

Meeting Date: Tuesday 22 August 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

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

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Council Meeting held on 25 July 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/1/2 - BP17/827

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 6/17, held on 25 July 2017 be confirmed.

ATTACHMENTS

- 1 MINUTES - Ordinary Council Meeting - 25 July 2017**

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 6/17**

Meeting Date: Tuesday 25 July 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.06pm

Councillors Present: The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio, Perram, Simon, Stott and Yedelian OAM.

Apologies: Councillors Pendleton and Salvestro-Martin

Note: Councillor Maggio left the meeting at 7.34pm and did not return. He was not present for consideration or voting on Items 4, 1, 2, 2(4), 3, 3(1), 3(2), 3(3), 3(4), 3(5), 5, Precis of Correspondence 1 and Confidential Items 6, 7 and 8.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Asset Systems, Acting Manager – Business Infrastructure, Senior Coordinator – Community Engagement, Temporary Digital Communications Coordinator, Senior Coordinator – Governance and Administration Officer – Councillor Support.

PRAYER

Pastor Lynton Taylor of the River City Church, Meadowbank was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

Councillor Li tabled a petition signed by numerous residents objecting to the Planning Proposal for 2-6 Chatham Road, West Ryde.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person then addressed the Council:-

Name	Topic
Penny Pedersen	NOTICE OF MOTION 1 – Twin Road Fire Station

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That the speaker who submitted a Request to Address Council on Items Listed on the Agenda after the midday deadline be allowed to address the meeting, the time being 7.17pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person then addressed the Council:-

Name	Topic
Melanie Marcellino	ITEM 4 – Acquisition of Private Land – Request from Adjoining Owner

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the speaker who submitted a Request to Address Council on Items Not Listed on the Agenda after the midday deadline be allowed to address the meeting, the time being 7.21pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Maurice Rodrigues	<ol style="list-style-type: none">1. Potholes on the corner turning into Winbourne Street East. Repairs last for about one week – this is dangerous.2. There are traffic control buffers placed on Winbourne Street in front of the school. Driving over 15km is dangerous. There is no florescent lighting at night and as such they cannot be seen.

ITEM 1 (continued)

ATTACHMENT 1

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council now consider the following Items, the time being 7.24pm:-

- Notice of Motion 1 – Twin Road Fire Station.
- Item 4 – Acquisition of Private Land – Request from Adjoining Owner.

Record of the Voting:

For the Motion: Unanimous

NOTICE OF MOTION

1 TWIN ROAD FIRE STATION – Councillor Roy Maggio

Note: Penny Pedersen addressed the Meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council write to the Deputy Commissioner Fire & Rescue NSW – Jim Hamilton seeking the following:-

- (a) Confirmation that the Twin Road East Ryde site has been selected for the new relocated Ryde Fire Station.
- (b) That the General Manager facilitate a consultation with Fire & Rescue NSW, Ryde East Public School P&C, Macquarie Hospital, New Horizons Aged Care, Transport for NSW and any interested Councillors with a particular focus on traffic on Twin Road and the suitability of the site.
- (c) That the consultation should explore a partnership between the school and the Fire Station where students can be provided with organised visits to the station and Fire & Rescue NSW personnel can provide presentations at the school or other similar programs.

Record of the Voting:

For the Motion: Unanimous

COUNCIL REPORT

4 ACQUISITION OF PRIVATE LAND - REQUEST FROM ADJOINING OWNER

Note: Councillor Maggio left the meeting at 7.34pm and did not return. He was not present for consideration or voting on this Item.

ITEM 1 (continued)

ATTACHMENT 1

Note: Melanie Marcellino addressed the Meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That consideration of this matter be deferred to the next Council Meeting to be held on 22 August 2017.
- (b) That a Memorandum be circulated to all Councillors outlining further information prior to the Council Meeting in August 2017.

Record of the Voting:

For the Motion: Unanimous

ISSUES RAISED BY SPEAKER REGARDING WINBOURNE STREET

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

RESOLUTION: (Moved by The Mayor, Councillor Pickering and Councillor Stott)

That Council contact the resident who spoke at the Council Meeting this evening, in relation to matters concerning Winbourne Street and provide a report back to Council on possible actions that could be taken to address these issues.

Record of the Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 27 June 2017

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That the Minutes of the Council Meeting 5/17, held on 27 June 2017 be confirmed.

Record of the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

**2 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/17
held on 18 July 2017**

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

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That Council determine Item 4 of the Works and Community Committee report 5/17, held on 18 July 2017 noting that Items 1, 2, 3 and 5 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

**4 SMALL GRANTS PROGRAM - ALLOCATION OF FUNDING JULY
2017**

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

Note: Councillor Li left the meeting at 7.42pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

- (a) That Council endorse the allocation of The City of Ryde **Small Grants Category** as follows:

Organisation	Project Name	Amount
Ryde Hunters Hill Flora and Fauna Preservation Society	5 for Ryde	\$1,000

- (b) That the successful Grant applicant be informed of the outcome of their application.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 7.44pm.

ITEM 1 (continued)

ATTACHMENT 1

**3 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
6/17 held on 18 July 2017**

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

That Council determine all Items 1, 2, 3, 4 and 5 of the Finance and Governance Committee Meeting 6/17, held on 18 July 2017 in accordance with the Finance and Governance Committee Terms of Reference.

Record for the Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 20 June 2017**

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

That the Minutes of the Finance and Governance Committee 5/17, held on 20 June 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 INVESTMENT REPORT AS AT 30 JUNE 2017

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

That Council endorse the Investment Report as at 30 June 2017.

Record of the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

3 REVIEW OF COUNCIL'S RESOURCE PLANS

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

- (a) That Council endorse the revised Draft Resource Strategy, Draft Asset Management Plan, Draft Workforce Plan, Draft Information and Communication Technology Plan and Draft Long Term Financial Plan, which are attached to this report; and
- (b) That Council thank the Chief Financial Officer for his thorough presentation on the review of Council's Resourcing Strategy and associated Resource Plans provided to the Finance and Governance Committee Meeting on 18 July 2017.

Record of the Voting:

For the Motion: Unanimous

4 LOCAL GOVERNMENT ELECTION 2017 - "ELECTORAL MATTER", USE OF COUNCIL RESOURCES, CARETAKER PROVISIONS AND MEETING SCHEDULE

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

- (a) That Council note and endorse the actions detailed in this report relating to the use of Council resources and the publishing of 'Electoral Matter' during the regulated period which commences on 31 July 2017;
- (b) That Council note the caretaker provisions as prescribed in the Local Government (General) Regulation 2005; and
- (c) That Council endorse 22 August 2017 as the last Council meeting prior to the 2017 Local Government Elections, noting that the caretaker provisions commence on 11 August 2017.

Record of the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

5 ADVICE ON COURT ACTIONS

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

That the report of the General Counsel be received.

Record of the Voting:

For the Motion: Unanimous

4 ACQUISITION OF PRIVATE LAND - REQUEST FROM ADJOINING OWNER

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

5 RESULTS OF INTERNAL INVESTIGATION INTO MATTERS RELATING TO COUNCILLOR AND COUNCILS STAFF'S KNOWLEDGE OF COUNCILLOR ETMEKDJIAN'S LEGAL AFFAIRS

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

That Council receive and note this report.

Record of the Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 PARRAMATTA RIVER CATCHMENT GROUP - 'GET THE SITE RIGHT' COMPLIANCE CAMPAIGN - MAY 2017

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

(a) That the correspondence be received and noted.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council acknowledges the considerable efforts of Council's Compliance Officers, in participating in the 'Get the Site Right' campaign.

Record of the Voting:

For the Motion: Unanimous

NOTICE OF MOTION

1 TWIN ROAD FIRE STATION – Councillor Roy Maggio

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

CLOSED SESSION

ITEM 6 - DEFERRED REPORT: PROPERTY MATTER

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ITEM 7 – REQUEST FOR TENDER – TENDER – COR-RFT-14/16 –MORRISON BAY SEAWALL REMEDIAL WORKS

Confidential

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

ITEM 8 – ORGANISATION REVIEW – Minor Realignment to the City of Ryde Organisation Structure

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than councillors).

ITEM 1 (continued)

ATTACHMENT 1

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

RESOLUTION: (Moved by Councillors Stott and Laxale)

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

Record of the Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 7.57pm. The public and media left the chamber.

CONFIDENTIAL COUNCIL REPORT

6 DEFERRED REPORT: PROPERTY MATTER

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

Note: Councillor Yedelian OAM left the meeting at 7.59pm and was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Stott)

- (a) That Council notes that the private treaty negotiations to acquire the subject properties have been unsuccessful.
- (b) That, subject to the plan being made by the Department of Planning and Environment to make the amendments to the Ryde Local Environment Plan 2014, Council compulsorily acquire 86 Blenheim Road (LOT C DP 410408) and 12A-14 Epping Road, North Ryde (LOT D DP 410408 and LOT E DP 410408), with all mineral rights in line with the provisions of the Local Government Act 1993 for open space purposes, to expand Council's existing Blenheim Park.
- (c) That subject to part (b), that Council;
 - i. seek the Approval of the Minister for Local Government and the Governor, for the compulsory acquisition of 86 Blenheim Road and 12A-14 Epping Road, North Ryde (including approval to issue any notice or do anything for such purpose).
 - ii. authorise the General Manager to undertake relevant administrative requirements and execute relevant notices and an offer of compensation in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

ITEM 1 (continued)

ATTACHMENT 1

- iii. publicly notify in accordance with Section 34(1) of the Local Government Act 1993, its proposal to resolve to classify the land described in recommendation (b) above as Community land in accordance with the provisions of Section 31(2) of the Local Government Act 1993.
 - iv. authorise the affixing of Council's Seal if required, to effect the acquisition of the subject properties.
- (d) That Council's final offer for the subject properties to remain open until the next Council Meeting.

Record of the Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 8.04pm.

LATE CONFIDENTIAL COUNCIL REPORTS

7 REQUEST FOR TENDER - TENDER - COR-RFT-14/16 - MORRISON BAY SEAWALL REMEDIAL WORKS

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

RECOMMENDATION: (Moved by Councillors Stott and Perram)

- (a) That Council accept the tender from GPM Constructions Pty Ltd for "Morrison Bay Seawall Remedial Works – Separable Portion 1: Construction of the Morrison Bay Seawall" to the amount of \$1,072,596.00 (excl. GST) as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with GPM Constructions Pty Ltd for Separable Portion 1 on the terms contained within the tender.
- (c) That Council accept the tender from GPM Constructions Pty Ltd for "Morrison Bay Seawall Remedial Works – Supply and Delivery of Sandstone" to the amount of \$614,772.00 (excl. GST) as recommended in the Tender Evaluation Report.
- (d) That Council delegate to the Acting General Manager the authority to enter into a contract with GPM Constructions Pty Ltd for Separable Portion 2 on the terms contained within the tender.
- (e) That Council advise all the respondents of Council's decision.

ITEM 1 (continued)

ATTACHMENT 1

Record of the Voting:

For the Motion: Unanimous

**8 ORGANISATION REVIEW – Minor Realignment to the City of Ryde
Organisation Structure**

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

RECOMMENDATION: (Moved by Councillors Stott and Yedelian OAM)

- (a) That Council determines, pursuant to Section 332 of the Local Government Act 1993, that Council's organisation structure be as recommended in this report, and as presented in Attachment 2, including those impacted positions within the organisation structure that are Senior Staff positions, namely the Acting Deputy General Manager / Director Corporate and Organisational Support Services.
- (b) That the Acting General Manager implement the organisation structure consistent with the consultation undertaken with Council to date and pursuant to Sections 332, 337, 338 and 340 of the Local Government Act.
- (c) That following endorsement of the revised structure by Council, the Acting General Manager implement the refinements to the organisation structure, as detailed in this report, as soon as practicable, having regard to the consultation obligations required by the NSW Local Government (State) Award 2014.

Record of the Voting:

For the Motion: Unanimous

OPEN SESSION

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

RESOLUTION: (Moved by Councillors Stott and Simon)

That Council resolve itself into open Council.

Record of the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

Note: Open Council resumed at 8.13pm.

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

RESOLUTION: (Moved by Councillors Stott and Simon)

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 the Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 8.15pm.

CONFIRMED THIS 22ND DAY OF AUGUST 2017

Chairperson

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 6/17 held on 8 August 2017

Report prepared by: Senior Coordinator - Governance

File No.: CLM/17/1/3/2 - BP17/829

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 6/17 held on 8 August 2017. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Items 1, 3 and 6 were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 2, 4 and 5 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

2 6 LEXCEN PLACE, MARSFIELD. LOT 70 DP 718680. Development Application – Demolition, new residential apartment building comprising 4 x 3 bedroom apartments over a semi-basement parking level for 6 vehicles - under the State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2017/0167

Note: Peter Raptis (objector), Peter Aylett (objector), Gary Pilgrim (objector), Raymond Neal (objector), Joshua Groenestyn (objector) and Raffi Yessaeian (applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 8 August 2017 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Laxale and Pendleton)

- (a) That Local Development Application No. LDA2017/0167 be refused for the following reasons:

Section 79C(1)(a)(i) of the Act The proposal is considered to be inconsistent with Clause 16A 'Character of the Local Area' of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The proposal is unsatisfactory in terms of the following Design Quality Principles Contained within Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*:

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 3: Density

ITEM 2 (continued)

- Principle 5: Landscape
- Principle 6: Amenity
- Principle 8: Housing diversity and social interaction
- Principle 9: Aesthetics

The proposal is unsatisfactory in terms of the following provisions of the *Apartment Design Guide*:

- Part 3D – Communal and Public Open Space
- Part 4C – Floor to Floor Heights
- Part 4D – Apartment Size and Layout
- Part 4H – Acoustic Privacy
- Part 4K – Apartment Mix
- Part 4M – Facades
- Part 4Q – Universal Design

The proposal is unsatisfactory in terms of Development Engineering and Waste Disposal issues regarding the design of the basement carpark, namely:

- drainage disposal (uncertainty as to whether or not a pipe exists within the drainage easement to the rear of the site);
- design of basement car park;
- driveway gradients;
- lack of waste storage areas (both garbage and recycling bins storage areas required).

Section 79C(1)(b) of the Act

The likely impacts of the proposal on the built environment are unsatisfactory due to the proposal introducing a discordant building typology to the street. The resultant impact is a proposal that will unduly impact on the amenity of adjoining property by way of visual and acoustic privacy.

Section 79C(1)(c) of the Act

The significant inconsistencies with the relevant planning controls are considered to be manifestations of the underlying unsuitability of the site for residential use.

Section 79C(1)(e) of the Act

The significant public objection to the proposal, along with unjustifiable non-compliances with the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, and the *Apartment Design Guide* are evidence the proposal is not in the public interest.

ITEM 2 (continued)

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

On being put to the Meeting, Councillors Stott and Yedelian OAM abstained from voting and accordingly their votes were recorded Against the Motion.

Record of Voting:

For the Motion: Councillors Laxale, Maggio and Pendleton

Against the Motion: Councillors Stott and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and Councillor **SALVESTRO-MARTIN** requested that the matter be referred to the next Council Meeting.

**4 SUITE 102 / 25 ANGUS STREET, MEADOWBANK. LOT 174 SP 76502.
Development Application – Conversion of existing commercial space to a
residential apartment and home office. LDA2016/0189**

Note: Ursula Lang and John Ferres (representing JGF Developments – applicant) addressed the meeting in relation to this Item.

Note: Amended Plans from Ursula Lang (representing JGF Developments) were tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That the application be deferred for a mediation meeting with the applicant and the objectors to resolve issues raised in the assessing officers report and specifically to endeavour to improve the amenity of the proposed residential unit.
- (b) That any amended plans or additional information provided by the applicant are renotified.
- (c) That a further report be submitted to Council.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as substantive changes were made to the published recommendation.

ITEM 2 (continued)

**5 PLANNING PROPOSAL - 197-223 HERRING ROAD MACQUARIE PARK -
MACQUARIE SHOPPING CENTRE ADVERTISING SIGN**

Note: Sarah Horsfield (representing AMP Capital – owner) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Pendleton)

That Council does not support the Planning Proposal relating to the sign at 197-223 Herring Road – Macquarie Shopping Centre (LOT 100 DP 1190494).

Record of Voting:

For the Motion: Councillors Laxale, Maggio, Pendleton and Yedelian OAM

Against the Motion: Councillor Stott

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 MINUTES - Planning and Environment Committee Meeting - 8 August 2017**

ITEM 2 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 6/17**

Meeting Date: Tuesday 8 August 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Councillors Present: Councillors Yedelian OAM (Chairperson), Laxale, Maggio, Pendleton and Stott.

Apologies: Nil.

Absent: Councillors Salvestro-Martin and Simon.

Staff Present: Acting General Manager, Acting Director – City Planning and Development, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Manager – Assessment, Acting Manager – City Planning, Senior Coordinator – Development Assessment, Senior Coordinator – Major Development, Senior Coordinator – Development Engineering Services, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Communications, Senior Coordinator – Governance and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 13 June 2017

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the Minutes of the Planning and Environment Committee 5/17, held on 13 June 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 2 (continued)

ATTACHMENT 1

2 6 LEXCEN PLACE, MARSFIELD. LOT 70 DP 718680. Development Application – Demolition, new residential apartment building comprising 4 x 3 bedroom apartments over a semi-basement parking level for 6 vehicles - under the State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2017/0167

Note: Peter Raptis (objector), Peter Aylett (objector), Gary Pilgrim (objector), Raymond Neal (objector), Joshua Groenestyn (objector) and Raffi Yessaeian (applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 8 August 2017 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Laxale and Pendleton)

(a) That Local Development Application No. LDA2017/0167 be refused for the following reasons:

Section 79C(1)(a)(i) of the Act The proposal is considered to be inconsistent with Clause 16A 'Character of the Local Area' of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The proposal is unsatisfactory in terms of the following Design Quality Principles Contained within Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*:

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 3: Density
- Principle 5: Landscape
- Principle 6: Amenity
- Principle 8: Housing diversity and social interaction
- Principle 9: Aesthetics

The proposal is unsatisfactory in terms of the following provisions of the *Apartment Design Guide*:

- Part 3D – Communal and Public Open Space
- Part 4C – Floor to Floor Heights
- Part 4D – Apartment Size and Layout
- Part 4H – Acoustic Privacy
- Part 4K – Apartment Mix
- Part 4M – Facades
- Part 4Q – Universal Design

ITEM 2 (continued)

ATTACHMENT 1

The proposal is unsatisfactory in terms of Development Engineering and Waste Disposal issues regarding the design of the basement carpark, namely:

- drainage disposal (uncertainty as to whether or not a pipe exists within the drainage easement to the rear of the site);
- design of basement car park;
- driveway gradients;
- lack of waste storage areas (both garbage and recycling bins storage areas required).

