party complies with the order, would the Council be willing to pursue the matter in Court if neither part comply with the terms of the order?

Council staff believe that the matter should be resolved by mutual agreement of both property owners. The use of enforcement may only add to the cost that both parties would need to pay.

**Conclusion**

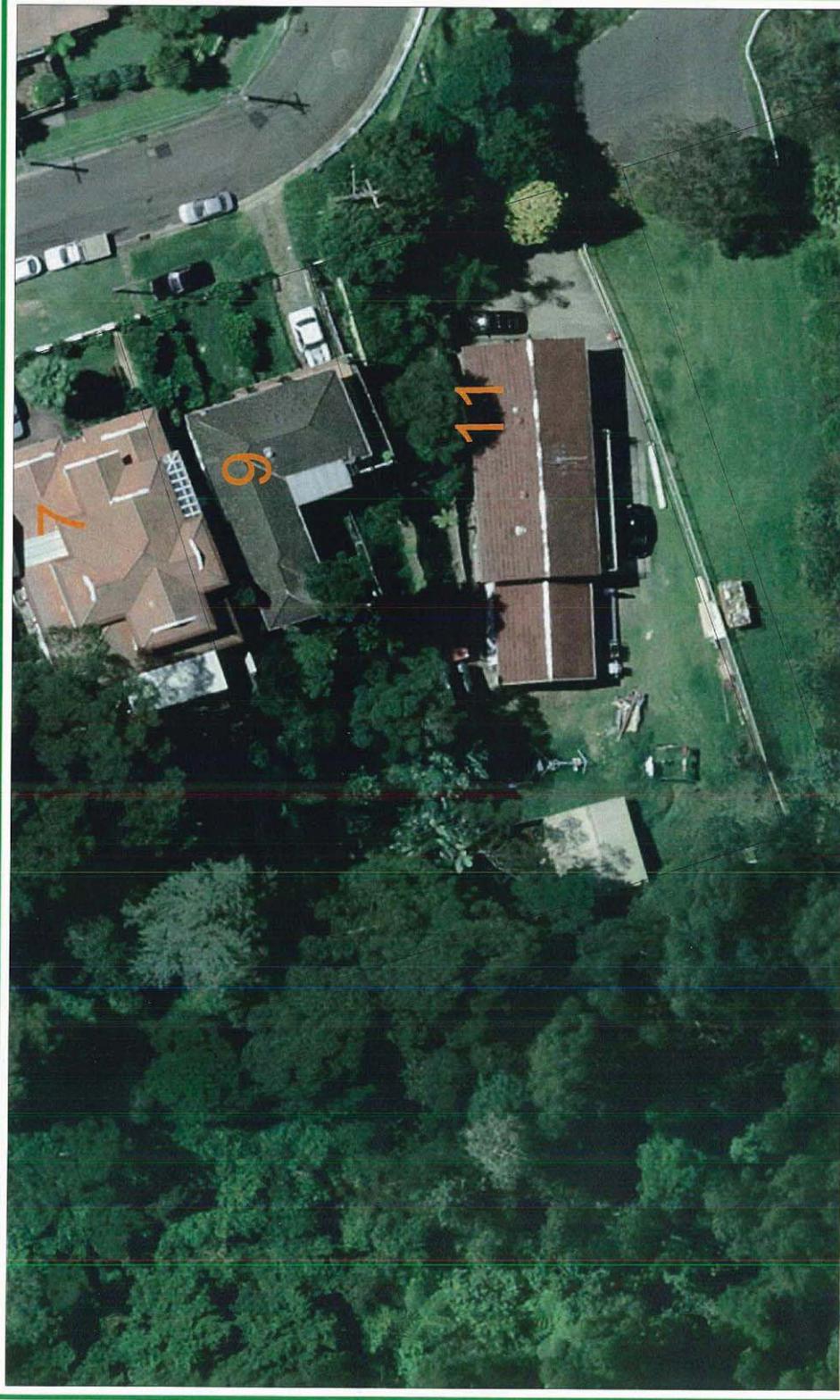
This is a complex issue, not dissimilar to a dividing fence dispute dealing with the shared responsibility of two adjoining land owners to support and protect their property. Council staff have limited power in this matter and any enforcement taken would be complicated by the fact that both parties have responsibility.

The structures at No.9 Brush Road are not deemed to be structurally inadequate based on various engineering reports provided to staff, however the issue of the boundary retaining wall does need to be addressed in the short term so as to not enable the condition of the site to deteriorate should any adverse conditions prevail such as extreme wet weather.

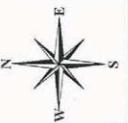
The owners should be encouraged to resolve the issue in a civil manner either through a Community Justice Centre or a Local Court. Council staff will make an offer to facilitate an initial meeting between the parties to achieve the mutual cooperation of both property owners in resolving the matter. Also Council staff will follow up notices in relation to the unauthorised low scale wall and retaining wall.

ITEM 6 (continued)

ATTACHMENT 1



File Name:	
Date:	08/08/2013
Scale:	1:400

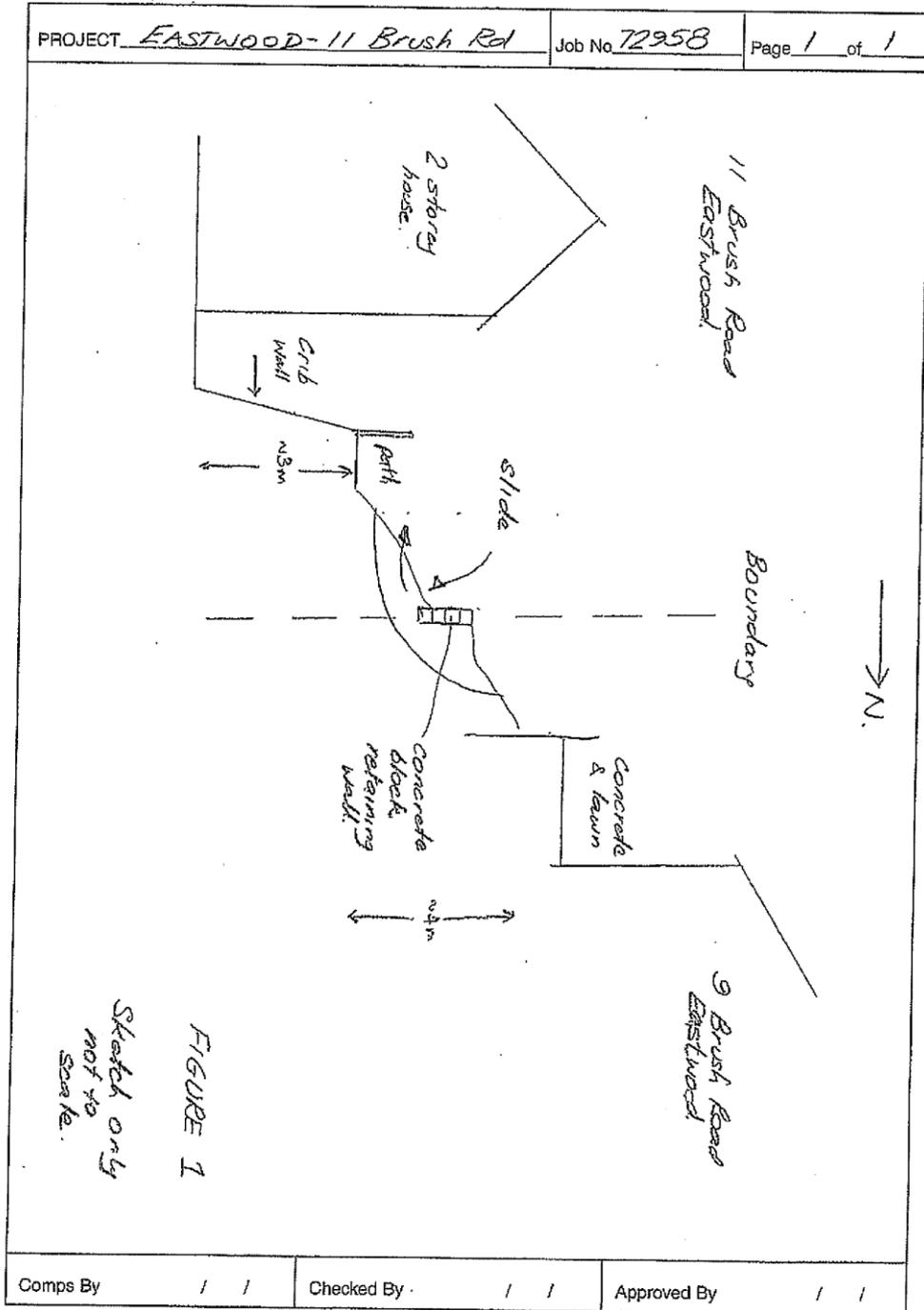


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**ITEM 6 (continued)**

**ATTACHMENT 2**



ATTACHMENT 2

ITEM 6 (continued)

ATTACHMENT 3

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254 P02 06.02.98 16:43

**A.H. BAIGENT & ASSOCIATES PTY. LTD.**  
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Ref: S98002/WOS/KAG/SOD-725

4<sup>th</sup> February 1998

9 Brush Road  
Eastwood NSW 2122

Dear Sir,

Re: 9 Brush Road, Eastwood

As requested, the writer has visited your property on several occasions following the collapse of a section of retaining wall along the boundary between No. 9 and No. 11 Brush Road on 27<sup>th</sup> December 1997.

Since the collapse some temporary shoring works have been undertaken by the owners of No. 11, Mr & Mrs . . . . ., in the form of several steel posts and steel braces. Mr & Mrs . . . . . have also arranged for reports by John E Sanders (JES), consulting structural engineer and Coffey Partners International Pty. Ltd. (CI). The immediate concern raised in these reports relates to the possible collapse of No. 9's garage and deck structure. Ryde City Council have also requested reassurance the garage and deck are structurally adequate.

To address these immediate safety concerns, Mr . . . . . has to date excavated down beside three of the four main columns which support the garage structure and exposed the footing pads. The result of this exploratory work is recorded on the attached sheets SK-01 to SK-04.

These sketches show a 45° line of influence as nominated by CI in their report dated 5/1/98. In the cases of the footings to C1, C2 and C4, the three footings exposed to date, the underside of the footing pads are all founded within the safe zone defined by a 45° line drawn up from the base of the retaining wall. We have no reason to doubt that C3, if excavated, would also reveal a similar location within the zone of safety. This view is reinforced by the JES observation that similar lengths of encasing steel tube were used during the construction of the garage support columns.

Also of note is Mr Nadolny's assurance that all footings were taken down to bear on natural hard material and that all footings were inspected by Ryde Council building inspectors prior

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Incorporated in Victoria - A.C.N. 006 982 538

**ITEM 6 (continued)**

**ATTACHMENT 3**

61298934528 NPTA JOB CNT VAC

254 P03 06.02.98 16:43

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CONSULTING ENGINEERS

to pouring concrete. The writers own observation, most easily noted in the case of C2, is that the founding material is a stiff grey clay.

From the above evidence we feel confident in concluding there is no immediate threat to the stability of the garage and deck structure due to movement of the C1 to C4 footings. We thus see no need for the placement of a gravel berm as mentioned in the CI report dated 21/1/98 or Acrow props as mentioned in the CI report dated 5/1/98. Such a berm or Acrow props would be in the way of any works to reconstruct the retaining wall.

In regard to the responsibility for reconstructing the retaining wall we consider it necessary to review the history of the site which we understand included the following events:-

- |              |  |
|--------------|--|
| 1959 -       | No. 9 House constructed  |
| 1960 -       | No.9 Garage and deck constructed   |
| 1961 -       | Excavation of driveway along the boundary by the then owner of No. 11 ( ). This was followed by a landslip as the face of the excavation collapsed.                        |
| Early 1962 - | Concrete block retaining wall constructed by Mr  |
| Mid 1965 -   | Mr constructs workshop in foundation space below garage floor slab   |
| 1972-1973 -  | Major excavation for house at No. 11 and, following concerns raised regarding stability of excavated face, construction of crib block retaining wall to retain excavation. |

The blockwork retaining wall was thus installed by the owner of No. 11 as a result of his excavation works. The responsibility for the adequacy and upkeep of this wall we believe remains with the owners of No.11.

We also question the structural adequacy of this blockwork retaining wall. It is an unreinforced wall built by simply stacking the blocks on top of one another without any bedding mortar. The cores then filled with concrete. The small concrete footing below the wall does not appear to extend beyond the faces of the wall. In our opinion the wall as constructed was inadequate when first built and we question whether it ever received Council approval.

In our opinion such a blockwork retaining wall should have been reinforced, with a reinforced concrete footing extending out on one side of the wall to form a toe. This would be normal good practice.

We summarise our conclusions and opinions as follows:-

1. We do not consider there is any imminent danger of collapse of the garage and deck of No. 9 as the footings of the supporting columns have been found to be within the safe bearing zone.

**ITEM 6 (continued)**

**ATTACHMENT 3**

61298934528 NPTA JOB CNT VAC

254 P04 06.02.98 16:44

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2. The responsibility for reconstructing the failed section of retaining wall must be determined bearing in mind the wall was originally constructed as the responsibility of No.11 and there are apparent short comings in regard to the structural adequacy of that wall.

We trust the above comments are of assistance. Please contact the writer should you require any further advice regarding this matter.

Yours faithfully

**A. H. BAIGENT & ASSOCIATES PTY. LTD.**



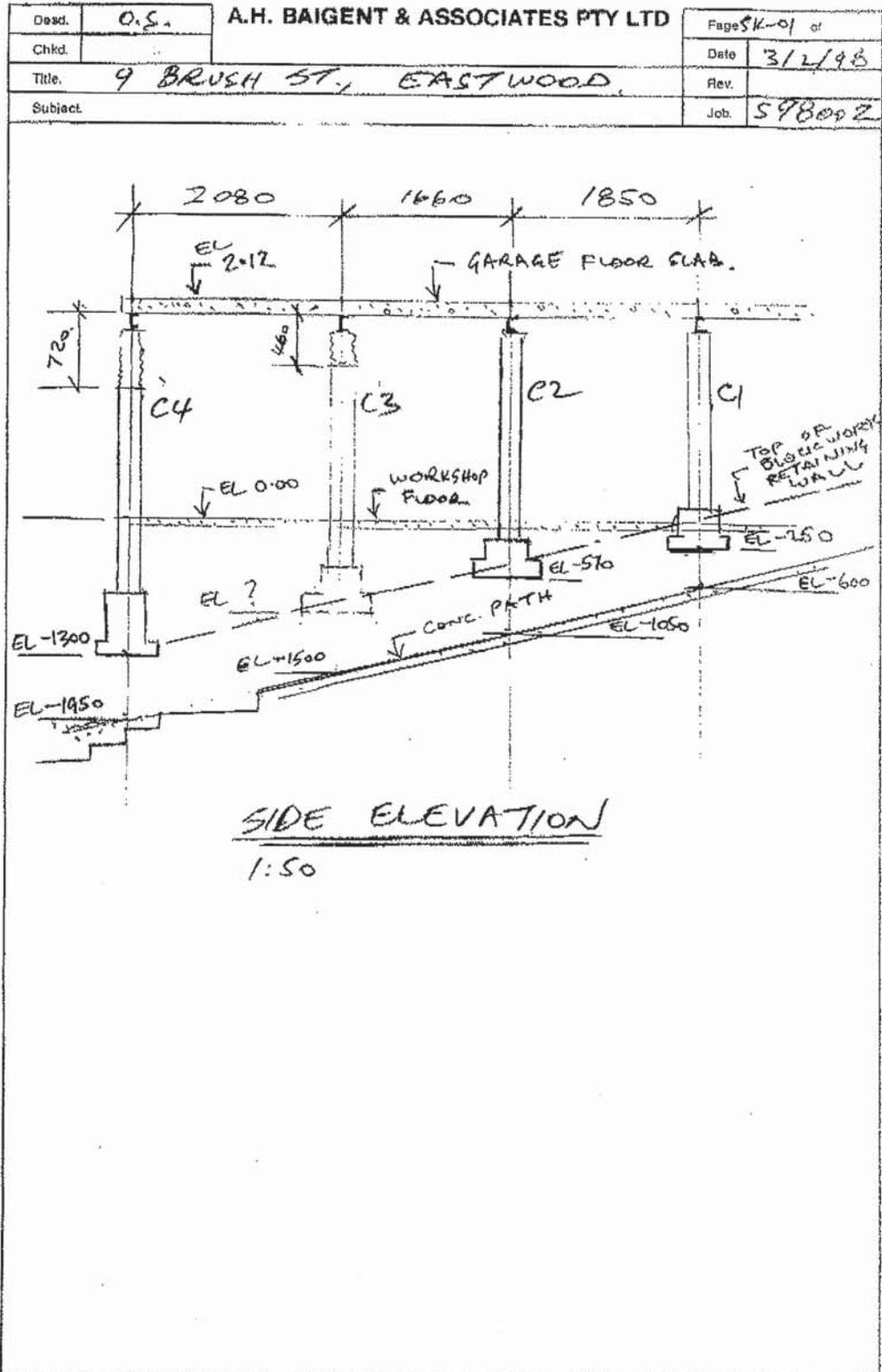
**W. O. Sherrard**

ITEM 6 (continued)

ATTACHMENT 3

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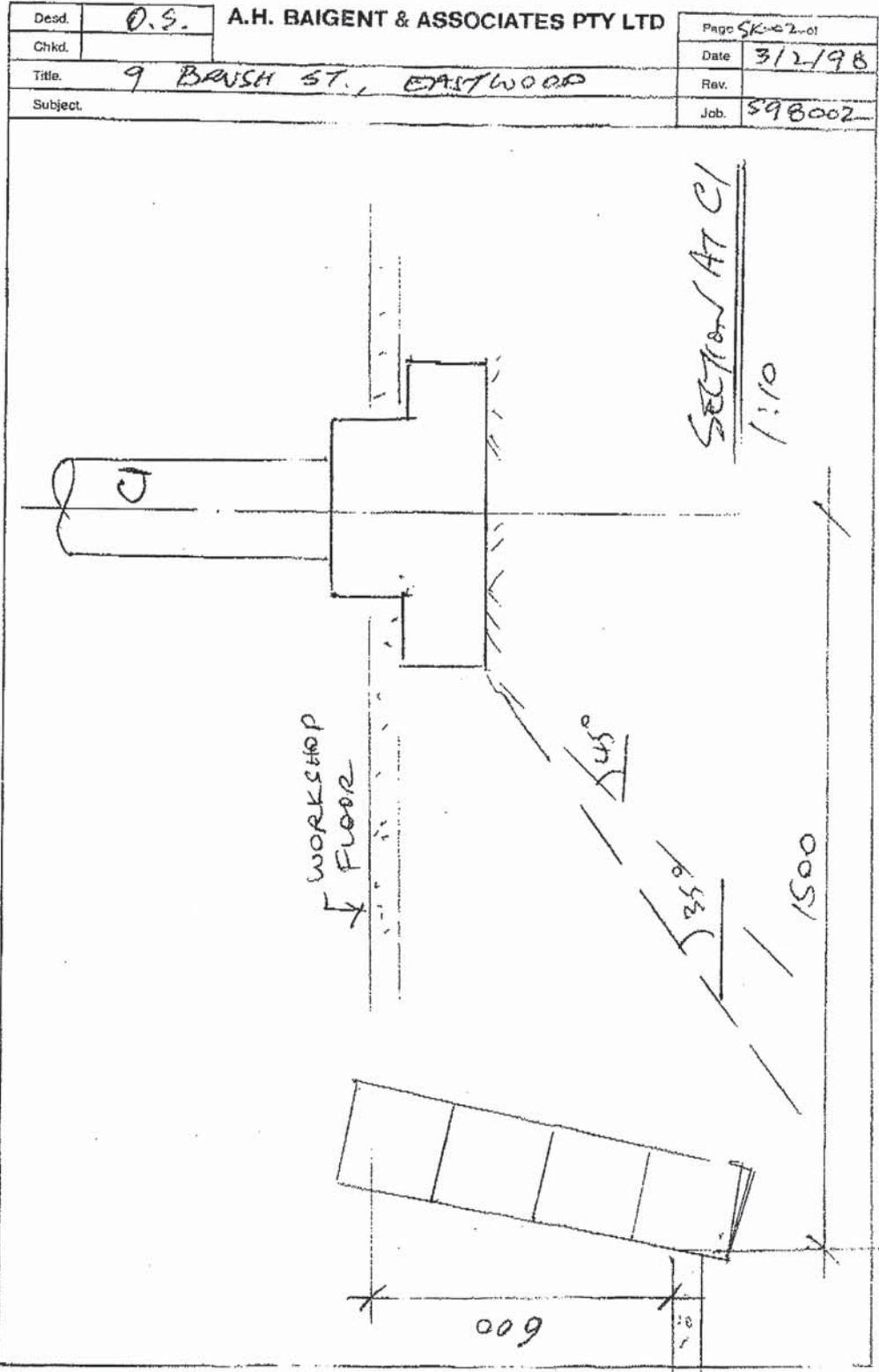


ITEM 6 (continued)

ATTACHMENT 3

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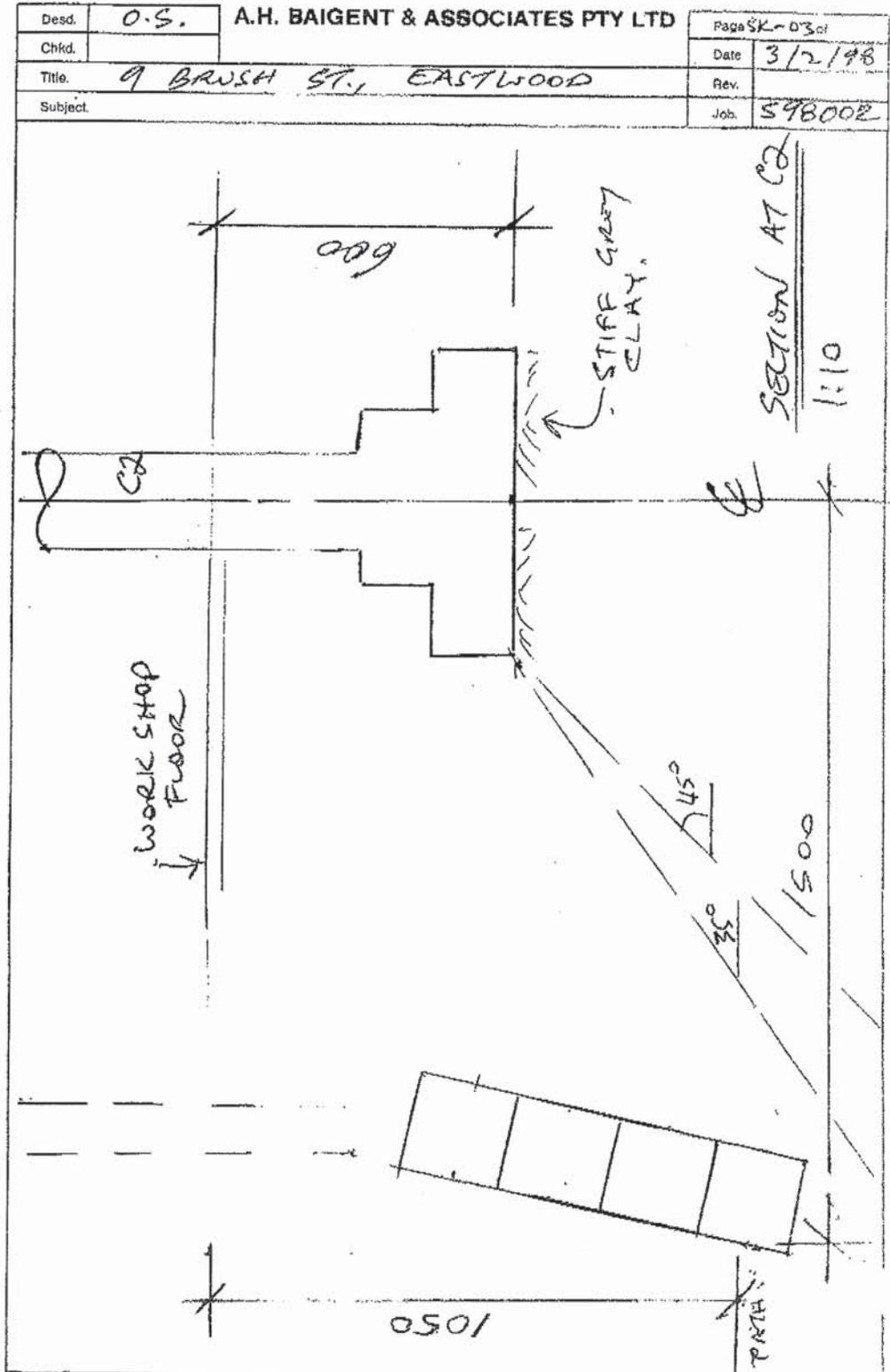


ITEM 6 (continued)

ATTACHMENT 3

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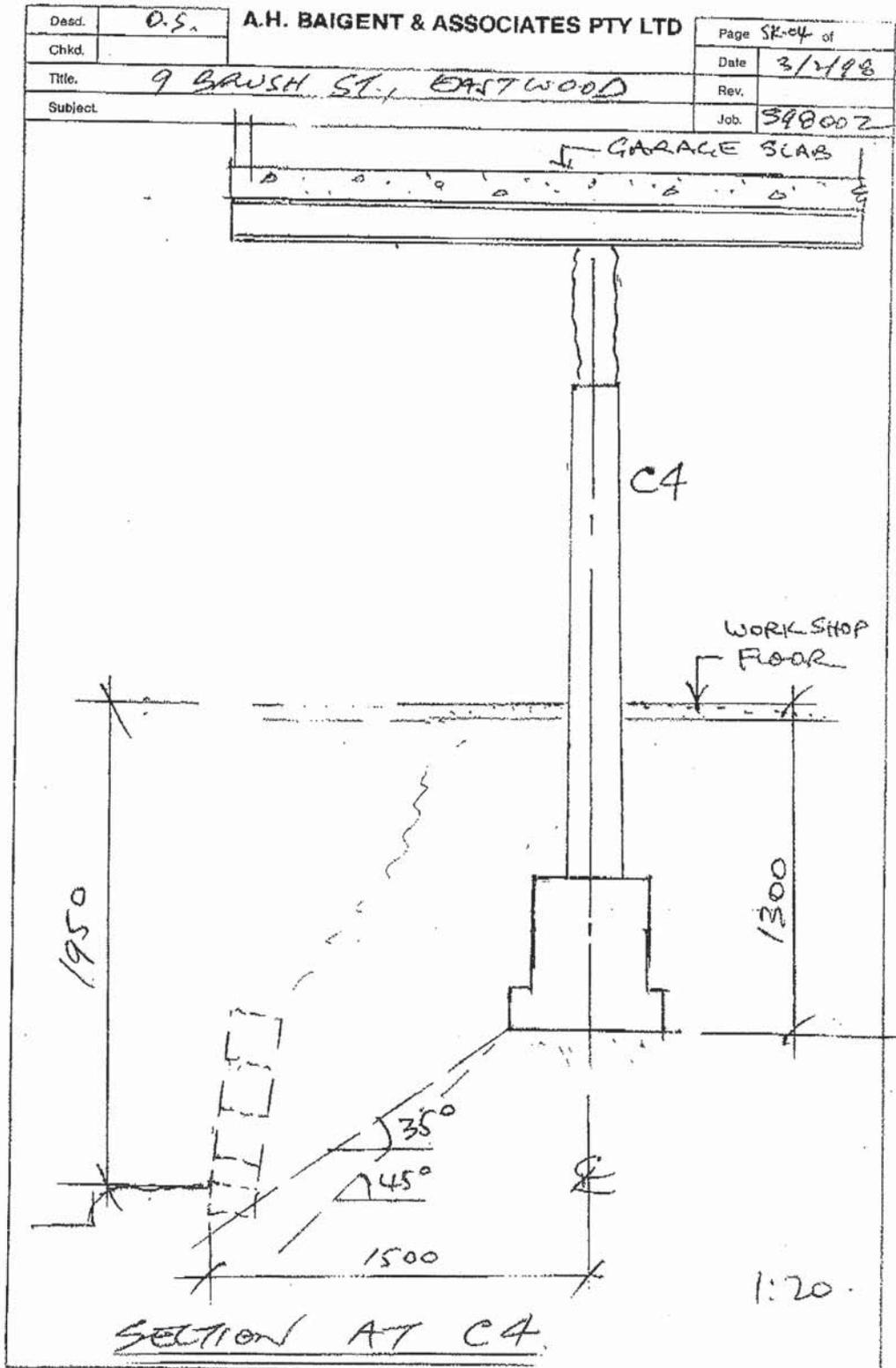


ITEM 6 (continued)

ATTACHMENT 3

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ITEM 6 (continued)

ATTACHMENT 4



28<sup>th</sup> January 2013

To Whom It May Concern:

Re: Ground Slip at No. 9 Brush Road, Eastwood.

A visual inspection was carried out at the above property on the 21<sup>st</sup> December 2012, to identify the extent of ground slips, the cause and consequent repairs.

The property slopes towards the rear, and side to side. A two storey/split level house currently exists and fronts Brush Road.

The property on the southern boundary (left side) is approximately 3m below. A slip has occurred on this southern boundary where after heavy rains a significant amount of loose material has moved and deposited on the adjoining property.

An inspection of the downpipes has revealed that they are intact and stormwater is directed to the rear of the property. Evidence has revealed the damage was due to excess surface runoff from the upstream properties and across the subject property.

Council records have classified the site as fill area. This was evident during the clean-up where a vertical ground section was exposed. It should also be noted that the soil was dry and no signs of groundwater.

Initial repairs conducted were to remove all the excess overburden material and clean the affected area. A temporary timber retaining wall was installed to hold back any other loose material. The stormwater line on the adjoining property (southern boundary) was found to be broken and will require attention.

**Current Status**

The subject property will be undergoing major development in the near future, with concept drawings currently being drawn up for a new residence. A detailed geotechnical investigation will be required to determine the ground conditions and

ITEM 6 (continued)

ATTACHMENT 4

type of construction. The owners will be requesting from Council any information on the site stability.

The newly constructed timber retaining wall is a short term solution to allow access for further geotechnical investigation and retain any loose material.

The concrete paving on the upstream end is currently stable and no evidence of movement was found.

**Conclusion**

The subject property is in a slip area.

In our opinion, the recent ground slip was predominantly due to significant amount of surface run-off during heavy rain.

The timber retaining wall was constructed as a short term solution to allow access for further geotechnical investigation and retain any other loose material.

The proposed new residence will require a more detailed geotechnical investigation to determine the type of construction and future permanent retaining walls.

The affected side boundary will require retaining in the future and should be addressed at the design stage of the new development.

For any further information please do not hesitate to contact the undersigned.

Yours faithfully

  
G. Georgiou  
Civil/Structural Engineer  
BE, MIE, AUST. CPENG.

ITEM 6 (continued)

ATTACHMENT 5



Douglas Partners Pty Ltd  
ABN 75 053 980 117  
www.douglaspartners.com.au  
96 Hermitage Road  
West Ryde NSW 2114  
PO Box 472  
West Ryde NSW 1685  
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Inspection Summary Report

<b>Client</b>		<b>Project No.</b>	72958
<b>Project</b>	Landslide	<b>Date</b>	18 April 2012
<b>Address</b>	11 Brush Road, Eastwood		

**Introduction:** As requested by \_\_\_\_\_ a senior geotechnical engineer visited the property at 11 Brush Road, Eastwood to provide advice on a landslide which had occurred. The visit was made on 18 April 2012 at 7pm (in the dark) and again on 19 April 2012 during the day.

The scope of works is limited to providing advice on the short term stability as there is a fear of further movement.

**Description of Site:** The property is located on the western side of Brush Road on a site which has been excavated into a slope rising to the north-east. The Brush Road level and the house on the property to the north are about 8 m and 7 m respectively above the ground level of the two storey house at 11 Brush Road, Eastwood.

Between the house on 11 Brush Road and the property to the north, there is a concrete crib wall about 3 m high founded on ground level, a narrow concrete footpath on top of the crib wall and a landscaped slope about 4 m high. It is understood that there was a concrete block retaining wall about 1 m high located approximately mid-slope on the landscaped slope. This concrete block retaining wall also represented the location of the site boundary. It is understood that the retaining wall did not have proper foundations and was not designed by an engineer.

A sketch of the section is shown on the attached Figure 1.

**Site Observations:** On arrival at site on the evening of 18 April, 2012, a "classical" slip circle failure had occurred in the landscaped slope. Soil debris had slumped down the slope and the remains of the concrete block wall were lying on top of the debris. There was a scar at the back of the slumped soil some 1 m to 1.5 m high. The slide was about 5 m wide and appeared to have stopped.

From the bottom of the slide, the neighbouring house to the north and the surrounding site improvements, except for the failed boundary retaining wall, did not appear to be been adversely affected by the slide.

No rock was exposed in the slide area nor was rock obvious in the immediate vicinity.

The slide had occurred sometime during the day on 18 April 2012 after about 2 days of heavy rain.

**Comments:** Immediate advice was to cover the slope with tarpaulins to minimise further water getting into the failed section of the slope as rain was continuing to fall. The slope was covered during the night.



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**ITEM 6 (continued)**

**ATTACHMENT 5**



Page 2 of 2

The cause of the failure is assumed to be a steep soil slope which had become wet. The source of the water that softened the soil is unclear but it may have come from the house above the slope or from blocked drains. The loading due to the backfilled retaining wall would have contributed to the failure.

For the short term stability of the slope, it is suggested that the disturbed material, i.e. the debris and slumped soil, from the slide is removed and replaced with a free-draining, large granular material such as gravel size pieces of rock or recycled concrete. A geofabric should be laid over the soil before the gravel is placed. The gravel must replace the entire failed area and cover the sides and back scar of the slide.

Drainage is very important. A surface drain should be constructed at the toe of the slope to take the water away from the area. Water collected in the gravel must be able to freely flow out of the gravel into the toe drain. This may involve excavating a small drain from the gravel to the toe drain. In addition, drainage should be provided at the top of the slope to minimise surface water flowing onto the slope.

It is imperative that the work is carried out as soon as practical otherwise the affected zone could enlarge due to continuous slumping of the side and back scars which are currently very steep and wet.

Although the structures on the adjacent property do not visually appear to be affected, it would be prudent that the adjacent property owner consult an engineer to check the foundations of his house and any structure that are in the vicinity of the failed section of slope. It would also be helpful for the stormwater drainage upslope to be checked so that it is working effectively.

For long term stability, the slope would have to be properly investigated and analysed which is outside the current scope of works. It would involve drilling some bores to determine the subsurface profile, stability assessment using slip circle analyses and advice on appropriate forms of stabilisation which could include such methods as retaining walls, piles, soil nailing or other systems.

Whichever method is adopted, it would have to be properly designed and constructed. For example, a retaining wall must be designed by an engineer taking into account all the forces and the footing founded below the slip plane in a suitable stratum. In addition to being designed by an engineer, the wall must be constructed using good engineering practice to the design requirements.

The above comments relate to the technical aspects of the slope which we understand straddles the boundary. Advice is provided on how to temporarily stabilise the slope. It does not address the responsibilities of either property owner which is outside our area of expertise.

Please do not hesitate to contact if you need further assistance.

**Douglas Partners Pty Ltd**

Reviewed by

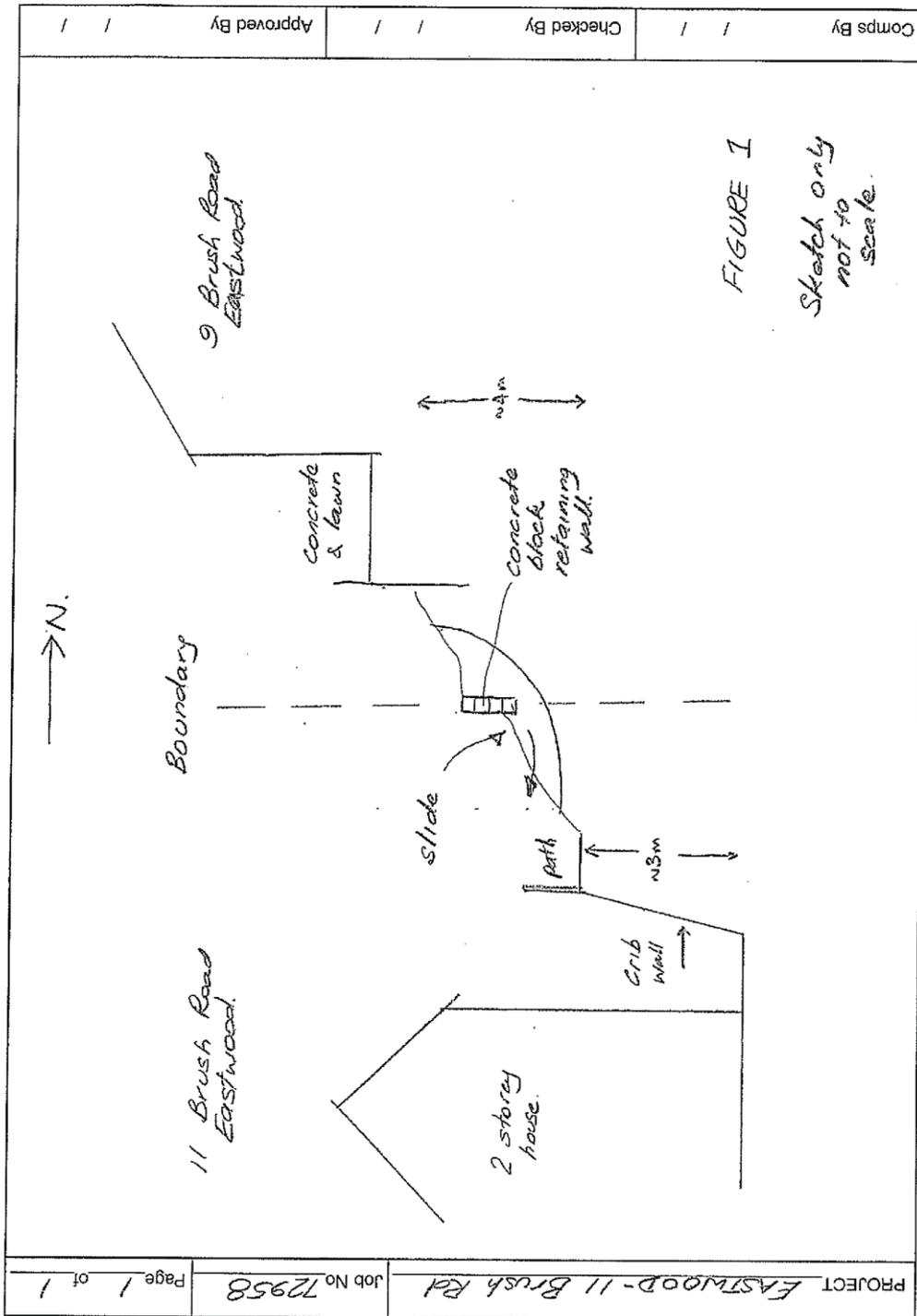
**Geoff Young**  
Principal

**Michael J Thom**  
Principal

Attachments: Sketch, Photos, Notes About the inspection

**ITEM 6 (continued)**

**ATTACHMENT 5**



**ITEM 6 (continued)**

**ATTACHMENT 5**



Photo 1 – Covered area of slide



Photo 2 – Edge of slide, displaced piece of retaining wall visible

	<b>Site Photographs</b>	PROJECT: 72958
	<b>11 Brush Road, Eastwood</b>	PLATE No: 1
		REV: A
	CLIENT: Mrs Annalisa Esposito	DATE: 19/4/2012

**ITEM 6 (continued)**

**ATTACHMENT 5**

*About this Inspection Report*



**Introduction**

These notes are provided to amplify DP's inspection report in regard to the limitations of carrying out inspection work. Not all notes are necessarily relevant to this report.

**Standards**

This inspection report has been prepared by qualified personnel to current engineering standards of interpretation and analysis.

**Copyright and Limits of Use**

This inspection report is the property of DP and is provided for the exclusive use of the client for the specific project and purpose as described in the report. It should not be used by a third party for any purpose other than to confirm that the construction works addressed in the report have been inspected as described. Use of the inspection report is limited in accordance with the Conditions of Engagement for the commission.

DP does not undertake to guarantee the works of the contractors or relieve them of their responsibility to produce a completed product conforming to the design.

**Reports**

This inspection report may include advice or opinion that is based on engineering and/or geological interpretation, information provided by the client or the client's agent, and information gained from:

- an investigation report for the project (if available to DP);
- inspection of the work, exposed ground conditions, excavation spoil and performance of excavating equipment while DP was on site;
- investigation and testing that was carried out during the site inspection;
- anecdotal information provided by authoritative site personnel; and

- DP's experience and knowledge of local geology.

Such information may be limited by the frequency of any inspection or testing that was able to be practically carried out, including possible site or cost constraints imposed by the client/contractor(s). For these reasons, the reliability of this inspection report is limited by the scope of information on which it relies.

Every care is taken with the inspection report as it relates to interpretation of subsurface conditions and any recommendations or suggestions for construction or design. However, DP cannot anticipate or assume responsibility for:

- unexpected variations in subsurface conditions that are not evident from the inspection; and
- the actions of contractors responding to commercial pressures.

Should these issues occur, then additional advice should be sought from DP and, if required, amendments made.

This inspection report must be read in conjunction with any attached information. This inspection report should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions from review by others of this inspection report or test data, which are not otherwise supported by an expressed statement, interpretation, outcome or conclusion stated in this inspection report.

September 2011

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**7 JUNE 2013 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2012-2016  
AND 2012/2013 OPERATIONAL PLAN**

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**Report prepared by:** Chief Financial Officer  
**File No.:** FIM/07/6/2/2/6 - BP13/1205

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**REPORT SUMMARY**

Council's Four Year Delivery Plan 2012-2016 and One Year Operational Plan 2012/2013 set out the strategic and financial objectives for the year. They also detail the goals and various performance measures for Council's seven key outcome areas, the services and projects that Council plans to deliver in 2012/2013.

The Quarterly Report includes details for each of the seven Outcome areas and the 21 Program areas, detailing the targets adopted by Council and the performance to date in achieving those targets to 30 June 2013. Also shown is a financial performance summary for each key outcome area and a status report on all Capital and Non-Capital Projects by Program Area that are to be undertaken in 2012/2013 with information on how each Project is progressing.

As a result of the June Quarterly Review, Council will achieve a net improvement in the 2012/2013 Working Capital of \$0.36 million. This result is due to a change in funding source for one project. This review brings to account additional Section 94 contributions received, additional grant funding from state government. It also includes adjustments to the carryover estimates that were previously approved by Council on 25 June 2013.

The actions of Council's leadership team in applying tight controls of Council's operating costs, especially since February 2013, have resulted in net savings of employee costs of \$1.88 million and \$1.95 million in materials and contracts in the base budget. This along with the other adjustments detailed in this report, forecast a strong end of financial year position for Council.

The majority of corporate indicators are on track or have exceeded target, with an improvement being shown in relation to completion of project milestones. Any projects that are proposed to be deferred or cancelled are listed in this report for Council's consideration.

**RECOMMENDATION:**

- (a) That the report of the Chief Financial Officer, dated 14 August 2013 on June 2013 QUARTERLY REVIEW REPORT - 2012/2016 DELIVERY PLAN AND 2012/2013 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.36 million in Council's Working Capital, to a projected balance as at 30 June 2013 of \$3.79 million, be endorsed and included in the 2012/2013 Budget.

**ITEM 7 (continued)**

- (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 \$4.22 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 14 August 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.

**ATTACHMENTS**

- 1 Responsible Accounting Officer's Certificate 30 June 2013
- 2 Quarterly Review Report on Four Year Delivery Plan 2012-2016 and One Year Operational Plan 2012-2013 - Quarter 4 - April to June 2013 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**John Todd**  
**Chief Financial Officer**

Report Approved By:

**Roy Newsome**  
**Group Manager - Corporate Services**

## ITEM 7 (continued)

### Discussion

#### Background

As required under section 407 of the Local Government Act, 1993 the quarterly review of the One Year Operational Plan 2012/2013 as at 31 June 2013 is presented to Council.

This Quarterly Review reports on the performance of Council in undertaking its Principal Activities in terms of its stated objectives and financial position. The following sections are included in the document, *Quarterly Review Report Four Year Delivery Plan 2012/2016 and One Year Operational Plan 2012/2013, Quarter Four April – June 2013* that has been **CIRCULATED UNDER SEPARATE COVER – ATTACHMENT 2;**

- General Manager's Overview, Financial Management and Corporate Performance Overview - provides a 'snapshot' of Council's performance in the quarter relative to several high profile activities.
- Outcome Area Reports – including overview, operational indicators, financial outcome and graphical representation of performance measures.
- Capital and Non Capital Projects Quarterly Status Report – provides comments regarding the status of all of Council's Capital and Non Capital Expenditure projects.
- Base Budget Quarterly Status Report.
- Reserves Listing Report – outlines the opening balance, approved budgeted transfers to/from reserves and proposed additional transfers to/from reserves, with a projected balance as at 30 June 2013. **Appendix A**
- Quarterly Changes Report – provides comments and details of those budget items that are proposed to be increased or decreased in the 2012/2013 budget. **Appendix B**
- Consolidated Income and Expenditure Estimates 2012/2013 - summary of the budget in two pages, showing original budget and quarterly changes. **Appendix C**

#### Report

The June 2013 Quarterly Review has been completed and is submitted to Council for endorsement.

The key points to note that are included in this Review are:

- \$2.13 million grant for MQ Park TfNSW ECRL Station Access Works project, this project will carryover to 2013/2014.
- \$1.63 million in Sec 94 contributions received, which will be transferred to the Sec 94 reserve for future works
- \$1.54 million in prepayment of the Financial Assistance Grant in June for the 2013/2014 funding
- \$1.22 million reduction in grant income for Ryde Parramatta River Walk (POT p.43/57) project. Project is carried over to 2013/2014.

**ITEM 7 (continued)**

The key points to note that are included in this Review, whilst no budget adjustment may have been made are:

- \$1.95 million in savings in materials and contracts within the Base Budget (no budget adjustment has been made for this)
- \$1.88 million in savings in employee costs
- \$0.52 million in additional fees and charges
- \$0.21 million in additional investment interest

The above adjustments will be incorporated in Council's end of year result which is due to be reported to Council on 24 September 2013.

Working Capital Summary

In the adopted 4 Year Delivery Plan and One Year Operational Plan 2012/2013 Council's forecasted its available Working Capital position to be \$4.05 million with a reduction of \$1.655 million of Working Capital utilised in balancing the 2012/2013 Delivery Plan. This resulted in a projected Working Capital of \$2.4 million as at 30 June 2013.

This was adjusted further following the completion of the Financial Statements for 2011/2012 with an additional \$1.3 million resulting in a revised Working Capital projection as at 30 June 2013 of \$3.71 million.

Following the Quarterly Reviews throughout the 2012/2013 year, Working Capital has been further adjusted with the March Quarterly Review result projected a Working Capital balance \$3.43 million.

In the June Quarterly Review, the proposed budget adjustments will result in an increase of \$0.36 million to Council's Working Capital as at 30 June to a projected total of \$3.79 million.

<b>Opening Working Capital</b>	<b>4,052</b>
End of Year Changes	1,308
<b>Opening Working Capital</b>	<b>5,360</b>
Delivery Plan	(1,655)
<b>Revised Working Capital</b>	<b>3,710</b>
September Adjustments	(338)
December Adjustments	67
March Adjustments	(4)
Carryover Adjustments	0
June Adjustments	360
<b>Closing Working Capital</b>	<b>3,790</b>

Overview of June Review

Council's projected available Working Capital of \$3.79 million is a result of the June Quarterly Review. The following are the major changes to be made, with a complete listing provided in the circulated document, and more detailed explanations in each Outcome area of that document.

**ITEM 7 (continued)**Operating Budget

- The budget is projected to increase operating income by \$3.89 million (3.64%) with the main areas being as follows:
  - \$2.13 million increase in a grant for MQ Park TfNSW ECRL Station Access Works project and will be transferred to reserve.
  - \$1.63 million increase in Sec 94 contributions received, which will be transferred to the Sec 94 reserves for future works
  - \$1.54 million increase in prepayment of the Financial Assistance Grant in June of the 2013/2014 funding, this is to be transferred to a reserve.
  - \$1.22 million reduction in grant income for Ryde Parramatta River Walk (POT p.43/57) project. Project is carried over to 2013/2014.
  - \$0.06 million reduction in grant for Shrimptons Ck - Bioretention Basin project
  - \$0.05 million reduction in grant for Stormwater Improvement Works - Renewal
- The budget is projected to decrease operating expenses over budget by \$0.34 million (0.41%) with the main areas being as follows:
  - \$0.34 million decrease in carryover adjustments for non-capital projects, approved previously by Council on 25 June 2013

In total, a projected increase in Operating Surplus of \$4.23 million, most of which is being utilised for Capital or transferred to reserves.

Capital Budget

- The capital budget is projected to decrease its capital expenses over budget by \$0.35 million (1.33%), with the main areas being as follows:
  - \$0.61 million saving for Civic Centre Refurbishment project. Funding will be carried forward to 2013/2014.
  - \$0.15 million saving for Macquarie Park Parking Scheme Upgrade. Funding will be carried forward to 2013/2014.
  - \$0.41million increase in carryover adjustments for projects approved by Council on 25 June 2013.

Reserve Movements

- It is projected to decrease its transfers from reserves over budget by \$1.44 million (3.29%) the main areas being as follows:
  - \$0.61 million transfer back to the Civic Precinct Redevelopment Reserve for Civic Centre Refurbishment project
  - \$0.15 million transfer back to the Macquarie Park Corridor Special Rate Reserve for Macquarie Park Parking Scheme Upgrade project.
  - \$0.68 million decrease in funds carried over to 2013/2014 for various projects approved by Council on 25 June 2013.

**ITEM 7 (continued)**

- It is projected to increase its transfers to reserves over budget by \$2.78 million (6.16%), the main areas being as follows:
  - \$1.74 million grant received for project MQ Park TfNSW ECRL Station Access Works, transferred to reserve
  - \$1.63 million increase for Section 94 contributions received, transferred to reserve
  - \$1.54 million increase in prepayment of the Financial Assistance Grant in June for 2013/2014 funding, transferred to reserve
  - \$1.33 million reduction in reserve for Ryde Parramatta River Walk (POT p.43/57) project
  - \$0.59 million reserve adjustment for Sportsground Amenities Upgrades Expansion
  - \$0.20 million reduction in reserve for Road Resurfacing Renewal project as a carryover adjustment

Projects recommended to be cancelled, deferred, put on hold or to carryover

The following projects are listed in the June Quarterly Review and are recommended to be carried over from the 2012/2013 budget and to carry forward the expenditure, associated income and reserve funding into the 2013/2014 financial year, with budget adjustments included.

- Performance Review Process
- Internal Communication (Incl Intranet)
- Internal Audit Quality Assessment
- Ryde Planning and Business Centre
- Review and Update HR Policies
- High Speed Scanner/OCR matching software
- Macquarie Park Parking Scheme Upgrade
- Consultant for Nth Ryde Station Precinct
- Rowe Street, Eastwood - Traffic Calming
- Civic Centre Refurbishment
- Delineation of Natural Area
- Park & Open Space Tree Planting Program
- Integrated OpenSpace Plan Implementation
- Perception Survey
- Transactional Surveys and Mystery Shopper

**Progress against indicators**

Our performance indicators help to provide a snap shot of the organisation's health. Corporate indicators focus on major areas across the whole organisation and program indicators track how we are delivering on specific elements within each of the 21 programs outlined in our 2012-2016 Delivery Plan including One year Operational Plan 2012-2013.

**ITEM 7 (continued)**Corporate Indicators

As identified in pages 38-39, the majority of corporate indicators are on track.

Of particular note the following areas demonstrate improvements in Council's performance against previous trends or targets:

- Our  $\rho\epsilon\sigma\pi\omicron\nu\sigma\tau\omega\epsilon\nu\epsilon\sigma\sigma$  to inward correspondence has continued to improve this quarter, with a further 2% increase to 87% which is within a 5% tolerance of our target of 90%. This puts this indicator on track for the second quarter in a row since quarter two 2011/12.
- In Q4 there has seen a continuation in the sound handling of complaints, with 100% of tier 1 and 2 complaints responded to within the agreed number of working days. Pleasingly in Q4 the number of compliments was double that the number of complaints.
- Our strong financial management focus is reflected in the results achieved over the past year in our Base budget. This quarter's result again shows Council's Base budget's position improving with the indicator consistently being on track for the past eight quarters.
- Improvement in our Gender Equity Initiatives lifting our women in managerial positions from 35% to 37% over the year, noting this excludes those staff holding acting positions.

The corporate indicators which have not met target this quarter and where we will look for an improvement on next quarter are:

- We have slipped to 84% in our measure of responding to our customer requests. There can be no major cause attributed to the fall in this indicator but we will closely monitor this closely in Q1 of 2013/14 an endeavour to return to our target of 90% or higher.
- 77% of project milestones completed on time within the quarter against our target of 90%, this is a significant increase and the highest score of the year. Please note this result includes all new projects that were approved by Council during 2012/2013.
- Lost Time Injury days have again increased this quarter and we will continue to work with staff to ensure employee safety is given the highest priority and staff return to the workplace as soon as practicable.

Program Indicators

Whilst you will read throughout the report detail on how each of our programs are tracking, particular attention is made of the following areas of Council where performance has improved against previous trends or targets:

- The RALC recorded 142,711 visitors this quarter and a total of 716,482 for the year which is a 6.1% increase from the previous year and has exceeded the annual target of 680,000.
- The Library visits also continue to see improvements from last year with 252,296 visits in this quarter and a total of 946,157 which is a 4% increase from last year and well in excess of the annual target of 850,000.

**ITEM 7 (continued)**

- The Top Ryder Bus service continues to show increase patronage with 7,954 more passengers than last year and an increase of 13.6%. The total number of passengers for the year was 65,297.
- Council's investments still continue to exceed the investment benchmark, despite Australia being in a declining interest rate environment

Staff turnover

Turnover for Quarter 4 2012/2013 was 2.13%. This represents a decrease from last quarter where turnover was at 2.84%.

On a 12 month rolling basis overall turnover is 9.67%, which is an increase of 1.27% from Quarter 3, (9.36% 2011/2012; 11.10% 2010/2011). This is a slight increase in turnover from the 2011/12 financial year; however turnover has remained steady over the past two financial years, when compared to 2010/2011.

Consultation

Internal Council business units consulted included:

- All Service Units in relation to budget changes.
- Executive Team.

Critical Dates

The following deadlines are required to be met:

- In accordance with Section 407 of the Local Government Act 1993, the General Manager must report to the Council within 2 months after the end of each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Chief Financial Officer as Council's Responsible Accounting Officer, in accordance with the Part 2 Clause 7 of the Local Government (Financial Management) Regulation 1999 is required to certify whether the Council's financial position is satisfactory having regard to the original estimates of income and expenditure.

