

**Meeting Date:** Tuesday 22 February 2022  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde and Online  
**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.*

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**1 ITEMS PUT WITHOUT DEBATE**

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**Report prepared by:** Civic Services Manager

**File No.:** CLM/22/1/1/2 - BP22/10

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**REPORT SUMMARY**

In accordance with Council's Code of Meeting Practice, Council can determine those matters on the Agenda that can be adopted without the need for any discussion.

**RECOMMENDATION:**

That Council determine the Items on Council's Agenda that will be adopted without debate.

OR

That Council determine all Items on the Agenda.

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**2 CONFIRMATION OF MINUTES - Council Meeting held on 31 January 2022**

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**Report prepared by:** Civic Services Manager**File No.:** CLM/22/1/1/2 - BP22/12

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**REPORT SUMMARY**

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

**RECOMMENDATION:**

That the Minutes of the Council Meeting 2/22, held on 31 January 2022 be confirmed.

**ATTACHMENTS**

- 1 MINUTES - Ordinary Council Meeting - 31 January 2022

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Council Meeting  
MINUTES OF MEETING NO. 2/22**

**Meeting Date:** Monday 31 January 2022

**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde and Online

**Time:** 7.05pm

**Councillors Present in the Chambers:** The Mayor, Councillor Lane and Councillors Brown, Deshpande, Han, Lara-Watson, Laxale, Maggio, O'Reilly, Pedersen, Purcell and Song.

**Councillors Present online via audio-visual:** Councillor Yedelian OAM.

**Apologies:** Nil.

**Staff Present:** General Manager, Acting Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Chief Financial Officer, Manager – People and Culture, Manager – Operations, Manager – Parks, Manager – Community and Ranger Services, Manager – Library Services, Manager – Project Development, Team Leader – Community Grants and Direct Services, IT Applications Support Officer, Civic Services Manager and Civic Support Officer.

**PRAYER**

Councillor Maggio was present and offered prayer prior to the commencement of the meeting.

**NATIONAL ANTHEM**

The National Anthem was sung prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that he knows some of the applicants through activities in the community during the years.

Councillor Purcell disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that he has had Council Business and social interactions with the Generous and the Grateful, AASHA, Korean Community of Commerce in the City of Ryde Inc.

**ITEM 2 (continued)**

**ATTACHMENT 1**

Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that many of those who run these organisations are known to him.

Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that she has relationships with members of the community who work with the Northern Centre, Side by Side Advocacy, Generous and the Grateful, Cass Core, Neighbourhood Watch and Easy Care Gardening.

Councillor Deshpande disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that she is distantly related to one of the applicants and also knows a few of the groups who have applied for grants.

Councillor Song disclosed a Significant Non-Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that he was the Executive Committee Member of the Korean Community of Commerce in the City of Ryde.

Councillor Han disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that he knows some of the applicants but was not aware of their submissions.

Councillor O'Reilly disclosed a Pecuniary Interest in Item 4 – City of Ryde Community Grants, Round 2, 2021 for the reason that she is an Executive Member of the Neighbourhood Watch – Ryde District.

**TABLING OF PETITIONS**

Councillor Yedelian OAM tabled the written submission by Laurence Heffernan in relation to Notice of Motion 2 – Meadowbank Skate Park and a copy is ON FILE.

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

The following persons made a written submission to Council:-

<b>Name</b>	<b>Topic</b>
Laurence Heffernan	<b>Notice of Motion 2</b> – Meadowbank Skate Park
Maria Dalmon	<b>Notice of Motion 7</b> – Safety and access in Putney park and on Ryde Riverwalk Infrastructure
Mark Swayne	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Dolores Bragg (representing Marsden High School)	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct

**ITEM 2 (continued)**

**ATTACHMENT 1**

<b>Name</b>	<b>Topic</b>
Maree Joseph	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Lesley Slender (representing Marsden High School P&C)	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Amal Gittany	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Danielle De Paoli-Michaels	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Meadowbank Community	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Tasmin Slender	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct

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

The following persons made a written submission to Council:-

<b>Name</b>	<b>Topic</b>
Julie Hill	Consider making the Gladesville to Ryde River walk (commencing at Bill Mitchell Park) wheelchair accessible
Graham Marshall	Shops and the building at 144-148 Coxs Road. The upstairs of the building has been empty and open to the elements for ten years, and at street level, the shops have been vacating the space one by one. The building is probably the worst eyesore in the City of Ryde. Streetscape works recently completed may lead to improvement in the atmosphere and surrounds of Coxs Road, an important local hub. However, I am concerned that the streetscape improvement will be a waste of money, given the presence of an eyesore in a central part of Coxs Road

**PROCEDURAL MOTION**

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

That any speakers in the gallery be allowed to address the Council Meeting, the time being 7.16pm.

**Record of Voting:**

For the Motion: The Mayor, Councillor Lane and Councillors Brown, Han, Laxale, Maggio, O'Reilly, Pedersen, Purcell and Song

Against the Motion: Councillors Deshpande, Lara-Watson and Yedelian OAM

**ITEM 2 (continued)**

**ATTACHMENT 1**

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

The following persons then addressed the Council:-

<b>Name</b>	<b>Topic</b>
Mark Swayne	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Dolores Bragg (representing Marsden High School)	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Lesley Slender (representing Marsden High School P&C)	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Tasmin Slender	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct
Maree Joseph	<b>Notice of Motion 8</b> – Meadowbank Education and Employment Precinct

**ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 7.41pm:-

- **Notice of Motion 8** – Meadowbank Education and Employment Precinct
- **Item 1** – Items put without Debate

**Record of Voting:**

For the Motion: Unanimous

**NOTICE OF MOTION**

**8 MEADOWBANK EDUCATION AND EMPLOYMENT PRECINCT - Councillor Jerome Laxale**

Note: Mark Swayne, Dolores Bragg (representing Marsden High School), Maree Joseph, Lesley Slender (representing the P&C Marsden High school), Amal Gittany, Danielle De Paoli-Michaels, the Meadowbank Community and Tasmin Slender made a written submission on this Item and copies are ON FILE.

Note: Mark Swayne, Dolores Bragg, Lesley Slender and Tasmin Slender addressed the meeting in relation to this Item.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**MOTION:** (Moved by Councillors Laxale and Purcell)

- (a) That within 14 days, the General Manager arrange and hold an urgent meeting and invite Schools Infrastructure NSW, the Hon. Victor Dominello MP, relevant Council staff, representatives from Meadowbank Public School and Marsden High P&Cs, and interested local residents and interested Councillors to discuss the communities long list of concerns regarding the construction of Meadowbank Education and Employment Precinct.
- (b) That Council acknowledge the distress this project and its construction has caused to local residents, and that the Mayor request in writing within 7 days that construction hours be amended in the final months of construction to provide respite to local residents.
- (c) That Council acknowledge the lack of local community consultation about traffic and parking issues around the site and request in writing within 7 days an urgent review of:-
  - (i) the new No Stopping signs in Bowden Street; and
  - (ii) the new bus stops outside 91 Bowden Street and McPherson Street.which were proposed and determined by the State Government without adequate levels of community consultation.
- (d) That a status report and commentary on all action items above be reported back through the Councillor Information Bulletin by 15 February.
- (e) That the General Manager continue to provide support to residents in their attempts to engage with Schools Infrastructure NSW and the State Government on issues of traffic non-compliant and other related matters.

**AMENDMENT:** (Moved by Councillors Yedelian OAM and Deshpande)

- (a) That Council affirms its support for new schools and education investment in the City of Ryde.
- (b) That Council, as soon as practicable, organise a workshop for new Councillors to familiarise themselves with the Meadowbank Education Precinct project, and identify opportunities for the City of Ryde to work constructively with Schools Infrastructure on the delivery of new education facilities and surrounding local amenity, including to limit any construction-related inconveniences.
- (c) That Council, write to the former Mayor of Ryde, Councillor Jerome Laxale, and all continuing Councillors, requesting copies of all correspondence related to this matter in advance of the abovementioned workshop, for the information of new Councillors and Council staff.



**ITEM 2 (continued)**

**ATTACHMENT 1**

- (d) That Council arrange for individual meetings with the Mayor and Council staff with relevant stakeholders, namely Schools Infrastructure NSW, the Hon. Victor Dominello MP, interested residents and representatives from Meadowbank Public School and Marsden High School P&Cs, to identify immediate priorities, and make appropriate representations as identified in the meetings.
- (e) That copies of this correspondence be tabled at the subsequent General Meeting of Council as a Precis of Correspondence.
- (f) That at the meeting a point of discussion is to request any utilisation of facilities and open space opportunities for the community to use through council's adopted processes.
- (g) That Council include all the speakers that addressed Council as well as the written submissions tonight to be included in the consultation process.

On being put to the Meeting, the voting on the Amendment was seven (7) For and five (5) Against. The Amendment was **CARRIED** and then became the Motion.

**Record for the Voting:**

For the Amendment: The Mayor, Councillor Lane and Councillors Brown, Deshpande, Han, Lara-Watson, Maggio and Yedelian OAM

Against the Amendment: Councillors Laxale, O'Reilly, Pedersen, Purcell and Song

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

- (a) That Council affirms its support for new schools and education investment in the City of Ryde.
- (b) That Council, as soon as practicable, organise a workshop for new Councillors to familiarise themselves with the Meadowbank Education Precinct project, and identify opportunities for the City of Ryde to work constructively with Schools Infrastructure on the delivery of new education facilities and surrounding local amenity, including to limit any construction-related inconveniences.
- (c) That Council, write to the former Mayor of Ryde, Councillor Jerome Laxale, and all continuing Councillors, requesting copies of all correspondence related to this matter in advance of the abovementioned workshop, for the information of new Councillors and Council staff.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (d) That Council arrange for individual meetings with the Mayor and Council staff with relevant stakeholders, namely Schools Infrastructure NSW, the Hon. Victor Dominello MP, interested residents and representatives from Meadowbank Public School and Marsden High School P&Cs, to identify immediate priorities, and make appropriate representations as identified in the meetings.
- (e) That copies of this correspondence be tabled at the subsequent General Meeting of Council as a Precis of Correspondence.
- (f) That at the meeting a point of discussion is to request any utilisation of facilities and open space opportunities for the community to use through council's adopted processes.
- (g) That Council include all the speakers that addressed Council as well as the written submissions tonight to be included in the consultation process.

**Record of Voting:**

For the Motion: The Mayor, Councillor Lane and Councillors Brown, Deshpande, Han, Lara-Watson, Maggio and Yedelian OAM

Against the Motion: Councillors Laxale, O'Reilly, Pedersen, Purcell and Song

**COUNCIL REPORTS**

**1 ITEMS PUT WITHOUT DEBATE**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

That Council adopt Mayoral Minute 1/22, Mayoral Minute 2/22, Item 3, Item 6, Notice of Motion 1, Notice of Motion 3 and Notice of Motion 6 on the Council Agenda as per the recommendations in the reports.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**MAYORAL MINUTES**

**MM1/22 MORNING TEA FOR AUSTRALIA DAY HONOUR RECIPIENTS – The Mayor, Councillor Lane**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

- (a) That Council congratulate Ms Karen Waud OAM and Mr Mervyn Whiting OAM on their 2022 Australia Day Honours.
- (b) That Council arrange a celebratory morning tea and certificate presentation for the award recipients, their guests, local media and interested Councillors.
- (c) That Council allocate requisite funding for the event from the Mayoral budget.

**Record of Voting:**

For the Motion: Unanimous

**MM2/22 GREENER NEIGHBOURHOODS PROGRAM – The Mayor, Councillor Lane**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

- (a) That Council note that applications for the \$1.65 million Greener Neighbourhoods Grant Program close on 22 February 2022.
- (b) That Council apply for a grant under the program of up to \$50,000 which is designed to fund important environmental initiatives, such as strategic urban forest planning.
- (c) That Council delegate staff to identify suitable project(s) that most efficiently and effectively benefit our local environment within the parameters of the program, and report back to Council once funding decisions have been made.
- (d) That Council endorses a letter sent from the Mayor to the Minister for Planning and Minister for Homes, the Hon. Anthony Roberts MP, expressing the Council's willingness to work constructively on future grant and funding programs and thanking him for the opportunity to apply.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**3 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 11 January 2022**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

That the Minutes of the Extraordinary Council Meeting 1/22, held on 11 January 2022 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 30 YEARS OF RYDE BEING PROCLAIMED A CITY (1992-2022) - Councillor Roy Maggio**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

- (a) That Council organise an outdoor morning tea at Banjo Patterson celebrating 30 years (1992-2022) of Ryde being proclaimed a City.
- (b) That all former Mayors and Councillors be invited to the event.
- (c) That Council officers provide a creative idea of acknowledging the milestone.
- (d) That the event be organised through the Mayor's Office.
- (e) That the funding be taken out of General Revenue.

**Record of Voting:**

For the Motion: Unanimous

**3 AUDIT OF EXISTING SPORTS GROUND AMENITIES - Councillor Roy Maggio**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

- (a) That Council undertakes an audit of all existing sports ground amenities and prepare a report outlining in respect to each facility:-
  - the condition of the facility
  - which sporting groups use the facility
  - whether the current facility is adequate for future needs eg. meeting rooms

**ITEM 2 (continued)**

**ATTACHMENT 1**

- whether provision needs to be made for female changing rooms
  - the current program to upgrade sporting amenities
  - an implementation program with recommendations and timeframes for commencement of any works
- (b) That staff provide a report on this proposal to Council within three (3) months.
- (c) That funding to be made available from the Open Space base budget.

**Record of Voting:**

For the Motion: Unanimous

**6 MEADOWBANK COMMUNITY GARDEN - Councillor Bernard Purcell**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

- (a) That Council note there has been a significant demand by local residents to establish a community garden in Meadowbank.
- (b) That City of Ryde staff undertake a report into the location, dimensions and costings of a community garden in or around the area of Memorial Park, Meadowbank.
- (c) That staff present this report by the Council meeting of April 2022.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORT**

**6 REQUEST FOR TENDER - COR-RFT-09/21 - FIRE PROTECTION SERVICES**

**RESOLUTION:** (Moved by Councillors Purcell and Brown)

- (a) That pursuant to Clause 178(1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Newsound Fire Services Pty Ltd for Fire Protection Services.
- (b) That Council advise all the respondents of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**COUNCIL REPORTS**

**1 ITEMS PUT WITHOUT DEBATE**

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

**2 CONFIRMATION OF MINUTES - Council Meeting held on 23 November 2021**

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

That the Minutes of the Council Meeting 13/21, held on 23 November 2021 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**3 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 11 January 2022**

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

**4 CITY OF RYDE COMMUNITY GRANTS, ROUND 2, 2021**

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in the Item for the reason that he knows some of the applicants through activities in the community during the years.

Note: Councillor Purcell disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has had Council Business and social interactions with the Generous and the Grateful, AASHA, Korean Community of Commerce in the City of Ryde Inc.

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that many of those who run these organisations are known to him.

Note: Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she has relationships with members of the community who work with the Northern Centre, Side by Side Advocacy, Generous and the Grateful, Cass Core, Neighbourhood Watch and Easy Care Gardening.

**ITEM 2 (continued)**

**ATTACHMENT 1**

Note: Councillor Deshpande disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she is distantly related to one of the applicants and also knows a few of the groups who have applied for grants.

Note: Councillor Song disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he was the Executive Committee Member of the Korean Community of Commerce in the City of Ryde. He left the meeting at 8.18pm and was not present for consideration or voting on this Item.

Note: Councillor Han disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he know some of the applicants but was not aware of their submissions.

Note: Councillor O'Reilly disclosed a Pecuniary Interest in this Item for the reason that she is an Executive Member of the Neighbourhood Watch – Ryde District. She left the meeting at 8.18pm and was not present for consideration or voting on this Item.

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

- (a) That Council endorse funding the following organisations for the City of Ryde Community Grants, Round 2, 2021:

**Community Wellbeing**

	<b>Ref No.</b>	<b>Organisation</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>	<b>Project Name/ Description</b>	<b>Other Comments</b>
1	CW01	The Northern Centre	\$15,000	\$15,000	Evaluation of the Safe-T Program- A community response service for domestic violence.	
2	CW13	Rotary Club of Ryde	\$12,500	\$12,500	Development of a community garden in Ryde.	
3	CW22	Sydney Community Services	\$15,000	\$15,000	Inclusion Matters- Inclusion projects aimed to connect people with a disability, seniors and disadvantaged people with the wider community.	

**ITEM 2 (continued)**
**ATTACHMENT 1**

4	CW25	The Generous and The Grateful	\$15,000	\$7,500	Upskill and Uplift- Employment training pathway in logistics and warehousing.	Meets criteria for medium project due to scale, scope and sustainability of the project. A pilot project that will continue if successful.
5	CW10	Sydney North Health Network	\$7,000	\$7,000	Ryde Aboriginal Women's Gathering- Arts and Culture Project.	
6	CW29	Side By Side Advocacy	\$13,480	\$7,500	Celebrating 30 years of citizen advocacy and social inclusion. Series of events for people with disability in Ryde.	Meets criteria for a medium project due to scale, scope and sustainability of the project. Limited partnerships.
7	CW06	Armenian Youth Federation of Australia	\$7,500	\$2,500	Youth camp and mental health initiative in Ryde.	Funding to support Ryde youth only. Other funding sources should be sought for attendees from out of area.
8	CW23	The Shepherd Centre- for Deaf Children	\$5,432	\$2,500	Talk Together- An education and support program for parents of children with a hearing loss in City of Ryde.	Meets criteria for a small project due to scope and scale. No partner organisations.
9	SM GR04	Community Flower Studio	\$2,500	\$2,500	Laugh Your Guts Out- 8 laughter workshops in partnership with Eastwood Chinese Seniors.	
10	SM GR08	CASS Care	\$2,500	\$2,500	Sharing Hope Through Volunteering. Recruit and support volunteers with a focus on people with Korean language skills.	



**ITEM 2 (continued)**

**ATTACHMENT 1**

11	SM GR14	Giant Steps	\$1,500	\$1,500	Community Access Program for Young People with Autism. Experiences for youth to increase independence, well-being, and social interactions.	
12	SM GR15	Armenian Resource Centre	\$2,500	\$2,500	Short-term employment assistance program post COVID, in partnership with Meadowbank TAFE	
13	CW02	AASHA	\$15,000	\$2,500	Art of active healthy living with COVID and beyond. In person and online social and health promotion groups for seniors.	Meets criteria for a small project due to scope, scale, and sustainability. Limited partnerships.
14	CW09	Northside CALD Carers (auspice CCA NSW Ltd)	\$7,500	\$2,500	Enhance the wellbeing of CALD carers in collaboration with partner organisations. In person and online events with guest speakers.	Meets criteria for a small project due to scope and scale. Funding to support Ryde carers with other sources sought for people out of area.
15	CW07	Ample Abilities	\$6,000	\$2,500	Ample Net Social Support Group for people with disabilities and their carers. Emphasis to support people from CALD backgrounds	Meets criteria for a small project due to scope and scale. No partner organisations.
16	CW26	Korean Harmony Culture Group	\$2,500	\$2,500	Social outings for Korean seniors aimed at encouraging new members.	
17	CW05	Neighbourhood Watch	\$9,300	\$2,500	Community safety and crime prevention program. Reintroduce Neighbourhood Watch to Central and East Wards in Ryde.	Meets criteria for a small project due to scope and scale. No partner organisations.

**ITEM 2 (continued)**

**ATTACHMENT 1**

18	CW30	AusCare Foundation	\$10,000	\$2,500	Intergenerational storytelling and knowledge sharing. Children from Ryde Persian School will teach their grandparents about technology while they learn about their history and culture.	Meets criteria for a small project due to scope and scale.
		<b>Total</b>	<b>\$150,212</b>	<b>\$93,500</b>		

**Events**

	Ref No.	Organisation	Amount Requested	Amount Recommended	Project Name/ Description	Other Comments
19	EV03	Australia Yellow River Chorus	\$7,500	\$5,000	Easter Festival Celebration. A choir performance and musical event.	Application stated the event could be delivered for \$5,000. The additional \$2,500 was to pay another organisation, however, the need was not demonstrated.
20	EV04	Korean Community of Commerce in the City of Ryde Inc.	\$7,000	\$5,450	Eastwood chef cooking competition with Korean, Chinese and Australian chefs.	Requested funding for a marquee, however, not required, as the event will be held under the trellis in Eastwood Plaza.
		<b>Total</b>	<b>\$14,500</b>	<b>\$10,450</b>		

**Arts and Creativity**

	Ref No.	Organisation	Amount Requested	Amount Recommended	Project Name/ Description	Other Comments
21	Arts02	Ryde City Concert Band Inc.	\$5,000	\$5,000	Ryde Band, 140-year history. Editing, proof-reading and design to publish a book.	
22	Arts09	Helene Cochaud	\$3,936	\$3,936	COVID Voices- Documentary photographic work on the impact of COVID in Ryde.	

**ITEM 2 (continued)**

**ATTACHMENT 1**

23	Arts03	May's Day Creativity Inc.	\$4,800	\$1,000	May's Day Chinese Writing. Literature project to tell a series of stories of Australia via creative writing and workshop.	No partner organisations and small number of people proposed for the workshops. Partial funding recommended.
<b>Total</b>			<b>\$13,736</b>	<b>\$9,936</b>		

**Facilities and Equipment**

	Ref No.	Organisation	Amount Requested	Amount Recommended	Project Name/ Description	Other Comments
24	FE03	Hunters Hill/ Ryde Men's Shed	\$4994	\$4994	Purchase of equipment to replace old/obsolete pieces.	
25	FE05	Riding for the Disabled Association- Ryde Centre (auspice RDA NSW)	\$5,000	\$5,000	Enhance community safety and access to the riding oval and purchase of a ride on lawn mower.	
26	FE07	Easy Care Gardening	\$5,000	\$5,000	Gardening tools and equipment to assist volunteers.	
27	FE02	Ryde Eisteddfod Committee	\$5,000	\$5,000	IT equipment to support front of house functions during Eisteddfod events.	
<b>Total</b>			<b>\$19,994</b>	<b>\$19,994</b>		

**Sport and Recreation**

	Ref No.	Organisation	Amount Requested	Amount Recommended	Project Name/ Description	Other Comments
28	SP01	Ryde Hunters Hill Cricket Club	\$3,000	\$2,000	Pirates' female participation and development program to encourage female participation and skills development	Funding for sporting equipment is not eligible.

**ITEM 2 (continued)**

**ATTACHMENT 1**

29	SP06	Eastwood Ryde Netball Association	\$2,500	\$2,140	Netball development program for children aged 5-7 years.	Funding for court hire is not eligible.
<b>Total</b>			<b>\$5,500</b>	<b>\$4,140</b>		

**Small Grants**

	<b>Ref. No.</b>	<b>Organisation</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>	<b>Project Name/ Description</b>	<b>Other Comments</b>
30	SM GR13	Reach Community Initiatives	\$2,500	\$2,500	Provide emergency food parcels including frozen meals.	
31	SM GR09	Korean Cultural Forum	\$1,000	\$1,000	Cultural Exchange Conference. Monthly interest group meeting of community members including promotion of young musicians/artists.	
<b>Total</b>			<b>\$3,500</b>	<b>\$3,500</b>		

- (b) That the funding allocated to the Venue Hire category be reallocated to the Community Facilities and Equipment category to support funding of all the applications received.
- (c) That funding of \$143,070 is awarded in this grant round from the Community Grants budget.
- (d) That unspent funding of \$29,430 from this round is carried forward to Community Grants, Round 1, 2022.
- (e) That Council does not endorse the following application, as it has been assessed, as lower priority and is the WHS responsibility of the applicant.

	<b>Ref No.</b>	<b>Organisation</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>	<b>Project Name/ Description</b>	<b>Other Comments</b>
32	FE06	West Ryde Church	\$5,000	\$0	Installation of a defibrillator and emergency exit signage within the church property.	WHS is the responsibility of the organisation and suggest alternative grant funding.