Section 79C(1)(b) of the Act The likely impacts of the proposal on the built environment are unsatisfactory due to the proposal introducing a discordant building typology to the street. The resultant impact is a proposal that will unduly impact on the amenity of adjoining property by way of visual and acoustic privacy.

Section 79C(1)(c) of the Act The significant inconsistencies with the relevant planning controls are considered to be manifestations of the underlying unsuitability of the site for residential use.

Section 79C(1)(e) of the Act The significant public objection to the proposal, along with unjustifiable non-compliances with the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, and the *Apartment Design Guide* are evidence the proposal is not in the public interest.

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

On being put to the Meeting, Councillors Stott and Yedelian OAM abstained from voting and accordingly their votes were recorded Against the Motion.

Record of Voting:

For the Motion: Councillors Laxale, Maggio and Pendleton

Against the Motion: Councillors Stott and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and Councillor **SALVESTRO-MARTIN** requested that the matter be referred to the next Council Meeting.

ITEM 2 (continued)

ATTACHMENT 1

- 3 10 MONASH ROAD, GLADESVILLE. LOT 35A DP 401201, LOT 35B DP 401201. Local Development Application for demolition, new part 3 / part 4 storey mixed use development containing one commercial tenancy and 21 residential apartments over two levels of basement car parking containing 37 spaces. LDA2016/0624**

Note: Jeremy Quek and Russell Olsson (representing HWR Pty Ltd – applicant) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Laxale)

- (a) That Local Development Application No. LDA2016/0624 being LOTS 35A and 35B, DP 401201 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

- 4 SUITE 102 / 25 ANGUS STREET, MEADOWBANK. LOT 174 SP 76502. Development Application – Conversion of existing commercial space to a residential apartment and home office. LDA2016/0189**

Note: Ursula Lang and John Ferres (representing JGF Developments – applicant) addressed the meeting in relation to this Item.

Note: Amended Plans from Ursula Lang (representing JGF Developments) were tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That the application be deferred for a mediation meeting with the applicant and the objectors to resolve issues raised in the assessing officers report and specifically to endeavour to improve the amenity of the proposed residential unit.
- (b) That any amended plans or additional information provided by the applicant are renotified.
- (c) That a further report be submitted to Council.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as substantive changes were made to the published recommendation.

5 PLANNING PROPOSAL - 197-223 HERRING ROAD MACQUARIE PARK - MACQUARIE SHOPPING CENTRE ADVERTISING SIGN

Note: Sarah Horsfield (representing AMP Capital – owner) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Pendleton)

That Council does not support the Planning Proposal relating to the sign at 197-223 Herring Road – Macquarie Shopping Centre (LOT 100 DP 1190494).

Record of Voting:

For the Motion: Councillors Laxale, Maggio, Pendleton and Yedelian OAM

Against the Motion: Councillor Stott

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** as dissenting votes were recorded and substantive changes were made to the published recommendation.

6 PLANNING PROPOSAL - 3-5 VINCENTIA STREET, MARSFIELD

RESOLUTION: (Moved by Councillors Laxale and Maggio)

- (a) That Council submit the Planning Proposal relating to part of 3-5 Vincentia Street, Marsfield (Part LOT 3 DP 707390) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.
- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.

ITEM 2 (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.

The meeting closed at 6.15pm.

CONFIRMED THIS 10TH DAY OF OCTOBER 2017.

Chairperson

3 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 6/17 held on 8 August 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/4/2 - BP17/830

REPORT SUMMARY

Attached are the Minutes of the Ryde Central Committee Meeting 6/17 held on 8 August 2017. The Minutes will be listed for confirmation at the next Ryde Central Committee Meeting.

The following Committee recommendations for all Items 1 and 2 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:

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 13 June 2017

RECOMMENDATION: (Moved by Councillors Laxale and Yedelian OAM)

That the Minutes of the Ryde Civic Hub Committee 5/17, held on 13 June 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

2 STATUS REPORT 20 - JULY 2017

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Laxale)

That the Committee receives and notes the content of this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS

1 MINUTES - Ryde Central Committee Meeting - 8 August 2017

ITEM 3 (continued)

ATTACHMENT 1

**Ryde Central Committee
MINUTES OF MEETING NO. 6/17**

Meeting Date: Tuesday 8 August 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.17pm

Councillors Present: Councillors Stott (Chairperson), Laxale, Perram and Yedelian OAM.

Apologies: Councillor Pendleton.

Absent: Councillors Maggio, Salvestro-Martin and Simon.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Executive Officer – Ryde Central, Senior Coordinator – Communications, Senior Coordinator – Governance and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 13 June 2017

RECOMMENDATION: (Moved by Councillors Laxale and Yedelian OAM)

That the Minutes of the Ryde Civic Hub Committee 5/17, held on 13 June 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 3 (continued)

ATTACHMENT 1

2 STATUS REPORT 20 - JULY 2017

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Laxale)

That the Committee receives and notes the content of this report.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 AUGUST 2017** in accordance with the Ryde Central Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 6.19pm.

CONFIRMED THIS 10TH DAY OF OCTOBER 2017.

Chairperson

**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 6/17
held on 15 August 2017**

Report prepared by: Senior Coordinator - Governance

File No.: CLM/17/1/2/2 - BP17/831

REPORT SUMMARY

The Minutes of the Works and Community Committee Meeting 6/17 held on 15 August 2017 are to be circulated on Thursday, 17 August 2017 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

A report detailing Items which were dealt with by the Committee within its delegated powers, together with any Committee recommendations will be circulated at the same time as the Minutes on Thursday, 17 August 2017.

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
7/17 held on 15 August 2017**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/5/2 - BP17/832

REPORT SUMMARY

The Minutes of the Finance and Governance Committee Meeting 7/17 held on 15 August 2017 are to be circulated on Thursday, 17 August 2017 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

In accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees, a report detailing the Committee recommendations will be circulated at the same time as the Minutes on Thursday, 17 August 2017.

6 DRAFT 2016/17 FINANCIAL STATEMENTS

Report prepared by: Team Leader - Financial Accounting
File No.: CSG/17/1/6/1 - BP17/821

REPORT SUMMARY

This report is submitted to Council for its endorsement and referral of the Draft 2016/2017 Financial Statements to Council's auditors, the Audit Office, via PriceWaterhouseCoopers (PwC).

The Auditor-General (Audit Office) is responsible for ensuring the audit is performed in accordance with Australian Auditing Standards and the Local Government Act 1993 (LG Act).

The Auditor-General has engaged PwC to provide audit and/or assurance services on this engagement. However, the Auditor-General remains responsible for the audits, their performance and for issuing the Independent Auditor's Reports. The Audit Office will oversee PwC's planning and execution of the audits. The level of Audit Office involvement will vary depending on the size, nature, complexity and risk of the audit

The report details the process for Council to adopt its 2016/2017 Financial Statements that includes advertising the 2016/17 Financial Statements and being placed on public exhibition for public comment, once Council receives the Auditor's report.

It is proposed that at its meeting on 24 October 2017, Council will receive a presentation from Council's Auditor, on the audited Financial Statements for 2016/2017, prior to consideration of their adoption.

Income Statement – Net Operating Result

Council's overall result for 2016/2017 is positive with a Net Operating Result (Surplus) for the year of \$40.0 million. This represents a \$38.1 million improvement on the Original Budget. This improved result is largely driven by:

1. Restricted Income	\$21.2 million
2. Restricted Expenditure	\$ 2.0 million
3. Unrestricted Income	\$ 6.3 million
4. Unrestricted Expenditure	\$ 5.7 million
5. Fair Value Increment	\$ 2.3 million

As evidenced by the dissection above, a large proportion (56%) of the operating surplus is attributed to income that is restricted. The \$21.2 million is exclusively attributed to Capital Grants and Contributions (including Developer Contributions) which must be used (restricted) for the purposes for which they were granted/collected.

ITEM 6 (continued)

Council's overall result for 2016/2017 is positive with a Net Operating Result (Surplus) for the year of \$40.0 million. This result is a \$38.1 million improvement on the Original Budget. The table below highlights the major contributors to this improved result.

Restricted Income:		
Developer Contributions – Section 94	\$15.2 million	
Grants & Other Contributions	\$ 2.1 million	
Voluntary Planning Agreements	\$ 2.0 million	
Domestic Waste	\$ 0.9 million	
Interest on Investments (Section 94)	\$ 0.7 million	
Ryde Aquatic Leisure Centre	\$ 0.3 million	\$21.2 million
Restricted Expenditure:		
Domestic Waste	\$ 2.0 million	\$ 2.0 million
Unrestricted Income:		
Development related Income	\$1.7 million	
Finance Assistance Grant (Prepayment)	\$1.6 million	
Interest on Investments (General Rev)	\$0.9 million	
Building & Land Use Enforcement	\$0.8 million	
Macquarie Park Parking Scheme	\$0.5 million	
Rates (Growth)	\$0.3 million	
Commercial Waste Income	\$0.2 million	
Fire and Emergency Services	\$0.1 million	
Shop Ryder Community Bus Project	\$0.1 million	
Long Service Leave Contribution	\$0.1 million	\$ 6.3 million
Unrestricted Expenditure:		
Salaries and Wages (incl Agency Fees)	\$1.6 million	
Depreciation	\$0.8 million	
Utilities - Power	\$0.7 million	
Street Lighting Charges	\$0.7 million	
Insurance Premiums	\$0.4 million	
IT Licenses and Maintenance	\$0.4 million	
Interest on Security Deposits	\$0.3 million	
External Plant Hire	\$0.3 million	
Utilities - Water	\$0.2 million	
Telecommunications	\$0.2 million	
Fire Control Contribution	\$0.1 million	\$ 5.7 million
One Off Item : Fair Value Increment		\$2.3 million
Other Variations		\$0.6 million
Operating Result – Improved Surplus		\$38.1 million

ITEM 6 (continued)

Working Capital Result

Whilst the Net Operating Result is important, it is worth noting that it does not present a complete picture in itself. For example, the Net Operating Result (derived from the Income Statement) does not reflect any capital expenditure. All capital expenditure is directly charged to the Balance Sheet (as an 'asset').

Council allocates a budget for both operating and capital income and expenditure. By calculating the Working Capital Result we gain a greater understanding of our financial position and performance. In essence, Working Capital is a mix of Income Statement and Balance Sheet items.

Council's opening Working Capital balance as at 1 July 2016 was \$4.52 million. The closing Working Capital balance as at 30 June 2017 was \$ 8.80 million, an improvement of \$4.28 million. The major reasons for the Working Capital improvement relates to expenditure savings in salaries and wages, utilities such as electricity and water, IT and telecommunications expenditure, as well as additional income generated from development related activities and interest on investments.

It is recommended that \$4.00 million of the \$8.80 million available Working Capital be transferred to the Investment Property Reserve to assist in the funding of Council's adopted Property Strategy. This will leave an uncommitted Working Capital balance of \$4.80 million, noting that Council has in place a policy of having a minimum uncommitted Working Capital level of \$4.00 million.

Balance Sheet

Council's Total Equity now stands at \$2.58 Billion. The majority of this Equity relates to the value of our Infrastructure, Property, Plant and Equipment (\$2.26 Billion).

Council has had preliminary discussions with its external Auditors (the Audit Office and PwC) with respect to the valuation of Community Land. Those discussions are ongoing, however, it would appear as though Council's Community Land is overvalued, from the Auditor General's perspective. Community Land includes parks, reserves and land under which Council facilities are located.

Any downward revaluation of Community Land will be first charged against Council's 'Revaluation Reserves' in the Balance Sheet. In the event there are insufficient Revaluation Reserve funds available to accommodate the reduced Community Land valuation, an adjustment to Council's Retained Earnings (Equity) will need to be made. This adjustment will have the effect of reducing Council's Net Assets and therefore, Equity. It should be noted, however, that Community Land values are accounting entries that do not affect Council's overall financial performance, financial indicators or Working Capital.

ITEM 6 (continued)

Council's Internal Audit and Risk Committee were presented with a draft set of Financial Statements on 31 July 2017. The independent members of the Committee have been presented with an overview of the Draft 2016/17 Financial Statements and have kindly provided their expert audit input and guidance on all matters relating to the draft Financial Statements.

As the external audit progresses, Councillors will be informed of any material adjustments (including Community Land values) that are brought to Council's staff attention by the Audit Office or PwC.

RECOMMENDATION:

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2016/2017 financial year ending 30 June 2017 and has formed an opinion, based on the advice of Council officers, that these reports:
 - i. Have been prepared in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made thereunder
 - The Australian Accounting Standards and professional pronouncements
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - ii. Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2017.
 - iii. Accords with Council's accounting and other records and policies.
- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2017 be referred for audit.

ITEM 6 (continued)

- (e) That under delegated authority and with endorsement from the Audit and Risk Committee, the Mayor, Deputy Mayor, Acting General Manager and the Responsible Accounting Officer resign the Statement for lodgement to the audit team following the Councillor elections.
- (f) That Tuesday, 24 October 2017 be fixed as the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2017 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (g) That \$4 million be transferred to the Investment Property Reserve.

ATTACHMENTS

- 1 2016-2017 Draft Financial Statements - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Christine Joyce
Team Leader - Financial Accounting

Report Approved By:

Steven Kludass
Acting Director - Corporate and Organisational Support Services

ITEM 6 (continued)

Discussion

Background

As prescribed under Section 413 of the Local Government Act 1993 Council is required to consider and resolve to refer the 2016/2017 Draft Financial Statements for audit as soon as practicable after the end of the year.

Following this resolution, Council will await the receipt of the auditor's report, which is anticipated to be received on 28 September 2017, and the Financial Statements will then be submitted to the Office of Local Government.

Advertising and public exhibition of both the audited Financial Statements and auditor's report, inviting members of the public to make comment, will commence in early October 2017.

The proposed date of the Council meeting to adopt the 2016/2017 Financial Statements is 24 October 2017. Council's auditors and members of the Audit and Risk Committee will be present at that meeting to answer any questions on the Financial Statements and auditor's report. The auditors will also make a presentation on Council's financial performance for the year.

Report

Council's Draft Financial Statements for 2016/2017 have been prepared and are provided to Council (**ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**).

The Draft 2016/2017 Financial Statements are attached to this report and have been prepared in accordance with the format required by the Local Government Act 1993, the Code of Accounting Practice issued by the Office of Local Government and the Australian Equivalents to the International Financial Reporting Standards (AIFRS).

These Draft Financial Statements are required to be audited in accordance with Sections 415, 416 and 417 of the Local Government Act.

The Draft Financial Statements have been forwarded to Council's external auditor and Council expects the audit team to commence its audit by 21 August and complete the audit by early-mid September 2017.

It should be noted there may be minor or slight variances to the complete circulated document once checking is fully completed.

The Draft Financial Statements also include Draft Special Purpose Financial Statements. These relate to the following designated business activities of Council:

- Ryde Aquatic Leisure Centre
- Commercial Waste Removal

ITEM 6 (continued)

Amendments to the Code of Accounting Practice and new Accounting Standards

There have been minor amendments to the Code of Accounting Practice published by the Office of Local Government for 2016/2017 and these have been incorporated into the Draft Financial Statements.

New standards adopted during the 2016/2017 year included the adoption of amendments to AASB124 Related Party Disclosures which removed the exemption for not-for-profit sector entities. Subsequently, Council is now required to comply with the standard which forms Note 28 in the financial statements. The impact of this standard will be on disclosure only – there is no impact on Council's reported financial position or performance.

The adoption of AASB 2014-3 Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 and AASB 11] has had no impact for the City of Ryde.

Certain new (or amended) accounting standards and interpretations have been published that are not mandatory for reporting period ending 30 June 2017 and Council has not adopted any of these standards early.

Note 1 of the Draft Financial Statements provides detailed commentary on the future effect of changes to Accounting Standards.

Annual Financial Statement's Process

The process that Council must follow in the production, audit, adoption and the advertising of the Financial Statements is prescribed in detail in Section 413 - 420 of the Local Government Act 1993. The following timetable will allow these processes to be satisfied and for the Financial Statements to be adopted by Council;

22 August 2017	2016/2017 Draft Financial Statements presented to Council to refer the Draft Financial Statements to Audit.
26 September 2017	Financial reports reapproved for lodgement to the OLG/ public exhibition and Statement by Councillors and Management resigned.
28 September 2017	Auditor's report anticipated to be received by Council and Financial Statements submitted to the Office of Local Government.
11 October 2017	Public advertising notifying that the Financial Statements are available for inspection at the Civic Centre, Libraries and Council's Website until 31 October 2017. The advertisement also advises that the Financial Statements will be formally presented to Council on 24 October 2017 and submissions will be received until 31 October 2017.

ITEM 6 (continued)

- 24 October 2017 Audit & Risk Committee meet to discuss the final financial statements prior to the Council meeting, plus discuss them with the external auditor without staff present.
- 24 October 2017 Ordinary Council meeting – Presentation of Council's audited Financial Statements and auditor's report to Council.
- 31 October 2017 Closing date for public submissions on the Financial Statements. All submissions received will be referred to Council's auditor for consideration (Section 420(3)). Council may take such action as it considers appropriate with respect to any submissions received.

A full report on Council's financial position will be provided to Council at its meeting on 24 October 2017 and it is proposed that Council's auditors (PwC and/or the Audit Office) make a presentation at that meeting on Council's financial performance for the year. Council's auditors and an independent member of the Audit and Risk Committee will be present at that meeting to answer any questions on the Financial Statements and auditors' report.

Financial Performance

While the Annual Financial Statements are still subject to audit, the following is a summary of the City of Ryde's financial results which demonstrate Council's sound financial position.