**Financial Implications**

Council's available Working Capital is projected to increase by \$0.36 million to approximately \$3.79 million as at 30 June 2013.

Council's Operating Result before depreciation is projected to increase by \$4.23 million to \$29.63 million.

Council's Capital Works Program is projected to decrease by \$0.35 million as a result of carryover adjustments.

Council's financial statements for the 2012/2013 year are well progressed and it is anticipated that the report to Council, referring our statements to audit will be presented to Council on 24 September 2013.

**ITEM 7 (continued)**

**ATTACHMENT 1**

**Certificate**

In accordance with the Local Government (Financial Management) Regulation 1999, Part 2, Clause 7, I report that the financial position of the Council was satisfactory as at 30 June 2013, having regard to the original estimates of income and expenditure. Variations in total income, operating and capital expenditure as at 30 June 2013 are of a quantum and nature that overall end of year financial targets will be achieved.



John Todd  
Chief Financial Officer  
Responsible Accounting Officer

14 August 2013

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**8 INVESTMENT REPORT - July 2013**

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**Report prepared by:** Chief Financial Officer**File No.:** GRP/09/3/10 - BP13/1182

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**REPORT SUMMARY**

This report details Council's performance of its investment portfolio for the month of July 2013 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, an update on Council's legal action against various parties and a commentary on significant events in global financial markets.

Council's financial year to date return is 4.43%, which is 1.35% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$327K, \$56K above original budget projections.

A separate report has been placed on this agenda in reviewing Council's Investment Policy and Guidelines.

**RECOMMENDATION:**

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

**ATTACHMENTS**

1 P01 Investment Report July 2013 Attachment

Report Prepared By:

**John Todd**  
**Chief Financial Officer**

Report Approved By:

**Roy Newsome**  
**Group Manager - Corporate Services**

**ITEM 8 (continued)**

**Discussion**

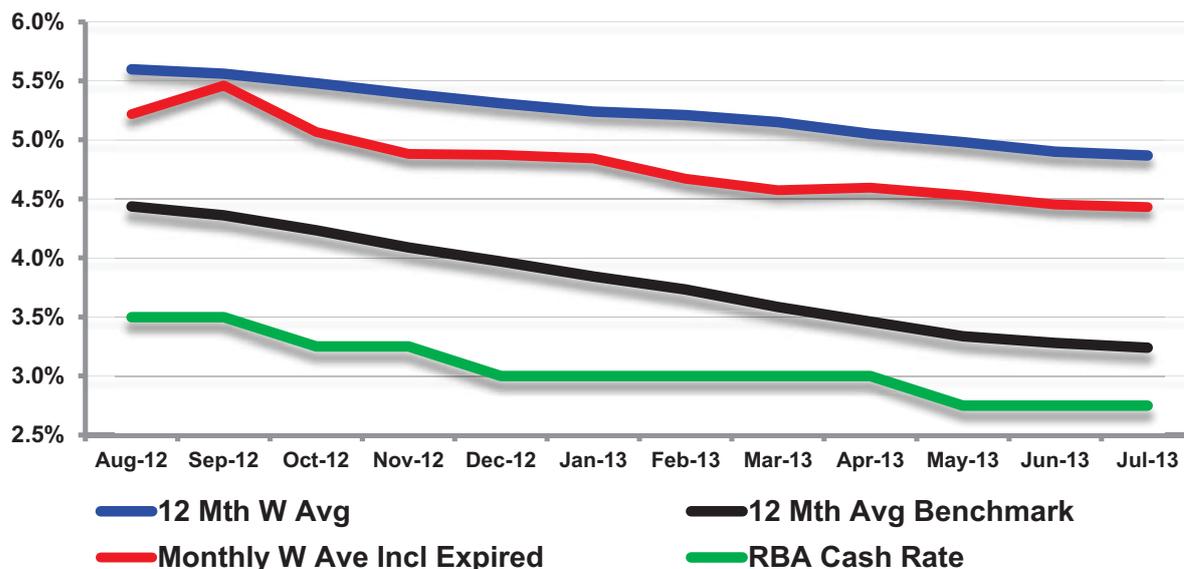
Council's Responsible Accounting Officer, is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the Local Government Act.

**Investment Performance Commentary**

Council's performance against the benchmark for returns of its investment portfolio for June 2013 and the past 12 months are as follows:

	July 2013	FYTD	12 Mth
<b>Council Return</b>	<b>4.43</b>	<b>4.43</b>	<b>4.87</b>
<b>Benchmark</b>	<b>3.08</b>	<b>3.08</b>	<b>3.24</b>
<b>Variance</b>	<b>1.35</b>	<b>1.35</b>	<b>1.63</b>

**Performance - All Investments**



Council's investment portfolio as at the end of July was as follows:

Cash/Term Deposits	\$66.4M	64.3%
Floating Rate Notes	\$19.9M	19.2%
Fixed Rate Bonds	\$2.0M	1.9%
<b>Total Cash Investments</b>	<b>\$88.3M</b>	
Property	\$15.1M	14.6%
<b>Total Investment Portfolio</b>	<b>\$103.4M</b>	

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

**ITEM 8 (continued)**

Whilst Council has moved some of its investment portfolio out to longer terms, locking in some of the returns, the majority of Council's funds are held in internal reserves. Should Council consider utilising its internal reserves, this will have a direct impact on the amount of investment income that will be realised and will require a reduction in the future projected investment income and will place pressure on Council to be able to maintain its current level of expenditure on Capital or Maintenance.

As detailed in Council's Investment Report for June, a review of Council's Investment Policy and Guidelines has been undertaken, following a review by Council's Investment advisor Oakvale Treasury. This is a separate report on this agenda.

In respect of Council's independent investment advisor, Council has been advised that its investment advisor, Oakvale Treasury, has gone into receivership at the end of July. Staff are currently seeking a new advisor on an interim basis, whilst a request for quotation is being prepared, which will be reported to Council when completed.

**Financial Security Reserve (FSR)**

The Financial Security Reserve has a balance of \$3.44M as at 31 July 2013 as shown below:

<b>Financial Security Reserve</b>	<b>(\$'000)</b>
Balance 1 July 2012	2,064
Interest on Written Down CDO's	20
Proceeds from Sales & Maturities of Written Down CDO's	1,353
<b>Balance of Financial Security Reserve</b>	<b>3,437</b>

A detailed transaction listing is included in the attachment to this report.

Council has resolved to transfer all proceeds and interest earned on written down investments to this reserve.

**Economic Commentary**

The RBA cut the official cash rate to 2.50% in August, as the Australian economy transitions from being mining driven. The RBA noted the overall slowness in the global economy, and are continuing to monitor both the local and global economy. The outlook for the local economy remains uncertain. The unemployment rate remained at 5.7%, despite the economy dropping 10,000 jobs in Quarter 2, and business confidence data remains low.

## **ITEM 8 (continued)**

Recent figures from the US show that the economy is adding jobs, even though from a very low base. The Federal Reserve has been talking about “tapering” its quantitative easing (QE) program, so regardless of what happens in the broader economy, challenges remain for the management of the US economy as a whole. QE is a monetary policy occasionally used to increase the money supply by buying government securities or other securities from the market, to support a stronger economic recovery.

In China, the HSBC manufacturing PMI slipped to an 11 month low, though GDP remains steady at 7.5%. Any slowdown in infrastructure construction will impact heavily on the Australian economy.

In the Eurozone, there are some promising signs in the manufacturing sectors of Spain and Italy, though from a very low base. Output from Germany continued to grow, at its quickest rate since January.

### **Legal Issues**

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. Council at its meeting on 17 July 2012 endorsed being a third party to an action against the Commonwealth Bank (CBA).

The following update is provided in respect of Council’s legal action in these matters due to recent developments.

#### Lehman / Grange IMP

On Friday 21 September 2012, Justice Rares handed down the judgment in this matter, which was in favour of the Councils involved in this legal action. This was reported to Council in the September Investment Report.

A meeting on the Scheme of arrangement with Creditors has been postponed due to Lehman now questioning the scheme.

While the above court action has been proceeding, the related investments of the Lehman / Grange IMP (Merimbula and Global Bank Note) have been finalised and paid to Council. As previously reported, Council has received \$752k for these investments representing full payment of the principal and interest.

There is an upcoming Creditors meeting on the 27 August 2013, to progressing the settlement of this action.

#### LGFS – Rembrandt

On 5 November 2012 Federal Court Justice Jayne Jagot ruled that Councils were entitled to succeed in their claim for damages against LGFS, ABN AMRO and Standard & Poors (S&P). This result vindicates Council’s Investment in this product with Justice Jayne Jagot finding that LGFS, ABN AMRO and S&P had collectively been responsible for misleading and deceptive conduct and negligent misrepresentation of this investment to Councils.

**ITEM 8 (continued)**

On 1 March 2013, the Federal Court of Australia awarded compensation and costs to Councils against S&P. Council was awarded \$933K principal (equivalent to the balance outstanding) and \$331K in interest. Of this, 70% is payable to IMF for their funding of the legal action, resulting in a net benefit to Council of approximately \$382K, which was paid to Council 4 April 2013.

Piper Alderman are currently preparing a lump sum costs order to put before the Court, including GST, as this cannot be claimed back from the ATO, so the Court can make an order as to the quantum of legal fees and disbursements which Council may be entitled to recover from the Respondents. As at the date of this report there is no further detail as to what Council may be entitled to recover.

CBA – Oasis and Palladin

Council has endorsed Council being a third party to an action against CBA in relation to the Oasis CDO investments for \$1 million that Council has written down to zero. No further updates have been received since last reported to Council.

Whilst Council had written off the Oasis investment, the investment had one further default until it completely defaulted. As previously reported, Council sold the Oasis investment at 35.7 cents in the dollar on the remaining principal of \$625k, being \$223,337. Should Council be successful in this legal action, then this will be taken into account as part of any settlement.

As part of this action, Council is also a party to action against CBA for its investment in the Palladin CDO, of which Council held \$2M. This investment defaulted in October 2008.

**Loan Liability**

Council's loan liability as at 31 July 2013 was \$3.4 million which represents the balance of one loan taken out in 2004 for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. This loan was for 15 years and was negotiated at a very attractive rate for Council at 90 Day BBSW + 20 basis points and is reset every quarter.

There is no advantage to Council in changing these arrangements or repaying this loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying on the loan. The following graph shows the gap between the average interest rate earned on Council's term deposits (top line) compared to the interest rate applying to this loan (bottom line).

**Debt Service Ratio**

It should be noted that whilst Council's debt service ratio is low, all of Council's funds are committed to operational costs and projects of a capital and non-capital nature. This means that Council does not have the capacity to take on any additional debt without a new dedicated revenue stream to fund the loan repayments, cutting services or capital expenditure.

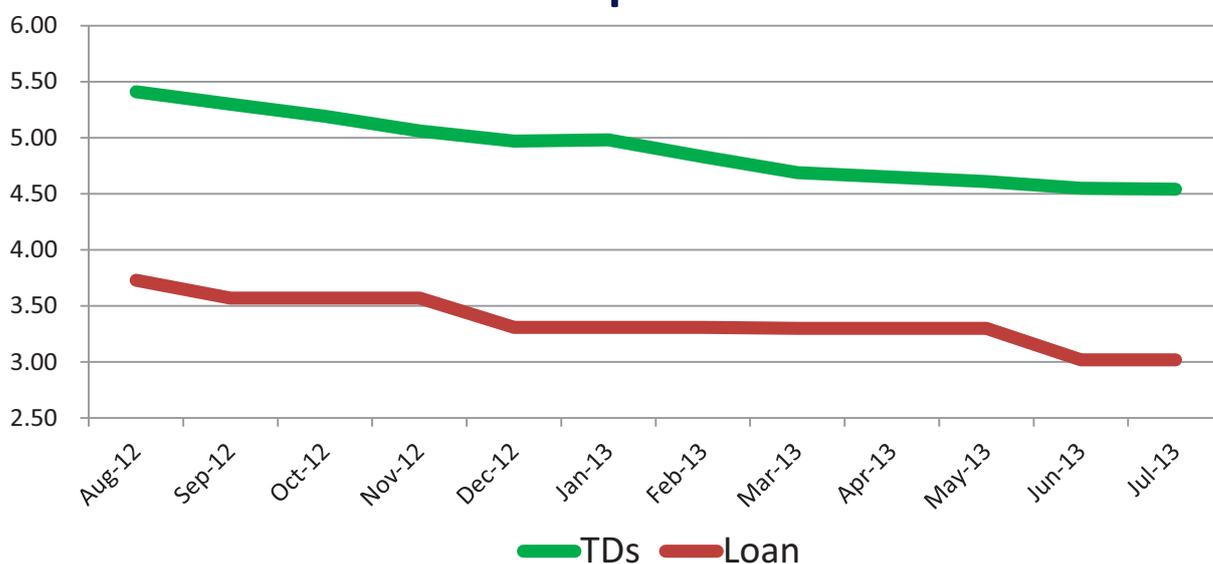
**ITEM 8 (continued)**

<b>Debt Service Ratio</b>			
Category 3 Councils	2010/11	<sup>(1)</sup>	2.87%
City of Ryde	2011/12	<sup>(2)</sup>	0.75%

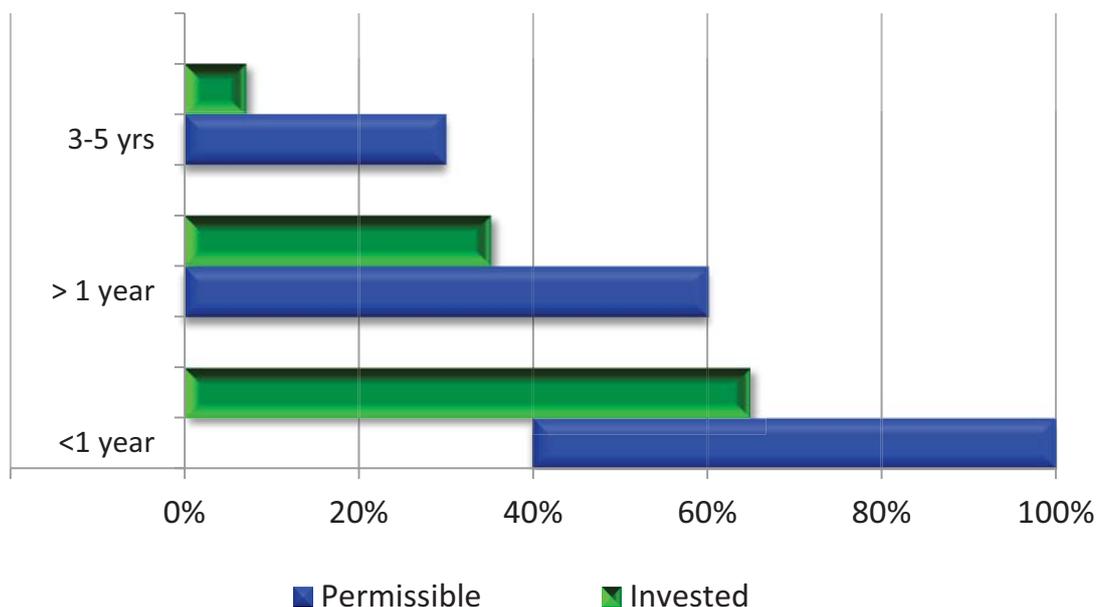
(1) Comparative data for 2011/12 is expected to be released by the Division of Local Government (DLG) in October 2013.

(2) Once the 2012/13 Financial Statements are audited, this will be updated to reflect that result.

### Term Deposits/Loan Interest Rate Comparison



### Policy Limits on Maturities



**ITEM 8 (continued)**
**INVESTMENT SUMMARY AS AT 31 JULY 2013**

Issuer	Investment Name	Investment Rating	Invested at 31-Jul-13 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2013	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Westpac	1. Westpac At Call	AA-	3,320	2.98	3.22	2.98	3.76	3,320	100.00%
Bank of Queensland	2. Bank of Queensland TD	BBB+	750	4.12	4.90	4.12	0.85	750	100.00%
Westpac	3. St George Term Deposit	A+	1,000	4.24	4.67	4.24	1.13	1,000	100.00%
NAB	4. NAB Term Deposit	AA-	1,000	4.24	4.73	4.24	1.13	1,000	100.00%
Westpac	5. Westpac Term Deposit	AA-	1,000	4.35	4.95	4.35	1.13	1,000	100.00%
Westpac	6. Westpac Term Deposit	AA-	500	4.95	4.95	4.95	0.57	500	100.00%
NAB	7. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	1.13	1,000	100.00%
AMP	8. AMP TD	A	1,000	4.21	4.73	4.21	1.13	1,000	100.00%
Westpac	9. Westpac Term Deposit	AA-	500	4.00	4.71	4.00	0.57	500	100.00%
NAB	10. NAB Term Deposit	AA-	1,000	4.07	4.78	4.07	1.13	1,000	100.00%
P&N Bank	11. P&N Bank	Unrated	500	4.24	4.65	4.24	0.57	500	100.00%
CBA	12. Bankwest TD	AA-	1,000	3.76	4.31	3.76	1.13	1,000	100.00%
NAB	13. NAB Term Deposit	AA-	1,000	4.72	4.87	4.72	1.13	1,000	100.00%
Railways CU	14. Railways CU	Unrated	500	4.40	4.61	4.40	0.57	500	100.00%
Qld Country CU	15. Qld Country Credit Union	Unrated	500	4.16	4.76	4.16	0.57	500	100.00%
Community CPS	16. Community CPS TD	Unrated	500	4.11	4.69	4.11	0.57	500	100.00%
Bendigo and Adelaide Bank	17. Bendigo Bank TD	A-	1,000	4.10	4.62	4.10	1.13	1,000	100.00%
Hunter United Credit Union	18. Hunter United Credit Union TD	Unrated	500	4.30	4.52	4.30	0.57	500	100.00%
CUA	19. Credit Union Australia TD	BBB+	500	4.35	5.07	4.35	0.57	500	100.00%
Coastline CU	20. Coastline Credit Union TD	Unrated	500	4.70	4.81	4.70	0.57	500	100.00%
Peoples Choice CU	21. Peoples Choice CU	BBB+	500	4.32	4.52	4.32	0.57	500	100.00%
Rural Bank	22. Rural Bank	A-	1,000	6.48	6.48	6.48	1.13	1,000	100.00%
Banana Coast CU	23. Banana Coast CU TD	Unrated	500	4.25	4.85	4.25	0.57	500	100.00%
B&E Ltd	24. B & E Building Soc TD	Unrated	500	4.30	4.45	4.30	0.57	500	100.00%
Victoria Teachers CU	25. Victoria Teachers CU	Unrated	500	4.40	4.61	4.40	0.57	500	100.00%
CBA	26. CBA TD	AA-	2,000	5.76	5.76	5.76	2.26	2,000	100.00%
Me Bank	27. ME Bank TD	BBB	1,000	4.33	4.81	4.33	1.13	1,000	100.00%
Macquarie Bank	28. Macquarie Bank Term Deposit	A	500	4.36	4.66	4.36	0.57	500	100.00%
CBA	29. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	1.13	1,000	100.00%
IMB	30. IMB TD	BBB	700	4.24	4.56	4.24	0.79	700	100.00%
Summerland CU	31. Summerland CU TD	Unrated	250	5.05	5.05	5.05	0.28	250	100.00%
Wide Bay CU	32. Wide Bay CU TD	BBB	500	4.19	4.70	4.19	0.57	500	100.00%
Northern Beaches CU	33. Northern Beaches CU TD	Unrated	500	4.14	4.71	4.14	0.57	500	100.00%
Queenslanders CU	34. Queenslanders CU TD	Unrated	500	4.24	4.85	4.24	0.57	500	100.00%
Warwick CU	35. Warwick CU TD	Unrated	500	4.35	4.72	4.35	0.57	500	100.00%
Maitland Mutual	36. Maitland Mutual Bldg Soc TD	Unrated	500	4.30	4.65	4.30	0.57	500	100.00%
AMP	37. AMP eASYSaver	A	2,962	3.66	3.90	3.66	3.35	2,962	100.00%
South West CU	38. South West CU TD	Unrated	500	4.20	4.30	4.20	0.57	500	100.00%
CBA	39. CBA Term Deposit	AA-	1,000	4.55	4.67	4.55	1.13	1,000	100.00%
Gateway CU	40. Gateway CU TD	Unrated	500	4.10	4.55	4.10	0.57	500	100.00%
Rabobank	41. Rabodirect TD	AA-	1,000	4.11	4.11	4.11	1.13	1,000	100.00%
Rabobank	42. Rabobank TD	AA-	500	4.17	4.79	4.17	0.57	500	100.00%
Newcastle Perm Bldg Soc	43. Newcastle Perm Bldg Soc	BBB+	1,000	4.16	4.55	4.16	1.13	1,000	100.00%
ING	44. ING TD	A	1,000	4.36	5.49	4.36	1.13	1,000	100.00%
Greater Bldg Soc	45. Greater Bldg Soc TD	BBB	1,000	4.33	4.72	4.33	1.13	1,000	100.00%
Holidaycoast CU	46. Holidaycoast CU TD	Unrated	500	4.30	4.81	4.30	0.57	500	100.00%
The Rock Bldg Soc	47. The Rock Bldg Soc TD	BBB-	500	3.86	4.23	3.86	0.57	500	100.00%
Bank of Queensland	48. BoQ TCD	BBB+	2,000	4.28	4.68	4.28	2.26	2,004	100.22%
Intech CU	49. Intech CU TD	Unrated	500	4.21	4.58	4.21	0.57	500	100.00%
AMP	50. AMP TD	A	1,000	7.14	7.14	7.14	1.13	1,000	100.00%

**ITEM 8 (continued)**

Issuer	Investment Name	Investment Rating	Invested at 31-Jul-13 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2013	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Rabobank	51. Rabobank TD	AA-	500	5.05	5.12	5.05	0.57	500	100.00%
Bendigo and Adelaide Bank	52. Bendigo and Adelaide Bank FRN	A-	1,000	4.25	4.72	4.25	1.13	1,003	100.28%
WaW CU	53. WAW CU Coop	Unrated	500	4.16	4.24	4.16	0.57	500	100.00%
Heritage Bank	54. Heritage Bank	BBB-	1,000	4.50	4.67	4.50	1.13	1,000	100.00%
CBA	55. CBA TD	AA-	1,000	4.11	4.67	4.11	1.13	1,000	100.00%
Rabobank	56. Rabodirect At-call	AA	995	3.20	3.72	3.20	1.13	995	100.00%
Me Bank	57. ME Bank At Call Account	BBB	2,713	3.42	3.75	3.42	3.07	2,713	100.00%
NAB	58. NAB FRN	AA-	1,001	4.03	4.41	4.03	1.13	1,017	101.70%
NAB	59. NAB FRN	AA-	998	4.14	4.52	4.14	1.13	1,017	101.70%
CBA	60. CBA FRN	AA-	999	4.16	4.42	4.16	1.13	1,017	101.68%
Westpac	61. Westpac FRN	AA-	998	4.09	4.48	4.09	1.13	1,016	101.58%
CBA	62. CBA FRN	AA-	998	4.21	4.47	4.21	1.13	1,017	101.68%
NAB	63. NAB FRN	AA-	994	4.32	4.71	4.32	1.13	1,017	101.70%
Westpac	64. Westpac FRN	AA-	999	4.03	4.41	4.03	1.13	1,014	101.42%
NAB	65. NAB FRN	AA-	994	4.29	4.69	4.29	1.13	1,017	101.70%
CBA	66. CBA FRN	AA-	994	4.38	4.64	4.38	1.13	1,017	101.68%
ING	67. ING TD	A+	1,000	4.33	4.33	4.33	1.13	1,000	100.00%
ANZ	68. ANZ FRN	AA-	993	4.29	4.69	4.29	1.12	1,016	101.58%
Rabobank	69. Rabobank FRN	AA-	991	4.50	4.75	4.50	1.12	1,008	100.76%
Police CU (SA)	70. Police CU - SA	Unrated	500	5.70	5.70	5.70	0.57	500	100.00%
NAB	71. NAB Fixed MTN	AA-	995	6.30	6.28	6.30	1.13	1,075	107.46%
Bankstown City CU	72. Bankstown City CU TD	Unrated	250	4.16	4.64	4.16	0.28	250	100.00%
Westpac	73. Westpac Fixed MTN	AA-	997	6.20	6.19	6.20	1.13	1,075	107.49%
ING	74. ING Direct	A	1,000	4.41	4.84	4.41	1.13	1,000	100.00%
Macquarie Bank	75. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.57	500	100.00%
CBA	76. CBA Retail Bond	AA-	958	4.60	4.91	4.60	1.08	964	99.35%
Bendigo and Adelaide Bank	77. Delphi Bank TD	Unrated	250	6.05	6.05	6.05	0.28	250	100.00%
Rural Bank	78. Rural Bank TD	A-	1,000	4.06	4.63	4.06	1.13	1,000	100.00%
Me Bank	79. ME Bank TD	BBB	1,000	4.38	4.81	4.38	1.13	1,000	100.00%
CBA	80. CBA Retail Bonds	AA-	492	4.81	5.13	4.81	0.56	497	99.35%
CBA	81. CBA Retail Bonds	AA-	491	4.84	5.15	4.84	0.56	497	99.35%
Bank of Queensland	82. Bank of Queensland TD	BBB+	1,000	4.31	4.80	4.31	1.13	1,000	100.00%
Bank of Queensland	83. Bank of Queensland TD	BBB+	1,000	4.35	4.68	4.35	1.13	1,000	100.00%
Investec	84. Investec TD	BBB-	250	6.15	6.15	6.15	0.28	250	100.00%
CBA	85. CBA Retail Bond	AA-	492	4.93	5.06	4.93	0.56	497	99.35%
Westpac	86. St George TD	AA-	1,000	4.24	4.61	4.24	1.13	1,000	100.00%
CBA	87. CBA Retail Bond	AA-	492	4.74	5.02	4.74	0.56	497	99.35%
Rural Bank	88. Rural Bank TD	A-	1,000	4.35	4.73	4.35	1.13	1,000	100.00%
ING	89. ING Floating Rate TD	A	1,000	5.18	5.55	5.18	1.13	1,000	100.00%
Bank of Queensland	90. Bank of Queensland TD	BBB+	1,000	4.45	4.74	4.45	1.13	1,000	100.00%
NAB	91. NAB TD	AA-	1,000	4.80	4.80	4.80	1.13	1,000	100.00%
Me Bank	92. ME Bank TD	BBB	1,000	4.35	4.54	4.35	1.13	1,000	100.00%
Bank of Queensland	93. Bank of Queensland FRN	BBB+	2,000	4.48	4.67	4.48	2.26	2,007	100.33%
Bank of Sydney	94. Bank of Sydney TD	Unrated	250	4.32	4.59	4.32	0.28	250	100.00%
Goldfields Money Ltd	95. Goldfields Money Ltd TD	Unrated	250	4.20	4.34	4.20	0.28	250	100.00%
Westpac	96. Westpac Flexi TD	AA-	1,000	4.07	4.13	4.07	1.13	1,000	100.00%
Bendigo and Adelaide Bank	97. Bendigo Bank TD	A-	1,000	3.85	4.36	3.85	1.13	1,000	100.00%
Bendigo and Adelaide Bank	98. Bendigo & Adelaide Bank FRN	A-	1,000	4.04	4.04	4.04	1.13	996	99.65%
CBA	99. CBA TD	AA-	1,000	4.10	4.10	4.10	1.13	1,000	100.00%
CBA	100. CBA TD	AA-	1,000	3.87	3.87	3.87	1.13	1,000	100.00%
NAB	101. NAB TD	AA-	1,000	4.06	4.06	4.06	1.13	1,000	100.00%
			<b>88,316</b>	<b>4.44</b>	<b>4.75</b>	<b>4.44</b>	<b>100</b>	<b>88,722</b>	

**ITEM 8 (continued)**

\*Monthly returns when annualised can appear to exaggerate performance

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

**Return including Matured/Traded Investments**

<b>Weighted Average Return</b>	<b>4.43</b>	<b>4.87</b>	<b>4.43</b>
<b>Benchmark Return: UBSA 1 Year Bank Bill Index (%)</b>	<b>3.08</b>	<b>3.24</b>	<b>3.08</b>
<b>Variance From Benchmark (%)</b>	<b>1.35</b>	<b>1.63</b>	<b>1.35</b>

**Investment Income**

	<b>\$000's</b>
This Period	327
Financial Year To Date	327
Budget Profile	271
Variance from Budget - \$	<u>56</u>

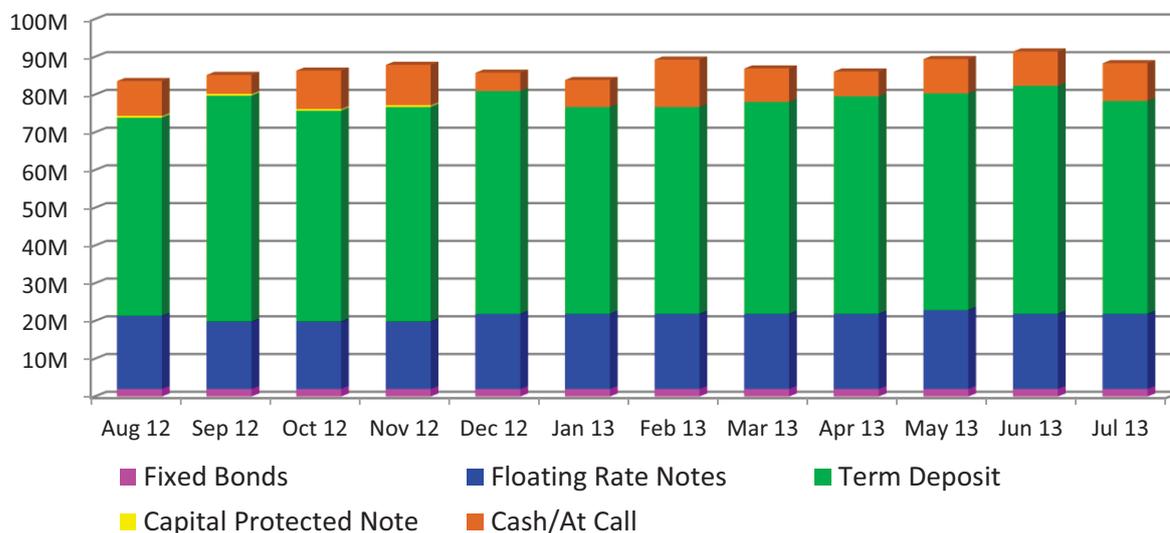
**Certificate of the Chief Financial Officer**

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

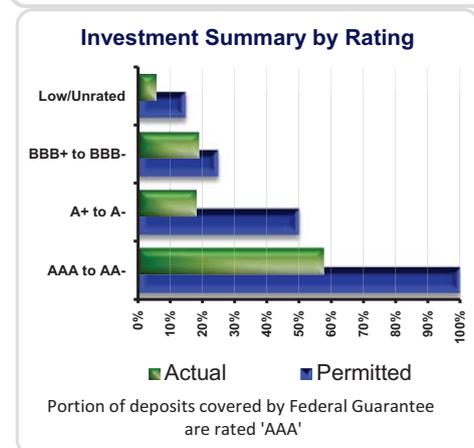
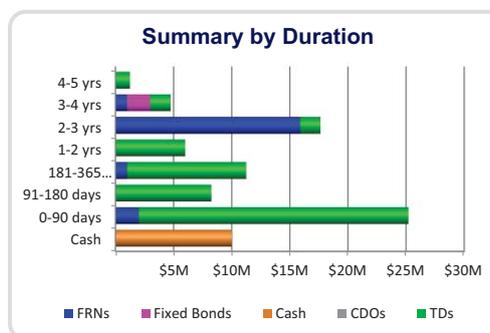
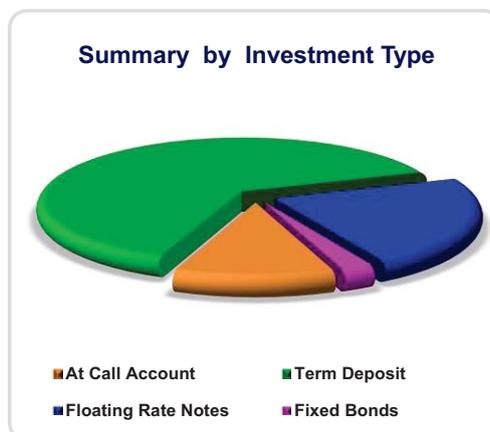
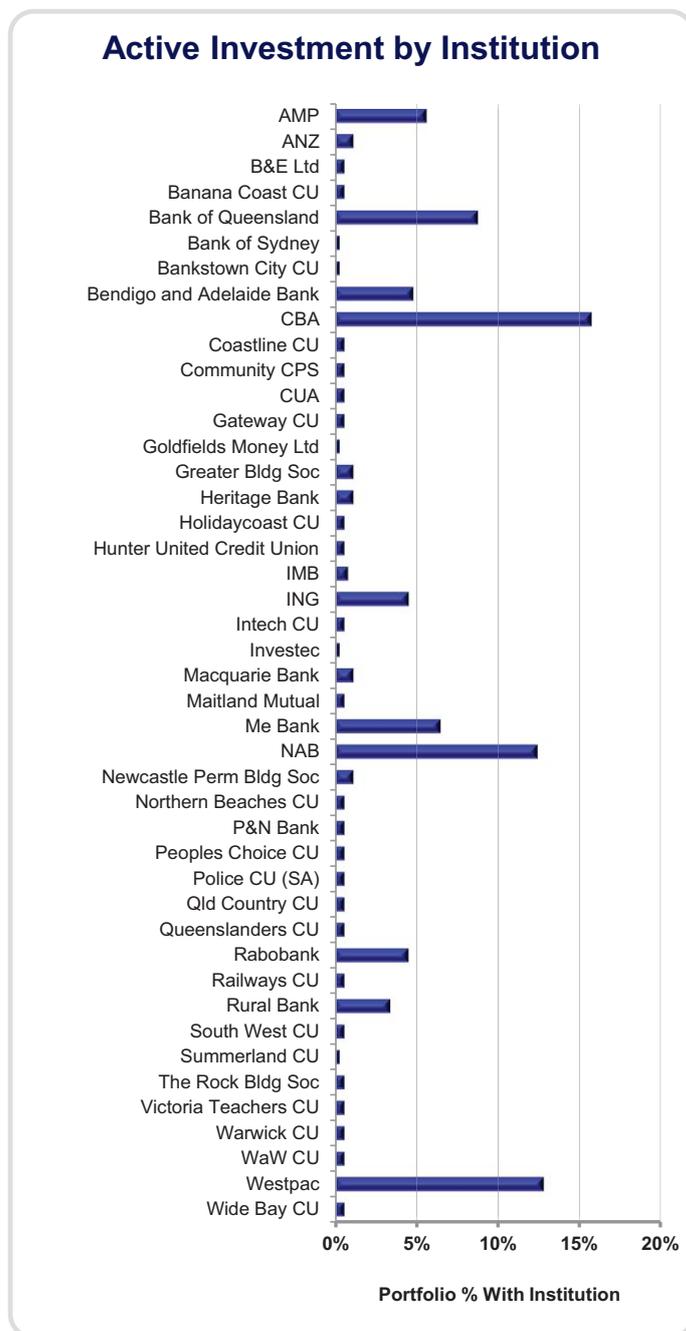


John Todd Date: 13/08/2013

**Total Funds Invested**



ITEM 8 (continued)



	>365 days	<365 days
Cash/TDs	\$10.8M	\$55.7M
FRNs	\$16.9M	\$3.0M
Fixed Bonds	\$2.0M	\$0.0M
	<b>\$29.6M</b>	<b>\$58.7M</b>

Context

The recommendation is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Council's.

**ITEM 8 (continued)**

**Financial Implications**

Income from interest on investments and proceeds from sales of investments totals \$327M, being \$56K above original budget projections as per the Delivery and Operational Plan, which will not improve Council's Working Capital result as at 30 July 2013. This is due to estimated further cuts in the official cash rate anticipated by the RBA.

The Financial Security Reserve has a current balance of \$3.44M.

## ITEM 8 (continued)

## ATTACHMENT 1

### Council's Property Investment Portfolio

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

2 Dickson Avenue, West Ryde  
1a Station St, West Ryde  
8 Chatham Road, West Ryde  
202 Rowe St, Eastwood (commercial)  
226 Victoria Rd, Gladesville (commercial)  
West Ryde Car Park Site  
Herring Road Air Space Rights

The properties within this portfolio are under review as part of the updating of the Asset Management Plans to ensure that Council clearly identifies those properties that are held as an investment, which may also include commercial properties and other operational assets that may be earmarked for future development. Once this review is complete, it will be reported to Council for consideration.

### Benchmark

The Australian UBS Bank Bill index is constructed as a benchmark to represent the performance of a passively managed short-term money market portfolio. It comprises thirteen Bank Bills of equal face value, each with a maturity seven days apart. The average term to maturity is approximately 45 days. A Bank Bill is a non-interest bearing security issued by a bank whereby the bank takes on an obligation to pay an investor a fixed amount (face value) at a fixed future date. It is sold to an investor at a discount to the face value. Bank Bills are short-term money market investments with maturities usually between 30 days and 180 days.

### Types of Investments

The following are the types of investments held by Council:

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

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

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

### Credit Rating Information

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

## ITEM 8 (continued)

## ATTACHMENT 1

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

- AAA: the best quality companies, reliable and stable
  - AA: quality companies, a bit higher risk than AAA
  - A: economic situation can affect finance
  - BBB: medium class companies, which are satisfactory at the moment
  - BB: more prone to changes in the economy
  - B: financial situation varies noticeably
  - CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments
  - CC: highly vulnerable, very speculative bonds
  - C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations
  - D: has defaulted on obligations and it is believed that it will generally default on most or all obligations
- Note: Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

### **Council's Investment Powers**

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

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

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

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

**ITEM 8 (continued)**

**ATTACHMENT 1**

**Financial Security Reserve Transactional History**

Starting Balance	8,000,000.00	10 Oct 2008
Write off Constellation	(1,000,000.00)	10 Oct 2008
Write off Rembrandt	(1,000,000.00)	10 Oct 2008
Write off Palladin	(2,000,000.00)	10 Oct 2008
Write off Alpha	(1,000,000.00)	10 Oct 2008
Write off Covent Garden	(2,000,000.00)	10 Oct 2008
Write off Oasis	(1,000,000.00)	10 Oct 2008
<b>FY2009 and FY2010</b>		
Interest Payments		
Default of Constellation - Residual	21,615.62	10 Oct 2008
Default of Palladin - Residual	-	28 Oct 2008
Default of Rembrandt - Residual	68,393.78	27 Oct 2008
<b>FY2010</b>		
Interest Payments	50,334.01	
<b>FY2011</b>		
Starting balance 1 July 2010	140,343.41	
Sale of Flinders	301,000.00	12 Aug 2010
Quartz Maturity	209,626.75	20 Oct 2010
Sale of Glenelg	160,000.00	29 Dec 2010
Interest on Grange IMP Sept	31,561.37	
Interest on Grange IMP Dec	24,731.75	
Interest on Grange IMP Mar	10,310.63	
Interest on Grange IMP June	16,092.08	
Interest on Oasis	81,758.10	
Interest on Alpha	12,534.80	
Interest on Covent Garden	16,521.58	
Default of Covent Garden	-	29 Mar 2011
Closing balance FY 2011	<b>1,004,480.47</b>	
<b>FY2012</b>		
Interest on Oasis	42,942.41	
Interest on Alpha	4,837.56	
Interest on Grange IMP Sept	9,862.09	
Interest on Grange IMP Dec	129.02	
Maturity of Alpha	1,001,974.90	20 Mar 2012
Interest on Grange IMP March	123.38	
Closing Balance FY 2012	<b>2,064,349.83</b>	
<b>FY2013</b>		
Interest on Oasis FY2013	20,215.91	
Sale of Oasis	219,266.42	23 Jan 2013
Grange Settlement -Beryl	559,966.39	25 Feb 2013
Grange Settlement -Zircon	192,383.73	25 Feb 2013
Rembrandt Settlement	381,695.85	04 Apr 2013
Closing Balance FY 2013	<b>3,437,878.13</b>	

**ITEM 8 (continued)**

**ATTACHMENT 1**

**Overview of Investments**

An overview of all investments held by the City of Ryde as at 30 June is provided below:

1. **Westpac at Call Account (AA-):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
2. **Bank of Queensland TD (BBB):** This investment is a 181 day term deposit, paying 4.05% (4.12% annualised), and matures on 28 January 2014.
3. **St George Term Deposit (AA-):** This investment is a 182 day term deposit, paying 4.20% p.a. (4.24% annualised), and matures 5 Nov 2013.
4. **NAB Term Deposit (AA-):** This investment is a 150 day term deposit, paying 4.19% p.a. (4.24% annualised), and matures 3 Oct 2013.
5. **Westpac Term Deposit (AA-):** This investment is a two year term deposit, paying 4.35% % (4.35% annualised), and matures 29 May 2015.
6. **Westpac Term Deposit (AA-):** This investment is a three year term deposit, paying 4.95% pa, and matures 21 September 2015.
7. **NAB Term Deposit (AA-):** This investment is a three year term deposit, paying 6.60% p.a., and matures 4 April 2014.
8. **AMP Term Deposit (A):** This investment is a 93 day term deposit, paying 4.15% p.a. (4.21% annualised), and matures 1 August 2013.
9. **Westpac Term Deposit (AA-):** This investment is a 364 day term deposit, paying 4.00% (4.00% annualised), and matures 27 June 2014.
10. **NAB Term Deposit (AA-):** This investment is an 89 day term deposit, paying 4.01% p.a., and matures 10 September 2013.
11. **Police & Nurses Credit Union (Unrated):** This investment is a one year term deposit, paying 4.24% (4.24% annualised) and matures on 25 February 2014.
12. **Bankwest Term Deposit (AA-):** This investment is a 60 day term deposit, paying 3.70% p.a. (3.76% annualised), and matures 19 August 2013.
13. **NAB Term Deposit (AA-):** This investment is a 365 day term deposit, paying 4.72% p.a. (4.72% annualised), and matures 26 November 2013.
14. **Railways CU Term Deposit (Unrated):** This investment is a 181 day term deposit paying 4.35% (4.40% annualised) and matures on 5 August 2013.

**ITEM 8 (continued)**

**ATTACHMENT 1**

- 15. Queensland Country CU (Unrated):** This investment is a 153 day term deposit paying 4.11% (4.16% annualised) and matures on 28 November 2013.
- 16. Community CPS Term Deposit (Unrated):** This investment is an 88 day term deposit paying 4.05% (4.11% annualised) and matures on 11 October 2013.
- 17. Bendigo Bank Term Deposit (A-):** This investment is a 364 day term deposit paying 4.10% (4.10% annualised) and matures on 12 June 2014.
- 18. Hunter United Credit Union (Unrated):** This investment is a 181 day term deposit paying 4.25% (4.30% annualised) and matures on 12 August 2013.
- 19. Credit Union Australia Term Deposit (BBB+):** This investment is a one year term deposit, paying 4.35% (4.35% annualised), and matures on 7 May 2014.
- 20. Coastline CU Term Deposit (Unrated):** This investment is a one year term deposit, paying 5.25% (5.34% annualised), and matures on 11 October 2013.
- 21. Peoples Choice CU Term Deposit (Unrated):** This investment is a 94 day term deposit, paying 4.25% (4.32% annualised), and matures on 8 Aug 2013.
- 22. Rural Bank Term Deposit (A-):** This investment is a five year term deposit, paying 6.48% p.a., and matures on 21 March 2017.
- 23. Bananacoast CU Term Deposit (Unrated):** This investment is a one year term deposit paying 4.25% (4.25% annualised) and matures on 1 July 2014.
- 24. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 181 day term deposit paying 4.25% (4.30% annualised) and matures on 5 August 2013.
- 25. Victoria Teachers CU Term Deposit (Unrated):** This investment is a 180 day term deposit paying 4.35% (4.40% annualised) and matures on 8 October 2013.
- 26. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 5.76% p.a. and matures on 8 December 2014.
- 27. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% (4.33% annualised) and matures on 5 March 2014.
- 28. Macquarie Bank Term Deposit (A):** This investment is a 121 day term deposit paying 4.30% (4.36% annualised) and matures on 1 August 2013.
- 29. Bankwest TD (AA-):** This investment is a four year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 30. IMB Term Deposit (BBB):** This investment is a 182 day term deposit paying 4.20% (4.24% annualised), and matures 17 October 2013.

**ITEM 8 (continued)**

**ATTACHMENT 1**

- 31. Summerland CU Term Deposit (Unrated):** This investment is a three year term deposit paying 5.05% pa and matures on 21 September 2015.
- 32. Wide Bay CU Term Deposit (BBB):** This investment is a 191 day term deposit paying 4.15% (4.19% annualised) and matures on 9 January 2014.
- 33. Northern Beaches CU Term Deposit (Unrated):** This investment is a 178 day term deposit paying 4.10% (4.14% annualised) and matures on 16 January 2014.
- 34. Queenslanders Credit Union Term Deposit (Unrated):** This investment is a 187 day term deposit paying 4.20% (4.24% annualised) and matures on 28 January 2014.
- 35. Warwick CU Term Deposit (Unrated):** This investment is a 183 day term deposit paying 4.30% (4.35% annualised), and matures 8 October 2013.
- 36. Maitland Mutual Building Society (Unrated):** This investment is a 150 day term deposit paying 4.25% (4.30% annualised) and matures on 26 September 2013.
- 37. AMP eASYSaver at call account (A):** This investment is an at-call account earning 3.85%. No fees are payable by Council on this investment.
- 38. South West CU Term Deposit (Unrated):** This investment is a 368 day term deposit paying 4.20% (4.20% annualised) and matures on 17 June 2014.
- 39. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 4.55% annually and matures on 16 May 2016.
- 40. Gateway Credit Union Term Deposit (Unrated):** This investment is a 367 day term deposit paying 4.10% (4.10% annualised) and matures on 19 June 2014.
- 41. Rabodirect Term Deposit (AA):** This investment is a 120 day term deposit paying 4.05% (4.11% annualised) and matures on 8 October 2013.
- 42. Rabodirect Term Deposit (AA):** This investment is a 273 day term deposit, paying 4.15% (4.17% annualised), and matures on 10 April 2014.
- 43. Newcastle Permanent Building Society (BBB+):** This investment is a 91 day term deposit, paying 4.10% (4.16% annualised), and matures on 12 September 2013.
- 44. ING Term Deposit (A):** This investment is a 179 day term deposit paying 4.31% (4.36% annualised) and matures on 16 August 2013.

**ITEM 8 (continued)**

**ATTACHMENT 1**

- 45. Greater Building Society Term Deposit (BBB):** This investment is a 247 day term deposit, paying 4.30% (4.33% annualised), and matures on 6 February 2014.
- 46. Holidaycoast CU Term Deposit (Unrated):** This investment is a 173 day term deposit, paying 4.25% (4.30% annualised), and matures 17 December 2013.
- 47. The Rock Building Society Term Deposit (BBB-):** This investment is a 64 day term deposit, paying 3.80% (3.86% annualised), and matures on 8 August 2013.
- 48. Bank of Queensland FRN (BBB):** This is a certificate of deposit issued at a margin of 140 points above 90 day BBSW, maturing 11 November 2013.
- 49. Intech CU Term Deposit (Unrated):** This investment is a 93 day term deposit, paying 4.15% (4.21% annualised), and matures on 3 October 2013.
- 50. AMP Term Deposit (A):** This investment is a four year term deposit paying 7.14% which matures on 16 February 2015.
- 51. Rabobank Term Deposit (AA):** This investment is a one year term deposit paying 5.05% pa and matures on 3 September 2013.
- 52. Bendigo & Adelaide Bank FRN (A-):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
- 53. WAW CU TD (Unrated):** This investment is a 92 day term deposit paying 4.10% (4.16% annualised) and matures on 22 August 2013
- 54. Heritage Bank Term Deposit (BBB-):** This investment is a 365 day term deposit paying 4.50% (4.50% annualised), and matures on 12 December 2013.
- 55. CBA Term Deposit (AA-):** This investment is a 98 day term deposit paying 4.05% (4.11% annualised), and matures 12 September 2013.
- 56. Rabodirect At-Call (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 57. Members Equity Bank At-Call Account (BBB):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 58. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 115 above BBSW. This investment matures 21 June 2016.
- 59. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 21 June 2016.

**ITEM 8 (continued)**

**ATTACHMENT 1**

- 60. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 August 2016.
- 61. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 123 above BBSW. This investment matures 9 May 2016.
- 62. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 August 2016.
- 63. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 21 June 2016.
- 64. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 117 above BBSW. This investment matures 9 November 2015.
- 65. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 21 June 2016.
- 66. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 August 2016.
- 67. ING Term Deposit (A+):** This investment is a 202 day term deposit, paying 4.29% (4.33% annualised), and matures on 17 December 2013.
- 68. ANZ FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 9 May 2016.
- 69. Rabobank FRN (AA):** This investment is a senior, unsecured floating rate note purchased at a yield of 151 above BBSW. This investment matures 27 July 2016.
- 70. Police CU (SA) Term Deposit (Unrated):** This investment is a two year TD paying 5.70% (5.70% annualised) and matures 18 April 2014.
- 71. NAB Fixed MTN (AA-):** This is a fixed rate bond paying 6.18% (6.30% annualised) and matures 15 February 2017.
- 72. Bankstown City Credit Union Term Deposit (Unrated):** This investment is a 106 day term deposit paying 4.10% (4.16% annualised) and matures on 5 November 2013.

**ITEM 8 (continued)**

**ATTACHMENT 1**

- 73. Westpac Fixed MTN (AA-):** This is a fixed rate bond paying 6.00% (6.14% annualised) and matures 20 February 2017.
- 74. ING Direct Term Deposit (A):** This is a 178 day term deposit paying 4.36% (4.41% annualised) and matures 17 October 2013.
- 75. Macquarie Bank Term Deposit (A):** This is a five year term deposit paying 6.50% (6.50% annualised) and matures 3 April 2017.
- 76. CBA Retail Bond (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 24 December 2015.
- 77. Delphi Bank Term Deposit (Unrated):** This investment is a five year term deposit paying 6.05% p.a. and matures on 15 May 2017.
- 78. Rural Bank Term Deposit (A-):** This investment is a 105 day term deposit paying 4.00% p.a. (4.06% annualised) and matures on 7 November 2013.
- 79. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% p.a. (4.33% annualised) and matures on 5 March 2014.
- 80. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 182 above BBSW. This investment matures 24 December 2015.
- 81. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 184 above BBSW. This investment matures 24 December 2015.
- 82. Bank of Queensland Term Deposit (BBB+):** This investment is a 122 day term deposit paying 4.25% (4.31% annualised) and matures 19 September 2013.
- 83. Bank of Queensland Term Deposit (BBB+):** This investment is a 150 day term deposit paying 4.30% (4.35% annualised) and matures 26 September 2013.
- 84. Investec Bank Term Deposit (BBB-):** This investment is a five year term deposit paying 6.95% on maturity (6.15% annualised) and matures 15 August 2017.
- 85. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 175 above BBSW. This investment matures 24 December 2015.
- 86. St George Term Deposit (AA-):** This investment is a 182 day term deposit paying 4.20% (4.24% annualised) and matures on 26 August 2013.

**ITEM 8 (continued)**

**ATTACHMENT 1**

- 87. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 174 above BBSW. This investment matures 24 December 2015.
- 88. Rural Bank Term Deposit (A-):** This investment is a 177 day term deposit, paying 4.30% (4.35% annualised), and matures on 29 August 2013.
- 89. ING Floating Rate Term Deposit (A):** This is a five year floating rate term deposit paying 2.30% above 90 day BBSW, and matures 4 September 2017.
- 90. Bank of Queensland Term Deposit (BBB+):** This is a 179 day term deposit paying 4.40% (4.45% annualised) and matures 16 August 2013.
- 91. NAB Term Deposit (AA-):** This is a 2.25 year term deposit paying 4.80% pa and matures 18 December 2014.
- 92. Members Equity Bank Term Deposit (BBB):** This is a 1 year term deposit paying 4.35% (4.35% annualised) and matures 20 February 2014.
- 93. Bank of Queensland FRN (BBB+):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 7 December 2015.
- 94. Bank of Sydney Deposit (Unrated):** This investment is a 87 day term deposit paying 4.25% (4.32% annualised) and matures on 11 October 2013.
- 95. Goldfields Money Ltd Term Deposit (Unrated):** This investment is a 363 day term deposit paying 4.20% (4.20% annualised), and matures 12 June 2014
- 96. Westpac Floating Rate Term Deposit (A):** This is a one year floating rate term deposit paying 1.24% above the official cash rate and matures 7 April 2014.
- 97. Bendigo Bank Term Deposit (A):** This is a 126 day floating rate term deposit paying 3.80% (3.85% annualised) and matures 3 December 2013.
- 98. Bendigo Bank FRN (A-):** This is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 17 May 2017.
- 99. CBA Term Deposit (AA-):** This investment is a one year term deposit paying 4.10% annually and matures 22 May 2014.
- 100. CBA Term Deposit (AA-):** This investment is a 61 day term deposit paying 3.81% (3.81% annualised) and matures 13 August 2013.
- 101. NAB Term Deposit (AA-):** This investment is a 100 day term deposit paying 4.00% (4.06% annualised) and matures 7 November 2013.

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**9 INVESTMENT POLICY AND GUIDELINES - Revision - August 2013**

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**Report prepared by:** Chief Financial Officer  
**File No.:** FIM/07/6/1 - BP13/1074

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**REPORT SUMMARY**

This report provides Council with a revised Investment Policy and Guidelines following a review and advice from Council's Independent Investment Advisor, Oakvale Treasury.

Council last confirmed its Investment Policy and Guidelines at its meeting on 26 February 2013.

Council Officers regularly review and revise Council's Investment Policy and Guidelines in order to ensure it adheres to legislative requirements and to ensure it continues to provide a prudent framework for the investment of Council funds.

The adoption of the revised Investment Policy and Guidelines will maintain Council's policy in line with the Minister's Order and DLG Investment Guidelines and further strengthen Council's governance framework in respect of the management of its investment portfolio. The key areas recommended in modifying Council's Policy are:

- reconfirming the investment terms;
- adjusting delegations to support fewer but larger and higher rated investments;
- adopting criteria to guide investment decisions.

**RECOMMENDATION:**

That Council adopt the revised Investment Policy and Guidelines.

**ATTACHMENTS**

- 1 Investment Strategy and Portfolio Review by Oakvale Treasury
- 2 Investment Policy - August 2013
- 3 Investment Policy Guidelines - August 2013

Report Prepared By:

**John Todd**  
**Chief Financial Officer**

Report Approved By:

**Roy Newsome**  
**Group Manager - Corporate Services**

## ITEM 9 (continued)

### Discussion

Council at its previous meetings when it consider the Investment Reports sought a review of the investment policy and guidelines with an aim to maximise return on investments, but at the same time reducing the number of investments.

This review has included meeting with Council's Investment Advisor, Oakvale Treasury, with recommendations being made in their report, which is **ATTACHMENT 1**.