- (f) That the successful and unsuccessful applicants are advised in writing of the outcomes of their applications.
- (g) That the Mayor write to all the successful applicants.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (h) That Council officers review the unsuccessful applicant West Ryde Church to identify opportunities to assist them in the installation of the defibrillator.
- (i) That the general manager contact applicants, 4, 6, 8, 13, 14, and 15 and discuss opportunities and ways in which they may be able to achieve the grant funding that they applied for.
- (j) That applicant 20 be provided with the amount that they applied for, for the purposes of purchasing a marquee for wet weather or general purposes if required.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor O'Reilly returned to the meeting, the time being 8.41pm.

Note: Councillor Song returned to the meeting, the time being 8.41pm.

**5 EXTERNAL COMMITTEE - NSW PUBLIC LIBRARIES ASSOCIATION**

**MOTION:** (Moved by Councillors Laxale and Pedersen)

That Council appoint Councillor Laxale as the formal delegate and Councillor O'Reilly as the alternate delegate to the NSW Public Libraries Association (NSWPLA) Committee.

**AMENDMENT:** (Moved by Councillors Lara-Watson and Brown)

That Council appoint Councillor Deshpande as the formal delegate and Councillor Han as the alternate delegate to the NSW Public Libraries Association (NSWPLA) Committee.

On being put to the meeting the voting on the Amendment was seven (7) for and five (5) Against. The Amendment was **CARRIED** and then became the Motion.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Lane and Councillors Brown, Deshpande, Han, Lara-Watson, Maggio and Yedelian OAM

Against the Amendment: Councillors Laxale, O'Reilly, Pedersen, Purcell and Song

**ITEM 2 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillors Lara-Watson and Brown)

That Council appoint Councillor Deshpande as the formal delegate and Councillor Han as the alternate delegate to the NSW Public Libraries Association (NSWPLA) Committee.

**Record of Voting:**

For the Motion: The Mayor, Councillor Lane and Councillors Brown, Deshpande, Han, Lara-Watson, Maggio and Yedelian OAM

Against the Motion: Councillors Laxale, O'Reilly, Pedersen, Purcell and Song

**NOTICES OF MOTION**

**1 30 YEARS OF RYDE BEING PROCLAIMED A CITY (1992-2022) - Councillor Roy Maggio**

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

**2 MEADOWBANK SKATE PARK - Councillor Roy Maggio**

Note: Laurence Heffernan made a written submission on this Item and a copy is ON FILE.

Note: Councillor Yedelian OAM tabled Laurance Heffernan's written submission in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Maggio and Lara-Watson)

- (a) That Council note at the last Council meeting in 2021 a petition was presented requesting a consultation process on the extension of the lighting at the skatepark.
- (b) That Council provides a comprehensive consultation process at the Meadowbank outdoor recreation space to extend the lighting to the skatepark to 8.00pm in the winter months of May, June, July and August.
- (c) That all neighbouring residents, Meadowbank Park users and the local skateboarding community be involved in the discussions.
- (d) That Council provide as part of the consultation four (4) face-to-face drop-in sessions at the skatepark on the weekends engaging with the users and neighbouring residents.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (e) That the report on this proposal be presented to Council in three (3) months.
- (f) That funding be made available from the appropriate reserve.

On being put to the meeting, Councillors Laxale, Pedersen, Purcell, O'Reilly and Song abstained from voting and accordingly their votes were recorded Against the Motion.

**Record of Voting:**

For the Motion: The Mayor, Councillor Lane and Councillors Brown, Deshpande, Han, Lara-Watson, Maggio and Yedelian OAM

Against the Motion: Councillors Laxale, O'Reilly, Pedersen, Purcell and Song

**3 AUDIT OF EXISTING SPORTS GROUND AMENITIES - Councillor Roy Maggio**

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

**4 NEW STREET TREE PLANTING - Councillor Shweta Deshpande**

**RESOLUTION:** (Moved by Councillors Deshpande and Lara-Watson)

That the General Manager bring back a report to Council:-

- (a) That identifies suitable locations for the planting of at least 1300 additional street trees in the City of Ryde.
- (b) Identifying native species and suitable heights while consulting proactively with local residents prior to planting.
- (c) Identifying appropriate funding through the budget process, prioritising funding from external sources where available, including offering an opportunity to opt out, prior to planting.
- (d) That the outcome and various milestones of this resolution be promoted widely.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 2 (continued)**

**ATTACHMENT 1**

**5 BOOSTING THE ECONOMY OF EASTWOOD BUSINESS PRECINCT BY ESTABLISHING KOREATOWN ON ROWE STREET (EAST), EASTWOOD - Councillor Daniel Han**

**RESOLUTION:** (Moved by Councillors Han and Song)

- (a) That Council note:-
- Rowe Street East, Eastwood has long been recognized as the largest and most recognised Korean cultural business precinct in Sydney due to its substantially high concentration of Korean business presence.
  - The Australian Korean community has contributed significantly to the economic and cultural prosperity of Australia, NSW and the City of Ryde.
  - Destination precincts contribute significantly to the economy of Ryde and help foster greater harmony and cultural exchange of Australians of all heritage.
- (b) That Council partner with the Eastwood business community, local residents and other appropriate stakeholder to establish a working party, chaired by Councillor Han and Deputy Chair, Councillor Song to:-
- (i) Identify the most suitable location and boundaries to demarcate 'Koreatown' precinct on the eastern side of Rowe Street, Eastwood.
  - (ii) Upon successful identification of the precinct, develop a masterplan for appropriate signage, demarcation, monuments and other public works to create an identifiable Koreatown precinct.
  - (iii) Consult with the community about the masterplan to further investigate the streetscape options and traffic movements on Rowe Street East to reinvigorate the area.
  - (iv) Develop a budget to allocate funding from the appropriate reserve to be brought back to Council for consideration by 30 June 2022 as part of the current Delivery Plan process.
  - (v) Register Koreatown with the NSW Geographic Names Board and report to Council on the outcomes of the working party deliberations; and
  - (vi) Upon completion of the project, organise an official launch of 'Koreatown' with invitations sent to all those who participated in the process with the working party.
- (c) That Council request the General Manager provide all necessary resources to the working party to achieve its goals.

**Record of Voting:**

For the Motion: Unanimous



**ITEM 2 (continued)**

**ATTACHMENT 1**

**6 MEADOWBANK COMMUNITY GARDEN - Councillor Bernard Purcell**

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

**7 SAFETY AND ACCESS IN PUTNEY PARK AND ON RYDE RIVERWALK INFRASTRUCTURE - Councillor Penny Pedersen**

**RESOLUTION:** (Moved by Councillors Pedersen and O'Reilly)

That the General Manager bring back a report to Council by May 2022 outlining the changes that can be made and possible funding sources to:-

- (a) Build a hand railing at Ross Street steps, Gladesville to Ryde Riverwalk, making access safer for the elderly and people living with a disability on the steps.
- (b) Make the Ryde Riverwalk more accessible for wheelchairs, walkers and prams.
- (c) Provide appropriate ramp access to the sand, for people living with a disability at Putney Park (made from sector recommended materials and to required specifications for wheelchairs) that is separate to the current sandstone steps and separate to the proposed kayak/dragon boat/sports ramp.
- (d) That we explore the opportunity to identify funding, deliver a ramp or a combined ramp that delivers access to people living with a disability to the sand.
- (e) That Council explore Grant opportunities to assist in the funding of this projects.

**Record of Voting:**

For the Motion: Unanimous

**8 MEADOWBANK EDUCATION AND EMPLOYMENT PRECINCT - Councillor Jerome Laxale**

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

**QUESTIONS BY COUNCILLORS AS PER POLICY**

**1 QUESTIONS WITH NOTICE - Councillor Penny Pedersen**

Question 1:

**There was a resolution of Council in 2019, in response to a Notice of Motion by Councillor Pedersen that proposed a bike and kayak kiosk/s at Kissing Point Beach. It was proposed that the hire kiosk also include a small scale café with food and beverage offerings to activate sites along the river. Community consultation showed overwhelming support for this project. The project was put on hold pending a response from the State Government Crown Lands Office. Where is the Kayak and Bike hire for Kissing Point Beach proposal up to and when can we expect the community will be able to hire kayaks there?**

Answer 1:

The Kayak and Bike hire for Kissing Point Beach proposal is still pending a response from the State Government Crown Lands Office. Council staff have been working to resolve this issue with no success, as such the matter has now been directed to our in-house counsel to take legal action on the matter. To date, no further advice has been received.

Question 2:

**Council assets such as paving, footpaths and gardens are often removed, damaged or dug up by utility companies and developers, please confirm that the costs of repair and replacement must be met by the body responsible for the damage. What other requirements are there surrounding these replacements? ie: timeframe for replacement and what are the requirements for the quality of replacement materials used, the quality of work done and is this replacement work assessed as part of the process?**

Answer 2:

Councils assets are regularly damaged in the course of activities undertaken by a range of parties. These parties include Utilities (or their agents) and Developers and are unavoidable. In most instances, the damage arises due to the need to upgrade existing Utility assets such as power cables, gas lines, water supply lines and telecommunications cabling. Other examples involve the expansion of the Utility's infrastructure to meet with increasing demands for the services they provide.

The repair of these damaged assets is implemented at the expense of the party that caused the damage. Each Utility is obligated to fund such repairs under their respective Legislation. In addition, Council rights are protected under both the Roads Act and Local Government Act. The timeframes associated with the finalisation of such work is determined by the time required to complete and

**ITEM 2 (continued)**

**ATTACHMENT 1**

commission the new Utility Asset. In the case of electrical and Telco assets, the approval to proceed with the final restoration is issued once the new installation has been tested. This may have considerable lead time. However, the Utility, or their agent, is required to maintain the affected area in a safe state to ensure no risk is posed to the general community. Any deterioration of any temporary restoration must be actioned by the Utility or their agent. Again, their obligations are covered by the relevant Legislation. It should also be mentioned that Council, in most instances, implements the final restoration on a commercial basis. This also provides Council an opportunity to ensure the work is delivered to the required standards and specifications.

In the case of Developers, they are required to fund such activities through the approval of a Road Opening Permit (ROP). The permit will include an estimation of the anticipated damage and an amount is calculated which is charged as a Bond. In addition, any Security Deposit which is lodged with Council as part of a DA can be utilised to fund any shortfall. Alternatively, the issuing of an Occupancy Certificate can be withheld until damage is rectified.

Question 3:

**In June 2021 staff indicated that they were considering a free mattress recycling service, were gathering data and would report back in November. Can you please tell us if a free mattress recycling service will be implemented in this term of Council and what date is this likely to start?**

Answer 3:

As of November 2021, mattresses presented in household clean-up have been recycled through Mattress Recycle Australia. Residents are not required to book a separate collection. All clean-up materials collected in Ryde are sent to the Veolia Greenacre facility. Mattresses are then separated and transferred to Cootamundra for recycling.

A CIB detailing this initiative was planned for November, however, Council is still awaiting recovery data from a third party processor which has delayed the CIB. The recovery data is expected to be received during February, at which time a CIB will be issued to brief Councillors on the project.

The meeting closed at 9.49pm.

CONFIRMED THIS 22ND DAY OF FEBRUARY 2022

Chairperson

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**3 INVESTMENT REPORT AS AT 30 NOVEMBER 2021**

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**Report prepared by:** Acting Chief Financial Officer  
**File No.:** GRP/21/8 - BP22/49

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**REPORT SUMMARY**

This report details Council's performance of its investment portfolio as at 30 November 2021, and compares it against key benchmarks. The report includes Council's loan liabilities.

Council's rate of return on investments for the reporting period is 1.38%, which is 1.31% above the benchmark figure of 0.07%.

Income from interest on investments and proceeds from sale of investments totals \$1,287K for the financial year to date, which is \$312K above the 2021/22 year-to-date adopted budget of \$975K.

**RECOMMENDATION:**

That Council endorse the Investment Report as at 30 November 2021.

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Jifeng Huang**  
**Acting Chief Financial Officer**

Report Approved By:

**Mark Eady**  
**Director - Corporate Services**

### ITEM 3 (continued)

#### Discussion

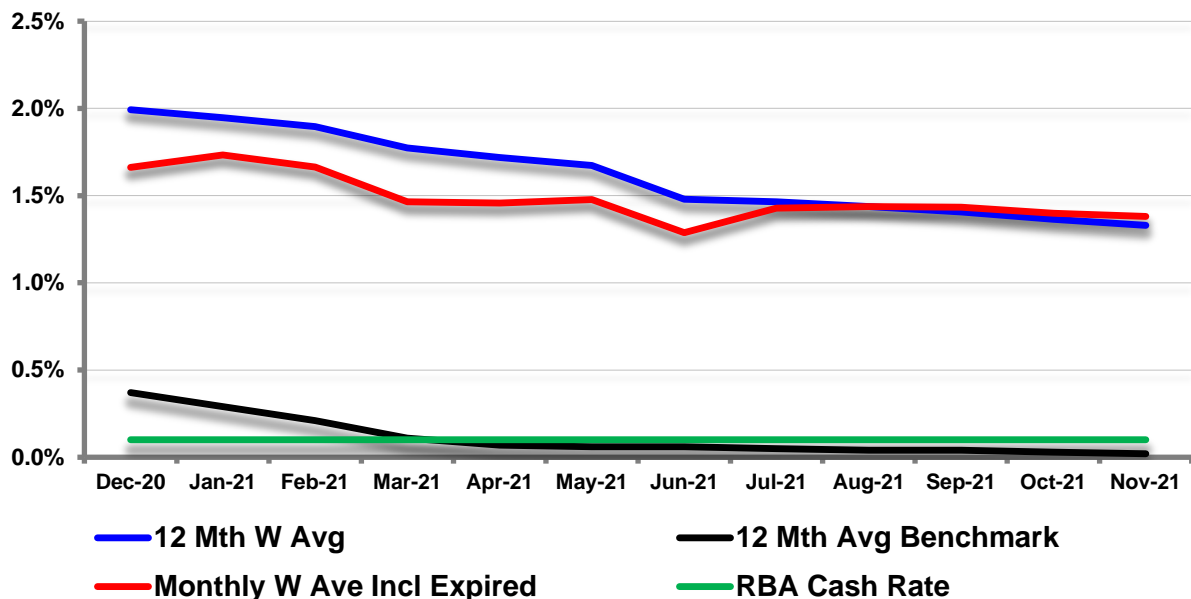
Council's Responsible Accounting Officer is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the *Local Government Act 1993*.

#### Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for November 2021 and the past 12 months are as follows:

	Nov	12 Mth	FYTD
<b>Council Return</b>	<b>1.38</b>	<b>1.33</b>	<b>1.38</b>
<b>Benchmark</b>	0.07	<b>0.02</b>	0.02
<b>Variance</b>	<b>1.31</b>	<b>1.31</b>	<b>1.36</b>

### Performance - All Investments



Council's investment portfolio as at 30 November 2021 was as follows:

Cash/Term Deposits	\$146.96M	65.8%
Floating Rate Notes	\$28.75M	12.9%
Fixed Bonds	\$47.48M	21.3%
<b>Total Investments</b>	<b>\$223.18M</b>	

**ITEM 3 (continued)**

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 180 days maturity) where more competitive rates are available.

Council's income from investments continues to exceed budgeted expectations, primarily due to Council's cash reserves balances being higher than anticipated.

**Loan Liability**

Council's loan liability as at 30 November 2021 was \$968K which represents the balance of two loans which were established under the Local Infrastructure Renewal Scheme (LIRS). Council receives a 3% interest subsidy payment from the OLG twice a year.

1. A \$1.5M 10 year loan drawn down 31 January 2014 at 180 day Bank Bill Swap rate (BBSW) of +175 basis points for the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 2. The interest rate for this loan is reset every six months.
2. A \$1.5M 10 year loan drawn down 1 September 2014 at 4.95% for Phase 2 of the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 3.

### ITEM 3 (continued)

#### INVESTMENT SUMMARY AS AT 30 NOVEMBER 2021

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 30-Nov-21 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2021	% of Total Invested	Maturity	Tenor
Bank of Queensland	1. Bank of Queensland Floating Rate Note	AAA	Y	1,200	1.11	1.10	1.10	0.54	14/05/2025	1826
National Australia Bank	2. NAB Fixed Bond (Covered)	AAA	Y	3,747	3.10	3.10	3.07	1.68	16/03/2023	1826
Australia and New Zealand Banking Group	3. ANZ Fixed Bond	AA-	Y	1,500	3.15	3.16	3.16	0.67	18/01/2023	1826
Australia and New Zealand Banking Group	4. ANZ Fixed Bond	AA-	Y	2,999	3.14	3.14	3.15	1.34	8/02/2024	1826
Australia and New Zealand Banking Group	5. ANZ Fixed Bond	AA-	Y	2,000	1.56	1.56	1.56	0.90	29/08/2024	1827
Australia and New Zealand Banking Group	6. ANZ Fixed Bond	AA-	Y	1,994	1.67	1.67	1.67	0.89	29/08/2024	1805
Australia and New Zealand Banking Group	7. ANZ Fixed Bond	AA-	Y	1,998	1.70	1.69	1.73	0.90	16/01/2025	1827
Australia and New Zealand Banking Group	8. ANZ Fixed Bond	AA-	Y	2,982	1.80	1.80	1.80	1.34	29/08/2024	1612
Australia and New Zealand Banking Group	9. ANZ Floating Rate Note	AA-	Y	1,500	0.81	0.81	0.61	0.67	18/01/2023	1826
Australia and New Zealand Banking Group	10. ANZ Floating Rate Note	AA-	Y	2,000	0.94	0.93	0.93	0.90	9/05/2023	1826
Australia and New Zealand Banking Group	11. ANZ Term Deposit	AA-	Y	4,000	1.54	1.53	1.53	1.79	10/11/2022	2557
Australia and New Zealand Banking Group	12. ANZ Term Deposit	AA-	Y	4,000	1.47	1.49	1.48	1.79	15/12/2022	2557
Commonwealth Bank of Australia	13. CBA Business Online Saver	AA-	Y	45,031	0.19	0.18	0.21	20.18		
Commonwealth Bank of Australia	14. CBA Fixed Bond	AA-	Y	3,994	3.41	3.42	3.42	1.79	25/04/2023	1916
Commonwealth Bank of Australia	15. CBA Fixed Bond	AA-	Y	3,497	3.27	3.28	3.31	1.57	16/08/2023	1826
Commonwealth Bank of Australia	16. CBA Fixed Bond	AA-	Y	3,487	3.23	3.24	3.24	1.56	11/01/2024	1826
Commonwealth Bank of Australia	17. CBA Term Deposit	AA-	Y	4,000	0.43	0.43	0.43	1.79	22/02/2022	365
National Australia Bank	18. NAB Fixed Bond	AA-	Y	3,998	3.08	3.08	3.11	1.79	10/02/2023	1918
National Australia Bank	19. NAB Fixed Bond	AA-	Y	2,998	2.95	2.95	2.98	1.34	26/02/2024	1826
National Australia Bank	20. NAB Floating Rate Note	AA-	Y	4,000	0.93	0.93	0.93	1.79	16/05/2023	1826
National Australia Bank	21. NAB Floating Rate Note	AA-	Y	2,000	0.94	0.95	0.95	0.90	19/06/2024	1827
National Australia Bank	22. NAB Term Deposit	AA-	Y	4,000	0.35	0.46	0.35	1.79	24/02/2022	371
National Australia Bank	23. NAB Term Deposit	AA-	Y	4,000	0.52	0.41	0.35	1.79	11/11/2022	365
National Australia Bank	24. NAB Term Deposit	AA-	Y	4,000	0.30	0.45	0.30	1.79	16/06/2022	273
National Australia Bank	25. NAB Term Deposit	AA-	Y	4,000	0.30	0.53	0.42	1.79	16/06/2022	273
National Australia Bank	26. NAB Term Deposit	AA-	Y	4,000	0.45	0.53	0.45	1.79	11/01/2022	357
National Australia Bank	27. NAB Term Deposit	AA-	Y	4,000	3.35	3.35	3.35	1.79	18/09/2023	1827
National Australia Bank	28. NAB Term Deposit	AA-	Y	2,000	0.50	0.50	0.50	0.90	2/12/2022	365
Westpac Banking Corporation	29. Westpac Fixed Bond	AA-	Y	2,489	3.25	3.26	3.26	1.12	24/04/2024	1917
Westpac Banking Corporation	30. Westpac Term Deposit	AA-	Y	4,000	3.55	3.55	3.55	1.79	22/02/2022	1825
Westpac Banking Corporation	31. Westpac Term Deposit	AA-	Y	4,000	3.32	3.32	3.32	1.79	9/08/2022	1813
Westpac Banking Corporation	32. Westpac Term Deposit	AA-	Y	2,000	3.38	3.38	3.38	0.90	18/08/2022	1815
Westpac Banking Corporation	33. Westpac Term Deposit	AA-	Y	4,000	1.23	1.23	1.23	1.79	17/02/2022	1826
Macquarie Bank	34. Macquarie Bank Fixed Bond	A+	Y	3,999	1.71	1.71	1.73	1.79	12/02/2025	1827
Suncorp-Metway	35. Suncorp-Metway Floating Rate Note (Covered)	A+	N	1,000	1.00	1.00	1.00	0.45	16/08/2022	1826
Suncorp-Metway	36. Suncorp-Metway Floating Rate Note	A+	N	1,200	1.17	1.16	1.16	0.54	24/04/2025	1823
Bank of Queensland	37. BoQ Fixed Bond	BBB+	Y	3,794	2.15	2.15	2.15	1.70	27/10/2026	1826
Bank of Queensland	38. Bank of Queensland Term Deposit	BBB+	Y	2,000	2.55	2.55	2.55	0.90	13/06/2024	1827
Bank of Queensland	39. Bank of Queensland Term Deposit	BBB+	Y	4,000	0.43	0.48	0.46	1.79	16/09/2022	365
Bank of Queensland	40. Bank of Queensland Term Deposit	BBB+	Y	2,000	3.75	3.75	3.75	0.90	9/12/2022	365
Bank of Queensland	41. Bank of Queensland Term Deposit	BBB+	Y	4,000	3.50	3.50	3.50	1.79	15/11/2022	1804
Bendigo and Adelaide Bank	42. Bendigo and Adelaide Bank Fixed Bond	BBB+	N	2,000	3.53	3.55	3.55	0.90	25/01/2023	1826
Bendigo and Adelaide Bank	43. Bendigo and Adelaide Bank Floating Rate Note	BBB+	N	1,999	1.15	1.14	1.14	0.90	25/01/2023	1532
Heritage Bank	44. Heritage Bank Floating Rate Note	BBB+	N	2,000	0.84	0.83	0.83	0.90	12/08/2022	1085
MyState Bank	45. MyState FRN	BBB+	N	1,500	0.66	0.67	0.67	0.67	16/06/2025	1461
MyState Bank	46. MyState Bank Term Deposit	BBB+	N	2,000	0.65	0.65	0.65	0.90	11/10/2023	730
MyState Bank	47. MyState Bank Term Deposit	BBB+	N	2,000	0.70	0.70	0.70	0.90	29/11/2022	365
MyState Bank	48. MyState Bank Term Deposit	BBB+	N	2,000	0.70	1.36	0.70	0.90	4/11/2022	365
AMP	49. AMP At Call Account	BBB	Y	397	0.51	0.50	0.50	0.18		