Financial Results	2014 000's	2015 000's	2016 000's	2017 (1) 000's
Operating Result	\$15,571	\$41,003	\$79,084	\$40,021
Operating Result Before Capital	\$1,342	\$10,044	\$35,506	\$14,601
Total Cash & Investments	\$105,958	\$137,752	\$178,043	\$186,452
Internal Reserves	\$55,800	\$73,214	\$82,913	\$79,396
Working Capital	\$4,310	\$4,963	\$4,517	\$8,797
Assets under Management	\$2.57B	\$2.54B	\$2.51B	\$2.58B

(1) Subject to audit confirmation

ITEM 6 (continued)

Performance Indicators

The following key performance indicators provide further information on Council's financial performance:

Note 13 Performance Indicators	2014	2015	2016	2017 (1)
Operating performance (benchmark > 0%)	1.15%	8.53%	8.13%	11.24%
Own source operating revenue (benchmark > 60%)	82.04%	71.44%	67.03%	75.94%
Unrestricted current ratio (benchmark > 1.5 times)	3.59	5.03	4.29	3.42
Debt service cover ratio (benchmark > 2 times)	27.26	20.86	11.93	28.4
Rates & annual charges outstanding (benchmark < 5%)	3.65%	3.84%	3.59%	3.62%
Cash expense cover ratio (benchmark > 3 months)	13.46	15.68	15.72	16.12

(1) Subject to audit confirmation

The indicators above reflect both strong financial performance and a strong financial position for the City of Ryde. All financial indicators comfortably exceed industry benchmark figures.

Net Operating Result

Council's overall result for 2016/2017 is positive with a Net Operating Result (surplus) for the year of \$40 million. This result is a \$38.1 million improvement on the Original Budget. The table below highlights the major contributors to this improved result.

Restricted Income:		
Developer Contributions – Section 94	\$15.2 million	
Grants & Other Contributions	\$ 2.1 million	
Voluntary Planning Agreements	\$ 2.0 million	
Domestic Waste	\$ 0.9 million	
Interest on Investments (Section 94)	\$ 0.7 million	
Ryde Aquatic Leisure Centre	\$ 0.3 million	\$21.2 million
Restricted Expenditure:		
Domestic Waste	\$ 2.0 million	\$ 2.0 million
Unrestricted Income:		
Development related Income	\$1.7 million	
Finance Assistance Grant (Prepayment)	\$1.6 million	
Interest on Investments (General Rev)	\$0.9 million	

ITEM 6 (continued)

Unrestricted Income (continued):		
Building & Land Use Enforcement	\$0.8 million	
Macquarie Park Parking Scheme	\$0.5 million	
Rates (Growth)	\$0.3 million	
Commercial Waste Income	\$0.2 million	
Fire and Emergency Services	\$0.1 million	
Shop Ryder Community Bus Project	\$0.1 million	
Long Service Leave Contribution	\$0.1 million	\$ 6.3 million
Unrestricted Expenditure:		
Salaries and Wages (incl Agency Fees)	\$1.6 million	
Depreciation	\$0.8 million	
Utilities - Power	\$0.7 million	
Street Lighting Charges	\$0.7 million	
Insurance Premiums	\$0.4 million	
IT Licenses and Maintenance	\$0.4 million	
Interest on Security Deposits	\$0.3 million	
External Plant Hire	\$0.3 million	
Utilities - Water	\$0.2 million	
Telecommunications	\$0.2 million	
Fire Control Contribution	\$0.1 million	\$ 5.7 million
One Off Item : Fair Value Increment		\$2.3 million
Other Minor Variations		\$0.6 million
Operating Result – Improved Surplus		\$38.1 million

Commentary on Income Statement Major Variances

The overall Operating Result of \$40 million is \$38.1 million higher than the Original Budget. It should be noted that the Original Budget was adjusted in September, December and March quarterly reviews where major variances were progressively reported to Council.

Of the \$12.0 million in ‘unrestricted’ income and expenditure variations, \$6.32 million has already been reported to Council via quarterly budget review reports to Council. A further \$1.6 million Financial Assistance Grant for 2017/18 was actually received (as a prepayment) in June 2017, rendering it impossible to be able to report to Council until now.

This essentially leaves approximately \$4 million of ‘unrestricted’ income and expenditure variations (2.7% of Council’s total 2016/17 Budget) that have not previously been reported to Council. The framing of more realistic ‘Original Budgets’ needs to be a keen focus of Council, moving forward.

The following is a summary of the Income Statement items contributing to the \$38.1 million improved result:

ITEM 6 (continued)

1. Capital Grants and Contributions - \$19 million (exceeded income estimates)

In developing the 2016/17 annual budget, Council only budgeted for known Grants and Contributions towards capital works. Section 94 Contributions were not budgeted for on the basis that the level of contributions varied greatly year on year. For example, in the year's 2011/12 to 2014/15, Council averaged \$1.5 million per year in Section 94 Contributions. This amount ballooned to over \$38 million in 2015/16. In 2016/17 the total amount of Section 94 and VPA contributions received amounted to over \$17 million.

While this income has a significant impact on the overall operating result, these funds are restricted and cannot be used for Council's ordinary operations, nor does it impact on Council's available Working Capital.

2. Operating Grants and Contributions - \$2.1 million (exceeded income estimates)

The primary reason for this variation to budget was the prepayment of the 2017/18 Financial Assistance Grant Council received in June 2017. The prepayment of \$1.63 million represents 50% of the 2017/18 Financial Assistance Grant to be allocated to Council (ie \$3.26 million).

3. User Charges and Fees - \$3.4 million (exceeded income estimates)

The additional income received predominantly relates to development related activities and environmental enforcement levies that, when combined, amount to \$2.5 million.

The original budgets for this type of income were conservative as they rely on the levels of development activity throughout the local government area which, in turn, remained high throughout the course of the year. This level of activity in the City of Ryde is projected to continue during 2017/18.

Other Council services that generated income beyond Council's budgeted expectations include Macquarie Park Parking Scheme (\$0.5 million), Commercial Waste (\$0.2 million) and the Ryde Aquatic Leisure Centre (\$0.3 million).

4. Fair Value Increment - Investment Properties - \$2.3 million (not budgeted)

Recognition in the Income Statement of increases in the value of investment properties is required by AASB140(75). These valuations are reviewed annually by a member of the Australian Property Institute and movements in value are recognised as 'Other Revenues'.

As with Capital Grants and Contributions, this revenue does not affect Council's ordinary operations, nor does it impact on available Working Capital.

ITEM 6 (continued)

5. Interest on Investments - \$1.5 million (exceeded income estimates)

Overall, Council's interest rate earnings decreased slightly during the 2016/17 financial year. However, the pool of funds available for investment (which included higher than anticipated Section 94 contributions) has resulted in substantially more interest income being earned than was originally estimated.

It should be noted that, as with point 4 above, a proportion of this income is related to interest earned on Section 94 funds and is therefore restricted in External Reserves which cannot be applied to Council's normal operations.

6. Other Expenses – \$4.9 million (expenditure savings)

Other expenses were under budget due to savings against many of the items in this expenditure category. The most significant being Utilities – Electricity and Water (\$1 million), Street Lighting (\$0.7 million), Waste Development Tax (\$0.5 million), Insurance Premiums (\$0.4 million) and IT licenses and Maintenance (\$0.4 million).

In addition, savings on the Domestic Waste Service contract yielded savings of in excess of \$1 million on the Original 2016/17 Budget.

Many of these 'Other Expense' expenditure items will be the subject of a rigorous review as part of the upcoming 2017/18 September Quarterly Budget Review to ensure the budget accurately reflects actual historical results as well as a more conservative (but realistic) expenditure forecast looking forward.

7. Employee Related Expenses - \$1.7 million (expenditure savings)

Staff vacancies, turnover rates and staff occupying 'acting' positions resulted in an under-expenditure of \$1.7 million in employee costs for 2016/17. The variation of \$1.7 million equates to an under-expenditure of 3.8% (total employee costs is \$44 million).

Working Capital

Working Capital is one of Council's key financial indicators. Council's current policy is to retain \$4.00 million in uncommitted Working Capital to assist with unforeseen events.

As indicated above, not all budget variations relate to Council's general revenue and therefore do not impact on the level of available Working Capital. The unadjusted result for 2016/17 was that the Working Capital balance at 30 June 2017 was \$8.80 million. When the minimum Working Capital balance of \$4.00 million is deducted, a balance of \$4.80 million remains. It is recommended that the additional balance be utilised as follows:

ITEM 6 (continued)

- Investment Property Reserve - \$4.00 million
- Uncommitted Working Capital - \$0.80 million

The transfers to reserves as outlined above will result in an available Working Capital balance of \$4.80 million which is considered sufficient.

Assets under Management

In 2016/17, Council delivered a \$45.14 million Capital Works Program, with major expenditure occurring in the following Programs:

Program	2016/17 Actuals (\$,000)
Catchment program	9,005
Centres and Neighbourhood program	3,305
Community and Cultural program	202
Environmental program	29
Foreshore program	309
Internal Corporate Services program	6,801
Library program	610
Open Space, Sport & Recreation program	9,156
Paths and Cycleways program	1,944
Property Portfolio program	698
Roads program	9,867
Strategic City program	5
Traffic & Transport program	2,664
Waste and Recycling program	547
TOTAL	\$45,142

Consultation

Internal Council business units consulted included:

- Finance Unit
- All Service Units, particularly the Asset Systems Team with respect to Council's assets and the condition assessment of all infrastructure

City of Ryde Advisory Committees consulted included:

- Internal Audit & Risk Committee

External public consultation included:

- Council's auditors, PriceWaterhouseCoopers (PwC) and the Audit Office
- Office of Local Government

ITEM 6 (continued)

Critical Dates

Council's audited Financial Statements (including General and Special Purpose Financial Statements) are required to be prepared and audited within four (4) months after the end of that year, i.e. 31 October 2017.

In accordance with Section 418(2) of the Local Government Act 1993, Council must also fix the date for the meeting to present the audited Financial Statements and this meeting must be at least seven days after the date on which the notice is given, but not more than five weeks after the auditor's reports are given to Council.

The timetable outlined above will ensure Council complies with all the legislative requirements in the preparation and presentation of the Financial Statements.

Financial Implications

It should be noted that the Financial Statements included in this report are still subject to audit.

The only issue that is currently being reviewed is the value of Council's Community Land which may need to be reassessed to reflect the limitations of those lands. This issue is still under consideration by Council's auditors and the result (being an accounting entry) will only affect Council's Balance Sheet and Equity Statement.

The Working Capital result, which is one of Council's key financial indicators, is projected to be \$8.80 million as at the 30 June 2017.

It is recommended that \$4.00 million be transferred to the Investment Property Reserve, leaving an uncommitted Working Capital balance as at 30 June 2017 of \$4.80 million.

The City of Ryde's final end of year result will be detailed in the report to Council on Tuesday, 24 October 2017 when Council will consider the adoption of the audited 2016/17 Financial Statements.

7 PLANNING PROPOSAL - COMMUNITY CONSULTATION - 86 BLENHEIM ROAD AND 12A AND 14 EPPING ROAD NORTH RYDE

Report prepared by: Strategic Planner

File No.: LEP2016/3/3 - BP17/603

REPORT SUMMARY

This report summarizes the outcomes of the community consultation process for the planning proposal for land at 86 Blenheim Road, 12A and 14 Epping Road North Ryde (Fig 1) and the amendments to the Integrated Open Space Plan.



Fig 1 Site Location

Council in April 2016 resolved to prepare a Planning Proposal (PP) to rezone 86 Blenheim Road and 12A and 14 Epping Road North Ryde to RE1 Public Recreation, include the land in the Land Reservation Acquisition Map as “Local Open Space” and remove floor space and height controls from the land. It is Council’s intention to acquire the land to expand Blenheim Park and address an open space deficiency in North Ryde.

A Gateway Determination for the PP was issued by the Department of Planning and Environment on the 10 October 2016 with the condition that the City of Ryde Integrated Open Space Plan (IOSP) 2012 be revised to include new population projections and new open space either supplied or proposed in Macquarie Park.

The Planning Proposal and supporting documentation were publicly exhibited for 38 days from 10 May – 16 June 2017. A total of 218 submissions were received up to the end of the exhibition period.

ITEM 7 (continued)

191 or 87.6% of submissions supported the PP and 27 or 12.4% of submissions opposed the PP progressing.

The key points raised in support of the Planning Proposal and responses include:

Submissions in support	Response
Increased housing density is placing significant pressure on local open space Open space provision is decreasing while residential density is increasing	Council is addressing the demands on open space by 1) enhancing existing parks (e.g. synthetic sports fields to extend use) and 2) by planning to increase open space provision in response to population growth (e.g. proposed new park at 43-61 Waterloo Rd, Macquarie Park)
The land is connected with Blenheim Park and well located to expand the already well-used recreation facilities This area should form part of vital open space for the community	The land is ideally located to increase the open space and service residents both south and north of Epping Road. Blenheim Park is well-used. Facilities include dog off-leash area, children's play equipment (including a flying fox) half basketball court and radio controlled car track (the NSW Championships were held here)
For Council not to rezone as open space would be disastrous for the local community.	If the land were not rezoned for open space there would likely be pressure to increase the residential density on the site. The Council's PP was preceded by a PP that was refused on appeal by NSW Minister for Planning for a high density development.

The main points opposing the Planning Proposal and responses are provided below, it is noted submissions were received from the owners of the properties directly affected:

Issues - opposing PP	Response
There are better locations for open space than adjacent to a highway	The land is ideally located adjacent Blenheim Park and will assist Council to enhance the recreation potential of the park.
Large amounts of open space already exist in the area - there is no need to make the park any bigger	The Lane Cove National Park is nearby but it does not meet the local community demand for recreation infrastructure. See notes above regarding facilities in Blenheim Park.
Money should be spent on other things such as schools, roads and existing open space.	City of Ryde s94 Plan imposes developer contributions to deliver local infrastructure, such as open space. Schools and major roads are funded by the NSW State Government.

ITEM 7 (continued)

Issues - opposing PP	Response
Suspicious that there is no height restriction proposed on the land	Development controls such as floor space ratio and height do not apply to any land zoned RE1 Public Recreation under Ryde LEP 2014. Such controls are not considered necessary due to the uses permitted e.g. Community facilities; Recreation facilities; Restaurants or cafes.
Who is paying for this action? Better that Council acquires land through VPAs than spend money	Council sometimes acquires land through VPAs to mitigate the impacts of unanticipated increased development densities. Council also acquires land through other means funded and supported by the City of Ryde s94 Plan.
There has been no community consultation	The planning proposal was exhibited for 38 days (exceeding the required 28 days). The exhibition was widely notified and supported by information sessions.
The action will set a precedent for council to forcefully acquire land without notice by way of rezoning	In NSW all levels of government can acquire privately owned land for public purposes. The acquisition of land is undertaken in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>
Council is planning to knock down homes and has made no provision for low income residents.	The existing lease agreements between the occupiers of the properties and the owners of the land are not a matter for Council comment.
Prior to lodging the PP there was no consultation with the owners of the land, no permission granted.	There is no requirement under the Environmental Planning and Assessment Act for owners consent to be obtained prior to proceeding with a Planning Proposal.
Council has not complied with the Gateway Determination requirement to consult with the owners of the land	Both owners have provided submissions as part of the exhibition and the content of the submissions are addressed in this report.
Council needs to purchase the land before rezoning to Recreation Open Space	The Department of Planning and Environment Practice Note PN 07-001 states that land which is reserved for a public purpose such as local open space and which has not yet been acquired and used for its intended public purpose is to be zoned according to its intended future use.
Three submissions opposing the PP include points relating to the process of acquiring the land	These points are not relevant to the Planning Proposal and relate instead to the acquisition of land which must be undertaken in accordance with the Land Acquisition (Just Terms Compensation) Act 1991

ITEM 7 (continued)

Based on the forecast population growth in North Ryde and Macquarie Park in the next 20 years, Council's intention is to acquire the land to expand Blenheim Park and address an open space deficiency.

Based on this and the level of support for the proposed rezoning of the land to RE1 Public Recreation it is recommended that the Planning Proposal and amendments to the Integrated Open Space Plan are endorsed by Council and the PP submitted to the Department of Planning and Environment with a request the Plan be made.

RECOMMENDATION:

- (a) That Council endorse that Ryde LEP 2014, as it relates to 86 Blenheim Road, 12A and 14 Epping Road North Ryde (LOTS C, D, E in DP 410408) be amended as follows:
 - i. Ryde LEP 2014 Land Zoning Map amended to rezone the land to RE1 Public Recreation
 - ii. Ryde LEP 2014 Floor Space Ratio Map be amended to remove the FSR control from the land;
 - iii. Ryde LEP 2014 Height of Building Map be amended to remove the Height control from the subject land;
 - iv. Ryde LEP 2014 Lot Size Map be amended to remove the controls from the subject land ; and
 - v. Ryde LEP 2014 Land Reservation Acquisition Map be amended to identify the subject site as "Local Open Space" (coloured in yellow on the map).
- (b) That Council endorse forwarding the Planning Proposal – 86 Blenheim Road, 12A and 14 Epping Road North Ryde to the Department of Planning and Environment with a request that the Plan be made and notified on the NSW Legislation Website.
- (c) That Council endorse the amendments to the Integrated Open Space Plan
- (d) That Council notify all community members who made a submission regarding the planning proposal.

ATTACHMENTS

- 1 Draft Integrated Open Space Plan Amendment
- 2 Table of submissions NOT in support of Planning Proposal
- 3 Legal Advice - Section 23A Guidelines - Blenheim Park Road - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

ITEM 7 (continued)

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Dyalan Govender
Acting Manager - City Planning

Liz Coad
Acting Director - City Planning and Development

ITEM 7 (continued)

Background

A Planning Proposal (PP) was received by Council in June 2015 from the landowner of the site at 86 Blenheim Road, 12A and 14 Epping Road, North Ryde which proposed to amend Ryde Local Environmental Plan 2014 by rezoning the site R4 High Density Residential with a maximum height of 45m (approximately 16 storeys).

Council Officers expressed a number of concerns with high density residential development on the site and the bulk and scale proposed. On 8 March 2016, Council resolved not to support the PP on a number of grounds including:

- a) The proposal constitutes an ad-hoc rezoning of the site in isolation of the intended strategic planning outcomes for the southern side of Epping Road;
- b) Lack of understanding of the traffic impacts on the local road system;
- c) Is not supported by any strategic land use study prepared by either Council or the Department of Planning and Environment;
- d) Has overshadowing impacts on neighbouring Blenheim Park and Myall Reserve;
- e) Will have an unacceptable visual impact on surrounding low density residential areas;

The proponent lodged a pre-Gateway review for their proposal with the Department of Planning and Environment (DPE). The DPE referred the matter to the Sydney Region East Joint Regional Planning Panel (JRPP) who unanimously agreed that the proposal should not be submitted for a Gateway Determination due to the highly adverse impact of a potential 16 storey building on Blenheim Park. The DPE advised Council on the 10 October 2016 that it had determined not to allow the proposal to proceed.