The key areas of changes recommended in respect of Council's Investment Policy and Guidelines or points to note from the advice received from Oakvale Treasury are as follows:

- Changing the spread of the portfolio to 50% / 25% / 25% for short term / medium term / long term ratio. This change does not require a change to the range outlined in part 10(d) of Council's Investment Guideline.
- Limited the term of an investment to a maximum of five years, reduced from seven years.
- Keeping overnight cash as low as possible without compromising cashflow management.
- Using only Australian-owned ADIs for deposits greater than 12 months.
- Increasing delegation limits so that Council can move towards fewer, but larger and higher rated ADIs and to streamline the administration process. The Guidelines have been amended to increase the delegation from the General Manager to the Chief Financial Officer from \$1 million to \$2 million and to the Group Manager – Corporate Services from \$1 million to \$4 million to facilitate this initiative.
- Due to falling interest rates, limit short dated deposits, out to six months for those funds only which will be required for cash flow purposes on maturity.
- Consider limiting deposits only to ADIs which have assets exceeding \$1 billion.
- Bank Bills and Negotiable Certificates of deposit are not providing as attractive a return as available form Term Deposits.
- Similarly, bond offerings are not representing good value in the present climate.
- NSW Treasury deposits are not recommended in the current climate.

These recommendations have been reviewed and the appropriate changes, based on the previous discussions of Council have been incorporated into the revised Investment Policy (**ATTACHMENT 2**) and revised Investment Guidelines (**ATTACHMENT 3**).

### Financial Implications

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

**ITEM 9 (continued)**

**ATTACHMENT 1**



**Oakvale  
TREASURY**

5 July 2013

Mr John Todd  
Chief Financial Officer  
City of Ryde  
1 Devlin Street  
RYDE NSW 2112

Dear John,

**Investment Strategy and Portfolio Review – 2012/13 Financial Year**

Attached is Council's Investment Strategy and Portfolio for the 2012/13 financial year.

The proposed strategic changes, discussed at our recent meeting, have been included for Council's consideration.

Overall, Council's investment portfolio remains sound and managed within policy limits and legislative requirements.

Please do not hesitate to contact either Erik, Titus or me if you have any questions or would like to discuss the Review in more detail.

Yours sincerely,



**Brian Lamarre**

**Divisional Director  
Asset Consulting**

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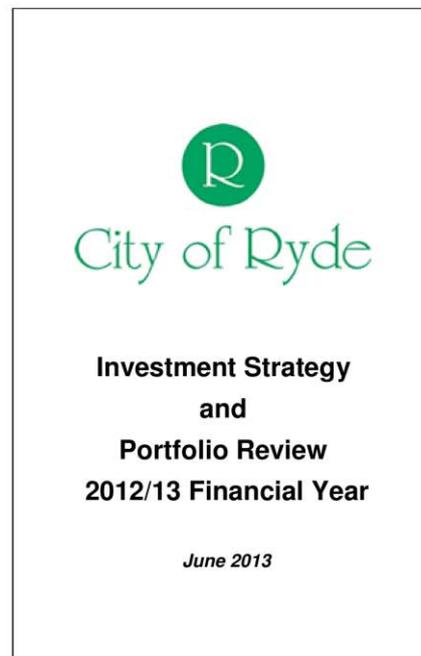
FINANCIAL RISK MANAGERS  
Oakvale Capital Limited  
ABN 72 009 070 884  
AFSL 229842

**ITEM 9 (continued)**

**ATTACHMENT 1**



**Oakvale**  
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**FINANCIAL RISK MANAGERS**  
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ABN 72 009 070 884  
AFSL 229842

**ITEM 9 (continued)**

**ATTACHMENT 1**



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**ITEM 9 (continued)**

**ATTACHMENT 1**



**Executive Summary**

**Investment Climate:**

- In Europe, fiscal woes continued as Cyprus' second largest bank was sacrificed as part of a bail-out agreement with the EU. While depositors with less than €100,000 (A\$140,000) were spared, large deposits in the country's two main banks will be levied a "tax" as part of wide ranging revenue raising by the country to meet the EU's terms.
- In the US, expectations are rising that the Federal Reserve will wind back its \$US85 billion a month quantitative easing program if there continues to be improvements in the economy. This has caused the US Dollar and longer-dated US Treasury yields to rise.
- In Japan, the government has announced plans to end decades of economic stagnation and deflation.
- In China, growth of 7.8% recorded in 2012 was its lowest since 1999. Recent economic data has been weak bringing warnings from analysts that the country may miss its growth target of 7.5% for 2013.
- In Australia, the Reserve Bank cut the official cash rate by a further 0.25% to a historically low 2.75%. Further rate cuts may be required if unemployment increases and the household sector does not offset falling mining investment.

**Investment Strategy:**

- Council's portfolio is largely in line with its Strategy targets. An overall 50%/25%/25% short term/medium term/long term ratio is recommended, but is conditional upon Council's cash flow and capital expenditure expectations.
- Due to historically low cash rates, monies kept in overnight cash should be kept as low as possible without compromising cash flow management. It is expected banks will cut their overnight cash rates sharply over the coming year, due to upcoming changes in banking regulations (Basel III).
- Given the continued instability among overseas financial institutions, only Australian-owned ADIs are currently recommended for medium/long term deposits and investments, i.e. deposits greater than 12 months.
- It is recommended Council consider changes to its current investment strategy/policy/process including a move toward exposures to fewer, but larger and higher rated ADIs; an increase in limits to the highest rated ADIs; and an increase in staff's delegated investment allowance.

**ITEM 9 (continued)**

**ATTACHMENT 1**



**The Investment Climate**

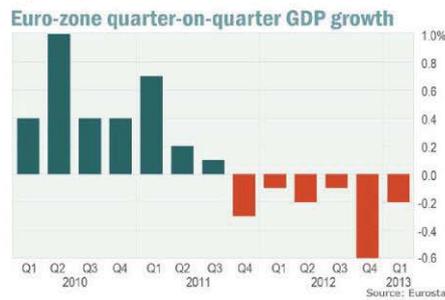
**International:**

**Europe**

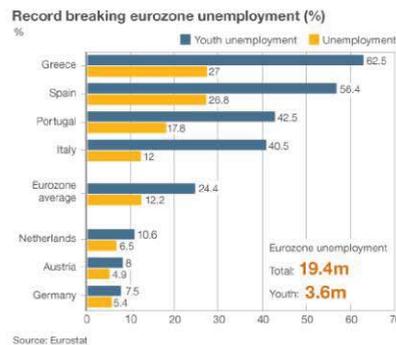
After a brief period of stability, the Eurozone crisis re-emerged with Cyprus becoming the fourth member of the Eurozone (after Greece, Ireland and Portugal) to require a financial bailout.

In an effort to recapitalise its banking system, which was heavily exposed to Greece, a levy on all deposit holders including those holding less than the EU-mandated €100,000 (A\$140,000) deposit guarantee was proposed. Amidst protests from Cypriots and fears of bank runs in other parts of the Eurozone, the proposal was amended so that smaller depositors with less than €100,000 were spared, while large deposits in the country's two main banks were levied a "tax" as part of wide ranging revenue raising by the country to meet the EU's terms.

The rest of the Eurozone is still straining under austerity, recording its sixth consecutive quarter of negative growth. France and Italy (the second and third largest economies in the Eurozone) are now in recession, while Germany (the largest Eurozone economy) grew by a weaker than expected 0.1% in the 1<sup>st</sup> quarter of 2013:



Unemployment remains a major problem, with the Eurozone's unemployment rate hitting a record high of 12.2%. Greece and Spain recorded unemployment rates of over 25% while youth unemployment rate is over 55%. Germany and Austria have the lowest Eurozone unemployment rates at around 5%:



**ITEM 9 (continued)**

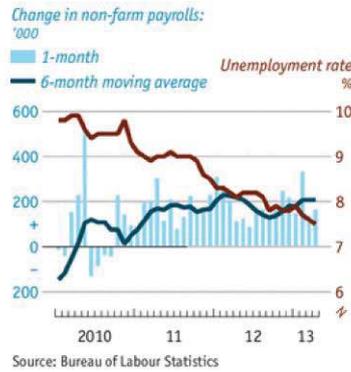
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Looking ahead, the Eurozone is devising plans to create a banking union which will seek to break the link between indebted banks and governments which are too weak to save them. Markets will also nervously await a German court ruling which is determining the legality of the Outright Monetary Transactions (“OMT”, the policy which is credited with calming financial markets in late 2012), while German election results are due in September.

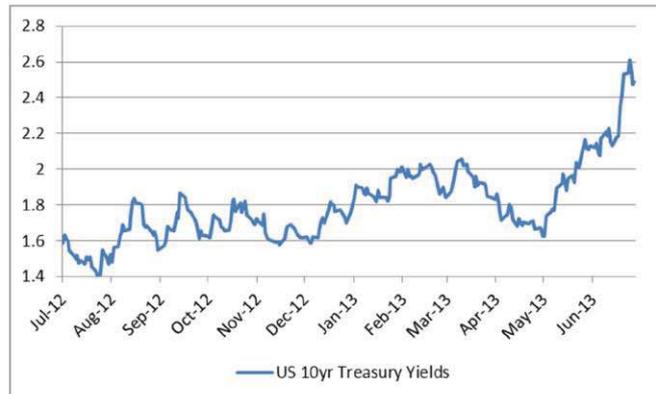
**US**

In contrast to Europe, the US economy continues to show signs of improvement despite budget cuts and tax hikes. With banks better capitalised than those in Europe, commercial lending has increased while household consumption has been supported by improvements in housing and labour markets - in the past year, over 2 million jobs have been created and the unemployment rate has fallen to 7.6%, a 4½yr low.



(source: *The Economist*)

Expectations are rising that the Federal Reserve will wind back its \$US85 billion a month quantitative easing program if there continues to be improvements in the economy. This has caused the US Treasury yields to rise from 1.6% during May to over 2.3% currently:



**ITEM 9 (continued)**

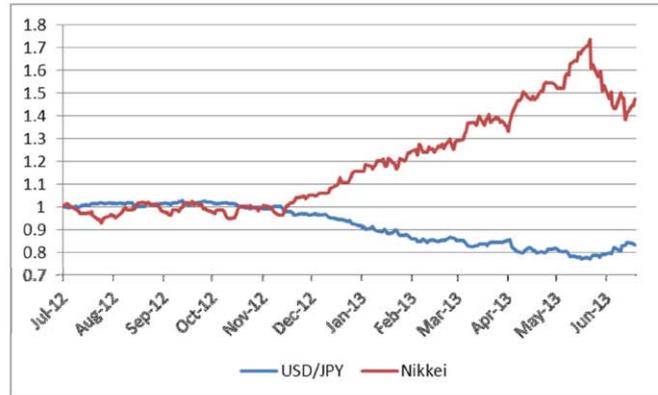
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**Japan and China**

Attention has recently turned to Japan and its attempts to end decades of economic stagnation and deflation amidst its rising government debts (at >240% of GDP, one of world's largest). Currently, most of its debts are financed by domestic savers who are approaching retirement age and are happy to receive 1% interest on 10 year bonds. If foreign bond buyers demanded the US Treasury rate (2%), interest payments would rise to over 40% of its revenues, an unsustainable level.

As part of its plans to break this cycle, the recently elected Abe government has embarked on a plan to increase growth and tax revenues. Firstly, it announced a ¥10trillion (AUD110billion) fiscal stimulus package (funded by further borrowing) to maintain growth. Secondly, the Bank of Japan increases its purchase of government bonds by ¥50trillion a year in order to meet its 2% inflation target. Plans have also been made for structural reforms in order to boost the economic capacity of the economy. In the short term, these policies have sent the Yen lower (helping exporters) and propelled the stockmarket higher (boosting consumer confidence), however questions remain on whether inflation can be increased to 2% without dramatically increasing bond yields:



China's economy grew at 7.8% in 2012, the slowest rate since 1999. The new leadership team has so far used long term reforms rather than short term stimulus to rebalance its economy away from export and investment driven growth to one driven by domestic consumption. This has caused further weakness in the economy with recent manufacturing activity contracting for the first time since October 2012. This has brought warnings from analysts that the country may miss its growth target of 7.5% for 2013.

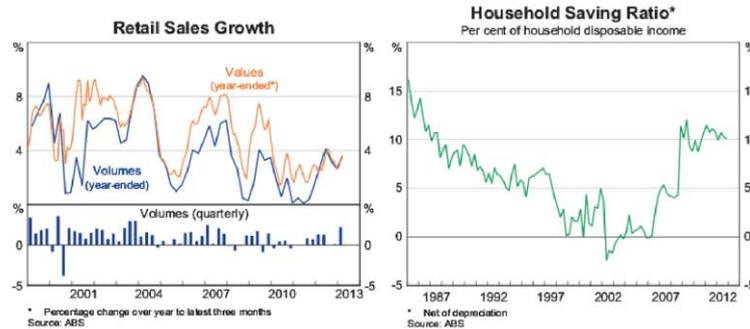
ITEM 9 (continued)

ATTACHMENT 1

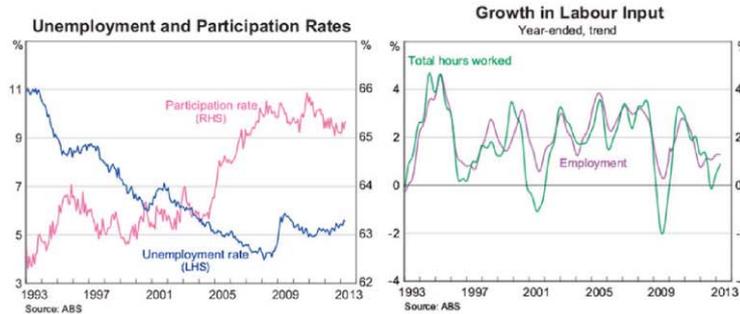


**Domestic:**

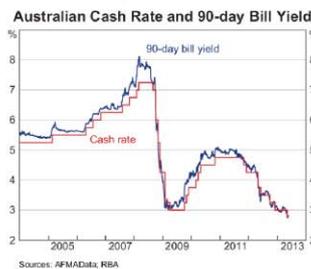
In Australia, growth has slowed markedly from the 3.7% recorded in the year to June 2012 to just 2.5% in the year to March 2013. While the slowdown in mining investment's contribution to growth was expected, other sectors of the economy including household consumption and housing have so far failed to pick up the slack. As can be seen below, retail sales continue to suffer as a result of households saving over 10% of their disposable income:



Employment growth and total hours worked have trended lower while the unemployment rate has crept higher over the past 12 months:



This has forced the RBA to cut the official cash rate from 3.50% at the end of June 2012 to a historic low of 2.75% currently.

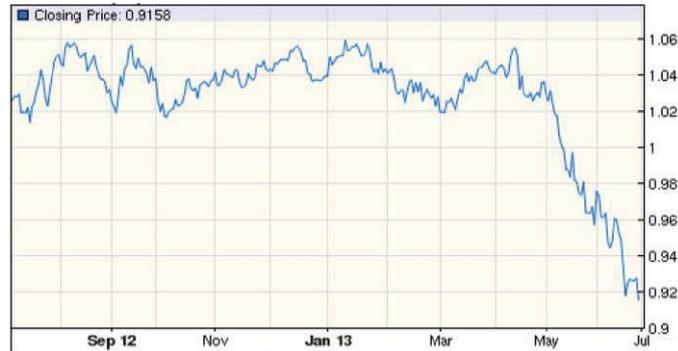


**ITEM 9 (continued)**

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The May rate cut, and the prospect of further rate cuts, precipitated a dramatic fall in the AUD after consistently trading between 1.00 and 1.06 against the USD for the financial year. Coupled with the markets factoring in a wind back of the US QE program, the AUD fell to below 95c against the USD. Ironically, the falling AUD may limit the need for the RBA to cut rates further as domestic businesses benefit from the lower AUD as exports become more competitive.



Opinion remains divided amongst economists from Australia's major banks on the direction of interest rates in the 2013/14 financial year, with Westpac forecasting that rates will fall to 2.00% by early 2014, while the other major banks are forecasting only 1 more rate cut to 2.50%.

Cash Rate Table	Sep-13	Dec-13	Mar-14	Jun-14
<b>ANZ</b>	2.75%	2.50%	2.50%	2.50%
<b>Westpac</b>	2.50%	2.25%	2.00%	2.00%
<b>CBA</b>	2.50%	2.50%	2.50%	2.50%
<b>NAB</b>	2.75%	2.50%	2.50%	2.50%
<b>Implied Yield Curve</b>	2.55%	2.35%	2.33%	2.44%

**ITEM 9 (continued)**

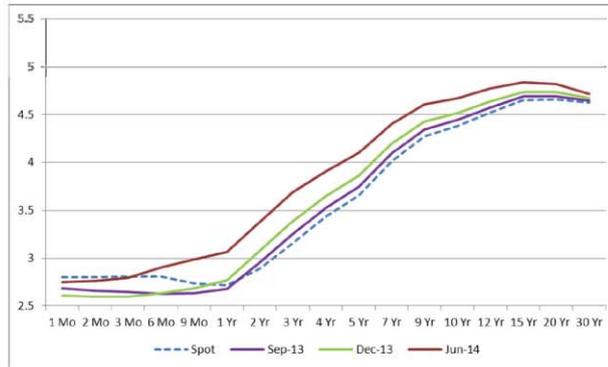
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**Interest Rate Conditions**

The following charts show the market's interest rate expectations over the next five years. Chart One shows the current yield curve (dotted line), together with what the market currently expects the yield curve to look like in three months (dark purple line), six months (green line) and one year (dark red line):

*Chart One – short term (current to 1 year):*

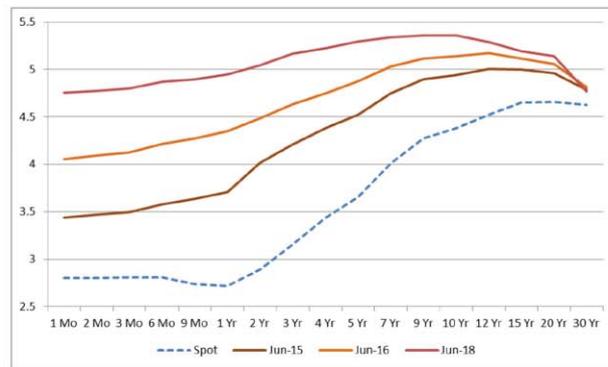


Source: Bloomberg

In short, the market is pricing a bottoming of interest rates by December then a sustained period of a "normal yield curve" environment (ie longer term rates higher than short term rates).

Chart Two shows what the market is currently expecting interest rates to look like in two years (brown), three years (orange) and five years (red), compared to the current yield curve (dotted).

*Chart Two – long term (current vs 2yr to 5yrs):*



Source: Bloomberg

This shows the market is anticipating an increase in rates from 50-150bps across the entire yield curve in 2 to 5 years. It can be inferred from this that the cash rate is expected to steadily rise to 4.25% by June 2018.

ITEM 9 (continued)

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**Strategic Implications:**

**Short term (up to 12 months):**

- The current short term yield curve is inverted: 12 month rates are lower than 3 month rates. The banks' margins on top of these market rates are resulting in relatively flat term deposit rates between 3 and 12 months, albeit with some variance from bank to bank.
  - *As highlighted in the previous charts, the market is pricing in further interest rate cuts over the next six months. Therefore, new deposits of up to six month terms are expected to have reinvestment risk upon maturity (lower interest rates paid in the market for reinvestment of similar time period when proceeds are paid back).*
  - *If possible, limit short dated term deposits out to six months only to funds which will be required for cash flow purposes upon maturity, ie avoiding reinvesting at expected lower rates prevailing at that time.*

**Medium term (1 to 3 years):**

- From December 2013 onward, the market is expecting rates to start heading upward. By June 2014, market rates for 1, 2 and 3 year deposits are expected to be approximately 30 basis points (0.30%pa) higher than similar deposits now.
  - *Based on these market expectations, floating rate investments may offer better value than fixed rate by the end of the 2013 calendar year.*
  - *At this stage however, fixed rate deposits continue to provide higher expected returns over their life than floating rate options.*
  - *Given ongoing turbulence in many overseas banking systems, particularly in Europe and the US, Oakvale does not recommend any investments with "Foreign Subsidiary Australian ADIs" within this 1 to 3yr time horizon.*

**Long term (3 to 5 years):**

- Within the next 12 months longer term investment opportunities are expected to represent good value as a result of interest rate steepening in the 3-5yr area as well as bank incentives under Basel III banking regulations to encourage depositors into longer dated holdings.
  - *As per the medium term comment, for investments greater than one year, floating rate structures via both Term Deposits and Senior Bank Bonds are expected to become more competitive with fixed rate options later this calendar year.*
  - *Given ongoing turbulence in many overseas banking systems, particularly in Europe and the US, Oakvale does not recommend any investments with "Foreign Subsidiary Australian ADIs" within this 3 to 5yr time horizon.*

The financial markets remain very fluid and individual investment options, including market traded bonds vs term deposits & fixed rate versus floating rate notes, will be assessed based upon prevailing conditions and a case-by-case basis.

ITEM 9 (continued)

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**Investment Strategy Recommendations**

The following table summarises Council's Investment Portfolio as at the end of June. The overall investment types within Council's portfolio are appropriate for a local government entity and fully comply with legislation and Investment Policy limits.

City of Ryde Investment Profile as at 30-Jun-13				
Overall Portfolio Credit Profile				
	Investment Balance \$ million	Weighting	Investment Policy limits	Investment Policy compliance
<b>Direct Securities</b>				
AAA / AA / A1+ Category	\$37.4	41%	100%	Yes
A / A1 Category	\$17.2	19%	50%	Yes
BBB / A2 Category	\$19.2	21%	25%	Yes
Unrated ADI	\$17.7	19%	15%	No*
	\$91.5	100%		
<b>Individual Counterparty Limits</b>				
<b>Largest Exposure per Credit Rating:</b>				
<b>Direct Securities</b>				
AAA / AA / A1+ Category	\$16.0	17%	30%	Yes
CBA/Bankwest TDs + FRNs				
A / A1 Category	\$7.3	8%	20%	Yes
Bendigo Bank (and subsidiaries) TDs + FRNs				
BBB / A2 Category	\$7.8	8%	15%	Yes
Bank of Queensland TDs + FRNs				
Unrated ADI	\$4.0	4%	10%	Yes
Rabodirect Bank A/C + FRN + TDs				

\* Policy Breach does not take into account Term Deposits which are covered by the Australian Government Financial Claims Scheme. When the Guaranteed Term Deposits are taken into account, Council's portfolio is within policy limits

**Overall Portfolio Credit Profile:**

- Overall, Council's current portfolio has good credit diversification with over 81% of the portfolio spread among the top three credit rating categories (A/A2 and higher).
- Of the \$17.7m in Council's Unrated ADI exposures \$7m is eligible for the Australian Government's Financial Claims Scheme (FCS). Under the scheme, the first \$250,000 invested per institution is guaranteed by the Commonwealth Government in the case of a failure by the ADI.
- It is recommended Council re-evaluate the benefits of its current strategy of maximising exposure to the FCS via relatively small deposits with a multitude of small ADIs. Larger deposits with higher rated ADIs may have only a small impact on returns whilst reducing exposure to small ADIs which typically have higher concentration risks, ie limited geographical or client (borrower) bases.
- Additionally, it is recommended Council consider limiting deposits only to ADIs which have assets exceeding \$1billion. While not a guarantee against possible failure, smaller ADIs tend to have higher concentrated business risks than the larger ADIs.

ITEM 9 (continued)

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**Individual Institution Limits:**

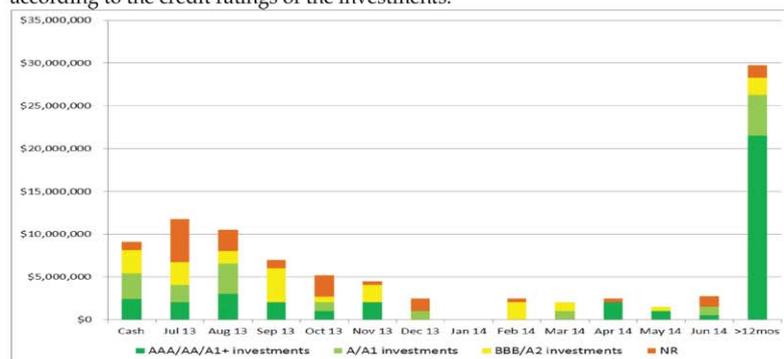
- Council's entire portfolio is invested in deposits/securities with Australian Authorised Deposit taking Institutions.
- In conjunction with a possible scale-back of the current strategy of multitude investments with a wide range of ADIs, it is recommended Council increase its allowable exposure to AAA/A1+ rated institutions from 30% to 45% with any single ADI. This has the added benefit of allowing for increased holdings with CBA/Bankwest and Westpac/St George which are now two rather than four separate ADIs (CBA & Westpac).
- If the strategy of increasing the deposit amounts among larger, higher rated ADIs is undertaken, Council may consider increasing its delegated investment allowances among its staff to streamline administration processes.
- Given the continued instability among overseas financial institutions, only Australian-owned ADIs are currently recommended for medium/long term deposits and investments, i.e. those greater than 12 months.

**Term to Maturity Limits:**

- Council's portfolio is within its Investment Policy's term to maturity limits.

Term to Maturity Limits - Investment Policy Categories				
	Investment Balance \$ million	Weighting	Investment Policy limits	Investment Policy compliance
Portfolio % < 1 yr	\$61.8	68%	Min 40% Max 100%	Yes
Portfolio % > 1 yr	\$29.8	32%	60%	Yes
Portfolio % > 3 yrs	\$10.0	11%	30%	Yes
Portfolio % > 5 yrs < 7 yrs	\$0.0	0%	15%	Yes
Asset Allocation Targets				
Cash, ST Term Deposits, Bank Bills	\$69.5	76%	n/a	
ADI issued Covered Bonds, Senior Debt, LT Term Deposits	\$22.0	24%	n/a	

The graph below shows Council's investment maturity profile colour-coded according to the credit ratings of the investments:



**ITEM 9 (continued)**

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**Investment Strategy Targets:**

- Council's portfolio is largely inline with its Strategy targets. An overall 50%/25%/25% short term/medium term/long term ratio is recommended, but is conditional upon Council's cash flow and capital expenditure expectations.
- The market is pricing in an expected bottoming of interest rates over the coming year then a sustained period of a "normal yield curve" environment with rates expected to increase. This, along with incentives under Basel III banking regulations, is expected to help attract depositors into longer dated holdings. Term deposit specials and longer dated ADI-issued bonds will continue to be monitored for possible inclusion in the portfolio.

<b>City of Ryde – Investment Strategy</b>			
<b>Investment Time Horizon</b>	<b>Sample Investment Types</b>	<b>Target Weighting</b>	<b>Actual Weighting (30 Jun 2013)</b>
<b>Short Dated (up to 180 days)</b>	<b>Cash accounts; bank bills; term deposits (includes 1% original long term hldg nearing maturity)</b>	<b>50%</b>	<b>55%</b>
<b>Medium (180 days to 3yrs)</b>	<b>ADI issued Snr debt (fixed preferred up to 12mos or so); govt bonds; medium dated term deposits</b>	<b>25%</b>	<b>34%</b>
<b>Long (3yrs to 5yrs)</b>	<b>ADI issued Snr debt (floating preferred); govt bonds; long dated term deposits</b>	<b>25%</b>	<b>11%</b>

**Summary of General Strategy Issues:**

- Council's Investment Portfolio is well diversified and within policy limits. There is some scope to increase longer term holdings as cashflow requirements allow.
- Term deposit specials and longer dated ADI-issued bonds will continue to be monitored for possible inclusion in the portfolio.
- Other eligible investments are also being regularly monitored. Please refer to *Appendix B – NSW Local Government Eligible Investments*.

**ITEM 9 (continued)**

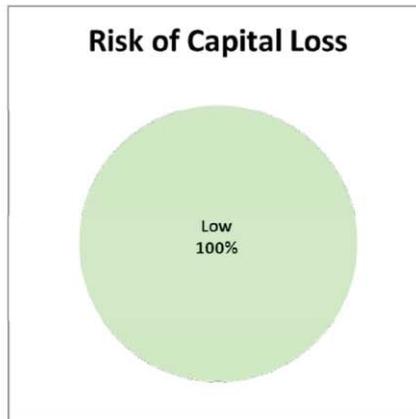
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**Investment Portfolio Overview**

As of 30 June 2013, all of the holdings in the investment portfolio are considered to be very sound with little threat of capital loss.

<b>City of Ryde</b>				
<u>Security Name</u>	<u>Face Value</u>	<u>Maturity, or Call Date</u>	<u>Credit Rating</u>	<u>Comments</u>
<b>Low Risk of Capital Loss</b>				
<b>Bank Deposits and FRNs</b>				
Corporate Bond Investment Group	\$ 2,000,000	Feb-17	AA-	All Australian ADIs
Current Account Investment Group	\$ 9,096,942	at call	various	All Australian ADIs
Floating Rate Note Investment Group	\$ 20,000,000	Nov-13 to May-17	various	All Australian ADIs
Term Investment Group	\$ 60,450,000	Jul-13 to Sep-17	various	All Australian ADIs
<b>Total (Low Risk)</b>	<b>\$ 91,546,942</b>			



**Other Key Risks:** The following risks may also apply to Council's individual investments:

- Liquidity risk:** The risk that Council may be unable to sell any or part of an investment on to the secondary market at a level suitable to them - or at all. Tradeable securities may be liquid in normal market conditions; however rates/margins may change substantially in periods of market stress.
- Interest Rate Risk:** The risk to the value of an investment caused by changes in market interest rates. Floating Rate Securities have limited interest rate risk; Fixed Rate Securities are exposed to mark-to-market changes caused by movements in swap markets.
- Market Risk:** The risk to the value of an investment caused by changes in related markets. Tradeable securities are exposed to market perceptions of issuer credit and credit markets generally.
- Issuer/Credit risk:** The risk of default of the Issuer/Counterparty. Note that any issuer default may result in partial or total investor capital loss.

**ITEM 9 (continued)**

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**Appendix A – Investment Security Review**

The following is a synopsis of Council’s investment holdings as of 31 May 2013 with comments on the underlying structures

Corporate Bonds Investment Group	
<ul style="list-style-type: none"> <li>▪ 2 ADI issued bonds from 2 different Australian licenced banks</li> <li>▪ \$2,000,000 investment</li> <li>▪ Maturity: Feb 2017</li> <li>▪ Risk of Capital Loss: Low</li> </ul>	<p>Council's Corporate Bonds are from NAB and Westpac, both licenced authorised deposit taking institutions regulated by APRA. The Australian banking regulatory environment is considered one of the soundest in the world and deposits/investments with domestic institutions is generally regarded very safe.</p> <p>These fixed rate corporate bonds continued to see marked to market gains in 2013 due to the RBA cutting the official cash rate to 2.75% (with further another further cut expected later in 2013) and the continued narrowing of margins on floating rate notes and bonds.</p> <p><b>These securities continue to deliver a high, consistent income stream in line with Council's original investment objectives.</b></p>
Floating Rate Note Investment Group (Bank Issued)	
<ul style="list-style-type: none"> <li>▪ 20 ADI issued notes from 7 different Australian licenced banks</li> <li>▪ \$20,000,000 investment</li> <li>▪ Maturity/Call Date: Nov 2013 to May 2017</li> <li>▪ Risk of Capital Loss: Low</li> </ul>	<p>Council has excellent diversification within its long dated investment portfolio with \$21m spread amongst 8 licenced authorised deposit taking institutions regulated by APRA.</p> <p>Margins on floating rate notes and bonds continued to narrow in early 2013, with 5 year floating rate notes trading inside +85bp compared to +185bp early in 2012.</p> <p><b>These securities continue to deliver a high, consistent income stream in line with Council's original investment objectives.</b></p>
Term Investment Group (Short and Long dated)	
<ul style="list-style-type: none"> <li>▪ Term Deposits with Australian licenced ADIs</li> <li>▪ \$60,450,000 investment</li> <li>▪ Maturity: Jul 2013 to Sep 2017</li> <li>▪ Risk of Capital Loss: Low</li> </ul>	<p>All of Council's term deposit's are from licenced authorised deposit taking institutions regulated by APRA. The Australian banking regulatory environment is considered one of the soundest in the world and deposits/investments with domestic institutions is generally regarded very safe.</p> <p>Requirements under Basel III banking regulations have reinforced the banks' efforts to secure increased domestic deposits. Therefore, banks are still offering "specials" for longer dated deposits that are at historically high margins over the corresponding BBSW rate. <b>It is recommended that Council continue to pursue these term deposit specials whilst they are being offered.</b></p> <p><b><u>Commonwealth Bank: (S&amp;P: A1+/AA-) - \$10,000,000 invested</u></b></p> <p>Commonwealth Bank is one of Australia's major banks with an asset base around \$540 billion, including its wholly owned subsidiary Bankwest. Deposits make up 65% of total funding, with short term and wholesale funds making up the balance.</p>

**ITEM 9 (continued)**

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	<p>Latest Profit: \$3.67b (6 months to Dec 2012)</p> <p>Basel III Level 2 Tier 1 Capital Adequacy Ratio: 9.9% (March 2013)</p> <p><b><u>National Australia Bank: (S&amp;P: A1+/AA-) - \$5,000,000</u></b></p> <p>National Australia Bank is one of Australia's major banks with an asset base around \$500billion. Deposits make up 67% of total funding, with short term and wholesale funds making up the balance.</p> <p>Latest Profit: \$2.52b (6 months to Mar 2013)</p> <p>Basel III Level 2 Tier 1 Capital Adequacy Ratio: 8.2% (March 2013)</p> <p><b><u>Westpac Bank: (S&amp;P: A1+/AA-) - \$5,000,000 invested (+\$3m at call)</u></b></p> <p>Westpac is one of Australia's major banks with an asset base around \$650billion (including its St George subsidiary). Deposits make up approximately 69% of total funding, with short term and wholesale funds making up the balance.</p> <p>Latest Profit: \$3.3b (6 months to Mar 2013)</p> <p>Basel III Level 2 Tier 1 Capital Adequacy Ratio: 8.7% (March 2013)</p> <p><b><u>AMP Bank: (S&amp;P: A1/A) - \$2,000,000 invested(+\$3.0m at call)</u></b></p> <p>AMP Bank is a wholly owned subsidiary of the AMP Group, an ASX listed wealth management company. Deposits and wholesale funding make up 73% of its funding with the balance coming from securitisation.</p> <p>Latest Profit: \$33m (6 months to Dec 2012)</p> <p>Basel II Tier 1 Capital Adequacy Ratio: 9.7% (Mar 2013)</p> <p><b><u>ING Bank Australia: (S&amp;P: A1/A) - \$4,000,000 invested</u></b></p> <p>ING Bank Australia is an APRA regulated Australian bank which is ultimately owned by ING Bank NV, a Dutch bank. It has around \$47 billion in assets and deposits make up 55% of total funding with wholesale funds and securitisation making up the balance.</p> <p>Latest Profit: \$277m (12 months to Dec 2012)</p> <p>Basel II Tier 1 Capital Adequacy Ratio: 12.2% (Mar 2013)</p> <p>Oakvale recommends that deposits with all foreign subsidiary ADIs, including ING Bank Australia, are kept to maturities of less than 12 months.</p> <p><b><u>Macquarie Bank: (S&amp;P: A1/A) - \$1,000,000 invested</u></b></p> <p>Macquarie Bank is a wholly owned subsidiary of the Macquarie Group, an ASX listed diversified financial services company.</p> <p>Latest Profit: \$851m (Macquarie Group 12 months to March 2013)</p> <p>Basel II Tier 1 Capital Adequacy Ratio: 10.8% (Mar 2013)</p> <p><b><u>Bank of Queensland: (S&amp;P: A2/BBB+) - \$3,750,000 invested</u></b></p> <p>Australia-wide bank with Queensland as its core market segment. BoQ is listed on the Australian stock exchange with around \$40billion in assets. Deposits make up 60% of total funding, wholesale funds 25%, and securitisation 15%.</p>
	<p><i>City of Ryde Investment Strategy and Portfolio Review 2012/2013 Financial Year</i></p> <p><i>Page 17</i></p>

**ITEM 9 (continued)**

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	<p>Latest Profit: \$100.5m (6 months to February 2013)</p> <p>Basel III Level 2 Tier 1 Capital Adequacy Ratio: 8.7% (Feb 2013)</p> <p><b><u>Bendigo and Adelaide Bank: (S&amp;P: A2/A-) - \$5,250,000 invested</u></b></p> <p>Regional and community-focussed bank that operates nationwide. The bank is listed on the Australian stock exchange with around \$57 billion in assets. Deposits make up 80% of its total funding, 12% from securitisation, and 8% from wholesale funding. Its subsidiaries include Delphi Bank, and Rural Bank.</p> <p>Latest Profit: \$189m (6 months to Dec 2012),</p> <p>Basel III Level 2 Tier 1 Capital Adequacy Ratio: 10.8% (Mar 2013)</p> <p><b><u>CUA (S&amp;P: A2/ BBB+) - \$500,000 invested</u></b></p> <p>CUA is Australia's largest credit union with over \$9.7 billion in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements.</p> <p>Latest Profit: \$34.0m (6 months to Dec 2012)</p> <p>Basel II Tier 1 Capital Adequacy Ratio: 14.59% (Mar 2013)</p> <p><b><u>ME Bank: (S&amp;P: A2/BBB) - \$3,000,000 invested (+\$2.7m at call)</u></b></p> <p>ME Bank is owned by industry super funds and has assets of nearly \$12 billion. ME Bank has a heavy reliance on securitization (57% of funding as of Jun 2012) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 30% of its funding).</p> <p>Latest Profit: \$4.7m (12 months to June 2012)</p> <p>Basel III Level 2 Tier 1 Capital Adequacy Ratio: 10.8% (Mar 2013)</p> <p><b><u>Newcastle Permanent Building Society: (S&amp;P: A2/ BBB+)- \$1,000,000</u></b></p> <p>NPBS is the largest building society in Australia, with more than \$8.0b in assets. Its main operational areas are on the Central Coast and Hunter regions of NSW, although it has a small presence on the mid to north coast of NSW. Retail deposits make up almost 80% of its total funding.</p> <p>Latest Profit: \$40.0m (12 months to June 2012)</p> <p>Basel II Tier 1 Capital Adequacy Ratio: 19.3% (Mar 2013)</p> <p><b><u>Rabodirect (S&amp;P: NR) - \$2,000,000 invested</u></b></p> <p>Rabodirect is the online bank of Rabobank Australia, which is an authorised deposit-taking institution. Its Dutch parent, Rabobank Group (S&amp;P: A1+/AA-) guarantees all deposits made with Rabobank Australia.</p> <p>Basel II Tier 1 Capital Adequacy Ratio: 10.50% (Mar 2013)</p> <p>Oakvale recommends that deposits with all foreign subsidiary ADIs, including Rabodirect, are kept to maturities of less than 12 months.</p> <p><b><u>Investec Bank (S&amp;P: NR) - \$500,000 invested</u></b></p> <p>Investec Bank (Australia) Limited is an authorised deposit-taking institution. Its parent is the South African bank and asset manager, Investec Group. It is not rated by S&amp;P however it is rated by Moody's (Not Prime/Ba1) and Fitch</p>
	<p><i>City of Ryde Investment Strategy and Portfolio Review 2012/2013 Financial Year</i> <span style="float: right;"><i>Page 18</i></span></p>

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(F3/BBB-).

Basel II Tier 1 Capital Adequacy Ratio: 11.8% (Mar 2013)

Oakvale recommends that deposits with all foreign subsidiary ADIs, including Investec Bank, are kept to maturities of less than 12 months.

**Term Deposits with other Australian ADI's - \$17,450,000 invested**

Council currently has \$17.45m invested in 31 other Australian ADI's. The first \$250,000 of every deposit with an Australian ADI is guaranteed by the Federal Government.

<u>ADI</u>	<u>\$ invested</u>
B&E Building Society	500,000
Banana Coast CU	500,000
Bank of Sydney	250,000
Coastline CU	500,000
Community First CU	500,000
Defence Bank	500,000
Gateway CU	500,000
Goldfields Money Ltd	250,000
Greater Building Society	1,000,000
Heritage Bank	1,000,000
Holidaycoast CU	500,000
Hunter United Employee CU	500,000
IMB	1,700,000
Intech CU	500,000
Maitland Mutual	500,000
Northern Beaches CU	500,000
Peoples Choice CU	500,000
P&N Bank	500,000
Police Credit Union	1,000,000
Qld Country CU	500,000
QT Mutual Bank	500,000
Queenslanders Credit Union	500,000
Railways CU	500,000
Rock Building Society	500,000
SGE CU	500,000
South West CU	500,000
Summerland CU	250,000
Victorian Teachers CU	500,000
Warwick CU	500,000
WAW Credit Union Cooperative	500,000
Wide Bay Australia	500,000

ITEM 9 (continued)

ATTACHMENT 1



**Appendix B – NSW Local Government Eligible Investments**

**Definitions of Eligible ADI Investments:**

**11am call deposits:** Cash invested on an overnight basis with an Australian Authorised Deposit-taking Institution (ADI). Funds can be recalled or re-invested prior to the bank's Real Time Gross Settlement cut-off each day.

*Benefits*

- 11am account provides a quick and easy investment solution for current balances that are not being used otherwise.

*Major Risks / Disadvantages*

- Potentially a lower return investment product.
- Credit risk is a function of the creditworthiness of the issuer.

**Covered Bonds:** interest bearing senior ranking debt obligations of an Authorised Deposit-taking Institution (ADI) which have specific bank assets, ie loans, backing the bond. Covered bonds are market traded securities. They can be either fixed rate or floating rate interest bearing and typically are issued with 5+ year maturities. In the case of a bank failure, holders of covered bonds rank ahead of depositors and unsecured senior bond holders having first recourse to the underlying pool of assets backing the bond. If the pool's assets are not sufficient to meet the covered bond's obligations, holders then have recourse to the bank's total assets equal to other senior unsecured bondholders.

*Benefits*

- Highest ranking securities within a bank's capital structure.
- Securities are liquid allowing them to be sold on the secondary market.
- Fixed rate: Future coupons are known which helps with cash flow forecasting.
- Floating rate: Coupons move with the market, allowing for investor participation when interest rates increase.

*Major Risks / Disadvantages*

- Credit risk is a function of the creditworthiness of the issuer/underlying assets.
- Fixed rate: interest rate risk applies in that a pre-determined coupon rate is locked in.
- Floating rate: coupons move with the market, allowing for reduced earning capacity when interest rates decrease.

For more information refer to the previous Research Paper on Covered Bonds provided by Oakvale Treasury.

*Current Covered Bond offerings are not representing good value for Council's portfolio, however these are being reviewed on an ongoing basis and should any issuance present an attractive proposition for Council's portfolio Oakvale Treasury shall bring it to Council's attention.*

ITEM 9 (continued)

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**Term deposits:** interest bearing deposit held at an ADI for a specific contracted period. Term deposits are not tradeable in the market. They typically have a fixed rate for their life, but floating rate term deposits are also available. Prior to the introduction of Covered Bonds into the Australian market, in early 2012, term deposits ranked at the top of an ADI's capital structure.

Benefits

- Term deposits are considered to be a relatively low-risk investment.
- As these funds are not callable prior to maturity, banks generally offer a return premium.
- This type of investment allows investors to match cash flow requirements.
- The return is known.

Major Risks/ Disadvantages

- Liquidity risk applies in that deposits are not redeemable before maturity. Deposits may not be breakable at all or may only be broken after a prohibitive break fee is paid.
- Interest Rate risk applies in that the rate of return is fixed.
- Credit risk is a function of the creditworthiness of the ADI.
- Counterparty/credit risk increases if invested with unrated/low rated financial institutions.

*As noted, various Term Deposits are providing good value and where appropriate these are being actively recommended to Council and included in the portfolio. As with all investments there is a risk/reward trade-off - even with term deposits from Australian ADI's - and these are being actively monitored.*

**Bank Bills and Negotiable Certificates of Deposits (NCDs):** are similar types of interest bearing securities issued/accepted by ADIs, typically short dated. Unlike term deposits, these are tradeable in the market prior to maturity.

Benefits

- Counterparty party risk is partially mitigated by the accepting/issuing bank, which is typically a bank with very high credit rating.
- The return on the bank Bill and NCD is known if held until maturity.
- Bank bills and NCDs are liquid and can be traded on the secondary market.

Major Risks / Disadvantages

- Being a lower risk investment option, Bank Bills/NCDs provide a lower return.
- Interest Rate risk is present in that the rate is locked in for a fixed term.
- Credit risk is a function of the creditworthiness of the accepting/issuing bank.

**ITEM 9 (continued)**

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*These securities provide exceptional liquidity and in the current climate are very useful where this is a key requirement for cash flow management. However, most current offerings are not providing as attractive a return as available from Term Deposits. As with other eligible investments, these are being regularly monitored, particularly as the margins on Term Deposits narrow.*

**Senior Debt Bonds:** interest bearing securities which are senior debt obligations of the issuing ADI. Senior bonds are tradeable in the market. They can be either fixed rate or floating rate interest bearing and are typically issued with 3+ year maturities. Interest is paid at scheduled intervals based on the face value of the bond with repayment of capital paid upon maturity. In the case of a bank failure, senior bond holders rank above subordinated debt holders and shareholders but below covered bond holders and depositors.

*Benefits*

- High ranking securities within a bank's capital structure.
- Securities are liquid allowing them to be sold on the secondary market.
- Fixed rate: Future coupons are known which helps with cash flow forecasting.
- Floating rate: Coupons move with the market, allowing for investor participation when interest rates increase.

*Major Risks / Disadvantages*

- Credit risk is a function of the creditworthiness of the issuer/underlying assets.
- Interest rate risk applies in that a pre-determined coupon rate is locked in.
- Fixed rate: interest rate risk applies in that a pre-determined coupon rate is locked in.
- Floating rate: coupons move with the market, allowing for reduced earning capacity when interest rates decrease.

*There have been some attractive Senior Bank Bond offerings from Australian-owned ADIs over the past year and more are expected in 2013. Where appropriate, given prevailing Investment Policy limits and cash flow requirements, these will be brought to Council's attention.*

**Other NSW Local Government Eligible Investments (Non-ADI) being actively monitored:**

**Commonwealth/State/Territory Government securities e.g. bonds:-**

These are interest paying securities which are issued by one of the above Australian government bodies and are guaranteed by that issuer. As such, these securities carry the same credit rating as the issuing government body.

*Benefits*

- Among the most secure investments available to Australian investors.
- Future coupons are known which helps with cash flow forecasting.

**ITEM 9 (continued)**

**ATTACHMENT 1**



*Major Risks / Disadvantages*

- Typically much lower yielding than other investment options due to low investment risk of issuer.
- Interest rate risk applies in that a pre-determined coupon rate is locked in.

*Current Commonwealth and State and Territory Bond offerings are not representing good value for Council's portfolio. However these are being reviewed on an ongoing basis and should any issuance present an attractive proposition for Council's portfolio Oakvale Treasury shall bring it to Council's attention.*

**Deposits with NSW Treasury &/or Investments in NSW Treasury Corporation's Hour Glass Facility:-**

The NSW Treasury Corporation Hour Glass Facility comprises a number of pooled managed funds options each set up as a unit trust. The current cash and fixed income only options available through the Hour Glass facilities are the Cash Facility and the Strategic Cash Facility.

The Cash Facility provides the more transactional type option and is designed for investments ranging from overnight to 1.5 years, whilst the Strategic Cash Facility is designed for investments ranging from 1.5 years out to 3 years.

Both investments will pay back the balance of the investment generally within 24 to 72 hours.

*Benefits*

- Investments are pooled and as such a much more diversified pool of underlying investment is possible over investing in securities directly – particularly for small investment amounts.
- A broader investment pool usually allows for a smoothing of any volatility in the underlying investments.

*Major Risks/Disadvantages*

- As a unit trust, investment in the Hour Glass Facilities are not deposits or liabilities of NSW T-Corp.
- The Hour Glass Facilities are subject to market and liquidity risk associated with their underlying securities.
- Usually an additional layer of fees is incurred via a managed fund to pay for fund manager costs.

*In the current climate these have not been recommended to Council however the products and financial climate are continually being monitored and where appropriate these investments will be brought to Council's attention.*

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**Appendix C – Standard & Poor's Credit Ratings Descriptions**

**Credit Ratings**

Standard & Poor's (SP) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment.
- Nature and provisions for the obligation.
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

**Short Term Obligation Ratings are:**

**A-1**

This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

**A-2**

A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

**A-3**

A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

**ITEM 9 (continued)**

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**Long-Term Ratings are:**

**AAA**

An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

**AA**

An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

**A**

An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligors capacity to meet its financial commitment on the obligation is still strong.

**BBB**

An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

**Plus (+) or Minus (-)**

The ratings from "AA" to "CCC" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories.

**CreditWatch**

Highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indication.

**Rating Outlook**

Assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and /or fundamental business conditions. An outlook is not necessarily precursor of a ratings change or future CreditWatch action. A "Rating Outlook - Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

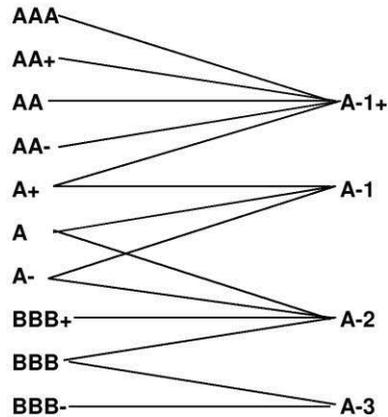
**ITEM 9 (continued)**

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**S&P Ratings Correlations**

The standard correlation of short-term ratings with long-term ratings is shown below.



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**ITEM 9 (continued)**

**ATTACHMENT 2**

**INVESTMENT POLICY**

**Scope**

The Investment Policy stipulates the mandatory requirements for the investing of Council's funds in complying with all legislative requirements including the Minister for Local Governments Investment Order and requires that all investment activities be exercised with care, diligence and skill of a prudent person and not for speculative purposes.

**Purpose**

The Investment Policy provides a framework for the investing of Councils funds at the most favourable rate of interest available to it at the time, whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return of investment.

**Guidelines / Procedures**

The attached Investment Policy Guidelines detail how the Investment Policy is to be implemented and incorporates Council's principal objectives for investing, the legislative requirements in investing, who is authorised to make investments, approved investments under the Minister's Order, Council's Investment Advisor, the use of the risk management framework to be adopted when assessing investments to measuring, benchmarking and reporting on the performance of Council's Investment Portfolio.

**References - Legislation**

**References - Legislation**

All investments are required to comply with the following:

- Local Government Act 1993 - Section 412 & 625;
- Local Government Act 1993 – Order (of the Minister) Circular No: 11/01 gazetted on 17 February 2011, or most current.
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);
- Local Government (General) Regulation 2005 – Clause 212.

Title of Policy		
Owner: Finance	Accountability:	Policy Number: # TBP
Trim Reference: D13/57973	Review date: August 2013	Endorsed: TBE

ITEM 9 (continued)

ATTACHMENT 2

**INVESTMENT POLICY**

**Review Process and Endorsement**

This Policy should be reviewed annually or as required in the event of legislative change by Council. Any amendment to the Investment policy must be by way of Council resolution.

**Attachments**

<i>Title</i>	<i>Trim Reference</i>
Investment Policy Guidelines	D13/58009

<b>Title of Policy</b>		
Owner: Finance	Accountability:	Policy Number: # TBP
Trim Reference: D13/57973	Review date: August 2013	Endorsed: TBE

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**ATTACHMENT 3**

**INVESTMENT POLICY GUIDELINE**

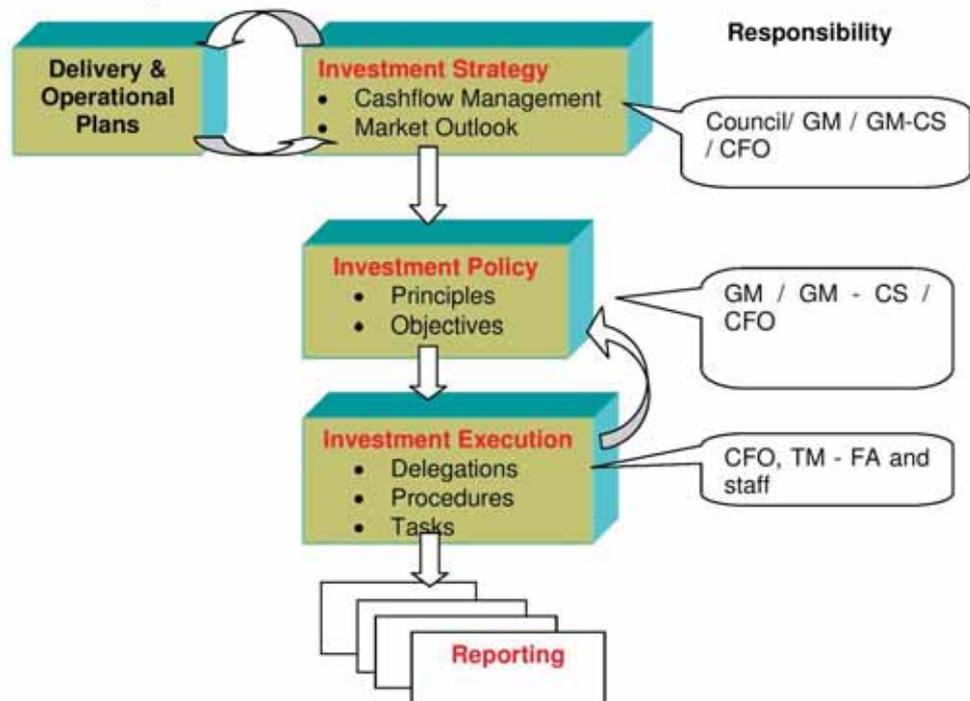
**Related Policy**

These guidelines relate to the Investment Policy, as adopted by Council.

**Guideline**

**1 Relation of Investment Policy within Council**

The following diagram shows how the Investment Policy relates to other policies, plans and strategy within Council.



- \* GM General Manager
- \* GM – CS Group Manager, Corporate Services
- \* CFO Chief Financial Officer
- \* TM – FA Team Manager Financial Accounting

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ATTACHMENT 3

**INVESTMENT POLICY GUIDELINE**

**2 Objectives**

To provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time, whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return of investment.

- (a) Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- (b) Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- (c) Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.

**3 Legislative Requirements**

All investments are to comply with the following:

- Local Government Act 1993 - Section 412 & 625;
- Local Government Act 1993 – Order (of the Minister) Circular No: 11/01 gazetted on 17 February 2011, or most current.
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);
- Local Government (General) Regulation 2005 – Clause 212.

Extracts are included in Schedule 1.

**4 Delegation of Authority to Invest**

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with Section 377 of the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular reviews.

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**INVESTMENT POLICY GUIDELINE**

Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

The General Manager has delegated to the Chief Financial Officer, Council's Responsible Accounting Officer, the authority to authorise investments up to the value of \$2 million in accordance with Council's Investment Policy subject to prior consultation with the Group Manager Corporate Services.