**ITEM 3 (continued)**

INVESTMENT SUMMARY AS AT 30 NOVEMBER 2021

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 30-Nov-21 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2021	% of Total Invested	Maturity	Tenor
AMP	50. AMP Floating Rate Note	BBB	Y	999	1.42	1.43	1.43	0.45	30/03/2022	917
AMP	51. AMP Term Deposit	BBB	Y	1,000	0.75	0.78	0.75	0.45	2/08/2022	368
Bank Australia	52. Bank Australia Floating Rate Note	BBB	N	2,000	0.92	0.93	0.92	0.90	2/12/2022	1096
Credit Union Australia	53. CUA Floating Rate Note	BBB	N	1,000	1.17	1.16	1.16	0.45	24/10/2024	1827
Defence Bank	54. Defence Bank Term Deposit	BBB	N	2,000	0.43	0.64	0.43	0.90	8/02/2022	364
ME Bank	55. ME Bank At Call Account	BBB	N	9,579	0.55	0.61	0.59	4.29		
ME Bank	56. ME Bank TD	BBB	N	2,000	0.53	0.53	0.53	0.90	16/06/2022	363
Newcastle Permanent Building Society	57. NPBS FRN	BBB	N	2,000	0.65	0.66	0.65	0.90	4/03/2026	1826
Newcastle Permanent Building Society	58. Newcastle Permanent Building Society Term Deposit	BBB	N	2,000	3.05	3.05	3.05	0.90	27/01/2022	1092
Newcastle Permanent Building Society	59. Newcastle Permanent Building Society Term Deposit	BBB	N	2,000	3.05	3.05	3.05	0.90	10/02/2022	1095
Police & Nurses Limited	60. P&N Bank Term Deposit	BBB	N	1,000	3.50	3.50	3.50	0.45	2/11/2023	1821
Teachers Mutual Bank	61. Teachers Mutual Bank FRM	BBB	N	1,100	0.70	0.70	0.70	0.49	16/06/2026	1826
Auswide Bank	62. Auswide Bank Floating Rate Note	BBB-	N	1,500	1.07	1.08	1.08	0.67	17/03/2023	1095
Auswide Bank	63. Auswide Bank Term Deposit	BBB-	N	2,000	1.69	1.69	1.69	0.90	15/02/2022	715
QPCU	64. QBank Floating Rate Note	BBB-	N	750	1.52	1.54	1.53	0.34	14/12/2021	1096
QPCU	65. QBank FRN	BBB-	N	1,000	0.77	0.78	0.77	0.45	22/03/2024	1096
QPCU	66. QBank Term Deposit	BBB-	N	1,000	0.50	0.50	0.50	0.45	15/12/2021	372
QPCU	67. QBank Term Deposit	BBB-	N	1,000	0.65	1.48	1.25	0.45	30/09/2022	364
BNK Banking Corporation	68. BNK Banking TD	NR	?	1,950	0.55	0.55	0.55	0.87	6/01/2022	274
Coastline Credit Union	69. Coastline CU Term Deposit	NR	?	1,000	0.55	0.55	0.55	0.45	16/12/2021	371
Railways Credit Union	70. MOVE Term Deposit	NR	?	1,000	0.60	0.60	0.60	0.45	19/05/2022	364
Railways Credit Union	71. MOVE TD	NR	?	1,000	0.60	0.60	0.60	0.45	12/05/2022	356
Warwick Credit Union	72. Warwick CU Term Deposit	NR	?	1,000	0.75	0.74	0.75	0.45	9/03/2023	728
WAW Credit Union Co-operative Limited	73. WAW CU Term Deposit	NR	N	2,000	0.80	0.80	0.80	0.90	15/12/2021	372
				<b>223,181</b>	<b>1.38</b>	<b>1.47</b>	<b>1.44</b>	<b>100</b>		

\*Monthly returns when annualised can appear to exaggerate performance

	<u>Nov</u>	<u>12 Mth</u>	<u>FYTD</u>
<b>Return including Matured/Traded Investments</b>			
<b>Weighted Average Return</b>	<b>1.38</b>	<b>1.33</b>	<b>1.38</b>
<b>Benchmark Return: AusBond Bank Bill Index (%)</b>	<b>0.07</b>	<b>0.02</b>	<b>0.02</b>
<b>Variance From Benchmark (%)</b>	<b>1.31</b>	<b>1.31</b>	<b>1.36</b>

**Investment Income**

	<u>\$000's</u>
This Period	241
Financial Year To Date	1,287
Budget Profile	975
Variance from Budget - \$	<b>312</b>

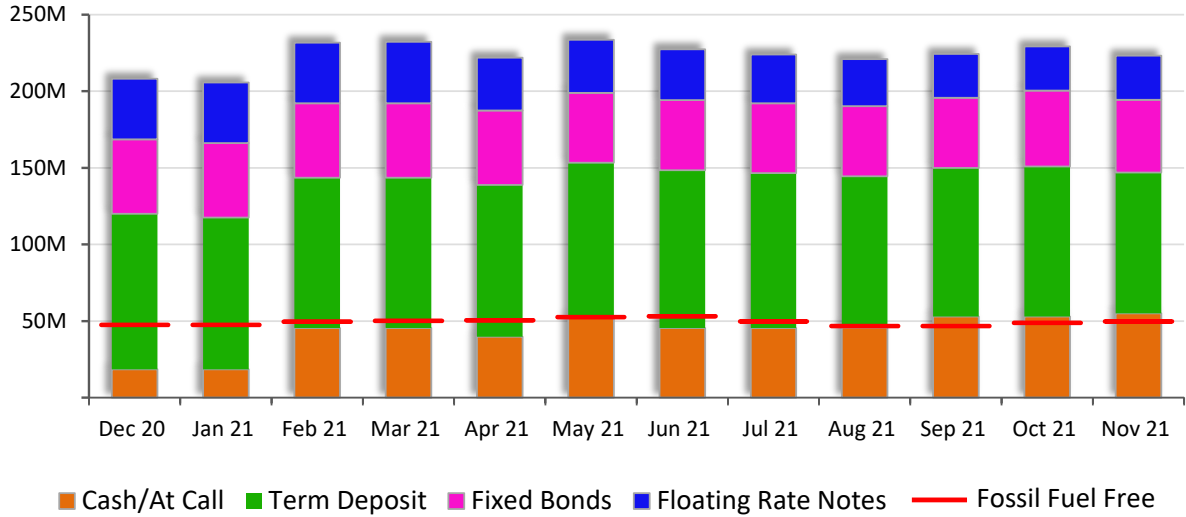
**Fossil Fuel Free (000's)**

Yes	49,628
No	167,603
Unknown	5,950

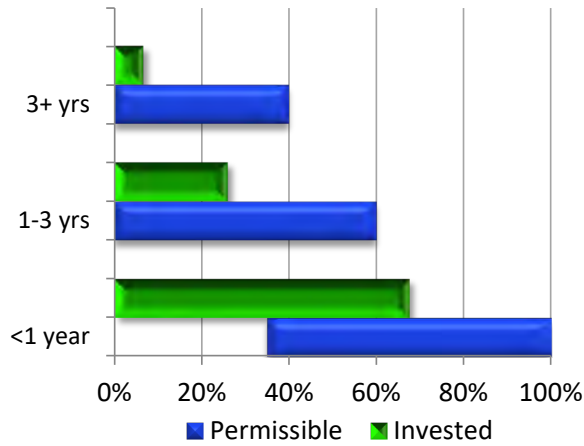


**ITEM 3 (continued)**

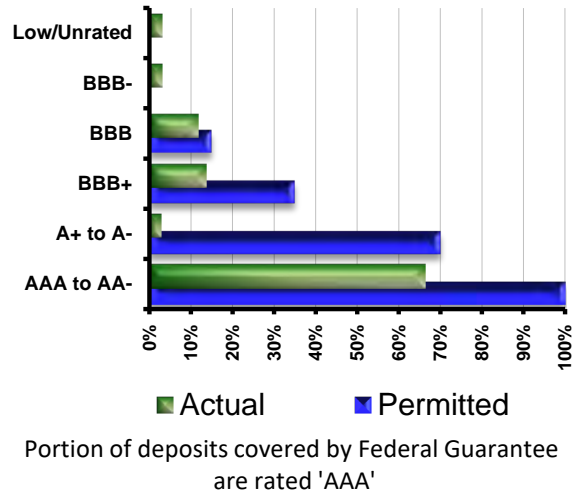
**Total Funds Invested**



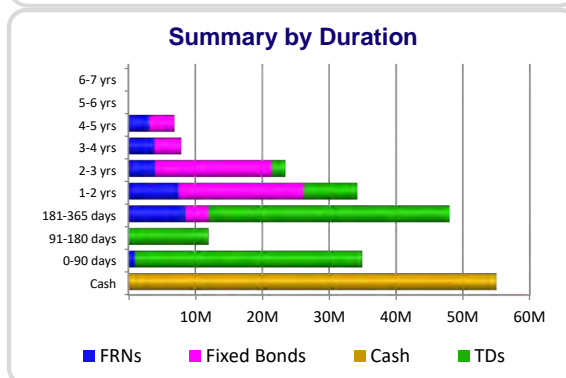
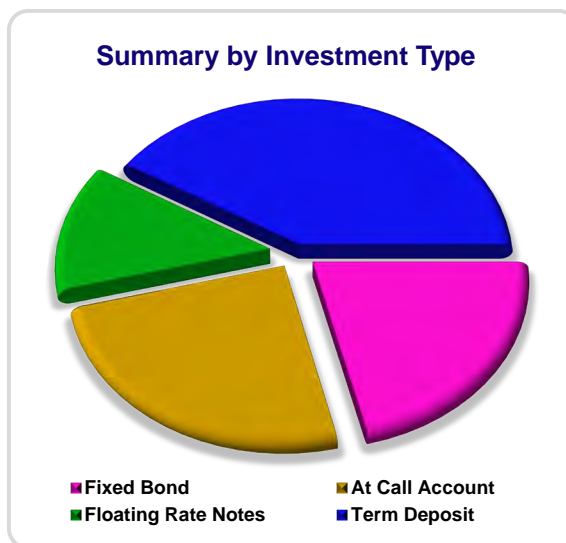
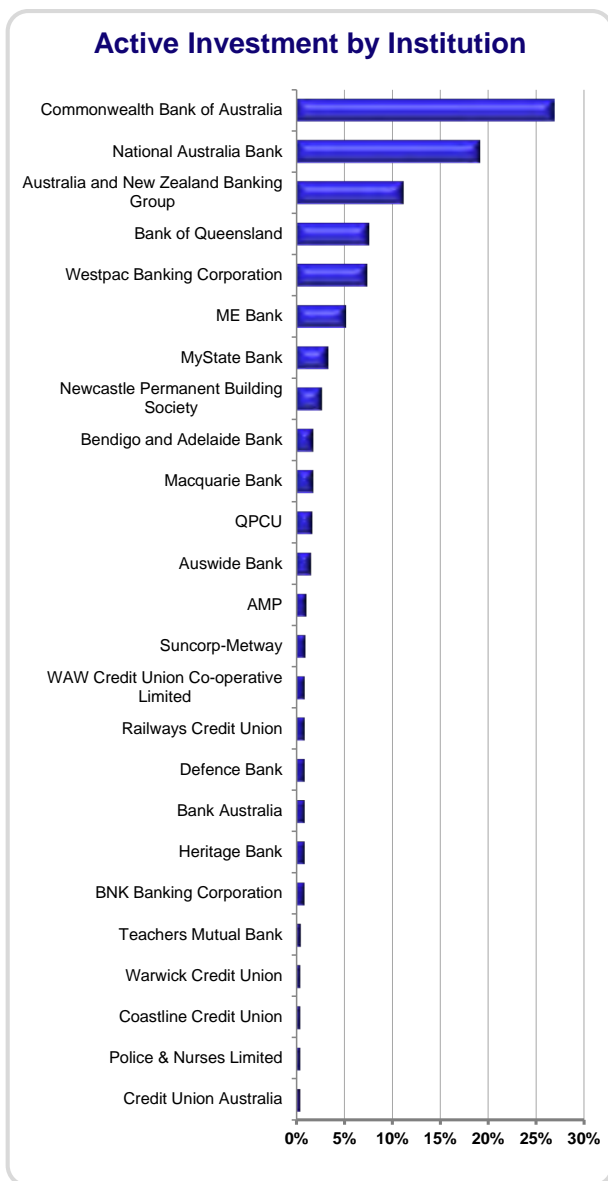
**Policy Limits on Maturities**



**Investment Summary by Rating**



**ITEM 3 (continued)**



	<365 days	>365 days
Cash/TDs	\$129.0M	\$18.0M
FRNs	\$4.7M	\$24.0M
Fixed Bonds	\$0.0M	\$47.5M
	<b><u>\$133.7M</u></b>	<b><u>\$89.5M</u></b>

**Divestment of Fossil Fuel Aligned Financial Institutions**

Council uses the entity Market Forces to validate its classes of investments into either Fossil Fuel or Non Fossil fuel aligned institutions. The figures below do not include any financial institutions that have not declared if they are Fossil Fuel or Non Fossil Fuel aligned.

As at 30 November 2021, Council had a total amount of \$49.6M million invested in non-fossil fuel aligned financial institutions, which is 22.24% of its total investment portfolio.

**ITEM 3 (continued)**

By way of comparison, Council had \$48.6 million (24.5% of its total investment portfolio) invested in non-fossil fuel aligned financial institutions, as at policy inception on 26 October 2021. The implementation of the new Cash Investment Policy by the Finance Department should see this percentage grow over the coming months.

**Financial Implications**

Council's return for the reporting period is 1.38%, which is 1.31% above the benchmark figure of 0.07%. Income from interest on investments and proceeds from sales of investments totals \$1,287K for the period ending 30 November 2021 and is \$312K above the 2021/22 year-to-date adopted budget of \$975K.

**Summary**

Council's investment portfolio continues to perform well with returns above benchmark. The recommendation in this report is consistent with Section 625 of the *Local Government Act 1993*, which deals with the investment of surplus funds by Councils.

**Certificate of the Chief Financial Officer (Responsible Accounting Officer)**

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation.

Jifeng Huang  
Acting Chief Financial Officer

**4 INVESTMENT REPORT AS AT 31 DECEMBER 2021**

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**Report prepared by:** Acting Chief Financial Officer  
**File No.:** GRP/21/8 - BP22/55

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**REPORT SUMMARY**

This report details Council's performance of its investment portfolio as at 31 December 2021, and compares it against key benchmarks. The report includes Council's loan liabilities.

Council's rate of return on investments for the reporting period is 1.35%, which is 1.31% above the benchmark figure of 0.04%.

Income from interest on investments and proceeds from sale of investments totals \$1,538K for the financial year to date, which is \$368K above the 2021/22 year-to-date adopted budget of \$1,170K.

**RECOMMENDATION:**

That Council endorse the Investment Report as at 31 December 2021.

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Jifeng Huang**  
**Acting Chief Financial Officer**

Report Approved By:

**Mark Eady**  
**Director - Corporate Services**

**ITEM 4 (continued)**
**Discussion**

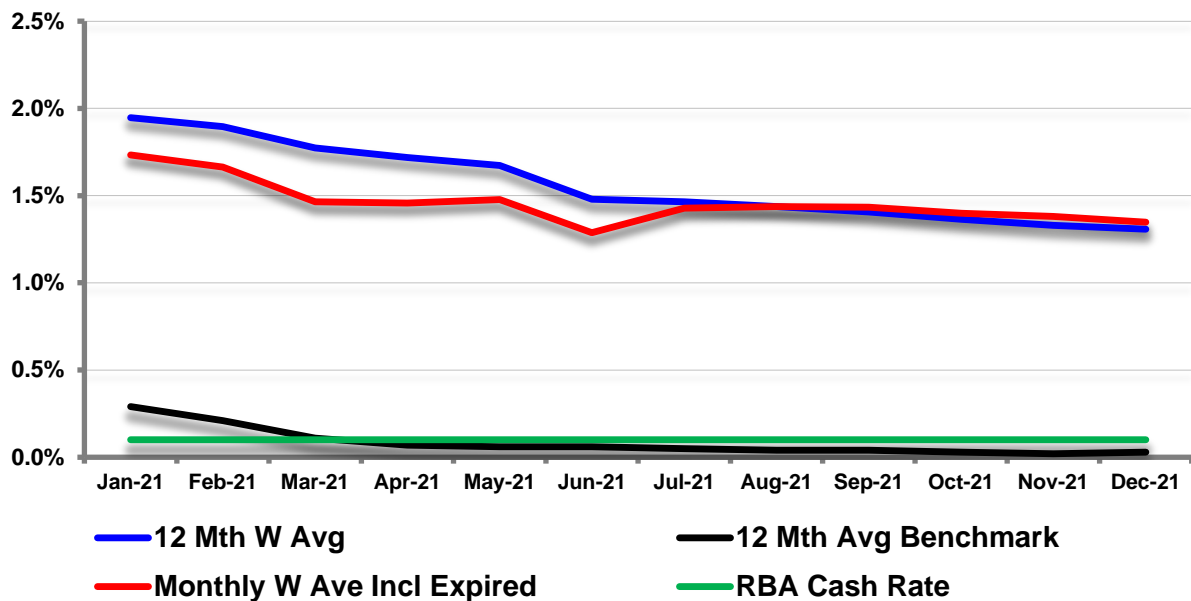
Council's Responsible Accounting Officer is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the *Local Government Act 1993*.

**Investment Performance Commentary**

Council's performance against the benchmark for returns of its investment portfolio for December 2021 and the past 12 months are as follows:

	<b>Dec</b>	<b>12 Mth</b>	<b>FYTD</b>
<b>Council Return</b>	<b>1.35</b>	<b>1.31</b>	<b>1.37</b>
<b>Benchmark</b>	0.04	<b>0.03</b>	0.03
<b>Variance</b>	<b>1.31</b>	<b>1.28</b>	<b>1.34</b>

### Performance - All Investments



Council's investment portfolio as at 31 December 2021 was as follows:

Cash/Term Deposits	\$144.97M	65.8%
Floating Rate Notes	\$28.00M	12.7%
Fixed Bonds	\$47.48M	21.5%
<b>Total Investments</b>	<b>\$220.40M</b>	

**ITEM 4 (continued)**

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 180 days maturity) where more competitive rates are available.

Council's income from investments continues to exceed budgeted expectations, primarily due to Council's cash reserves balances being higher than anticipated.

**Loan Liability**

Council's loan liability as at 31 December 2021 was \$927K which represents the balance of two loans which were established under the Local Infrastructure Renewal Scheme (LIRS). Council receives a 3% interest subsidy payment from the OLG twice a year.

1. A \$1.5M 10 year loan drawn down 31 January 2014 at 180 day Bank Bill Swap rate (BBSW) of +175 basis points for the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 2. The interest rate for this loan is reset every six months.
2. A \$1.5M 10 year loan drawn down 1 September 2014 at 4.95% for Phase 2 of the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 3.

## ITEM 4 (continued)

### INVESTMENT SUMMARY AS AT 31 DECEMBER 2021

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Dec-21 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2021	% of Total Invested	Maturity	Tenor
Bank of Queensland	1. Bank of Queensland Floating Rate Note	AAA	Y	1,200	1.12	1.10	1.11	0.54	14/05/2025	1826
National Australia Bank	2. NAB Fixed Bond (Covered)	AAA	Y	3,747	3.10	3.10	3.07	1.70	16/03/2023	1826
Australia and New Zealand Banking Group	3. ANZ Fixed Bond	AA-	Y	1,500	3.16	3.16	3.16	0.68	18/01/2023	1826
Australia and New Zealand Banking Group	4. ANZ Fixed Bond	AA-	Y	2,999	3.13	3.14	3.14	1.36	8/02/2024	1826
Australia and New Zealand Banking Group	5. ANZ Fixed Bond	AA-	Y	2,000	1.56	1.56	1.56	0.91	29/08/2024	1827
Australia and New Zealand Banking Group	6. ANZ Fixed Bond	AA-	Y	1,995	1.67	1.67	1.67	0.90	29/08/2024	1805
Australia and New Zealand Banking Group	7. ANZ Fixed Bond	AA-	Y	1,998	1.69	1.69	1.73	0.91	16/01/2025	1827
Australia and New Zealand Banking Group	8. ANZ Fixed Bond	AA-	Y	2,982	1.80	1.80	1.80	1.35	29/08/2024	1612
Australia and New Zealand Banking Group	9. ANZ Floating Rate Note	AA-	Y	1,500	0.80	0.80	0.65	0.68	18/01/2023	1826
Australia and New Zealand Banking Group	10. ANZ Floating Rate Note	AA-	Y	2,000	0.95	0.93	0.94	0.91	9/05/2023	1826
Australia and New Zealand Banking Group	11. ANZ Term Deposit	AA-	Y	4,000	1.55	1.53	1.54	1.81	10/11/2022	2557
Australia and New Zealand Banking Group	12. ANZ Term Deposit	AA-	Y	4,000	1.50	1.48	1.48	1.81	15/12/2022	2557
Commonwealth Bank of Australia	13. CBA Business Online Saver	AA-	Y	45,039	0.20	0.18	0.20	20.43		
Commonwealth Bank of Australia	14. CBA Fixed Bond	AA-	Y	3,994	3.41	3.42	3.42	1.81	25/04/2023	1916
Commonwealth Bank of Australia	15. CBA Fixed Bond	AA-	Y	3,497	3.28	3.28	3.30	1.59	16/08/2023	1826
Commonwealth Bank of Australia	16. CBA Fixed Bond	AA-	Y	3,488	3.23	3.24	3.24	1.58	11/01/2024	1826
Commonwealth Bank of Australia	17. CBA Term Deposit	AA-	Y	4,000	0.43	0.43	0.43	1.81	22/02/2022	365
National Australia Bank	18. NAB Fixed Bond	AA-	Y	3,998	3.08	3.08	3.11	1.81	10/02/2023	1918
National Australia Bank	19. NAB Fixed Bond	AA-	Y	2,998	2.95	2.95	2.98	1.36	26/02/2024	1826
National Australia Bank	20. NAB Floating Rate Note	AA-	Y	4,000	0.95	0.93	0.93	1.81	16/05/2023	1826
National Australia Bank	21. NAB Floating Rate Note	AA-	Y	2,000	0.96	0.95	0.95	0.91	19/06/2024	1827
National Australia Bank	22. NAB Term Deposit	AA-	Y	4,000	0.35	0.40	0.35	1.81	24/02/2022	371
National Australia Bank	23. NAB Term Deposit	AA-	Y	4,000	0.52	0.40	0.38	1.81	11/11/2022	365
National Australia Bank	24. NAB Term Deposit	AA-	Y	4,000	0.30	0.40	0.30	1.81	16/06/2022	273
National Australia Bank	25. NAB Term Deposit	AA-	Y	4,000	0.30	0.50	0.40	1.81	16/06/2022	273
National Australia Bank	26. NAB Term Deposit	AA-	Y	4,000	0.45	0.45	0.45	1.81	11/01/2022	357
National Australia Bank	27. NAB Term Deposit	AA-	Y	4,000	3.35	3.35	3.35	1.81	18/09/2023	1827
National Australia Bank	28. NAB Term Deposit	AA-	Y	2,000	0.55	0.50	0.51	0.91	2/12/2022	365
Westpac Banking Corporation	29. Westpac Fixed Bond	AA-	Y	2,489	3.25	3.26	3.26	1.13	24/04/2024	1917
Westpac Banking Corporation	30. Westpac Term Deposit	AA-	Y	4,000	3.55	3.55	3.55	1.81	22/02/2022	1825
Westpac Banking Corporation	31. Westpac Term Deposit	AA-	Y	4,000	3.32	3.32	3.32	1.81	9/08/2022	1813
Westpac Banking Corporation	32. Westpac Term Deposit	AA-	Y	2,000	3.38	3.38	3.38	0.91	18/08/2022	1815
Westpac Banking Corporation	33. Westpac Term Deposit	AA-	Y	4,000	1.24	1.23	1.23	1.81	17/02/2022	1826
Macquarie Bank	34. Macquarie Bank Fixed Bond	A+	Y	3,999	1.71	1.71	1.73	1.81	12/02/2025	1827
Suncorp-Metway	35. Suncorp-Metway Floating Rate Note (Covered)	A+	N	1,000	1.02	1.00	1.00	0.45	16/08/2022	1826
Suncorp-Metway	36. Suncorp-Metway Floating Rate Note	A+	N	1,200	1.17	1.15	1.16	0.54	24/04/2025	1823
Bank of Queensland	37. BoQ Fixed Bond	BBB+	Y	3,794	2.14	2.14	2.14	1.72	27/10/2026	1826
Bank of Queensland	38. Bank of Queensland Term Deposit	BBB+	Y	2,000	2.55	2.55	2.55	0.91	13/06/2024	1827
Bank of Queensland	39. Bank of Queensland Term Deposit	BBB+	Y	4,000	0.43	0.48	0.45	1.81	16/09/2022	365
Bank of Queensland	40. Bank of Queensland Term Deposit	BBB+	Y	2,000	0.70	3.50	3.24	0.91	9/12/2022	365
Bank of Queensland	41. Bank of Queensland Term Deposit	BBB+	Y	4,000	3.50	3.50	3.50	1.81	15/11/2022	1804
Bendigo and Adelaide Bank	42. Bendigo and Adelaide Bank Fixed Bond	BBB+	N	2,000	3.54	3.55	3.55	0.91	25/01/2023	1826
Bendigo and Adelaide Bank	43. Bendigo and Adelaide Bank Floating Rate Note	BBB+	N	1,999	1.15	1.14	1.14	0.91	25/01/2023	1532
Heritage Bank	44. Heritage Bank Floating Rate Note	BBB+	N	2,000	0.85	0.83	0.83	0.91	12/08/2022	1085
MyState Bank	45. MyState FRN	BBB+	N	1,500	0.70	0.67	0.67	0.68	16/06/2025	1461
MyState Bank	46. MyState Bank Term Deposit	BBB+	N	2,000	0.65	0.65	0.65	0.91	11/10/2023	730
MyState Bank	47. MyState Bank Term Deposit	BBB+	N	2,000	0.70	0.70	0.70	0.91	29/11/2022	365
MyState Bank	48. MyState Bank Term Deposit	BBB+	N	2,000	0.70	1.04	0.70	0.91	4/11/2022	365
AMP	49. AMP At Call Account	BBB	Y	397	0.51	0.50	0.50	0.18		