On 26 April 2016, Council resolved to prepare a new PP to rezone the site RE1 Public Recreation, remove the current floor space ratio (FSR) and building height controls and identify the site on the Land Reservation Acquisition Map in Ryde Local Environmental Plan 2014. On 26 May 2016, Council forwarded the planning proposal to the DPE requesting a Gateway Determination.

On 10 October 2016 Council received a Gateway Determination for its PP to expand Blenheim Park. The conditions of the Gateway Determination require that prior to community consultation, Council was to:

- *“Revise the City of Ryde Integrated Open Space Plan 2012 to include new population projections and new open space either supplied or proposed in Macquarie Park, and*
- *Amend the planning proposal to reflect the findings and recommendations of a revised City of Ryde Integrated Open Space Plan”.*

ITEM 7 (continued)

The Gateway Determination also required that:

- Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with any available findings of the Macquarie Park Strategic Investigation; and
- Council consult with the property owner.

The Gateway Determination did not require consultation with any public authorities.

Discussion

Consultation with the community regarding the Planning Proposal was carried out in accordance with legislative requirements and the gateway determination. Consultation with the owners was included in the community consultation; one owner attended the drop-in session and both owners provided written submissions, the content of which are addressed in this report. Key dates and events of the community consultation are as follows:

- Public exhibition for a period of 38 days between 10 May and 16 June (inclusive) 2017.
- An exhibition notice placed in the Northern District Times with circulation across the Ryde Local Government Area.
- A copy of the Planning Proposal and all supporting material was available for public viewing at North Ryde Library, Ryde Library, and Customer Service Centre Ryde and City of Ryde North Ryde Office. The documents were also made available on Council's website.
- Two community information sessions were held as follows:
 - 12midday – 4pm Tuesday, 16 May 2017, at North Ryde Library
 - 12midday – 4pm Wednesday 14 June , at North Ryde Library
- Pop – Up stall on Cox's Road - 1pm – 4pm Friday 19 May 2017
- Lunch time Drop-in session – 11.30am – 2.30pm Saturday 27 May 2017 in Blenheim Park
- Notification was sent to approximately 175 affected land owners within the surrounding area.

ITEM 7 (continued)

Outcomes of Community Consultation

Feedback from the community was gathered from the following:

- Community Sessions (abovementioned)
- Written submissions

The outcomes of each of the community consultation exercises are considered and detailed below.

Community Sessions

A total of approximately fifty nine (59) community members attended the four community information sessions. Approximately five (5) attended the Tuesday 16 May and Wednesday 14 June 2017 information sessions at North Ryde Library. Approximately twenty (20) community members attended the Pop Up Stall on the Friday 19 May 2017 and approximately thirty (34) people attended the lunch time drop in session on the Saturday the 27 May 2017.

The information sessions were facilitated by Council staff. The Lunch time drop in session was attended by the Acting Manager City Planning, the Senior Coordinator of Strategic Planning, two planners and two members of Communications and Events Department.

A number of queries concerning the exhibited planning proposal were discussed with staff.

Matters discussed included:

- What is the Planning proposal for?
- What is the timing of the outcomes of the Planning Proposal?
- Where are the landowners of the sites going to go?
- How does the process of acquisition work? Will council buy the properties?
- What will Council put on the site if it is rezoned to open space?

Some, who attended the information sessions also made online submissions and filled in survey forms ('Have Your Say' surveys) at the community sessions.

Written Submissions

A total of two hundred and eighteen submissions (218) were received up to the end of the exhibition period. This excludes twenty nine (29) submissions that did not provide a correct e-mail or postal address and two (2) late submissions. Table 1 provides a breakdown of the responses in all three categories of submission.

One hundred and ninety one (191) or 87.6% of submissions supported the PP and twenty seven (27) or 12.4% of submissions opposed the PP progressing.

ITEM 7 (continued)

Submissions	Received	Not included (no return or incorrect address)	Late	TOTAL
Support PP	191	27	2	220
Object to PP	27	2	0	29
TOTAL	218	29	2	249

The main points raised in support of the Planning Proposal include:

- *Increased housing density is placing significant pressure on local open space*
- *The land has connectivity with Blenheim Park and is well located to expand the already well used recreation facilities*
- *The area is well located to provide for the future residential population on the northern side of Epping Road*
- *This area should form part of vital open space for the community – open space is being diminished while the density of housing is increasing.*
- *The area is a gateway to Ryde and was not identified for high rise development*
- *The PP makes strategic sense – the future use as public open space is a sensible planning outcome.*
- *Build more parks.*

The main points opposing the Planning Proposal are identified below and responses provided.

Issue

- *There are better locations for open space than adjacent to a highway, the park is large and nearly always empty*
- *Large amounts of open space already exist in the area - there is no need to make the park any bigger*
- *Money should be spent on other things such as improving school amenities, roads, paths, sporting fields and existing open space*

Response: A condition of the Gateway Determination issued for the PP required that Council revise the City of Ryde Integrated Open Space Plan 2012 to include new population projections and new open space either supplied or proposed in Macquarie Park i.e. Macquarie University Station (Herring Rd) Priority Precinct (MUSPP) and North Ryde Station Priority Precinct (NRSPP).

The below figures, which are included in the draft IOSP amendment, identify dwelling and population forecasts by Council based on the permitted floor space ratio in MUSPP, approved concept plan for Lachlan's Line and approved development applications for Ryde Gardens and Centrale.

ITEM 7 (continued)

Council Projected Figures	Projected Dwelling Count	Projected Residential Population
	17, 261	37,974

The draft IOSP amendment states:

The character of Macquarie Park will be transformed over the next 20 years by growth of up to 40,000 and an ever increasing worker population. This results in a reduction in the provision of open space per capita from 2.13Ha/1,000 to 0.17Ha/1,000 based on the projected residential population within the corridor ... Unless this trend is addressed through land dedication, acquisitions, and embellishments, the health and wellbeing of the population will be significantly compromised.

Issue: Better that Council acquires land through VPAs than spend money.

Response: Such offers are voluntary and to date, no offer has been received in relation to acquisition of the land in question. Council currently negotiates Voluntary Planning Agreements (VPAs) with developers to mitigate development impacts when amendments to planning controls are proposed which result in greater capacity for development on the land. In response to an offer, Council negotiates a works-in-kind or financial agreement with a developer which enables the delivery of infrastructure, including open space, to service the growing needs of the City. This acquisition will be funded by developer contributions received under Council's Section 94 Plan.

Issue: Suspicious that there is no height restriction proposed on the land.

Response: Development controls such as floor space ratio and height do not apply to any land zoned RE1 Public Recreation under Ryde LEP 2014. Such controls are not considered necessary in view of the nature of the uses permitted under the RE1 zoning e.g. Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes.

Issue: There has been no community consultation

Response: The planning proposal was exhibited for 38 days (exceeding the required 28 days) from 10 May – 16 June 2017. The exhibition was notified in the media and documentation made available on council's website and at Ryde and North Ryde Library, Customer Service Centre Ryde and City of Ryde North Ryde Office. Consultation included two (2) drop-in information sessions at venues in North Ryde Library, a Pop-Up Stall on Cox's Road and a Lunch Time Drop-In Session at Blenheim Park.

ITEM 7 (continued)

Issue: The action will set a precedent for Council to forcefully acquire land without notice by way of rezoning.

Response: In NSW all levels of government can acquire privately owned land for public purposes. They may acquire the whole property, part of a property or an interest in the property including easements for power lines, sewer or water. The acquisition of land is undertaken in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act).

Issue: Who is paying for this action?

Response: The cost of the acquisition of the land will be covered from funds for the purpose of land acquisition, in Council's Section 94 Plan. Section 94 Plan funds are generated from contributions made by developers when undertaking development of their land and is used to cater for the growing population of the City through the provision of open space, roads and other Council infrastructure.

Issue: Council is planning to knock down homes in which we live and has made no provision for low income residents.

Response: The existing lease agreements between the occupiers of the three properties and the owner of the land are not a matter for Council comment. The owners have been aware of Council's decision to acquire the land since a Council resolution on the 22 March 2016. This resolution was followed with letters dated 22 April 2016 to the owners seeking to open formal negotiations to discuss the purchase of their properties on mutually agreeable terms.

It should be noted that if Council had supported the Planning Proposal submitted by the owner for the site to develop the land for a high density purposes it would also likely have resulted in the demolition of the existing dwelling houses.

Issue: There was no consultation from Council prior to lodging the PP with the owners of the land, no permission granted.

Response: There is no requirement under the Environmental Planning and Assessment Act or Regulations for owners' consent to be obtained by Council prior to proceeding with a Planning Proposal relating to land.

Council wrote to the owners seeking to open formal negotiation for the purchase of the properties in 22 April 2016.

Issue: Council has not complied with the Gateway Determination requirement to consult with the owners of the land

Response: Both owners have provided submissions as part of the exhibition and the content of the submissions are addressed in this report.

ITEM 7 (continued)

Issue: Council needs to purchase the land before rezoning to Recreation Open Space.

Response: The Department of Planning and Environment Practice Note PN 07 -001 states that land which is reserved for a public purpose such as local open space and which has not yet been acquired and used for its intended public purpose is to be zoned according to its intended future use,

A summary of all submissions opposing the PP is attached **(ATTACHMENT 2)**.

Other matters

1. Submissions relating to the acquisition of the land.

A number of submissions opposing the PP include points relating to the process of acquiring the land and the manner in which Council has dealt with the owners of the land. These points are not considered relevant to the Planning Proposal; however, the main points are addressed below:

Issue: Council moved the motion to acquire and rezone during caretaker mode implemented by the State Government. Council cannot make a decision which puts undue duress on the new merged Council down the track.

Response:

Council Officers sought external legal advice on this matter. The below is an excerpt from that advice:

The acquisition and rezoning of the property do not contravene the provisions of Section 23A Guidelines as the acquisition is in accordance with Council's Section 94 Plan and the Planning Proposal has been undertaken in accordance with Council's planning functions.

The actions relating to the PP and placing the land on the Land Acquisition Map are not in contravention of State Government guidelines with respect to decisions made. The moneys to be used for the acquisition of the land are currently available under the existing Section 94 funds.

A copy of the legal advice will be circulated to Council under separate cover marked as Confidential.

Issue: Both Council and DPE have shown previous support for the development of the land.

Response: During community consultation in relation to the preparation of RLEP2014 a number of landowners requested increased development potential. It is understood that the intention of the proponent at the time was to seek Council support to permit additional height and increased floor space on the land.

ITEM 7 (continued)

On 12 March 2013, Council resolved that PPs be accepted for a number of properties, including the subject site, in order to facilitate appropriate assessment and consideration based on detailed information prepared in accordance with LEP amendment guidelines.

The Planning Proposal not supported by Council on 22 March 2016 was to rezone the land to R4 High Density Residential, with a height of 16 storeys and FSR of 4.3:1. The Gateway Review request was denied by the Department of Planning and Environment on the 10 October 2016.

Issue: If there was a shortage of open space why was it not raised prior to the owners putting in a PP for the land.

Response: Ryde Integrated Open Space Plan adopted by Council in 2012 which identifies specific issues for open space and the North Ryde/ Macquarie Park Area:

North Ryde “suburb is one of the largest by area and also holds the largest population with moderate growth forecast. Given the very substantial area in the centre and north of the suburb that has little access to open space, a focus on acquisition will be a probable outcome here. (IOSP page 129)

Council’s reason for wishing to acquire the land for open space was to expand an existing Park in an area which has an identified lack of open space to cater for the growing population.

Issue: It has been a year and Council has not acquired the land.

Response: This is not a matter in relation to the PP.

Issue: This motion has considerably reduced the value and future potential earning of the properties.

Response: This is not a matter for the PP.

Issue: The offer for the land should be in line with that of the independent valuation, or issue a PAN (Proposed Acquisition Notice)

Response: This is not a matter for the PP.

2. Integrated Open Space Plan (IOSP) 2012

Amendments to the IOSP which addressed the requirements of the Gateway Determination were exhibited with the Planning Proposal. The draft amendment will become a new Appendix within the IOSP titled “Macquarie Park Corridor 2016 update” (see **ATTACHMENT 1**).

ITEM 7 (continued)

The amendments identify an estimated population increase of up to 38,000 residents in the Macquarie Park Corridor to 2036.

The following recommendations are proposed in the draft amendment to the Integrated Open Space Plan:

- *Identify land adjacent to existing Council open space to expand these open spaces to increase active and/or passive recreation opportunities (e.g. 86 Blenheim Rd, 12A and 14 Epping Rd for incorporation into Blenheim Park)*
- *Provide ample open space within 200m of all residents in the Macquarie Park Corridor*
- *Identify open space for active recreation for acquisition beyond the corridor to service both the corridor and the wider City (e.g. RMS land east of Christie Park),*
- *Establish potential locations for either land acquisition or dedication to address the identified reduction in open space provision (e.g. expansion of Shrimpton's Creek Corridor),*
- *Establish worker and residential population open space and recreation requirements for a physically and mentally healthy community in Macquarie Park to ensure that the corridor continues to grow as a globally and locally recognised innovative education and technology hub.*

There were no specific submissions received by Council that related directly to the draft amendments to the IOSP. It is noted however that a number of submissions against the PP stated they did not support the PP on the grounds there was already sufficient open space in the area and that Blenheim Park was already of a sufficient size.

It is considered that the amendments to the IOSP should be endorsed.

3. Condition of the Gateway Determination

A condition of the Gateway Determination issued by the DPE on the 18 October 2016 requires the following to be carried out:

2. *Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with any available findings of the Macquarie Park Strategic Investigation.*

At this point in time there are no required amendments necessary to the Planning Proposal as the *Macquarie Park Strategic Investigation* has yet to be finalised.

ITEM 7 (continued)

4. Lot Size Map

As part of the exhibition process Ryde LEP 2014 Lot Size Map was amended to remove minimum subdivision controls from the subject land. The Lot Size Map only applies to land zoned for residential purposes and as such was a procedural requirement in zoning the land RE1 Public Recreation.

Referrals

The Gateway Determination did not require consultation with any public agencies and no public hearing was required to be held.

Next steps

The Department of Planning and Environment advised Council on the 10 October 2016 that it had decided not to issue an authorisation for Council to exercise delegation to make the plan.

As a result, to proceed with the making of the Plan, Council is required to resolve for the PP to be forwarded to the DPE (as the delegate for the Greater Sydney Commission) for drafting and finalisation.

Financial Implications

There are no financial implications with respect to the administrative requirements of making the PP and adopting the IOSP amendments.

The process for the proposed acquisition of the land is occurring independently of the Planning Proposal and will be reported to Council separately.

Critical Dates and Timeframe

The Gateway Determination requires completion of the plan-making process for this amending LEP by the DPE by 17 October 2017 (12 months of the week following the date of the GD - 10 October 2017).

In order to meet this timeframe, Council must refer its request to the Department of Planning and Environment to draft and finalise the LEP before 4 September 2017 (6 weeks prior to the finalisation date).

Options

Option 1: That Council endorses:

- a. forwarding the Planning Proposal to the Department of Planning and Environment for the making of the Plan and
- b. adopting the amendments to the Integrated Open Space Plan 2012.

ITEM 7 (continued)

This will ensure the land is available for future acquisition by Council for local open space purposes, rezone the land to RE1 Public Recreation and remove controls relating to floor space, height and minimum lot size so bringing the land in line with all other land zoned RE1 in the City of Ryde.

The making of the PP will identify within Ryde LEP 2014 Council's intention to acquire the land for the expansion of Blenheim Park.

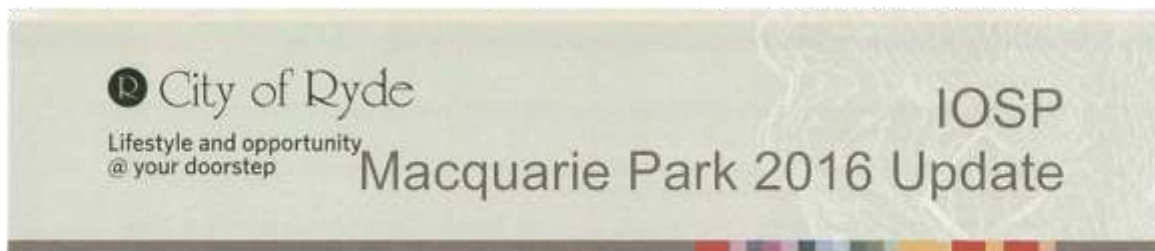
Option 2: That Council decides not to proceed with the planning proposal

This option would result in the land remaining zoned as R2 Low Density Residential and would not allow for the future expansion of Blenheim Park.

The preferred option is to proceed with the making of the Planning Proposal and amendments to the Integrated Open Space Plan as outlined in this report as the precursor to expanding Blenheim Park to assist in meeting open space shortfalls in North Ryde and Macquarie Park.

ITEM 7 (continued)

ATTACHMENT 1



The following has been prepared in response to the gateway determination for a Planning Proposal to acquire land next to Blenheim Park as open space.

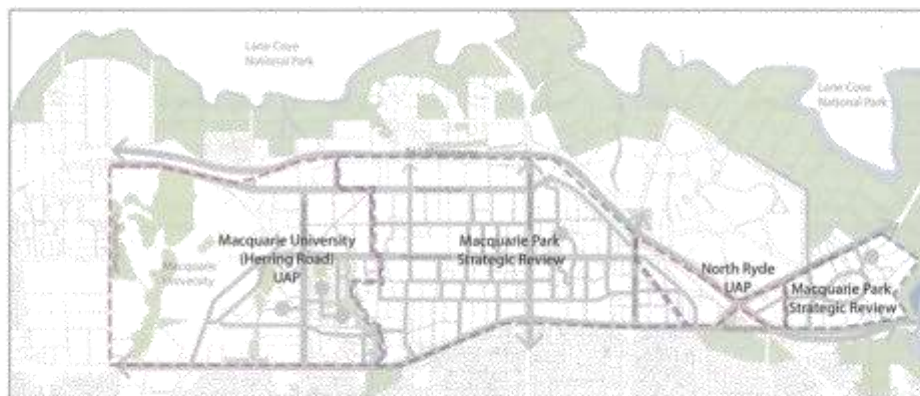
The Gateway Determination requires that prior to community consultation, Council is to:

- Revise the City of Ryde Integrated Open Space Plan 2012 to include new population projections and new open space either supplied or proposed in Macquarie Park; and
- Amend the planning proposal to reflect the findings and recommendations of the revised City of Ryde Integrated Open Space Plan.