The General Manager has delegated to the Group Manager Corporate Services the authority to authorise investments up to the value of \$4 million in accordance with Council's Investment Policy subject to prior consultation with the General Manager.

Any proposed investments over \$4 million are reviewed by the Chief Financial Officer for recommendation to the Group Manager Corporate Services for recommendation and referral to the General Manager for approval, if the General Manager deems it appropriate.

**5 Prudent Person Standard**

The investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

A prudent person is entrusted to act with a duty of care, not as an average person would act but as a wise, cautious and judicious person. Such a person will:

- Have a full understanding of Council's Investment Policy
- Understand the legislative constraints regarding Council's investments
- Actively manage investments by regular market monitoring. Performance of investments is to be reviewed (individually and as a whole portfolio) on a monthly basis. Where necessary, advice and assistance should be sought from professional people with experience in investment markets. Any professional advice obtained must contain a statement by the advisor as to their financial interest in the advice given.
- Review Council's investment strategy, at least annually
- Balance the investment risk/return trade off by not taking an overtly conservative (low risk, low return) stance or overtly risky stance.

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**INVESTMENT POLICY GUIDELINE**

- Have a full understanding of Council's investment strategy and its specific requirements for cashflow to meet its obligations and consider this in selecting duration of investments.

**6 Ethics and Conflict of Interest**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest in fulfilling their role to Council.

**7 Approved Investments**

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government (refer Schedule 1)

All investments must be denominated in Australian Dollars.

Authorised Investments include

- Debentures or securities issued by, or guaranteed by, Local, State and Commonwealth governments.
- Interest bearing deposits with, or any debentures or bonds issued by an authorised deposit-taking institution (as defined by the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations.
- any bill of exchange which has a maturity date of not more than 200 days, and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority.
- Investments with the NSW Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.
- Investments grandfathered under the previous Ministerial Order.

**8 Prohibited Investments**

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes, including;

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ATTACHMENT 3

**INVESTMENT POLICY GUIDELINE**

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

**9 Risk Management Guidelines**

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance and are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- Credit risk – the risk that a borrowing institution fails to pay the interest and/or repay the principal lent (invested);
- Market risk – the risk that the fair value of future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity risk – the risk that an investor is unable to redeem the investment at fair price within a timely period;
- Maturity risk – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.

**10 Risk Management Framework**

Investments obtained are to comply with three key criteria relating to:

- (a) Institutional Limitations
- (b) Portfolio Credit Framework: limit overall credit exposure of the portfolio
- (c) Counterparty/Institution Credit Framework: limit exposure to individual counterparties/institutions
- (d) Term to Maturity Framework: limits based upon maturity of securities.

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INVESTMENT POLICY GUIDELINE

(a) Institutional Limitations

Notwithstanding the further limitations set under the Counterparty/Institution Framework below the following limitations will also apply.

- For unrated ADIs, Council will limit deposits to these institutions to those institutions that have assets that exceed \$1 billion.
- Council will not invest with any ADI that is an Australian subsidiary of a foreign owned bank.
- All ADIs which are utilised by Council are to comply with prevailing Total Capital Adequacy Ratio requirements as defined by the Basel Committee and monitored by APRA.

(b) Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA/AA	A-1+	100%
A	A-1	50%
BBB	A-2	25%
Unrated ADIs	Unrated ADIs	15%

\* or Moody's / Fitch equivalents

Amounts placed with institutions that are covered by the government guarantee of \$250K will be considered to have the sovereign credit rating of the Australian Government.

(c) Counterparty/Institution Credit Framework

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA/AA	A-1+	45%
A	A-1	20%
BBB	A-2	15%
Unrated ADIs	Unrated ADIs	10%

\* or Moody's / Fitch equivalents

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they should be divested as soon as practicable.

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INVESTMENT POLICY GUIDELINE

**(d) Term to Maturity Framework**

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Return to Maturity		
Portfolio % <1 year	Min 40%	Max 100%
Portfolio % >1 year and < 3years	Min 0%	Max 60%
Portfolio % >3 year and < 5 years	Min 0%	Max 30%

The maximum allowable term to maturity for any investment is 5 years.

**11 Divestment**

If the characteristics of any of Council's investments change with market conditions such that they no-longer fall within these investment policy guidelines, they should be divested as soon as is practical.

**12 Investment Advisor**

Council's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to recommend the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any or potential conflicts in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or benefits in relation to the investments being recommended or reviewed.

**13 Measurement**

The investment return for the portfolio is to be regularly reviewed by the investment advisor by assessing the market value of the portfolio. The market value is to be assessed at least monthly to coincide with monthly reporting.

The investment advisor should meet with the responsible staff and review Council's investment portfolio no less than every six months.

**14 Benchmarking**

The performance of the investment portfolio shall be measured against the UBS Warburg 90 Day Bank Bill Index.

**15 Reporting and Review**

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**INVESTMENT POLICY GUIDELINE**

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date, changes in market value where applicable and investment income versus budget year to date

If a breach of this Investment Policy occurs, Council will be notified at its next ordinary meeting.

**16 Review and Variation to Policy**

The Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of the Council and in the spirit of this policy. Any amendment to the Investment policy must be way of Council resolution.

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**INVESTMENT POLICY GUIDELINE**

**SCHEDULE 1:  
Extracts of Legislative Requirements**

LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625

**Section 412 Accounting Records**

- (2) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- (3) In particular, a council must keep its accounting records in a manner and form that facilitate:
  - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
  - (b) the convenient and proper auditing of those reports.

**Section 625 How May Councils Invest?**

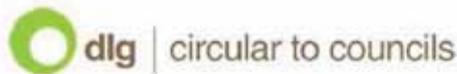
- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes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

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ATTACHMENT 3

INVESTMENT POLICY GUIDELINE



Circular No. 11-01  
Date 17 February 2011  
Doc ID: A232103

Contact: Finance Policy Section  
02 4428 4100  
dlg@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.



**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

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Investment Policy Guideline		
Owner: Finance	Accountability:	Issue: TBA
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ITEM 9 (continued)

ATTACHMENT 3

INVESTMENT POLICY GUIDELINE

**LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER**  
(Relating to investments by councils)

I the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

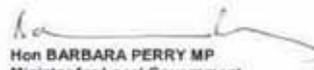
All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12<sup>th</sup> day of January 2011

  
Hon BARBARA PERRY MP  
Minister for Local Government

Investment Policy Guideline		
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ITEM 9 (continued)

ATTACHMENT 3

**INVESTMENT POLICY GUIDELINE**

**THE TRUSTEE AMENDMENT (DISCRETIONARY INVESTMENTS) ACT 1997 –  
SECTIONS 14A (2), 14C (1) & (2)**

**14A (2) Duties of trustee in respect of power of investment**

A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

**14C Matters to which trustee is to have regard when exercising power of investment**

- (1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
  - (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
  - (b) the desirability of diversifying trust investments,
  - (c) the nature of, and the risk associated with, existing trust investments and other trust property,
  - (d) the need to maintain the real value of the capital or income of the trust,
  - (e) the risk of capital or income loss or depreciation,
  - (f) the potential for capital appreciation,
  - (g) the likely income return and the timing of income return,
  - (h) the length of the term of the proposed investment,
  - (i) the probable duration of the trust,
  - (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
  - (k) the aggregate value of the trust estate,

Investment Policy Guideline		
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ITEM 9 (continued)

ATTACHMENT 3

**INVESTMENT POLICY GUIDELINE**

- 
- (l) the effect of the proposed investment in relation to the tax liability of the trust,
  - (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
  - (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
  - (o) the results of a review of existing trust investments in accordance with section 14A (4).
- (2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
  - (b) pay out of trust funds the reasonable costs of obtaining the advice.

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**ITEM 9 (continued)**

**ATTACHMENT 3**

**INVESTMENT POLICY GUIDELINE**

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - CLAUSE 212

**212 Reports on council investments**

- (1) The responsible accounting officer of a council:
- (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
    - i) if only one ordinary meeting of the council is held in a month, at that meeting, or
    - ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
  - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.
- (2) The report must be made up to the last day of the month immediately preceding the meeting.

Note. Section 625 of the Act says how a council may invest its surplus funds.

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**10 CORPORATE CREDIT CARD POLICY - Review August 2013**

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**Report prepared by:** Chief Financial Officer  
**File No.:** FIM/07/6/1 - BP13/1072

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**REPORT SUMMARY**

This report recommends the adoption of the revised Corporate Credit Card policy for the use of corporate credit cards.

The Division of Local Government (DLG) Circular 04/04 "Appropriate Controls On The Use Of Council Issued Credit Cards", recommended that Councils develop a clear and comprehensive policy on the use of credit cards.

The previous policy was also developed based on the DLG Circular and in accordance with the Audit Office's Guide to Better Practice – Corporate Credit Card guidelines.

Whilst City of Ryde use of corporate credit cards is minimal, Council already has an established policy and procedures in place governing the use of corporate credit cards. The adoption of this revision of this policy will strengthen Council's internal controls and provide greater transparency of Council's operations.

**RECOMMENDATION:**

- (a) That the report of the Chief Financial Officer, dated 24 July 2013 on Corporate Credit Card Policy – Review August 2013 be received and noted
- (b) That the revised Corporate Credit Card Policy be adopted by Council.

**ATTACHMENTS**

- 1 Revised Credit Card Policy

Report Prepared By:

**John Todd**  
**Chief Financial Officer**

Report Approved By:

**Roy Newsome**  
**Group Manager - Corporate Services**

**ITEM 10 (continued)****Discussion**

City of Ryde has a limited number of Senior Officers that have access to a Corporate Credit Card, which is to allow Council to transact its business in a more efficient manner.

The use of corporate credit cards either creates savings in administrative time or is required to be used in matters such as:

- arranging transport, accommodation and registration for attendance at conferences.
- procuring IT services where payment is required by credit card.
- payment of accounts to eliminate the need for overseas bank drafts.

The following Officers have Corporate Credit cards:

General Manager  
Group Manager Corporate Services  
Group Manager Community Life  
Chief Financial Officer  
Service Unit Manager Customer Service and Governance

Council has restricted officers issued with credit cards and this is the reason why not all Group Managers have been issued with a credit card.

Whilst Council has an established policy and procedures controlling the use of corporate credit cards, it is important that Council reviews this policy on a regular basis to make sure that it has incorporated any issues that may have arisen.

The revised Corporate Credit Card policy (**ATTACHMENT 1**) has been developed based on the previous policy, which was based on the DLG Circular 04/04 and in accordance with the Audit Offices Guide to Better Practice – Corporate Credit Card guidelines.

The policy provides for the Internal Auditor to review the usage of corporate credit cards on a regular basis for compliance with guidelines and this is also included in the Annual Internal Audit Plan.

The Audit & Risk Committee has reviewed and endorsed the original policy, and there has not been any substantial changes made to the policy or procedures.

**Financial Implications**

City of Ryde use of corporate credit cards is minimal and mainly associated with arranging transport, accommodation, attendance at conferences and the provision of IT services.

**ITEM 10 (continued)**

**Consultation**

Council business units consulted included:

- Finance Unit
- Risk & Audit
- Audit & Risk Committee
- Executive Team

ITEM 10 (continued)

ATTACHMENT 1

**CORPORATE CREDIT CARD POLICY**

**Scope**

The policy is to ensure effective controls, policies and procedures are in place with respect to the use of Corporate Credit Cards.

**Principles**

- Ensure transparency in Council's operations concerning the use of Corporate Credit Cards
- Ensure Council's resources are managed with integrity and diligence.

**Objectives**

- Fulfil all statutory requirements of the Local Government Act with respect to the use of Corporate Credit Cards.
- To adopt best practice in developing a clear and comprehensive policy on the use of Corporate Credit Cards

**Policy**

Corporate credit cards have been implemented to allow the Council to transact its business in a more efficient manner and at the same time provide Council Officers with a more convenient method to meet costs they incur on Council's behalf.

Corporate credit cards should be recognised as a valuable tool for the efficient and effective operation of Council's daily business and not as a benefit assigned to specific individuals. The use of corporate credit cards will create savings in staff administration time in matters such as arranging transport, accommodation and registration for attendance at conferences and by eliminating the need for overseas bank drafts for certain purchases. It will also reduce the high number of creditor creations that are required for one-off purchases.

It is intended to save time and paperwork in making purchases while still maintaining control of purchases through the monthly reconciliation process as well as reducing the need for Council staff to use their private credit card to conduct Council business.

Corporate Credit Cards should not be used when there is an alternative form of payment which aligns with the normal purchasing process through Technology One.

Staff members are not to use their private credit card to conduct Council business over the amount of \$100 in any one transaction.

Corporate Credit Card Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/59434	Review date: October 2012	Endorsed: Date and Authority

**ITEM 10 (continued)**

**ATTACHMENT 1**

**CORPORATE CREDIT CARD POLICY**

**Guidelines/Procedure**

Issuing of Cards

The General Manager has delegated authority to authorise the issuing of corporate credit cards to staff.

Before a City of Ryde staff member can become a cardholder it will be necessary for that person to provide adequate proof of identity to satisfy the Bank's requirements of at least 100 identification points. Details of documents that can be used for identification are available from the Chief Financial Officer or the Financial Accounting section.

Council's bank requires that a 'Corporate Credit Card New Cardholder Details' form is completed and applicants will be provided with this form by the Chief Financial Officer or the Financial Accounting section.

The Chief Financial Officer will be responsible for obtaining approval of the General Manager for the issue of a card and this will be recorded on a "Cardholder Approval and Acknowledgement" form (Attachment 1). Each cardholder will be required to sign this form on receipt of the corporate credit card and acknowledge these policies and procedures.

Monthly Limit and Authorisations

Each corporate credit card will have a monthly limit on expenditure and the expenditure is to be authorised by the person as indicated in the following table.

	<b>Monthly Limit</b>	<b>Expenditure Authorisation</b>
General Manager	\$10,000	Office of the Mayor
Group Manager Corporate Services	\$10,000	General Manager
Group Manager Community Life	\$10,000	General Manager
Chief Financial Officer	\$10,000	Group Manager Corporate Services
Service Unit Manager Customer Service and Governance	\$10,000	Group Manager Corporate Services

Restrictions

Corporate credit cards are for official Council business and are not to be used for personal expenses under any circumstances.

Corporate credit cards should only be used for purchases of fuel for Council vehicles in an emergency. Staff should use their vehicle's fuel card for normal fuel purchases.

Use of the corporate credit cards for purchases over the internet should be restricted to trusted secure sites.

The cardholder will be personally liable for expenditure that can not be shown to be related to the business of City of Ryde.

<b>Corporate Credit Card Policy</b>		
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**ITEM 10 (continued)**

**ATTACHMENT 1**

**CORPORATE CREDIT CARD POLICY**

How Do I Use It?

Corporate credit cards are to be used as a normal credit card, with the valid signature required to make any purchase.

No cash advances are available from automatic teller machines or over the counter and BPay facilities are not available.

The card is not to be linked to any form of award points and any personal award card or membership should not be used in conjunction with the use of the corporate credit card.

A tax invoice is required to be obtained for every purchase you make. This is required in reconciliations of the Corporate Credit Card statement at the end of each month. The purpose of the purchase should be recorded on the tax invoice.

If a transaction is done by telephone or by mail order, the cardholder will need to ensure that an appropriate tax invoice is obtained from the supplier and included with the monthly reconciliation.

Tax invoices must contain the components in order to comply with taxation law and allow Council to claim an input tax credit for the GST paid.

All details of the purchase, including tax invoices are required to be obtained and retained to support the appropriate allocation of purchases at the end of each month.

Use of a corporate credit card will require the user to abide by Council's purchasing policies including purchasing from Council's preferred suppliers wherever possible.

If the corporate credit card is used to purchase software, especially if purchasing through the internet, it is necessary to liaise with and gain agreement of Council's Chief Information Officer to ensure the software is compatible and is capable of effective support and maintenance.

The credit limit of the individual cards is not to be exceeded.

The remaining credit limit can be ascertained at any time by contacting Council's bank. The contact number can be found on the back of the card.

Payment of Monthly Account

The outstanding balance of each corporate credit card will be automatically debited to Council's bank account at the end of the month.

Reconciling Monthly Statements

1. Each cardholder will be issued with a monthly statement listing all their transactions. It is the responsibility of the cardholder to match their supporting documentation to the monthly statement.
2. When the monthly statement is received, a check is required to ensure all purchases that are supported by invoices retained.

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**ITEM 10 (continued)**

**ATTACHMENT 1**

**CORPORATE CREDIT CARD POLICY**

3. Record next to each transaction; if not recorded on the Tax Invoice:
  - The reason for the purchase e.g. *LGMA Conference – accommodation deposit – 5/1/09 – Canberra.*
  - The account number the purchase is to be charged against.
4. Attach tax invoices for all the purchases with GST and normal invoices for purchases without GST.

**PLEASE NOTE:**  
*Tax invoices are necessary to enable Council to claim back the GST each month.*

5. For FBT purposes, expenses relating to the provision of entertainment, including food and beverage, must provide details of the total number of staff who attended, and the total number of attendees.
6. Sign and date the monthly corporate credit card statement at completion of the reconciliation.
7. The monthly corporate credit card statement, with all invoices attached, should then be authorised by the appropriate person as described in the monthly limit and authorisations section of this policy.
8. The corporate credit card statement and all attachments are then to be sent to the Financial Accounting Section of the Finance Unit. This must be done within seven days of receiving the statement.
9. After processing, all corporate credit card statements will be kept by the Financial Accounting Section.
10. The Internal Auditor will include as part of the annual work plan, a periodical review of the supporting documentation in respect of the monthly corporate credit card statement.

**Disputed Purchases**

Council is responsible for paying all accounts on the monthly corporate credit card statements and the bank will debit this amount to the Council's bank account at the end of the month.

The Financial Accounting Section is to be notified of all disputed transactions. The cardholder must complete the "Disputed Transactions" form and include it with the monthly reconciliation (Attachment 2).

When a dispute occurs, the cardholder should attempt to correct the situation with the merchant. In many cases a simple telephone call can clear up a problem without any delay. If unable to correct the situation, contact the Financial Accounting Section of the Finance Unit. The Finance Unit will attempt to resolve the matter and may have to contact the bank for assistance.

Corporate Credit Card Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # <i>Provided by Governance</i>
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**ITEM 10 (continued)**

**ATTACHMENT 1**

**CORPORATE CREDIT CARD POLICY**

The bank can assist with resolving some disputes with merchants, particularly those involving duplicated charges, non receipt of goods ordered or credits not processed after refund vouchers have been issued.

Terminating or Ceasing Employment

Cards should be returned as soon as no longer required and if leaving the services of Council, should be returned, no later than the last day of employment.

Reporting Lost or Stolen Cards

If a card is lost or stolen it is the cardholder's responsibility to immediately telephone Council's bank to report the loss.

Council's bank can be contacted 24 hours a day, 7 days a week. The Financial Accounting Section will have the phone number.

The Chief Financial Officer should be contacted immediately and advised by the next business day and the cardholder should then complete a "Lost or Stolen Cards" form (Attachment 3) and forward it to the Finance Unit.

A replacement card will be arranged and issued upon receipt from the bank.

Replacement Cards

The card is valid for the period shown on the face of the card and Westpac Bank will automatically reissue replacement cards to the Finance Unit one month prior to the expiry date. The Finance Unit will the distribute to the cardholder.

Should the cardholder require a replacement card that has been lost or stolen, they will need to complete a Replacement Cards form and sign the form (Attachment 4) on receipt of the new card.

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**Implementation**

The Chief Financial Officer is responsible for the implementation of this policy.

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**Evaluation and Review**

The policy will be evaluated and reviewed every year from date of adoption.

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**Attachments**

- Attachment 1 Cardholder Approval and Acknowledgement
- Attachment 2 Disputed Transactions
- Attachment 3 Lost or Stolen Cards
- Attachment 4 Replacement Cards

Corporate Credit Card Policy		
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**ITEM 10 (continued)**

**ATTACHMENT 1**

**CORPORATE CREDIT CARD POLICY**

Attachment 1

**Corporate Credit Card  
 Cardholder Approval and Acknowledgement**

<b>Approval</b>	
Cardholder's Name:	
Position:	
Credit Limit (Monthly): \$	
General Manager or Group Manager Corporate Services Signature:	Date:

<p><b>Acknowledgement</b></p> <p>I acknowledge receipt of the City of Ryde Corporate Credit Card and agree that:</p> <ol style="list-style-type: none"> <li>1. I will not use the Corporate Credit Card, nor permit it to be used, other than for official Council purposes.</li> <li>2. I will ensure security of the Corporate Credit Card at all times and will not permit the card to be used by any other person.</li> <li>3. If the Corporate Credit Card is lost or stolen, I will immediately report it missing to Council's bank and will also inform the Chief Financial Officer.</li> <li>4. If my position with City of Ryde changed or my employment terminates, or I am asked to surrender the card for any other reason, I will immediately return the card.</li> <li>5. I will retain all original supporting documentation that meets the requirements of a tax invoice for presentation to the relevant authorising officer.</li> <li>6. I will ensure that all Work Health &amp; Safety requirements are complied with for all purchases.</li> <li>7. If I misuse the Corporate Credit Card (i.e. use it in a manner otherwise that in accordance with the instructions provide) I may be liable for disciplinary action.</li> </ol>
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Card No:	Expiry Date:
Signature of Cardholder:	Date:
Witness Name (Print):	Signature:

Corporate Credit Card Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # <i>Provided by Governance</i>
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ITEM 10 (continued)

ATTACHMENT 1

**CORPORATE CREDIT CARD POLICY**

Attachment 3

**Corporate Credit Card  
Lost or Stolen Cards**

*Note: This notification is on the loss or theft of a City of Ryde Corporate Credit Card. You are requested to telephone Council's bank immediately the loss is discovered. The Chief Financial Officer should be advised on the first business day and the following information completed.*

<b>Details (Cardholder to complete)</b>	
Corporate Credit Card No:	
Cardholder's Name:	
Details of Loss:	
Council's bank notified on (Date):	
Chief Financial Officer notified on (Date):	
Cardholder's Signature:	Date:

<b>Financial Control (Chief Financial Officer to complete)</b>	
Council's bank notified:	
Corporate Credit Card Register updated:	
New Card No:	
Date Received:	Signature:

Corporate Credit Card Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # Provided by Governance
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ITEM 10 (continued)

ATTACHMENT 1

**CORPORATE CREDIT CARD POLICY**

Attachment 4

**Corporate Credit Card  
Replacement Cards**

<b>Details (Cardholder to complete)</b>	
Name:	
Old Corporate Credit Card No:	
Reason for replacement:	
Cardholder's signature:	Date:

<b>Financial Control (Chief Financial Officer to complete)</b>	
Council's bank notified:	
Corporate Credit Card Register updated:	
New Card No:	
Date received:	Signature:

Corporate Credit Card Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/59434	Review date: October 2012	Endorsed: Date and Authority

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**11 ESTABLISHMENT OF MOBILE PLAYGROUP - Follow up report**

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**Report prepared by:** Acting Group Manager - Community Life  
**File No.:** GRP/09/3/10 - BP13/1159

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**REPORT SUMMARY**

At its meeting on 23 April 2013, Council resolved that if recurrent funding could be secured from the state government the Acting General Manager take steps to establish a mobile playgroup service in a partnership model, for a period of three years.

The purpose of this report is to inform the Council that effort to negotiate with Department of Education and Communities to reallocate previous vacation care funding for the purpose of establishing a mobile playgroup service has been unsuccessful.

As previously reported, staff investigation into available funding opportunities did not identify any new sources of recurrent funding for operating mobile playgroups. Staff concentrated on re-directing existing funding of \$55,000 which Council had been allocated by Department of Education and Communities for delivering vacation care services.

Council options to seek reallocation of these funds have been exhausted. This report recommends that in the absence of a recurrent source of funding, Council not proceed with establishing a mobile playgroup service due to the significant associated costs. It is further recommended that Council advise the community organisations that had expressed an interest to enter into partnership arrangements with Council to deliver a mobile playgroup service, of the intention not to proceed with the service.

**RECOMMENDATION:**

- (a) That Council note the report and take no further action at this time, to establish a mobile playgroup service in the City of Ryde due to the associated significant unfunded capital and ongoing costs.
- (b) That Council advise the organisations that participated in the Request for Proposal process that the service will not proceed and thank them for their efforts.

**ATTACHMENTS**

- 1 Letter to NSW Education and Communities seeking reconsideration to redirect grant funding
- 2 Victor Dominello MP representation on behalf of Council to NSW Education and Communities re establishment of mobile playgroup service

**ITEM 11 (continued)**

- 3 Victor Dominello MP - Reponse from NSW Education and Communities advising that the unused grant funds cannot be redirected
- 4 NSW Education and Communities - Reponse to Council's request seeking reconsideration to redirect grant funding
- 5 Meeting request to Adrian Piccoli MP re establishment of a Mobile Playgroup Service
- 6 Response from Adrian Piccoli MP to Council's request for a meeting re establishment of Mobile Playgroup Service
- 7 Council Report 23 April 2013- Establishment of a Mobile Playgroup Service

Report Prepared and Approved By:

**Baharak Sahebekhtiari**  
**Acting Group Manager - Community Life**

**ITEM 11 (continued)****Background**

On 23 April 2013 Council resolved that:

- (a) *That Council note the report and take no further action at this time, to establish a mobile playgroup service in the City of Ryde due to the associated significant unfunded capital and ongoing costs.*
- (b) *That Council request the Acting General Manager to take appropriate action to retain the existing funding allocated to City of Ryde for delivery of children services and meet with relevant Members of Parliament to seek their support in retaining these funds for families of City of Ryde.*
- (c) *That, if Council is successful in retaining the grant of \$55,000 from NSW Government the Acting General Manager be given delegation to proceed with establishment of a mobile playgroup service in a partnership model as outlined in the report, including:*
  - *Inclusion of the costings as outlined in this report into the 2013-14 Delivery plan and*
  - *Progressing selection of a partner organisation to deliver the mobile playgroup service.*
- (d) *That subject to the project being commenced, the service be reviewed after three years and a report be provided back to Council for its consideration.*
- (e) *That the Acting General Manager be requested to seek proposals from the private sector to offset the costs of establishing a mobile playgroup service as sponsorship with the aim of funding the start up costs of \$121 000 and a report be provided back to Council on the outcomes.*

**Discussion**

To implement Council's resolution to retain funds which Council has been previously allocated for delivering vacation care services, towards delivering a potential mobile playgroup service the following actions were undertaken:

- Letter sent to Member for Ryde Hon Victor Dominello seeking his support
- The Acting General Manager and Acting Group Manager Community Life met with Member for Ryde Hon Victor Dominello,
- Letter was sent to Chief Executive Officer, Office of Education seeking reconsideration of Department's decision
- Approach was made to Minister Piccoli seeking a meeting to discuss Council's proposal

**ITEM 11 (continued)**

Council has received correspondence from both the Department and the Minister's office rejecting Council's proposal and seeking a return of any unspent funds relating to operation of the vacation care service. The Minister was not available to meet with Council representatives to discuss this issue.

**Addressing Resolutions (c), (d) and (e)**

As agreement was not reached with the Department to retain recurrent funds for the purpose of establishing a mobile playgroup service, staff have not taken any further action on the associated Council resolutions, (c), (d) and (e).

**Options**

Council could choose to proceed with the establishment of a mobile playgroup service, based on one of the potential models previously reported to Council (**ATTACHED**).

This option is not recommended due to the significant unfunded capital and recurrent costs, estimated at \$121,000 for capital and \$71,000 of annual operating costs, as previously reported to Council.

**Financial Implications**

Adoption of the recommendation will have no financial impact.

**ITEM 11 (continued)**

**ATTACHMENT 1**



Lifestyle and opportunity @ your doorstep

Ms Leslie Loble  
**Chief Executive Officer**  
**Office of Education**  
[Leslie.Loble@det.nsw.edu.au](mailto:Leslie.Loble@det.nsw.edu.au)

15 April 2013

Our Ref: D13/0030456

Dear Ms Loble

**Support to Establish a Mobile Playgroup in the City of Ryde**

I seek your assistance to have a recently rejected Council proposal to retain Children Services Program funding for a Mobile Playgroup assessed on its merits and in accordance with the Children Services Program Specifications.

At the City of Ryde Council meeting of 11 December 2012, Council resolved that I seek Office of Education support for a Mobile Playgroup in the City of Ryde through a proposal (attached).

A key component of the proposal was to redirect existing Children Services Program funding administered by Early Childhood Education and Care from the now defunct vacation care program to the proposed Mobile Playgroup Service.

The proposal has been recently rejected by the General Manager of Early Childhood Education and Care. The Department draws the conclusion that if Council no longer intends to provide vacation care, funding totalling \$55,055.00 will need to be returned.

Council is concerned that the rejection was based on administrative considerations and does not consider the value of the program or how it corresponds to the outcomes intended to be achieved within the Children Services Program.

It is unclear why the Department is unable to consider a revised use of the funding, particularly when it clearly meets the outcomes intended to be achieved for families and is funded by the NSW Government in other local government areas.

I understand that the Office of Education has only recently become responsible for the administration of this program, and may not have assessed Council's proposal in accordance with the established policy outcomes.

ITEM 11 (continued)

ATTACHMENT 1



I seek your assistance to investigate this matter and to have Council's proposal assessed on its merits and value for local families with children aged 0-11 years.

If you require further information or have any questions, please do not hesitate to contact Baharak Sahebekhtiari, Manager Community and Culture on 9952 8310 or by email at [bsahebekhtiari@ryde.nsw.gov.au](mailto:bsahebekhtiari@ryde.nsw.gov.au)

Yours sincerely

Tatjana Domazet  
A/Group Manager Community Life

Attached: Council resolution 11 December 2012  
Proposal to Department  
Department advice

ITEM 11 (continued)

ATTACHMENT 2

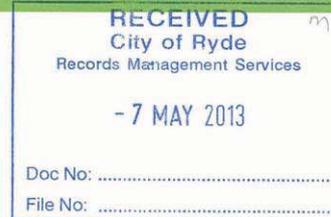


**Victor Dominello MP**  
State Member for Ryde



Friday, 3 May 2013

M/s D Dixon  
Acting General Manager  
Ryde City Council  
Locked Bag 2069  
NORTH RYDE NSW 1670



Dear M/s Dixon,

Thank you for taking the time to contact me in relation to your concerns regarding the establishment of a Mobile Playgroup Service in the Ryde LGA.

I have written to the Minister for Education the Hon. Adrian Piccoli MP asking that he responds to your concerns. Attached is a copy of this correspondence for your records.

I have asked the Minister to liaise directly with you in relation to your concerns.

As you may appreciate, ministerial offices often have large volumes of correspondence to process, so it may take some time to obtain a written response. If you do not hear back from the Minister within eight weeks please do not hesitate to contact my office again, preferably by email or letter, and we will follow up on our initial correspondence.

In the meantime, please do not hesitate to call on me if I can help with this or any other matter.

Again, thank you for bringing this matter to my attention.

Yours sincerely

**The Hon. Victor Dominello MP**  
Member for Ryde

ATTACHMENT



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Office: Ground floor, 5 - 9 Devlin St, Ryde NSW 2112 Mail: PO Box 736 Ryde NSW 1680 Phone: 9808 3288  
Email: [ryde@parliament.nsw.gov.au](mailto:ryde@parliament.nsw.gov.au) Website: [www.victordominello.com](http://www.victordominello.com) Facebook: [www.facebook.com/VictorDominelloMP](http://www.facebook.com/VictorDominelloMP)

ITEM 11 (continued)

ATTACHMENT 2



**Victor Dominello MP**  
State Member for Ryde



Friday, 3 May 2013

The Hon. Adrian Piccoli MP  
Minister for Education  
Level 34 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

**By Email:** [office@piccoli.minister.nsw.gov.au](mailto:office@piccoli.minister.nsw.gov.au)

Dear Minister

**Re: Support to Fund the Establishment of a Mobile Playgroup Service in the Ryde LGA**

I write on behalf of the Acting General Manager for Ryde City Council, Danielle Dixon of Locked Bag 2069, NORTH RYDE NSW 1670 in relation to their concerns regarding the establishment of a mobile playgroup service in the Ryde LGA.

I attach a copy of M/s Dixon's correspondence which sets out their situation in further detail.

I ask that your Department please respond to their concerns. I would appreciate it if you would please liaise directly with M/s Dixon in relation to this matter and provide copies of any correspondence to my office for our records.

Thank you for your assistance with this matter. I look forward to your response.

Yours sincerely

**The Hon. Victor Dominello MP**  
Member for Ryde

cc. Danielle Dixon, Locked Bag 2069, NORTH RYDE NSW 1670

**ATTACHMENT**



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ITEM 11 (continued)

ATTACHMENT 3



**Victor Dominello MP**  
State Member for Ryde



Friday 21 June, 2013

M/s Danielle Dixon  
Ryde City Council  
Locked Bag 2069  
NORTH RYDE NSW 1670



Dear M/s Dixon,

*Danielle*

You will recall that I wrote to the Minister for Education, the Hon. Adrian Piccoli MP, on your behalf on 3 May 2013 in relation to your concerns regarding the establishment of a mobile playgroup service.

I have now received a response from Minister Piccoli advising that the unused grant funds cannot be transferred towards the establishment of a mobile playgroup service in the City of Ryde. I attach a copy of this response for your records.

If you are not satisfied with this outcome or there are any further matters you would like me to raise with the Minister for Education please contact my office.

Again, thank you for bringing this matter to my attention. Please do not hesitate to call on me if I can assist you with this or any other matter, now or in the future.

Yours sincerely

**The Hon. Victor Dominello MP**  
Member for Ryde

**ATTACHMENT**



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Office: Ground floor, 5 - 9 Devlin St, Ryde NSW 2112 Mail: PO Box 736 Ryde NSW 1680 Phone: 9808 3288  
Email: ryde@parliament.nsw.gov.au Website: www.victordominello.com Facebook: www.facebook.com/VictorDominelloMP

ITEM 11 (continued)

ATTACHMENT 3



**The Hon. Adrian Piccoli MP**  
Minister for Education

The Hon V M Dominello MP  
Member for Ryde  
Minister for Citizenship and Communities and  
Minister for Aboriginal Affairs  
PO Box 736  
RYDE NSW 1680

RML13/1867

Dear Minister 

I write in response to your representations of 3 May 2013, on behalf of Ms Danielle Dixon, Acting General Manager, City of Ryde Council, Locked Bag 2069, North Ryde 1670, regarding the establishment of a mobile playgroup service.

As you requested, I asked the Department of Education and Communities to respond directly to Ms Dixon on this matter.

Please find attached a copy of the Department's response provided to Ms Dixon for your information.

Thank you for your representations.

Yours sincerely



**Adrian Piccoli MP**  
Minister for Education

11 JUN 2013

ITEM 11 (continued)

ATTACHMENT 3



**COPY**

Early Childhood Education and Care

Ms Danielle Dixon  
Acting General Manager  
City of Ryde Council  
Locked Bag 2069  
NORTH RYDE NSW 1670

RML 13/1867

Dear Ms Dixon

I write in response to correspondence from Ms Tatjana Domazet, A/Group Manager Community Life dated 5 April 2013, to the Hon Victor Dominello MP, Minister for Citizenship and Communities, and Minister for Aboriginal Affairs. Ms Domazet requests that the Department of Education and Communities reconsider a proposal to redirect grant funding for vacation care services to support the delivery of a new mobile playgroup service. Mr Dominello has forwarded your correspondence to the Minister for Education, the Hon Adrian Piccoli MP, and the Minister has asked me to respond on his behalf.

While I acknowledge the value of mobile playgroup services in supporting families who are socially isolated and in achieving broader community outcomes, I am not able to vary my original decision on this matter.

The Government has accounting standards and financial management procedures that are designed to ensure that funds are used for the purpose for which they were allocated. That is why the Government cannot support your suggestion that the unused funds which you hold should be transferred in the way you outline.

I am advised that the Service Agreement under which the City of Ryde Council is funded to provide vacation care services states that the service provider must repay any unexpended funds if the project ceases to operate. In that case any unexpended funding being held by the Council should be returned to the Department of Education and Communities.

The proposal from the City of Ryde Council was considered in the context of the reform agenda for early childhood education and care as well as current policy and guidelines for grant funding. The priority of the NSW Government is that all children have access to a quality early childhood education program in the year before school delivered by a trained early childhood teacher. The Department's early childhood grants program is currently being reviewed in that context.

I am available to meet with if you wish to discuss these matters or the early childhood agenda further and can be contacted on 8633 1820.

Yours sincerely



Ruth Callaghan  
General Manager  
Early Childhood Education and Care  
30 May 2013

EARLY CHILDHOOD EDUCATION AND CARE  
Level 8, 2 – 10 Wentworth Street Parramatta NSW 2124, Locked Bag 5107 Parramatta 2124 [www.det.nsw.edu.au](http://www.det.nsw.edu.au)

ITEM 11 (continued)

ATTACHMENT 4



Ms Tatjana Domazet  
A/Group Manager Community Life  
City of Ryde  
Locked Bag 2069  
North Ryde NSW 1670

DOC 13/160667

Dear Ms Domazet

I write in response to your letter of 15 April 2013 requesting reconsideration of a proposal to redirect to a mobile playgroup service grant funding originally allocated to the City of Ryde to provide vacation care services.

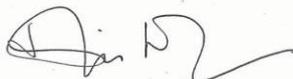
While I acknowledge the value of mobile playgroup services, I am unable to vary the original decision on this matter by the General Manager Early Childhood Education and Care.

The Government has accounting standards and financial management procedures that are designed to ensure that funds are used for the purpose for which they were allocated. This is why the Department cannot support your suggestion that the unused funds which you hold should be transferred in the way that you outline.

I am advised that the Service Agreement under which the City of Ryde Council is funded to provide vacation care services states that the service provider must repay any unexpended funds if the project ceases to operate. Accordingly, any unexpended funding being held by the Council should be returned to the Department of Education and Communities.

Ms Ruth Callaghan, General Manager, Early Childhood Education and Care is available to meet with if you wish to discuss these matters further. Ms Callaghan can be contacted on 8633 1820.

Yours sincerely



Leslie Loble  
Chief Executive  
8 May 2012

**ITEM 11 (continued)**

**ATTACHMENT 5**

**Valerie Albert**

---

**From:** Valerie Albert  
**Sent:** Thursday, 13 June 2013 12:27 PM  
**To:** 'office@piccoli.minister.nsw.gov.au'  
**Subject:** TRIM: Meeting request with The Hon. Adrian Piccoli MP re: establishment of a Mobile Playgroup Service, City of Ryde

Dear Minister,

The City of Ryde Mayor, Cllr Ivan Petch, A/General Manager, Danielle Dickson, and A/Group Manager for Community Life, Baharak Sahebekhtari, would like to request a meeting with you to discuss the establishment and delivery of a mobile playgroup service within the Ryde Local Government Area. Furthermore, to also discuss the proposed option to seek the Department's agreement for Council to utilise grant funds previously allocated as a contribution for Council's vacation care services towards the mobile playgroup service in Ryde.

I am hoping you will be available on either Wednesday, 3 July 2013 or the morning of Wednesday, 17 July 2013.

Thank you for your attention to this request and I look forward to hearing from you shortly.

Regards,

**Valerie Albert** | Executive Assistant to Group Manager Community Life  
P: +61 2 99528056 | M: +61  
E: [valbert@ryde.nsw.gov.au](mailto:valbert@ryde.nsw.gov.au) | [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

 City of Ryde

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ITEM 11 (continued)

ATTACHMENT 6

**Valerie Albert**

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**From:** Public Piccoli's Office Email <Office@piccoli.minister.nsw.gov.au>  
**Sent:** Tuesday, 18 June 2013 1:04 PM  
**To:** Valerie Albert  
**Subject:** TRIM: RSVP - RE: Meeting request with The Hon. Adrian Piccoli MP re: establishment of a Mobile Playgroup Service, City of Ryde

Our Ref: 1920

Dear Ms Albert

The Minister for Education, the Hon Adrian Piccoli MP has asked me to thank you for your email dated 13 June 2013 requesting for The City of Ryde Mayor, Clr Ivan Petch, A/General Manager, Danielle Dickson, and A/Group Manager for Community Life, Baharak Sahebkhitiari to meet with the Minister to discuss the establishment and delivery of a mobile playgroup service within the Ryde Local Government Area and also the proposed option to seek the Department's agreement for Council to utilise grant funds previously allocated as a contribution for Council's vacation care services towards the mobile playgroup service in Ryde.

As you will appreciate a number of organisations have requested meetings with the Minister and as a result his diary is heavily committed.

We regret that Minister Piccoli is unable to meet at this point in time.

Yours sincerely,



**Jeremy Hutton**  
**Adviser**  
Office of the Hon. Adrian Piccoli MP  
Minister for Education  
Ph (02) 9228 5261 Fax (02) 9228 5492

*Please consider the environment before printing this email*

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**From:** Valerie Albert [<mailto:VAlbert@ryde.nsw.gov.au>]  
**Sent:** Thursday, 13 June 2013 12:27 PM  
**To:** Public Piccoli's Office Email  
**Subject:** Meeting request with The Hon. Adrian Piccoli MP re: establishment of a Mobile Playgroup Service, City of Ryde

Dear Minister,

The City of Ryde Mayor, Clr Ivan Petch, A/General Manager, Danielle Dickson, and A/Group Manager for Community Life, Baharak Sahebkhitiari, would like to request a meeting with you to discuss the establishment and delivery of a mobile playgroup service within the Ryde Local Government Area. Furthermore, to also discuss the proposed option to seek the Department's agreement for Council to utilise grant funds previously allocated as a contribution for Council's vacation care services towards the mobile playgroup service in Ryde.

I am hoping you will be available on either Wednesday, 3 July 2013 or the morning of Wednesday, 17 July 2013.

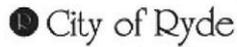
**ITEM 11 (continued)**

**ATTACHMENT 6**

Thank you for your attention to this request and I look forward to hearing from you shortly.

Regards,

**Valerie Albert** | Executive Assistant to Group Manager Community Life  
P: +61 2 99528056 | M: +61  
E: [valbert@ryde.nsw.gov.au](mailto:valbert@ryde.nsw.gov.au) | [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)



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**ITEM 11 (continued)**

**ATTACHMENT 7**

**7 ESTABLISHMENT OF A MOBILE PLAYGROUP SERVICE - Follow up Report**

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**Report prepared by:** Manager - Community & Culture  
**File No.:** GRP/09/4/8 - BP13/459

---

**REPORT SUMMARY**

This report outlines action taken to implement Council's resolution from December 2012 which requested staff investigate potential funding sources to assist Council in establishing and delivering a mobile playgroup service in the City of Ryde.

The report also includes analysis of capital and operational costs, potential locations and implementation models for Council's consideration that could apply if Council is of a mind to commence operation of a mobile playgroup service.

Staff investigation into available funding opportunities has not identified any new sources of funding for operating mobile playgroups. Staff concentrated on re-directing existing funding of \$55,000 which Council has been allocated by Department of Education and Communities for delivering vacation care services, now being delivered by local schools, towards delivering a potential mobile playgroup service.

This proposal was rejected by the Office of Education seemingly based on administrative considerations. This is concerning because the Ryde LGA and local families will be losing this funding and further that due to a potential oversight by the Department (as a result of the recent restructuring and reallocation of program responsibilities) Council's proposal was not assessed based on the community benefit and meeting local needs.

**RECOMMENDATION:**

- (a) That Council note the report and take no further action at this time, to establish a mobile playgroup service in the City of Ryde due to the associated significant unfunded capital and ongoing costs.
- (b) That Council request the Acting General Manager to take appropriate action to retain the existing funding allocated to City of Ryde for delivery of children services and meet with relevant Members of Parliament to seek their support in retaining these funds for families of City of Ryde.
- (c) That, if Council is successful in retaining the grant of \$55,000 from NSW Government the Acting General Manager be given delegation to proceed with establishment of a mobile playgroup service in a partnership model as outlined in the report, including:
  - Inclusion of the costings as outlined in this report into the 2013-14 Delivery plan and
  - Progressing selection of a partner organisation to deliver the mobile playgroup service.

**ITEM 11 (continued)**

**ATTACHMENT 7**

**ATTACHMENTS**

- 1 Response from the Office of Education
- 2 Subsequent Letter sent to the Hon. Victor Dominello MP
- 3 Proposal to Department of Education and Communities-Office of Education

Report Prepared By:

**Baharak Sahebekhtiari**  
**Manager - Community & Culture**

Report Approved By:

**Tatjana Domazet**  
**Acting Group Manager - Community Life**

## ITEM 11 (continued)

## ATTACHMENT 7

### Background

At its meeting on 11 December 2012, Council considered a report on feasibility of establishing a mobile playgroup service in the City of Ryde and resolved the following:

- *That Council notes the report into mobile playgroups and acknowledges the positive benefits that mobile playgroups can have. In principle support is given to the mobile playgroups, subject to appropriate funding arrangements. To this end, Council requests the General Manager to:*
  - *Apply to both State and Federal Governments for grant options and seek other funding options as detailed in the report to fund a mobile playgroup in the Ryde LGA; and*
  - *Write to Anthony Roberts and Victor Dominello seeking their support for a funding application*

### Discussion

#### Funding Arrangements

Staff investigation into available funding opportunities has not identified any new sources of funding for operating mobile playgroups. Where playgroups (mobile or centre based) are funded by state and federal agencies, the service is targeted towards meeting specific needs and/or in remote areas where there are established gaps in early childhood services.

Staff concentrated on re-directing existing funding which Council has been allocated by Department of Education and Communities towards delivering vacation care services, now delivered by local schools, towards delivering a mobile playgroup service.

After discussions with Departmental staff, a formal proposal (ATTACHMENT 4) was submitted to Department of Education and Communities seeking their agreement to transfer the funding Council receives towards the operation of its vacation care service as a contribution towards the costs of delivering the proposed Mobile Playgroup service in the City of Ryde.

This proposal was rejected by the Department in a letter (ATTACHMENT 1) dated 5 March 2013. The letter provided no assessment or comment on the merit of the proposal and cited administrative reasons for the proposal not being supported. The letter further states there is no alternate funding available to support a playgroup.

The Office of Education has only recently become responsible for the administration of this program, and does not appear to have assessed Council's proposal in relation to community need and its value to local families. Council has received no correspondence to indicate there has been a change to the Program Specifications.

## ITEM 11 (continued)

## ATTACHMENT 7

This is concerning because:

- the Ryde LGA and local families will be losing this funding
- due to a potential oversight by the Department (as a result of the recent reallocation of program responsibilities) Council's proposal was not assessed based on the community benefit and meeting local needs.

Council has made attempts to have the proposal assessed on its merits and is still awaiting the outcome of this request.

### Seeking support from Anthony Roberts MP and Victor Dominello MP

Following the submission of the formal proposal to DEC staff wrote to both local Members of Parliament Mr Dominello and Mr Roberts seeking their support for Council's proposal on 19 February 2013. No response has been received to date.

Following receipt of the Department's letter, a subsequent letter was written to Mr Dominello (ATTACHMENT 2), outlining Council's concerns that the Ryde community was losing funding for seemingly administrative rigidity with no assessment of local needs, merit of the proposed service and its benefits for local families. Council has not yet received a reply.

### Identifying Potential Partners for Delivering a Mobile Playgroup Service:

In order to ascertain whether there would be any locally based Not-for Profit (NFP) organisations interested and capable to enter into partnership arrangements with Council to run a potential mobile playgroup service, a Request for Proposal (RFP) process was initiated.

The RFP was advertised for operating a 3-session per-week service and the process was successful in identifying a preferred locally based organisation that could enter into a potential partnership with Council for the purpose of delivering a mobile playgroup service. The RFP assessment process has been finalised and the panel has formed recommendations for Council's consideration.

The RFP did not identify a significant saving for operational costs of a mobile playgroup service when compared with staff estimates. It did however highlight the potential benefits of combining a mobile playgroup service with existing child and family services.

### A Potential Model for a Mobile Playgroup Service in Ryde LGA

If Council were of a mind to proceed to fund operation of a mobile playgroup service from general revenue, taking into account financial, service planning and delivery considerations it is deemed prudent to operate a 3-session per week service in partnership with a locally based child & family specialist NFP organisation.

The section below outlines how a potential playgroup service could be designed, programmed and operated.

## ITEM 11 (continued)

## ATTACHMENT 7

### Potential Service Objectives:

To ensure alignment with the Ryde 2021 Community Strategic Plan specifically the City of Wellbeing Outcome; *a healthy community, with all supported throughout their life by services, facilities and people*, it is proposed that if the service were to proceed, it be designed and programmed to meet with following objectives:

- To connect families with children together in their neighbourhoods and to improve community cohesion and wellbeing at a local level
- To provide opportunities for children's social, emotional, physical and psychological development
- To provide parenting support and information
- To be a point of introduction to a range of other services available for families such as; library services, recreation services, parenting and child development services.

### Potential Service Specifications:

A potential mobile playgroup service could be developed based on the following specifications:

- Regular sessions in nominated parks with easy access to amenities, shade and accessible to prams
- Minimum of two staff at each session, with at least one of those holding appropriate qualifications
- Programming based on the Early Years Learning Framework
- Links and access to other relevant services for families
- Designed to allow all families to participate with an inclusive culture
- Open attendance and no obligation for minimum level of attendance
- No limit on the number of families attending a session
- Access to information and promotion of other available services/programs for families and children such as library services, sport and recreation, childcare, parenting and child development
- Operate two-hour sessions in the morning
- Operating only in acceptable weather conditions, (service does not operate when wet or extremely hot)
- Service available to families with children aged 0-11years
- Operate 48 weeks a year including school holidays

### Proposed Locations:

The report submitted to Council in December included analysis, used to determine suitable parks that could support provision of a potential mobile playgroup service. The analysis indicated six suitable parks (locations) that could support operation of a mobile playgroup and that are in relative proximity to where the target age groups live.

**ITEM 11 (continued)**

**ATTACHMENT 7**

The parks (locations) are listed in the table below by order of priority.

Park Name	Address	Location	Toilet	Play equip	Shade	Transport	Comments
Darvall	West Ryde Chatham Rd,	West	✓	✓	✓	Train/Bus	park with good facilities located near high levels of 0-4 years
Blenheim	North Ryde Epping Rd,	East	✓	✓	✓	Bus	Park with good facilities located near high levels of 0-4 years
Ryde	Ryde Blaxland Rd,	Central	✓	✓	✓	Top Ryder bus Bus (STA)	Central park, Accessible from various locations particularly from Gladesville by Top Ryder Bus.
Waterloo	Marsfield Waterloo Rd,	West	✓	✓	✓	Bus/Train Delhi Rd Station	Park with good facilities located near high levels of 0-4 years
Jim Walsh	Eastwood Graham Ave	West	✓	✓	✓	Bus	Park with good facilities located near high levels of 0-4 years.
Meadowbank	Meadowbank Constitution Rd	Central	✓	✓	✓	-	Park with good facilities however not in an area with high levels of 0-4 years. And not suited for access by public transport or on foot from West Ryde

For a potential playgroup service operating 3-sessions a week, the top 3 parks listed in the table are deemed the most suitable locations.

Potential Operating Models:

Two options are presented in this report for the delivery of a potential mobile playgroup service:

- Option 1 Operated and delivered directly by Council,
- Option 2 Delivered in partnership with a specialist child and family, not-for-profit organisation.

## ITEM 11 (continued)

## ATTACHMENT 7

### Option 1 Operated and Delivered Directly by Council:

Council could potentially set up and deliver the service directly. Whilst Council would be capable and able to do so, this would be a new experience for Council as City of Ryde does not currently provide children services and has historically provided support to the not-for-profit sector to provide direct services to the community.

Provision of a direct child related service is resource intensive and requires significant management oversight. In the absence of an established structure, there would be an opportunity cost in the re-direction of existing resources to manage administration and risks associated with the service.

This option would require:

- Addition of 2 part-time staff to the organisational structure
- Establishment of staffing back up (casual pool)
- Establishment of appropriate organisational structure within the Community and Culture unit to support delivery of this service
- Development of appropriate networks to link the service with the child and family sector operating in the City.

### Enabling Option 1

If Council were of a mind to commence operation of a mobile playgroup service it is considered that providing a 3-session per week service would be a prudent approach both from a financial, service planning and delivery perspectives.

Should Council wish to proceed with operating a direct service, the following would be required:

1. That Council endorse the proposed 3- sessions a week service (one session in each of the 3 sites), and request the General Manager to include an allowance of \$121,000 of capital funding and \$71,000 of operating costs to fund the commencement of the service in the draft 2013/14 Delivery Plan.
2. That Council endorse the increase in Council's establishment of two part time staff to deliver this service which will be managed out of the Community and Culture unit within the Community Life Group.
3. That Council confirm the following locations for the delivery of the service:
  - a. Blenheim Park North Ryde
  - b. Darvall Park West Ryde
  - c. Ryde Park Ryde
4. That Council endorse November 2013 as the proposed timeframe for the commencement of the service.

### Option 2 Delivered in Partnership with a Not-for-Profit Organisation:

This operating model would entail negotiating a formal partnership arrangement with a locally based, child and family specialist organisation identified through the Request for Proposal process. This formal agreement would be for a set period of time, with scheduled review points.

**ITEM 11 (continued)**

**ATTACHMENT 7**

The formal arrangements could include an agreement outlining Council's objectives, service specifications, operational milestones, key performance indicators, an evaluation methodology and regular progress reports.

This Operating model has been identified as a viable choice for Council based on the following reasons:

- Establishment of the mobile playgroup service in partnership could be more successful and efficient due to the existing experience and frameworks in development, risk management and quality assurance of child and family services.
- A service whose core business is based on child and family development may offer a policy and developmental framework informed by cumulative knowledge in better practice, experience and could leverage existing family support networks for the benefit of families.
- Potential cost effectiveness based on negotiations with a preferred organisation identified through the Request for Proposal.
- The partnership model of delivery would enable Council to strengthen the not-for profit sector, as well as direct its limited resources to other sector development activities.

Enabling Option 2:

If Council were of a mind to commence operation of a mobile playgroup service it is considered that providing a 3 session per week service would be a prudent approach both from a financial and service planning and delivery perspective.

Should Council wish to proceed with operating a service under a partnership arrangement the following would be required:

1. That Council endorse the proposed 3- sessions a week service 3- sessions a week service (one session in each of the 3 sites), and request the Acting General Manager to include an allowance of \$121,000 of capital funding and \$71,000 of operating costs to fund the commencement of the service in the draft 2013/14 Delivery Plan, recognising this would be the maximum funding required.
2. That Council receive a report on the result of the Request for Proposal finalised in March 2013 to endorse a potential partner NFP organisation to enter into formal negotiations with in delivery of a mobile playgroup service.
3. That Council confirm the following locations for delivering a mobile playgroup service:
  - a. Blenheim Park North Ryde
  - b. Darvall Park West Ryde
  - c. Ryde Park Ryde
4. That Council endorse November 2013 as the proposed date for the commencement of the service.