**ITEM 4 (continued)**

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Dec-21 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2021	% of Total Invested	Maturity	Tenor
AMP	50. AMP Floating Rate Note	BBB	Y	999	1.42	1.42	1.43	0.45	30/03/2022	917
AMP	51. AMP Term Deposit	BBB	Y	1,000	0.75	0.78	0.75	0.45	2/08/2022	368
Bank Australia	52. Bank Australia Floating Rate Note	BBB	N	2,000	0.96	0.93	0.93	0.91	2/12/2022	1096
Credit Union Australia	53. CUA Floating Rate Note	BBB	N	1,000	1.17	1.16	1.16	0.45	24/10/2024	1827
Defence Bank	54. Defence Bank Term Deposit	BBB	N	2,000	0.43	0.53	0.43	0.91	8/02/2022	364
ME Bank	55. ME Bank At Call Account	BBB	N	9,584	0.55	0.60	0.58	4.35		
Me Bank	56. ME Bank TD	BBB	N	2,000	0.53	0.53	0.53	0.91	16/06/2022	363
Newcastle Permanent Building Society	57. NPBS FRN	BBB	N	2,000	0.68	0.66	0.66	0.91	4/03/2026	1826
Newcastle Permanent Building Society	58. Newcastle Permanent Building Society Term Deposit	BBB	N	2,000	3.05	3.05	3.05	0.91	27/01/2022	1092
Newcastle Permanent Building Society	59. Newcastle Permanent Building Society Term Deposit	BBB	N	2,000	3.05	3.05	3.05	0.91	10/02/2022	1095
Police & Nurses Limited	60. P&N Bank Term Deposit	BBB	N	1,000	3.50	3.50	3.50	0.45	2/11/2023	1821
Teachers Mutual Bank	61. Teachers Mutual Bank FRM	BBB	N	1,100	0.72	0.71	0.71	0.50	16/06/2026	1826
Auswide Bank	62. Auswide Bank Floating Rate Note	BBB-	N	1,500	1.08	1.08	1.08	0.68	17/03/2023	1095
Auswide Bank	63. Auswide Bank Term Deposit	BBB-	N	2,000	1.69	1.69	1.69	0.91	15/02/2022	715
QPCU	64. QBank FRN	BBB-	N	1,000	0.78	0.78	0.78	0.45	22/03/2024	1096
QPCU	65. QBank Term Deposit	BBB-	N	1,000	0.65	1.40	1.15	0.45	30/09/2022	364
BNK Banking Corporation	66. BNK Banking TD	NR	?	1,950	0.55	0.55	0.55	0.88	6/01/2022	274
Railways Credit Union	67. MOVE Term Deposit	NR	?	1,000	0.60	0.60	0.60	0.45	19/05/2022	364
Railways Credit Union	68. MOVE TD	NR	?	1,000	0.60	0.60	0.60	0.45	12/05/2022	356
Warwick Credit Union	69. Warwick CU Term Deposit	NR	?	1,000	0.75	0.74	0.75	0.45	9/03/2023	728
WAW Credit Union Co-operative Limited	70. WAW CU Term Deposit	NR	N	2,000	0.50	0.78	0.75	0.91	27/01/2022	43
				<b>220,446</b>	<b>1.35</b>	<b>1.46</b>	<b>1.43</b>	<b>100</b>		

\*Monthly returns when annualised can appear to exaggerate performance

Return including Matured/Traded Investments	Dec	12 Mth	FYTD
Weighted Average Return	1.35	1.31	1.37
Benchmark Return: AusBond Bank Bill Index (%)	0.04	0.03	0.03
Variance From Benchmark (%)	<b>1.31</b>	<b>1.28</b>	<b>1.34</b>

**Investment Income**

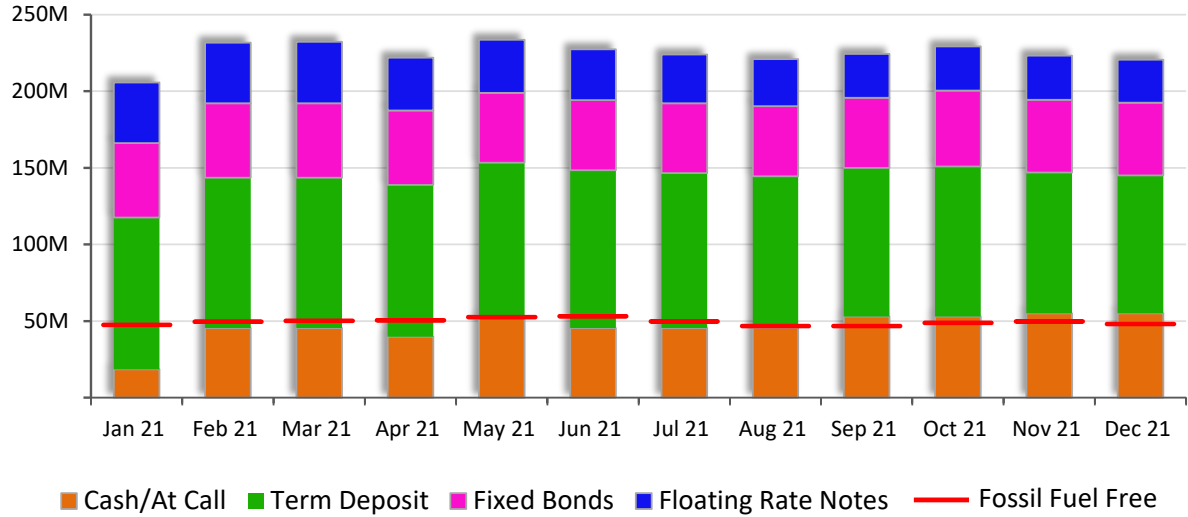
	\$000's
This Period	251
Financial Year To Date	1,538
Budget Profile	1,170
Variance from Budget - \$	<b>368</b>

	Fossil Fuel Free (000's)
Yes	47,883
No	167,613
Unknown	4,950

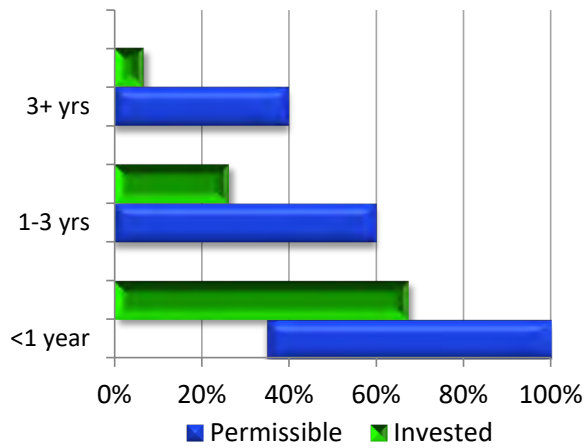


**ITEM 4 (continued)**

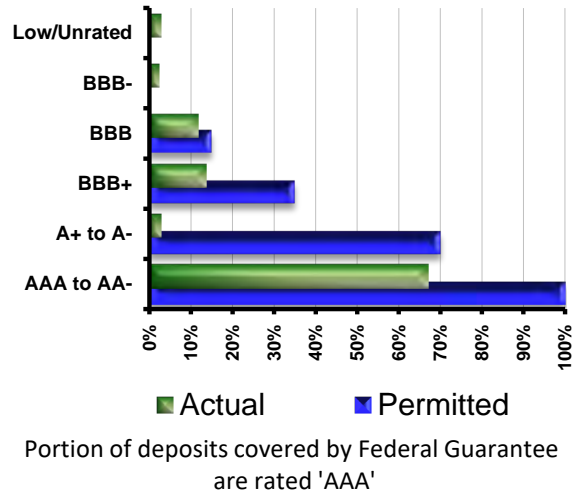
**Total Funds Invested**



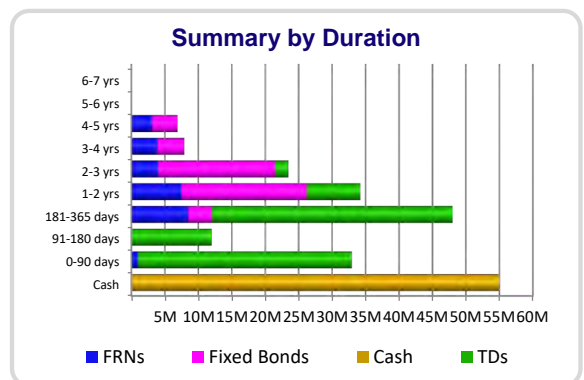
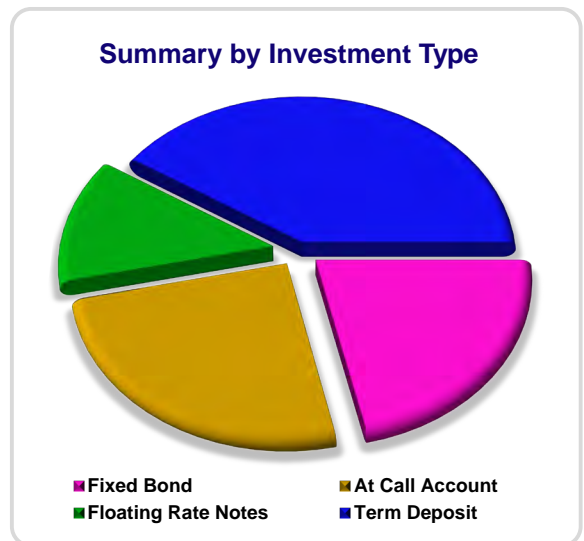
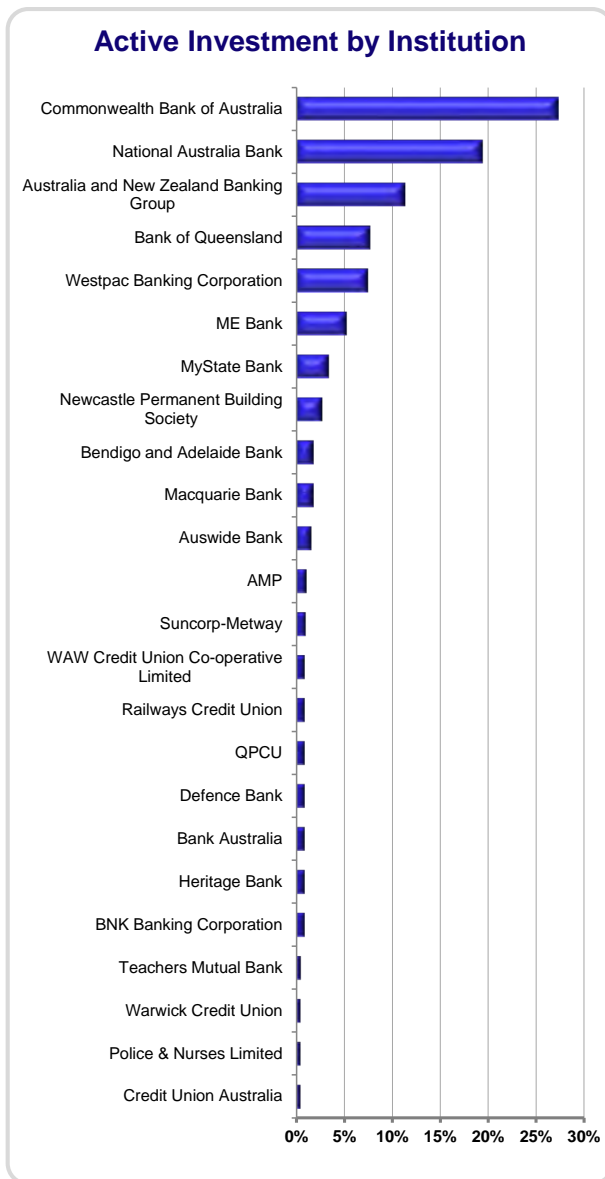
**Policy Limits on Maturities**



**Investment Summary by Rating**



**ITEM 4 (continued)**



	<365 days	>365 days
Cash/TDs	\$135.0M	\$10.0M
FRNs	\$6.0M	\$22.0M
Fixed Bonds	\$0.0M	\$47.5M
	<b><u>\$141.0M</u></b>	<b><u>\$79.5M</u></b>

**Divestment of Fossil Fuel Aligned Financial Institutions**

Council uses the entity Market Forces to validate its classes of investments into either Fossil Fuel or Non Fossil fuel aligned institutions. The figures below do not include any financial institutions that have not declared if they are Fossil Fuel or Non Fossil Fuel aligned.

As at 31 December 2021, Council had a total amount of \$47.9M million invested in non-fossil fuel aligned financial institutions, which is 22.24% of its total investment portfolio.

**ITEM 4 (continued)**

By way of comparison, Council had \$48.6 million (24.5% of its total investment portfolio) invested in non-fossil fuel aligned financial institutions, as at policy inception on 26 October 2021. The implementation of the new Cash Investment Policy by the Finance Department should see this percentage grow over the coming months.

**Financial Implications**

Council's return for the reporting period is 1.35%, which is 1.31% above the benchmark figure of 0.04%. Income from interest on investments and proceeds from sales of investments totals \$1,538K for the period ending 31 December 2021 and is \$368K above the 2021/22 year-to-date adopted budget of \$1,170K.

**Summary**

Council's investment portfolio continues to perform well with returns above benchmark. The recommendation in this report is consistent with Section 625 of the *Local Government Act 1993*, which deals with the investment of surplus funds by Councils.

**Certificate of the Chief Financial Officer (Responsible Accounting Officer)**

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation.

Jifeng Huang  
Acting Chief Financial Officer

## **5 INVESTMENT REPORT AS AT 31 JANUARY 2022**

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**Report prepared by:** Chief Financial Officer  
**File No.:** GRP/21/8 - BP22/68

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### **REPORT SUMMARY**

This report details Council's performance of its investment portfolio as at 31 January 2022, and compares it against key benchmarks. The report includes Council's loan liabilities.

Council's rate of return on investments for the reporting period is 1.36%, which is 1.30% above the benchmark figure of 0.06%.

Income from interest on investments and proceeds from sale of investments totals \$1,788K for the financial year to date, which is \$423K above the 2021/22 year-to-date adopted budget of \$1,365K.

### **RECOMMENDATION:**

That Council endorse the Investment Report as at 31 January 2022.

### **ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Aneesh Zahra**  
**Chief Financial Officer**

Report Approved By:

**Mark Eady**  
**Director - Corporate Services**

## ITEM 5 (continued)

### Discussion

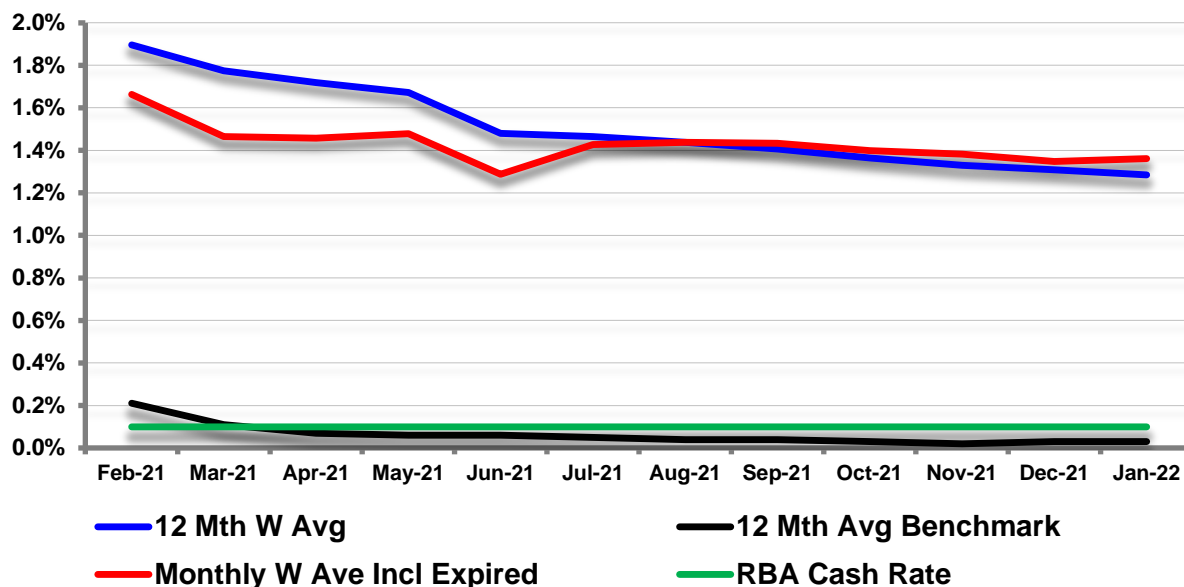
Council's Responsible Accounting Officer is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the *Local Government Act 1993*.

### Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for January 2022 and the past 12 months are as follows:

	Jan	12 Mth	FYTD
<b>Council Return</b>	<b>1.36</b>	<b>1.28</b>	<b>1.36</b>
<b>Benchmark</b>	0.06	<b>0.03</b>	0.03
<b>Variance</b>	<b>1.30</b>	<b>1.25</b>	<b>1.33</b>

### Performance - All Investments



Council's investment portfolio as at 31 January 2022 was as follows:

Cash/Term Deposits	\$145.03M	64.7%
Floating Rate Notes	\$28.00M	12.5%
Fixed Bonds	\$51.07M	22.8%
<b>Total Investments</b>	<b>\$224.1M</b>	

**ITEM 5 (continued)**

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 180 days maturity) where more competitive rates are available.

Council's income from investments continues to exceed budgeted expectations, primarily due to Council's cash reserves balances being higher than anticipated.

**Loan Liability**

Council's loan liability as at 31 January 2022 was \$842K which represents the balance of two loans which were established under the Local Infrastructure Renewal Scheme (LIRS). Council receives a 3% interest subsidy payment from the OLG twice a year.

1. A \$1.5M 10 year loan drawn down 31 January 2014 at 180 day Bank Bill Swap rate (BBSW) of +175 basis points for the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 2. The interest rate for this loan is reset every six months.
2. A \$1.5M 10 year loan drawn down 1 September 2014 at 4.95% for Phase 2 of the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 3.

## ITEM 5 (continued)

INVESTMENT SUMMARY AS AT 31 JANUARY 2022

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Jan-22 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2021	% of Total Invested	Maturity	Tenor
Bank of Queensland	1. Bank of Queensland Floating Rate Note	AAA	Y	1,200	1.12	1.10	1.11	0.54	14/05/2025	1826
National Australia Bank	2. NAB Fixed Bond (Covered)	AAA	Y	3,747	3.10	3.10	3.08	1.67	16/03/2023	1826
Australia and New Zealand Banking Group	3. ANZ Fixed Bond	AA-	Y	1,500	3.11	3.16	3.16	0.67	18/01/2023	1826
Australia and New Zealand Banking Group	4. ANZ Fixed Bond	AA-	Y	2,999	3.13	3.14	3.14	1.34	8/02/2024	1826
Australia and New Zealand Banking Group	5. ANZ Fixed Bond	AA-	Y	2,000	1.56	1.56	1.56	0.89	29/08/2024	1827
Australia and New Zealand Banking Group	6. ANZ Fixed Bond	AA-	Y	1,995	1.67	1.67	1.67	0.89	29/08/2024	1805
Australia and New Zealand Banking Group	7. ANZ Fixed Bond	AA-	Y	1,998	1.56	1.70	1.70	0.89	16/01/2025	1827
Australia and New Zealand Banking Group	8. ANZ Fixed Bond	AA-	Y	2,983	1.80	1.80	1.80	1.33	29/08/2024	1612
Australia and New Zealand Banking Group	9. ANZ Fixed Bond	AA-	Y	3,590	2.57	2.57	2.57	1.60	25/01/2027	1826
Australia and New Zealand Banking Group	10. ANZ Floating Rate Note	AA-	Y	1,500	0.81	0.80	0.67	0.67	18/01/2023	1826
Australia and New Zealand Banking Group	11. ANZ Floating Rate Note	AA-	Y	2,000	0.95	0.94	0.94	0.89	9/05/2023	1826
Australia and New Zealand Banking Group	12. ANZ Term Deposit	AA-	Y	4,000	1.55	1.53	1.54	1.78	10/11/2022	2557
Australia and New Zealand Banking Group	13. ANZ Term Deposit	AA-	Y	4,000	1.53	1.49	1.49	1.78	15/12/2022	2557
Commonwealth Bank of Australia	14. CBA Business Online Saver	AA-	Y	45,047	0.20	0.19	0.20	20.10		
Commonwealth Bank of Australia	15. CBA Fixed Bond	AA-	Y	3,994	3.41	3.42	3.42	1.78	25/04/2023	1916
Commonwealth Bank of Australia	16. CBA Fixed Bond	AA-	Y	3,498	3.28	3.28	3.30	1.56	16/08/2023	1826
Commonwealth Bank of Australia	17. CBA Fixed Bond	AA-	Y	3,488	3.17	3.23	3.23	1.56	11/01/2024	1826
Commonwealth Bank of Australia	18. CBA Term Deposit	AA-	Y	4,000	0.43	0.43	0.43	1.78	22/02/2022	365
National Australia Bank	19. NAB Fixed Bond	AA-	Y	3,998	3.08	3.08	3.10	1.78	10/02/2023	1918
National Australia Bank	20. NAB Fixed Bond	AA-	Y	2,998	2.95	2.95	2.97	1.34	26/02/2024	1826
National Australia Bank	21. NAB Floating Rate Note	AA-	Y	4,000	0.95	0.93	0.94	1.78	16/05/2023	1826
National Australia Bank	22. NAB Floating Rate Note	AA-	Y	2,000	0.99	0.95	0.95	0.89	19/06/2024	1827
National Australia Bank	23. NAB Term Deposit	AA-	Y	4,000	0.35	0.35	0.35	1.78	24/02/2022	371
National Australia Bank	24. NAB Term Deposit	AA-	Y	4,000	0.52	0.39	0.40	1.78	11/11/2022	365
National Australia Bank	25. NAB Term Deposit	AA-	Y	4,000	0.30	0.35	0.30	1.78	16/06/2022	273
National Australia Bank	26. NAB Term Deposit	AA-	Y	4,000	0.30	0.48	0.39	1.78	16/06/2022	273
National Australia Bank	27. NAB Term Deposit	AA-	Y	4,000	0.65	0.47	0.48	1.78	11/01/2023	365
National Australia Bank	28. NAB Term Deposit	AA-	Y	4,000	3.35	3.35	3.35	1.78	18/09/2023	1827
National Australia Bank	29. NAB Term Deposit	AA-	Y	2,000	0.55	0.51	0.51	0.89	2/12/2022	365
Westpac Banking Corporation	30. Westpac Fixed Bond	AA-	Y	2,489	3.25	3.26	3.26	1.11	24/04/2024	1917
Westpac Banking Corporation	31. Westpac Term Deposit	AA-	Y	4,000	3.55	3.55	3.55	1.78	22/02/2022	1825
Westpac Banking Corporation	32. Westpac Term Deposit	AA-	Y	4,000	3.32	3.32	3.32	1.78	9/08/2022	1813
Westpac Banking Corporation	33. Westpac Term Deposit	AA-	Y	2,000	3.38	3.38	3.38	0.89	18/08/2022	1815
Westpac Banking Corporation	34. Westpac Term Deposit	AA-	Y	4,000	1.24	1.23	1.23	1.78	17/02/2022	1826
Macquarie Bank	35. Macquarie Bank Fixed Bond	A+	Y	3,999	1.71	1.71	1.72	1.78	12/02/2025	1827
Suncorp-Metway	36. Suncorp-Metway Floating Rate Note (Covered)	A+	N	1,000	1.02	1.00	1.01	0.45	16/08/2022	1826
Suncorp-Metway	37. Suncorp-Metway Floating Rate Note	A+	N	1,200	1.17	1.16	1.16	0.54	24/04/2025	1823
Bank of Queensland	38. BoQ Fixed Bond	BBB+	Y	3,794	2.14	2.14	2.14	1.69	27/10/2026	1826
Bank of Queensland	39. Bank of Queensland Term Deposit	BBB+	Y	2,000	2.55	2.55	2.55	0.89	13/06/2024	1827
Bank of Queensland	40. Bank of Queensland Term Deposit	BBB+	Y	4,000	0.43	0.47	0.45	1.78	16/09/2022	365
Bank of Queensland	41. Bank of Queensland Term Deposit	BBB+	Y	2,000	0.70	3.24	2.88	0.89	9/12/2022	365
Bank of Queensland	42. Bank of Queensland Term Deposit	BBB+	Y	4,000	3.50	3.50	3.50	1.78	15/11/2022	1804
Bendigo and Adelaide Bank	43. Bendigo and Adelaide Bank Fixed Bond	BBB+	N	2,000	3.48	3.54	3.54	0.89	25/01/2023	1826
Bendigo and Adelaide Bank	44. Bendigo and Adelaide Bank Floating Rate Note	BBB+	N	1,999	1.16	1.14	1.14	0.89	25/01/2023	1532
Heritage Bank	45. Heritage Bank Floating Rate Note	BBB+	N	2,000	0.85	0.83	0.84	0.89	12/08/2022	1085
MyState Bank	46. MyState FRN	BBB+	N	1,500	0.72	0.68	0.68	0.67	16/06/2025	1461
MyState Bank	47. MyState Bank Term Deposit	BBB+	N	2,000	0.65	0.65	0.65	0.89	11/10/2023	730
MyState Bank	48. MyState Bank Term Deposit	BBB+	N	2,000	0.70	0.70	0.70	0.89	29/11/2022	365
MyState Bank	49. MyState Bank Term Deposit	BBB+	N	2,000	0.70	0.71	0.70	0.89	4/11/2022	365