Appendix 4: Macquarie Park 2016 Update

The following information provides an update on the population projections and new open space supplied or proposed within Macquarie Park to October 2016. The overview is based on available population projections, executed VPA's, and related background documents.

Since the IOSP was prepared, two significant urban renewal projects have been announced by the State Government in the Macquarie Park Corridor; Macquarie University Station (Herring Rd) Priority Precinct (MUSPP) and North Ryde Station Priority Precinct (NRSPP).



Residential Population Projections

The projected dwelling numbers (Table MP.01) estimated to be delivered within each Precinct is based on the Herring Road, Macquarie Park Finalisation Report (2015) and the North Ryde Station Urban Activation Precinct Finalisation Report (2013) prepared by the NSW Department of Planning and Environment (DP&E).

Priority Precinct	Projected Dwelling Count	Projected Residential Population
MUSPP	5,800	12,760
NRSPP	2,400	5,280
Total	8,200	18,040

Table MP.01 DP&E Projected Dwelling and Residential figures

Council has reviewed the population projections (Table MS.02) based on the permitted floor space ratio in MUSPP. The projection for NRSPP is based on the approved concept plan for Lachlan's Line and approved development applications for Ryde Gardens and Centrale.

Priority Precinct	Council Projected Dwelling Count	Council Projected Residential Population
MUSPP	13,400	29,480
NRSPP	3,861	8,494
Total	17,261	37,974

Table MP.02 CoR Projected Dwelling and Residential figures

ITEM 7 (continued)

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Council's estimate of future dwelling numbers in the Macquarie Park Corridor is far higher than that estimated by DP&E initial forecasts.

Over the next 20 years, it is currently projected that further growth will occur in the area south east of Epping Rd, North Ryde/Chatswood West (17.71%) and Marsfield (5.73%).

Overall, the City of Ryde is planned to grow by 37.18% under the current planning controls by 2036. These controls will be reviewed following the implementation of the District Plan and Macquarie Park Strategic Investigation, scheduled in 2017. It is expected that the District Plan will require the City of Ryde to set more ambitious housing targets.

Worker Population Projections

Macquarie Park, including the commercial area around North Ryde station is Sydney's second largest office market, surpassing North Ryde in 2013. It has experienced the fastest growth in stand-alone office employment of all major centres over the last two decades growing by 6.6% per annum. Macquarie Park forms a critical part of the Global Economic Corridor, as identified in *A Plan for Growing Sydney* (DP&E, 2014).

The stand-alone office workforce within the Macquarie Park Corridor is estimated to be approximately 42,000 as at December 2015, representing approximately 69% of the total workforce within the precinct. Based on existing planning controls and land use zonings, the stand-alone office workforce is forecast to grow at an average annual rate of 2.9%, reaching a level of 55,800 by 2025 and an estimated 173,000 by 2065. Over the same horizon, the total workforce within Macquarie Park is forecast to grow from 60,800 to around 269,000. Office employment is expected to be the primary driver of economic growth (*Strategic Employment Review: Macquarie Park* BIS Shrapnel 2015).

These figures represent an annualised increase of total workforce population of 4.2% and the estimated total workforce population in 2036 is 102,680. These projections will be revised upwards following the finalisation of the Macquarie Park Strategic Review.

Open Space

The availability of and ease of access to parks at a local level is central to people's ability to access leisure and recreation opportunities on a daily basis. Level 3 and 4 open spaces by their nature and distribution serve a smaller catchment of the City's population compared to Level 1 and 2 that are designed to service the whole of the City, if not the region (IOSP, pg 96-97).

Macquarie Park is currently serviced by 12 areas of open space ranging across all levels. Only four of these open spaces are located within the 'core' of Macquarie Park, in a small cluster in the north west of the corridor. The remaining reserves are all located north of the M2 and service an existing residential population. There is currently no open space that exists between Khartoum Rd (west), M2 (north), Epping Rd (south) and Julius Ave (east).



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	Reserve Name	Area in m ²	Within Macquarie Park Corridor	Level 1	Level 2	Level 3	Level 4
1	Christie Park	52,214		*			
2	Dunholm Reserve	1,366					*
3	Elouera Reserve	6,514	*			*	
4	Fontenoy Park	19,548			*		
5	Kywung Reserve	33,483			*		
6	Porters Park	2,038					*
7	Quandong Reserve	2,604	*				*
8	Tasman Park	10,895					*
9	Tuckwell Park	23,881			*		
10	Unnamed Park on Lane Cove Road	2,056					*
11	Wilga Reserve	18,842	*			*	
12	Yurrah Reserve	2,855					*
Total within Macquarie Park Corridor		2.79Ha				2	2
Total within Macquarie Park suburb		17.62Ha		1	3	2	6

Table MS.03 Existing Open Space within Macquarie Park suburb

Current Open Space Provision

The current open space provision for Macquarie Park suburb is provided in Table MS.04. The population data is sourced from Id Profile.

Suburb	Total Residential Population 2016	Total Ha Open Space	Total Ha per Hierarchy				Total Ha/1000 2016 Population	Total Ha/1000 2016 Population per Hierarchy			
			Level 1	Level 2	Level 3	Level 4		Level 1	Level 2	Level 3	Level 4
Macquarie Park	8,172	17.62	5.2	7.6	2.5	2.1	2.13	0.64	0.93	0.31	0.26

Table MS.04 Amount of open space per 1,000 residential population, Macquarie Park suburb

New Open Space

Some additional open space is to be delivered through the implementation of the Priority Precincts and Planning Proposals. The following table demonstrates the amount of open space to be delivered. Note that these open spaces are currently subject to ongoing negotiations with land owners and the finalisation of amendments to the Ryde LEP 2014.



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	Location	Area in m ²	Level 1	Level 2	Level 3	Level 4
1	66 – 68 Talavera Rd	6,100			*	
2	45 - 61 Waterloo Rd	7,000			*	
3	Lachlan's Line	17,885				*
4	Ivanhoe Estate	4,500			*	
Total		3.55Ha			1.76Ha	1.78Ha

Table MS.05 New Open Space within Macquarie Park corridor

Future Open Space Provision

The proposed open spaces will form part of the new urban fabric of Macquarie Park corridor. The revised open space within Macquarie Park corridor is provided in Table MS.06.

Location	Area in m ²	Level 1	Level 2	Level 3	Level 4
66 – 68 Talavera Rd	6,100			*	
45 - 61 Waterloo Rd	7,000			*	
Lachlan's Line	17,885				*
Ivanhoe Estate	4,500			*	
Elouera Reserve	6,514			*	
Quandong Reserve	2,604				*
Wilga Reserve	18,842			*	
Total	6.34Ha			4.30Ha	2.05Ha

Table MS.06 Existing and Proposed Open Space within Macquarie Park Corridor

These open spaces will start to service the identified lack of open space throughout the suburb, however the provision of this additional open space will still far from meet the open space requirements of the existing and future populations (Table MS.07).

Suburb	Total Residential Population 2036	TotalHa Open Space	Total Ha per Hierarchy				Total Ha/1000 2036 Population	Total Ha/1000 2036 Population per Hierarchy			
			Level 1	Level 2	Level 3	Level 4		Level 1	Level 2	Level 3	Level 4
Macquarie Park corridor	37,974	6.34	0	0	4.3	2.05	0.17	0	0	0.11	0.05

Table MS.07 Amount of open space per 1,000 residential population in 2036, Macquarie Park corridor

Table MS.08 explores the impacts of incorporating the currently projected 2036 worker population with the projected 2036 residential population.

Suburb	Projected Worker and Residential Population	TotalHa Open Space	Total Ha per Hierarchy				Total Ha/1000 2036 Population	Total Ha/1000 2036 Population per Hierarchy			
			Level 1	Level 2	Level 3	Level 4		Level 1	Level 2	Level 3	Level 4
Macquarie Park corridor	140,716	6.34	0	0	4.3	2.05	0.05	0	0	0.03	0.01

Table MS.08 Amount of open space per 1,000 projected worker and residential population, Macquarie Park corridor

ITEM 7 (continued)

ATTACHMENT 1

Conclusions from Analysis

Table MS.09 updates Table OS.08 (page 128) to reflect the revised population projections and additional open space provision.

Suburb	Quantity and Size	Distribution and Diversity	Ratio to Population	Accessibility/Connectivity	Conclusions and Implications
Macquarie Park	Only 18 open spaces in the second largest suburb by area in the City. Aside from Christie Park, most parks are less than 3.0Ha in size.	Aside from Shrimpton Creek Reserves (Wiggall and Quandong Reserves), almost all parks are on the northern boundary of the suburb adjoining Lane Cove National Park. Biking diversity is limited and park embellishment is at most very limited across the suburb (there are only five minor play areas in the suburb).	Current population (2016) is relatively low (2% of the City) and ratio of open space is also low but growth projections are extremely high (average 11.3% per annum), creating the need for more local open space essentially in the centre of the suburb and active recreation surrounding the corridor. Approved and proposed LEP amendments to business and residential land use will continue to add to this demand. Due to the significant worker population both existing and future, the provision of open space is extremely low.	A large part of the suburb comprises of business park and the University, therefore street access is limited. M2 Motorway is a major barrier to reserves along Lane Cove River and Great North Walk. Epping Road is a major barrier to movement south and Lane Cove Rd splits the corridor east and west. These barriers need to be broken down to improve circulation patterns in to and around the corridor.	Council planning for the corridor is ongoing. Given the significant growth in residential and worker population already approved through the Urban Activation Provisions, there is a need for significant development negotiations for new open space at all levels for active and passive recreation, specifically 3 and 4 and open space expansion surrounding the corridor. Improving cycle and pedestrian access in northeast/southwest axis, especially with M2 and Epping Rd is important. Ongoing partnership with the University for shared uses is worthy of further exploration.

Table MS.09 Summary of Open Space Provision for Macquarie Park suburb

The character of Macquarie Park will be transformed over the next 20 years by growth of up to 40,000 and an ever increasing worker population. This results in a reduction in the provision of open space per capita from 2.13Ha/1,000 to 0.17Ha/1,000 based on the projected residential population within the corridor. Once the increasing worker population is included the provision rate drops to 0.05Ha/1,000. Unless this trend is addressed through land dedication, acquisitions, and embellishments, the health and wellbeing of the population will be significantly compromised.

Therefore this update identifies the following actions for Council;

- Identify land adjacent to existing Council open space to expand these open spaces to increase active and/or passive recreation opportunities (eg 86 Blenheim Rd, 12A and 14 Epping Rd for incorporation into Blenheim Park)
- Provide ample open space within 200m of all residents in the Macquarie Park Corridor
- Identify open space for active recreation for acquisition beyond the corridor to service both the corridor and the wider City (eg RMS land east of Christie Park).
- Establish potential locations for either land acquisition or dedication to address the identified reduction in open space provision (eg expansion of Shrimpton's Creek Corridor).
- Establish worker and residential population open space and recreation requirements for a physically and mentally healthy community in Macquarie Park to ensure that the corridor continues to grow as a globally and locally recognised innovative education and technology hub.

IOSP Changes to document;

Pg 30: Addition to Appendices to the IOSP

Insert: - Macquarie Park 2016 Update

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Submissions NOT in support of the Planning Proposal

No.	Trim No.	Comment	Response
1	D17/79221	Council is knocking down homes. What provision is Council making to re- house those who occupy the properties? No provision has been made for low income people to remain in the area	<p>The existing lease agreements between the occupiers of the three properties and the owner of the land are not a matter for Council comment. The owners have been aware of Council's decision to acquire the land since a Council resolution on the 22 March 2016. This resolution was followed with letters dated 22 April 2016 to the owners seeking to open formal negotiations to discuss the purchase of their properties on mutually agreeable terms.</p> <p>It should be noted that if Council had supported the Planning Proposal submitted by the owner for the site to develop the land for high density residential purposes it would also have been necessary to demolish the existing dwelling houses.</p>
2	D17/75494	Do not support PP	Noted
3	D17/71253	Do not support PP	Noted
4	D17/66769	Do not support	Noted
5	D17/66138	Support extra space but suspicious that height restriction has gone. Giving only a yes /no option whine there are 3 changes feels deceptive.	Development controls such as floor space ratio, height, minimum lots size to not apply to land zoned RE1 Public Recreation under Ryde LEP 2014. Such controls are not considered necessary in view of the nature of the uses permitted under the RE1 zoning e.g. Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes.

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ATTACHMENT 2

No.	Trim No.	Comment	Response
6	D17/66135	Keep as is. Enjoyed by all	Noted
7	D17/65141	Do not support PP	Noted
8	D17/65138	Who is paying- we don't need parks but roads and transport	Money for the acquisition of the land will come from the current funds held in Section 94 Plan. Section 94 Plan funds are generated from contributions made by developers when undertaking development of their land and is used to cater for the growing population of the City through the provision of open space, roads and other Council infrastructure. Major roads and transport are funded by the State Government.
9	D17/65136	The park is big enough why spend more money here	<p>Since 2012 two significant urban renewal projects have been announced by the State Government in the Macquarie Park Corridor; Macquarie University Station (Herring Rd) Priority Precinct (MUSPP) and North Ryde Station Priority Precinct (NRSPP). Council estimates that the 2036 projected residential population increase for the Macquarie Park area is approximately 38 000</p> <p>The draft Integrated Open Space Plan amendment states:- <i>The character of Macquarie Park will be transformed over the next 20 years by growth of up to 40,000 and an ever increasing worker population. This results in a reduction in the provision of open space per capita from 2.13Ha/1,000 to 0.17Ha/1,000 based on the projected residential population within the corridor. Once the increasing worker population is included the provision rate drops to 0.05Ha/1,000. Unless this trend is addressed through land dedication, acquisitions, and embellishments, the health and wellbeing of the population will be significantly compromised.</i></p>

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
			It has been identified that the current open space provision will not satisfy future population needs.
10	D17/64998	Do not support PP	Noted
11	D17/64587	Do not support PP	Noted
12	D17/64141	Do not support PP	Noted
13	D17/64138	No need for extra open space. The park is large and is nearly always empty	See reference to Submissions No. 9
14	D17/63722	The proposal will set a precedent for councils to forcefully acquire homes – it is undemocratic	In NSW all levels of government can acquire privately owned land for public purposes. The acquisition of land is undertaken in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .
15	D17/63720	Do not support PP	Noted
16	D17/63717	Uses race track at Park –There is no need for extra open space . The park large and is almost always empty.	See reference to Submission No. 9

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
17	D17/63181	<p>No community consultation,</p> <p>Sets precedent to forcefully acquire land</p> <p>Large amounts of open space exist in precinct</p> <p>Ratepayers money can be spent better elsewhere – what is the total budget for the acquisition/demolition/construction.</p> <p>Better that Council acquires land through VPAs</p>	<p>The planning proposal was publicly exhibited for 38 days from 10 May – 16 June 2017. The exhibition was notified in the media and documentation made available on council's website and at Ryde and North Ryde Library, Customer Service Centre Ryde and City of Ryde North Ryde Office. Consultation included two (2) drop-in information sessions at venues in North Ryde Library, a Pop- Up Stall on Cox's Road and a Lunch Time Drip – In Session at Blenheim Park.</p> <p>See reference to Submission No. 14.</p> <p>See reference to Submission No.9</p> <p>See reference to No.8 and 9.</p> <p>Such offers are voluntary and to date, no offer has been received in relation to acquisition of the land in question. Council currently negotiates Voluntary Planning Agreements (VPAs) with developers to mitigate development impacts when amendments to planning controls are proposed which result in greater capacity for development on the land. In response to an offer, Council negotiates a works-in-kind or financial agreement with a developer which enables the delivery of infrastructure, including open space, to service the growing needs of the City. The acquisition will be funded by developer contributions received under Council's Section 94 Plan.</p>

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
18	D17/63170	Save the little community we have left	Noted
19	D17/61204	Do not support PP	Noted
20	D17/79846	Do not support PP	Noted
21	D17/82069	No need to make park bigger – spend money on something useful	See reference to Submission No. 9.
22	D17/82119	Better locations for open space than adjacent to a highway. Choose a different location.	The land is ideally located adjacent Blenheim Park and will assist Council to enhance the recreation potential of the park.
23	D17/82155	Do not support PP	Noted
24	D17/78908	Do not support PP - The park needs expansion - there were large groups of people at the park. We have too many high rise units already	Noted
25	D17/82481	No consultation from council prior to lodging the PP - No permission granted.	There is no requirement under the Environmental Planning and Assessment Act or Regulations for owners' consent to be obtained by council prior to proceeding with a Planning Proposal relating to privately owned land. Council wrote to the owners seeking to open formal negotiation for the purchase of the properties in 22 April 2016.