**ITEM 11 (continued)**

**ATTACHMENT 7**

**Financial Implications**

Operating a mobile playgroup service would be a new service and as such is not funded in Council's delivery plan. If this service was to proceed (under any of the operating models) it would have to be considered in the 2013/14 financial year budgetary process and the service costs would need to be allocated in the draft 2013/14 Delivery Plan.

The costs would include an allowance for \$121,000 of capital funding and annual operating costs of \$71,000.

If Council were successful in retaining the funding of \$55,000 from the Office of Education, to operate this service, the annual operating cost to Council would be reduced to \$16,000 plus the one-off capital set up costs.

If Council were of a mind to proceed with establishing the Service, the associated costs may be funded as follows:

- one-off capital expenditure will be funded from the Playground Renewal Project funds, noting that this will reduce the number and/or scope of playground renewal projects in 2013-14.
- on-going operating costs will be funded through organisational savings within the Delivery Plan.

Section below details the set-up and operating costs associated with establishing a potential 3-session per week mobile playgroup service.

Start-up requirements:

To start a mobile playgroup service the following is required:

- Purchase of suitable and safe vehicle
- Modification of vehicle for storage of required resources, equipment and toys
- Purchase of resources, equipment and toys
- Development of operating policies and procedure
- Branding and promotion:

A significant advantage of a mobile service is its visibility within the community. Signage would need to attract attention, be inclusive, connect with Council's brand and be associated with fun experiences for children.

Financial Implications start-up

<b>Capital/Start up</b>	
Small Truck	50,000
Cab	30,000
Vehicle purchase	<b>80,000</b>
Internal modification	15,000
Total vehicle	95,000
Resources	15,000
Contingency 10%	11,000
<b>Total Capital</b>	<b>\$121,000</b>

**ITEM 11 (continued)**

**ATTACHMENT 7**

Financial Implications Operating

The annual estimated operating costs of a 3-session per week service, with 2-hour sessions, 48 weeks per year is outlined in the table below.

**3 Sessions per Week**

<b>Annual Operating Budget</b>	<b>Estimate</b>
Vehicle maintenance, Fuel, Replacement (internal cost)	2,700
Materials	1,000
Equipment	5,000
Telecommunications	400
Publications & Subscriptions	200
Printing & Distribution	1,000
Marketing Promotions	2,000
Casual Staff	2,088
Ordinary Salaries & Wages	56,150
Overtime	0
	<b>\$70,538</b>

Note 1: Given the nature of the proposed service the vehicle would travel short distances, hence reducing the rate of deterioration. It is expected that the vehicle would not need to be replaced for at least 10 years if operating 5 sessions per week. The replacement could be pushed beyond 10 years if it operated 3 sessions per week.

Note 2: These are costs are expected to rise by CPI and relevant Award increases annually

**Timeframe for Commencement:**

The estimated establishment timeframe, given that the RFP process has been undertaken, is 6 months. Should Council resolve to deliver a mobile playgroup service, it is anticipated that the service could commence in November 2013.

Factors considered in setting the timeframe include:

- Recruitment of staff and development of policy and procedures or
- Council's endorsement of a partner organisation and negotiation of service specifications
- Purchase of appropriate vehicle, modification, branding
- Purchase of resources
- Promotion and community engagement.

**Naming and Branding:**

The branding of the vehicle and naming of the service would be key components of the operational success of a potential mobile playgroup service. A well-chosen name and logo would play a significant part in attracting families to the service, as well as engender a positive image and feeling in the community.

**ITEM 11 (continued)**

**ATTACHMENT 7**

It is proposed that the vehicle would be named as part of a community engagement process, which could involve a competition or voting. Should Council resolve to proceed with the Service an appropriate community engagement process will be designed and implemented.

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**12 TOP RYDER COMMUNITY BUS UPDATE**

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**Report prepared by:** Senior Sustainability Coordinator, Transport and Environment;  
Manager The Environment  
**File No.:** PM12/30238/005 - BP13/1129

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**REPORT SUMMARY**

This report provides Council with an update on some material changes that have occurred in the funding provision that may affect service delivery and the viability of the Top Ryder Community Bus Service in its current form.

Council at its meeting held on 23 April 2013 considered a report on the Top Ryder Community Bus Service and resolved, inter alia, to extend the service for a further 4 years to 30 June 2017 and that its funding of the service remain capped at \$100k indexed p/a with the balance of the cost required to operate the service (\$297k indexed p/a) being made up from other sponsorship, advertising and business contracts.

The decision on 23 April 2013 was made on the expectation that the current business contract the Council had with Optus would be extended beyond its current term. This contract has provided a substantive proportion of the external funds required to operate the service.

However, Optus has now advised that it does not wish to extend the current contract it has with Council beyond 30 August 2013 following an internal review of their transport requirements and because of a declining economic market.

The Council has successfully provided a bus shuttle service for Optus staff for over 2 years and the decision not to renew the contract will result in a funding gap of approx. \$60k p/a towards the cost of delivering the Top Ryder Community Bus Service in its current form.

The Top Ryder Community Bus Service operates 6 days each week from 9.30am to 3.00pm daily using 2 Council owned 25 seat buses and costs approx \$215k p/a to deliver (not including income of \$140k p/a and costs of approx \$82k p/a associated with the Optus service). It has operated since 22 July 2008 and is now relied upon by many in the community to improve their accessibility to key centres of Ryde. In 2012/13, the service transported over 65,000 passengers.

Arrangements are now underway to find other sources of funding and all of the major corporates in Macquarie Park are being approached and a concerted effort is being made to fund this shortfall from other sources.

Failure to do so will require a decision from Council either to approve additional funding beyond its current cap, downsize the service to meet available resourcing or cease the service completely.

**ITEM 12 (continued)**

The approved budget for 2013/14 will enable the current level of service to be continued till the end of January 2014 before the Council's capped contribution of \$100k indexed p/a is fully expended.

It is recommended that the status quo for the time being be maintained and that a further report anticipated to be submitted to Council in October 2013 to update the Council on the results of the revenue and resourcing investigation undertaken and to seek a decision from Council on a way forward based on the results.

**RECOMMENDATION:**

- (a) That the Council notes the update report on the Top Ryder Community Bus Service and issues raised concerning ongoing funding of the Service
- (b) That a further report be submitted to Council in October 2013 on the research undertaken to fund a continuation of the Top Ryder Community Bus Service and seeking a decision based on the results of the investigation undertaken on whether or not the service should be continued, discontinued or downsized.

**ATTACHMENTS**

- 1 REVIEW OF TOP RYDER COMMUNITY BUS SERVICE
- 2 Funding Memo - Read in conjunction with Top Ryder Council Report 23 April 2013 - CIRCULATED UNDER SEPERATE COVER - CONFIDENTIAL
- 3 Optus FW 990 Station Shuttle Termination Notice 28 May 2013

Report Prepared By:

**Jenai Davies**  
**Senior Sustainability Coordinator, Transport and Environment**

**Sam Cappelli**  
**Manager The Environment**

Report Approved By:

**Sam Cappelli**  
**Manager The Environment**

**Dominic Johnson**  
**Group Manager - Environment & Planning**

**ITEM 12 (continued)****Discussion**

Council's attention is drawn to the report considered on 23 April 2013 (**ATTACHED**) which sets out the background and includes the options and the funding memo dated 23 April 2013 relating to the Top Ryder Community Bus Service which assisted Council in making a decision. This funding memo remains generally unchanged except for the Optus scenario (**ATTACHMENT 2 – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**).

Council resolved on 23 April 2013:

- (a) *That Council approve the extension of the Top Ryder Community Bus Service under current operating conditions for a further a 4 year period to 30 June 2017 for the total cost of \$297k indexed p/a.*
- (b) *That Council's financial contribution for the operation of the Top Ryder Community Bus Service remains capped at \$100k indexed p/a for 4 years with the shortfall each year required to run the service being made up from revenue from other sponsorship, advertising and business contracts.*
- (c) *That Council tender for the services of a suitable bus operation and management organisation to operate the Top Ryder Community Bus Service and deliver related service contracts for 4 years or term of any contract whichever is the lesser.*
- (d) *That any variation to Council's capped contribution of \$100k indexed p/a that may result in an increase to Council above the capped amount be the subject of a further report to Council before any additional costs are incurred.*

The decision to extend the current service was made, among other reasons, on the expectation that the Optus Contract would be renewed as this was a substantial part of the funding source needed to run the Top Ryde Community Bus.

However, recent advice from Optus (**ATTACHED**) has since been received that they do not extend the current contract beyond 30 August, 2013. This will result in a funding shortfall of approx. \$60k p/a that will now need to be made up from other sources of revenue if the current level of service is to be maintained.

Approaches to major corporates in Macquarie Park have now commenced and a concerted effort is being made to find other sponsorship, advertising revenue and business contracts to fund this shortfall.

Failure to do so will lead to decision from Council on whether the Council should to increase the contribution cap to maintain the current level of service, or downsize the service to match available resources or cease the service completely.

**ITEM 12 (continued)**

As it currently stands, the approved 2013/14 budget will allow the existing level of service to be continued till at least the end of January 2014 before the Council's budgeted contribution from General Revenue exceeds the capped \$100k p/a indexed.

It is proposed that the current status quo be maintained until other potential funding sources have been fully explored and for a further report is anticipated to be submitted to Council in October 2013 to update the Council on the results of the revenue investigation undertaken and for direction on a way forward based on the results.

If Council can not secure the funding required, the community needs to be given sufficient notice (anticipated 3 months notice to be provided) that the service is being amended or stopped. Details on the notification process would be provided in the subsequent report to Council.

**Financial Implications**

Adoption of the recommendation will have no financial impact. However, the financial implications beyond 1 February 2014, should no additional revenue sources be found, will mean that Council's budgeted contribution to the service will be fully expended. A further report is anticipated in October 2013 to ensure Council's 2013/14 budget is not exceeded and the Council is able to make a decision based on the results of funding investigation and sourcing.

**Other Options**

1. That Council discontinue the Top Ryder Community Bus Service from 1 February 2014. This option is not recommended given the popularity of the service and that it is now relied upon by many in the community to improve their accessibility to key centres of Ryde.
2. That Council downsize the service delivery of the Top Ryder Community Bus Service to match available funds and resources from 1 October 2013. At this stage, the service could be reduced to 4 hours each day 4-5 days each week to match current funding arrangements. This option is not favoured although it may be considered necessary in the absence of sufficient funding to maintain current operating conditions.
3. That Council raise its current contribution cap to \$160k indexed p/a to maintain current operating conditions of the Service in the event that other sources of funding are not found. This option would require the Council voting additional funds without any allowance being made in the current Operating Budget. At this point, it is considered preferable to exhaust all other avenues of funding before requesting Council to consider voting additional funds.

**ITEM 12 (continued)**

**ATTACHMENT 1**

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**6 REVIEW OF TOP RYDER COMMUNITY BUS SERVICE**

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**Report prepared by:** Senior Sustainability Coordinator, Transport and Environment  
**File No.:** PM12/30238/005 - BP13/355

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**REPORT SUMMARY**

This report requests Council to consider whether or not the Top Ryder Community Bus Service (the Service) be extended for another four years beyond 30 June 2013 and presents 3 options for Council's determination.

The Service has been operating since 22 July 2008 as a free service to passengers and now transports over 60,000 passengers annually using two 25 seater Rosa buses. The Service connects five of the six key centres of Ryde six days each week Monday to Saturday during the hours of 9.30am to 3.00pm.

The Service currently costs \$273,000 p/a to deliver funded from a capped Council contribution of \$100,000 p/a and the balance from business contracts and sponsorship funds.

There are three options available to Council. The Council may decide to either: discontinue the service from 1 July 2013, keep the service running under current operating conditions and maintain ownership of the buses, or fully outsource the service and sell the buses. Should Council choose to discontinue the service from 1 July 2013, it is unlikely that the service will be continued by any other Government or non-Government organisation.

The preferred option is to maintain the current operating conditions, keep ownership of the buses and tender bus operations management to a 3<sup>rd</sup> party. The estimated cost for this option is likely to be \$297,000 indexed p/a, however Council's contribution to the Service will stay capped at \$100,000 p/a also indexed with shortfall to be made up from sponsorship funds and other business contract arrangements. There is a strong market reliance on substantial sponsorship to support the service and this is not guaranteed

A potential partnership with the Ryde Hunters Hill Community Transport Service (RHHCTS) was also explored however following legal advice such a partnership is not permitted. Council could only outsource services of this nature by satisfying the strict tendering requirements of the Local Government Act and Council's procurement policies. The RHHCTS have nevertheless submitted a draft business proposal (**CIRCULATED SEPARATELY – CONFIDENTIAL**) setting out the likely terms, conditions and estimated costing if they were to take over the service. This proposal has been useful in helping to frame this report.

**RECOMMENDATION:**

- (a) That Council approve the extension of the Top Ryder Community Bus Service under current operating conditions for a further four year period to 30 June 2017 for the total cost of \$297,000 indexed p/a.

**ITEM 12 (continued)**

**ATTACHMENT 1**

- (b) That Council's financial contribution for the operation of the Top Ryder Community Bus Service remains capped at \$100,000 indexed p/a for four years with the shortfall each year required to run the service being made up from revenue from other sponsorship, advertising and business contracts.
- (c) That Council tender for the services of a suitable bus operation and management organisation to operate the Top Ryder Community Bus Service and deliver related service contracts for four years or term of any contract, whichever is the lesser.
- (d) That any variation to Council's capped contribution of \$100,000 indexed p/a that may result in an increase to Council above the capped amount be the subject of a further report to Council before any additional costs are incurred.

**ATTACHMENTS**

- 1 2012 Top Ryder Bus Survey Report
- 2 Draft Business Proposal for Top Ryder Community Bus from RHHCT-CoR - November 2012 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 3 Funding Memo - Read in conjunction with Top Ryder Council Report 23 April 2013 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

**Jenai Davies**

**Senior Sustainability Coordinator, Transport and Environment**

Report Approved By:

**Sam Cappelli**

**Manager The Environment**

**Dominic Johnson**

**Group Manager - Environment & Planning**

**ITEM 12 (continued)**

**ATTACHMENT 1**

**Background**

The current Top Ryder Bus Service has been operating since 22/7/2008 and now transports over 60,000 passengers annually. Two 25 seat ROSA buses were purchased by the former owners of the Top Ryde City Shopping Centre at no cost to Council (except the cost of adding wheelchair lift facilities which Council funded) and both buses are owned by Council.

The service is free to passengers and connects five of the six key centres of Ryde for six days each week. The buses operate in opposite directions connecting the centres of Gladesville, Top Ryde, Putney, Shepherds Bay, Meadowbank, West Ryde and Eastwood. The service is now relied upon by many in the community to improve their accessibility to key centres of Ryde.

The map below shows the current route of the Top Ryder Community Bus Services:



Four customer satisfaction surveys have been conducted of passengers since the service began and a copy of the latest 2012 Top Ryder Bus Service Survey report is **ATTACHED** – Attachment 1.

Over the years there have been several Council resolutions concerning the operation of the Service and this report brings to account all of the issues that remain outstanding in order for a decision to be made including such matters as potential service and route enhancements, funding sources, business and sponsorship opportunities.

**ITEM 12 (continued)**

**ATTACHMENT 1**

Council resolved on 8 November 2011 to approve an extension of the Top Ryder Service to 30 June 2013 and on 27 March 2012 resolved, inter alia, that

- (c) *That in the next 12 months, Council actively seek sponsorship to expand the service to include Marsfield, Eastwood, East Ryde and Macquarie Park*
- (d) *That Council investigate the option of funding a new bus service through Voluntary Planning Agreements*

**Discussion**

Business contracts, sponsorship and other potential arrangements to support delivery of the Top Ryder Service are detailed in funding memo dated 23 April 2013 to Councillors (**ATTACHMENT 3 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**).

Other sources of sponsorship have been difficult to source given the uncertainty over the longer term operation of the Top Ryder service.

Additional sponsorship has not been found which would enable Council to expand the service to include Marsfield, Eastwood, East Ryde and Macquarie Park.

On the issue of Voluntary Planning Agreements, it is possible for cash contributions on large developments to be directed by specific Council resolution to fund enhancements to the Top Ryder Community Bus Service.

**Options for Future Delivery Mode and Level of Service for Top Ryder Bus**

Three options for future service delivery mode and level of service for the Top Ryder Bus are presented below. All options, except Option one which is to discontinue the service, are based on the Council's contribution being capped at \$100,000 indexed p/a.

Under Section 55 of the Local Government Act, Council is required to seek tenders for services costing over \$150,000. The level of expenditure for Options two and three presented below would exceed the tendering threshold.

Option 1 – Discontinue the Top Ryder services from 1 July 2013 and sell off the buses after the contract with Optus expires

*Estimated Costs*

1. Total cost (\$9,750) surplus + proceeds from sale of buses.
2. Cost to Council to complete Optus Contract – from 1 July 2013 to 15 August 2013 - \$9,000.
3. \$80,000 revenue from sale of buses not put back into plant fund in Year 1.
4. \$130,000 already allocated to plant fund from accumulated depreciation would remain in plant fund.
5. \$18,750 revenue from business contract with Optus from 1 July 2013 to 15 August 2013.

**ITEM 12 (continued)**

**ATTACHMENT 1**

*Benefits*

1. No administration or vehicle maintenance after 15 August 2013.
2. Revenue from sale of buses - residual value from buses (estimate \$80,000) into plant fund.
3. Ability to redirect \$130,000 in plant fund from accumulated depreciation to other plant assets.
4. Surplus from completion of Optus contract.

*Disadvantage*

1. There will be no community transport service provided.
2. Associated increase in transport disadvantage for users.

*Risk*

1. Negative reputation and media attention and there are likely to be a large number of complaints if the Top Ryder Service was discontinued as the service is now an attractive service used for >60,000 trips annually.
2. Increase in transport disadvantage facing certain customers around 3% of users of the bus who do not have any other reliable transport modes to rely upon. Over 78% of all Top Ryder passengers have a concession card of some type and 58% are aged 65 or over. Also, the Top Ryder performs a vital service for these customers, with close to 59% of passengers using the Top Ryder for accessing medical appointments.

Option 2 – Continue current level of service to 30 June 2017, administration and maintenance undertaken in house, operation by contractors selected by tender (currently I Love Oz), maintain current business contract with Optus, maintain sponsorship arrangements with Clubs, keep ownership of buses.

*Estimated Costs*

1. Total estimated cost \$297,000 indexed p/a for 4 years (\$105,000 for in-house bus maintenance/depreciation/insurance/repairs and \$192,000 estimated for bus operation contract in Year 1).
2. Council contribution capped at \$100,000 indexed p/a for 4 years.
3. \$197,000 revenue from business contract and sponsorship arrangements to make up shortfall in Year 1, indexed to Year 4.

*Benefit*

1. Costs are significantly cheaper than fully outsourcing the service.
2. Revenue from business partnership and sponsorships.
3. Council maintains complete control over service delivery.
4. Increased flexibility to use buses for other uses.
5. The level of service and performance of the contractor is a known quantity.
6. Maintain Council's environmental profile for the running of the service

**ITEM 12 (continued)**

**ATTACHMENT 1**

*Disadvantage*

1. Internal City of Ryde staff would need to continue the administration of the Top Ryder service, primarily to manage contracts, service buses and bookkeeping.
2. Continued in-house vehicle maintenance responsibilities and rising costs.
3. Council's contribution to the service is capped at \$100k indexed p/a however if existing sponsorship or business arrangements do not continue, then Council would be required to pay for the shortfall.
4. Despite low km's, an ageing bus fleet may result in increased maintenance costs, although it is expected that the buses will not require changeover for at least another 3 years.

*Risk*

1. Existing major sponsors/partners may choose to not extend current arrangements.
2. Contractors may not undertake operation of the service to required levels. This is currently being managed with key performance indicators and penalty payments into contract.
3. There is a strong market reliance on substantial sponsorship to support the service and this is not guaranteed.
4. Unknown costs for on-going bus driving and operation – Tender process for 1 July 2013 to 30 June 2017 still to be undertaken although it is unlikely that costs will rise significantly.

Option 3 – Continue current level of service to 30 June 2017, fully outsource to contractors selected by tender, outsource administration/bus supply/bus maintenance/bus operation to contractors selected by tender, maintain current business contract with Optus and maintain contract management in-house, sell existing buses.

*Estimated Costs*

1. Total estimated cost \$350,000 p/a indexed for 4 years (for bus supply and operation the service)
2. Council contribution capped at \$153,000 p/a indexed for 4 years (with \$53,000 p/a offset from sale of vehicles and redistribution of accumulated depreciation across the 4 years to enable Council contribution to remain at \$100,000 p/a)
3. \$197,000 p/a revenue required from business contract and sponsorship arrangements to make up shortfall.
4. \$80,000 revenue from sale of buses not put back into plant fund in Year 1.
5. \$130,000 already allocated to plant fund from accumulated depreciation would be taken from the Plant Fund.

*Benefit*

1. Fixed price certainty is possible following a tender process which incorporates both bus operation and maintenance.
2. Transferral of service and operational risk to a third party, including risk of owning and maintaining buses.

**ITEM 12 (continued)**

**ATTACHMENT 1**

3. A contractor would take over responsibility for the administration, maintenance and operation of the Top Ryder and Optus bus services – under agreed service delivery contract.
4. Revenue from sale of buses - residual value from buses (estimate \$80,000) which would go into plant fund.
5. Revenue from business partnership and sponsorships.
6. Ability to redirect \$130,000 in plant fund from accumulated depreciation to other plant assets

*Disadvantage*

1. This option is more likely to be more expensive than keeping service in-house and keeping ownership of buses.
2. Possible constraints of sponsorship and application of bus livery on non Council owned buses
3. There would be a reduced flexibility on use of buses during and outside the operational hours of the service, without needing to pay an additional cost.
4. Current quantum of sponsorship isn't sufficient to cover total cost and would rely on more sponsorship or greater Council contribution.
5. Cost \$53,000 p/a more than operating internally

*Risk*

1. Existing major sponsors/partners may choose to not extend current arrangements. In this circumstance, Council would need to meet the shortfall to maintain existing service standards.
2. Contractors may not undertake operation or maintenance of the service to required levels. This can be managed by including key performance indicators and penalty payments into any contract.
3. Reduced risk as buses are owned by a third party.
4. There is a strong market reliance on substantial additional sponsorship to support the service and this is not guaranteed.

***Potential Partnership with Ryde Hunters Hill Community Transport Service***

This was investigated and a draft business proposal was received. Indicative terms, conditions and costs to take over the service were included in the draft business proposal.

Comparatively, the draft proposal was similar to the details outlined in Option 3 except that it would also be expected that Council provide 2 new buses and for Council to maintain the ownership of the buses.

There is also the risk that existing major sponsors/partners may choose to not extend current arrangements if the service is taken over by another entity.

In any case following legal advice received, the Council is precluded from entering into a partnership arrangement with RHHCTS.

**ITEM 12 (continued)**

**ATTACHMENT 1**

Council could only enter into a direct business arrangement with the RHHCTS after first undertaking a full, open and comprehensive tendering process where the RHHCT would need to tender and compete with other potential business partners given the operating costs of the service are above tender threshold limits.

Should Council decide to extend the current service, the RHHCT will be invited to submit a proposal.

**Financial Implications**

Should Council resolve to extend the Top Ryder Community Bus Service, it will result in a financial impact of \$100,000 indexed p/a over 4 years and this amount has been allowed for in the Council's current Four Year Delivery Plan 2012/2016 and is to be incorporated into the 2013/2017 Delivery Plan .

	Cost to Council p/a	Estimated Total Cost p/a	Net Cost over 4 Years	Other Funding Sources
	\$	\$	\$	
Option 1 (to cease service)	0	0 (219,750) savings – Year 1	-	Savings from Optus income, sale of buses and accumulated depreciation not taken from Plant Fund
Option 2 (to continue service as is)	100,000	297,000	1,188,000	Optus Income, Advertising and Sponsors
Option 3 (to fully outsource service and sell buses)	153,000 (53k offset from sale of buses and accumulated depreciation not taken from Plant Fund to ensure capped amount does not exceed 100,000 p/a)	350,000	1,400,000 (1,190,00 when offsets are applied)	Optus Income, Advertising and Sponsors and offsets from sale of buses(\$80k) and accumulated depreciation (\$130k) not taken from Plant Fund

Note: Amounts do not include indexing

For either option two or three, there is a strong market reliance on sponsorship to support the service and this is not guaranteed. In the event that the Council's budgeted contribution from General Revenue threatens to exceed the capped \$100,000 p/a indexed, a further report will be submitted for direction before any additional costs are incurred.

**ITEM 12 (continued)****ATTACHMENT 1****Critical timeframes**

Critical timeframes for this project are 30 June 2013. At this time, the current contract with I Love Oz for operation of the Top Ryder and Optus Shuttle Services will expire. A new tender process will need to be completed by this date or Council will need to vary the existing contract with I Love Oz to enable this contract to continue on a month to month basis until the future operator has been selected.

**Consultation with relevant external bodies**

- Ryde Hunters Hill Community Transport

**ITEM 12 (continued)**

**ATTACHMENT 3**

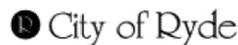
**From:** Jenai Davies  
**Sent:** Tuesday, 28 May 2013 5:09 PM  
**To:** Sam Cappelli  
**Cc:** John Schanz  
**Subject:** FW: 990 Station Shuttle Termination

Hi Sam,

As discussed, Optus have now notified us that they will not be extending service beyond 30 August. To discuss way forward on Monday.

Cheers,

**Jenai Davies** | Senior Sustainability Coordinator, Transport and Environment  
**P:** (02) 9952 8206 | **M:** 0412 963 835  
**A:** 1 Devlin Street, Ryde NSW Australia 2112  
**E:** [jdavies@ryde.nsw.gov.au](mailto:jdavies@ryde.nsw.gov.au) | [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)



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**From:** Chrystal Coulter [<mailto:Chrystal.Coulter@optus.com.au>]  
**Sent:** Tuesday, 28 May 2013 4:21 PM  
**To:** Jenai Davies  
**Cc:** Matthew Heathcote; Alice Woodruff; Andrew Parker; Sandra Rorison  
**Subject:** 990 Station Shuttle Termination

Hi Jenai,

I wish to inform you that as of Friday 30 August, Optus will no longer require the 990 Station Shuttle service currently provided by The City of Ryde.

After a recent transport review, we have decided to terminate this service. Our procurement team will draw up the notice of termination for the 990 Station Shuttle service and send through over the next week, allowing enough time for the notice period.

I thank you very much for the high quality of service and professionalism provided by The City of Ryde throughout the lifetime of the service and I look forward to working with you on future projects.

If you would like to discuss further or have any questions please do not hesitate to contact me.

Kind Regards

**Chrystal Coulter** | Sustainable Transport Coordinator | SingTel Optus Pty Ltd  
[Chrystal.Coulter@Optus.com.au](mailto:Chrystal.Coulter@Optus.com.au) | P: 02 8082 5843  
1 Lyonpark Road, Macquarie Park NSW 2113

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**13 DRAFT DEVELOPMENT CONTROL PLAN FOR THE FORMER HAWKES ON SECOND AVENUE BOWLING CLUB**

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**Report prepared by:** Team Leader - Strategic Planning  
**File No.:** GRP/12/5/5/5 - BP13/1061

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**REPORT SUMMARY**

On 11 October 2011 Council resolved to submit to the Department of Planning and Infrastructure a Planning Proposal to rezone 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (the former Hawkes on Second Bowling Club site) from RE2 Private Recreation to R2 Low Density Residential land uses. This amendment to Ryde Local Environmental Plan (LEP) 2010 became effective in March 2012

In response to submissions, Council also resolved on 11 October 2011 to require a master plan for the site and a deed of agreement to ensure that approximately 10% of the site would be set aside for open space in the event of housing being developed on the site.

The club has acted to implement Council's resolutions of 11 October 2011 by preparing a concept master plan and submitting a Deed of Agreement to implement the publicly accessible open space. The Deed has been referred to Council's Legal Counsel for finalisation.

To support the concept master plan the Club has prepared a site specific development control plan (DCP). The details of the draft DCP are the subject of this report.

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 300m<sup>2</sup> site area/dwelling in the event of multi dwelling housing in the R2 land use zone
- Ryde DCP Part 3.4 Multi Dwelling Housing (for Low Density Residential Zone) clause 2.6a provision for maximum 12 dwellings.

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 300m<sup>2</sup> site area / dwelling.

**ITEM 13 (continued)**

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.

This report recommends that a Draft Development Control Plan for the former Hawks on Second Bowling Club site is prepared (to satisfy that legislation) and that the Draft Development Control Plan is publicly exhibited for at least 28 days.

The Development Control Plan is to stipulate design guidelines for the site

**RECOMMENDATION:**

- (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.

**ATTACHMENTS**

- 1 Aerial photo of Hawks on Second Bowling Club
- 2 Concept Master Plan as at 13 May 2013
- 3 Draft Ryde Development Control Plan 2010 9-19 Second Avenue

Report Prepared By:

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Report Approved By:

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## ITEM 13 (continued)

### Background

#### The Site and Surrounds

The site is surrounded by low density residential development. (Refer Aerial photo **ATTACHED**) It is currently occupied by a disused bowling club (including greens, club premises and parking) and comprises:

Street Address	Legal Description	Site Area
9-19 Second Avenue	Lot 1 in DP 455457	1,671m <sup>2</sup>
	Lot A in DP 386523	840.99 m <sup>2</sup>
	Lot 77 in DP 4684	1,265 m <sup>2</sup>
	Lot 78 in DP 4684	1,012 m <sup>2</sup>
	Lot 79 in DP 4684	1,012 m <sup>2</sup>
Rear of 14 Third Avenue	Lot B in DP 342511	208.07 m <sup>2</sup>
Rear of 16 and 16A Third Avenue	Lot B in DP 341289	246.6 m <sup>2</sup>
Rear of 18 Third Avenue	Lot B in 365296	183.37 m <sup>2</sup>
<b>TOTAL SITE AREA</b>		<b>6,439.03m<sup>2</sup></b>

### **Rezoning the land from Private Recreation to Low Density Residential land uses**

On 8 December 2010, Council received a planning proposal for the site occupied by the Hawks on Second Bowling Club. The owner of the site, Ryde-Eastwood Leagues Club Ltd (the club), requested rezoning of the land from RE2 Private Recreation to R2 Low Density Residential under Ryde LEP 2010.

On 1 March 2011, Council considered a report on the proposed rezoning and resolved:

- (a) *That the planning proposal to rezone the land at 9-19 Second Avenue, Eastwood to R2 Low Density Residential under Ryde LEP 2010 be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.*
- (b) *That, in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, Council will be advised of the terms of the determination and next steps.*
- (c) *That Council notes its desire that the proponents provide a final plan/design that addresses the provision of public open space for the community.*

On 6 May 2011, the Minister for Planning and Infrastructure issued a Gateway Determination under delegation advising approval for the planning proposal to proceed to community consultation for a minimum period of 14 days.

**ITEM 13 (continued)**

Community consultation was held between 8 and 22 June 2011 and reported to Council on 11 October 2011. Ten submissions were received. The most significant issues raised during consultation were the loss of open space and recreation facilities and the scale of any potential redevelopment of the site.

In response Council resolved to proceed with the planning proposal subject to the preparation of a master plan and provision of 10% of the site for open space in the event of redevelopment for housing as follows:

- (a) *That the Planning Proposal for the rezoning of the 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (being 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; LOT B in 365296) from RE2 Private Recreation to R2 Low Density Residential under Ryde Local Environmental Plan 2010 be approved and submitted to the Director-General of the Department of Planning and Infrastructure requesting to bring the amending plan into effect.*
- (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.*
- (c) *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.*

The LEP amendment became effective on 9 March 2012

**Deed of Agreement**

The club has submitted a Deed of Agreement that will implement council's resolution of 11 October 2011. The Deed is nearing finalisation and will be presented to Council at the conclusion of the exhibition of the Draft DCP.

**Planning framework applicable to former Hawks on Second Avenue Bowling Club**

Following gazettal of the LEP the planning controls now applicable to the former Hawks on Second Avenue Bowling Club site are consistent with R2 Low Density Residential development as follows:

**ITEM 13 (continued)**

## Height

- 9.5m generally; and
- In respect of multi-unit housing in the R2 land use zone - under the provisions of Ryde LEP 2010 Clause 4.3(2A) - 6.5m height for dwellings that do not front the street.

## Density

- FSR – 0.5:1 generally and
- 300m<sup>2</sup> 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.

## Maximum Number of Dwellings

- “no development shall contain more than 12 dwellings” under the provisions of Ryde DCP Part 3.4 Multi Dwelling Housing (for Low Density Residential Zone) clause 2.6a

**Draft Master Plan proposed by the Club**

On 11 November 2012 the club submitted a concept master plan and Draft Development Control Plan which were referred to the Urban Design Review Panel and relevant units of Council for comment.

The concept master plan provides for

- 640 m<sup>2</sup> publicly accessible open space on the corner of Young Street and Second Avenue
- 4 x single storey and 27 x two storey dwellings for a total of 31 dwellings on the site
- Basement car parking
- Private open space (courtyards) for each dwelling
- Internal circulation - walkways

**Compliance with Local Environmental Plan 2010**

The concept master plan complies with the following planning controls:

- FSR of 0.5:1 for the R2 land use zone
- Site coverage of 40% maximum
- LEP height controls for the street front buildings

The concept Master Plan does not comply with:

- Ryde LEP 2010 Clause 4.5A– density provisions requiring 300m<sup>2</sup> / dwelling. The draft Master Plan proposes 31 dwellings resulting in a density of approximately 208 m<sup>2</sup> / dwelling.
- Ryde DCP 2010 in relation to a maximum 12 dwellings within multi-unit housing development in the R2 land use zone.

**ITEM 13 (continued)****Options to address master plan non-compliance**

It is proposed that a site specific DCP provides guidelines to ensure appropriate development outcomes on the site, including in relation to height (a minor departure from the LEP control), the maximum number of dwellings, basement car parking, site coverage and setbacks.

The LEP site density controls requiring 300 m<sup>2</sup> site area / dwelling were formulated to provide sufficient site area to ensure private open space, at grade parking and vehicular access / turning circles. The draft concept master plan proposes a density of 208 m<sup>2</sup> / dwelling. To address this non-compliance, there are 3 options:

- 1) Compliance with Clause 4.5A at the time of lodging a development Application  
The proponent submits a development application that complies with Clause 4.5A. This would result in the number of dwellings on the site being reduced from 31 to 21.

**Comments**

The following points are made in relation to this option:

- The reduction of 10 dwellings would have a significant impact on the economic viability of the development
- The Urban Design Review Panel, which assessed the concept master plan, did not raise significant concerns about the density of the site – suggesting an FSR is used. The draft development control plan provides the guidelines to ensure appropriate development outcomes on the site

- 2) Amendment to LEP 2010

The proponent submits a planning proposal to exempt the site from the density provisions of clause 4.5A. The amending clause would include:

- (a) This Clause applies to land known as 9-19 Second Avenue, Eastwood, and
- (b) Notwithstanding the provisions contained in clause 4.5A(1), consent may be granted to the erection of multi dwelling housing (attached) on the land to which this clause applies which has a floor space ratio of up to 0.5:1

**Comments**

The following points are made in relation to this option:

- The amendment to the clause would result in the site being developed more or less in accordance with the concept plan
- The use of a planning proposal to exempt the site from the provisions of the clause provides certainty for the land owner and the community on the density control for the site
- The proponent would be subject to additional costs and time delays – perhaps up to twelve months - while the various stages of the planning proposal are undertaken.

**ITEM 13 (continued)****3) Use of LEP 2010 Clause 4.6 - Exceptions to development standards at the time of lodging a development application**

Clause 4.6 *Exceptions to development standards* enables a level of flexibility in the applying development standards to a development. The variation to a development standard is sought at the time of lodging development application and would need to 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.

Clause 4.6 *Exceptions to development standards* states:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Council's current practice is that Ryde LEP clause 4.6 is used when the variation to the development standard is approximately 10% and better design outcomes will be achieved. A greater variation is sometimes considered if the development is proposing to provide community benefit. The community benefit is secured through the voluntary planning process.

Council is to note that the Club as part of the rezoning of the land from Recreation (RE2) to Residential (R2) has allocated approximately 640m<sup>2</sup> of site to publicly accessible open space in the event of the land being used for housing. This allocated open space was considered compensation for the loss of recreation and open space.

**ITEM 13 (continued)**

The Club, through the development application process, would be seeking a variation of approximately 30% to clause 4.5A – based on the proposed density of approximately 208m<sup>2</sup> site area /dwelling.

**Comments**

The following points are made in relation to this option:

- The variation to clause 4.5A of approximately 30% is in excess of Council's current practice.
- The request for variation to Ryde LEP clause 4.5A may be considered by council under Ryde LEP clause 4.6 if – for this unusually large site - a DCP is in place to guide the future built form and ensure good design outcomes for the site.
- The proponent will still need to argue the case for flexibility in the circumstance and provide the planning grounds.

**Suggested Approach**

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 being effective for the site.
- 640m<sup>2</sup> of publicly accessible open space being implemented.

However a further review of the process to address the non-compliance with Clause 4.5A would be undertaken and reported to Council following the exhibition of the DDCP and consideration of the community reaction to the provisions of the draft plan and the proposition of up to 31 dwellings being developed in Second Avenue.

**Draft Development Control Plan**

The club has advised council that they wish to develop the Hawks on Second Avenue Bowling Club site as a consolidated lot and that development outcomes could be improved by the preparation of a new site specific Development Control Plan. A concept master plan, sections elevations and Draft DCP were submitted by the club in November 2012.

This Draft DCP will address the non-compliances with the provisions of Ryde DCP Part 3.4 Multi Dwelling Housing (for Low Density Residential Zone) and with the Ryde LEP 2010 and 2013. The main purpose of the Draft DCP is to provide built form and envelope controls; to minimise impacts on neighbours and to implement Council's resolutions of 11 October 2011 including to set specific size and location requirements for publicly accessible open space and require that a master plan is prepared for the site. The draft DCP provides detailed design guidance in respect of the following:

- Council's requirement for the provision of a master plan
- Stipulate maximum 31 dwellings for the site
- Stipulate 40% site coverage maximum

**ITEM 13 (continued)**

- 10% of the site area as publicly accessibly open space on the corner of Young Parade and Second Avenue
- Retaining the sandstone wall at the street frontage
- Provisions relating to the requirements for basement car parking in preference to at-grade parking
- Setting building envelope and boundary setback controls consistent with the current LEP height controls of 6.5m for multi-unit dwellings in the R2 land use zone that are not located on the street frontage .

The Draft DCP and indicative development plans were referred to:

- Council's Section Manager Traffic and Governance (for comments regarding traffic impacts)
- Council's Manager Integrated Planning (with respect to flood management)
- Waste Coordinator
- Assessment Planners
- Council's Design Review Panel (which considered the Draft DCP and concept master plan on 12 February 2013). Their key comments in relation to the Draft DCP are summarised below together with a response.

<b>Issue raised in relation to the Draft DCP as submitted by the club</b>	<b>How is the issue addressed in the Draft DCP attached to this report</b>
Objectives - do not address design quality, public open space, vehicles and servicing, pedestrian access	The objectives have been improved to address all points raised
Density - "the panel supports an FSR control for the site"	The FSR applicable to R2 Low Density Residential development is set as the dominant density control for the site
Building Height – the "height controls should deliver design quality rather than squash the building into a 6.5m height." demonstrate appropriate height and how it promotes amenity within the site.	A section is provided regarding height and the controls promote some flexibility and give guidelines for the way flexibility is to be applied.
Car park location and layout – the car park location should support deep soil. Limiting the car park footprint is supported.	The car park footprint may not be located under the publicly accessible open space. It is required to have deep soil
Ground plane – slope is a challenge. Panel recommends reducing heights of retaining walls fences.	The DCP provisions require internal fences to be 1m high max if solid and 1.5m high max if transparent
Siting – envelope control drawing required	Included in Draft DCP
Street setbacks – it is noted that the existing sandstone wall is unique and varies the typical street edge pattern	The sandstone wall is to be retained (though reduced in height). Setbacks are articulated in the Draft DCP

**ITEM 13 (continued)**

Issue raised in relation to the Draft DCP as submitted by the club	How is the issue addressed in the Draft DCP attached to this report
Side and rear setbacks – should be 6m for rear. 3m acceptable for non-habitable rooms but not sufficient for balconies habitable rooms etc.	Rear setback is specified as 6m, side setbacks are 4.5m min where there is a habitable room or balcony.
Site coverage – should be 40% and specify whether or not the publicly accessible open space can contribute	40% site coverage is set as a DCP control.
Storm water, Traffic, Waste	More detail is required at the lodgement of a DA including a traffic study and Flood Impact Assessment.

These issues have been addressed by the club and their consultants in the preparation of the Draft DCP that is **ATTACHED** and the revised Concept Master Plan dated 13 May 2013 also **ATTACHED** to this report.

This report will recommend that the Draft DCP is publicly exhibited for at least 28 days in accordance with the NSW Environmental Planning and Assessment Act.

**Financial Implications**

Adoption of the recommendation to publicly exhibit the Draft DCP will have no financial impact.

**Next Steps / Critical Dates**

Should Council resolve to exhibit the Draft DCP the next steps are:

Activity	Start date	Target date
Exhibit Draft DCP	September 2013	October 2013
Execute Deed of Agreement and register on land title (as per council resolution of 11/10/11).		November 2013
Report exhibition of Draft DCP to Council		December 2013 or February 2014

ITEM 13 (continued)

ATTACHMENT 1

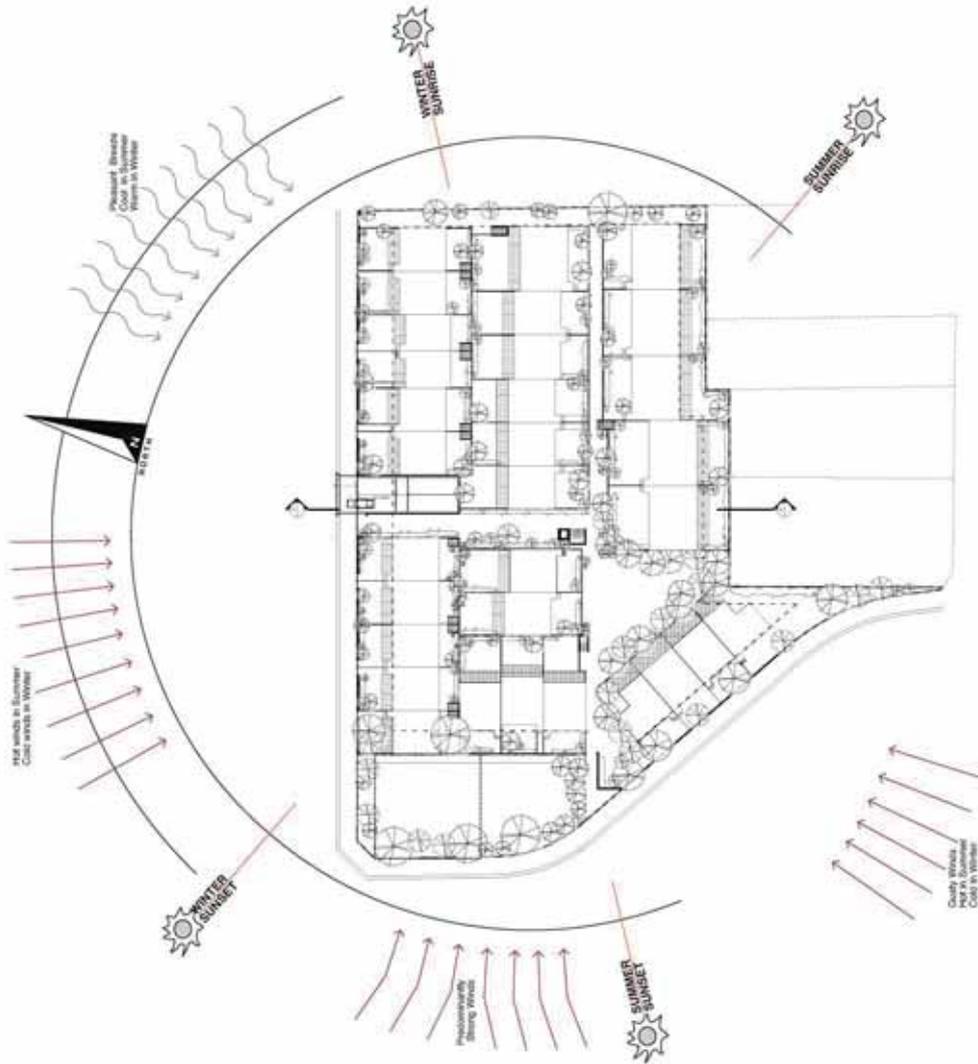


**ITEM 13 (continued)**

**ATTACHMENT 2**

<b>SITE DATA</b>	
Site Area (Hawks)	6,450 sq.m
Additional Site Area	137 sq.m
Site Coverage	32 %
<b>Proposed Dwellings</b>	<b>31 (Total)</b>
2 Bedroom (Single Storey)	540 sq.m
6 Dwellings x 90 sq.m	
2 Bedroom (Double Storey)	190 sq.m
2 Dwellings x 95 sq.m	
3 Bedroom (Double Storey)	2645 sq.m
23 Dwellings x 115 sq.m	
<b>Total Area (GFA)</b>	<b>3375 sq.m</b>
<b>FSR</b>	<b>0.5 : 1</b>
<b>Car parking</b>	<b>62 (Total)</b>
2 Bedroom (1 space required)	8
8 Dwellings	
3 Bedroom (2 spaces required)	46
23 Dwellings	
<b>Visitors (1 space per 4 dwellings required)</b>	<b>8</b>
31 Dwellings / 4	

**LOCATION PLAN**



  
 DRAWING: Site Data  
 DRAWING NUMBER: 01 of 04  
 SCALE: NTS  
 REVISION: A  
 PROJECT NUMBER: 1004

S0

www.bka.com.au

LOW DENSITY RESIDENTIAL ZONE

9 - 19 Second Avenue, Eastwood

12 May 2013





**ITEM 13 (continued)**

**ATTACHMENT 2**



**Section AA**

**LOW DENSITY RESIDENTIAL ZONE**  
9 - 19 Second Avenue, Eastwood

**S3**

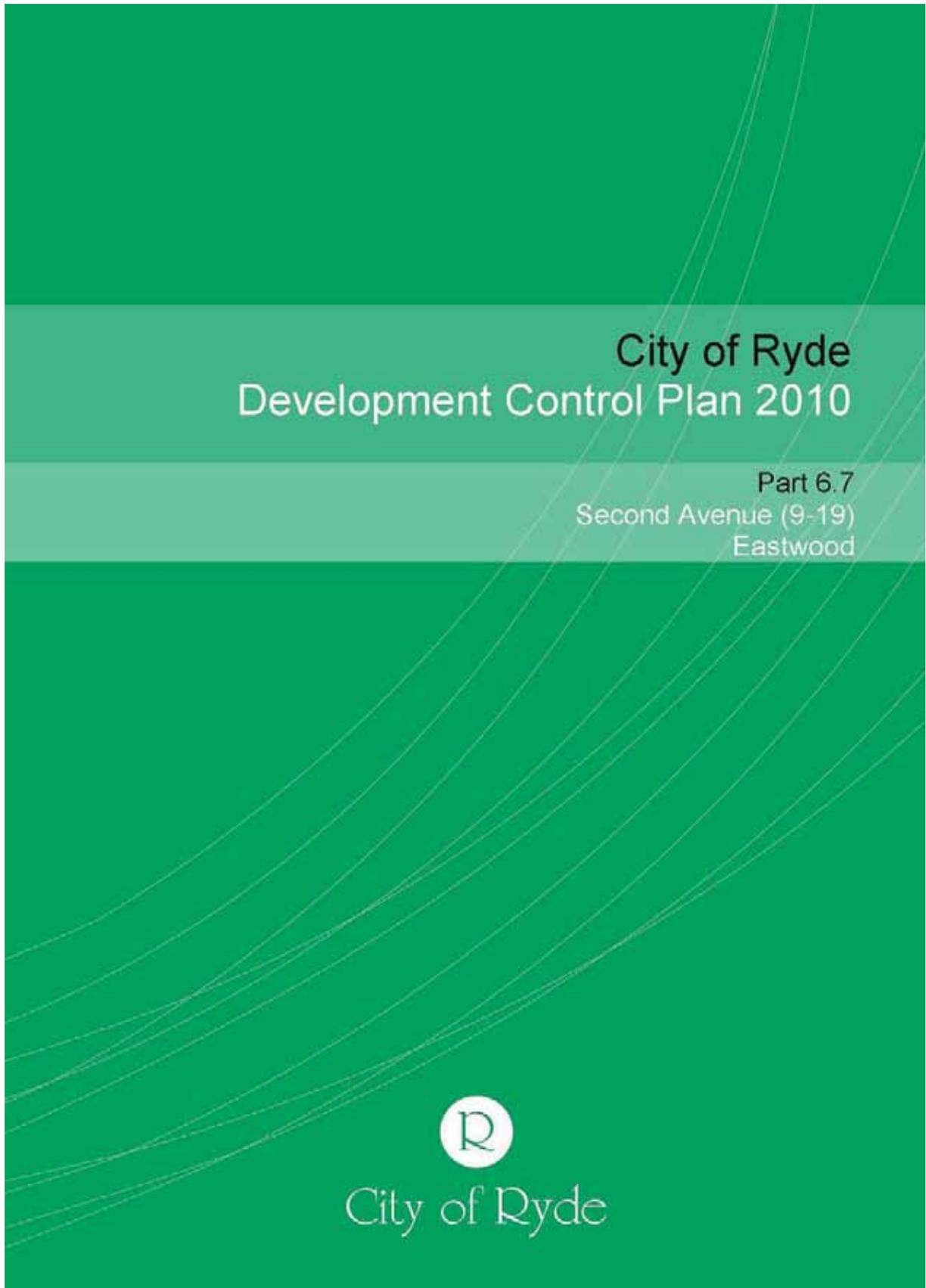
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**Baker Kavanagh BENCHMARKS**

**DRAWING: Section**  
DRAWING NUMBER: 04 of 04  
SCALE: 1:500 (R.A.)  
REVISION: 0  
PROJECT NUMBER: 12004

ITEM 13 (continued)

ATTACHMENT 3





**ITEM 13 (continued)**

**ATTACHMENT 3**

Part Second Avenue, Eastwood	Contents	<b>6.7</b>
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**ITEM 13 (continued)**

**ATTACHMENT 3**

<b>6.7</b>	Part	Chapter
	Second Avenue, Eastwood	1.0 Introduction

**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 385296;
- 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 adoption for exhibition 27 August 2013

ITEM 13 (continued)

ATTACHMENT 3

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 of 11 October 2011 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.

ITEM 13 (continued)

ATTACHMENT 3

6.7

Part  
Second Avenue,  
Eastwood

Chapter  
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 adoption for exhibition 27 August 2013

Development Control Plan 2010

Draft

Preliminary

6

ITEM 13 (continued)

ATTACHMENT 3

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 645m<sup>2</sup> 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.

**ITEM 13 (continued)**

**ATTACHMENT 3**

6.7	Part	Chapter
	Second Avenue, Eastwood	

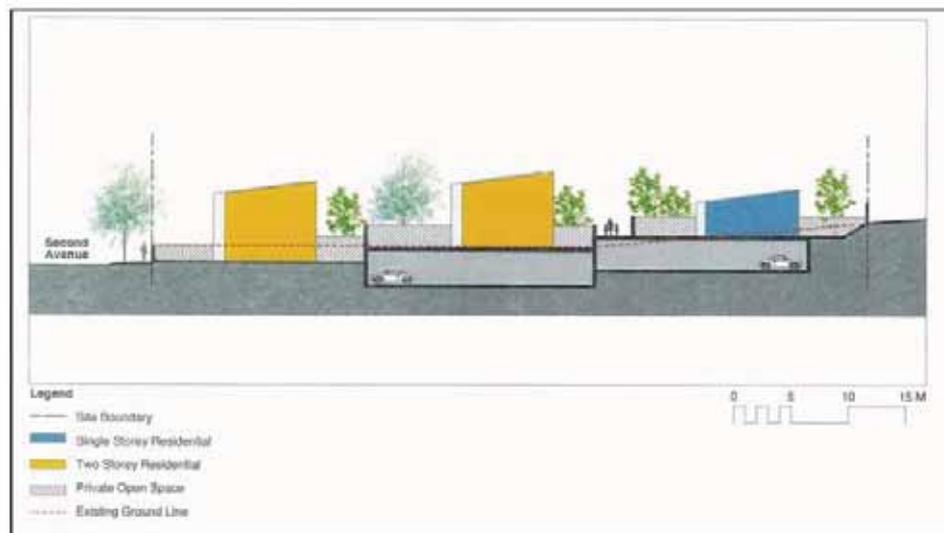
**2.4 Streetscape**

**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 adoption for exhibition 27 August 2013

ITEM 13 (continued)

ATTACHMENT 3

Part	Chapter
Second Avenue, Eastwood	6.7

## 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.
- c. 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).
- d. 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.
- e. 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.
- f. A ground plane section demonstrating indicative building heights relative to existing ground levels is contained in Figure 6.7.2.
- g. A minimum floor to ceiling height of 2.7m should be provided within dwellings.
- h. 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.

**ITEM 13 (continued)**

**ATTACHMENT 3**

6.7	Part	Chapter
	Second Avenue, Eastwood	

**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.

**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 adoption for exhibition 27 August 2013

**ITEM 13 (continued)**

**ATTACHMENT 3**

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 3 metres minimum from that boundary if the walls contain only windows associated with bedrooms and non-habitable rooms, such as bathrooms and toilets. 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**

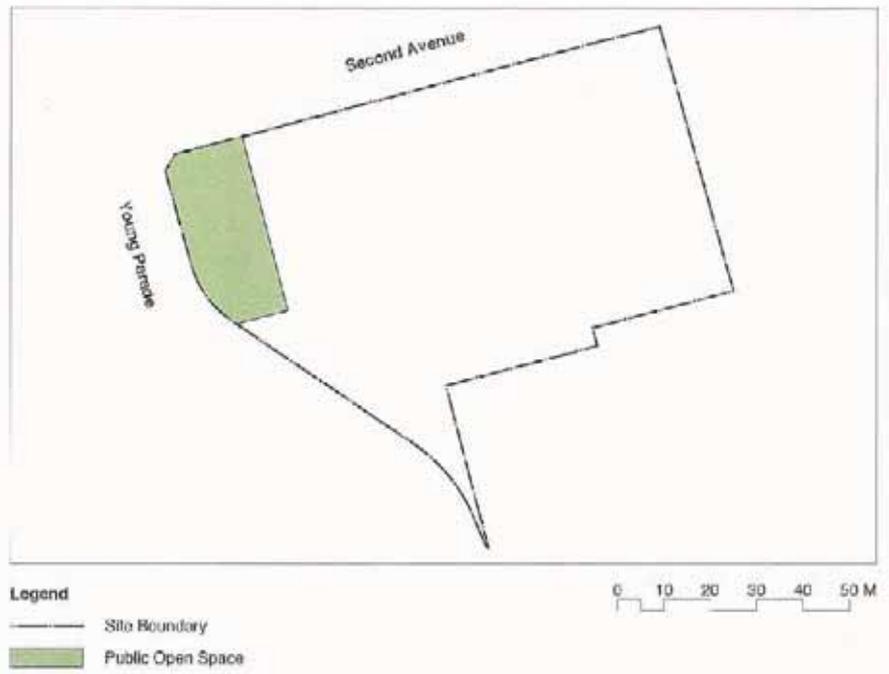
- a. Privately owned public open space with a minimum area of 645m<sup>2</sup> is to be provided at the intersection of Second Avenue and Young Parade in accordance with Figure 6.7.4.
- b. Privately owned public open space is to have a minimum dimension of 18m in any direction.
- c. The privately owned public open space must be accessible to the public at all times.