**ITEM 5 (continued)**

Issuer	Investment Name	Investment Rating	Fossil Fuel	Invested at 31-Jan-22 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2021	% of Total Invested	Maturity	Tenor
AMP	50. AMP At Call Account	BBB	Y	398	0.51	0.50	0.50	0.18		
AMP	51. AMP Floating Rate Note	BBB	Y	999	1.47	1.43	1.43	0.45	30/03/2022	917
AMP	52. AMP Term Deposit	BBB	Y	1,000	0.75	0.77	0.75	0.45	2/08/2022	368
Bank Australia	53. Bank Australia Floating Rate Note	BBB	N	2,000	0.96	0.93	0.93	0.89	2/12/2022	1096
Credit Union Australia	54. CUA Floating Rate Note	BBB	N	1,000	1.17	1.16	1.16	0.45	24/10/2024	1827
Credit Union Australia	55. CUA Term Deposit	BBB	N	2,000	0.70	0.70	0.70	0.89	31/01/2023	365
Defence Bank	56. Defence Bank Term Deposit	BBB	N	2,000	0.43	0.43	0.43	0.89	8/02/2022	364
ME Bank	57. ME Bank At Call Account	BBB	N	11,588	0.54	0.59	0.57	5.17		
Me Bank	58. ME Bank TD	BBB	N	2,000	0.53	0.53	0.53	0.89	16/06/2022	363
Newcastle Permanent Building Society	59. NPBS FRN	BBB	N	2,000	0.68	0.66	0.66	0.89	4/03/2026	1826
Newcastle Permanent Building Society	60. Newcastle Permanent Building Society Term Deposit	BBB	N	2,000	3.05	3.05	3.05	0.89	10/02/2022	1095
Police & Nurses Limited	61. P&N Bank Term Deposit	BBB	N	1,000	3.50	3.50	3.50	0.45	2/11/2023	1821
Police & Nurses Limited	62. P&N Bank Term Deposit	BBB	N	2,000	1.52	1.52	1.52	0.89	31/01/2024	730
Teachers Mutual Bank	63. Teachers Mutual Bank FRM	BBB	N	1,100	0.76	0.71	0.71	0.49	16/06/2026	1826
Auswide Bank	64. Auswide Bank Floating Rate Note	BBB-	N	1,500	1.12	1.08	1.08	0.67	17/03/2023	1095
Auswide Bank	65. Auswide Bank Term Deposit	BBB-	N	2,000	1.69	1.69	1.69	0.89	15/02/2022	715
QPCU	66. QBank FRN	BBB-	N	1,000	0.81	0.78	0.78	0.45	22/03/2024	1096
QPCU	67. QBank Term Deposit	BBB-	N	1,000	0.65	1.32	1.08	0.45	30/09/2022	364
Railways Credit Union	68. MOVE Term Deposit	NR	?	1,000	0.60	0.60	0.60	0.45	19/05/2022	364
Railways Credit Union	69. MOVE TD	NR	?	1,000	0.60	0.60	0.60	0.45	12/05/2022	356
Warwick Credit Union	70. Warwick CU Term Deposit	NR	?	1,000	0.75	0.75	0.75	0.45	9/03/2023	728
				<b>224,101</b>	<b>1.36</b>	<b>1.44</b>	<b>1.42</b>	<b>100</b>		

\*Monthly returns when annualised can appear to exaggerate performance

**Return including Matured/Traded Investments**

**Weighted Average Return**

**Benchmark Return: AusBond Bank Bill Index (%)**

**Variance From Benchmark (%)**

	<u>Jan</u>	<u>12 Mth</u>	<u>FYTD</u>
<b>Weighted Average Return</b>	<b>1.36</b>	<b>1.28</b>	<b>1.36</b>
<b>Benchmark Return: AusBond Bank Bill Index (%)</b>	<b>0.06</b>	<b>0.03</b>	<b>0.03</b>
<b>Variance From Benchmark (%)</b>	<b>1.30</b>	<b>1.25</b>	<b>1.33</b>

**Investment Income**

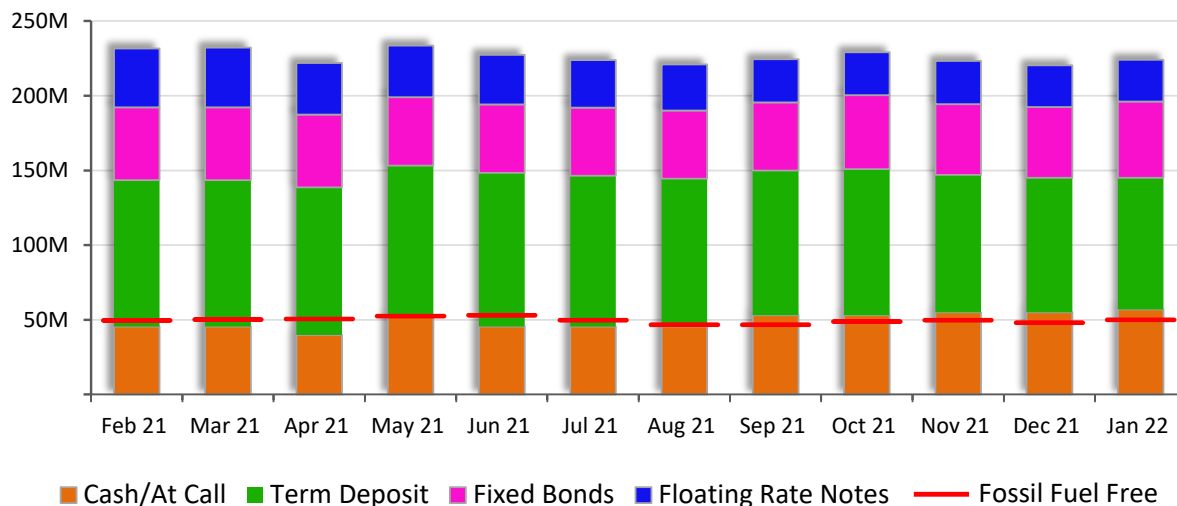
	<u>\$000's</u>
This Period	249
Financial Year To Date	1,788
Budget Profile	1,365
Variance from Budget - \$	<b>423</b>

	<u>Fossil Fuel Free (000's)</u>
Yes	49,887
No	171,214
Unknown	3,000

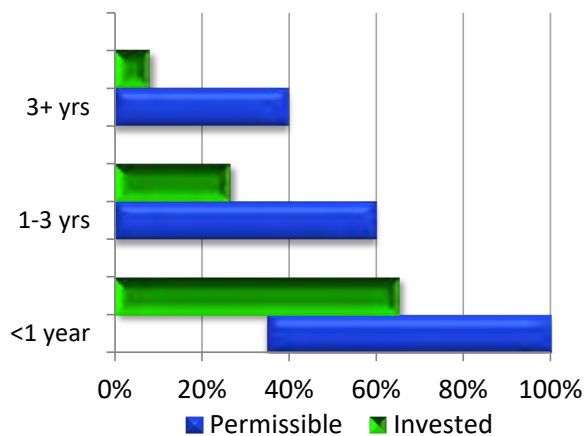


**ITEM 5 (continued)**

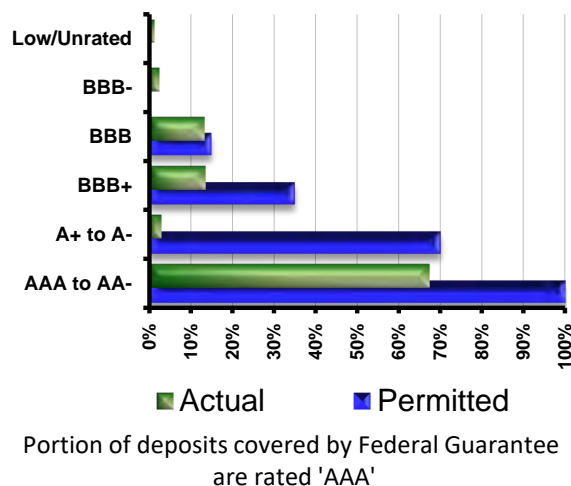
**Total Funds Invested**



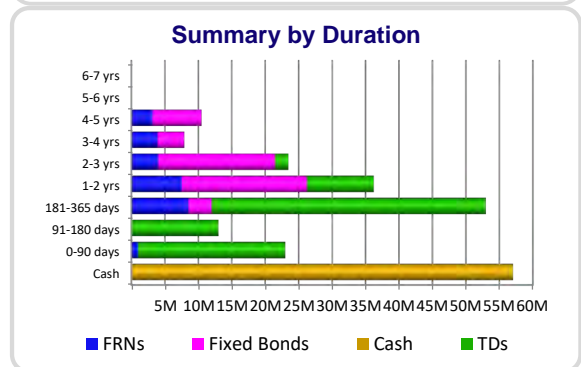
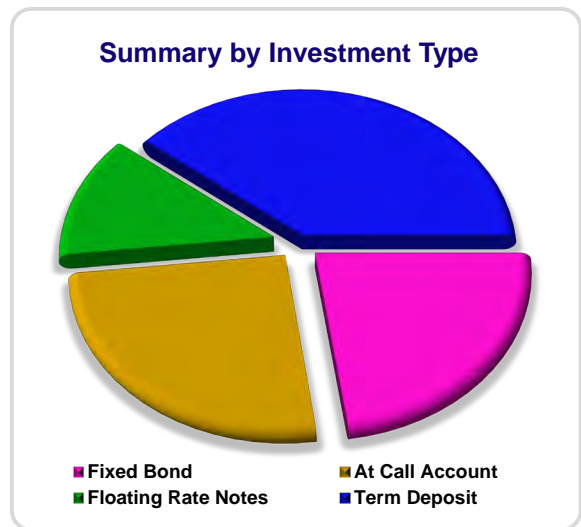
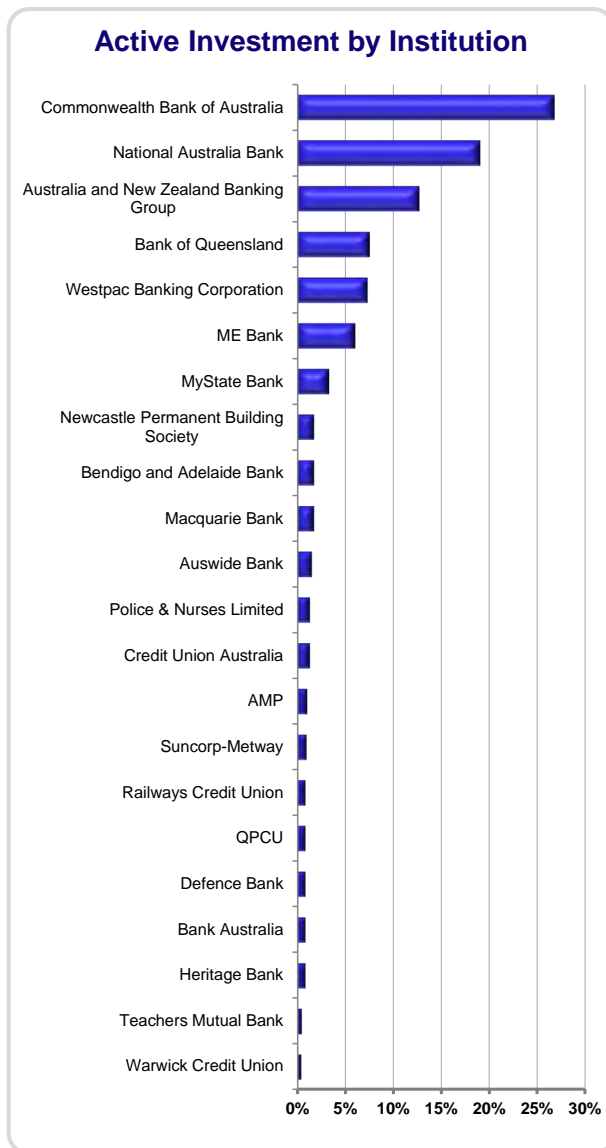
**Policy Limits on Maturities**



**Investment Summary by Rating**



**ITEM 5 (continued)**



	<365 days	>365 days
Cash/TDs	\$133.0M	\$12.0M
FRNs	\$9.5M	\$18.5M
Fixed Bonds	\$3.5M	\$47.6M
	<b>\$146.0M</b>	<b>\$78.1M</b>

**Divestment of Fossil Fuel Aligned Financial Institutions**

Council uses the entity Market Forces to validate its classes of investments into either Fossil Fuel or Non Fossil fuel aligned institutions. The figures below do not include any financial institutions that have not declared if they are Fossil Fuel or Non Fossil Fuel aligned.

As at 31 January 2022, Council had a total amount of \$49.9M million invested in non-fossil fuel aligned financial institutions, which is 22.26% of its total investment portfolio.

**ITEM 5 (continued)**

By way of comparison, Council had \$48.6 million (24.5% of its total investment portfolio) invested in non-fossil fuel aligned financial institutions, as at policy inception on 26 October 2021. The implementation of the new Cash Investment Policy by the Finance Department should see this percentage grow over the coming months.

**Financial Implications**

Council's return for the reporting period is 1.36%, which is 1.30% above the benchmark figure of 0.06%. Income from interest on investments and proceeds from sales of investments totals \$1,788K for the period ending 31 January 2022 and is \$423K above the 2021/22 year-to-date adopted budget of \$1,365K.

**Summary**

Council's investment portfolio continues to perform well with returns above benchmark. The recommendation in this report is consistent with Section 625 of the *Local Government Act 1993*, which deals with the investment of surplus funds by Councils.

**Certificate of the Chief Financial Officer (Responsible Accounting Officer)**

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation.

Aneesh Zahra  
Chief Financial Officer

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**6 DECEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2021-2025 AND 2021/2022 OPERATIONAL PLAN**

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**Report prepared by:** Chief Financial Officer  
**File No.:** FIM/21/63/1 - BP22/73

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**REPORT SUMMARY**

Council's Four Year Delivery Plan 2021-2025, and One Year 2021/22 Operational Plan, set out the strategic and financial objectives for the year. These plans detail the goals and performance measures for Council's seven key outcome areas, along with the services and projects that Council plans to deliver in 2021/22.

The attached report includes information about progress in each of the seven outcome areas with regard to the targets adopted by Council for 30 June 2022. A financial summary for each key outcome area is also included. A progress status report on all capital and non-capital projects by program area for the 2021/2022 financial year is included.

This review brings to account a range of necessary income and expenditure adjustments, all of which are offset by other compensating income and expenditure adjustments and/or are offset by Council's internal reserves.

Council's compliance with reporting obligations in accordance with the Code of Accounting Practice and Financial Reporting is certified in the report.

The proposed December 2021 Quarterly Review budget adjustments will have no net impact on Council's current working capital balance of \$4.50 million. This level of working capital is considered adequate given it maintains Council's minimum uncommitted working capital balance at \$4.50 million.

**RECOMMENDATION:**

- (a) That the report of the December 2021 Quarterly Review Statement - Four Year Delivery Plan 2021-2025 and One Year 2021/2022 Operational Plan, *Quarter Two, October – December 2021* be received and endorsed by Council.
- (b) That the proposed budget adjustments and project changes summarised in the **ATTACHMENT (CIRCULATED UNDER SEPARATE COVER)** to the report, resulting in no net impact on Council's projected working capital position of \$4.50 million (as at 30 June 2022) be endorsed by Council.
- (c) That Council provide a donation of \$40,000 to the Lady of Grace Fraternity Inc. to assist in the completion and publishing of a book detailing the history of Italian Migrants of Ryde and funding be sourced from the Community and Ranger Services Budget.

**ITEM 6 (continued)**

**ATTACHMENTS**

- 1 Quarterly Council Review Report - December 2021 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Aneesh Zahra**  
**Chief Financial Officer**

Report Approved By:

**Mark Eady**  
**Director - Corporate Services**

## ITEM 6 (continued)

### Discussion

The Quarterly Budget Review Statement (QBRS) is prepared in accordance with the requirements of the Code of Accounting Practice and Financial Reporting. This report provides an overview of Council's forecast financial position as at 30 June 2022, and the adjustments required to ensure Council is financially sustainable. All forecast results are projections as at 30 June 2022, and final figures are subject to external audit.

To ensure Council is informed of key deliverables and the tracking of these deliverables, the '*Quarterly Council Review Report December 2021*' is provided for in **ATTACHMENT 1 - CIRCULATED UNDER SEPARATE COVER**. This report addresses the delivery of Council's services and projects for the quarter period September to December 2021 in accordance with the 2021-2025 Delivery Program and 2021-2022 Operational Plan. It includes:-

- General Manager's Introduction – including financial management and corporate performance overview, providing a 'snapshot' of Council's performance during the quarter.
- Outcome Summaries – including overview, operational indicators, financial summaries, performance measures and a summarised status of all of Council's capital and non-capital projects.
- Quarterly Budget Review Reporting – provides a financial overview of the budget items adjusted and other reporting requirements mandated by Code of Accounting Practice and Financial Reporting.

### Proposed Budget Adjustments

The proposed budget adjustments are as follows:

#### Operating Revenue

- \$1.05 million income reduction in User charges and fees. The budget adjustments are listed below:
  - a. \$1.00 million reduction in Environmental Planning & Enforcement income as State Government has prohibited the Enforcement Levy from 1 January 2022;
  - b. \$0.50 million reduction in RALC operating income due to COVID-19 restrictions;
  - c. \$0.39 million additional Hoarding Fees and Charges received; and
  - d. \$0.06 million additional Kerb & Gutter Crossings income received.

**ITEM 6 (continued)**

- \$0.05 million reduction in Infringement Notices income due to COVID
- \$0.47 million additional Emergency Services Levy received from State Government
- \$2.16 million additional grants and contributions received. The corresponding budget adjustments are:
  - a. \$1.18 million LRCI Phase 3 grant received in relation to Traffic Facilities Expansion Program;
  - b. \$0.35 million contribution from VIVA Energy received in relation to 146 Bowden St Trunk Drainage project;
  - c. \$0.30 million contribution from developer received in relation to Constitution Rd/Bowden St Meadowbank-Traffic Control Signal project;
  - d. \$0.30 million RMS grant received in relation to Road Resurfacing Renewal; and
  - e. \$0.03 million contribution from West Ryde Rovers Football Club received in relation to Sportsground Amenities Upgrade & Renewal Program.

Operating Expenditure

- \$0.11 million net reduction in Salaries and Wages expenditure
- \$0.53 million reduction in Materials and Contracts expenditure. The budget corresponding adjustments are:
  - a. \$0.40 million reduction in Streetlighting expenditure;
  - b. \$0.21 million net reduction in building operating and maintenance expenditure;
  - c. \$0.07 million additional funding for contractor fees for Business Transformation Program offset by salaries and wages saving;
  - d. \$0.06 million additional funding for Restorations & Driveways Program offset by additional income Council received;
  - e. \$0.04 million reduction in expenditure for the Youth, Children & Families program due to COVID-19 restrictions; and
  - f. \$0.01 million reduction in Legal.
  
- \$0.08 million increase in other expenses. The budget adjustments are listed below:
  - a. \$0.04 million required for providing COVID 19 rates assistance to ratepayers;
  - b. \$0.04 million additional funding for Italian Migrants of Ryde Book Project as per Council Resolution (**refer to further details in this report**).

## ITEM 6 (continued)

### Capital Expenditure

- \$65.95 million reduction in Capital Expenditure. The budget adjustments are listed below:
  - a. \$68.09 million reduction in Ryde Central project as project schedule has changed and unspent funding is being transferred back to Ryde Central Reserve to fund the project next financial year;
  - b. \$2.04 million increase for 146 Bowden St Trunk Drainage project, offset by savings generated in Stormwater Asset Replacement Renewal (\$1.15 million) and Stormwater Improvement Works Renewal (\$0.53 million) and additional contribution funding from VIVA Energy (\$0.35 million);
  - c. \$1.18 million additional funding for Traffic Facilities Expansion, funded by LRCI Phase 3 grant funding;
  - d. \$0.77 million additional funding for Synthetic Playing Surfaces Expansion, partially offset by reduction in Sportsfield Upgrade & Renewal (\$0.56 million), Sportsfield Upgrade & Renewal (\$0.18 million) and additional contribution from West Ryde Rovers Football Club (\$0.03 million);
  - e. \$0.30 million additional funding for Constitution Road/Bowden Street Meadowbank-Traffic Control Signal project, funded by additional developer contribution
  - f. \$0.30 million additional funding for Road Resurfacing Renewal, funded by RMS grant;
  - g. \$0.13 million reduction in Information Technology Software Renewal and Information Technology Software Expansion, transferred back to Asset Replacement Reserve;
  - h. \$0.05 million additional funding for Kissing Point Park Recreational Boating Improvements project, funded by Asset Expansion Reserve;
  - i. \$0.04 million additional funding for Old Landfill Sites Subsidence Program Renewal, funded by Domestic Waste Reserve;
  - j. \$0.02 million additional funding for Passive Parks Expansion, funded by Domestic Waste Management Reserve; and
  - k. \$0.01 million additional funding for Shepherds Bay Outlet project, offset by savings generated in Stormwater Asset Replacement Renewal Program.