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
		<p>Council has not complied with the Gateway Determination requirement to consult with the owners of the land</p> <p>Numerous occasions Council and DPE has showed support for development of site</p>	<p>Both owners provided written submissions as part of this exhibition process. One owner also attended one of the community consultation events and discussed the proposal with staff.</p> <p>During community consultation in relation to the preparation of RLEP2014 a number of landowners requested increased development potential. It is understood that the intention of the proponent at the time was to seek Council support to permit additional height and increased floor space on the land.</p> <p>On 12 March 2013, Council resolved that PPs be accepted for a number of properties, including the subject site, in order to facilitate appropriate assessment and consideration based on detailed information prepared in accordance with LEP amendment guidelines.</p> <p>The Planning Proposal not supported by Council on 22 March 2016 was to rezone the land to R4 High Density Residential, with a height of 16 storeys and FSR of 4.3:1. The Gateway Review request was denied by the Department of Planning and Environment on the 10 October 2016.</p>

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
		<p>Previous contact with Council did not advise of the need for more open space in the area.</p> <p>Council moved action during caretaker mode – which requires Council to go to the Minister. Council should comply with the regulations set by the state government, show consideration for the impending merger councils and withdraw the PP.</p>	<p>Ryde Integrated Open Space Plan adopted by Council in 2012 which identifies specific issues for open space and the North Ryde/ Macquarie Park Area:</p> <p>North Ryde “suburb is one of the largest by area and also holds the largest population with moderate growth forecast. Given the very substantial area in the centre and north of the suburb that has little access to open space, a focus on acquisition will be a probable outcome here. (IOSP page 129)</p> <p>Council’s reason for wishing to acquire the land for open space was to expand an existing Park in an area which has an identified lack of open space to cater for the growing population.</p> <p>Council sought external legal advice on this matter. The below is an exert from that advice:</p> <p><i>The acquisition and rezoning of the property do not contravene the provisions of Section 23A Guidelines as the acquisition is in accordance with Council’s Section 94 Plan and the Planning Proposal has been undertaken in accordance with Council’s planning functions</i></p> <p>This report addresses the PP only. The actions relating to the PP and placing the land on the Land Acquisition Map are not in contravention of State Government guidelines with respect to decisions made. The moneys to be used for the acquisition of the land are currently available under the existing Section 94 funds.</p>

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
		<p>The following points do not relate to the Planning Proposal but to the acquisition process which is not the subject of this report.</p> <p>Offer made on the land half the independent value .Value of land should be in line with the independent valuation. Retract PP or issue the PAN</p> <p>The action has reduced the value and future potential earning of the land.</p> <p>Council seems to have abused their power for political gain and councils benefit to acquire the properties at a lower price</p>	<p>This is not a matter for the PP.</p> <p>This is not a matter for the PP.</p> <p>This is not a matter for the PP.</p>
26	D17/82477	No appropriate consultation at any stage with the most important party , the land owners	<p>There is no requirement under the Environmental Planning and Assessment Act or Regulations for owners consent to be obtained by council prior to proceeding with a Planning Proposal relating to land.</p> <p>The Acting General Manager's Report of the 23 May 2017 advised that Council attempted to commence negotiations with the owners of the properties via letters dated 22 April 2016. Council did not receive a response to these letters. Council's Lawyers have continued to make efforts to progress the acquisition of the properties.</p>

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
		<p>Land effectively taken from owners once council made resolution to proceed with PP.</p> <p>Council needs to purchase the land before rezoning to Recreation Open Space</p> <p>The following points do not relate to the Planning Proposal but to the acquisition process which is not the subject of this report</p> <p>No more market value in the properties and only potential purchaser was Ryde Council</p> <p>To take away the value of someone's property is not fair and contravenes morally acceptable conduct.</p>	<p>In NSW all levels of government can acquire privately owned land for public purposes. They may acquire the whole property, part of a property or an interest in the property including easements for power lines, sewer or water.</p> <p>The acquisition of land is undertaken in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (the Act).</p> <p>The Department of Planning and Environment Practice Note PN 07 - 001 states that land which is reserved for a public purpose such as local open space and which has not yet been acquired and used for its intended public purpose is to be zoned according to its intended future use.</p> <p>The following responses do not relate to the PP but to the acquisition process which is not the subject of this report</p> <p>This is not a matter for the PP.</p> <p>This is not a matter for the PP.</p>

ITEM 7 (continued)

ATTACHMENT 2

No.	Trim No.	Comment	Response
27	D17/82475	<p>No appropriate consultation with the land owner. - It has been a year and Council has not acquired the land</p> <p>Land owners not consulted as required by Gateway Determination</p> <p>If there was a shortage of open space why was it not raised prior to the owners putting in a PP for the land.</p> <p>Every decision of Council has been misleading and twisted to benefit Council.</p> <p>Council has been unethical, misleading and bias in their process</p>	<p>See response to submission 26</p> <p>Both owners have provided submissions as part of the exhibition and the content of the submissions are addressed in this report.</p> <p>See response to submission 26</p> <p>Noted</p> <p>Noted</p>

8 PLANNING PROPOSAL - AFFORDABLE HOUSING

Report prepared by: Senior Coordinator - Strategic Planning
File No.: URB/08/1/30 - BP17/159

REPORT SUMMARY

The *Ryde Affordable Housing Policy Stage 1 Background Report* concluded that there will be 10,700 key workers living in housing stress in the City of Ryde by 2031. In response the *Ryde Affordable Housing Policy* aims to ensure that 5% of all new dwellings in the Ryde Local Government Area (LGA) will be delivered as affordable housing. The policy sets a target for 750 affordable housing dwellings in the Ryde LGA by 2031. Of these, 500 dwellings are to be delivered by the State Government and 250 dwellings by Council.

Adopted by Council in April 2016, the *Ryde Affordable Housing Policy* provides a framework to advocate for, facilitate, provide and manage affordable housing in the Ryde LGA. In April 2016 Council also adopted an interim policy position of 4% affordable housing to be provided through rezoning and planning agreements and 2% through the development application process, pending the preparation of new planning controls that will give certainty to the planning process and implement the Policy.

The purpose of this report is to outline proposed amendments to Ryde Local Environmental Plan (RLEP) 2014 and Development Control Plan (DCP) 2014 to introduce planning controls supported by comprehensive background studies demonstrating the need for affordable housing and that the proposed planning controls will not unreasonably impact on development feasibility.

Council engaged specialist property and planning consultants Hill PDA to consider affordable housing delivery models including value sharing arrangements, density bonuses, and mandatory inclusionary zoning. (Note: Inclusionary zoning refers to planning controls that require development proposals with residential units to include affordable housing units). Hill PDA concluded that (**CIRCULATED UNDER SEPARATE COVER**):

- Affordable housing provided through the re-zoning process at a minimum rate of 7% of the gross floor area will attain feasible development margins (Note: development margins generally exceed 20% where the rezoning is from a non-residential to a residential use).
- Affordable housing provided through the development assessment process at a minimum rate of 2% of the gross floor area will attain development margins that exceed 16-20%.
Note: Development margin is the profit divided by the total development costs. A minimum development margin of 16-20% is considered feasible and required for the project to meet lending criteria.

ITEM 8 (continued)

In respect of rezonings; a 7% affordable housing requirement is proposed in order to balance the 2% requirement in respect of DAs and achieve Council's adopted target of 5% affordable dwellings for the City of Ryde.

Accordingly, this report recommends that a Planning Proposal (PP) is prepared which outlines the proposed changes to RLEP 2014. The proposed changes are:

- **Mandatory inclusionary zoning requiring:**
 - In a rezoning; a minimum 7% of all new residential floor space to be delivered as affordable housing
 - In a Development Application; a minimum 2% of all new residential floor space within an R3 Medium Density Residential zone, R4 High Density Residential zone and/or the Ryde Centres Map, to be delivered as affordable housing

Note: The Ryde Centres Map includes Ryde, Eastwood, West Ryde, Shepherds Bay, Gladesville, Macquarie Park and North Ryde Centres and importantly excludes the R2 low density residential zones covering most of Ryde Local Government Area. As a result the affordable housing DA requirement will not be prescribed for low density development.

- Where appropriate; Council may accept a monetary contribution in lieu of an affordable floor space. A monetary contribution will be appropriate where, for example, the 2% or 7% requirement for affordable housing floor space does not equate to an apartment (i.e. 50sqm) or the particular location may not be suitable (e.g. it is not serviced by public transport). The criteria and process will be detailed in a new DCP part.
- Where a developer provides affordable housing as required, affordable housing floor space is to be excluded from floor space ratio calculations.

It is recommended that all monetary contributions obtained in relation to affordable housing including surplus rental funds are hypothecated to the delivery, maintenance and management of Council's affordable housing portfolio and that a Reserve is established for this purpose.

This approach is similar to the approach taken by other Councils and provides certainty for the community and the development industry, and does not have an unreasonable impact on development feasibility.

The proposed controls also ensure that low density residential development is not subject to the requirement for affordable housing. This will help ensure the policy does not inhibit the ongoing improvement of Council's low density housing stock.

ITEM 8 (continued)

This report recommends that Council prepare and forward the PP to the Department of Planning and Environment for a Gateway Determination and that community consultation is undertaken upon receipt of the Gateway Determination.

Inserting new planning controls in RLEP 2014 is one element of the planning framework that will implement Council's Affordable Housing Policy. In addition, Clause 9, *State Environmental Planning Policy 70 (SEPP 70) - Affordable Housing* identifies the need for affordable housing in Willoughby, City of Sydney and the former South Sydney and Leichardt Council areas, allowing them to impose conditions on development consents relating to affordable housing under Section 94F of the Environmental Planning and Assessment Act 1979. Based on the identified need for affordable housing in Ryde LGA, this report recommends that the Acting General Manager write to the Minister requesting that the City of Ryde be included in SEPP 70.

RECOMMENDATION:

- (a) That Council prepare a Local Strategic Planning Statement related to Affordable Housing and submit to the Minister for Planning for adoption. This will set the strategic direction for the Ryde Local Government Area for key worker housing.
- (b) That Council prepare a Planning Proposal for the inclusion of affordable housing provisions in Ryde Local Environmental Plan and forward for it to the Minister for Planning with a request for a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. The Planning Proposal will involve the following amendments to Ryde Local Environmental Plan 2014:

Introduce new Clause 6.12 Affordable housing.

- 1) *The consent authority may, when granting development consent to a development containing a residential component impose a condition requiring a contribution equivalent to the affordable housing contribution levy being:-*
 - a. *for development within an R3 Medium Density Residential zone, R4 High Density Residential zone and/or a Town Centre identified on Ryde Local Environmental Plan 2014 Centres Map, 2% of the total floor area of the residential component.*
 - b. *for development resulting from a change in the zoning of the land on or after the day Ryde Local Environmental Plan 2014 (Amendment No 15) commences 7% of so much of the total floor area of the residential component.*
 - c. *for development resulting from a change in the maximum height and floor space permissible, 7% of the additional residential component.*

ITEM 8 (continued)

- 2) *The consent authority may, when granting consent to a development, exclude from floor space ratio calculations the gross floor area of the affordable housing to be dedicated to Council.*

Note: A financial contribution will be required in accordance with Development Control Plan 2014 Part 3.6 Affordable Housing when the required affordable housing contribution levy results in part of a dwelling being required.

- (c) That Council, in the event of a Gateway Determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, place the Planning Proposal on public exhibition and a further report be presented to Council following the completion of the exhibition period advising of the outcomes and next steps.
- (d) That Council prepare a new draft Part 3.6 to Ryde Development Control Plan 2014 (**ATTACHED**) and exhibit the draft concurrently with the abovementioned Planning Proposal. The Development Control Plan will provide detailed guidance to the Local Environmental Plan and include provisions relating to the minimum size of affordable housing (50sqm) and a monetary contribution calculator.
- (e) That the Acting General Manager write to the Minister for Planning requesting that the City of Ryde be included in *State Environmental Planning Policy 70 - Affordable Housing* providing evidence of the identified need for affordable housing in the City of Ryde, a copy of *City of Ryde Affordable Housing Policy 2016-2031*, this report and Council's resolutions.
- (f) That all monetary contributions obtained under the Ryde Affordable Housing Controls, including any surplus rental funds, are hypothecated to the delivery, maintenance and management of affordable housing and that a Reserve is established for this purpose.

ATTACHMENTS

- 1 City of Ryde Affordable Housing Study August 2017 by Hill PDA -
CIRCULATED UNDER SEPARATE COVER
- 2 DRAFT DCP 2014 Part 3.6 Affordable Housing as presented to Council August
- 3 Affordable Housing Planning Proposal, Communications and Engagement Plan

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ITEM 8 (continued)

Background

A background study was prepared by Judith Stubbs and Associates in 2008 which identified a lack of affordable housing for purchase for low to moderate income households. The key recommended actions were:

- Include within Ryde LEP a general aim, zone objectives and clauses which specifically address affordable housing;
- Include within the Ryde LEP height and FSR incentives for town centres, the purpose of these incentives being the provision of affordable housing;
- Council to undertake affordable housing developments;
- Assessment of the impact of the loss of affordable housing as part of the development assessment process; and
- The use of voluntary planning agreements to deliver affordable housing.

On 17 November 2009 Council considered the Stubbs report and resolved not to proceed with amendments to the LEP as the recently released SEPP (Affordable Rental Housing) was expected to adequately deal with the provision of affordable housing in the City. However, while the SEPP has led to an increase in secondary dwellings (granny flats), it has resulted in a limited number of affordable rental housing opportunities.

In November 2014 the Ryde Housing Affordability Summit was held. The issues raised at the summit are summarised below:

1. Public perceptions of affordable housing and a lack of community understanding and education on the issue.
2. Insufficient housing stock and increasing land value.
3. Lack of housing options to meet diverse needs (e.g. low incomes and student housing).
4. The need to work with community housing providers, State Government and other local Councils to deliver improvements, and uplift new developments for affordable housing.

Council endorsed the findings of the Summit and resolved on 12 May 2015 to prepare an Affordable Housing Policy. To assist with this process a Background Report providing an analysis on demographic and housing issues was undertaken. The key findings and recommendations of the *Ryde Affordable Housing Policy Stage 1 Background Report* were as follows:

- By 2031 there will be 10,700 key workers living in housing stress and in need of affordably priced housing with 70% being renters. The households are across the three key worker income bands:
 - 50% 'Very low' income households = 5,350 dwellings
 - 30% 'Low' income households = 3,210 dwellings
 - 20% 'Moderate' income households = 2,140 dwellings.

ITEM 8 (continued)

- That 90% of the likely future demand for affordable housing will not be met through the market, or through 'light' planning intervention. Given this market failure, intervention is necessary to address affordable housing issues in Ryde LGA.
- The market analysis indicates that planning incentives in return for the provision of affordable housing are likely to be taken up. The basic principle is that developers may be granted an incentive in return for a portion of new dwellings being designated affordable housing to offset the costs of affordable housing.
- The specific affordable housing delivery models considered included
 - Value Capture Arrangements which capture a share of the land value uplift in respect of rezonings (through a Voluntary Planning Agreement)
 - precinct-based density bonuses and
 - mandatory inclusion zoning
- Over time; the asset value of Council's affordable housing portfolio may be used to underwrite opportunities to develop affordable housing 'demonstration' project/s. City West Housing Corporation; which owns and manages affordable housing in Ultimo and Pyrmont; undertakes such projects.

The *City of Ryde Affordable Housing Policy* was adopted in April 2016 and offers a comprehensive framework to advocate for, facilitate, provide and manage affordable housing in the Ryde Local Government Area.

The Policy aims for 5% of all new dwellings in the Ryde Local Government Area to be affordable housing by 2031. Of these, two-thirds (or 500 dwellings) are to be delivered by the State Government predominantly in the redevelopment of the Ivanhoe Estate, and one-third (or 250 dwellings) is to be delivered by Council through the development process.

The Affordable Housing Policy outlined an Implementation Plan, including the preparation of a Planning Proposal to introduce planning controls for affordable housing. Work has progressed on delivering the other projects identified in the implementation plan including establishing management arrangements for future affordable housing dwellings with a Community Housing Provider – Link Housing.

In April 2016, Council adopted the following interim policy position:

That Council adopt an interim position in relation to the delivery of affordable housing as part of the development and planning process with:

- *2 % of dwellings in new residential and mixed use developments be affordable housing.*
- *4 % of dwellings constructed on land to be rezoned to permit residential / mixed use development be affordable housing.*

ITEM 8 (continued)

This interim policy position has been implemented where possible and appropriate from a planning perspective, through Voluntary Planning Agreements in relation to Planning Proposals (for a change to the zoning or additional height or floor space ratio) or where a Development Application proposes to exceed the development standards specified in RLEP 2014. This has been done by negotiation with developers as the interim policy is voluntary and not enforceable.

Hill PDA Affordable Housing Study (CIRCULATED UNDER SEPARATE COVER)

Hill PDA was appointed to prepare an Affordable Housing Study to inform the preparation of the amendments to Ryde Local Environmental Plan 2014. The purpose of the Study is to ensure that the draft controls are based on a market appraisal and robust feasibility analysis to demonstrate that the controls can achieve the affordable housing objectives without unacceptable impacts on development feasibility. Accordingly the outcomes of the study were to:

1. Identify an appropriate percentage of affordable housing to be requested through planning controls and for Development Applications (included in the proposed amendments to RLEP2014);
2. Prepare an affordable housing calculator or formula to inform discussions relating to Voluntary Planning Agreements (i.e. where additional floor space is approved above that permitted under the current planning controls).

The Hill PDA study recommendations

Market appraisal and feasibility scenario testing was undertaken to determine affordable housing contribution rates that will maximise the number of dwellings to be dedicated (or an equivalent monetary contribution) without inhibiting redevelopment. The study recommends that an affordable housing levy contribution be applied to:

- 7% of the total residential gross floor area of the development where the land is subject to a rezoning from an employment, special or infrastructure use to a residential use or mixed use, or where there is an increase in the permitted height or floor space.
- 2% of the total residential gross floor area in new residential and mixed use developments where the development applications are permissible under the Ryde Local Environmental Plan 2014.

The preferred mechanism for receiving affordable housing contributions would be the dedication of dwellings to Council. The main reasons for this recommendation are:

- The completed affordable housing would be delivered in a reasonable timeframe after construction for immediate rental.
- The completed affordable housing is dedicated to Council 'free of cost'.

ITEM 8 (continued)

- One of the main advantages of receiving dwellings in-kind is that the affordable housing would be located throughout the Ryde LGA, maintaining a socially diverse population.
- The growing asset value of the affordable housing portfolio would enhance Council's balance sheet if the properties remain ungeared (free from debt). As assets age, a percentage of the portfolio can be sold for newer stock, provided they are used for the purpose of affordable housing.
- The net cash flow from assets (rent) can be managed to remain in slight surplus.
- Council would still be able to (and should) take monetary contributions in situations where the proposed location of the affordable dwellings is considered to be unsuitable or where the quantum of floor does not equate to a full unit. The full balance of the gross floor area is paid as a monetary contribution. The recommended contribution rate is based the market value of similar dwellings and indexed.

Hill PDA reviewed the Affordable Housing planning controls of other Councils – see the following table.

Affordable Housing Planning Controls effective in similar LGAs	
Willoughby Council Refer Special Provision Map	4% of accountable floor space Floor Space of Affordable Housing excluded from FSR calculations. The amount of the contribution to be paid under a condition imposed on a development consent is the value of the gross floor area concerned calculated by reference to the market value of dwellings of a similar size to those proposed by the development application (clause 6.8 (4) Willoughby LEP 2012
The following proposed controls are in the draft phase	
Inner West Council Policy adopted November 2016 establishes targets. These are not yet included in planning controls	15% target for large developments (6-14 storeys) and 30% target for State Government owned urban renewal areas e.g. Bays Precinct
	Rezoning - 50% value capture of the land value uplift. The value capture may include, but is not limited to, affordable housing.
City of Canada Bay draft Rhodes East Priority Precinct Program Policy adopted June 2017 applies only to the urban renewal project being undertaken by Planning NSW	Proposed 5% of gross residential floor area. Requested inclusion in SEPP 70 The program proposes to include a calculator and this is yet to be made publicly available.