**ITEM 13 (continued)**

**ATTACHMENT 3**

<b>6.7</b>	Part	Chapter
	Second Avenue, Eastwood	

- d. The privately owned public 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 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 space is to be provided as a deep soil zone.



**Figure 6.7.4 - Location of Publicly Accessible Open Space**

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Development Control Plan 2010

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ITEM 13 (continued)

ATTACHMENT 3

Part	Chapter
Second Avenue, Eastwood	6.7

## 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. 30m<sup>2</sup> for 2 bedroom dwelling; and
  - ii. 35m<sup>2</sup> 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.

**ITEM 13 (continued)**

**ATTACHMENT 3**

6.7

Part  
Second Avenue,  
Eastwood

Chapter

**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.
- 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 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 and 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. 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.
- d. 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.

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**ITEM 13 (continued)**

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Part  
Second Avenue,  
Eastwood

Chapter

6.7

**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 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 m<sup>2</sup> 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.

ITEM 13 (continued)

ATTACHMENT 3

6.7 Part  
Second Avenue,  
Eastwood

Chapter

**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 6.2 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.

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**ITEM 13 (continued)**

**ATTACHMENT 3**



Ryde City Council  
Civic Centre  
1 Devlin Street  
Ryde NSW 2112

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## 14 PLANNING PROPOSAL - 111 WICKS RD, 29 EPPING RD AND 31 - 35 EPPING RD MACQUARIE PARK

**Report prepared by:** Strategic Planner  
**File No.:** LEP2013/10/007 - BP13/1099

### REPORT SUMMARY

Council has received a Planning Proposal to amend controls within Draft LEP 2013 as they apply to the following land (known as the “the site”):

- 111 Wicks Road (Lot 10 in DP1046090),
- 29 Epping Road (Lot 2 in DP52488) and
- 31-35 Epping Road (Lot 1 in DP1151499), Macquarie Park

The Planning Proposal seeks to change the zoning, height and floor space controls applying to the site to facilitate the development of the site for a mixed use precinct that integrates commercial office, retail, hotel and residential uses on the site. This will require:

- Amending LEP 2013 Land Zoning Map for that part of the site known 111 Wicks Road to B4 Mixed Use.
- Amending LEP 2013 Height of Buildings Map to increase the maximum height of buildings permitted at 111 Wicks Road to 89m and at 31-35 Epping Road to 50m and
- Amending LEP 2013 Floor Space Ratio Map to increase the FSR across the whole of the site to 2.4:1.

A Proposed Concept Masterplan for the site was submitted with the PP. The below table indicates the proposed development within that Masterplan

### SUMMARY OF PROPOSED AND EXISTING DEVELOPMENT

ELEMENT	111 WICKS ROAD	31-35 EPPING ROAD	29 EPPING ROAD
<b>Existing Land Use</b>	Industrial warehouse Access Rd	Domayne store (bulky goods retail)	North Ryde Smash Repairs
<b>Proposed Land Use</b>	Residential Flat Building 160-170 units: - 1 bed units – 40% - 2 bed units – 55% - 3 bed units – 5% Approx. 200 hotel rooms Cafe	Commercial –11,289m2 Bulky goods – 8,663m2	Commercial –3,188m2
<b>Proposed Total Floor space and FSR</b>	47,274m2 2.4:1		
<b>Proposed Building Heights</b>	23-27 storeys (89m) Single storey café (5m)	3 / 12 storeys (10 -50m) Note: - Existing Domayne / Harvey Norman store retained with new 8 storey addition to the rear of the building.	6 storeys (21m)

**ITEM 14 (continued)**

The Planning Proposal (Urbis PP) is **ATTACHMENT 1 - CIRCULATED UNDER SEPARATE COVER.**

An independent assessment of the planning proposal has been undertaken by consultants SJB Planning Pty Ltd. The planning consultant was engaged in accordance with Council's procurement framework.

The SJB Report outlines the planning proposal and provides assessment in relation to the requirements under the gateway plan making process.

The SJB Report (SJB Review) is **ATTACHMENT 2 - CIRCULATED UNDER SEPARATE COVER.**

SJB identifies the following issues with respect to the Planning Proposal:-

- Whether the range of land uses sought – specifically residential – is appropriate and consistent with the strategic framework of the site and surrounding area, and whether there is strategic merit in the matter proceeding;
- Whether the built form resulting from a change in height and FSR is an appropriate outcome for the site when considered in the immediate and broader context of the site and whether there is site specific merit in the matter proceeding; and
- The value of the VPA offer.(Extract SJB Review pge 8)

The SJB Review recommends:-

*“That the Planning Proposal for 111 Wicks Road, 29 Epping Road and 31-35 Epping Road not proceed to Gateway for the following reasons:*

1. *The Planning Proposal is inconsistent with the vision for the Macquarie Park Corridor as a Specialist Precinct whose primary purpose is for employment and economic functions;*
2. *It is inconsistent with the City of Cities Metropolitan Plan 2005, Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney 2031, Ryde Local Planning Study 2010, Ryde LEP 2010 and Ryde Draft LEP 2013 as amended.”(Extract SJB Review pge 9)*

Based on SJB findings and recommendations this report recommends the Planning Proposal should not proceed as it is inconsistent with the strategic direction being implemented by Council.

**ITEM 14 (continued)**

**RECOMMENDATION:**

- (a) That Council does not support the Planning Proposal for 111 Wicks Road, 29 Epping Road and 31-35 Epping Road Macquarie Park proceeding to a Gateway determination on the grounds that
- The Planning Proposal is inconsistent with the vision for the Macquarie Park Corridor as a Specialist Precinct whose primary purpose is for employment and economic functions;
  - The Planning Proposal is inconsistent with the strategic direction for the Macquarie Park Corridor adopted in the City of Cities: A Plan for Sydney's Future (Metropolitan Strategy), Metropolitan Plan for Sydney 2036, the Draft Metropolitan Strategy for Sydney 2031, Ryde Local Planning Study 2010 and Ryde LEP 2010 and Draft Ryde LEP 2013.
- (b) That the applicant be advised accordingly.

**ATTACHMENTS**

- 1 Macquarie Park Planning Proposal Harvey Norman Group (Urbis PP) – CIRCULATED UNDER SEPARATE COVER
- 2 Macquarie Park Planning Proposal Review SJB Planning – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Susan Wotton**  
**Strategic Planner**

Report Approved By:

**Meryl Bishop**  
**Manager - Urban Planning**

**Dominic Johnson**  
**Group Manager - Environment & Planning**

## ITEM 14 (continued)

### Discussion

The following outlines the “gateway plan-making process”, and a summary of the subject planning proposal.

#### Gateway Plan-Making Process

1. **Planning proposal** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. **Gateway** – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. **Decision** – the making of the plan by the Minister (or delegate).

According to section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal.

### 1.1 Site Description and Context

#### Site Description

The land the subject of the Planning Proposal is known as 111 Wicks Road, 31-35 Epping Road and 29 Epping Road, Macquarie Park.

The site comprises:

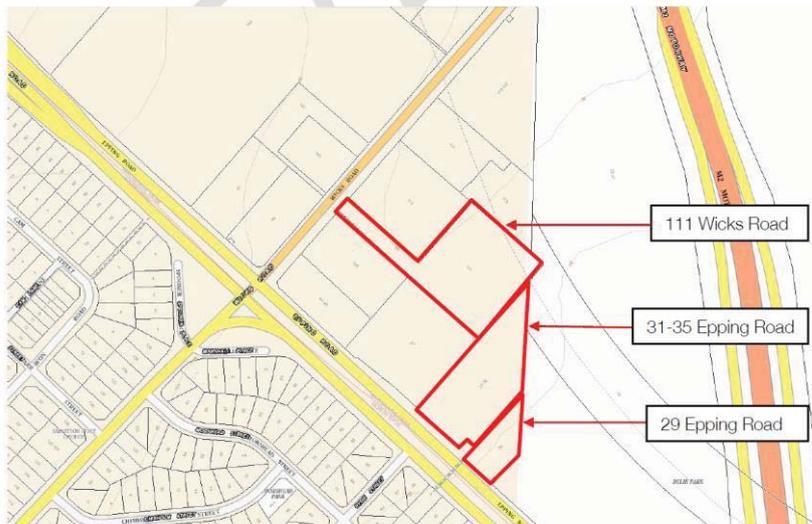
- three separate land holdings resulting in an irregular shape comprising approximately 1.97 hectares in area.

**ITEM 14 (continued)**

- a frontage of 15.24m to Wicks Road, comprising a battle axe access handle
- a frontage to Epping Road of approximately 90.6m.

The site is located on the northern side of Epping Road east of its intersection with Wicks Road, and generally abutting the existing pedestrian bridge across Epping Road east of Ryrie Street.

**Figure 1** Illustrates the subject site and the three (3) land holdings.



The site contains:

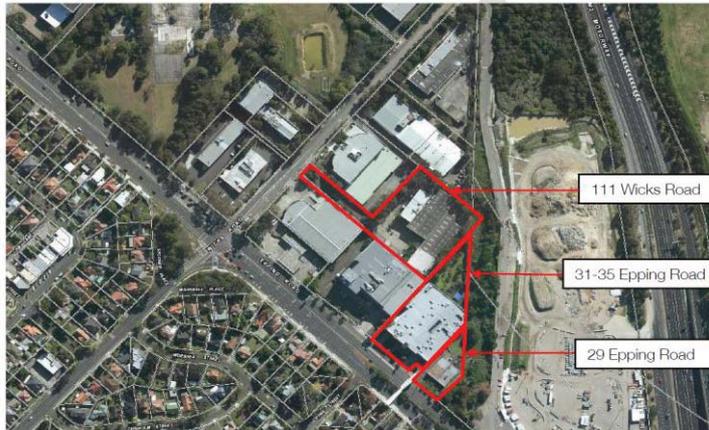
- 111 Wicks Rd - An industrial warehouse showroom comprising a single story structure with car parking for some 40 cars.
- 31-35 Epping Road - The Domayne / Harvey Norman building comprising a three (3) storey building, located on the Epping Road frontage with a triangular shaped parcel of land at the rear comprising landscaping. Vehicular access is available from Epping Road via a dedicated slip lane.
- 29 Epping Road - a smash repair premise comprising a single storey structure having an Epping Road frontage and which benefits from direct access from the slip lane. (Figure 2 Existing Site conditions)

**TABLE 1 – Site Description**

	EXISTING USE	PROPERTY ADDRESS	LEGAL DESCRIPTION	SITE AREA
1	Industrial warehouse Access road	111 Wicks Road	Lot 10 DP1046090	9,805m <sup>2</sup>
2	Domayne store (bulky goods retail)	31-35 Epping Road	Lot 1 DP1151499	7,718m <sup>2</sup>
3	North Ryde Smash Repairs	29 Epping Road	Lot 2 DP 528488	2,240m <sup>2</sup>
<b>TOTAL:</b>				<b>19,763m<sup>2</sup></b>

**ITEM 14 (continued)**

**Figure 2** Illustrates the existing site conditions.



**Figure 2** Existing site conditions  
(Source: SIX Maps)

The Planning Proposal document states that the sites are all within the control of the applicant. The site is affected by an easement in favour of Transport for NSW for the Epping to Chatswood Rail line tunnel with a width varying from 13.0m to 38.0m across the north-eastern corner of the site. The easement comprises two (2) zones and places restrictions on above and below ground works.

No. 37-39 Epping Road, the Officeworks site to the south and west of the site, benefits from a right-of-way across the Wicks Road access handle.

*Topography*

The site has been modified to accommodate the current uses and building forms. The site slopes from the southern corner on Epping Road at RL 52.11 to the northern corner at RL 43.75, an approximate 8.4 metre level difference.

Given the modified nature of the site, it supports little vegetation other than a landscaped area behind the Domayne / Harvey Norman building. (SJB Review pgs 13 – 15)

**Context**

*Immediate Context*

The site is located on the south-eastern end of the Macquarie Park Corridor. To the east, the site adjoins an area known as the North Ryde Station Urban Activation Precinct (NRSUAP).

The land immediately abutting the site to the east is more commonly known as the TfNSW M2 site and was previously used for the construction of the Epping to Chatswood rail line. It does not contain any buildings. This area is currently undergoing a strategic planning process to change the planning controls applying to the lands under the Urban Activation Precinct Program (details re NRSUAP are provided later in the report).

Buildings fronting Wicks Road to the west of the site comprise similar scale buildings. The Officeworks building is located to the immediate south west of the site on the Epping Road frontage.

## ITEM 14 (continued)

Lands immediately to the north comprise a range of commercial buildings and the balance of the NRSUAP site.

Epping Road is to the immediate south of the site, a road reserve of 40m and comprises a six (6) lane arterial road. Development on the southern side of Epping Road comprises low density detached residential housing. (Figure 2a immediate context)

Figure 2a



- Adjoins the North Ryde Station Urban Activation Precinct (NRSUAP).
- Site in where pedestrian bridge crosses Epping Road.
- Low density residential development on southern side of Epping Road.

(Urbis PP pge 12)

### Broader Context

The site is located within the Macquarie Park Corridor which is located in the northwest of Sydney, approximately 12 kilometres from the Sydney CBD and 2 kilometres from Epping. It is a 75km<sup>2</sup> employment centre located equidistant from the CBD of Sydney and Parramatta respectively.

The corridor comprises an area of land generally bound by the M2 Motorway and Delhi Road on the northeast, Epping Road and the Lane Cove River on the southwest, and Macquarie University. On the southern side of Epping Road, the corridor is adjoined by low density residential development.

More than 800,000m<sup>2</sup> of the corridor is commercially zoned comprising a mix of B3 Commercial Core, B4 Mixed Use and B7 Business Park.

The Macquarie Park Corridor is part of the Global Economic Corridor, a broad area of economic activity stretching from Port Botany and Sydney Airport, through the Sydney CBD, North Sydney, St Leonards to Parramatta. This region accounts for the

### ITEM 14 (continued)

majority of Sydney's global orientated commercial businesses and over 10% of gross domestic product. Employment within the corridor exceeds 39,000 jobs, with over 30,000 students attending Macquarie University.

Macquarie Park is the location of many of Australia's leading companies including Optus and Foxtel, and plays a strategic role in this economy. It is a specialised centre offering a range of commercial research activities in the areas of information technology, telecommunications, pharmaceuticals, medicine, health and education. The corridor has developed into a major employment centre in the past 30 years. Key assets within the Corridor include:

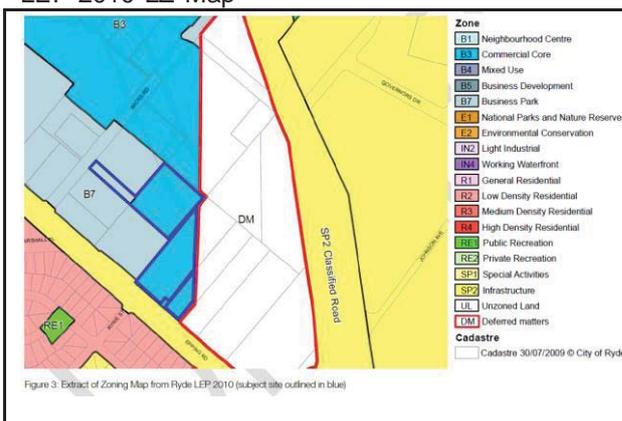
- Macquarie University and Hospital;
- Macquarie Shopping Centre;
- Three (3) rail stations on the Epping Chatswood Rail link;
- Home to several leading Australian and international companies including CSIRO, Optus, Foxtel, and Microsoft; and
- Adjacent to the Lane Cove River National Park. (SJB Review pages 15 – 16)

## 1.2 Current Planning Controls

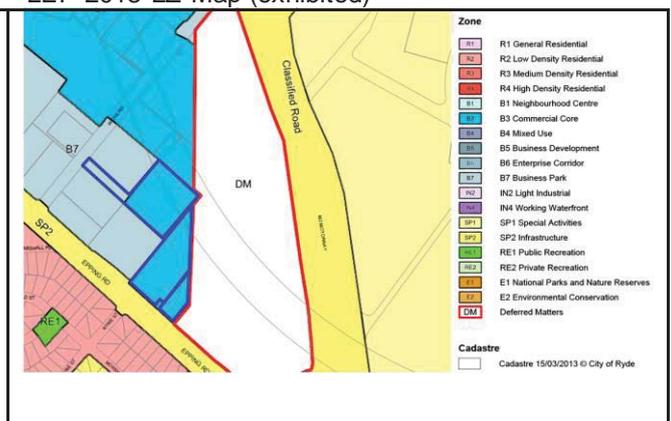
### a) Zoning and Land Use

The subject site is zoned part B7 Business Park and part B3 Commercial Core under the Ryde LEP 2010 and Draft Ryde LEP 2013 .An extract of the zoning map is shown in Figure 3. The access handle to 111 Wicks Rd is the only part of the site zoned as B7 Business Park.

**Figure 3**  
LEP 2010 LZ Map



LEP 2013 LZ Map (exhibited)



Key uses permitted in the B3 Commercial Core zone are light industries and commercial premises (which are comprised of a variety of retail, office and business land uses). Residential accommodation is prohibited as is Tourist and visitor accommodation with the exception of serviced apartments and hotel and motel accommodation. The B7 Business Park zone is more restrictive in that it allows office and business premises, light industries, restaurants, coffee and function centres but prohibits residential accommodation, all tourist and visitor accommodation and retail uses.

**ITEM 14 (continued)**

*b) Building Height*

The applicable building height controls under the Ryde LEP 2010 and Draft RLEP 2013 are 22 metres (approximately 4 storeys) on the Epping Road portion of the site and 30 metres (approximately 6 storeys) on that portion of the site accessed from Wicks Road. It should be noted that the relationship between the permitted storeys and metre heights under the two LEPs relates to the use of the land in accordance with the land use table i.e. predominately office and business uses. A greater number of storeys can be achieved under the same metre height if land is developed for residential purposes.

Figure 4 illustrates the relevant height controls of the subject site and surrounding sites.

**Figure 4**  
LEP 2010 HoB Map



LEP 2013 HoB Map (exhibited)



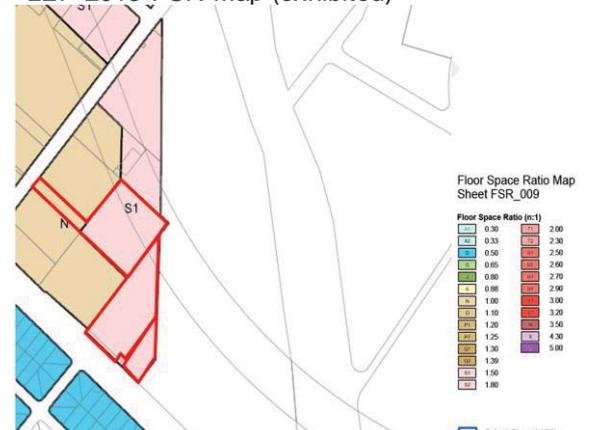
*c) Floor Space Ratio*

The relevant floor space ratio for the site under LEP 2010 and Draft LEP 2013 is principally 1.5.1 with the access handle from Wicks Road being 1.1. (Figure 5)

**Figure 5**  
LEP 2010 FSR Map



LEP 2013 FSR Map (exhibited)



**ITEM 14 (continued)**

*d) Draft Ryde LEP 2013 (Amendment No. 1)*

The Planning Proposal for LEP 2013 (Amendment 1) was exhibited from the 12 June 2013 to 19 July 2013.

The amendment proposes to include:

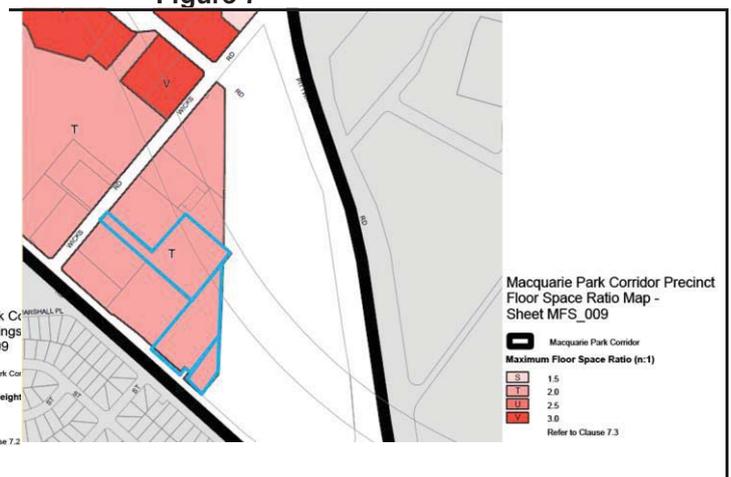
- Deferred provisions for increased FSR and building height controls to become available for development upon entering into a VPA with Council to provide key infrastructure - roads and open space; and
- Introduction of new maps with highest FSR and heights concentrated along Waterloo Road with lowest FSR and heights located towards the perimeter of the Macquarie Park Corridor.

Figures 6 and 7 illustrate the potential height and FSR available to the site under the new incentive scheme. This amendment was publicly exhibited in June/July 2013 and is yet to be formally considered by Council.

**Figure 6**



**Figure 7**



These controls are subject to meeting VPA requirements and envisage development of the site and adjoining lands to a potential height of 45 metres and a FSR of 2.1. The controls proposed do not alter the range of permitted uses.

*e) Ryde Development Control Plan 2010 Draft DCP 2013*

Part 4.5 Macquarie Park Corridor of the Ryde DCP 2010 and Draft Ryde DCP 2013 contain detailed provisions which set the framework for the future development of Macquarie Park. The DCP provisions note that the controls are based broadly on the objectives and development principles contained in the Macquarie Park Corridor, North Ryde Master Plan, adopted by Council in 2004.

The broad structure plan for the Macquarie Park Network is contained at Section 3 and comprises the three (3) elements of Street Network, Open Space Network and Built Form Network.

**ITEM 14 (continued)***f) North Ryde Station Urban Activation Precinct*

The subject site is immediately adjoined to the east by the North Ryde Station Urban Activation Precinct (NRSUAP). This area remains a deferred matter from the Ryde LEP 2010 and Ryde Draft LEP 2013. It remains zoned under the Ryde Planning Scheme Ordinance. The Ryde DCP 2010 contains indicative controls for the precinct.

The NRSUAP is currently the subject of a planning process managed by the Department of Planning and Infrastructure to facilitate the rezoning of the site.

The Planning Report prepared for the NRSUAP and supporting detailed information prepared for the NRSUAP was exhibited from 16 March 2013 to 19 May 2013. The Department is currently considering submissions.

The following is an extract from the Planning Report's Executive Summary describes the proposal as follows:

- Land use zones – the majority of the precinct is proposed to be zoned for
- Residential land use (R4 High Density Residential and R3 Medium Density residential). To respond to the needs of the new residents parts of the precinct are also zoned RE1 Public Recreation, B4 Mixed Use and B3 Commercial Core.
- Heights – maximum building heights range across the site, allowing for buildings from 4 storeys up 33 storeys. The taller building heights are located closer to the M2 corridor to reduce the potential visual and overshadowing impacts.
- Floor space ratios – maximum floor space ratios across the Precinct have been determined based on the capacity of the supporting infrastructure and range from 1:1 and 4:1.
- Under the proposed zones and development controls it is estimated that a total gross floor area (GFA) of 341,000m<sup>2</sup> of residential and commercial development could be provided across the precinct as follows:
  - 250,000 m<sup>2</sup> residential GFA (allowing for approximately 2,500 residential dwellings and potential for 125 student accommodation dwellings).
  - 85,000 m<sup>2</sup> commercial GFA (including potential for 125 serviced apartments).
  - 6,000 m<sup>2</sup> retail GFA (which could include a small supermarket).(Extract: North Ryde Station Precinct Planning Report – Pge i)

Council raised a number of key issues with the Urban Activation Precinct and these are summarised as follows:

- The provision of large amounts of housing within the Urban Activation Precinct has potential to change the nature of the Macquarie Park Corridor;
- Lack of a holistic approach to the provision of infrastructure;
- Excessive height and density. The proposal had not demonstrated the ability to accommodate the proposed densities in terms of traffic and transport network and built form relationships; and
- Traffic access and capacity concerns.  
(SJB Review pge 24/25)

**ITEM 14 (continued)**

Council is to note that when developing LEP 2010 the DoPI required that the land within the NRSUAP be deferred from the LEP. The Department effectively removed the land from Council's control in August 2008 with the issue of the s65 Certificate for LEP 2010. The land is currently zoned under the Ryde Planning Scheme (RPS).

As stated above Council has consistently raised concerns over the introduction of residential development into the North Ryde Station Urban Activation Precinct. In particular:

- The potential for the development to erode the specialist commercial centre nature of Macquarie Park by allowing residential development
- The lack of certainty regarding the delivery of the infrastructure necessary to support the scale and level of density.

It should also be noted that since 2006 the area known as the Herring Road Activation Precinct was predominately zoned Business Special (Mixed Activity) under the RPS and since June 2010 has been zoned B4 Mixed Use under LEP 2010. Both zones permit all forms of residential development with Council consent. The B4 zoning which presently applies to the subject area also applies under LEP 2010 and draft LEP 2011 to all town centres within the City of Ryde.

**1.3 Strategic Context**

The strategic planning framework for this Planning Proposal is found in the following key documents:

- Metropolitan Plan 2036 for Sydney and the Draft Metropolitan Strategy for Sydney 2031;
  - Inner North Subregion Draft Subregional Strategy
  - City of Ryde Local Planning Study; and
  - Macquarie Park Corridor – General Background Studies
- Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031

The Sydney Metropolitan Strategy sets the NSW Government's framework for the future growth and prosperity of Sydney. It was first released in 2005 and has since been updated twice as follows:

- Metropolitan Plan for Sydney to 2036, NSW Department of Planning and Infrastructure (2010); and
- Draft Metropolitan Strategy for Sydney 2031, NSW Department of Planning and Infrastructure, (2013).

Macquarie Park Corridor was identified in the City of Cities - A Plan for Sydney's Future (December 2005) as a Specialised Centre with a focus on education, employment, research and technology. This was further reinforced in the revised and updated versions of the Metropolitan Plan released in 2010 and the Draft Metropolitan Strategy in 2013.

**ITEM 14 (continued)**

In the Metropolitan Plan 2036, Specialised Centres are differentiated from other regional and major centres in that they perform vital economic and employment roles for the whole metropolitan area.

A specialised centre is characterised by:

- A stronger employment or economic function than other centres, with a reduced focus for housing;
- Sufficient zoned land provided for business and enterprise in locations with high quality transport access;
- Major airports, ports, hospitals, universities, research and/ or business activities that perform vital economic and employment roles across the metropolitan area;
- Complex interaction with the rest of the city; growth and change in and around them must therefore be carefully planned; and
- An employment base, in common with Major Centres, of at least 8,000 jobs.

Macquarie Park is identified under the Metropolitan Plan 2036 as having a base of 39,000 jobs in 2006 and anticipated to grow to 58,000 by 2036 (p.135 Metropolitan Plan to 2036).

In the Draft Metropolitan Strategy 2031, Specialised Centres are referred to as Specialised Precincts. Appendix B of the Strategy contains criteria for Specialised Precincts. Of particular relevance are the following criteria:

- The primary significance of Specialised Precincts is as employment destinations and / or as the location of essential urban services;
  - Specialised Precincts have an amount of employment that is of metropolitan significance, but other uses in the Precinct are not necessarily at a scale currently of metropolitan significance;
  - Specialised functions must be protected for the long-term, and residential and other non-specialised but competing uses must not override the core employment activities in these precincts. Some, however, will plan for ancillary uses which are suitable, such as staff or student accommodation near universities and hospitals; and
  - The way a Specialised Precinct interacts with the rest of the city is complex, and growth and change in and around them must be carefully planned to ensure they continue to serve their primary employment and economic function
- Inner North Subregion - Draft Sub Regional Strategy

The Inner North Sub Region – Draft Sub Regional Strategy identifies Macquarie Park as a specialised centre stating that:

“Macquarie Park will continue to evolve as Australia’s leading Technology Park with jobs growth, further investment and improved public transport accessibility.”  
(p.47)

**ITEM 14 (continued)**

The strategy also reinforces Macquarie Park as a Specialised Centre with an employment focus.

- Ryde Local Planning Study 2010

The Ryde Local Planning Study examined the capacity of Ryde's existing Planning Controls to implement the recommendations of the Metropolitan Plan 2036 and the growth targets of the Inner North Subregion – Draft Sub Regional Strategy. The study concluded that capacity existed within Ryde's existing controls to deliver the jobs and dwelling growth targets.

The Local Planning study informed the preparation of the now Ryde Draft LEP 2013 and reinforced the role of the Macquarie Park Corridor as a major employment centre.

- Macquarie Park Corridor – General Background Studies

The Council policy position regarding the Macquarie Park Corridor has been informed by a range of studies and included in more recent years:

- Allen Jack and Cottier Urban Design based Macquarie Park DCP 2008;
- Aspect Studios Macquarie Park Urban Design Manual 2008;
- Aspect Studios Open Space Network Structure Plan;
- Space Syntax Movement Study 2010;
- Macquarie Park Parking Study (2009) , ARUP;
- Bitzios Macquarie Park Transport Management Plan;
- Stephen Collier Road Network Structure Plan;
- Hill PDA Opinion on the Value of Incentive Floor Space, 17 September 2007;
- City of Ryde Infrastructure Cost Study 2010; and
- Drew Bewscher and Associates Macquarie Park Flood Management Plan.

Previous studies that have informed the direction of the Macquarie Park Corridor also include:

- Macquarie Park Growth Model;
- Macquarie Park Pedestrian Movement Study 2009;
- Macquarie Park Public Domain Technical Manual 2008;
- Macquarie Park Traffic Study – Final Report 2008;
- Macquarie Park Corridor Master Plan;
- Macquarie Park Transport Management and Accessibility plan; and
- Macquarie Park Structure Plan 2002.
- Ryde Integrated Open Space Plan

**1.4 Proposed amendment to Draft Ryde LEP 2013****a) Proposal**

The Planning Proposal seeks to change the zoning, height and floor space controls applying to the site to facilitate the development of the site for a mixed use precinct that integrates commercial office, retail, hotel and residential uses on the site.

## ITEM 14 (continued)

The intent of the Planning Proposal as outlined by the proponent is:

*“To allow high density mixed use development comprising commercial, retail, hotel and residential development on Lot 10 in DP1046090, Lot 2 in DP528488 and Lot 1 in DP151499... that successfully integrates with the adjoining NRSUAP development.” (Extract Urbis PP pge 18)*

### b) Objectives and Intended Outcomes

The applicant identifies the primary objective of the Planning Proposal as follows:

The primary objective of the proposed rezoning is the creation of a high quality mixed use development that, alongside the redevelopment of the NRSUAP lands, will make a meaningful contribution to the growth of Macquarie Park. This will be achieved by:

- Providing compatible land uses that will create a vibrant and active community, including residential and commercial.
- Integrating the site with the broader local community through improved pedestrian and vehicular connections with the adjoining established commercial and residential areas and planned mixed use areas.
- Avoiding unacceptable impacts on the character and amenity of surrounding residential development by generally locating increased density and building heights away from existing residential dwellings to the south.
- Utilising the established physical and social infrastructure which currently services the site and adjacent urban areas. (Extract Urbis PP pge17).

The Planning Proposal is accompanied by an indicative Concept Plan prepared by Allen Jack + Cottier (Appendix A to PP), the purpose of which is to identify potential opportunities associated with the redevelopment of the site, independently. Details of the Concept Masterplan are provided in the following table: (SJB Review pge 31)

### Summary of Proposed and Existing Development

ELEMENT	111 WICKS ROAD	31-35 EPPING ROAD	29 EPPING ROAD
<b>Existing Land Use</b>	Industrial warehouse Access Rd	Domayne store (bulky goods retail)	North Ryde Smash Repairs
<b>Proposed Land Use</b>	<ul style="list-style-type: none"> <li>• <b>Residential</b> 160-170 apartments: - 1 bed units – 40%</li> <li>- 2 bed units – 55%</li> <li>- 3 bed units – 5%</li> <li>• <b>Hotel</b> Approx. 200 hotel rooms</li> <li>• <b>Cafe</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Commercial</b> – 11,289m<sup>2</sup></li> <li>• <b>Bulky goods</b> – 8,663m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Commercial</b> – 3,188m<sup>2</sup></li> </ul>
<b>Existing FSR</b> LEP 2011 LEP 2011 (Amend 1)	1:1/1.5 :1 2:1	1.5:1 2:1	1.5:1 2:1
<b>Proposed Total Floor space and FSR</b>	47,274m <sup>2</sup> 2.4:1		

**ITEM 14 (continued)**

<b>ELEMENT</b>	<b>111 WICKS ROAD</b>	<b>31-35 EPPING ROAD</b>	<b>29 EPPING ROAD</b>
Proposed Built Form	Triangular shaped building. Single storey retail premises complemented by an urban square.	Existing Domayne / Harvey Norman store retained with new 8 storey addition to the rear of the building.	6 storey office building aligned with existing building frontage.
<b>Existing HoB</b> LEP 2011 LEP 2011 (Amend 1)	30m 45m	22m 45m	22m 45m
<b>Proposed Building Heights</b>	23-27 storeys (89m) Single storey café (5m)	3 / 12 storeys (10 - 50m)	6 storeys (21m)

The Concept Masterplan Urban Design also contains a number of design principles relating to:

- Pedestrian and bicycle connectivity: promote walking and cycling
- Vehicle connectivity: maximise site permeability and vehicular connections to the site
- Open space: provide a diversity of open spaces within walking distance of proposed dwellings.
- View corridor and views, solar access, flood management

It should be noted that the Planning Proposal also includes an alternative option for consideration that relies on a land swap with the adjoining North Ryde Rail Station Urban Activation Precinct and Transport for NSW.

The land swap would involve:

- The transfer of land within the north eastern and south eastern corners of the subject site (746m<sup>2</sup>) to the NRSUAP; and
- Consolidation of a triangular shaped parcel of land currently in the NRSUAP site to be the subject site of the same size (746m<sup>2</sup>). (Urbis PP pge 23)

As the applicant does not have ownership or control of these sites it is not considered that the alternate scheme should be considered as part of this PP.

*c) Proposed Amendments to Draft LEP 2013*

The Planning Proposal seeks to:

- Amend LEP 2013 Land Zoning Map for part of the site at 111 Wicks Road to B4 Mixed Use (Figure 8);
- Amend LEP 2013 Height of Buildings Map to allow 89m buildings on 111 Wicks Road and 50m on 31-35 Epping Road; and
- Amend LEP 2013 Floor Space Ratio Map across the whole of the site to 2.4.1.

## ITEM 14 (continued)

Figure 8



The Planning Proposal also suggests an alternative mechanism to amending the Land Zoning Map is to implement the proposal through the additional use provisions of Schedule 1 of Draft Ryde LEP 2013.

### d) *Planning Justification*

Detailed planning reasons justifying the PP can be found in *Part 3 – Justification for the Planning Proposal* in the Urbis PP (commencing page 33)

The proponent in summary argues that the Planning Proposal should be supported as it:

- Will create a significant amount of jobs;
- Has been prepared in response to trends in Government policy and development initiatives with Macquarie Park, specifically the North Ryde Station Urban Activation Precinct and Ryde Council's work in increasing densities in the Macquarie Park Corridor;
- Is consistent with the Metropolitan Plan for Sydney 2036 and Draft Metropolitan Strategy for Sydney 2031;
- Is consistent with SEPP and s117 Directions;
- Supports the existing character and urban structure;
- Is a logical location in proximity to transport services and residential use will contribute to better utilization of transport infrastructure;
- There is sufficient physical area within the Macquarie Park Corridor to support employment lands and this proposal would not diminish the potential employment capacity;
- Responds to a new land use condition in the south east of the Corridor in a complementary way; and
- Is not likely to result in unreasonable environmental, social or economic impacts.

The document does note that the Planning Proposal:

- Is not the result of any strategic study; and
- Is not consistent with Council's local strategy and local strategic planning.  
(Extract SJB Review page 35).

## ITEM 14 (continued)

A number of detailed reports have been provided in support of the Planning Proposal and are noted as follows:

- Planning Proposal prepared by Urbis, dated May 2012;
- Concept Master Plan and Urban Design Report prepared by AJ&C, dated May 2013;
- Traffic Report prepared by Traffix, dated 30 April 2013;
- Civil and Structural Planning Report prepared by Brown Smart Consulting, dated April 2013;
- Proposed LEP Zoning Map; and
- Proposed Voluntary Planning offer(SJB Review pge 35)

### 1.5 Appraisal of Planning Proposal

SJB Review provides an assessment and review of the Planning Proposal. The below is a series of extracts from that review.

#### a) *Adequacy of Document*

*The documents are of sufficient detail to properly consider whether or not the matter should proceed to Gateway.*

.....

*However for the reason contained in the following sections for a Planning Proposal to seek to alter Council adopted strategy regarding the retention of the Macquarie Park Corridor for predominately employment generating uses there should be some analysis of demand for and take up of commercial space and why allowing for residential development would not undermine the current planning strategy which has been developed for the medium and longer term. In this regard, while documentation on the areas provided is comprehensive, the submission does not provide sufficient analysis to vary the current strategic planning direction.....(Extract SJB Review pge36)*

#### b) *Strategic Merit Assessment*

*In all strategic documents, the importance of the Corridor as a specialist employment hub is recognised and is identified as its primary purpose. This importance has been reflected in the State Government's priorities to provide essential infrastructure to the area such as the Epping to Chatswood Rail Line.*

*Planning for the area generally needs to provide capacity for jobs in the short, medium and long term.....*

*The Macquarie Park Corridor is a higher order specialised centre, whose primary purpose for employment and economic functions are protected through the adopted policy framework. It is structured as a business core with a residential ring. This is reinforced in the Ryde LEP 2010 and Ryde Draft LEP 2013. It is further reinforced by the initial planning for North Ryde Station Urban Activation Precinct and that being undertaken for the Herring Road Precinct.....*

**ITEM 14 (continued)**

*The competing interest of different land uses attracted to Specialised Centres/Precincts is recognised in the Criteria at Appendix B of the Draft Metropolitan Strategy 2031. This criteria recognises the competing demands but includes the following criteria:*

- *Specialised functions must be protected for the long-term and residential and other non-specialised but competing uses must not override the core employment activities in the precinct.*

*The primary significance for the Macquarie Park Corridor is as an employment destination. Strategic decisions have been made about where the focus for residential development should occur. There is no reason to alter this approach. The uses proposed other than the residential are permitted in the B3 Commercial Core zone which is the majority of the site, just not at the scale and density proposed.*

*Strategically, to alter the zoning and permit residential development is inappropriate given the strategic changes being provided to accommodate residential development in the vicinity and the fact that relevant targets can be met within the existing framework.*

*The function of the Corridor has been identified and planned. Boundaries have been drawn. The medium to long term protection of the Corridor as a preeminent place for employment overrides the need to consider the site for any residential use. (Extract SJB Review pages 37-38)*

*c) Assessment of Planning Justification*

*The following comments are provided in respect to the justification for the Planning Proposal presented by the proponent.*

- *Creation of Additional Jobs*

*The proposal suggests a creation of 880 new jobs. There are existing commercial and industrial / showroom uses currently occurring on site. There is no analysis of the existing jobs currently provided on site and the job potential under the uplift and range of uses potentially available under Amendment No.1. Furthermore, residential uses once completed do not provide comparable supply of jobs when compared to ongoing commercial uses. The only additional use is essentially the residential use. Other uses proposed are actually permitted in the B3 zone and would already contribute to employment targets.*

*It is considered that the basis for the job numbers are not adequately identified, and do not provide the same employment capacity when considered in the context of the preferred land use mix for the site.*

**ITEM 14 (continued)**

- *Consistency with Government Policy Initiatives*

*State Government Metropolitan-wide strategies and decisions regarding mixed use precincts are considered at a metropolitan level. The Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031 both identify Specialised Centres / Specialised Precincts as having stronger employment and economic functions than other centres – there is a reduced focus on housing.*

*Where housing is provided for, it is accommodated in a planned way. The decision to identify the North Ryde Station Urban Activation Precinct for housing essentially reinforces the pre-eminence of the remainder of the Corridor for its protection for employment generating uses.*

*The Specialised Precincts are not the same as Strategic Centres and are not planned in the same way. The Metropolitan Strategy differentiates between the two. To apply the same principles to Strategic Centres as Strategic Precincts – which is essentially what the proponent has done - does not appropriately recognise the differentiation between their relative importance and different functions.*

*The bookend of potential residential uses to the remainder of the Macquarie Park Corridor means that residential uses are more than adequately catered for. Further encroachment into the Specialised Precinct would be inconsistent with State and Local strategic directions.....*

- *Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031*

*The direction of both these documents is very much about protection of Specialised Centres / Specialised Precincts. They perform vital economic and employment roles across the metropolitan area.....*

*The introduction of residential use will undermine the key strategic directions, which are best outlined at Appendix B of the Draft Metropolitan Strategy 2031 which is also a reflection of the position of the Metropolitan Plan 2036.*

*There is a distinction between a Strategic Centre and Specialised Precinct which is not recognised in this Planning Proposal.*

- *Consistency with S117 Direction*

*The proposal will potentially result in the loss of employment lands for residential use. This is inconsistent with Direction 1.1 Business and Industrial Zones as it potentially undermines the viability of the strategic centre, given the potential for further proposals to be put forward and the loss of employment lands.*

## ITEM 14 (continued)

- *Supports the Existing Character and Urban Structure*

*The proposal provides potential for additional residential use on the fringe of the centre. The surrounding urban character is an employment area of a very different built form and scale.*

*Essentially, it is not necessary as the North Ryde Station Urban Activation Precinct will potentially provide this form of development.*

- *Sufficient Physical Land in the Macquarie Park*

*The purpose of planning controls in the case of Specialised Precincts is to maintain their function as specialised employment areas. This justification fails to respond to the primary purpose of the nature of the controls applying to the centre. They are to restrict and protect for the short, medium and longer term. Changing the zone to allow residential development would undermine this approach, and potentially diminish capacity in the medium to longer term.*

- *Responding to the Land Use Condition in the South-East*

*While the proposal does respond to the NRSUAP, the scale and land use relationships have not considered lands to the north and west. There needs to be a clear delineation of boundaries and limits to change in order to protect the primary purpose of the Corridor. The point of transition is at the property boundaries of the NRSUAP. It is not appropriate to encroach further.*

- *Logical location in relation to transport services and promote better utilisation of the tramline*

*This justification is equally true of employment uses. While the location meets accepted distances, this is not the overriding factor that should determine land use.*

*Residential uses are already potentially adequately being catered for in proximity to rail use.*

*Strategically, the site and surrounding land's principal function should be as employment land to protect the importance of the broader function of the Macquarie Park Corridor. Strategically the employment and economic focus should override housing options.*

- *Consistency with Ryde Draft LEP 2013 – Amendment No.1*

*The effect of the Ryde Draft LEP 2013 (Amendment No.1) permits access to bonus floor space ratio and height that captures some of the value to implement new roads and parks.*

**ITEM 14 (continued)**

*This Planning Proposal is not consistent with the road and park infrastructure as shown (in the Architectus Report – Macquarie Park Plan Review – Recommendation Paper dated 14 May 2013) and therefore cannot be supported. (Extract SJB Review 36 -40)*

d) *Site Specific Merit Assessment*

- *Land Use*

*The proposal will result in an isolated pocket of B4 lands surrounded by B3 Commercial Core and B7 Business Development. It will result in residential uses being permitted on a site further west than the North Ryde Station Urban Activation Precinct.....*

- *Density*

*The FSR sought are not significantly greater than those permitted under the incentive scheme proposed in the Ryde Draft LEP 2013 – Amendment No.1. However they undermine the strategic approach of larger FSR and heights along Waterloo Road with a stepping down to Epping Road. The increased FSR has not been considered in the context of the adjoining sites to the west. Furthermore it has not been demonstrated that the appropriate infrastructure can support the level of density proposed.*

- *Building Height and Form*

*.....heights have been considered in the context of the North Ryde Station Urban Activation Precinct as part of the documentation but not as part of the immediate lands within the Macquarie Park Corridor.*

*.....The 50 metre and 89 metre height and 2.4:1 FSR are significantly greater than the 45 metres permitted in the immediate vicinity and 65 metres permitted along the Waterloo Road spine and central core.....*

*The variation proposed cannot be supported as it is inconsistent with the structured, informed and planned approach taken to deliver the future building forms in the Macquarie Park Corridor.*

- *Context and Visual Impact*

*The premise for the Planning Proposal is put forward as a means of integrating the adjoining North Ryde Station Urban Activation Precinct.....*

*While the scale of buildings does not have to be exactly the same, the introduction of heights on the site greater than those proposed on the North Ryde Station Urban Activation Precinct has not been justified.*

**ITEM 14 (continued)**

*The testing of separation distances and potential impacts of shadows between the two (2) precincts has not occurred. Furthermore the testing of separation and shadow impacts on the potential adjoining 45 metre building forms to the west and north on the lands along Wicks Road and Epping Road has not been provided. (Extract SJB Review pge 40 -41)*

**e) Traffic Study**

*An independent assessment of the Traffix report submitted with the Planning Proposal was undertaken by Bitzios Consulting. The review concluded:*

*“that the report is satisfactory overall, but there remain issues with the adequacy of the access and egress arrangements at Wicks Road, the over provision of parking proposed and the very high levels of non-car access assumed. Also, to a considerable extent, the efficiency of the access arrangements is dependent on the timing of the local roads associated with the adjacent NRSUAP development.*

*Specific conclusions and recommendations are:*

- If the subject development proceeds without / before NRSUAP then there will be no convenient way to access the development from the east via Epping Road, Delhi Road or Pittwater Road or to egress to Lane Cove Road north. A signalised intersection would be required at the Wicks Road access to overcome this issue and be subject to the approval of RMS; which may not grant approval due to the proximity to the Wicks Road / Epping Road intersection.*
- The mode share targets are aspirational and unlikely to be achieved and additional traffic will be introduced into an already congested area. Further assessment is required as to whether this additional traffic can be accommodated in an already over-saturated network and what mitigative works could be introduced to return the network to the pre-development levels of service. (Extract SJB Review pge 42)*

**f) Value of Voluntary Planning Agreement Offer**

*The proponent has made the following offer to enter into a Voluntary Planning Agreement (SJB Review Attachment 3)*

- \$4.4 million monetary contribution paid in stages as the site is developed prior to release of the Construction Certificate.*

This amount is proposed to then be discounted by agreed works in kind.

Council's Development Contributions Co Ordinator states

*“ .. the offer of \$4.4 million is acceptable in principle subject to the approval the change in floor space ratio control. Were this to occur this sum would become payable in accordance with the stages of the development but no offsets to that contribution would be claimable as the “in kind” works do not offer benefits or facilities to the public community “:*

**ITEM 14 (continued)**

For the reasons outlined in previous sections, the Planning Proposal should not proceed which means that the VPA offer would essentially be withdrawn.

**Consultation***Internal Consultation*

The Planning Proposal was referred to the relevant Council staff for comment on areas relating to open space, community infrastructure and drainage.

The following is a summary of comments:-

**Acting Manager Open Space**

- There appears to be no consideration of the priorities and expectation of the open spaces in the City of Ryde as detailed in the following strategic plans for open space planning and design – Integrated Open Space Plan (IOSP 2012), Street Tree Master Plan (2013) , Children’s Play Implementation Plan (2013);
- The area has been identified as having a significant deficiency in public open space (IOSP 2012);
- The proposed parklands are too small to offer flexibility of use – the ‘Urban Park’;
- The overall provision of open space does not provide any opportunity for active open space areas – either in parkland areas or as indoor facilities, such as sports courts (netball, basketball, soccer etc.); and
- Should the proposal be accepted, the funds received through the VPA should be allocated towards the purchase of new open space areas in the Macquarie Park and North Ryde areas where the IOSP has documented deficiencies – within the catchment of this development.

**Community and Culture**

- In general the North Ryde and Macquarie Park precinct has been identified for a significant population increase over the next 20 years. The area is significantly underrepresented in social infrastructure terms.

**Stormwater Coordinator Infrastructure Integration**

- The site at 111 Wicks Road is subject to low to high risk flooding;
- The site at 28 and 31-35 Epping Road are not subject to major overland flow flooding;
- Risk of flooding to the downstream properties is likely to be increased;
- The accompanying report did not address the impact on the flooding in the downstream properties. Therefore, the report is considered as incomplete; and
- Considering the scale of the project, Probable Maximum Flood (PMF) rates should be considered for all underground car parks and sensitive usage areas.

**ITEM 14 (continued)***Council Workshop*

A Council Workshop was held on the 6 August 2013 on the subject PP. Director of SJB Planning provided a presentation on the PP and their considered response to the proposal.

*Community Consultation*

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

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

The applicant has advised that the following community consultation is to be undertaken:-

*It is anticipated that the public exhibition would be notified by way of:*

- *A public notice in local newspaper(s).*
- *A notice on the City of Ryde Council website.*
- *Written correspondence to adjoining and surrounding landowners. (Urbis PP pge 49)*

The applicant has also advised the following:

*Although the application is not required to be publicly exhibited until a gateway determination, the applicant has sought to proactively inform the community immediately. This has included:*

- *Briefing meetings with Councillors prior to submission of the Planning Proposal.*
- *Preparation and distribution of an Information brochure to local residents notifying of the proposal.*
- *Creation of a dedicated website to provide information to the community in advance of the formal planning proposal (Urbis PP pge49)*

If the PP progresses to Gateway additional required consultation would also include written notice:

- to local state government representatives
- consultations considered necessary by the Department of Planning and Infrastructure with relevant State and Commonwealth authorities

The written notice would:

- provide a brief description of the objectives and intended outcomes, indicate the land affected,
- state where the planning proposal can be inspected,
- indicate the last date for submissions and
- confirm whether the Minister has chosen to delegate the making of the LEP.

**ITEM 14 (continued)****Critical Dates**

Under the Department of Planning and Infrastructures “ A guide to preparing local environmental plans” a pre gateway review system exists where by a Proponent can request an independent body review decisions in relation to proposed amendment to LEPs.

A Pre Gateway review;

- may be requested by a proponent if the council has notified them that the request to prepare a planning proposal is not supported or
- the council has failed to indicate it support 90 days after the proponent submitted a request.

The subject Planning Proposal was received by Council on the 21 May 2013. The 90 day period for determining the proposal finished on 19 August 2013.

*Pre – Gateway Review*

The Environmental Planning and Assessment Regulations 2000 requires council’s to notify a proponent when the council decides not to prepare a planning proposal. The proponent of the proposed instrument then has 40 days from notification to request a review of the council’s decision.

If a Pre – Gateway review is requested the DoPI undertakes an assessment to determine whether the proposal:

1. has strategic merit as it
  - is consistent with a relevant local strategy endorsed by the Director General or
  - is consistent with the relevant regional strategy or Metro Plan or
  - can otherwise demonstrate strategic merit , giving consideration to the relevant s117 Direction and other strategic considerations
2. has site specific merit and is compatible with the surrounding land uses having regard to:
  - the natural environment,
  - existing uses, approved uses and likely future uses of the land in the vicinity of the proposal
  - The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangement for infrastructure provision.

If the DG determines that the prosed instrument does not qualify for review the department notifies the proponent and council

If the review request progresses the proposed instrument is referred to the regional panel/PAC. A recommendation is provided to the Minister. The Minister will make the final decision with respect to the proposed instrument.

**ITEM 14 (continued)**

If the Minister decides to proceed with the PP:

- The Council may be requested to submit a pp to the Gateway within 40 days, or
- The Minister may consult with the General Manager of the council to discuss the possibility of changing the relevant planning authority to the DG of the Department (or other body)

**Financial Impact**

Adoption of the options outlined in this report will have no financial impact. Council should note that the lodgement of the planning proposal has been subject to Council's Fees and Charges Schedule to amend Local Environmental Plans.

**Policy Implications**

The recommendation of this report is that the Planning Proposal should not proceed as it is inconsistent with the strategic direction being implemented by the State Government and the Council for the Macquarie Park Corridor as adopted in the City of Cities: A Plan for Sydney's Future (Metropolitan Strategy), Metropolitan Plan for Sydney 2036, the Draft Metropolitan Strategy for Sydney 2031, Ryde Local Planning Study 2010 and Ryde LEP 2010 and Draft Ryde LEP 2013.

The land the subject of the PP is part of the Macquarie Park Corridor and as such is part of the Global Economic Corridor. The importance of the Corridor is described in

The *Community Guide: Draft Metropolitan Strategy for Sydney to 2031* (pge 6) as follows:

***Global Economic Corridor***

*The Global Economic Corridor will drive the economy for Sydney and NSW. This corridor extends from the national gateways of Port Botany and Sydney Airport through to Global Sydney, and north to St Leonards, Chatswood and Macquarie Park. The strategy will reinforce this area and extend it towards Norwest and Parramatta CBD. This corridor will be protected and developed as the most important cluster of professional and service industry jobs in the country, with a total of 213,000 additional jobs by 2031. It will also contain a number of new Urban Activation Precincts, where the Government will focus attention on renewal and housing delivery over the next few years.*

To support the proposed PP would have significant policy implications for the delivery of both the State Government and Council's direction for the Macquarie Park Corridor.

**Options**

Council has the option to decide to

- proceed with the planning proposal to the next stage (gateway determination and community consultation) or
- to decide not to proceed as is the recommendation of this report.

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**15 DEVLIN STREET PEDESTRIAN BRIDGES**

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**Report prepared by:** Manager - Infrastructure Integration  
**File No.:** GRP/09/3/10 - BP13/869

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**REPORT SUMMARY**

The purpose of this report is to address Council's resolution of 26 March 2013 and provide an update to each item of the resolution.

Top Ryde Shopping Centre (TRSC) Management's diligence and accuracy of reporting lift data has been variable to date. Council will take up this issue again to ensure monthly CIBs are not delayed, the information provided is accurate and also discuss the structure of the data as some data in their reports to date have not reflected actual lift stoppage times.

As resolved by Council on 26 March 2013, proposed service levels were also advertised for a three week period. No submissions were received. On this basis it is proposed to adopt the proposed service levels.

A meeting with the Roads and Maritime Service (RMS) was held on 9 April 2013. The RMS agreed to provide an analysis report for the Devlin Street intersection. The report has not been received to date.