A list of the detailed budget adjustments can be found in '*Quarterly Council Review Report, December 2021*' in **ATTACHMENT 1 - CIRCULATED UNDER SEPARATE COVER** to the report.



## ITEM 6 (continued)

Table 1 is a summary of the proposed changes in the December 2021 Quarterly Review.

**TABLE 1 – WORKING CAPITAL SUMMARY OF BUDGET ADJUSTMENTS**

<i>Key Outcome Areas</i>	<i>Original Budget 2021/2022 (\$'000)</i>	<i>C/OVER Budget 2021/2022 (\$'000)</i>	<i>Approved Budget 2021/2022 (\$'000)</i>	<i>Proposed Changes 2021/2022 (\$'000)</i>	<i>PROPOSED Budget 2021/2022 (\$'000)</i>	<i>ACTUAL YTD 2021/2022 (\$'000)</i>
<b>INCOME FROM CONTINUING OPERATIONS</b>						
Rates and annual charges	102,242	-	102,292	-	102,292	52,267
User charges and fees	18,719	-	13,675	(1,050)	12,625	6,738
Interest and investment revenue	2,486	-	2,286	-	2,286	1,560
Other revenues	13,050	-	9,476	(50)	9,426	3,788
Grants & contributions provided for operating purposes	6,040	238	4,509	471	4,980	2,081
Grants & contributions provided for capital purposes	10,936	3,949	23,214	2,161	25,375	3,712
Net gain from the disposal of assets	100	-	100	-	100	702
<b>TOTAL INCOME FROM CONTINUING OPERATIONS</b>	<b>153,573</b>	<b>4,187</b>	<b>155,552</b>	<b>1,532</b>	<b>157,084</b>	<b>70,848</b>
<b>EXPENSES FROM CONTINUING OPERATIONS</b>						
Employee benefits and on-costs	54,492	-	52,978	(113)	52,864	23,769
Borrowing costs	168	-	168	-	168	17
Materials and contracts	53,498	1,762	55,344	(528)	54,815	19,188
Depreciation and amortisation	21,762	-	21,762	-	21,762	10,881
Other expenses	6,380	-	7,455	83	7,538	3,444
Net loss from the disposal of assets	-	-	-	-	-	-
<b>TOTAL EXPENSES FROM CONTINUING OPERATIONS</b>	<b>136,300</b>	<b>1,762</b>	<b>137,706</b>	<b>(559)</b>	<b>137,147</b>	<b>57,300</b>
<b>NET OPERATING RESULT</b>	<b>17,274</b>	<b>2,425</b>	<b>17,846</b>	<b>2,091</b>	<b>19,937</b>	<b>13,548</b>
<b>Capital Expenditure and Repayments to Liability</b>						
Capital Expenditure	97,109	59,363	153,483	(65,947)	87,536	28,374
Loan Repayment	332	-	332	-	332	164
Lease Payment	2,885	-	2,885	-	2,885	1,641
<b>TOTAL CAPITAL EXPENDITURE AND REPAYMENTS TO LIABILITY</b>	<b>100,326</b>	<b>59,363</b>	<b>156,699</b>	<b>(65,947)</b>	<b>90,752</b>	<b>30,179</b>
<b>TOTAL FUNDING REQUIRED</b>	<b>83,052</b>	<b>56,937</b>	<b>138,853</b>	<b>(68,038)</b>	<b>70,815</b>	<b>16,631</b>
Reserves Drawdown	28,560	56,937	84,361	(36,538)	47,823	5,750
Depreciation Contra	22,992	-	22,992	-	22,992	10,881
Proceeds from Loan	31,500	-	31,500	(31,500)	-	-
<b>TOTAL FUNDING</b>	<b>83,052</b>	<b>56,937</b>	<b>138,853</b>	<b>(68,038)</b>	<b>70,815</b>	<b>16,631</b>
<b>NET BUDGET POSITION</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>
<b>WORKING CAPITAL</b>	<b>4,500</b>	<b>4,500</b>	<b>4,500</b>	<b>4,500</b>	<b>4,500</b>	<b>4,500</b>

## **ITEM 6 (continued)**

### **Italian Migrants of Ryde Book Project**

Last year, Council resolved to allocate an amount of up to \$40,000 in a quarterly budget review for the Italian Migrants of Ryde Book Project. In addition, the resolution included meeting with the Italian Migrants of Ryde Committee. Council also resolved that the proposed allocation of funding for the Project was to be placed on public exhibition.

As per the Council Resolution, Council staff met with the Italian Migrants of Ryde Committee on two occasions during the COVID lockdown last year to discuss the project. In addition, the proposed funding allocation was placed on public exhibition for a period of 28 days.

Overall, a total of 182 submissions were received with 174 expressing support, 6 against and 2 undecided. A petition was also tabled at the Council meeting of November 2021, where 663 signatures were presented supporting the proposed funding for the Project.

Submissions received against the proposed funding during the public exhibition, primarily raised concerns regarding the proposal setting a precedent and being allocated outside Council's grant process.

In late 2020 under Council's Community Grants Program the Lady of Grace Fraternity Inc. (auspice organisation for the Italian Migrants of Ryde Committee) was awarded a grant of \$5,000 for the Italian Migrants of Ryde Book Project.

If the proposed donation of \$40,000 is approved by Council, it satisfies the provisions of Section 356 (1) of the Local Government Act as the recipient is a registered not for profit organisation being the Lady of Grace Fraternity Inc.

Therefore, in accordance with the Council resolution and as a result of the outcome of the public exhibition, an amount of \$40,000 has been included in the Quarter 2 December budget review for the Italian Migrants of Ryde Book Project.

If approved by Council, a donation of \$40,000 will be allocated to the Lady of Grace Fraternity Inc. in order to enable the Italian Migrants of Ryde Book Project to be completed.

As per the original grant of \$5,000 allocated to the Lady of Grace Fraternity Inc. they would continue to auspice the Project via supporting the work of the Italian Migrants of Ryde Committee and will be subject to an acquittal process.

## ITEM 6 (continued)

### Financial Implications

Following this December 2021 Quarterly Review, Council's available Working Capital is projected to be maintained at \$4.50 million as at 30 June 2022. There will be no net drawdown on Working Capital during this review.

<b>Opening Working Capital Balance</b>	<b>\$4.50m</b>
September Adjustments	\$0
Proposed December Adjustments	\$0
<b>Closing Working Capital Balance</b>	<b>\$4.50m</b>

Council's financial position and performance will continue to be closely monitored.

### Certificate

In accordance with the Clause 203 of the Local Government (General) Regulations 2005, I report that the financial position of the Council was satisfactory as at 31 December 2021, having regard to the original estimates of income and expenditure.

Variations in total income, operating and capital expenditure as at 31 December 2021 are of a quantum and nature that overall end of year financial targets will be achieved.

Aneesh Zahra

Chief Financial Officer  
Responsible Accounting Officer

11 February 2022

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**7 ADOPTION OF THE UPDATED LAND RECATEGORISATION FOR PART OF YAMBLE RESERVE - GENERIC PLAN OF MANAGEMENT 2020**

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**Report prepared by:** Senior Coordinator - Social Development & Capacity Building  
**File No.:** GRP/21/11 - BP22/2

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**REPORT SUMMARY**

Yamble Reserve in Ryde is included in the *Parks and General Community Use Generic Plan of Management 2020* in which, it is categorised as General Community Use (North Ryde Community Preschool Inc.) and Park (remainder of the reserve). City of Ryde is proposing to extend the General Community Use category into part of Yamble Reserve, which is categorised as Park to accommodate a new classroom for North Ryde Community Preschool Inc.

A public hearing is required under Section 40A of the *Local Government Act 1993* to recategorise community land. The 'Have Your Say' period was held from Wednesday, 10 November 2021 to Wednesday, 22 December 2021, during which time the community could provide feedback on the proposed community land recategorisation by online or written submission.

Council held a public hearing using an independent facilitator for the proposed recategorisation in accordance with the requirements of Sections 40(A) and 47(G) of the *Local Government Act 1993*. At the time, due to COVID restrictions on public gatherings, the public hearing was carried out as, an on-line meeting on the 01 December 2021 with the option for participation via phone and/or video link.

Council received three submissions via the online form during the consultation period. One submission was to register for the public hearing to obtain information on the timeframe of the project and potential impacts. This person did not attend the public hearing session on the day.

The other two submissions, from the same property, were directly related to the proximity of the proposed new classroom to their fence, which may impact on their privacy and potential noise increase. To reduce the impact of the new classroom on the adjoining neighbours a minimum 3 metre setback will be allocated in the detailed design of the new classroom. Also, there will be no extension to the current outdoor play space, as there is sufficient space to accommodate the additional children.

Further consultation with the community will occur during the development application process. This will provide an opportunity for Council to work with the neighbours to identify specific concerns about the impacts and examine any required mitigation strategies.

**ITEM 7 (continued)**

The Public Hearing and Submissions Report prepared by Parkland Planners provided for in **ATTACHMENT 1** summaries the submissions received, outlines responses to the submissions and provides a recommendation that the proposed land recategorisation of part of Yamble Reserve should proceed. As such, the proposed land recategorisation of part of Yamble Reserve, as presented to the community during the public hearing, and recommended for adoption within this report, has been retained without further change.

The recommended land recategorisation supports the future opportunity to expand North Ryde Community Preschool Inc. to provide a highly in-demand service to the local community.

**RECOMMENDATION:**

- (a) That in accordance with Section 40A and 47G of the Local Government Act 1993, Council adopt the recategorisation of part of Yamble Reserve from Park to General Community Use, as set out in the Public Hearing and Submissions Report, prepared by Parkland Planners (dated 05 January 2022) to support the proposed extension to North Ryde Community Preschool Inc.
- (b) That Council note that its decision to proceed with the recategorisation of part of Yamble Reserve from Park to General Community Use will provide significant future benefit to the community through the addition of a new classroom at the existing preschool and that concerns raised in the submissions including impact on neighbours privacy and noise can be addressed during any future detailed design and the development application process.
- (c) That Council update Appendix B – Maps Series, which relate to the Generic Plan of Management – Parks and General Community Use (adopted November 2020) to reflect the recategorisation of part of Yamble Reserve, as set out in the Public Hearing and Submissions Report prepared by Parkland Planners (dated 05 January 2022).

**ATTACHMENTS**

- 1 Yamble Reserve Proposed Recategorisation Public Hearing Report Final dated 25 January 2022

Report Prepared By:

**Sue Verhoek**

**Senior Coordinator - Social Development & Capacity Building**

Report Approved By:

**Lindsay Godfrey**

**Manager - Community and Ranger Services**

**Angela Jones-Blayney**

**Director - Customer and Community Services**

**ITEM 7 (continued)****Background**

North Ryde Community Preschool Inc. (the Preschool) is located in Yamble Reserve, Ryde and is a not-for-profit service, which was established 40 years ago by a group of local families with the assistance of Council. The Preschool is currently licenced for 51 children per day with 102 children being educated and cared for weekly.

The Preschool has an outstanding reputation in the community and has a strong commitment to providing early education and care to children with additional needs and children from diverse backgrounds. Currently there is a high demand in Ryde for preschool places for children aged 3-5 years of age.

Staff from Council have been working with the management committee of the Preschool to undertake an expansion project to accommodate an extra 25 children per day. The Preschool is currently unable to meet local community demand with a lengthy waitlist.

For years, the Preschool has been investigating a range of options to support the expansion of their service. The part of Yamble Reserve selected for the new classroom is currently underutilised by the community due to its location. Also, the current concept plans support retaining all the trees in this part of the reserve.

The Preschool expansion project consists of an additional classroom, children's bathroom, storeroom, therapy room, new staff room and a small outdoor deck for staff, which will adjoin the current preschool building to the south. The current outdoor play area has sufficient space to accommodate the additional children, as per the National Regulations.

**ITEM 7 (continued)**

Figure 1 Locational context of proposed extension to North Ryde Community Preschool Inc.

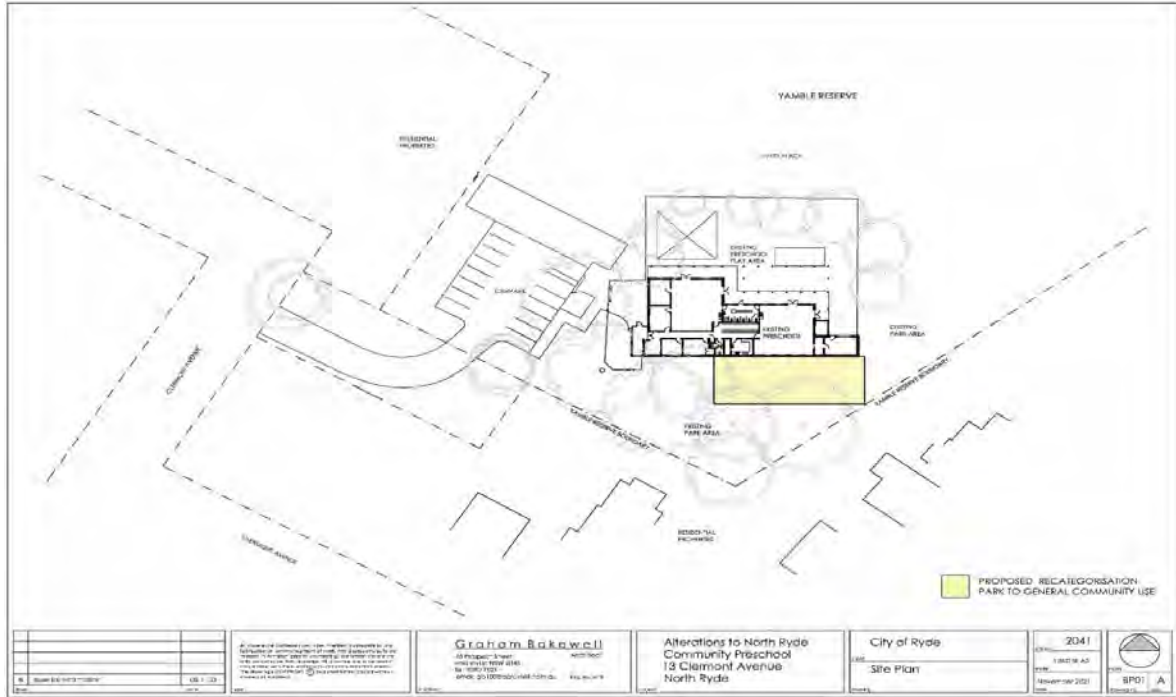
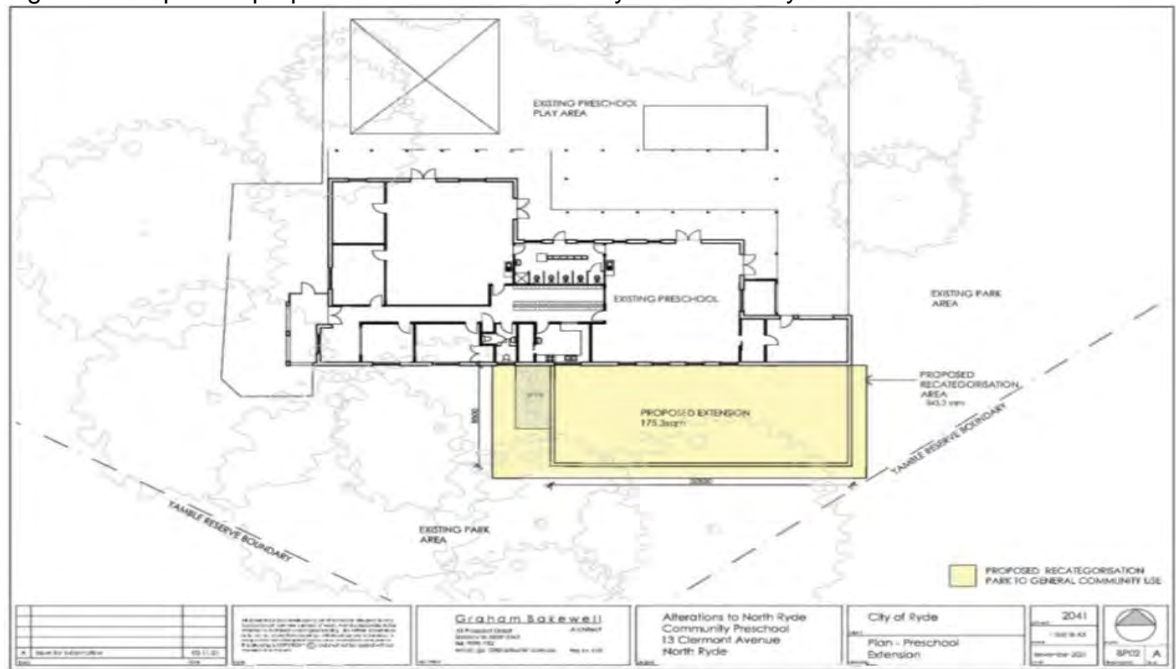


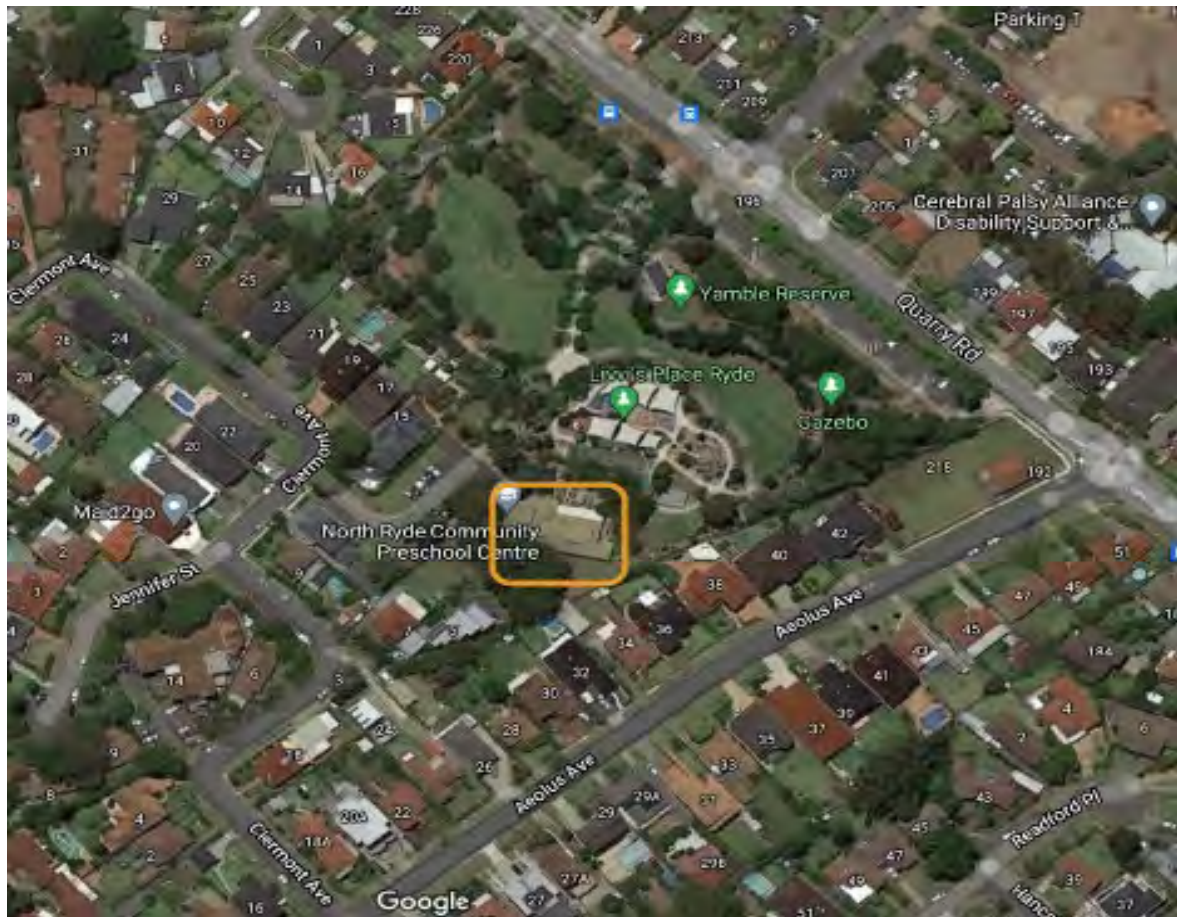
Figure 2 Footprint of proposed extension to North Ryde Community Preschool Inc.



**ITEM 7 (continued)**

**Location and Features of Yamble Reserve**

Figure 3 Location and features of Yamble Reserve



View north-west from the south-east corner of the Preschool building



**ITEM 7 (continued)**



View from the carpark off Clermont Avenue

**Recategorisation of Yamble Reserve**

Yamble Reserve in Ryde is included in the *Parks and General Community Use Generic Plan of Management 2020* in which it is categorised as General Community Use (North Ryde Community Preschool Inc.) and Park (remainder of the reserve). City of Ryde is proposing to extend the General Community Use category into part of Yamble Reserve, which is currently categorised, as Park to accommodate the Preschool expansion.

Figure 4 Current categorisation of Yamble Reserve

Figure 5 Proposed recategorisation of part of Yamble Reserve



**ITEM 7 (continued)****Community Consultation**

On the 29 September 2021 Council supported the Preschool to hold an online information session for surrounding neighbours located within 250 metres of the centre. This session provided an opportunity for the Preschool to present the details of the expansion project and associated processes and to identify any potential concerns of the neighbours. Two residents attended the meeting at which their questions about the proposed extension were satisfactorily answered by the Preschool representatives and Council staff in attendance.

In accordance with the requirements of Sections 40(A) and 47(G) of the Local Government Act 1993, Council held a public hearing for the proposed land recategorisations, which was chaired by Ms Sandy Hoy (Parkland Planners) an experienced independent facilitator. The 'Have Your Say' period was held from Wednesday, 10 November 2021 to Wednesday, 22 December 2021, during which time the community could provide feedback on the proposed community land recategorisation by online submission or written submission.

Background information and opportunities to provide feedback were promoted through:

- Weekly listing in Council's Open Community Consultations Ad in The Weekly Times on 10, 17, 24 November and 1, 8, 15 December 2021.
- City of Ryde's Have Your Say website: [www.ryde.nsw.gov.au/haveyoursay/YambleLC](http://www.ryde.nsw.gov.au/haveyoursay/YambleLC) A background information document explaining the proposed recategorisation and the public hearing, and an online submission form, were also provided on the Have Your Say project page.
- Flyers distributed to surrounding residents. Approximately 455 flyers were delivered to residences within a 250-metre radius.
- Signage in the Reserve. Two signs were installed at the entry points of Yamble Reserve.

Due to the COVID restrictions on public gatherings, at the time, the public hearing was carried out as an on-line meeting on 01 December 2021 with the option for participation via phone and/or video link. One registration was received for the public hearing prior to the session, however, this person did not attend on the day. Additionally, two submissions were received via the online form.

The Public Hearing and Submissions Report prepared by Parkland Planners (dated 05 January 2022) summarises the submissions received, provides responses to the submissions, and gives recommendation for the proposed land recategorisation of part of Yamble Reserve requiring Council adoption is provided (attachment 1).