ITEM 8 (continued)

The following proposed controls are in the draft phase

<p>City of Ryde Policy adopted April 2016 established a city wide target of 5% of new dwellings to be affordable housing by 2031</p> <p>This report proposes that the following draft controls be included in the Ryde LEP to implement the policy</p>	<p>It is proposed in this report that: Rezoning - 7% minimum of residential floor space. Floor Space of Affordable Housing excluded from FSR calculations. Based on the market value of similar dwellings, the calculator for monetary contributions is recommended to be established at \$9,775/sqm and indexed.</p> <p>It is proposed in this report that: DAs in Ryde Centres - 2% minimum of residential floor space in R3 Medium Density Residential land use zone R4 High Density Residential Land use zone and in Centres (i.e. Eastwood, Gladesville, Top Ryde, West Ryde, Shepherds Bay and Macquarie Park, - see existing LEP Ryde Centres Map) Floor Space of Affordable Housing excluded from FSR calculations. Based on the market value of similar dwellings, the calculator for monetary contributions is recommended to be established at \$9,775/sqm and indexed.</p>
<p>Note: The City of Sydney Affordable Housing Program built upon the outcomes of City West Corporation and the established City West Housing. That program operates on a different basis and for that reason it is not included in this table.</p>	

The Hill PDA Study recommends that an Affordable Housing Program is developed by Council that includes not only planning controls but also an information kit and a governance structure that ensures that all monetary contributions in respect of affordable housing including any surplus rental funds and are hypothecated to the delivery, maintenance and management of Affordable Housing. This report recommends that a Financial Reserve is established for the purpose of maintaining the affordable housing portfolio; staff will implement an information kit should the Planning Proposal progress to gazettal.

Planning Proposal

The introduction of planning controls for affordable housing in Ryde LEP 2014 aim to provide certainty for the community and clarity for the development industry with regard to the amount of affordable housing required. The proposed amendments are supported by a robust evidence base demonstrating both the need for affordable housing and the economic feasibility of the development industry providing affordable housing.

This report contains a description of the proposed amendments to Ryde Local Environmental Plan 2014 and Development Control Plan 2014 and a description of the PP. This forms the basis of a recommendation to forward the PP to the Department of Planning and Environment for a gateway determination and subsequent community consultation.

ITEM 8 (continued)

Planning Proposal process

This section of the report provides a brief description of the “gateway plan-making process”, including an explanation of the legislative requirements relating to a PP.

The gateway process has a number of steps. The preparation of a PP is the first of the five main steps, summarised as follows:

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 to proceed to the next stage.
2. **Gateway** –determination by the Minister for Planning or delegate if the PP 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).

Strategic policy context

The PP relates to a number of strategic policy documents, including the following:

Sydney’s Metropolitan Plan “A Plan for Growing Sydney

The PP, which aims to provide additional affordable housing in the City of Ryde is consistent with:

- Action 2.3.1: Require local housing strategies to plan for a range of housing types.
- Action 2.3.3: Deliver more opportunities for affordable housing.

Draft North District Plan

The draft North District Plan, prepared by the Greater Sydney Commission, was on exhibition until 31 March 2017. The PP is consistent with the following aspects of the Plan:

- Liveability Priority 3: Implement the Affordable Rental Housing Target- for PPs or strategic plans for new urban renewal or greenfield areas
- Action L6: Support Council to achieve additional affordable housing (through SEPP 70).

ITEM 8 (continued)

Environmental Planning and Assessment Act 1979

Clause 5 of the Environmental Planning and Assessment Act outlines the objects of the Act, which includes “*the provision and maintenance of affordable housing*”.

State Environmental Planning Policy 70- Affordable Housing (Revised Schemes)

State Environmental Planning Policy 70 (SEPP 70) - Affordable Housing (Revised Schemes) identifies the need for affordable housing a number of Council areas, thereby allowing them to impose conditions on development consents relating to affordable housing.

The draft North District Plan supports Councils approaching the Minister for Planning for inclusion in SEPP 70. This report recommends that Council write to the Minister requesting that City of Ryde be included in SEPP 70.

City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plan sets the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. One of the key challenges identified was to offer a range of affordable and varied accommodation options to meet the changing needs and demands of Ryde’s population.

Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)*. This study informed the preparation of RLEP2014.

The Housing Study component of the LPS identified housing affordability as a key issue. The Policy’s principles include to “*provide a diversity of housing types*”.

Current controls

Ryde Local Environmental Plan 2014 does not currently contain controls relating to affordable housing.

Proposed amendments to Ryde LEP 2014

A PP is recommended to be prepared in accordance with the Department of Planning and Environment’s ‘*Guide to preparing planning proposals*’

The PP intends to insert new affordable housing requirements in Part 6 Local Provisions of RLEP2014, for the following reasons:

- Consistent with *Ryde Affordable Housing Policy*
- Consistent with and implements the North District Plan

ITEM 8 (continued)

This will involve the following amendments to RLEP 2014:

Introduce new Clause 6.12 Affordable housing.

- 1) *The consent authority may, when granting development consent to a development containing a residential component impose a condition requiring a contribution equivalent to the affordable housing contribution levy being:-*
 - a. *for development within an R3 Medium Density Residential zone, R4 High Density Residential zone and/or a Town Centre identified on Ryde Local Environmental Plan 2014 Centres Map a 2% of the total floor area of the residential component.*
 - b. *for development resulting from a change in the zoning of the land on or after the day Ryde Local Environmental Plan 2014 (Amendment No 15) commences 7% of so much of the total floor area of the residential component.*
 - c. *for development resulting from a change in the maximum height and/or floor space permissible 7% of the additional residential component.*
- 2) *The consent authority may, when granting consent to a development, exclude from floor space ratio calculations the gross floor area of the affordable housing to be dedicated to Council.*

Note: A financial contribution will be required in accordance with Development Control Plan 2014 - Affordable Housing when the required affordable housing contribution levy amounts to part of a dwelling.

Local Strategic Planning Statement

Proposed amendments to the Environmental Planning and Assessment Act 1979 will if implemented introduce a "Local Strategic Planning Statement" which would act as the intermediary between the draft North District Plan and the Local Environmental Plan.

Local Strategic Planning Statements endorsed by the Department of Planning and Environment (DPE) provide the basis for assessing any future Planning Proposal. The Statement would also form part of the Strategic Merit Test where proponents requested a Rezoning Review from the DPE.

This report recommends that Council prepare a Local Strategic Planning Statement relating to affordable housing and forward it to the DPE for endorsement. Should the DPE endorse the statement, it will help ensure the provision of affordable housing is considered for all relevant Planning Proposals.

ITEM 8 (continued)

Proposed amendments to Ryde Development Control Plan 2014

It is proposed to amend Ryde Development Control Plan (RDCP) 2014 to include a new part outlining provisions relating to affordable housing. These provisions will provide supplementary information to support the clause in RLEP 2014.

The proposed amendments to RDCP 2014 (**ATTACHED**) create a new Part 3.6 and include the following:

- Objectives
- Controls in relation to in kind provision and/or monetary contributions and how to calculate monetary contributions
- Controls regarding the location and quality of affordable housing units including:
 - Located on all levels (not just street level)
 - Reasonable orientation, views and outlook (not just south facing)
 - Access to facilities (such as BBQ areas, gardens, pool etc.)
 - Quality commensurate with other dwellings in the building
 - Accessibility requirements.

Hill PDA recommend that monetary contributions are set at a rate of \$9,775/sqm indexed in accordance with the *NSW Government Rent and Sales Report, Table Sales Price Greater Metropolitan Region – Strata*.

Hill PDA also recommends that the contribution is indexed quarterly and that the rate is calculated at the date of payment.

This report recommends that the proposed amendments to RDCP 2014 be exhibited concurrently with the Planning Proposal.

Financial Implications

As the Ryde Affordable Housing Portfolio grows the program will be self-funding. In the short term the Ryde Affordable Housing Program has been devised to minimise the financial impact to Council while delivering community benefit as follows:

- All surplus rental funds and monetary contributions obtained under the Ryde Affordable Housing Program are hypothecated to the delivery, maintenance and management of Affordable Housing and that a Reserve is established for this purpose.

Consultation with relevant external bodies

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

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

If the PP is approved by Council and a gateway determination given, the consultation will *include exhibiting the draft amendments to RDCP2014*. The proposed consultation includes:

- Advertisement in the local newspaper;
- Exhibition material provided to meet requirements of the EP&A Act on Council's website, and all City of Ryde Libraries;
- Mail out to relevant community groups and affordable housing advocacy organisations
- Mail out to stakeholders who attended the previous workshops on the draft Affordable Housing Policy;
- Letters to Local Members of Parliament
- One information session to be held during the exhibition period.

The Communications and Engagement Plan is **ATTACHED**.

Options

1. That Council resolve not to proceed with the Planning Proposal. This is not the preferred option, as the Planning Proposal has been developed based on background studies prepared by consultants and in accordance with Council's Affordable Housing Policy. The Planning Proposal builds on the Council's interim position with respect to the provision of affordable housing and the community support evidenced during the Affordable Housing Summit, and exhibition of the *Ryde Affordable Housing Policy*. Should the PP not proceed exhibited, there will be very few options for key worker households in the future.
2. Council prepare and forward the Planning Proposal (to amend Ryde Local Environmental Plan 2014 to include affordable housing provisions) to the Minister with a request for a Gateway Determination.

This report recommends that Council support Option 2 as the feedback received during the community consultation period for the Affordable Housing Policy supported its intent, it reflects Council's commitment to addressing affordable housing issues, and is a critical step towards Council providing housing for key workers in the Ryde LGA. The Planning Proposal will implement Council's Affordable Housing Policy and the NSW Government's North District Plan.

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ATTACHMENT 2



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ATTACHMENT 2

Affordable Housing

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3.6

Translation	
<p>ENGLISH</p> <p>If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.</p>	<p>FARSI</p> <p>اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری ریڈ، Ryde Civic Centre, 1 Devlin Street, یا با شماره 131 450 تلفن کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن کنید و از یک مترجم بخواهید که از طرف شما با شهرداری ریڈ تماس بگیرد. 9952 8222 تلفن کنید.</p>
<p>ARABIC</p> <p>إذا لم تفهم هذا المستند، يرجى الحضور إلى مركز بلدية ريدي Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde 1 من الاثنين إلى الجمعة من الساعة 8.30 صباحاً إلى الساعة 4.30 مساءً، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي يطلب من أحد المترجمين الاتصال بمجلس مدينة ريدي على الرقم 9952 8222. نيابة عنه.</p>	<p>ITALIAN</p> <p>Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.</p>
<p>ARMENIAN</p> <p>Եթե այս փայլարը չէք հասկանում, խնդրեմ հեղինակի հետ խոսելու համար, 1 Devlin Street, Ryde (Ryde Civic Centre, 1 Devlin Street, Ryde) երկուշաբթիից հինգշաբթի կես. ժամը 8.30 – կես. ժամը 4.30. կամ հեռախոսակցելով Վերահսկողի և Քաղաքականության Ապահովմանը՝ 131 450, և խնդրեք րեք արգումենտի մը հետ հարաբերակցություններ հանդիպելու համար հասնելու ձեզի համար, հեռախոսակցելով՝ 9952 8222 քիչին:</p>	<p>KOREAN</p> <p>이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시기나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 여려본 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁하십시오.</p>
<p>CHINESE</p> <p>如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。您也可以致電社區電話傳譯服務中心，電話號碼是: 131 450。接獲後您可以要求一位傳譯員為您打下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。</p>	

Amend. No.	Date approved	Effective date	Subject of amendment

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1.0 Overview

1.1 City of Ryde Affordable Housing Program

The Ryde Affordable Housing program comprises:

City of Ryde Affordable Housing Policy 2016-2031

The Policy provides a framework to advocate for, facilitate, provide and manage Affordable Housing in the Ryde Local Government Area. It identified a need for Affordable Housing to accommodate those on very low, low and moderate incomes. The Affordable Housing Policy sets a target for Affordable Housing 5% of all new dwellings by 2031

City of Ryde Affordable Housing Study 2017

The Study seeks to implement the Policy and is the basis for the LEP Controls and a number of other aspects of the Affordable Housing Program. The Study comprises the background to the Planning Proposal to introduce the Affordable Housing controls to the LEP.

Planning Controls

The Ryde LEP and this DCP Part provide the planning framework for the delivery of Affordable Housing in the City of Ryde excepting for land that is declared State Significant (such as the Ivanhoe Estate and the Macquarie University site). This DCP Part gives detailed guidance to the LEP provisions.

Voluntary Planning Agreements

VPAs may provide the mechanism for Affordable Housing in relation to rezoning applications.

Community Housing Provider

It is Council's preference to receive Affordable Housing as works-in-kind resulting from the development process. The Community Housing Provider manages Council's Affordable Housing portfolio arranging tenants who meet the criteria, maintenance services etc.

Affordable Housing Governance

All monetary contributions in relation to Affordable Housing made under the provisions of the LEP, DCP and any VPA will be hypothecated to future Affordable Housing delivery. The Affordable Housing property portfolio will also be utilised to leverage the delivery of new Affordable Housing. A Governance structure will manage the delivery program.

Land Classification Procedural Guideline

To classify the land as operational within 3 months of the land title dedication to Council

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1.2 Statutory framework

Environmental Planning and Assessment Act

Section 94F of the Act, allows a Council to impose Conditions requiring land or contributions for affordable housing if a State environmental planning policy identifies that there is a need for affordable housing within the area and the dedication or contribution is used for the purpose of Affordable Housing. The Act defines Affordable Housing as:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

State Environmental Planning Policy 70

State Environmental Planning Policies (SEPPs) deal with matters of State or regional environmental planning significance. [SEPP No. 70 Affordable Housing \(Revised Schemes\)](#) is a policy which offers a mechanism allowing specified councils to assign an affordable housing contribution to certain developments. This includes City of Sydney, Willoughby and the former South Sydney local government areas. The policy:

- identifies that there is a need for affordable housing in the specified local government areas, and
- describes the kinds of households for which affordable housing may be provided, and
- makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.

A requirement of SEPP 70 is that a condition for an Affordable Housing Contribution can only be applied where the condition is authorised by a statutory Plan such as a Local Environmental Plan (LEP)

Ryde Local Environmental Plan 2014 Clause 6.12

Ryde LEP 2014 is proposed to include the following:

Affordable Housing.

- 1) *The consent authority may, when granting development consent to a development containing a residential component impose a condition requiring a contribution equivalent to the affordable housing contribution levy being:-*
 - a. *for development within an R3 Medium Density Residential zone, R4 High Density Residential zone and/or a Town Centre identified on Ryde Local Environmental Plan 2014 Centres Map a 2% of the total floor area of the residential component.*
 - b. *for development resulting from a change in the zoning of the land on or after the day Ryde Local Environmental Plan 2014 (Amendment No 15) commences 7% of so much of the total floor area of the residential component.*

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c. for development resulting from a change in the maximum height and floor space permissible 7% of the additional residential component.

- 2) *The consent authority may, when granting consent to a development, exclude from floor space ratio calculations the gross floor area of the affordable housing to be dedicated to Council.*

Note: A financial contribution will be required in accordance with Development Control Plan 2014 Part 3.6 Affordable Housing when the required affordable housing contribution levy results in part of a dwelling being required.

1.3 Development Consent

As a result of the LEP controls and this DCP Part, conditions of development consent will address the following:

- The total gross floor area of the affordable housing dwellings to be dedicated
- The dedicated dwellings are to be shown on the approved plans and referenced in the affordable housing condition of consent
- The total residential gross floor area of the development that was used to calculate the contribution
- The indexation at the time of the determination (for any monetary contribution)
- An agreement to transfer title must be finalised and evidence provided to Council prior to the granting of a Construction Certificate
- The dedicated affordable housing is to be constructed to a standard which in the opinion of Council is consistent with other dwellings in the development
- If a staged development the affordable housing contribution must be provided at each stage

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3.6

1.4 Land to which this Part applies

This Part applies to all land within the Ryde Local Government Area

1.5 Objectives of this Part

The objectives of this Part are to:

1. Encourage the development of new housing in the City of Ryde for a diverse residential and working population representative of all income groups
2. To provide a clear framework for Council and the development industry for the provision of affordable housing
3. Give detailed guidance to in-kind provision and/or monetary contributions for the delivery of affordable housing
4. Provide Controls regarding the quality and design of affordable housing dwellings including:
 - Location, orientation, views and outlook
 - Access to facilities and services
 - Quality
 - Adaptability and Accessibility
 - Diversity (number of bedrooms)

ITEM 8 (continued)

ATTACHMENT 2

Affordable Housing
Sub Heading

3.6

2.0 Options for providing affordable housing

Council's preference is to obtain the Affordable Housing contribution as dwellings (works-in-kind) in preference to a monetary contribution.

Ryde Local Environmental Plan Clause 6.12 provides that monetary contributions may be accepted.

2.1 Affordable Housing Contribution

Objective

1. To address the demand for Affordable Housing and deliver Council's adopted a target of 5% of all new dwellings to be affordable
2. To provide flexibility in the Contribution (in the form of dedicated Affordable Housing dwellings or a monetary contribution)

Controls

- a) In accordance with Ryde Local Environmental Plan 2014, Affordable Housing is to be achieved as follows:
 - i. Where land is the subject of a rezoning from a commercial, special uses or infrastructure land use to a mixed use or residential land use 7% of the total residential gross floor area of the development
 - ii. Where land is the subject of a rezoning from a residential land use to a more intensive residential land use 7% of the additional residential gross floor area of the development
 - iii. Where land is the subject of a Development Consent 2% of the total residential gross floor area from commencement of this DCP Part

Sample Calculations Affordable Housing dwellings contribution

Sample Calculation – Development Application / Residential example

A development application for a residential development comprising 7,000m² of residential GFA

Total payable contribution = 7,000m² x 2%

Total payable contribution = 140m² or approximately two 2 bedroom apartments

ITEM 8 (continued)

ATTACHMENT 2

Affordable Housing
Sub Heading

3.6

Sample Calculation – Rezoning Application / Residential example

A re-zoning application for a more intensive residential land use from 1:1 to 3:1 with a site area of 5,000m²

Existing permissible GFA = 5,000m²

Proposed residential GFA = 15,000m²

Additional residential GFA = 10,000m²

Total payable contribution = 10,000m² x 7%

Total payable contribution = 700m² or approx. ten 2 bedroom apartments

- b) The minimum gross floor area of Affordable Housing dedicated to Council is to be 50m².