**RECOMMENDATION:**

- (a) That Council formally confirm the proposed Service Levels with the Lessee for the Top Ryde Pedestrian Bridge lifts.
- (b) That the lifts are monitored and reports on compliance or otherwise with the service levels to be included in the monthly Councillor Information Bulletin.
- (c) Due to the inconsistency of the monthly reports, a meeting be called with Top Ryde Shopping Centre Management, the A/General Manager, concerned Councillors and staff to discuss Council's requirements in relation to the accuracy, detail and timing of this reporting.
- (d) That Council reapproach the Roads and Maritime Services requesting the analysis report on the Devlin Street intersection.

**ATTACHMENTS**

There are no attachments for this report.

**ITEM 15 (continued)**

Report Prepared By:

**Austin Morris**  
**Manager - Infrastructure Integration**

Report Approved By:

**George Dedes**  
**Acting Group Manager - Public Works**

**ITEM 15 (continued)****History**

At the Council meeting held on 26 March 2013 Council resolved:

- (a) *That Council, as Lessor, consult the community on the required service levels for the pedestrian bridges as detailed in the report and that negotiations then be entered into with the lessee to confirm these service levels.*
- (b) *That the summary report format as a minimum include the date, time, lift location, issue reported, if passenger trapped and for how long, stoppage time and action taken including time and date reported to Council.*
- (c) *That all resident submissions received as a result of the CityView article and website information be forwarded to Top Ryde Shopping Centre management and included in the summary reports to be circulated to Councillors in the Councillor Information Bulletin.*
- (d) *That Council confirm the Group Manager – Public Works as the main contact for strata committee related issues and for all issues related to the performance of the pedestrian bridges.*
- (e) *That Council receive a full report on the lift's performance including instance duration when they are out of action and a report that also includes passengers trapped, number and duration.*
- (f) *That Council reapproach the Roads and Maritime Services (RMS) seeking the reinstatement of the at grade pedestrian crossing across Devlin Street.*

**Discussion**

The following advice is provided in accordance with Council's resolution.

**Resolution**

- (a) *That Council, as Lessor, consult the community on the required service levels for the pedestrian bridges as detailed in the report and that negotiations then be entered into with the lessee to confirm these service levels.*

**Update**

The proposed service levels as detailed in the report of 26 March 2013 are outlined below:

*Business hours (7:30am – 6:00pm) response times\*:*

- *Stopped with Persons: 30 minutes*
- *Stopped: 45 minutes*
- *Other (door not closing etc): 60 minutes*

**ITEM 15 (continued)**

*After hours response times:*

- *Stopped with Persons (SWP): 45 minutes*
- *Stopped: 75 minutes*
- *Other (door not closing etc): 90 minutes*

\*Response time is the time for an employee from TRSC or the Lift Service Provider to attend the site.

In regards to the community consultation for service levels of the pedestrian bridges, the times as shown were placed in the Ryde CityView on 10 July 2013 and also on Council's website for a three week period in order to gain community opinion. This was considered the best approach at the time to canvas such a wide area of the LGA to ensure that the consultation process reached as many residents as possible. No submissions regarding the proposed service levels were received during this time.

Council staff have also held several preliminary discussions with the Top Ryde Shopping Centre (TRSC) Management on the 2 May 2013 regarding the proposed service levels TRSC have confirmed that they are willing to commit to the proposed service levels.

Other initiatives that arose out of the meeting with TRSC were:

- New signs have been made, which inform lift users that the lift at the other end of the pedestrian bridge is out of service and directing them to the alternate pedestrian bridge;
- Routine maintenance has been increased from once a month to twice per month until November;
- TRSC employees inspect the lift three times a day and test emergency call button;
- All lighting in the lifts have been re-tubed and new starters installed;
- All emergency lights have been tested;
- Graffiti removal is on-going
- Internal and external lift glass has been cleaned.

**Resolution**

- (b) *That the summary report format as a minimum include the date, time, lift location, issue reported, if passenger trapped and for how long, stoppage time and action taken including time and date reported to Council.*

**Update**

The summary report has been included monthly in the Councillor Information Bulletin (CIB) when supplied by TRSC with the required details by Council's Building Maintenance Section.

TRSC Management diligence in the provision of this report has been variable to date. Council will take up this issue again to ensure monthly CIBs are not delayed, the information provided is accurate and also discuss the structure of the data as some data in their reports to date have not reflected actual lift stoppage time.

**ITEM 15 (continued)**
Resolution

- (c) *That all resident submissions received as a result of the CityView article and website information be forwarded to Top Ryde Shopping Centre management and included in the summary reports to be circulated to Councillors in the Councillor Information Bulletin.*

Update

All resident submissions have been forwarded to Top Ryde Shopping Centre management and have been included in the summary reports in the Councillor Information Bulletin.

Resolution

- (d) *That Council confirm the Group Manager – Public Works as the main contact for strata committee related issues and for all issues related to the performance of the pedestrian bridges.*

Update

The Group Manager – Public Works is the main contact.

Resolution

- (e) *That Council receive a full report on the lift's performance including instance duration when they are out of action and a report that also includes passengers trapped, number and duration.*

Update

Record of complaints relating to the lifts from March to May. The format of the report was amended in May to include further information following Council resolution of 26 March 2013.

Date	Issue
29 January 2013	Lift 8 Water damage in pit
11 February 2013	Lift 8 routine service to adjust levelling sensors
11 February 2013	Lift 8 recall to above complaint arrived onsite lift was fully operational
4 March 2013	Lift 8 respond to doors not opening Lubricated door pick up arm
8 March 2013	Lift 5 trapped passenger front door locks dirty
25 March 2013	Lifts broke down (found to be incorrect)
27 March 2013	Requested for a ramp to be installed
28 March 2013	Reported that the steps were too steep
2 April 2013	Registered concerns about possible break down
3 April 2013	Reported that the lifts does not fit large families
3 April 2013	Lift 7 & 8 general maintenance of lights
28 April 2013	Lift 5 Car switch gate sensor dirty, (soft drink thrown in lift)

**ITEM 15 (continued)**

Date	Time	Lift No	Issue reported	Passenger trapped & how long	Stoppage time	Action taken incl time
03/05	12.44	6	Lift stopped on Ground	N/A	1.0 Hr	Circuit overload
09/05	18.12	8	Lift not responding	N/A	5.6 Hrs	Processor
28/05	09.07	5	Lift button not working vandalised.	N/A	2.1 Hrs	Replaced button
1-Jun	18.39	8	Door not opening	Passenger out on arrival	51min	Repaired door closer
7-Jun	12.07	8	Lift stuck over top floor	Passenger released on arrival	1hr 23min	Intermittent fault attended to
10-Jun	15.24	7	Lift stuck below level	N/A	2hr 23min	Adjusted alignment
17-Jun	10.22	7	Stopped on Ground floor	N/A	2hr 53min	Adjusted alignment
28-Jun	13.56	7	Stopped on Ground floor	N/A	2hr 4min	Adjusted door lock
1-Jul	22.05	8	Doors not Closing	N/A		Lift running on arrival
7-Jul	21.55	6	Lift stopped with doors open	N/A	retuned to service 8/7 @ 10.15	Replace door vain
15-Jul	10.10	7	Power outage	Passengers released on arrival	40min	Reset
23-Jul	16.52	8	Lift out of order	N/A	3hr 8min	Intermittent fault
29-Jul	17.36	6	Lift stuck doors opening and closing	N/A	1hr 54min	Foreign object obstructing

\*\* Information provided by TRSC

Resolution

- (f) *That Council reapproach the Roads and Maritime Services (RMS) seeking the reinstatement of the at grade pedestrian crossing across Devlin Street.*

Update

Council reapproached the Roads and Maritime Services requesting a meeting to discuss reinstatement of the at-grade pedestrian crossing. The meeting was held on 9 April 2013 with Peter Crosby, Regional Manager and Colin Langford, Executive Systems Manager of RMS. The RMS stated that in their view the pedestrian bridges are the most appropriate option on road safety grounds. The RMS stated that they would provide their lift standards and that they will make available an analysis report on Devlin Street. The RMS standard lift specifications states the following time frames for defects:

**ITEM 15 (continued)**

- within 24 hours for non-emergency calls,
- within 2 hours for a lift stoppage, and
- within 1 hour for a passenger entrapment.

The Council proposed lift standards exceed (i.e. have shorter response requirements) than those listed above. The analysis report has not been provided to date.

**Financial Implications**

Adoption of the recommendation will have no financial impact.

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**16 COMPETITIVE NEUTRALITY AND COMPLAINTS HANDLING POLICY -  
Review of policy**

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**Report prepared by:** Chief Financial Officer  
**File No.:** FIM/07/6/1 - BP13/1206

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**REPORT SUMMARY**

This report is to bring back to Council the Competitive Neutrality and Complaints Handling Policy which was last reviewed by Council in February 2008 and is to be reviewed every three years.

There have been no changes made to the policy, apart from updating the name of the position of the Chief Executive of the Division of Local Government.

**RECOMMENDATION:**

That Council adopts the revised Competitive Neutrality and Complaints Handling Policy.

**ATTACHMENTS**

- 1 Competitive Neutrality and Complaints Handling Policy

Report Prepared By:

**John Todd**  
**Chief Financial Officer**

Report Approved By:

**Roy Newsome**  
**Group Manager - Corporate Services**

**ITEM 16 (continued)****Discussion**

The Competitive Neutrality and Complaints Handling Policy was first created by Council following the issuance of the Division of Local Government Circular in 1997 and their “Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality”.

This policy is subject to review by Council every three years and that period has lapsed since the last review.

No changes have been made to the policy, apart from updating the name of the position of the Chief Executive of the Division of Local Government.

The revised policy is **Attachment 1**.

**Financial Implications**

Adoption of the recommendation will have no financial impact.

**ITEM 16 (continued)**

**ATTACHMENT 1**

**COMPETITIVE NEUTRALITY  
AND COMPLAINTS HANDLING  
POLICY**



**Purpose**

To have a system which will be used by City of Ryde to deal with any complaints received in relation to competitive neutrality issues.

**Policy**

It is the policy of City of Ryde to support the principles of competitive neutrality by ensuring that Council businesses operate without any net competitive advantages over other businesses as a result of their public ownership.

In addition, even if Council is not required to apply a particular element of competitive neutrality to its business activities, where Council competes in the market place it will do so on the basis that it does not use its public position to gain an unfair advantage over a private sector competitor.

**Procedure**

Council will receive and deal with any complaints in relation to competitive neutrality issues. Complaints will be acted upon quickly and appropriately.

Where necessary, relevant information will be provided to a complainant for a complete understanding of competition policy. The operation of a Council business activity will be investigated and reviewed if a legitimate complaint is made.

A change will be made to a Council business practice if a complaint is substantiated.

**What is a complaint regarding competitive neutrality?**

A complaint regarding competitive neutrality is:

- a complaint that Council has not met its requirements under this Policy Statement or the Department of Local Government publication "Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality" dated July 1997, as amended, or
- a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity

A complaint may be made by any person or corporation.

**Who is responsible for receiving a complaint?**

All complaints will be received by the Council's National Competition Policy Complaints Handling Officer

Competitive Neutrality and Complaints Handling Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date: August 2013	Endorsed: Date and Authority

**ITEM 16 (continued)**

**ATTACHMENT 1**

**COMPETITIVE NEUTRALITY  
AND COMPLAINTS HANDLING  
POLICY**

**How may a complaint be made?**

All complaints shall be made in writing giving the following information:

- name, address and telephone number/s of the complainant
- the product/s or service/s of the Council which is/are the subject of the complaint
- specific details of the nature of the complaint

**How will a complaint be dealt with?**

A complaint will be dealt with as follows:

1. The complaint will be received and recorded by the National Competition Policy Complaints Handling Officer.
2. A written acknowledgment of the complaint will be posted to the complainant within 5 days of receipt.
3. The National Competition Policy Complaints Handling Officer will conduct an investigation into the complaint seeking any necessary clarification or additional information from the complainant or staff and checking Council's systems.
4. The complainant will be advised in writing of the progress of the investigation into the complaint at intervals not exceeding four weeks.
5. The National Competition Policy Complaints Handling Officer will report the findings of the investigation to the General Manager.
6. The General Manager will consider the findings of the investigation, receive any verbal representations the complainant may wish to make and determine whether or not the complaint is substantiated.
7. Written advice of the General Manager's determination will be posted to the complainant within 5 days of the determination being made.
8. Where a complaint is substantiated, the General Manager will, within one month, report the matter to a Council Meeting for a decision on what action is to be taken to resolve the complaint
  - The Council shall decide what action to be taken to resolve the complaint.
9. Written advice of the Council's decision will be posted to the complainant within 5 days of the decision being made.
10. The General Manager will implement the decision of the Council.

**What action may be taken by a complainant who is not satisfied?**

A complainant who is not satisfied by a determination of the General Manager may seek, in writing, a review of the determination by the Council providing any additional information which will assist the Council in its review.

Competitive Neutrality and Complaints Handling Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date: August 2013	Endorsed: Date and Authority

**ITEM 16 (continued)**

**ATTACHMENT 1**

**COMPETITIVE NEUTRALITY  
AND COMPLAINTS HANDLING  
POLICY**

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The Council shall consider the additional information, review the determination of the General Manager and advise the complainant.

Where a complaint has been substantiated and a complainant is not satisfied by the decision of the Council on what action is to be taken to resolve the complaint, the complainant may seek, in writing, a review of the decision by the Council. The Council shall conduct such a review.

**What other action may be taken by a complainant who is not satisfied?**

If at any time a complainant is not satisfied by the way in which a complaint or request for a review has been dealt with or determined, a complaint may be made to the Chief Executive of the Division of Local Government.

**Fees**

There are no fees charged by Council for the lodging of a complaint or a request for a review.

**National Competition Policy Complaints Handling Officer**

City of Ryde's National Competition Policy Complaints Handling Officer is John Todd, phone (02) 9952 8025. All enquiries about competitive neutrality issues should be made to the National Competition Policy Complaints Handling Officer.

**Implementation**

The National Competition Policy Complaints Handling Officer is responsible for the implementation of this policy.

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**Evaluation and Review**

This Policy should be evaluated and reviewed every three years from date of adoption.

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Competitive Neutrality and Complaints Handling Policy		
Owner: Finance	Accountability: Chief Financial Officer	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D10/	Review date: August 2013	Endorsed: Date and Authority

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**17 COMMUNITY GRANTS POLICY AND ORGANISATIONAL GUIDELINES**

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**Report prepared by:** Section Manager - Community Projects  
**File No.:** GRP/09/5/6/4 - BP13/1212

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**REPORT SUMMARY**

At its meeting on 9 April 2013 Council resolved that staff undertake a review of the Community Grants Policy.

Staff have commenced reviewing the operation of the Community Grants Policy, last reviewed in 2009. To determine the scope of the Policy review project, staff researched industry best practice and sought feedback from Councillors.

This report recommends a two staged approach, stage 1 being of limited changes to the policy to enhance logistic efficiency, improve access and clarify eligibility criteria. Stage 1 changes would be implemented immediately to take effect for the 2013-2014 Community Grants Program.

Stage 2 consists of a holistic review of all aspects of the policy (detailed in the body of the report) based on the principles of access, equity, flexibility, transparency, accountability and capacity. Stage 2 would be inclusive of a comprehensive consultation program. It is expected that the outcome of stage 2 would be reported to Council mid-2014.

**RECOMMENDATION:**

- (a) That Council approves a two-stage approach for the review of community grants policy and administration as outlined in the report.
- (b) That Council approve changes in the Community Grants Policy and Guidelines for implementation in 2013-2014 to achieve the following:
  - Fund projects that specifically address the needs of Ryde residents
  - Fund only one project per organisation under each category
  - Provide recipients of the Historical Grant Categories with a 2 year funding agreement
- (c) That the Council approves the methodology and scope of the comprehensive review as outlined in this report.

**ATTACHMENTS**

- 1 Community Grants Policy
- 2 Community Grants Organisational Guidelines

**ITEM 17 (continued)**

Report Prepared By:

**Gunjan Tripathi**  
**Section Manager - Community Projects**

Report Approved By:

**Paul Graham**  
**Acting Service Unit Manager - Community and Culture**

**Baharak Sahebekhtiari**  
**Acting Group Manager - Community Life**

## ITEM 17 (continued)

### Background

Section 356 of the Local Government Act 1993 allows Councils to allocate funds to community organisations and groups. City of Ryde has for a number of years provided financial assistance to not-for-profit groups in the categories of cultural, community welfare and community aid grants.

### History

Council considered the previous review and adopted a revised policy in 2009. This current policy brought together a number of different procedures for various grant categories as shown in the following table:

Grant Category	Objective
<b>Historical</b>	
Community Aid Grants 3 yearly	To Support the 3 community aid organisations in provision of services and strengthening local service network.
Community Events Grants 3 yearly	Support provision of key events which have a historic and key role in cultural vitality in Ryde.
<b>Project Based</b>	
Community Grants Annual	Support existing and new initiatives and services which improve community well-being.
Cultural Grants Annual	Strengthen identity, enhance access and participation in creative expression through initiatives that contribute to a vibrant cultural life in Ryde
Sports Grants Annual	To develop sports and enhance existing activities to support sustainable, community oriented local specific projects that increase the opportunity for participation in sports, recreation and physical activity
Excellence Awards Annual	Support exceptional City of Ryde students in their academic pursuits

On 9 April 2013 Council resolved on *inter alia*:

- (e) *That a Councillors working party of all interested Councillors be established to provide input into the proposed review the Community Grants Policy including providing key parameters for the draft and the matter be reported back with recommendations by August 2013 to allow the new policy to be in place prior to the commencement of the advertising for the 2013 Grants Program.*
- (f) *That any Councillor wishing to be on the working party should lodge their expression of interest with the Acting General Manager by 22 April 2013.*
- (g) *That the unallocated funds from the 2012/13 allocation for Community Grants be carried over to the same grant category and placed in a reserve to increase the 2013/14 Community Grants allocation.*

**ITEM 17 (continued)****Consultation to establish key parameters of the Policy Review Project**

In determining the key parameters and the scope of the policy review staff sought Councillors' feedback and held two discussions. The timelines of these consultations are outlined as below.

May 2013

Councillors feedback was collated prior and during a Workshop on 21 May 2013 to identify important issues for the review process to address.

Councillors feedback and the discussion identified a number efficiency and eligibility issues to be addressed as well a more comprehensive review of key policy elements including Council historical grant categories, policy objectives and a review of the effectiveness of the current grant categories. The discussion identified that Council's community grants program should be aligned with Council's overall vision by building the capacity of organisation, providing assistance to small and emerging groups addressing local needs, having an element of flexibility and to support established organisations to explore innovation and sustainability.

June 2013

Staff synthesised feedback from the previous workshop and a working party of Councillors met with staff on 27 June 2013, to discuss the process adopted for the review and refine its scope.

Broadly the feedback received was summarised and categorised as below to be built into the scope of the review:

- **Access:** To ensure that the process promotes fairness in the distribution of grants in order to support emerging groups and organisations that are less capable.
- **Equity:** To ensure that the grants process allows the same opportunity to all community organisations including small and less affluent organisations.
- **Acquittal:** To ensure that a transparent process of ensuring accountability is implemented based on evaluations of funded projects in light of social and financial outcomes achieved.
- **Audit:** To ensure demonstrated accounting and use of grant funding is maintained through project site visits, evaluation reports and regular updates from organisations receiving community grants.
- **Assessment:** To ensure development and application of clear criteria to conduct assessment of grants including a focus on organisations that specifically benefit Ryde residents regardless of whether organisations are based in Ryde LGA.
- **Capacity building :** To ensure that the phase 1 of the grants review process builds capacity of the small community organisations by providing training opportunities in submission writing and writing funding acquittals.
- **Eligibility:** To clearly outline the eligibility criteria for funding including the benefits to the local communities, alignment of activities with CoRs strategic plan, size and capacity of organisations and sources of funding.

**ITEM 17 (continued)**

- **Grant Categories:** To research categories and support options to enable access by a diverse range of groups, offer flexibility and build capacity of local organisations and support innovation

It was agreed that:

- The comprehensive review would require extensive consultation with current recipients of Council grants as well as the broader community service sector.
- Funding capital works on Council owned assets or other major capital works was outside the scope of the community grants program and hence outside of the scope of the review process.
- There was a variety of views about potential categories and how they could be implemented. Further it was agreed that consultation, careful analysis of various options and their pros and cons by staff would assist the Councillors in their decision making.
- Given the complexity, the review is to be undertaken in a 2 stages; with minor changes to be made to the policy prior to the opening of the next funding round in October 2013.
- Stage 2 include a comprehensive review of the policy in line with the principles above and inclusive of a comprehensive community consultation process

**Policy Approach and Development**

Community Grants Policy Review process will be completed in June 2014. A two stage approach will be adopted to allow for consultations and feedback to be incorporated in revising the policy and in the development of administrative processes.

The policy will aim to provide a consistent and transparent framework for implementing the grants process.

The review stages will be:

**Stage 1** - includes minor changes to the Community Grants Policy and the associated Organisational Guidelines to be implemented for grants round 2013-2014 to enhance logistic efficiency and access and equity.

Areas covered under the minor changes will include:

- a. Raising awareness of the organisations about the grants: Implementation of a fresh approach to inform and communicate with community organisations about the grants in the lead up to grants opening in October 2013. This approach will include:
  - Development of a brochure with information on the grants process and simple Q&As
  - Email communication to an extensive list of community organisations including all past recipients of the grants, local community organisations and sports clubs.

**ITEM 17 (continued)**

- Presentations at the interagency meetings during September and October 2013.
  - Media release announcing the grants.
- b. Capacity building to improve access of small organisations to the grants:  
Implementation of practical strategies to build the capacity of small organisations to apply for grants by:
- Organising two grants writing workshops (1 day session and 1 evening session) through September- October 2013 to enable small community organisations to write submissions.
  - Dedicated staff to triage enquiries on the grants process, project ideas and assistance in developing proposals.
- c. Fund projects that specifically address the needs of Ryde residents:
- Revise eligibility & assessment criteria to include that regardless of whether organisations are based in Ryde LGA only projects that specifically benefit Ryde residents will be funded
  - Review Grants Application Form to elicit adequate information and evidence to enable assessment under this enhanced requirement
- d. Fund only one project per organisation under each category
- Revise Community Grants Guidelines and Policy for Community, and Cultural categories to include the criterion that each organisation will only be funded for one project under these categories. This will bring the other 2 categories in line with the Sports category.
  - Review Application Form and community grant guidelines to ensure organisations are aware of this new criterion.
- e. 3 year funding cycle for Recipients of the Historical Grant Categories to be adjusted to 2 years
- Offer 2 year agreements to recipients of the Historical Grant Categories for 2013-14 and 2014-15
  - Inform the community organisations involved of Council's review of the policy and upcoming consultation to seek their input in stage 2 process.

**Stage 2** - will be completed in June 2014 and include a review of all grants categories with recommendations for improving the efficiency and effectiveness of the grants process. The methodology and scope will be guided by the principles of access, equity, transparency, accountability and capacity building to ensure a fair and equitable process for channelling grants is achieved.

## ITEM 17 (continued)

### Project Methodology

The methodology of the holistic review will include:

- Literature review to inform the process of industry best practice.
- Comprehensive consultations will be held with Councillors working party, not-for-profit and community sector most impacted by the changes and staff from Community Life
- Consultation with Councillors at key milestones to inform and seek feedback
- Draft a proposed policy for discussion and feedback
- Development of a transition strategy to mitigate any potential impact on organisations currently relying on council grants.
- Scoping of resourcing implications of implementing proposed policy

### Financial Implications

Adoption of the recommendation will have no financial impact. Council has approved a budget of \$150,000 for Community, Sports and Cultural grants, as well as \$96,500 for Historical Grant categories in 2013-14.

### Options

Council could choose not to endorse the proposed review process and changes made to grants process opening in October 2013. This is not recommended because:

- The revised policy will enable a fair, transparent and equitable process in administering and allocating community grants as highlighted in the council workshops.
- The process of review is meant to bring City of Ryde at par with the industry best practice in grants administration.
- Councillors can then be satisfied that staff makes sound decisions based on the merits of applications thus avoiding any conflict of interest arising out of historical arrangements or personal interests.
- The process will be crucial in achieving the outcomes related to sector development by building capacity of our local NGOs and community organisations applying for grants to achieve sustainable outcomes for our communities

**ITEM 17 (continued)**

**ATTACHMENT 1**



**Community Grants  
Policy**

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**ITEM 17 (continued)**

**ATTACHMENT 1**

**Policy Community Grants Program**

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**ITEM 17 (continued)**

**ATTACHMENT 1**

**Policy Community Grants Program**

**DOCUMENT APPROVAL**

This document has been endorsed and approved for use by:

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Kim Woodbury  
Acting General Manager

**DOCUMENT VERSION CONTROL**

<b>Document Title:</b>	Community Grants
<b>Document ID:</b>	
<b>Document Status:</b>	ADOPTED
<b>Version Number:</b>	Version 1.1
<b>Date of Approval:</b>	1 December 2009
<b>Author:</b>	Baharak Sahebekhtiari
<b>Authorised By:</b>	Council

**CHANGE HISTORY**

Version	Issue Date	Author	Reason for Change
1.0			

*REVIEW HISTORY*

Version	Review Date	Responsible Officer	Signature

Adopted 1 December 2009

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## ITEM 17 (continued)

## ATTACHMENT 1

### Policy Community Grants Program

#### **POLICY STATEMENT**

Council's annual Community Grants Program is a strategic tool for capacity building, supporting innovation, and addressing community need in line with the Council and community's vision. This Policy will provide an equitable, efficient, transparent and sustainable framework for allocation of Council's community grants to community organisations in Ryde.

#### **POLICY CONTEXT**

The City of Ryde recognises the value of community grants as a key tool to meet the needs of its residents. Community grants extend the community's capability to conduct activities, create opportunities for community capacity building and develop strong partnerships.

Council has for a number of years provided financial assistance to not-for-profit groups in the categories of cultural, community welfare and community aid grants. These have been administered through distinct processes which in most part have been informed through historical arrangements. Council's contribution to the three community aid organisations and six community events in particular have evolved through historical arrangements over an extended period.

The local Community Development Support Expenditure (CDSE) program is the program where Registered Clubs direct part of club earnings to community services. Councils usually take part in assessment and administration of CDSE program in their areas. Ryde CDSE program will continue to be administered by Council, but will be a separate process to Council's Community Grants program.

#### **PRINCIPLES**

The following principles underpin administration of community grants program

- a) Servicing our community
  - Services, programs and initiatives are aimed to benefit the City of Ryde (CoR) residents. Funds will be provided to groups targeting CoR residents and that promote improved health and wellbeing.
  - Initiatives or activities that do not discriminate or disadvantage groups within the community.
  - Acknowledge and recognise the social value and benefits that community based not for profit groups have in our community and that Council has a role in supporting Ryde's needs being met.
- b) Sustainability and Capacity Building
  - Build on the existing abilities and strengths of individuals and organisations to identify and develop local long term solutions to meet community needs.
  - Support strategies to support the development of groups to enable them to be more self sustaining.

**ITEM 17 (continued)**

**ATTACHMENT 1**

**Policy Community Grants Program**

- Deliver processes which develop capacity of organisations and groups to reduce the reliance on Council funding.
- Develop opportunities to link compatible groups and organisations to collaborate and form partnerships.
  
- c) Inclusion
  - Ensure the community grants are accessible to a diverse range of service providers and the projects funded are inclusive of the needs of diverse groups and people within the community.
  
- d) Collaboration and Partnerships
  - Encourage and foster a range of relationships with communities, Council, community groups to deliver improved outcomes for the community.
  - Maximise outcomes through collaboration and partnership projects.
  
- e) Equity
  - Provision of information, services and opportunities for involvement is provided to all groups and services within the community in an open and transparent manner.
  - Deliver processes which are competitive, open to all and transparent.
  - Deliver processes that are consistent for the customers and Council and are aligned to Council's values and other corporate objectives
  
- f) Responsiveness
  - Be proactive in identifying and addressing changing community needs.
  - Support groups who meet identified and emerging community needs.
  - Review and adjust policies and guidelines based on best available practice and feedback.

**OBJECTIVES**

The objectives of this policy are as follows:

- a) Provision of a consistent, equitable, transparent and efficient framework for administration of all community grant categories inclusive of historical arrangements, that is understood by services and Council.
  
- b) To support a range of projects that meet the diverse needs of the Ryde community.
  
- c) To optimise the outcomes of the community grants through improved access, a transparent and supported approach to promoting and allocation.
  
- d) To continue to support community based not for profit groups targeting City of Ryde residents through the provision of financial support.

**ITEM 17 (continued)**

**ATTACHMENT 1**

**Policy Community Grants Program**

- e) To clearly identify the accountability requirements of organisations that receive funding.

**STRATEGIES**

The key strategies Council will implement to meet these objectives are as follows:

- a) Development and implementation of the Community Grants Program Organisational Guidelines (ATTACHED) that will clearly articulate eligibility, objectives, selection criteria, and selection process.
- b) Development of annual priorities for each grant category in line with Council's strategic documents and identified emerging needs.
- c) Development of a funding method for historic funding arrangements.
- d) Development of support mechanisms to assist groups and organisations in accessing community grants.
- e) Development of opportunities to link compatible groups and organisations to collaborate and form partnerships.
- f) Deliver a program to build the capacity of organisations and groups to reduce the reliance on Council funding, which would enable Council to provide support to a larger group of community service providers.

**Categories of funding**

The City of Ryde provides 6 mechanisms for the allocation of grants. These are a mixture of annual categories, for which applications are accepted once a year and two categories for which applications are accepted once every three years.

Grant Category	Objective
<b>Historic</b>	
Community Aid Grants 3 yearly	To Support the 3 community aid organisations in provision of services and strengthening local service network.
Community Events Grants 3 yearly	Support provision of key events which have a historic and key role in cultural vitality in Ryde.
<b>Project Based</b>	
Community Grants Annual	Support existing and new initiatives and services which improve community well-being and address identified need
Cultural Grants Annual	Strengthen identity, enhance access and participation in creative expression through initiatives that contribute to a vibrant cultural life

**ITEM 17 (continued)**

**ATTACHMENT 1**

**Policy Community Grants Program**

	in Ryde
Sports Grants Annual	To develop sports and enhance existing activities to support sustainable, community oriented local specific projects that increase the opportunity for participation in sports, recreation and physical activity
Excellence Awards Annual	Support exceptional City of Ryde students in their academic pursuits

**RELEVANT LEGISLATION**

The Local Government Act 1993, s356, states:

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance, but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if:
  - (a) the financial assistance is part of a specific program, and
  - (b) the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 percent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

S 377 of the Act states:

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 decision under section 356 to contribute money or otherwise grant financial assistance to persons.

**EXTERNAL CONSIDERATIONS**

Changes to the state and federal government funding and the Community Development Support Expenditure scheme may impact local organisations which rely on these funding sources and may increase demand on Council for funding.

**RELATED POLICIES/STRATEGIES**

Adopted 1 December 2009

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## ITEM 17 (continued)

## ATTACHMENT 1

### Policy Community Grants Program

- DRAFT Community Facilities Plan 2030
- Ryde 2030 Community Strategic Plan
- Arts and Cultural Development Framework
- Parks on Track for People 2025
- DRAFT Recreation and Leisure Strategy 2009.
- Service Mapping and Gap Analysis Report 2009

### STAKEHOLDERS

The key external stakeholders include community groups and organisations in Ryde who would apply for funding. Particularly community organisations which have had historical arrangements for receiving funding from Council are key stakeholders and the implementation of a new policy and guidelines may change the way these stakeholders are used to working with Council.

### IMPLEMENTATION

This policy will be implemented through the Community and Culture Service Unit with assistance from Open Space and Events and Community Relations Units.

Implementation of this policy and guidelines will occur from financial year 2010-11.

### EVALUATION AND REVIEW

To ensure this policy develops over time to align with better practice and the changing needs of the community, it should be reviewed according to Council's Policy Development, Implementation and Review – Guidelines and Standards. Any review should also adhere to Council's *'Your City, Your Voice'* model of engagement.

The following indicators should be considered in measuring the effectiveness of the development and implementation of this program within the first year:

- a) Feedback from staff and Councillors
- b) General feedback from organisations and groups identified through an survey of grant applicants
- c) Number and diversity of groups applying for community grants increased

### RESOURCE IMPLICATIONS

The streamlined process and in particular management of all categories of grants through a single process will reduce the amount of staff resources required in delivering the Community Grants Program. Information relating to the allocation of community grant process needs to be collated in a manner to ensure appropriate reporting is provided through the management plan and the annual report.

Adopted 1 December 2009

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**ITEM 17 (continued)**

**ATTACHMENT 1**

**Policy Community Grants Program**

**AUTHORISATION**

General Manager

**OWNERSHIP**

The development, implementation, review and evaluation of this policy is the responsibility of the Community and Culture Unit.

Some of the strategies outlined within this policy will require other service units such as Open Space and Events and Community Relations to assist.

**FURTHER INFORMATION**

For further information on this policy and attached guidelines contact Council's Community and Culture Manager on 9952 8222.

**REFERENCES**

Parramatta Council Community Grants Program  
City of Sydney Community Grants and Sponsorship Policy  
Bankstown City Council- Draft Grants & Donations Policy

**ATTACHMENTS:**

Community Grants Organisational Guidelines

ITEM 17 (continued)

ATTACHMENT 2



City of Ryde

## **Community Grants Program Organisational Guidelines**

**Adopted: Council meeting 1  
December 2009**

**ITEM 17 (continued)**

**ATTACHMENT 2**

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**ITEM 17 (continued)**

**ATTACHMENT 2**

**DOCUMENT APPROVAL**

This document has been endorsed and approved for use by:

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Kim Woodbury  
 Acting General Manager

**DOCUMENT VERSION CONTROL**

<b>Document Title:</b>	Community Grants
<b>Document ID:</b>	
<b>Document Status:</b>	ADOPTED
<b>Version Number:</b>	Version 1.1
<b>Date of Approval:</b>	1 December 2009
<b>Author:</b>	Baharak Sahebekhtiari
<b>Authorised By:</b>	Council

**CHANGE HISTORY**

Version	Issue Date	Author	Reason for Change
1.0	8/09/2010	B Sahebekhtiari	Council resolution 7 September 2010-change to Sports Category

*REVIEW HISTORY*

Version	Review Date	Responsible Officer	Signature

**ITEM 17 (continued)**

**ATTACHMENT 2**

## **Community Grants Organisational Guidelines**

The administration and allocation of Council's community grants program will be based on the principles and objectives outlined in the Community Grants Policy. This document supports the Policy and provides guidelines for its implementation for Council staff.

### **OVERVIEW**

To streamline processes for both Council and community groups the Community Grants Program will have a common set of eligibility and selection criteria for all applicants and projects (with the exception of the Excellence Award Category), with broad objectives for each of the 6 Grant Categories available under the Program.

### **CATEGORIES**

Council's Community Grants Program has 6 categories of grants with specific objectives and priority areas for funding; Community, Cultural, Sports, Excellence Awards, Community Aid and Community Events.

### **AVAILABLE FUNDING**

Council will determine the amount of funding allocated for distribution under the Community Grants Program annually as part of its management planning process.

### **RECEIVING APPLICATIONS FOR FUNDING**

All Grant Categories will be advertised in one annual round. All requests for funding received outside of this timeframe will be referred to the next round of the Program. In circumstances where the application is deemed to be time sensitive it will be reported to Council for determination.

### **SUBMISSION PROCESS**

#### Form

Council will receive applications through the Community Grants Application Form. The application form will be developed to be:

- User friendly
- In plain language and format
- Linked specifically to the selection criteria to assist applicants to provide required information
- Available through both electronic and hardcopy formats.

#### Guidelines

Community Grants Applicant Guidelines will be developed to assist applicants in completing the application form.

### **PROMOTION AND PROVISION OF ASSISTANCE**

The Program will be advertised through:

- The Northern District Times and The Weekly Times

## **ITEM 17 (continued)**

## **ATTACHMENT 2**

- The Ryde City View publication
- Council's website
- Council's Advisory Committees
- Email notification to community networks, previous recipients and other interested groups.

Information about the Program including the application form will be available through:

- Council's website
- Council's Customer Service Centre and libraries
- Email and telephone requests.

A minimum of two information sessions will be delivered when the Program is advertised. This will assist applicants to understand the guidelines and the application form. Council staff will be available to answer questions and to facilitate contact between groups and organisations.

### **ASSESSMENT AND SELECTION PROCESS**

- All applications will be assessed and prioritised by a panel composed of a multidisciplinary team of Council staff
- All applications will be assessed against the selection criteria
- The panel will recommend a list of projects to Council for funding
- Council makes the final decision on successful projects
- All applicants will be advised of the outcomes of the Program
- Council's decisions through this process will be final.

### **SUCCESSFUL PROJECTS**

Organisations that are successful (with the exception of the Excellence Award Category) in obtaining funding for their projects may be asked to:

- Sign a funding agreement accepting responsibility for the delivery of the project
- Attend a cheque presentation to receive approved funds
- Acknowledge Council's support wherever practicable. The sentence "This project has been supported by City of Ryde's Community Grants Program" should be placed on all promotional material, flyers, posters, brochures, newsletters, Annual Reports and any other printed material
- Acquit the funding received and the proposed outcomes of the funded project within prescribed timeframes
- Contact Council staff if they experience difficulty with implementing and acquitting the funded project for support
- Provide CoR with an Australian Business Number (ABN).

## ITEM 17 (continued)

## ATTACHMENT 2

### ELIGIBILITY

All applications must demonstrate the following in order to be considered for a community grant. To be eligible for funding, an organisation must:

- Be not-for-profit
- Be Incorporated or have evidence of auspice from an incorporated organisation
- Be located within City of Ryde or principally service Ryde residents
- Be open to the general public and not discriminatory
- Have acquitted previous funding received.

### SELECTION CRITERIA

The following criteria will be used by the selection panel to assess each application to determine allocation and the level of funding (with the exception of the Excellence Awards Category).

- A specific project which addresses community needs as identified in Ryde 2030 Community Strategic Plan (CSP) and other Council plans and strategies
- Create opportunities for skill / knowledge and resource development
- Collaboration or partnership projects
- New and innovative projects
- Value for money and non reliance on continuing Council funding
- Ability of applicant to manage the program and funding.

### ANNUAL PRIORITIES

To assist community organisations develop projects that address community needs Council staff will develop annual priorities for each grant category based on Council's strategic documents, current and emerging community needs. The Ryde 2030 Community Strategic Plan priorities will, once adopted, inform development of annual priorities.

### SPECIFIC GRANT CATEGORIES

The objectives and process for administering each of the 6 Grant Categories; Community, Cultural, Sports, Excellence Awards, Community Aid and Community Events are detailed below.

- **COMMUNITY CATEGORY**

Applications in this category may be new or existing initiatives which improve community well-being and address identified need.

In addition to meeting the Selection Criteria projects in this category need to address at least one of 4 identified priority areas.

Frequency: Funding in this Category will be advertised annually in October, with the successful project funding made available in February/March.

Available funding: Projects will be funded to a maximum of \$3500.

## ITEM 17 (continued)

## ATTACHMENT 2

- **CULTURAL CATEGORY**

Applications in this category may be initiatives that contribute to a vibrant cultural life in Ryde and strengthen community identity and enhance access to and participation in creative expression.

In addition to meeting the Selection Criteria projects in this category need to address at least one of 4 identified priority areas.

Frequency: Funding in this Category will be advertised annually in October, with the successful project funding made available in February/March.

Available funding: Projects will be funded to a maximum of \$3500.

- **SPORTS CATEGORY**

This category is only available to Sporting Organisations.

Applications in this category aim to develop sports and will be initiatives that enhance existing activities to support sustainable, community oriented specific local projects that increase the opportunity for participation in sports, recreation and physical activity.

In addition to meeting the Selection Criteria projects in this category need to address at least one of 4 identified priority areas.

Frequency: Funding in this Category will be advertised annually in October, with the successful project funding made available in February/March.

Available funding: Projects will be funded to a maximum of \$3500.

- **EXCELLENCE AWARDS CATEGORY**

This Category will be available for all primary and high schools to nominate exceptional City of Ryde students in their academic pursuits.

Frequency: Funding in this is available annually in October with the awards made available from late November.

Available funding: A \$100 voucher for high school students and a \$50 voucher for primary school students are available as well as a Certificate of Excellence for each student.

- **COMMUNITY AID CATEGORY**

This Category recognises the significant role of the three community aid organisations within the City of Ryde service network and in meeting diverse community needs. These three organisations to which this Category applies are Christian Community Aid (CCA), North Ryde Community Aid (NRCA) and Hunters Hill Ryde Community Services (HHRCS).

The Community Aid Grants funding will be allocated based on the Eligibility and the Selection Criteria and through the following process:

## ITEM 17 (continued)

## ATTACHMENT 2

Council staff will negotiate a Funding Agreement with deliverables to meet the following objectives:

- To maintain a high level of participation within the service network
- To collaborate with Council to identify and address emerging issues
- To work with Council to develop and support smaller community organisations
- To participate in Council / community planning processes
- To participate in the implementation of the Ryde 2030 Community Strategic Plan once it is finalised.

Frequency: Funding in this category will be committed to the organisations on a three yearly basis, with funding made available annually in February/March.

Allocation of funding: based on historical arrangements and service coverage the funding available in this category will be allocated as follows:

- Christian Community Aid- 40%
- North Ryde Community Aid- 30%
- Hunters Hill Ryde Community Services- 30%

These percentages will be reviewed every three years, taking into account any service changes and outcomes produced during funding period.

Community aid organisations will not be eligible to make application for funding under the Community Grants Category.

### COMMUNITY EVENTS CATEGORY

This category covers 6 events (as listed below) which Council has supported historically both with in-kind and cash contributions.

- Combined Schools Spectacular (Ryde School Spectacular)
- Ryde City Concert Band (City of Ryde Concert Band)
- Ryde Art Exhibition (Ryde Art Society)
- Ryde Aquatic Festival (Rotary Club of Gladesville)
- Community Christmas Carols (Rotary Club of North Ryde)
- Ryde Eisteddfod (Ryde Eisteddfod Inc)

Council staff will negotiate the level of in-kind support and deliverables for each event to meet the following objectives:

- To contribute to cultural vitality in CoR
- To promote cultural diversity
- To contribute to the implementation of strategies identified in Ryde 2030 Community Strategic Plan once it is finalised.

Frequency: Funding in this category will be committed will be committed to the organisations on a three yearly basis, with funding made available annually in February/March.

**ITEM 17 (continued)**

**ATTACHMENT 2**

Available funding: Funding will be allocated based on historical allocations; Combined Schools Spectacular- \$3000, Ryde City Concert Band-\$3000, Ryde Art Exhibition- \$1500, Ryde Aquatic Festival- \$3500, Community Christmas Carols- \$3500, Ryde Eisteddfod- \$1000.

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**18 EXPRESSION OF INTEREST - 22 Salter Crescent, Denistone East**

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**Report prepared by:** Coordinator - Community Projects (Community & Cultural Buildings)

**File No.:** GRP/09/4/1/7 - BP13/1087

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**REPORT SUMMARY**

The community building at 22 Salter Crescent, Denistone East (aka Denistone East Bowling Club) became vacant in November 2012, triggering an Expression of Interest (EOI) process to seek a new community service tenant. Five eligible submissions were received with the EOI Panel recommending Minimbah as the preferred applicant. Minimbah provides day programs for adults with severe intellectual disabilities and complex needs.

Following a Councillor Workshop in May, Council staff negotiated the terms of a licence with Minimbah in accordance with the adopted Community Buildings Licensing Policy. Through the Assessment Tool, Minimbah was assessed as a Category 3 (50% subsidy on costs-to-Council) which Minimbah has agreed to. Minimbah will therefore contribute \$18,261 p.a. plus an annual increase.

In return for a substantial (approx. \$1 million) capital upgrade, Minimbah has requested a 10 year licence, which complies with the Community Buildings Licensing Policy. Minimbah has also requested that Council remediate the asbestos in the building before any upgrade takes place, as recommended by independent asbestos experts who assessed the building. The asbestos is in the structural components of the building, which Council has a responsibility to maintain and renew. The cost of remediating the asbestos is \$70,000 and will be funded from the existing Community Buildings budgets allocated in Community Life Group.

This report discusses the Expression of Interest process, and recommends that Council approve Minimbah for a 10 year licence and that Council undertake the required works for asbestos remediation to guarantee the capital upgrade by Minimbah.

**RECOMMENDATION:**

- (a) That Council enter into a 10 year licence with Minimbah, subject to no adverse submissions being received by Council following the statutory advertising of the licence in accordance with Section 47 of the Local Government Act.
- (b) That Council approve the licence with the following key terms:
  - Designated Use: Delivery of disability support and venue hire.
  - Licence Fee: \$18,261 p.a. (50% subsidy on Council's costs)
  - Licence Fee Transition: 1 year transition at 25% of licence fee (\$4,565)
  - Licence Hours: 7am and 10pm everyday.
  - Responsibilities: As per Community Buildings Licensing Policy.

**ITEM 18 (continued)**

- (c) That asbestos remediation work be funded from re-prioritisation of projects within the existing Community Buildings Renewal budget approved for Community Life Group in 2013-14.

**ATTACHMENTS**

- 1 Evaluation Report - CIRCULATED UNDER SEPERATE COVER -  
CONFIDENTIAL
- 2 Evaluation Report Appendix - CIRCULATED UNDER SEPERATE COVER -  
CONFIDENTIAL

Report Prepared By:

**Chris Hellmundt**  
**Coordinator - Community Projects (Community & Cultural Buildings)**

Report Approved By:

**Tatjana Domazet**  
**Service Unit Manager - Open Space**

**Baharak Sahebekhtiari**  
**Acting Group Manager - Community Life**

## ITEM 18 (continued)

### Background – 22 Salter Crescent

The community building on 22 Salter Crescent, Denistone East is located on community land and was licenced to Denistone East Bowling Club for many years. In November 2012, the club went into liquidation and surrendered their licence which triggered an Expression of Interest process to tenant the building.

### Expression of Interest (EOI) Process

Expression of Interest process ensures a transparent and consistent process when providing access to Council's highly sought after community buildings and is in accordance with the now adopted Community Buildings Licensing Policy. The process involves a selection panel that assesses all applications against set criteria before reporting its recommendations to Council.

The submissions were opened and assessed in accordance with normal Council protocol as demonstrated by the Evaluation Report (**ATTACHED – UNDER SEPERATE COVER - CONFIDENTIAL**).

The EOI Panel included:

- A/ Group Manager, Community Life,
- Coordinator Community Projects (Community Buildings) and the
- Manager Tenders & Contracts.

### Submissions

At the closing date on 13 March 2013, five eligible submissions and three ineligible submissions were received. The ineligible submissions were not permitted under zoning as they were commercial childcare providers. The five eligible submissions included:

- Minimbah: Day programs for adults with severe intellectual disabilities and complex needs
- Consortium bid (Christian Community Aid, North Ryde Community Aid, and Early Education): Family day care, men's shed, community garden and other neighbourhood activities
- Traditional Tools Group: Skills-based workshops, public meetings and lectures, and publications on traditional crafts
- Christian Community Aid: Family Day Care, men's shed, community garden, meals on wheels, youth service
- Early Education: Early childhood disability intervention services

These submissions were assessed according to the selection criteria, details of which are included in Evaluation Report (**ATTACHED – UNDER SEPARATE COVER - CONFIDENTIAL**).

**ITEM 18 (continued)****EOI Panel Recommendation**

Minimbah is recommended by the EOI Panel for the following reasons:

- Unanimous Panel recommendation based on criteria assessment, especially service needs of the Ryde Local Government Area;
- Commitment to invest funding required to upgrade the building to fit their needs and build a car park on site to absorb any increases in traffic;
- Has the ability to fund the capital works required to change the use of the building and has requested a reasonable (and within the Licensing Policy limits) licence term (10 years) in return;
- Commitment to continued community access through access of the community garden and venue hire;
- The provision of 100 new places at Denistone East in 2014/15, also provides the opportunity to realise Minimbah's business plan of renovating its existing service in Marsfield to expand the service there by 35 places by 2016 without having to lose places during any potential renovation.
- By providing the facility at Denistone East, the Ryde community could receive an additional 135 disability support places;
- Has agreed to the principles of contributing a License Fee to assist Council with the costs associated with the maintenance and renewal of the building.

**Licence Negotiations**

A Councillor Workshop in May supported the EOI Panel recommendation and staff committed to discussing the terms of a license with Minimbah in accordance with the then draft Community Buildings Licensing Policy (adopted by Council on 23 July 2013).

After undertaking the Assessment Tool together, Minimbah scored 48 points establishing it as a Category 3 tenant. A Category 3 tenant receives a 50% subsidy on the costs to Council. Considering Council's costs are \$36,523 p.a for the facility, a 50% subsidy equals \$18,261 p.a plus an annual increase. Considering the capital works that are required in the first year of the licence, Council offered a one-year transition period at 25% of the licence fee (\$4,565).

Council's building report indicates that the facility requires a significant investment for it to become a safe, functional and attractive place for community to use. Minimbah agreed to contribute approximately \$1 million to bring the facility to the required building code standards that will meet their functional requirements, subject to the remediation of asbestos to be carried out by Council (discussed below).

As part of this negotiation, and in line with the Business Plan provided by Minimbah, an itemised list of capital works improvements to the site will be attached to the licence as part of the licencing conditions. The list of capital works will include, but not be limited to the following works:

- Bathrooms and kitchen upgrade
- Staff rooms

**ITEM 18 (continued)**

- New windows and floor coverings
- Carpark/driveway
- Ramps
- Electrical and plumbing upgrades
- ITC installation
- Painting
- Community garden
- Other building work as identified in the Council's building report.

It should be noted that Minimbah has been made aware that any capital improvements to the building are subject to Council's development approval process. Minimbah has also agreed to provide public access to the garden (what is now the lower green) and to make facility available for venue-hire for the community and other community service organisations when not in use by the service.

For the capital contribution, Council has negotiated Minimbah could be provided with a 10 year license, subject to Council approval. Under the Community Buildings Licensing Policy, there is provision to extend the License Term beyond the standard five years if a significant capital contribution is being made that provides for increased community services reflecting community need,

*The tenant must demonstrate that the capital contribution either reduces Council's maintenance and renewal expenditure or that it is improving the capacity of the building to provide increased community services reflecting community need (Community Buildings Licensing Policy 2013, page 9)*

Minimbah's intent and agreement to undertake significant capital upgrade fits within the above criteria.

**Legal Implications**

The site is located on community land and as such, is subject to the licencing provisions under the Local Government Act. Section 47 of the Act stipulates that any "leases, licences and other estates in respect of community land – terms greater than 5 years" must be publicly advertised and should Council receive any adverse submissions, must be referred to the Minister for consent.

**Remediation of Asbestos**

As discussed above, Minimbah has indicated that they will make the significant capital contribution (approximately \$1 million) to upgrade the site. However, Council's building reports have indicated asbestos in the structural elements of the building and that before any building works are undertaken, it is recommended that Council remediate the site. Considering that the asbestos is within the structural elements of the building which are the responsibility of Council under all licenses, Council staff undertook to confirm the presence and extent of asbestos through testing and sought a quotation for its removal.

**ITEM 18 (continued)**

Following testing and quotation process, \$70,000 is required to remediate the site. These remediation works will be funded through re-prioritisation of works within the existing Community Building Cluster budget.

The approximate \$1 million upgrade to the building and surrounds will be funded by Minimbah.

**Financial Implications**

Should Council resolve to licence Minimbah, it will result in a long term positive financial impact of \$18,261 per year for 9 years plus \$4,565 in the first year plus indexation.

The cost of remediation works to remove asbestos is estimated at \$70,000 and will be funded from re-prioritisation of projects within the existing Community Buildings renewal budget approved for Community Life Group in 2013-14.

**Options**

Council could choose not to licence the building to Minimbah or not provide the capital funds to remediate the asbestos on site. This option is not recommended because:

- The EOI Panel unanimously recommend Minimbah as the preferred applicant.
- Minimbah will provide a \$1 million upgrade to the facility.
- Opportunities for future expansion of current Minimbah facility will result in a combined 135 extra places for people with a disability in Ryde.
- The existing building is of a sub-standard condition and would require substantial investment by Council to make it safe and functional for any future uses.

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**19 REPORTS DUE TO COUNCIL**

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**Report prepared by:** Section Manager - Governance  
**File No.:** CLM/13/1/4/2 - BP13/1140

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**REPORT**

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 20 August 2013 (listing **ATTACHED**).

There are currently 48 reports listed. Following consideration of this report there will be 11 overdue reports due to Council.

**RECOMMENDATION:**

That the report on Outstanding Council Reports be endorsed.

**ATTACHMENTS**

1 Outstanding Council Reports - as at 20 August 2013

Report Prepared By:

**Amanda Janvrin**  
**Section Manager - Governance**

Report Approved By:

**Shane Sullivan**  
**Manager - Customer Service and Governance**

**Roy Newsome**  
**Group Manager - Corporate Services**

ITEM 19 (continued)

ATTACHMENT 1

**Outstanding Reports**

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	FEASIBILITY STUDY ON MULTIPURPOSE SYNTHETIC (ARTIFICIAL) FIELDS	13/08/2013	The Workshop on Synthetic Fields has been scheduled for 8 August 2012.
<b>Meeting Date</b> 10/04/2012	1. That the General Manager prepare a feasibility study on multipurpose synthetic (artificial) fields to be installed in the City of Ryde. This study should outline a comprehensive consultation process, projected financial impacts, construction cost estimates and a funding and grants program with all sports facility users and stakeholders in the LGA.	<b>Anticipated date</b> 8/10/2013	To be reported to the Works and Community Committee on 20 November 2012.
<b>Group</b> Community Life	2. A report detailing possible sports funding grants through the State and Federal Governments in the next financial year to assist in this project should also be undertaken.  3. A feasibility study cost be funded through the 2012/13 First Quarter Budget review.	<b>Officer</b> Tajana Domazet	The Workshop was attended by 50 people including the NSW State Minister for Sport and Recreation.  Participating in the NSROC project on regional approach for provision of synthetic fields.  Project brief completed and quotes sought from consultants. Funds requested as part of Quarterly Review Process, as per Council Resolution. Once funds are allocated, the project will commence.