**ITEM 7 (continued)**

The two written submissions regarding the proposed recategorisation of part of Yamble Reserve have been carefully considered and addressed, as follows:

1. *Proximity of the new classroom to the adjoining neighbours fence impacting on privacy.*

A minimum 3 metre setback between the new classroom and the adjoining neighbours' fence will be allocated in the detailed design.

2. *Increase to the level of noise for adjoining neighbours.*

There will be no extension to the current outdoor play space, as there is sufficient space to accommodate the additional children. Mitigation strategies will be investigated to reduce the impact of noise on the neighbours during the detailed design process.

**Conclusion**

The Public Hearing and Submissions Report prepared by Parkland Planners supports that the proposed land recategorisation of part of Yamble Reserve should proceed. As such, the proposed land recategorisation of part of Yamble Reserve, as presented to the community during the public hearing, and recommended for adoption within this report, has been retained without further change.

As written submissions from only three people were received it could reasonably be assumed that the general community either supports or is neutral or ambivalent about the proposed extension to the North Ryde Community Preschool Inc. The recommended land recategorisation supports the capacity for the Preschool to provide a highly in-demand service to the local community.

The proposed recategorisation of part of Yamble Reserve and public hearing process has been carried out in accordance with the requirements of the Local Government Act 1993.

Should Council adopt the proposed land recategorisation of part of Yamble Reserve Council staff will commence finalising the Preschool expansion design plan and prepare to lodge the development application.

**Financial Implications**

Adoption of the recommendation will have no financial impact.

ITEM 7 (continued)

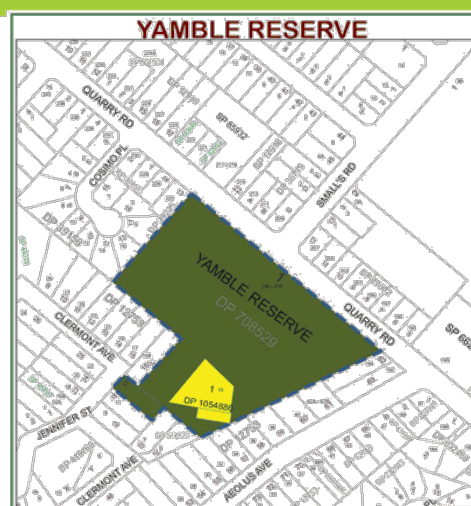
ATTACHMENT 1



PUBLIC HEARING FOR PROPOSED  
RECATEGORISATION OF  
PART OF YAMBLE RESERVE

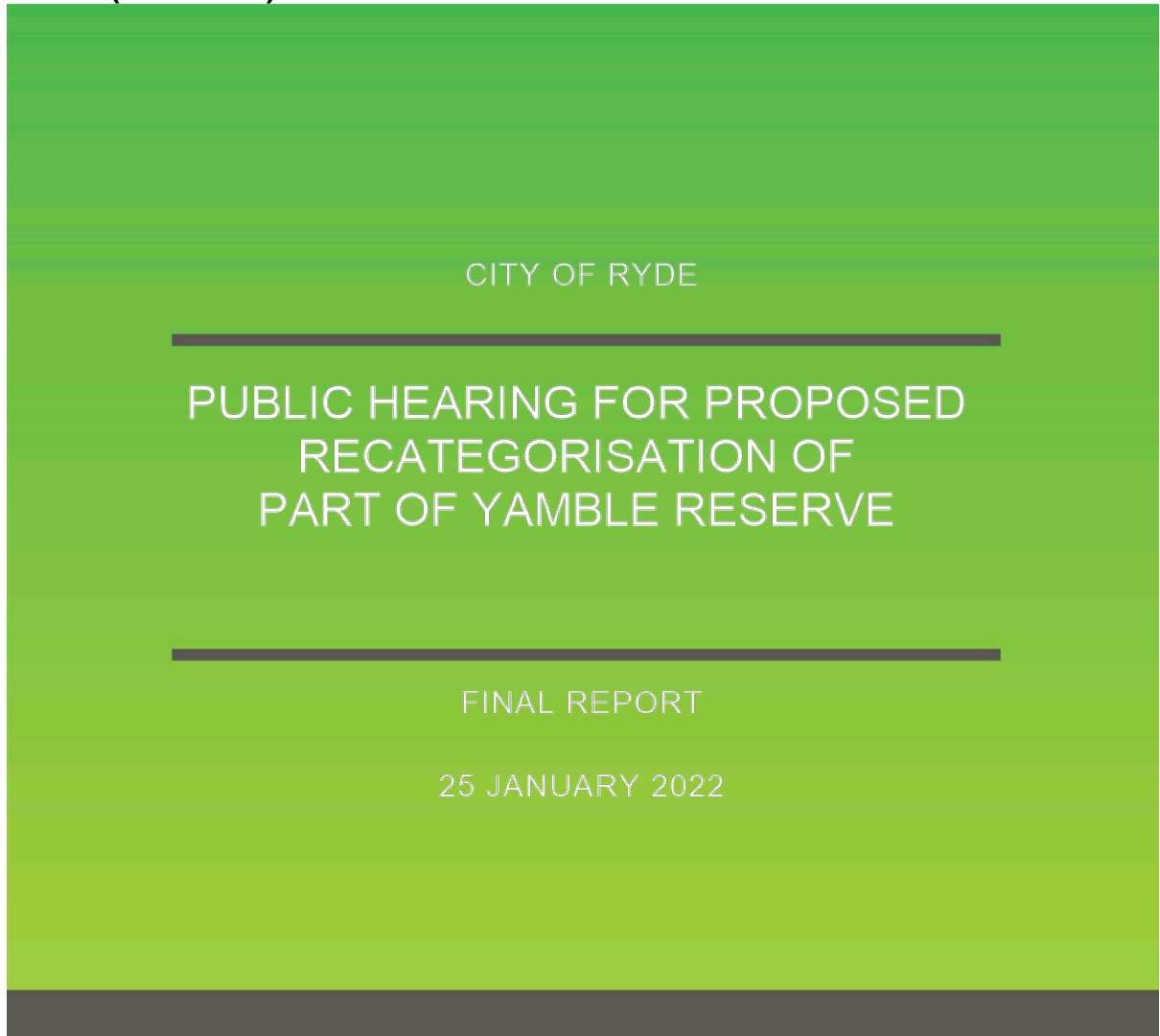
FINAL REPORT

25 JANUARY 2022



**ITEM 7 (continued)**

**ATTACHMENT 1**



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**DIRECTOR: Sandy Hoy**

**ITEM 7 (continued)**

**ATTACHMENT 1**

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ITEM 7 (continued)

ATTACHMENT 1

# 1 INTRODUCTION

## 1.1 Purpose of this report

The purpose of this report is to convey to City of Ryde Council the submissions made in relation to a public hearing held on Wednesday 1 December 2021 regarding the proposed recategorisation of part of Yamble Reserve in Ryde.

This report has been prepared under Section 40A of the *Local Government Act 1993*.

## 1.2 Background to the public hearing

Yamble Reserve in Ryde is included in the *Parks and General Community Use Generic Plan of Management 2020* in which it is categorised as General Community Use (North Ryde Community Preschool Centre) and Park (remainder of the reserve).

City of Ryde is proposing to extend the General Community Use category into part of Yamble Reserve which is categorised as Park to accommodate a new classroom and deck for the Preschool.

A public hearing is required under Section 40A of the *Local Government Act 1993* to recategorise community land. Under the Act the public hearing must be chaired by an independent facilitator.

If Council adopts the proposed recategorisation of part of Yamble Reserve, Council will update its Open Space Land Index and Maps to reflect the change in categorisation.

## 1.3 This report

The remainder of this report presents the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation of community land, and submissions regarding the proposed recategorisation of part of Yamble Reserve. No verbal submissions were made during the public hearing. Submissions comprise written submissions received by Council between 10 November and 22 December 2021.



**ITEM 7 (continued)**

**ATTACHMENT 1**

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**ITEM 7 (continued)**

**ATTACHMENT 1**

## 2 PLANNING CONTEXT

### 2.1 What is community land?

The *Local Government Act 1993* sets out a range of requirements for the management of public land that City of Ryde is legally bound to adhere to.

The Local Government Act requires that all public land owned by Council must be classified as "community" or "operational" land (Section 26). Yamble Reserve is community land owned by City of Ryde.

Figure 1 Classification and categorisation of community and Crown land



Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period of time, and can be sold.

### 2.2 What are the categories of community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

## ITEM 7 (continued)

## ATTACHMENT 1

As shown in Figure 2, community land may be categorised as one or more of the following under Section 36(4):

- a natural area.
- a sportsground.
- a park.
- an area of cultural significance.
- general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- bushland.
- wetland.
- escarpment.
- watercourse.
- foreshore.
- a category prescribed by the regulations.

### 2.3 What are the guidelines for categorising community land?

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2005*.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

*"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."*

*Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."*

### 2.4 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the *Local Government Act 1993*.

**ITEM 7 (continued)**

**ATTACHMENT 1**

**2.5 Guidelines and core objectives for categories for this public hearing**

The guidelines and core objectives for the categories of Park and General Community Use which are the current and proposed categories of the part of Yamble Reserve which is proposed to be recategorised are in Table 1.

Table 1 Guidelines and core objectives for categories of Yamble Reserve

Category	Guidelines	Core objectives
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> <li>- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and</li> <li>- provide for passive recreational activities or pastimes and for the casual playing of games, and</li> <li>- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> <li>- promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to:               <ul style="list-style-type: none"> <li>• public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.</li> <li>• purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul> </li> </ul>

**2.6 Plans of Management for community land**

Council must prepare a Plan of Management for community land (Section 36(1)).

Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

Among the requirements of the Local Government Act for the contents of a Plan of Management for community land are:

- categorisation of the land
- core objectives for management of the land.

## ITEM 7 (continued)

## ATTACHMENT 1

### 2.7 Public hearings

#### 2.7.1 Why hold a public hearing?

A public hearing is required under Section 40A of the *Local Government Act 1993* and Section 3.23(7)(d) of the *Crown Land Management Act 2016* if:

- a Plan of Management proposes to categorise (that is, the Plan has not been previously been prepared and adopted by Council, or has not categorised community land) the public land covered by the Plan of Management
- a Plan of Management proposes to re-categorise (changing the adopted category) the public land covered by the Plan of Management.

*Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.*

#### 2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed recategorisation of community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.
- b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

#### 2.7.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than four days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information to assist in its deliberation regarding the proposed recategorisation of part of Yamble Reserve.

ITEM 7 (continued)

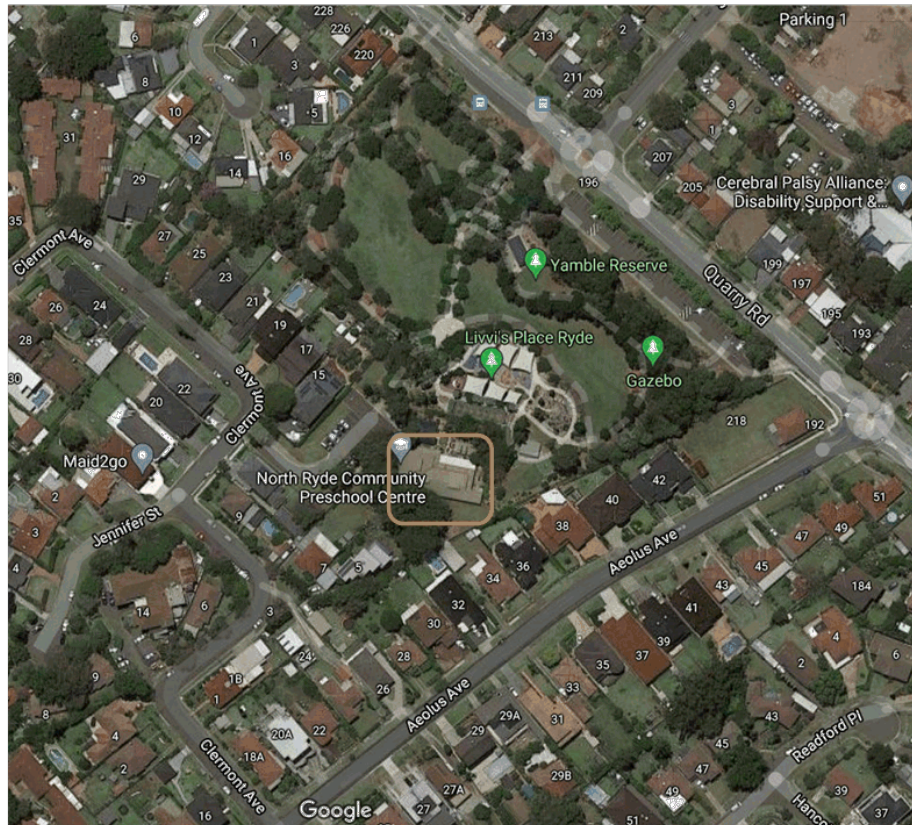
ATTACHMENT 1

# 3 PROPOSED CHANGE TO CATEGORISATION OF YAMBLE RESERVE

## 3.1 Location and features of Yamble Reserve

The location and features of Yamble Reserve in Ryde are shown in Figure 2.

Figure 2 Location and features of Yamble Reserve



Images in Figure 3 show the North Ryde Community Preschool Centre and the part of Yamble Reserve that is proposed to be recategorised.

**ITEM 7 (continued)**

**ATTACHMENT 1**

Figure 3 Images of part of Yamble Reserve



North Ryde Community Preschool Centre entry courtyard

View from the carpark off Clermont Avenue



View of Yamble Reserve south-east towards residences on Aeolus Avenue



View north-west from the south-east corner of the Preschool building

## ITEM 7 (continued)

## ATTACHMENT 1

### 3.2 Current and proposed categorisation of Yamble Reserve

#### 3.2.1 Current categorisation

The adopted categorisation of Yamble Reserve in the *Parks and General Community Use Generic Plan of Management 2020* is shown in Figure 6. The General Community Use boundary matches the current boundary of the North Ryde Community Preschool Centre.

#### 3.2.2 Proposal for extension to the Preschool

North Ryde Community Preschool is a not-for-profit service which was established 40 years ago by a group of local families with the assistance of Council.

The Preschool has had a stable attendance of 40 children per day for a number of years. In recent years, as a response to increased demand, the Preschool has increased its licensed places per day to 51, with 102 children being educated and cared for weekly.

Despite the Preschool's growth in enrolments, the service is unable to meet local community demand, particularly as an increased number of families have moved to the Ryde local government area which has experienced significant growth over the past few years.

Currently there is a lengthy waitlist of 140 eligible four-year-old children in the year before school, and only 49 available positions for 2022. More than 200 three-year-old children are on the waitlist.

During 2021 the Preschool has been working very closely with City of Ryde to create a plan for a seamless extension to the existing Preschool to increase access to the service for an extra 25 children daily. These plans include a 'therapy' room to integrate a welcoming space for the local speech, occupational and behavioural therapists who visit the Preschool on a regular basis. The therapists support the children with additional needs, and upskill staff to implement specific individualised programs and to provide social, behavioural and language groups which benefit all children and their families.

#### 3.3.3 Proposal for recategorisation of part of Yamble Reserve

Council is proposing to extend the boundary of the General Community Use category into the Park category in Yamble Reserve to match the footprint of the proposed extension to the North Ryde Community Preschool Centre as shown in Figures 4 and 5.



ITEM 7 (continued)

ATTACHMENT 1

Figure 4 Locational context of proposed extension to North Ryde Community Preschool Centre

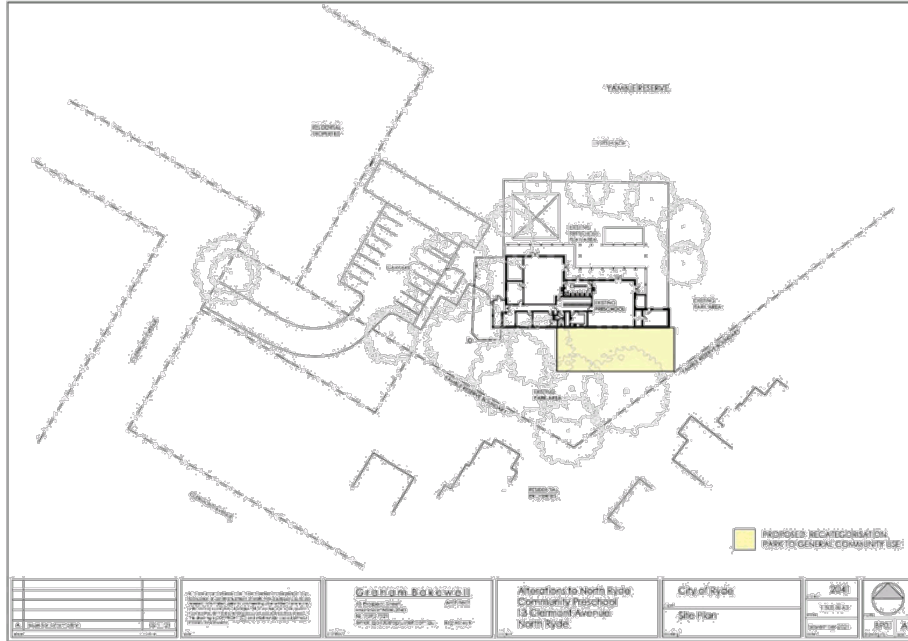
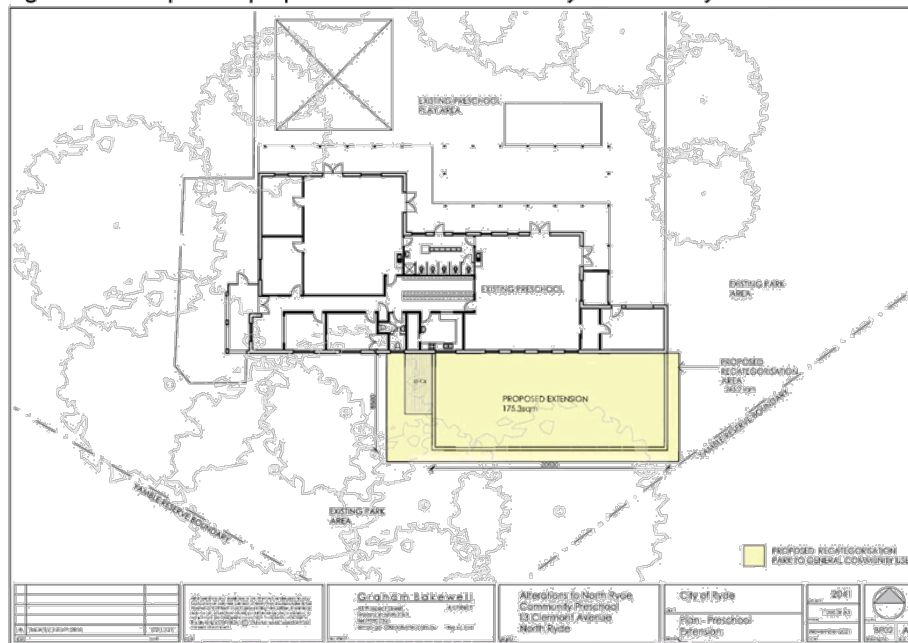


Figure 5 Footprint of proposed extension to North Ryde Community Preschool Centre



The current categorisation and proposed recategorisation of part of Yamble Reserve to reflect the proposed extension to the North Ryde Community Preschool Centre are shown in Figures 6 and 7.

ITEM 7 (continued)

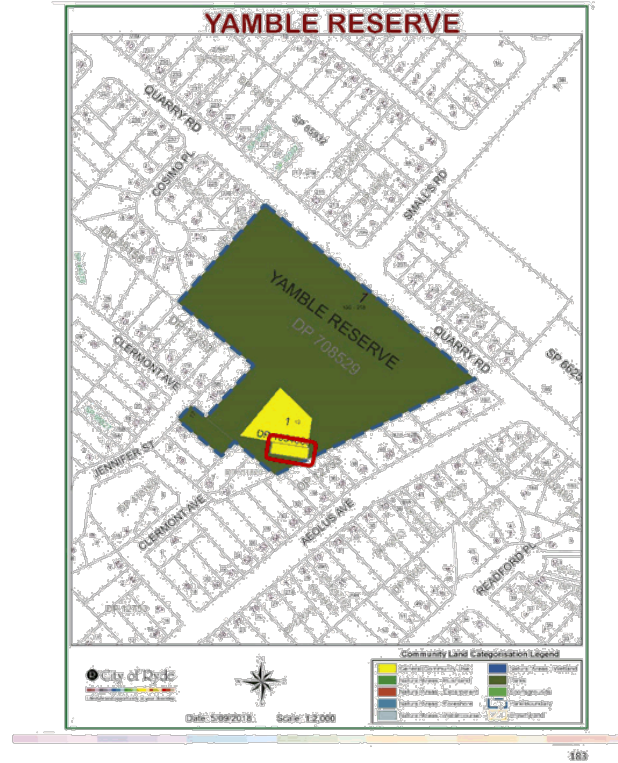
ATTACHMENT 1

Figure 6 Current categorisation of Yamble Reserve



Source: Parks and General Community Use Generic Plan of Management 2020

Figure 7 Proposed recategorisation of part of Yamble Reserve



**ITEM 7 (continued)**

**ATTACHMENT 1**

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PUBLIC HEARING AND SUBMISSIONS REPORT: PROPOSED RECATEGORISATION OF PART OF YAMBLE RESERVE  
PARKLAND PLANNERS

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ITEM 7 (continued)

ATTACHMENT 1

## 4 THE PUBLIC HEARING


### 4.1 Advertising and notification

The 'Have Your Say' period was from Wednesday 10 November 2021 to Wednesday 22 December 2021, during which the community could provide feedback on the proposed community land recategorisation by online submission or written submission.

Background information and opportunities to provide feedback were promoted through:

- ❑ Weekly listing in Council's Open Community Consultations Ad in *The Weekly Times* on 10, 17, 24 November and 1, 8, 15 December 2021 (see Figure 8).
- ❑ City of Ryde's Have Your Say website: [www.ryde.nsw.gov.au/haveyoursay/YambleLC](http://www.ryde.nsw.gov.au/haveyoursay/YambleLC) (see Figure 9). A background information document explaining the proposed recategorisation and the public hearing, and an online submission form, were also provided on the Have Your Say project page.
- ❑ Flyers distributed to surrounding residents (see Figure 10). Approximately 455 flyers were delivered to residences within a 250 metre radius.
- ❑ Signage in the Reserve. Two signs were installed at the entry points of Yamble Reserve (see Figure 11).

Figure 8 Newspaper notice



**HAVE YOUR SAY**

**OPEN COMMUNITY CONSULTATION**

You are invited to have your say about documents, projects and proposals that are currently on public exhibition, or provide feedback on services and concerns that affect the community.

- Denistone Park Playground Upgrade (Closing 9 December 2021)
- Waste and Recycling Survey (Closing 12 December 2021)
- **Yamble Reserve Proposed Land Re-categorisation (Closing 22 December 2021)**
- Ryde Wharf Markets Survey (Closing 9 January 2022)
- Draft Integrated Transport Strategy 2041 (Closing 6 February 2022)
- Memorial Park Dog Off-Leash Trial (Closing 30 June 2022)

**Want to find out more?**

To find out more about one of the above projects or for information on how to provide feedback, please visit [www.ryde.nsw.gov.au/haveyoursay](http://www.ryde.nsw.gov.au/haveyoursay) or call Customer Service on 9952 8222.