Note: This equates to a one bedroom apartment in accordance with the Apartment Design Guide.

- c) Where there is a balance deficit of more than 1m² the full balance of the contribution is to be paid as a monetary contribution
- d) Dwellings to be dedicated to Council are to be identified at the Development Application stage on the proposed subdivision plan.
- e) Titles for the Affordable Housing dwelling(s) are to be transferred to the City of Ryde following registration of the subdivision plans with the NSW Land Titles Office.

Note: The Affordable Housing Contribution will be acquitted when the title is transferred and the (monetary) balance if any is paid to Council.

2.2 Monetary Contribution Provision

Controls

- a) Where the contribution is less than the minimum 50m² gross floor area works-in-kind contribution, Council may accept at its discretion a monetary contribution.

Note: The Ryde Affordable Housing Study 2017 has recommended that the Contribution Rate is established at \$9,775/m², to be reviewed by a quantity surveyor in respect of each offer.

The Monetary Contribution Rate is also to be adjusted with reference to movement in the median price for strata dwellings in the City of Ryde Local Government Area. The median strata price is published quarterly in the NSW Government Rent and Sales Report, Table: Sales Price – Greater Metropolitan Region – Strata.

ITEM 8 (continued)

ATTACHMENT 2

	Affordable Housing	3.6
	Sub Heading	

Sample Calculations Monetary Provisions

Rezoning

Tool to calculate contribution amount for a rezoning from employment and special uses to residential or mixed use

Contribution rate multiplied by residential gross floor area multiplied by 7% (AHR)

Total payable contribution = CR x Residential GFA x AHR

Sample Calculation – Rezoning / Mixed use example

Subtract the non-residential gross floor area from the total building gross floor area to determine the residential gross floor area

Residential GFA = Total GFA – non-residential GFA

Residential GFA = 10,000m² – 2,000m² = 8,000m²

Total payable contribution = \$9,775 x 8,000m² x 7%

Total payable contribution = \$5,474,000

Sample Calculation – Rezoning / increased residential development capacity

Tool to calculate the contribution amount of floor space bonus for a rezoning from a residential use to a higher density residential use or increased density

In this situation the 7% Affordable Housing contribution only applies to the additional or bonus residential housing floor space and 2% applies to the existing permissible residential gross floor area.

It is assumed (for the purposes of showing an example that the FSR is 0.5:1 R2 Low Density Residential land use zone and for the higher density development the FSR is 2:1 and that the site is 4,000m²

Gross floor area = 1.5 x 4,000m²

= 6000m²

Total payable contribution = \$9,775 x 6,000m² x 7%

Total payable contribution = \$4,097,100

Development Application

Tool to calculate contribution amount for a development application

Sample Calculation – Development Application / Residential example

A development application for a new residential development assuming 4000m² residential gross floor area

Total payable contribution = \$9,775 x 4,000m² x 2%

Total payable contribution = \$782,000

ITEM 8 (continued)

ATTACHMENT 2

Affordable Housing
Sub Heading

3.6

3.0 Affordable Dwelling Requirements

3.1 Dwelling Size

Objectives

1. To ensure that Affordable Housing dwellings meet minimum community standards
2. To ensure social inclusion in particular that Affordable Housing dwellings are indistinguishable from their neighbours

Controls

- a) The minimum gross floor area of Affordable Housing dedicated to Council is to be 50m².
- b) Affordable Housing is to meeting the following minimum gross floor areas:
 - iv. At least 50m² (One bedroom)
 - v. Two Bedroom and Three bedroom in accordance with the NSW Apartment Design Guide at the time of commencement of this DCP Part

3.2 Bedroom mix

Objectives

1. To ensure that Affordable Housing dwellings meet the community need and demand
2. To ensure diversity in housing supply

Controls

- a) Affordable Housing dwellings are required to meet the following bedroom mix:
 - i. 5-35% Three Bedroom
 - ii. 40-80% Two Bedroom
 - iii. 5-35% One Bedroom
- b) Development providing less than 10 units may vary this mix, subject to Council's satisfaction

ITEM 8 (continued)

ATTACHMENT 2

Affordable Housing
Sub Heading

3.6

3.3 Location and Amenity

Controls

- a) Affordable Housing dwellings which are to be dedicated to Council must meet the following criteria:
 - i. Located on all levels of buildings, not just the ground or street level
 - ii. Reasonable orientation i.e. not only south facing dwellings
 - iii. Finishes and fixtures that are commensurate with other dwellings in the building
 - iv. Access to all facilities within the building, such as gardens, pools, gymnasias etc.

3.4 Universal Design Principles

City of Ryde supports inclusive Universal Design principles and in particular adaptable housing to support our diverse community. The significant ageing baby boomer demographic presents a growing need for age-friendly, liveable designed housing.

In addition, one in five Australians currently has a disability of some type with a significant proportion being children. The number of Australians with disability will inevitably rise as the population grows and ages.

Research indicates a 60 percent chance that a house will be occupied by a person with a disability at some point over its life. The family home accounts for 62 percent of all falls and slip-based injuries.

Objectives

1. A safe continuous level and step-free path of travel from the street entrance, all communal and public spaces and parking areas within the development to affordable dwelling entrances
2. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces
3. Toilets and bathrooms that provide easy access
4. Apartment layouts are flexible and accommodate a range of lifestyle needs
5. Ensure all Affordable Housing meets universal design principles. In particular dwellings are adaptable and include for example reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date.

ITEM 8 (continued)

ATTACHMENT 2

Affordable Housing
Sub Heading

3.6

Controls

- a) All Affordable Housing must achieve the Gold Level as defined in *Liveable Housing Design Guidelines* Liveable Housing Australia or comply with the Adaptable Housing standard AS 4299 – 1995
http://livablehousingaustralia.org.au/library/help/Livable_Housing_Design_Guidelines_Web1.pdf
- b) Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.
- c) In larger developments (exceeding 100 dwellings) at least 10% of the affordable dwellings must be accessible and comply with Australian Standard 1428 (relevant parts)

Flexible layout and design

- d) Within affordable dwellings provide
 - i. open plan shared spaces with only a fixed kitchen, laundry and bathroom
 - ii. rooms with multiple functions
- e) Provide dual master bedroom apartments with separate bathrooms wherever practicable

Parking

- f) Car parking spaces must be at least 3200mm x 5400mm for adaptability / accessibility
- g) All affordable dwellings shall have safe continuous and step-free, level path of travel from the dwelling entrance to parking areas within the development
- h) All parking areas within the development shall have an even, firm and slip resistant surface
- i) Parking spaces shall be titled separately from apartments

Site Access

- j) Provide distinct and separate pedestrian and vehicular circulation on the site. Where this is not possible, driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely.
- k) Consider the provision of semi-public through site pedestrian access ways in large development sites.

ITEM 8 (continued)

ATTACHMENT 2



City of Ryde
Civic Centre
1 Devlin Street
Ryde NSW 2112

www.ryde.nsw.gov.au

ITEM 8 (continued)

ATTACHMENT 3

Draft Communications & Engagement Plan:
EXHIBITION OF AFFORDABLE HOUSING PLANNING PROPOSAL

Description	Stakeholders	Community Engagement (CE) Responsibilities	Project/Business Manager Responsibilities	Project/Business Manager Dates
Minimum 28 days	Have Your Say/Exhibition Period			
Councillor Information Bulletin (CIB)	<ul style="list-style-type: none"> Councillors 		<ul style="list-style-type: none"> Provide information to Councillors on the project and exhibition dates/details 	
Have Your Say website	<ul style="list-style-type: none"> Website users 	<ul style="list-style-type: none"> Create page Create online form for providing feedback 	<ul style="list-style-type: none"> Provide content, policy document and images to CE 	
Exhibition of materials at all Ryde Libraries, Customer Service Centre and North Ryde Reception	<ul style="list-style-type: none"> All interested stakeholders 		<ul style="list-style-type: none"> Provide hardcopy of materials to libraries, Customer Service Centre, and North Ryde Reception 	
Letter mail out	<ul style="list-style-type: none"> Stakeholders who have provided feedback or previously attended information sessions on Council's 'Affordable Housing Policy' 	<ul style="list-style-type: none"> Review letter 	<ul style="list-style-type: none"> Draft letter Create mailing list Post letters 	
eNewsletter	<ul style="list-style-type: none"> Stakeholders who have provided feedback or previously attended information sessions on Council's Affordable Housing Policy 	<ul style="list-style-type: none"> Create and send eNewsletter 	<ul style="list-style-type: none"> Provide content to CE Provide mailing list Provide cost code 	
FAQs	<ul style="list-style-type: none"> All stakeholders 	<ul style="list-style-type: none"> Review FAQs 	<ul style="list-style-type: none"> Draft FAQs Provide to customer service 	

ITEM 8 (continued)

ATTACHMENT 3

Draft Communications & Engagement Plan:
EXHIBITION OF AFFORDABLE HOUSING PLANNING PROPOSAL

Description	Stakeholders	Community Engagement (CE) Responsibilities	Project/Business Manager Responsibilities	Project/Business Manager Dates
Advertisement in the Northern District Time	<ul style="list-style-type: none"> Newspaper readers 	<ul style="list-style-type: none"> Create advertisement 	<ul style="list-style-type: none"> Provide content to CE Provide cost code to CE Approve advertisement 	1 week from advertisement date
Information Session	<ul style="list-style-type: none"> All interested stakeholders 	<ul style="list-style-type: none"> Provide supplier details Have staff available on the day Bring City of Ryde flags 	<ul style="list-style-type: none"> Book venue Organise water Organise staff 	

DRAFT

9 LAND CLASSIFICATION - AFFORDABLE HOUSING DWELLING - 9/6 MOOLTAN AVENUE MACQUARIE PARK

Report prepared by: Strategic Planner
File No.: URB/08/1/41 - BP17/756

REPORT SUMMARY

This report seeks to classify the Affordable Housing dwelling known as Unit 9/6 Mooltan Avenue Macquarie Park (being LOT 8 in SP 91339) as operational land under the Local Government Act 1993.

The property 110-114 Herring Road Macquarie Park, now known as 1-9 Mooltan Avenue Macquarie Park (Fig 1), is currently being developed in two stages for a mixed use development comprising residential, retail, commercial, and public open space.



Fig 1

Approval was given by the then Joint Regional Planning Panel on the 28 October 2015 for Stage 2 of the development, subject to a condition of consent requiring the dedication of four Affordable Housing dwellings to Council. In August 2016, agreement was reached for the provision of a further two Affordable Housing dwellings (additional to those required in the DA approval) to Council.

ITEM 9 (continued)

Notification of the transfer of one of the Affordable Housing dwellings to Council associated with the completion of Stage 1, being LOT 8 in SP 91339 known as Unit 9/6 Mooltan Avenue Macquarie Park, was received on the 4 July 2017. The transfer was effective from the 28 June 2017.

Land transferred or vested to Council may be classified as operational land within three months of the date of transfer of ownership, or it will remain as community land.

Under the Local Government Act 1993 (Section 34) Council must advertise (for 28 days) any proposal to classify land prior to making a resolution on classification.

The proposed classification of the land to operational was advertised in the local paper and on Council's website from the 12 July 2017 – 11 August 2017. No submissions were received.

This reports recommends Council endorses making LOT 8 in SP 91339 known as Unit 9/6 Mooltan Avenue Macquarie Park operational land to allow the ongoing tenancy and asset management of the unit in accordance with Council's Affordable Housing Policy.

RECOMMENDATION:

That Council endorses that the land known as Unit 9/6 Mooltan Avenue Macquarie Park (being LOT 8 in SP 91339) be classified as operational land.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Dyalan Govender
Acting Manager - City Planning

Liz Coad
Acting Director - City Planning and Development

ITEM 9 (continued)

Background

The Concept Plan and Stage 1 Project Approval was approved by the Planning Assessment Commission on the 26 September 2012; the redevelopment of the subject site for a mixed use development had been declared to be a Major Project under the terms of Part 3A the State Environmental Planning Policy (Major Development) 2005.

The then Joint Regional Planning Panel approved Stage 2 of the development on the 28 October 2015 (LDA2014/0402).

Condition 103 of LDA2014/0402 requires that four (4) Affordable Housing dwellings be dedicated to Council prior to the issue of any Occupation Certificate of specific buildings within the development.

Notification of the transfer of one of the Affordable Housing dwellings to Council, being LOT 8 in SP 91339 known as Unit 9/6 Mooltan Avenue Macquarie Park, was received on the 4 July 2017. The transfer was effective as from the 28 June 2017.

Discussion

Under the Local Government Act 1993, public land is to be classified by Council as either “operational” or “community” land.

Where land is transferred to Council, Section 31(2) of the Local Government Act provides that *“before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land”*.

Under the Act, community land must not be sold, and may only be leased or licensed if expressly authorised in an associated Plan of Management and following public notification of the proposed lease or licence is given. No such restrictions apply to operational land.

Classification of Affordable Housing properties as operational land provides for the leasing and licensing of the properties, and provides flexibility in both day-to-day operational and strategic management.

If land is not classified as operational land within the first 3 months, the land becomes community land, and the only method for reclassification is a Planning Proposal including a public hearing.

ITEM 9 (continued)

The required process for classification of land under the Local Government Act involves the following:

1. Council must give public notice of a proposed resolution to classify public land as required under Section 34 of the Act. The public notice must include the terms of the proposed resolution and a description of the public land concerned. The public notice must specify a period of not less than 28 days during which submissions may be made to Council; and
2. Following public notification and consideration of submissions, if any, Council shall resolve to classify the land as either operational or community.

The proposed classification of the land as operational was advertised in the local media and on Council's website from the 12 July 2017 – 11 August 2017.

No submissions were received.

Internal Consultation

The proposed classification was referred to Council's Property Section; no objections were raised.

Financial Implications

Adoption of the recommendation will have no financial impact.

Options

1. That Council does not classify the land as outlined in this report. This is not the preferred option as this would result in the land being classified as community land, thus creating a number of difficulties in the administration and ongoing management of the unit consistent with Council's Affordable Housing Policy.

This option is not recommended.

2. That Council resolves that the land known as Unit 9/6 Mooltan Avenue Macquarie Park (being LOT 8 in SP 91339) be classified as operational land

This is the recommended option.

10 LAND CLASSIFICATION - AFFORDABLE HOUSING DWELLING - 16/21 BAY DRIVE MEADOWBANK

Report prepared by: Strategic Planner
File No.: URB/08/1/41 - BP17/770

REPORT SUMMARY

This report seeks to classify the Affordable Housing dwelling known as Unit 16/21 Bay Drive, Meadowbank (being LOT 16 in SP 95518) as operational land under the Local Government Act 1993.

Approval was given by Council on the 26 February 2015 (LDA2014/307) to develop the property 21 – 24 Railway Road Meadowbank, now known as 21 Bay Drive Meadowbank (Fig 1), for a 6-7 storey residential flat building containing 71 residential apartments and 3 levels of car parking.



Fig 1

ITEM 10 (continued)

Condition 120 of LDA2014/307 requires the Affordable Housing dwelling identified in the Voluntary Planning Agreement (VPA) associated with the development to be dedicated to Council prior to the issue of any Occupation Certificate for any part of the development.

Council at the date of this report is in the process of obtaining the transfer of the Affordable Housing dwelling, being LOT 16 in SP 95518 known as Unit 16/ 21 Bay Drive, Meadowbank.

Under the Local Government Act 1993 Council can classify land as operational before it acquires the land or within three months of the date of transfer of ownership, of the land or it will remain as community land.

Under the Local Government Act 1993 (Section 34) Council must advertise (for 28 days) any proposal to classify land prior to making a resolution on classification.

The proposed classification of the land to operational was advertised in the local paper and on Council's website from the 12 July 2017 – 11 August 2017. No submissions were received.

This reports recommends Council endorses making LOT 16 in SP 95518 known as Unit 16/21 Bay Drive, Meadowbank operational land to allow the ongoing tenancy and asset management of the unit in accordance with Council's Affordable Housing Policy.

RECOMMENDATION:

That Council endorses that the land known as Unit 16/21 Bay Drive, Meadowbank (being LOT 16 in SP 95518) be classified as operational land.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Susan Wotton
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Report Approved By:

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Senior Coordinator - Strategic Planning

Dyalan Govender
Acting Manager - City Planning

Liz Coad
Acting Director - City Planning and Development

ITEM 10 (continued)

Discussion

Under the Local Government Act 1993, public land is to be classified by Council as either “operational” or “community” land.

Where land is to be acquired by Council, Section 31(2) of the Local Government Act provides that *“before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land”*.

Under the Act, community land must not be sold, and may only be leased or licensed if expressly authorised in an associated Plan of Management and following public notification of the proposed lease or licence is given. No such restrictions apply to operational land.

Classification of Affordable Housing properties as operational land provides for the leasing and licensing of the properties, and provides flexibility in both day-to-day operational and strategic management.

If land is not classified as operational land within the first 3 months, the land becomes community land, and the only method for reclassification is a Planning Proposal including a public hearing.

The Classification of Land process required under the Local Government Act involves the following:

1. Council must give public notice of a proposed resolution to classify public land as required under Section 34 of the Act. The public notice must include the terms of the proposed resolution and a description of the public land concerned. The public notice must specify a period of not less than 28 days during which submissions may be made to Council; and
2. Following public notification and consideration of submissions, if any, Council shall resolve to classify the land as either operational or community.

The proposed classification of the land to operational was advertised in the local media and on Council’s website from the 12 July 2017 – 11 August 2017.

No submissions were received.

Internal Consultation

The proposed classification was referred to Council’s Property Section; no objections were raised.

ITEM 10 (continued)

Financial Implications

Adoption of the recommendation will have no financial impact.

Options

1. That Council does not classify the land as outlined in this report. This is not the preferred option as this would result in the land being classified as community land, thus creating a number of difficulties in the administration and ongoing management of the unit consistent with Council's Affordable Housing Policy.

This option is not recommended.

2. That Council resolves that the land known as Unit 16/21 Bay Drive, Meadowbank (being LOT 16 in SP 95518) be classified as operational land

This is the recommended option.