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*Funds allocated on 4 December at Council meeting.*

*To be delayed and submitted to Council meeting in August 2013 due to further community consultation being undertaken.*

*Finalisation of report with consultant delayed. Report to be submitted to Council in late August.*

*Further community consultation being undertaken.*

*Due to additional consultation with the sporting community the draft report was delayed for comment by the PRG.*

*Draft report will be issued to the PRG for comment in the week commencing 19 August 2013.*

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Works and Community	GLADESVILLE VACATION CARE SERVICE- Transfer to Gladesville Public School P&C	19/11/2013	<i>This report will be provided on 19 November 2013, after a duration of 12 months as per the resolution.</i>
<b>Meeting Date</b> 26/06/2012	(c)That Council staff review and report to Council on the above arrangements (to ensure service continues to meet the needs of families) after 12 months.	<b>Anticipated date</b> 19/11/2013	
<b>Group</b> Community Life		<b>Officer</b> Baharak Sahbekehiani	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	DEFERRED REPORT: WEBCASTING OF COUNCIL MEETINGS	13/08/2013	Software and hardware sourced. There have been some technical issues which are being addressed and testing is currently underway. The webcasting has been operational during tests but there have been technical issues during Council meeting tests. We are continuing to review the system.
Meeting Date 17/07/2012	(c)That a report be provided to Council following the conduct of the 2012 Local Government Election outlining the outcomes of the trial and recommending appropriate changes to Council's Code of Meeting Practice.	Anticipated date 22/10/2013	Updates will be provided to Councillors through the Councillor Information Bulletin closer to the go live date.
Group Corporate Services		Officer Shane Sullivan	It is anticipated for the system to go live by November 2013.

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b> Works and Community	<b>Resolution</b> UPDATE ON WOLFE ROAD RESERVE - COMPLETED	<b>Due Date of Report</b> 6/08/2013	<b>Comments/Update</b> Further report may need to be generated if this approach fails by May 2013.
<b>Meeting Date</b> 6/11/2012	(c)Should this approach fail within 6 months, that Council seek legal advice on the issue of encroachment and report the matter back to the Works and Community Committee.	<b>Anticipated date</b> 6/08/2013	* Council staff are maintaining the upper and lower part of the reserve. * Bushland contractor engaged to undertake bush regeneration work. * RFS reviewed the fire breaks around the adjoining properties. * Personal items of encroachment to be removed by the end of April 2013.
<b>Group</b> Community Life		<b>Officer</b> Tajana Domazet	Report to Council is not necessary due to current management strategy being successful. Council is to be updated on the issue through a CIB during May 2013.  Advice received, and encroachment has been removed. Further report needed to deal with issues of firebreaks as

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*advised by the Rural Fire Service (RFS). Report to Works and Community Committee Meeting on 6 August 2013. Further consultation with the affected residents is required.*

*COMPLETED (To be removed following the Council Meeting to be held on 27 August 2013).*

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MATTER OF URGENCY – REFERENCE TO RYDE COUNCIL IN THE SYDNEY MORNING HERALD	25/06/2013	This matter was reported to Council as an attachment to a Mayoral Minute at Council's Meeting on 12 February 2013.
Meeting Date 13/11/2012	That the General Manager provide a detailed report to Councillors on the allegations made in the Sydney Morning Herald in relation to Ryde Council's association with Direct Health Solutions and any other company operated by the Obcoid family. This report should detail the circumstances and approval processes that operated and provide an explanation (if necessary) on why the normal tendering process allegedly did not take place.	Anticipated date 24/09/2013	As advised in the report, Council has endorsed completing a full investigation into the two matters by an independent external party.
Group General Manager		Officer John Schanz	A firm has been appointed to conduct the investigation and report back to Council.
			Investigation is ongoing and is expected to be finalised by mid August with a report back to Council by 24 September 2013.

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	MAYORAL MINUTE 15/12 - REVIEW OF POLICIES REGARDING VISITING OVERSEAS DELEGATIONS AND SISTER CITY RELATIONSHIPS	13/08/2013	Council resolved that a Workshop be conducted to allow Council to reconsider its policy with regard to Visiting Overseas Delegations and all aspects of existing sister city relationships. This Workshop has been held.
<b>Meeting Date</b>	(b) That the General Manager bring back a report to Council of existing sister city relationships.	<b>Anticipated date</b>	
13/11/2012		26/11/2013	
<b>Group</b>		<b>Officer</b>	
Corporate Services		Shane Sullivan	Subsequently, Council asked that a further workshop be conducted with Korean representatives.

**ITEM 19 (continued)**

**ATTACHMENT 1**

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
<b>Council</b>  <b>Meeting Date</b> 13/11/2012	<b>PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE</b>  (c)That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.	<b>8/10/2013</b>  <b>Anticipated date</b> 8/10/2013	On 13 November 2012 Council resolved to forward the planning proposal to the Minister for a Gateway Determination. This will occur by 14 December 2012.  Subject to receipt of the Gateway determination from DoPI in February 2013 community consultation will likely commence mid March 2013 and run for at least 28 days to mid April 2013. It is anticipated that a report concerning the outcomes of community consultation will be presented to Council late July / early August 2013.
<b>Group</b> Environment and Planning		<b>Officer</b> Meryl Bishop	Gateway determination received 1 March 2013. Report to Council on 9 April 2013 recommending commencement of community consultation.  Community Consultation, including Community Information Session, planned for June 2013.

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	7-9 RUTLEDGE STREET, EASTWOOD, LOT 23 DP 4231 and LOT 24 DP 653568. Local Development Application for a mixed use development containing 6 retail/commercial tenancies, 79 units & basement parking for 155 cars & strata subdivision. LDA 2011/0612.	<b>Anticipated date</b>	<i>At its meeting of 23 July 2013 Council resolved to hold a further Community Consultation meeting to address traffic concerns. This is expected to occur in late August 2013.</i>
<b>Meeting Date</b>	27/11/2012  That Local Development Application No. 2011/0612 at 7-9 Rutledge Street, Eastwood, being LOT 23 DP 4231 and LOT 24 DP 653568 be deferred pending receipt of the information required by the deferred commencement conditions including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.	<b>Officer</b>	<i>Amended plans and information to be submitted and then renofified. Not yet received.  Amended plans not yet received as at March 2013.  Follow-up letter to applicant sent seeking amended plans 3 April 2013 - applicant has requested more time to provide amendments.  Date of Report to be determined upon receipt of amended plans. Amended plans not yet received as at August 2013.</i>
<b>Group</b> Environment and Planning		Liz Coad	

**ITEM 19 (continued)**

**ATTACHMENT 1**

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>GLADESVILLE RSL DEVELOPMENT PROPOSAL</b>	23/07/2013	Council has met with proponents to view draft community consultation plan. Date for report to be determined as a result of outcomes.
<b>Meeting Date</b> 11/12/2012	(b) Following the community consultation, including key stakeholders, that a further report be provided to Council by the Gladesville RSL Club including details of the following:  (i) Indicative built form and uses; (ii) Parking management (particularly during the construction phase); and (iii) Results of the community consultation process.	<b>Anticipated date</b>	The RSL Club has scheduled consultation events throughout March 2013 - the date of the report is to be confirmed pending the results of the consultation.
<b>Group</b> Environment and Planning		<b>Officer</b> Dominic Johnson	Workshop deferred to 3 September 2013. Date of report to be determined.

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>BOARDING HOUSES POLICY - Draft Enforcement Policy and Draft Development Control Plan</b>	24/09/2013	<i>Draft policy to be exhibited in April 2013.</i>
<b>Meeting Date</b> 11/12/2012	(c)That Council receive a further report on the outcomes of the exhibition of draft Boarding Houses Policy comprising:	<b>Anticipated date</b> 24/09/2013	<i>Draft Policy on Exhibition, submissions close 20 May 2013.</i>
<b>Group</b> Environment and Planning	1. Draft Enforcement Policy: Boarding Houses 2. City of Ryde Draft Amending Development Control Plan - Boarding Houses.	<b>Officer</b> Scott Cox	<i>Exhibition completed and report expected September 2013.</i>

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type Works and Community	Resolution	Due Date of Report	Comments/Update
<b>Meeting Date</b>	<b>TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 22 November 2012 - MIRIAM ROAD, WEST RYDE - No Parking (Kiss and Ride)</b>	16/07/2013	<i>Updated 14 February 2013: Report will be tabled at Traffic Committee meeting to be held on 23 May 2013. The Traffic Committee's recommendations will be put to the Works and Community Committee on 2 July 2013.</i>
5/02/2013	That Council undertake a six (6) month trial in relation to the provision of a single 'No Parking' space along the side frontage (Miriam Road) of No.52 West Parade and that a follow up report be submitted to the Committee following the completion of the trial period confirming its use and whether the installation should be supported permanently.	<b>Anticipated date</b> 3/09/2013	<i>Updated 11 July 2013: Previous advice that this matter was to be put to the Traffic Committee in May did not consider the timeframe for the six (6) month trial. Therefore, this matter will be submitted to the Ryde Traffic Committee meeting in July 2013. The Traffic Committee's recommendations will be submitted to a Works and Community Committee in September 2013.</i>
<b>Group</b> Public Works		<b>Officer</b> Harry Muker	<i>Updated 19 August 2013: Report on track for 3 September 2013 Works and Community Committee.</i>

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	RYDE CITY BOWLING CLUB UPDATE	26/11/2013	(c) Subject to arbitration regarding fixtures, due improvements to commence shortly. Anticipated completion date late March - early April.
Meeting Date 12/02/2013	(c) That Council proceed with an EOITender process for the site, once the issues outlined in the body of this report are resolved.	26/11/2013	Anticipated date late March - early April.
<b>Group</b>	(d) That Council note that the further report considering the future of the Ryde Park including the Ryde City Bowling Club and Argyle Centre sites as to the future development, use and management will proceed following progress of Part (c) above;	<b>Officer</b>	(d) Later in the year - report to Council October/November.
Community Life		Baharak Sabebehiani	Awaiting the outcome of the arbitration before proceeding to the EOITender process. Matter is with the Golden Goal solicitors.
			Interim report on arbitration process and way forward submitted to Council in August 2013.

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>NOTICE OF MOTION - GRAFFITI VANDALISM AND THE CITY OF RYDE - COMPLETED</b>	23/07/2013	5 March 2013 NOM directed to Derek McCarthy – Service Unit Manager for Community & Events in Community Life
<b>Meeting Date</b> 12/02/2013	(b) That a report on this matter, include, but not be limited to: 1. The establishment of key area 'watch' programs involving local residents, community groups, police and staff to identify at-risk locations and perpetrators. 2. Methods of communication to assist awareness of measures to reduce graffiti vandalism in key areas. 3. Promotion of anti-graffiti messages and penalties against culprits. 4. Detailing the rising cost of graffiti removal in the City of Ryde. 5. That Council look at further initiatives to engage with the youth including the Ryde Youth Council in order to address this issue.	<b>Anticipated date</b> 23/07/2013	Gathering information and responsibilities for the report to Council on 21 May 2013.  Working on information required and responsibilities.  Internal working group organised to deliver on aspects of this request. Matter reported to Council Meeting on 23 July 2013.  COMPLETED (To be removed following the Council Meeting on 27 August 2013).
<b>Group</b> Community Life		<b>Officer</b> Derek McCarthy	
	(c) That the report indicate the process and the timeframe to develop the above into a Graffiti Action Plan.		

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Works and Community	FITNESS EQUIPMENT WITHIN THE CITY OF RYDE	23/07/2013	<i>Due to current workload the matter will be reported to the Works and Community Committee Meeting on 3 September 2013.</i>
<b>Meeting Date</b> 26/02/2013	That the Acting General Manager reviews the provision of fitness equipment within the City of Ryde and in particular at Kissing Point Foreshore Park Putney and report back to Council on the community needs for this type of equipment in our parks. The review to include any partnerships with private sector organisations or sponsorship opportunities.	<b>Anticipated date</b> 3/09/2013	
<b>Group</b> Community Life		<b>Officer</b> Tajana Domazet	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	<b>SPORTING FACILITIES</b>	24/09/2013	<i>Due to the current workload the matter will be reported to Council by the end of September 2013.</i>
<b>Meeting Date</b> 26/02/2013	That Council receive a report that lists all works Council officers have planned or are proposed for future works within the City on sporting facilities and related amenities blocks.	<b>Anticipated date</b> 24/09/2013	
<b>Group</b>		<b>Officer</b>	
Community Life	The report also to outline ways the officers seem to prioritise works to be done on these planned works and/or proposed works including if known the funding or proposed funding for such works. The report to be returned before the end of the calendar year, and if this cannot be achieved, Councilors to be advised in the CIB of a future reporting date	Tajana Domazet	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>DRAFT RYDE LEP 2011 - AMENDING PLANNING PROPOSAL</b>	22/10/2013	<i>Open Community Workshop anticipated July 2013.</i>
<b>Meeting Date</b> 12/03/2013	(c) That a Planning Proposal be prepared to amend Draft LEP 2011 in accordance with Table 2 Planning Proposal Amendments to DLLEP 2011 attached to this report and be supported by a consultation programme prepared by Council's Media and Communications Group and reported back to Council for further discussion and endorsement.	<b>Anticipated date</b> 22/10/2013	<i>Workshop held 31 July 2013. Detailed report to Council expected October 2013.</i>
<b>Group</b> Environment and Planning		<b>Officer</b> Meryl Bishop	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	77 WHARF ROAD, GLADESVILLE - LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence and gates. LDA2012/0272	4/06/2013	Application requested preliminary meeting to discuss the issues - held in May 2013.
12/03/2013	(a) That LDA2012/272 at 77 Wharf Road, Gladesville being LOT 2 DP 536882 be deferred for a mediation meeting to be undertaken by the Group Manager Environment and Planning with the applicant and the objectors to address issues relating to bulk, scale, habitable areas and streetscape presentation. That a further report be referred to Planning and Environment Committee within three months.	Anticipated date	Awaiting provision of amended plans for option to be discussed at mediation meeting.
<b>Group</b> Environment and Planning		<b>Officer</b> Liz Coad	Mediation meeting held 15 July 2013. Awaiting provision of amended plans for notification and assessment.
			Date of report to be determined. Amended Plans not yet received as at August 2013.

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council			
<b>Meeting Date</b>			
12/03/2013	<b>PUBLIC EXHIBITION OF MACQUARIE PARK PEDESTRIAN ACCESSIBILITY AND MOBILITY PLAN - COMPLETED</b>	25/06/2013	<i>Exhibition closed on 23 April 2013.</i>
<b>Group</b>		<b>Anticipated date</b>	
Environment and Planning	(b) That a further report on the Macquarie Park Pedestrian Accessibility and Mobility Plan be presented for Council's consideration and determination after the public exhibition period has finished an all submissions have been considered.	16/07/2013	<i>Report presented to the Works and Community Committee Meeting on 16 July 2013.</i>
		<b>Officer</b>	
		Sam Cappelli	<i>COMPLETED (To be removed following the Council meeting on 27 August 2013).</i>

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b> Council	<b>Resolution</b> APPOINTMENT OF DELEGATES TO THE RYDE YOUTH COUNCIL ADVISORY COMMITTEE	<b>Due Date of Report</b> 22/10/2013	<b>Comments/Update</b> <i>Matter to be report back to Council in October 2013.</i>
<b>Meeting Date</b> 12/03/2013	(b) That the Ryde Youth Council Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.	<b>Anticipated date</b> 22/10/2013	
<b>Group</b> Community Life		<b>Officer</b> Paul Graham	
<b>Meeting Type</b> Council	<b>Resolution</b> MONTHLY REPORTING TO COUNCIL	<b>Due Date of Report</b> 13/08/2013	<b>Comments/Update</b> <i>A workshop has been scheduled for this matter on 20 August 2013.</i>
<b>Meeting Date</b> 26/03/2013	That a highlights monthly report be developed in conjunction with the Councillors covering key management items including: human resources (sick leave, recreation leave in excess of 20 and 30 days); OH&S; complaints; organisational risk issues; legal actions.	<b>Anticipated date</b> 24/09/2013	
<b>Group</b> Corporate Services		<b>Officer</b> Roy Newsome	

**ITEM 19 (continued)**

**ATTACHMENT 1**

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>DEVILIN STREET PEDESTRIAN BRIDGES - COMPLETED</b>	25/06/2013	Update 12 June 2013: Report now due on 23 July 2013. Community consultation yet to be finalised. Once we have the results of consultation, the report will be completed.
<b>Meeting Date</b> 26/03/2013	(e) That Council receive a full report on the lift's performance including instance duration when they are out of action and a report that also includes passengers trapped, number and duration.	<b>Anticipated date</b> 27/08/2013	Update 11 July 2013: Community consultation now programmed and will be finalised by 31 July 2013. On that basis, the report will now be submitted to Council on 27 August 2013.
<b>Group</b> Public Works		<b>Officer</b> Austin Morris	Update 19 August 2013: Matter reported to the Council Meeting on 27 August 2013.  COMPLETED (To be removed following the Council meeting on 27 August 2013).

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	<b>NOTICE OF MOTION - SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES</b>	21/05/2013	<i>Update 15 May 2013: Report deferred to 19 November 2013 Works and Community Committee to enable additional stakeholder consultation to be undertaken. Results of consultation to be incorporated into report.</i>
<b>Meeting Date</b> 26/03/2013	(a) That the Acting General Manager provide a report including recommendations on improving relations and feedback from small business operators who are leasing properties from the City of Ryde.	<b>Anticipated date</b> 19/11/2013	<i>Update 19 August 2013 At stakeholder consultation stage.</i>
<b>Group</b> Public Works	(b) That this report include matters pertaining (but not limited) to: -Possible consultation frameworks; -Improving commercial leasing terms including 'options' to extend a lease after expiry; and -Feedback channels for suggestions that include improvements or enhancements to council properties.	Rod Drummond	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	<b>NOTICE OF MOTION - NATIONAL DISABILITY STRATEGY: NSW IMPLEMENTATION PLAN 2012-2014</b>	10/09/2013	<i>Report back to Council by early September 2013.</i>
<b>Meeting Date</b>	That Council receive a report that: - provides an initial assessment of the areas of action required by Councils, as identified in the plan. - identifies the anticipated resourcing issues. - outlines the proposed management mechanisms to plan and coordinate the implementation of the required actions.	<b>Anticipated date</b> 24/09/2013	<i>Internal working group established. Project needs more time to allow external consultation.</i>
<b>Group</b>	Community Life	<b>Officer</b> Paul Graham	<i>Project to be reported to Council on 24 September 2013.</i>

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>MATTER OF URGENCY - BUDGET FOR 2013/14</b>	10/12/2013	<i>Scoping of strategy development commenced. Budget changes as requested by Council will be incorporated in draft Delivery Plan for 2013/14.</i>
<b>Meeting Date</b> 26/03/2013	2. Council note the above in relation to the development of a Communications Strategy resolved by Council on 12 March 2013 and to provide an extension for the report back of the draft strategy to Council no later than December 2013.	<b>Anticipated date</b> 10/12/2013	
<b>Group</b> General Manager		<b>Officer</b> Angela Jones-Blayney	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	COMMUNITY GRANTS PROGRAM - Allocation of Funds 2012-13 - COMPLETED	27/08/2013	Reported to Council Meeting on 27 August 2013.
<b>Meeting Date</b> 9/04/2013	(e) That a Councilors working party of all interested Councilors be established to provide input into the proposed review the Community Grants Policy including providing key parameters for the draft and the matter be reported back with recommendations by August 2013 to allow the new policy to be in place prior to the commencement of the advertising for the 2013 Grants Program.	<b>Anticipated date</b> 27/08/2013	<i>COMPLETED (To be removed following the Council Meeting to be held 27 August 2013).</i>
<b>Group</b> Community Life		<b>Officer</b> Baharak Sahbekhiani	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>MACQUARIE PARK REVIEW OF PLANNING CONTROLS (RYDE LEP AMENDMENT 1)</b>	24/09/2013	<i>Council changes are being incorporated into exhibition materials. Public exhibition to follow.</i>
<b>Meeting Date</b>	<i>(b)That the outcomes of community consultation are reported to Council as soon as practicable after the exhibition period.</i>	<b>Anticipated date</b> 24/09/2013	<i>Public Exhibition expected to commence in June 2013 continuing into July 2013.</i>
<b>Group</b>		<b>Officer</b>	
Environment and Planning		Meryl Bishop	<i>Exhibition completed. Detailed report expected September 2013.</i>

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	22 MONS AVENUE, WEST RYDE. LOT 23, Section C, DP 2322. Local Development Application for demolition, construction of a residential flat building with six (6) apartments and basement car parking for eight (8) cars. <b>LDA2012/0454 - COMPLETED</b>	5/11/2013	Awaiting response from applicant - date of report to be advised pending applicant's response.
23/04/2013	(b) That a further report be presented to Planning and Environment Committee within six months.	<b>Anticipated date</b>	Class 1 Appeal lodged with Land and Environment Court. Outcome to be reported to Council as part of General Counsel's update on legal matters.
<b>Group</b> Environment and Planning		<b>Officer</b> Liz Coad	<b>COMPLETED</b> - (To be removed following the Council meeting on 27 August 2013).

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	PEDESTRIAN SAFETY THROUGHOUT THE CITY OF RYDE - COMPLETED	16/07/2013	Update 18 June 2013: Report expected to be submitted to Works and Community Committee on 16 July 2013.
<b>Meeting Date</b> 23/04/2013	(c)That a report be provided to the Works and Community Committee on the outcome of an audit of the Pedestrian Safety issues in West Ryde in Chatham Road, Betts Street, Anthony Road, affected by the Coles redevelopment.	<b>Anticipated date</b> 16/07/2013	Update 11 July 2013: Report titled 'Pedestrian Safety Issues - West Ryde' submitted to the Works and Community Committee Meeting on 16 July 2013.
<b>Group</b> Public Works		<b>Officer</b> Austin Morris	COMPLETED (To be removed following the Council meeting on 27 August 2013).

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	11 FIRST AVENUE, EASTWOOD - Stormwater Drainage	3/12/2013	Update 15 May 2013: Report deferred until legal issues raised are worked out with resident.
Meeting Date	23/04/2013 That consideration of this Item be deferred to the next Works and Community Committee meeting on 7 May 2013 and that the resident be invited to attend the meeting.	3/12/2013	Update 18 June 2013: A CIB was issued on 9 May 2013 providing an update on this matter. Given that legal issues surround this matter, a definitive report date cannot be provided. Accordingly, the matter will be reported back to the Works and Community Committee once an appropriate course of action can be recommended.
Group	Public Works	Officer	Anthony Ogle
Update 19 August 2013: Status remains unchanged. Waiting to hear from resident.			

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ESTABLISHMENT OF A MOBILE PLAYGROUP SERVICE- Follow up Report - COMPLETED	27/08/2013	Meeting request with the State Minister for Education was declined.
Meeting Date	(d) That subject to the project being commenced, the service be reviewed after three years and a report be provided back to Council for its consideration.	27/08/2013	Correspondence dated 30 May received from Minister for Education advising that the unused grant funds cannot be transferred towards the establishment of a mobile playgroup pservice in the City of Ryde.
Group	(e) That the Acting General Manager be requested to seek proposals from the private sector to offset the costs of establishing a mobile playgroup service as sponsorship with the aim of funding the start up costs of \$121 000 and a report be provided back to Council on the outcomes.	Baharak Sahbekehiani	Reported to Council Meeting on 27 August 2013.
Community Life			COMPLETED (To be removed following the Council Meeting to be held 27 August 2013).

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Works and Community	<b>PUBLIC EXHIBITION OF DRAFT LANE COVE RIVER COASTAL ZONE MANAGEMENT PLAN</b>	6/08/2013	<i>The Draft Lane Cove River Coastal Zone Management Plan is on exhibition from 13 May 2013 to 21 June 2013.</i>
<b>Meeting Date</b>	(b) That a further report on the Lane Cove River Coastal Zone Management Plan be presented for Council's consideration after the public exhibition period has finished and all submissions have been considered by the Lane Cove River Estuary Management Committee.	<b>Anticipated date</b> 22/10/2013	<i>Delayed while partnering Council finalizes their component of the Plan.</i>
<b>Group</b>	Environment and Planning	<b>Officer</b>	Sam Cappelli

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	TRAFFIC ISSUES RELATED TO ELTHAM STREET, GLADESVILLE - Monash Road (Traffic Management Options Paper)	3/09/2013	Update 20 May 2013: A report will be prepared for consideration by Ryde Traffic Committee at its meeting to be held on 25 July. The RTCs recommendations will be tabled a Committee in September 2013.
14/05/2013	(b) That the traffic management options agreed between Council staff and the residents be referred to Ryde Traffic Committee for approval before being presented to Council in a further report.	3/09/2013	Updated 19 August 2013: Report on track for Works and Community Committee Meeting on 3 September 2013.
<b>Group</b>	Public Works	<b>Officer</b>	Harry Muker

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	NOTICE OF MOTION - AMENDMENT TO VOLUNTARY PLANNING AGREEMENT (VPA) POLICY	24/09/2013	Matter to be reported to Council in September 2013.
<b>Meeting Date</b> 14/05/2013	(b) The Acting General Manager prepare a report identifying how much money Council has for open space acquisition and identify potential purchases for consideration by Council in keeping with the Draft IOSP.	<b>Anticipated date</b> 24/09/2013	
<b>Group</b> Community Life		<b>Officer</b> Tajana Domazet	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	305 BLAXLAND ROAD & 5-7 NORTH ROAD, RYDE. LOT 1 DP1069680 & LOT A&B DP 414322. Local Development Application for alterations and additions to San Antonio da Padova Nursing Home. LDA2012/247		Date of report to be advised pending receipt of amended plans and renofication.
Meeting Date	14/05/2013 (c)A further report will be prepared to the Planning & Environment Committee after the completion of this process.	Anticipated date	Re-notification completed 19 July 2013. Amended drainage plan requested July 2013.
Group Environment and Planning	Officer Liz Coad	Amended Drainage Plan provided 6 August 2013. Date of report to be determined.	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	58 – 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP 102049. Development Application for demolition and construction of 10 strata titled town houses under the Affordable Housing State Environmental Planning Policy. LDA2012/0124		<i>Date to be advised - pending amended plans and renification.</i>
Meeting Date	14/05/2013	Anticipated date	
Group	(b) That the amended plans are renified to the community including all persons who made submissions and that following this process a further report be presented to Planning and Environment Committee.	Officer	
Environment and Planning		Liz Coad	

**ITEM 19 (continued)**

**ATTACHMENT 1**

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Works and Community	<b>CRICKET PRACTICE FACILITIES IN THE CITY OF RYDE</b>	3/09/2013	<i>To be reported following the Sport &amp; Recreation Advisory Committee Meeting in early August.</i>
<b>Meeting Date</b> 28/05/2013	(a) That this matter be referred to the Sports and Recreation advisory committee to provide comment prior a further report being presented to the Works and Community Committee.	<b>Anticipated date</b> 17/09/2013	<i>Further clarification sought on information required for part (b) of this resolution. Depending on clarification, the timing of this report may change.</i>
<b>Group</b> Community Life	(b) That this further report provide specific statistical data.	<b>Officer</b> Tajana Domazet	
<b>Meeting Type</b> Council	<b>DRAFT DCP 2010 PART 4.4 RYDE TOWN CENTRE - CIVIC PRECINCT</b>	<b>Due Date of Report</b>	<b>Comments/Update</b> <i>Gateway determination under consideration of DoPI - exhibition pending DoPI decision.</i>
<b>Meeting Date</b> 28/05/2013	(c) That Council is presented with a further report following the completion of the exhibition period.	<b>Anticipated date</b>	<i>DoPI requested additional information, which has been provided by Council 5 August 2013.</i>
<b>Group</b> Environment and Planning		<b>Officer</b> Meryl Bishop	

20-Aug-13

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ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	<b>NOTICE OF MOTION - ADVERTISING ON PUBLIC LAND AND AROUND DOG OFF LEASH PARKS</b>	10/12/2013	<i>Due to current workload this matter will be report to Council in December 2013.</i>
28/05/2013	1. That the Acting General Manager provide a report to Council advising of the options for advertisement around the dog off leash parks including proposed fees and terms and conditions for such advertising that are compliant with the requirements of the State Environmental Planning Policy 64.	10/12/2013	
<b>Group</b>	2. That the Acting General Manager investigate the potential of advertising on public land as an revenue generating option such as advertisement around dog parks, with the expression of interests to be sent to all local vet business and dog food companies, and report back to Council.	<b>Officer</b>	
Community Life		Tajana Domazet	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>52 DARVALL ROAD, EASTWOOD, LOT 10 DP 13514.</b> Local Development Application for the use of existing building as a secondary dwelling and an outbuilding. LDA2013/0100 - <b>COMPLETED</b>	16/07/2013	<i>Matter reported to the Planning and Environment Committee Meeting on 16 July 2013.</i>
11/06/2013	(b) That upon receipt of advice from the Building Professionals Board, the Group Manager Planning and Environment provide a report to the Planning and Environment Committee detailing the nature of the response and suggesting measures to ensure that the outbuilding does not provide for permanent habitation.	<b>Anticipated date</b> 16/07/2013	<i>COMPLETED (To be removed following the Council meeting on 27 August 2013).</i>
<b>Group</b> Environment and Planning		<b>Officer</b> Liz Coad	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council			
<b>Meeting Date</b>			
25/06/2013			
<b>Group</b>			
Community Life			
	<b>Resolution</b>		
	REQUESTS FOR PROPOSALS RECEIVED FOR THE LEASE OF THE KOTARA PARK AND OLYMPIC PARK TENNIS CENTRES		
	(e) That a further report be submitted to Council following an Expression of Interest/Requests for Proposal process.		
		<b>Anticipated date</b>	
		10/12/2013	
		<b>Officer</b>	
		Tajana Domazet	
			<i>This report will be provided to Council in December 2013.</i>

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b> Council	<b>Resolution</b> ESTABLISHING AN INTEGRATED YOUTH SERVICE HUB	<b>Due Date of Report</b> 14/07/2015	<b>Comments/Update</b> This report will be provided to Council in July 2015, after a duration of 24 months as per the resolution.
<b>Meeting Date</b> 23/07/2013	(d)That following the trial period (2 years), a review of the Integrated Youth Service Hub governance model be undertaken by Community and Culture and reported to Council.	<b>Anticipated date</b> 14/07/2015	
<b>Group</b> Community Life		<b>Officer</b> Paul Graham	
<b>Meeting Type</b> Council	<b>Resolution</b> NOTICE OF MOTION - LAND ACKNOWLEDGEMENT PLAQUE	<b>Due Date of Report</b> 22/10/2013	<b>Comments/Update</b> This report will be provided to Council in October 2013.
<b>Meeting Date</b> 23/07/2013	(b)That the Acting General Manager report on the options on how Council recognises the area where it is believed that Woollarwarre Bennelong is believed to be buried.	<b>Anticipated date</b> 22/10/2013	
<b>Group</b> Community Life		<b>Officer</b> Paul Graham	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>NOTICE OF MOTION - LANDSLIP AT 11 BRUSH ROAD - COMPLETED</b>	27/08/2013	<i>Matter reported to the Council Meeting on 27 August 2013.</i>
<b>Meeting Date</b> 23/07/2013		<b>Anticipated date</b> 27/08/2013	<i>COMPLETED (To be removed following the Council meeting on 27 August 2013).</i>
<b>Group</b> Environment and Planning		<b>Officer</b> Scott Cox	
<b>Meeting Type</b> Council	<b>GRAFFITI VANDALISM AND THE CITY OF RYDE</b>	25/02/2014	<i>This report will be provided to Council in February 2014.</i>
<b>Meeting Date</b> 23/07/2013	(b)That the Graffiti Action Plan be reported to Council in February 2014.	<b>Anticipated date</b> 25/02/2014	
<b>Group</b> Community Life		<b>Officer</b> Derek McCarthy	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - VOLUME AND SPEED OF VEHICLES USING ALL THE RESIDENTIAL STREETS BOUNDED BY VICTORIA ROAD, BOWDEN STREET, CHURCH STREET AND CONSTITUTION ROAD	15/10/2013	<i>Update 19 August 2013: Investigations and a way forward are being determined as to the best approach in regards to this report.</i>
13/08/2013	That the Acting General Manager investigate and report on the volume and speed of vehicles using all the residential streets bounded by Victoria Road, Bowden Street, Church Street and Constitution Road as "through roads" and "rat runs" between these major roads.	5/11/2013	
<b>Group</b> Public Works		<b>Officer</b> Harry Muker	

ITEM 19 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	260-274 VICTORIA ROAD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.		<i>Mediation meeting to be arranged. Date of report to be determined.</i>
<b>Meeting Date</b>	13/08/2013	<b>Anticipated date</b>	
<b>Group</b> Environment and Planning	That Local Development Application No. 2012/0360 at 260 – 274 Victoria Road be referred for the Group Manager Environment and Planning to undertake mediation between the applicant and objectors, and the matter be reported back to Council.	<b>Officer</b>	
		Liz Coad	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	INTERIM ACTION PLAN- How Council Can Address Risks Raised in the ICAC Hearing	10/12/2013	<i>A Workshop has been scheduled for this matter on 15 October 2013.</i>
<b>Meeting Date</b> 13/08/2013	(c)That Council request the Acting General Manager to schedule a briefing to workshop with Council the various models of IHAP, and their policy and procedural frameworks, with the preferred option to be reported back to Council;	<b>Anticipated date</b> 10/12/2013	
<b>Group</b> Corporate Services		<b>Officer</b> Roy Newsome	

ITEM 19 (continued)

ATTACHMENT 1

<b>Meeting Type</b>	<b>Resolution</b>	<b>Due Date of Report</b>	<b>Comments/Update</b>
Council	<b>RYDE HERITAGE ADVISORY COMMITTEE REQUEST COUNCIL CONSIDER OPTIONS FOR HERITAGE LISTING RYDE CIVIC CENTRE SITE</b>	<b>Anticipated date</b>	<i>Report pending response of Heritage Advisory Committee.</i>
13/08/2013	That Council refer this report to the next meeting of the Heritage Advisory Committee for its comment prior to being reported back to Council.	<b>Officer</b>	
<b>Group</b> Environment and Planning		Meryl Bishop	

## **PRECIS OF CORRESPONDENCE**

### **1 PLANNING PROPOSAL - RYDE CIVIC PRECINCT**

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**Report prepared by:** Executive Assistant to Group Manager  
**File No.:** GRP/09/6/5 - BP13/1164

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#### **CORRESPONDENCE:**

Submitting correspondence sent to the Department of Planning and Infrastructure (DOPI), dated 2 August 2013, regarding Council's response to the request for strategic justification for the planning proposal for the Ryde Civic Precinct.

#### **RECOMMENDATION:**

That the correspondence be received and noted.

#### **ATTACHMENTS**

- 1 Planning proposal to amend Ryde Local Environmental Plan (LEP) 2010, Request to provide further strategic justification of the proposal before a determination is made, Neil McGaffin
- 2 Planning Proposal - Ryde Civic Precinct Letter - Department of Planning and Infrastructure - DoPI - Sam Haddad - Director General

Report Prepared By:

**Sandra Warbrick**  
**Executive Assistant to Group Manager**

Report Approved By:

**Dominic Johnson**  
**Group Manager - Environment & Planning**

**Precis of Correspondence 1 (continued)**

**ATTACHMENT 1**



Contact: Martin Cooper  
Phone: (02) 9228 2097  
Fax: (02) 9228 6244  
Email: Martin.Cooper@planning.nsw.gov.au  
Postal: GPO Box 39, Sydney NSW 2001

Ms Danielle Dickson  
Acting General Manager  
Ryde City Council  
Locked Bag 2069  
NORTH RYDE NSW 1670

Our ref: PP\_2013\_RYDEC\_002\_00 (13/04781)  
Your ref: LEP 2012/15/4

Dear Ms Dickson,

**Planning proposal to amend Ryde Local Environmental Plan (LEP) 2010**

I am writing in response to Council's letter dated 22 February 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone the Ryde Civic Precinct at 1-1A Devlin Street and 150-156 Blaxland Road, Ryde from B4 Mixed Use to SP2 Infrastructure (Community Facility and Public Administration Building), reinstate the maximum height of buildings to RL 91 AHD on part of the subject land and rename the Precinct to Ryde Civic Precinct.

I have considered the planning proposal and request Council to provide further strategic justification for this proposal before a determination is made.

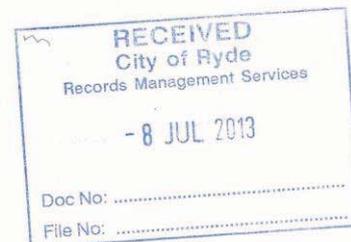
Specifically, Council should provide further justification for the proposal in the context of the strategic directions under the Metropolitan Plan for Sydney to 2036 and draft Metropolitan Strategy for Sydney to 2031 to achieve housing and jobs, close to public transport and services, to meet the needs of the growing population.

Council is also to provide additional information to justify the proposal's inconsistency with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones, given the proposal reduces the ability of the subject land to achieve greater residential and commercial floor space in the Ryde town centre.

You are requested to provide this additional information to the department within 4 weeks of the date of receiving this letter. Should you have any queries in regard to this matter, please contact Martin Cooper of the regional office of the department on 02 9228 2097.

Yours sincerely,

  
Neil McGaffin 2-7.13  
A/Deputy Director General  
Planning Operations and Regional Delivery



**Precis of Correspondence 1 (continued)**

**ATTACHMENT 2**

  
Lifestyle and opportunity @ your doorstep

Mr Sam Haddad  
Director-General  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

2 August 2013

Attention: The Regional Director  
Sydney Region East

Our Ref: LEP 2012/15/4

Dear Mr Haddad,

**Planning Proposal – Ryde Civic Precinct**

The following information is provided to you in response to your letter of the 2 July 2013 requesting further strategic justification for the proposed rezoning of the Ryde Civic Precinct to SP2 Infrastructure (Community Facility and Public Administration Building).

**The City of Ryde Local Planning Study**

- The Ryde Local Planning Study adopted by Council in late 2010 was prepared in response to the actions and directions within the State Government's Metropolitan Strategy and the Inner North Subregional Strategy
- The Study comprises several themes two of which relate to housing and employment
- The Study informed the development of Draft Ryde LEP 2011 and Council's Strategic Plan Ryde 2021.
- The Study provides a detailed response to the Metropolitan Strategy and Draft Inner North Subregional Strategy with respect to:-
  - meeting the future housing and employment capacity targets set by the Draft Inner North Subregional Strategy and
  - The way in which the City of Ryde meets the directions and actions within the Metropolitan Strategy.

A copy of the Housing and Employment Studies can be found on Council's website at [www.ryde.nsw.gov.au/Development/Planning+Controls/Local+Planning+Study](http://www.ryde.nsw.gov.au/Development/Planning+Controls/Local+Planning+Study)

**Housing**

Key objectives of the Metropolitan Strategy with respect to housing relate to ensuring adequate supply of land and sites for residential development and the location of that land near jobs, transport and services

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<p>Civic Centre 1 Devlin Street, Ryde NSW Ryde Planning and Business Centre 1 Pope Street, Ryde (Below Ryde Library)</p>	<p>Post Locked Bag 2069, North Ryde NSW 1670 Email <a href="mailto:cityofryde@ryde.nsw.gov.au">cityofryde@ryde.nsw.gov.au</a> <a href="http://www.ryde.nsw.gov.au">www.ryde.nsw.gov.au</a></p>	<p>Customer Service (02) 9952 8222 TTY (02) 9952 8470 Fax (02) 9952 8070 Translating and Interpreting Service 131 450</p>
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**Precis of Correspondence 1 (continued)**

**ATTACHMENT 2**

City of Ryde  
Planning Proposal – Ryde Civic Precinct  
July 2013  
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Council has demonstrated in its Dwelling Numbers Study (*Appendix D Dwelling Numbers Study* of the Housing Study Report which is attached) that the Draft Inner North Subregional Plan target identified for the City of Ryde of 12 000 dwelling by 2031 can be met and that the location of those dwellings will be principally around major transport nodes.

Detailed information was provided within the Study with respect to approved and potential number of dwellings for the period January 2004 to 2031. The dwelling numbers related to opportunities for further residential development in:-

- Main centres such as Macquarie Park, West Ryde Town Centre,
- Small centres such as Cox's Rd
- Neighbourhood centres
- Residential areas such as Meadowbank
- Affordable Housing SEPP and
- Miscellaneous sites such as Royal Rehabilitation Centre Sydney

The study concluded that a potential additional 15 751 dwellings are able to be provided in Ryde between 2004 and 2031, well in excess of the 12 000 dwelling target set by the Draft Inner North Subregional Plan.

It should be noted that:-

1. The estimated potential dwelling numbers provided in the study have been found to be substantially below the dwelling numbers approved, particularly for those sites approved by the Department under Part 3A.

Examples of this disparity include:

Potential Dwelling Numbers – Housing Study	Potential Number of dwellings estimated in Housing Study	Approvals – Part 3A	Number of dwellings approved	Difference between estimated dwellings and approved
Macquarie University – student housing	2083	Approval 13 August 2009	3450 (request for maximum 5000)	1367
74 – 76 Belmore St	311	Approval 14 November 2012	430	119
110 Herring Rd North Ryde	88	Approval 26 September 2012	464	376
Shepherds Bay	1089	Approval 6 March 2013	2005	916
<b>Total</b>	<b>3571</b>		<b>6349</b>	<b>2778</b>

**Precis of Correspondence 1 (continued)**

**ATTACHMENT 2**

City of Ryde  
Planning Proposal – Ryde Civic Precinct  
July 2013  
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2. A number of approvals by the Department under Part 3A were not included in the total potential dwelling numbers in Council's report as they relate to the redevelopment of Low Density residential land at a density well above anticipated levels (based on the R2 zoning of the land). These approvals include:-

Address	Part 3A Approval	No. of dwellings
5 Whiteside , 14 – 16 David Avenue North Ryde	Not yet determined	142
Allengrove Crescent	23 November 2012	154
<b>Total</b>		<b>296</b>

3. Draft LEP 2011 rezoned a number of areas throughout the City of Ryde from low density residential to mixed use or high density residential. Such changes occurred in areas adjoining West Ryde, Eastwood, Ryde Town Centre and Gladesville and the potential dwelling numbers to be generated as a result of the rezoning were not included in the assessment of potential housing numbers for the City of Ryde.

In respect to potential dwelling numbers that are estimated for Ryde Town Centre the following should be noted:-

- Ryde Local Planning Study – Housing Study estimated that for Precinct 1- Ryde Civic Precinct the development potential under the B4 Mixed Use zoning was between 200 and 400 dwellings.
- Draft Ryde LEP 2011 rezones land from Low Density Residential and Private Recreation to B6 Enterprise Corridor. The changes to zoning and floor space to those areas results in an additional potential 242 dwellings not previously included in Council's estimate of potential dwellings for the Ryde Town Centre.
- Council on the 12 March 2013 resolved to prepare a Planning Proposal to make "housekeeping "changes to draft LEP 2011. One of the proposed changes is to increase the floor space ratio and height to significant areas of Ryde Town Centre from FSR 1.5:1 and 1.8: to 2:1 so enabling additional development within the B4 Mixed Use zone. The number of additional dwellings resulting from this increase in floors space has not yet been calculated.
- Top Ryde City Shopping Centre has recently sought and received approval to convert 11 000sqm of commercial space to 146 dwellings and a S96 application to create a further 18 dwellings has been approved by the JRPP.

From the above it can be seen that the proposed change in zoning of Precinct 1 Ryde Civic Precinct from B4 Mixed Use to SP2 Infrastructure (Community Facility and Public Administration Building) and the resultant loss of potential dwellings from the land has more than be adequately compensated within Ryde Town Centre itself through:-

**Precis of Correspondence 1 (continued)**

**ATTACHMENT 2**

City of Ryde  
Planning Proposal – Ryde Civic Precinct  
July 2013  
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- Changes to the zoning of land under LEP 2011
- Proposed changes to floor space on existing B4 land within Ryde Town Centre
- Approved changes to dwelling numbers at Top Ryde City Shopping Centre.

The current changes under draft Ryde LEP 2011 and the existing capability of the City of Ryde to provide for both housing and employment into the future also corresponds to the aims and objectives of the *Draft Metropolitan Strategy for Sydney to 2031*. As required by the Draft Strategy Ryde in its Housing Study has demonstrated that it has the potential to provide a variety of new housing in areas which are close to shops, transport and other services.

Under the Draft Strategy Ryde is identified as being part of the Central Subregion of which there are 17 Councils. The Draft Strategy states that it is anticipated that between 2011 and 2021 a total of 82 000 new dwellings are to be provided within the Central Subregion. It is considered that based on:-

- Councils Housing Study which includes detailed potential housing numbers,
- Development approvals well in excess of the potential dwelling numbers estimated in the Housing study and
- changes proposed to zoning and floor space under Draft LEP 2011

the City of Ryde will be substantially contributing to achieving the aims of the Draft Strategy with respect to the provision of additional dwellings and that the rezoning of Precinct 1 – Ryde Civic Precinct to SP2 will have no effect on achieving those aims.

**Employment**

The Draft Regional Inner North Sub-region, identifies a capacity target of 21,000 new jobs need to be created within the Ryde by 2031. Ryde Planning Study – Employment Study indicates (Table 20 Forecast Spatial Distribution of Employment in Ryde 2004 – 2034 is attached) that the City of Ryde has the potential for the creation of 28 689 jobs well in excess of the required target number.

The Draft Metropolitan Strategy for Sydney to 2031 also identifies an additional 135 000 jobs to be achieved in the Central Subregion between 2011 and 2021. Macquarie Park is identified as a Specialist Precinct in the Draft Strategy where it is anticipated that the area will provide capacity for at least 16 000 jobs to 2031. Based on this it can be considered that under the Draft Strategy Macquarie Park is anticipated to be the principal area for new employment creation within the City of Ryde.

It should be noted that the proposed change of zoning to Precinct 1 – Ryde Civic Precinct does not in itself limit the number of person able to be employed on the site in Civic or community areas.

**Precis of Correspondence 1 (continued)**

**ATTACHMENT 2**

City of Ryde  
Planning Proposal – Ryde Civic Precinct  
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It should also be noted that the changes in zoning and floor spaces to areas within the Ryde Town Centre and the areas abutting the Centre will result in additional employment opportunities not identified or taken into account in the Local Planning Study – Employment Study as the development capacity at the site remains at 60 000sqm.

**S117 Directions**

With respect to the proposed rezoning of the Ryde Civic Precinct to SP2 Infrastructure (Community Facility and Public Administration Building) and inconsistency with S117 Direction 1.1 Business and Industrial Zones and 3.1 Residential Zones the following is advised:-

1.1 Business and Industrial Zones – The subject land although presently zoned business has for the last 50 plus years been used for community, civic and government purposes. At no time has the land been used for commercial activity. Although the LEP will result in a reduction of the physical areas of land zoned business it does not reduce the existing area used for such purposes.

In accordance with the Direction the total potential floor space area for employment uses (being civic and government) and related public services is not proposed to be changed.

3.1 Residential Zones – the subject land is currently zoned B4 – Mixed use, residential development is permitted in the zone with Council consent. The subject land is however presently used for community, civic and government purposes. The intent of the PP is to amend the zoning of the land to indicate its existing function as the Civic centre of the City of Ryde.

While the PP is inconsistent with this direction to provide a variety and choice of housing types it is considered that the objectives of the direction are still being adequately met within the City of Ryde through other planning measures in LEP 2010 which focus on:-

- Encouraging a variety and choice of housing types
- The efficient use of existing infrastructure and
- Minimising the impact of development on the environment.

**Conclusion**

It is considered that the Planning Proposal to rezone Ryde Civic Precinct SP2 Infrastructure (Community Facility and Public Administration Building) is consistent with the objectives and aims of the Metropolitan Strategy, Draft Metropolitan Strategy for Sydney to 2031 and the draft Subregional Plan and that the inconsistency with S117 Direction 1.1 and 3.1 are justified in that:-

- the rezoning will facilitate the delivery of continued community uses and public administration offices to a growing population
- the rezoning will provide a sense of civic and government identity to a growing population
- the delivery of the required dwellings and jobs in the Ryde Town Centre and the City of Ryde as a whole can still be achieved.

**Precis of Correspondence 1 (continued)**

**ATTACHMENT 2**

City of Ryde  
Planning Proposal – Ryde Civic Precinct  
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Council requests that a Gateway determination under Section 56 of the Environmental Planning and Assessment Act 1979 be issued with respect to the subject Planning Proposal.

For any further information please contact Susan Wotton – Strategic Planner on 9952 8204.

Yours sincerely



Dominic Johnson  
Group Manager – Environment and Planning

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**2 AMENDMENTS TO SECTION 296 OF THE LOCAL GOVERNMENT ACT  
1993 RELATING TO THE CONDUCT OF ELECTIONS**

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**Report prepared by:** Meeting Support Coordinator  
**File No.:** CLM/13/1/4/11 - BP13/1177

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**CORRESPONDENCE:**

Submitting correspondence from the Division of Local Government dated 27 June 2013, regarding recent amendments to Section 296 of the *Local Government Act 1993* relating to the conduct of Council Elections. The changes mainly relate to the ability of Councils to decide up to 18 months prior to an ordinary election to enter into a contract with the NSWEC to conduct all of their elections.

**RECOMMENDATION:**

That the correspondence be received and noted.

**ATTACHMENTS**

- 1 Circular to Councils regarding amendments to Section 296 of the Local Government Act 1993 relating to the Conduct of Elections

Report Prepared By:

**Carol Mikaelian**  
**Meeting Support Coordinator**

Report Approved By:

**Shane Sullivan**  
**Manager - Customer Service and Governance**

**Roy Newsome**  
**Group Manager - Corporate Services**

**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**



**Circular to Councils**

Circular No. 13-28  
Date 27 June 2013  
Doc ID. A333849

Contact Governance Team  
02 4428 4100

**AMENDMENTS TO SECTION 296 OF THE LOCAL GOVERNMENT ACT 1993 RELATING TO THE CONDUCT OF ELECTIONS**

**Purpose**

To inform councils of recent amendments to section 296 of the *Local Government Act 1993* relating to the conduct of council elections

**Issue**

- The Local Government Amendment (Conduct of Elections) Act 2013, which commenced on 25 June 2013, enhances the flexibility of councils to make decisions on the conduct of their elections.
- To address concerns raised by local government and the NSW Electoral Commissioner (NSWEC) on the timing of making a decision on the conduct of elections, amendments have been made to section 296 of the Act. Key changes include:
  - Councils are able to decide up to 18 months prior to an ordinary election to enter into a contract with the NSWEC to conduct all of their elections, referendums and polls and to enter into any such contract up to 15 months before the election.
  - The contract may be terminated by either party at any time following the ordinary election and will expire 18 months prior to the next ordinary election unless terminated earlier.
  - Councils may also enter into a contract with the NSWEC to conduct their individual elections (other than ordinary elections), referendums and polls at any time.
  - In exceptional circumstances the NSWEC may agree to conduct an ordinary election at any time.
  - Councils that have already resolved to engage the NSWEC to conduct a by-election under section 296 within 12 months of the 2012 ordinary election will not be obliged to use the NSWEC to conduct other elections, referendums or polls.

**Action**

General Managers are requested to bring this circular to the attention of councillors and council staff involved in the coordination or management of elections.



**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

**3 UPDATE ON PLANNING WHITE PAPER - Local Government NSW 16  
August 2013**

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**Report prepared by:** Acting General Manager  
**File No.:** GMG/10/1/2 - BP13/1214

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**CORRESPONDENCE:**

Submitting correspondence from Local Government NSW, dated 16 August 2013, regarding Update on Planning White Paper.

**RECOMMENDATION:**

That the correspondence be received and noted.

**ATTACHMENTS**

1 Update on Planning White Paper: from Local Government NSW 16 August 2013

Report Prepared and Approved By:

**Danielle Dickson**  
**Acting General Manager**

**Precis of Correspondence 3 (continued)**

**ATTACHMENT 1**



**Update on Planning White Paper**

We met with the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP on 15 August to discuss key issues with the draft planning legislation.

In a meeting with Minister Hazzard, we took the opportunity to highlight a number of key concerns with the draft planning legislation and to seek assurances that:

- Council powers for local decisions and the community's right to have a say would be maintained for high impact developments;
- Greater certainty and public confidence would be provided by binding strategic plans, and the removal of provisions that allow deviation from strategic plans that have been agreed by communities;
- Environmental and social considerations will be given equal emphasis and effect throughout the Bill alongside economic growth, in line with a balanced triple bottom line approach;
- Councils will have decision making powers on subregional planning boards and will have a say in defining their subregions;
- Mechanisms will be built in to harness the information gathered from grassroots council and community input to feed upwards into higher level regional and subregional plans; and
- The proposal to impose a three year limit on councils holding contributions prior to expenditure would be abandoned.

We again called for the deferral of the draft Bills until these and other details can be addressed and requested the opportunity to continue to work with departmental staff and have further discussions with the Minister prior to the legislation going to Parliament.

We also reiterated that Local Government has always been in support of the review of the NSW planning system and acknowledged the Government's broad consultation to date.



Cr Keith Rhoades AFSM  
**Joint President**



Cr Ray Donald  
**Joint President**

## **NOTICES OF MOTION**

### **1 THE ESTABLISHMENT OF A REGISTER OF LOBBYISTS IN RELATION TO DEVELOPMENT APPLICATIONS - Councillor Jerome Laxale**

**File Number: CLM/13/1/4/6 - BP13/1242**

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#### **MOTION:**

- (a) That the General Manager undertake modelling to establish a register of lobbyists in relation to Development Applications.
- (b) That the register be for people, companies or organisations who conduct lobbying activities on behalf of a third-party client or whose employees conduct lobbying activities on behalf of a third-party client.
- (c) That Council report back with preferred operational models for such a register, looking to schemes similar Government Registers for guidance.

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## **CONFIDENTIAL ITEMS**

### **20 11 BLAXLAND ROAD RYDE PROPERTY (previously Ryde City Bowling Club) - Update**

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#### **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: Confidential Matter for consideration by the Executive team.- Matters covered by clause 10(A) of the Local Government Act may be, by decision of the General Manager, considered in closed session.

**Report prepared by:** Service Unit Manager - Open Space; General Counsel, Public Officer  
**File No.:** GRP/09/5/6/4 - BP13/1204

**CONFIDENTIAL REPORT CIRCULATED SEPARATELY**

### **21 EXPRESSION OF INTEREST - COR-EOI-02/13 - GENERAL REVIEW OF PROCUREMENT AT THE CITY OF RYDE**

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#### **Confidential**

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

**Report prepared by:** Manager - Risk and Audit

**File No.:** COR2012/269/4/1 - BP13/1197

**CONFIDENTIAL REPORT CIRCULATED SEPARATELY**

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## **22 NSROC TENDER 2012/13 - ROAD RESURFACING, PATCHING AND ASSOCIATED WORKS**

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### **Confidential**

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

**Report prepared by:** Section Manager - Infrastructure Programs

**File No.:** GRP/09/3/10 - BP13/1075

**CONFIDENTIAL REPORT CIRCULATED SEPARATELY**

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## **23 SECURITY SERVICES TENDER COR-RFT-20/12**

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### **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).

**Report prepared by:** Manager - Risk and Audit

**File No.:** COR2012/269/4/1 - BP13/1198

**CONFIDENTIAL REPORT CIRCULATED SEPARATELY**

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## **24 OUTCOMES OF INDEPENDENT INVESTIGATION INTO PARKING FINES**

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### **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); AND (b) discussion in relation to the personal hardship of a resident or ratepayer.

**Report prepared by:** Acting General Manager

**File No.:** COR2012/269/4/1 - BP13/1128

**CONFIDENTIAL REPORT CIRCULATED SEPARATELY**