ITEM 7 (continued)

ATTACHMENT 1

Figure 9 Public hearing information on Council's Have Your Say website

The screenshot shows a web browser window displaying the City of Ryde's 'Have Your Say' website. The page title is 'Yamble Reserve Proposed Land Re-categorisation'. At the top, there is a navigation bar with 'HAVE YOUR SAY' and a search bar. Below the navigation bar, there is a 'Consultation closing on 22 December 2021 / 11:59pm' banner. The main content area is divided into several sections:

- Background Information:** Contains links for 'Yamble Reserve Public Hearing Background Information' and 'Map of Proposed Land Re-Categorisation - Yamble Reserve'.
- Related Information:** Lists 'Local Government Act 1993' with sub-sections for 'Section 366 - Core objectives for management of community land' and 'Section 361 - Core objectives for management of community land', and 'Section 40A - Public hearing in relation to proposed plans of management'.
- Contact Us:** Provides contact information for the City of Ryde, including a phone number (9952 8222) and an email address (ryde@ryde.nsw.gov.au).
- Online Submission Form:** Includes a button to 'COMPLETE THE ONLINE SUBMISSION FORM' and a deadline of 'Wednesday 22 December 2021'.
- Public Hearing for proposed land re-categorisation:** Invites the public to register to attend the public hearing on the proposed land re-categorisation in accordance with the Local Government Act 1993.

The page also features a 'Latest Updates' section with a 'Have Your Say' tab selected. The main text on the page discusses the proposed re-categorisation of part of Yamble Reserve from 'General Community Use' to 'Park' and provides information on how to provide feedback and attend the public hearing.

ITEM 7 (continued)

ATTACHMENT 1

Advanced registration essential. Registrations for the public hearing close at **12.00noon on Wednesday 1 December 2021.**

**How do I participate in the public hearing?**

Register in advance to participate in the public hearing by completing the online registration below. If you don't have internet access, please call Customer Service on 9952 8222.

Once registered, you will receive further information via email closer to the public hearing date on how to join the meeting via phone or video link.

[REGISTER FOR THE PUBLIC HEARING](#)

**Written Submissions**

Written submissions must be clearly marked as 'Yamblie Reserve Proposed Land Re-categorisation'.

All submissions must be received by **Wednesday 22 December 2021.**

- Email [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)
- Post General Manager, City of Ryde, Locked Bag 2089, North Ryde NSW 1670

**Privacy Statement**

Personal information collected from you (including responses to forms and surveys) is held and used by Council under the provisions of the Privacy and Personal Information Protection Act 1998. The supply of information is voluntary, however if you cannot provide, or do not wish to provide the information sought, Council may be unable to process your application or request, or consider your submission. Please note that the exchange of information between the public and Council, may be accessed by others and could be made publicly available under the Government Information Public Access Act 2009 (GIPA Act). If you require further information please contact Council's Customer Service Centre on 9952 8222.

[Subscribe to project updates](#)

*Last updated on 10 November 2021*

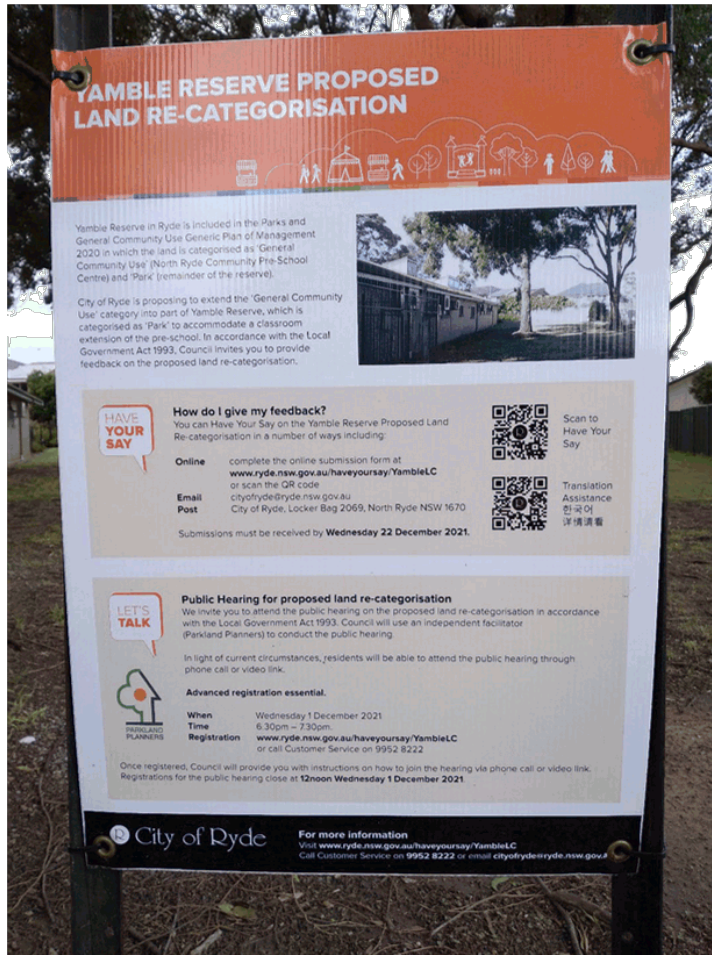
Figure 10 Flyer delivered to residences



ITEM 7 (continued)

ATTACHMENT 1

Figure 11 On-site signs



## ITEM 7 (continued)

## ATTACHMENT 1

### 4.2 Public hearing arrangements

The public hearing was held as an audio-visual conference on Wednesday 1 December from 6.30pm to 7.30pm.

Customers were requested to register before the hearing at [www.ryde.nsw.gov.au/haveyoursay/YambleLC](http://www.ryde.nsw.gov.au/haveyoursay/YambleLC) or by calling Customer Service on 9952 8222.

Registrations for the public hearing closed at 12.00 noon on Wednesday 1 December 2021. If any customers called after the closing time wanting to register for the public hearing, the community engagement team was available to assist them.

Customers who registered before the public hearing were emailed an enewsletter which provided:

- background information prior to joining the public hearing
- instructions on how to join to the public hearing online via MS Teams (desktop computer, smartphone/ tablet) or by telephone dial-in
- contact details for assistance if required with joining the public hearing (ph. 9952 8477).

Customers who registered for the public hearing were invited to submit any comments or questions before the hearing.

One customer registered prior to the public hearing and provided questions before the hearing, which are addressed in Section 5. Instructions on how to access the public hearing were sent to this person on 29 November and 1 December prior to the public hearing on 1 December 2021.

### 4.3 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

Alexander Nord (Project Manager, Project Development) and Sue Verhoek (Senior Coordinator – Community Services) represented City of Ryde to provide information and answer questions on Council's behalf during the public hearing.

Nikki Fraser and Elise Clark from Council's Community Engagement Team assisted Council staff and the chairperson with organising and running the public hearing.

The independent chairperson and Council staff attended the public hearing remotely due to public gathering restrictions.

No community members attended the public hearing online.

### 4.4 The public hearing

Ms Hoy opened the public hearing at 6.30pm.

With no community members having attended the public hearing, Ms. Hoy closed the hearing at 7.30pm.



## ITEM 7 (continued)

## ATTACHMENT 1

### 4.5 Submissions

Submissions about the proposed recategorisation of part of Yamble Reserve could be made:

- ❑ **using the online submission form** on the Have Your Say page [www.ryde.nsw.gov.au/haveyoursay/YambleLC](http://www.ryde.nsw.gov.au/haveyoursay/YambleLC) from Wednesday 10 November 2021 to Wednesday 22 December 2021
- ❑ **verbally** at the public hearing on Wednesday 1 December 2021 by joining the meeting online or calling in by phone. Prior registration was required
- ❑ **in writing** to Council until Wednesday 22 December 2021 by:
  - email: [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)
  - post to: General Manager, City of Ryde, Locked Bag 2069, North Ryde NSW 1670.

No community members attended the public hearing.

Online submissions were received from 3 community members by Wednesday 22 December 2021.

**ITEM 7 (continued)**

**ATTACHMENT 1**

## 5 CONSIDERATION OF SUBMISSIONS

### 5.1 Introduction

No verbal submissions were received at the public hearing. Written submissions relating to the proposed recategorisation of part of Yamble Reserve are set out below.

### 5.2 Level of support for proposed recategorisation

Of the three online submissions, two submissions (67%) did not support the proposed recategorisation, with one submission (33%) being 'unsure/no preference' due to not enough information given.

### 5.3 Reasons for not supporting the proposal

The submissions which do not support the proposed recategorisation are set out below, with Council's response.

Submission	Council response
<p>The new classroom will directly touch the back of our fence with the existing park. As it is we have picnickers camping along the fence - with kids kicking balls into the fence and playing very loud music. We often can't sit in our backyard due to lack of privacy. With the preschool bordering on our property the noise level/ disruptions will increase dramatically and lower the resale value of our home.</p>	<p>The new classroom will not directly adjoin the neighbour's fence, as a minimum 3 metre setback has been allocated.</p>
<p>The school is very noisy already. If the proposal goes through they will back onto our fence. We already have things coming over our fence from the park. It will also devalue our property as people don't want a childcare centre in their backyard.</p>	<p>There will be no extension to the current outdoor play space, as there is sufficient space to accommodate the additional children.</p>

### 5.4 Other submissions

The person who registered for the public hearing asked: When is it going to start? Impacts?

Council's response to those questions are: the Pre-school extensions are subject to the development application process, with works expected to start at the end of 2022/early 2023. Council will engage with the community during the development application process to address any concerns about impacts.

**ITEM 7 (continued)**

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ITEM 7 (continued)

ATTACHMENT 1

## 6 RECOMMENDATIONS

### 6.1 Consideration of submissions

As written submissions from only three people were received it could reasonably be assumed that the general community either supports or is neutral or ambivalent about the proposed extension to the North Ryde Community Pre-school Centre.

On 29 September 2021 Council supported the Preschool to hold an online information session for surrounding neighbours. This session provided an opportunity for the Preschool to present the details of the expansion project and associated processes and to identify any potential concerns of the neighbours. Two residents attended the meeting at which their questions about the proposed extension were satisfactorily answered by the Preschool representatives and Council staff in attendance.

The two written submissions regarding the proposed recategorisation of part of Yamble Reserve are carefully considered and assessed below.

Table 2 Assessment of submissions

Submission	Assessment	Recommendations
<p>Do not support the proposed extension to the pre-school because of the impacts on them as adjoining neighbours in terms of:</p> <ul style="list-style-type: none"> <li>- the pre-school classroom will back on to their fence</li> <li>- lack of privacy and disturbance from park users (loud music, balls on and over the fence, picnickers close to the fence)</li> <li>- noise and disruption from the pre-school will lower the value of their home/property.</li> </ul>	<p>If Council intends to extend the pre-school with a new classroom and deck then General Community Use is the most appropriate category for that proposed use. The Park category supports outdoor passive recreation, while the General Community Use category supports facilities for the intellectual/educational welfare of the community. Therefore the land footprint of the extension should be recategorised from Park to General Community Use as proposed.</p> <p>Given the concerns of adjoining neighbours about the proximity of the proposed classroom extension to their fence, home and privacy, Council should consider minimising the impacts on adjoining neighbours by:</p> <ul style="list-style-type: none"> <li>- ensuring an adequate gap between the new classroom and the closest fence. It is understood that a minimum 3 metre setback has been allocated.</li> <li>- liaising with the neighbours about upgrading or replacing the dividing fence as required.</li> </ul>	<p>Recategorise the proposed extension to the North Ryde Community Pre-school Centre from Park to General Community Use.</p> <p>Liaise with the adjoining neighbours as part of the development application process and as required to minimise the impacts of the classroom extension on their fence, home and privacy.</p>

### 6.2 Recommendations

Based on the written submissions submissions made to Council by 22 December 2021, my recommendations to City of Ryde are that Council:

1. Note the written submissions made in Section 5.
2. Recategorise the proposed extension to the North Ryde Community Pre-school Centre from Park to General Community Use, as publicly exhibited and shown in Figure 12.

ITEM 7 (continued)

ATTACHMENT 1

- Liaise with the adjoining neighbours as part of the development application process and as required to minimise the impacts of the classroom extension on their fence, home and privacy.

Figure 12 Recommended recategorisation of community land in Yamble Reserve



## ITEM 7 (continued)

## ATTACHMENT 1

### 6.3 Adoption of proposed recategorisation

This public hearing report will be presented to Council for its information as part of approval of the proposed recategorisation of part of Yamble Reserve to provide for extension of the North Ryde Community Pre-school Centre.

Section 114 of the *Local Government (General) Regulation 2021* states that if Council receives any submission objecting to the proposed categorisation of land in a draft Plan of Management, and the Council adopts the categorisation without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the categorisation must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection.

Although this proposal is not part of preparation of a draft Plan of Management, if Council intends to adopt the proposed recategorisation as General Community Use, it must state the reasons why it did not make changes to categorisation in response to the objections received in its resolution to adopt the categorisation. In this case, as objections to the proposed General Community Use category were received, Council should state in its resolution the reason(s) why it decided to change the categorisation of part of Yamble Reserve from Park to General Community Use.

If Council adopts the proposed recategorisation of Yamble Reserve, Council will update its Open Space Land Index and Maps to reflect the change in categorisation.

If Council decides to alter the proposed recategorisation of community land from that which was publicly exhibited and considered at the public hearing, Council must hold a further public hearing (Section 40A(3) of the *Local Government Act 1993*).

### 6.4 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- post an electronic copy of the public hearing report on Council's Have Your Say website. It is understood that people who registered to attend the public hearing and/or made a written submission are notified through this process that the public hearing report is available to access and download from the Have Your Say website.
- keep a copy of the public hearing report for inspection at Council's Customer Service Centre, Ryde Library and North Ryde Library.



**Sandy Hoy**  
Director  
Parkland Planners

25 January 2022

**ITEM 7 (continued)**

**ATTACHMENT 1**

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**8 DRAFT BICYCLE STRATEGY AND ASSOCIATED ACTION PLAN 2022-2030**

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**Report prepared by:** Traffic Engineer  
**File No.:** GRP/09/3 - BP21/787

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**REPORT SUMMARY**

The Transport Department is in the process of updating Council's current Bicycle Strategy that was last updated in 2014. Council adopted the recommendations of the 2014 Bicycle Strategy and staff have since implemented many of the recommended capital works.

The purpose of the updated strategy and associated action plan is to provide a more modern framework and set of principles for the planning, design, improvement, and management of the Council's network of pathways and trails. A further objective is to provide a framework for encouraging greater involvement of residents, community organisations, and government in the development of walking, cycling and other pathway-related activities and opportunities.

Approval is sought by the Council for endorsement of the draft Bicycle Strategy and associated Bicycle Action Plan to be placed on public exhibition.

**RECOMMENDATION:**

- (a) That the draft Bicycle Strategy 2022-2030 and the associated Bicycle Action Plan is endorsed to be placed on public exhibition for four weeks, commencing by mid-February 2022.
- (b) That following public exhibition, staff report back to Council regarding any submissions received and to have the Bicycle Strategy 2022-2030 reconsidered for final adoption.

**ATTACHMENTS**

- 1 Draft City of Ryde Bicycle Strategy – CIRCULATED UNDER SEPARATE COVER
- 2 Draft City of Ryde Bicycle Action Plan – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:  
**Muddasir Ilyas**  
**Traffic Engineer**

Report Approved By:  
**Michael Dixon**  
**Transport Manager**

**Wayne Rylands**  
**Director - City Works**



## ITEM 8 (continued)

### Discussion

The Transport Department engaged, Crossley Transport Planning (Crossley TP), to assist in updating Council's Bicycle Strategy 2014. The updated draft Bicycle Strategy and the associated Action Plan reflects the different reasons that people walk and cycle, and to assess and plan for facilities that support these different needs. The updated Bicycle Strategy and the associated Action Plan also provide a comprehensive assessment of existing cycling and walking routes, whilst detailing a guiding strategy in developing a capital works program for the Council to align with the Successful Places outcomes focussed on in Future Transport 2056.

In summary, the contents of the attached draft Bicycle Strategy 2022-2030 **(ATTACHMENT 1)** covers:-

1. Promotion of active travel
2. Defining who, where and why people cycle
3. Cycling participation rates
4. How to get more people cycling
5. Barriers to cycling and community concerns
6. The need for interventions
7. The need for more routes and delivering quicker outcomes
8. Wayfinding
9. Healthy Streets
10. Opportunities and implementation of the strategy; and
11. Benefits to the City of Ryde.

The contents of the attached draft Action Plan **(ATTACHMENT 2)** covers:-

1. Purpose of the action plan
2. Suitable bicycle treatment types for low traffic stress environments
3. Preliminary prioritisation framework for consideration including quick wins
4. Suggested infrastructure works for the prioritised sections of the bicycle network (on-road, off-road and green links)
5. Other street elements which support rider comfort, access, and inclusion such as street lighting and end of trip facilities.

### Financial Implications

Adoption of the recommendation will have no financial impact other than the cost of the public exhibition (post-Council approval) which can be funded under the existing *ITS Implementation* funding bucket. The delivery of proposed projects in the attached Bicycle Strategy and the associated Action Plan are subject to the availability of funds and Transport for NSW grant funding allocation. This is outlined in both documents.

**ITEM 8 (continued)****Consultation with relevant internal and external bodies**

The draft Bicycle Strategy and associated Action Plan were developed in collaboration with internal departments such as Assets and Infrastructure, Project Development, Environment, Urban Strategy, and Parks. Discussion was also held with the Bicycle Advisory Committee and Connect Macquarie Park and North Ryde to gather their input.

The draft Bicycle Strategy and associated Action Plan will be placed on public exhibition for four weeks, with the community encouraged to provide feedback via a “Have Your Say” page on Council’s website.

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**9 EXHIBITION OF DRAFT AMENDMENT TO RYDE DCP 2014 - 127-133  
RYEDALE ROAD AND 4-14 TERRY ROAD, DENISTONE**

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**Report prepared by:** Strategic Planner / Urban Designer  
**File No.:** LEP2017/38/4 - BP21/998

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**SUMMARY**

The Ryde Eastwood Leagues Club (RELC) has been seeking to rezone 127-133 Ryedale Road and 4-14 Terry Road (please note, RELC does not own all the land affected and it is not necessary for owners to consent to rezonings as existing use rights are retained). The rezoning is to allow a future seniors housing and aged care development; in addition to making changes to permit seniors housing on the land, increases to the maximum Floor Space Ratio (FSR) and the maximum height are also proposed (the Planning Proposal, PP-2021-115) provided in **ATTACHMENT 1**. Council is not the authority tasked with approving the Planning Proposal. As RELC does not own all the land, it is anticipated that the future seniors housing development would occur of two stages, the first stage occurring on the part of the site currently fully owned by RELC, with a second stage potentially occurring in the future.

The Department of Planning and Environment (the Department) granted the Planning Proposal a Gateway Determination on 10 March 2021, enabling it to be publicly exhibited from 26 August to 28 September 2021. The Planning Proposal is now being finalised by the Department to amend the Ryde Local Environmental Plan 2014 to permit seniors housing and aged care on the site. The exhibited concept scheme dated 10 May 2019 is provided in **ATTACHMENT 2**.

To ensure the development controls are appropriate for the proposed land use, an amendment to the Ryde Development Control Plan 2014 (DCP) has also been prepared. Council is the authority tasked with updating its DCP; the proposed updates are designed to work with the rezoning to guide the future development of the site to minimise its impact on the adjoining residential neighbourhood.

To reduce community confusion and avoid separate exhibition of the Planning Proposal and the DCP, Council and Department staff coordinated the exhibitions.

Given the imminent rezoning, it is important that Council updates its DCP in a timely way to ensure the development of the site can occur in an orderly and appropriate fashion.

This report discusses key matters raised in submissions received during the public exhibition of a draft amendment to the DCP. The draft amendment to the DCP is proposed to form a new Part 6.6 of the DCP provided in **ATTACHMENT 6**.

**ITEM 9 (continued)**

The exhibited draft amendments to the DCP were independently reviewed by a panel member of City of Ryde's Urban Design Review Panel (UDRP). It was then refined by Council staff prior to public exhibition concurrently with the Planning Proposal. Six (6) public submissions and one (1) submission from the Proponent were received by Council during the exhibition. All submissions received during the public exhibition are addressed by this report and a response to each is provided in **ATTACHMENT 5**.

It is important to note that a Development Application (DA) for the anticipated seniors housing and aged care development is already being prepared. Once the LEP amendments are made by the Department, the DA can be lodged with or without the amended DCP controls. Development controls are needed to guide the future DA and resulting development. Adopting the DCP amendments will maximise the chance of achieving a good development outcome and minimise any adverse impacts on the amenity of the neighbours. The proponent is aware of the draft DCP and has been encouraged to prepare the DA accordingly to ensure an orderly and appropriate development of the site.

**RECOMMENDATION:**

- (a) That Council adopt Part 6.6 127-133 Ryedale Road and 4-14 Terry Road, Denistone provided in **ATTACHMENT 6** as an amendment to the Ryde Development Control Plan 2014.
- (b) That Council notify submitters regarding the outcome of its consideration of the public exhibition and proposed amendments to the Ryde Development Control Plan 2014.

**ATTACHMENTS – CIRCULATED UNDER SEPARATE COVER**

- 1 Exhibited Ryde Eastwood Planning Proposal Report
- 2 Exhibited Concept Scheme 10 May 2019
- 3 Planning Proposal Authority Determination SOR PP-2021-115
- 4 Urban Design Review Panel review report & comments on draft amendment to DCP
- 5 Summary of Submissions
- 6 Draft DCP Amendments Part 6.6 post-exhibition updates

Report Prepared By:

**Paul Bu****Strategic Planner / Urban Designer**

Report Approved By:

**Naomi L'Oste-Brown****Senior Coordinator - Strategic Planning****Dyalan Govender****Manager - Urban Strategy****Liz Coad****Director - City Planning and Environment**

## ITEM 9 (continued)

### Discussion

#### 1. Introduction and Background

The purpose of this report is to discuss key matters raised in submissions during the public exhibition of a draft amendment to Ryde Development Control Plan 2014 (DCP), that was prepared to guide the future development of seniors housing and an aged care facility on the subject site at 127–133 Ryedale Road and 4–14 Terry Road, Denistone.

The proposed seniors housing and aged care development is the subject of a Planning Proposal (PP-2021-115) initiated by the Proponent, Ethos Urban, on behalf of the Ryde Eastwood Leagues Club (RELC). The planning proposal report is provided in **ATTACHMENT 1**. Council is not the authority tasked with assessing or approving this Planning Proposal as rather than address the issues raised by Council staff (detailed below), the proponent opted to seek a Rezoning Review from the Department of Planning and Environment.

The Department of Planning and Environment (the Department) granted the Planning Proposal Gateway Determination on 10 March 2021, enabling it to be publicly exhibited from 26 August to 28 September 2021, subject to amendments responding to the issues raised by Council. The Planning Proposal is now being finalised by the Department to amend the Ryde Local Environmental Plan 2014. The exhibited concept scheme dated 10 May 2019 is provided in **ATTACHMENT 2**.

The Planning Proposal and the accompanying amendment to the DCP have been through several rounds of review and amendment since it was initially presented to Council in 2017. The Planning Proposal seeks the following Ryde Local Environmental Plan 2014 (LEP) amendments:

- Amend *Schedule 1 Additional Permitted Uses* to permit ‘seniors housing’ with development consent in the R2 Low Density Residential Zone;
- Amend the Maximum Height of Buildings (HOB) Map to include a maximum building height of RL52 across the site; and
- Amend the Floor Space Ratio (FSR) Map to include a maximum FSR of 1:1 for Stage 1 (4-14 Terry Road and part 133 Ryedale Road) and 1.57:1 for Stage 2 (127-131 Ryedale Road and part 133 Ryedale Road).

At the early stage of the Planning Proposal, Council staff had assessed the proposal and considered that it had strategic merit in principle, given the site’s proximity to a Town Centre, public transport options, and the need for senior housing within the City of Ryde. However, Council staff were not supportive of the proposed blanket FSR applied across the site at the time and had advised the Proponent to amend the proposal by indicating a split FSR across the two stages of development.

**ITEM 9 (continued)**

As the Proponent does not own the entire site and intends to pursue the development in multiple stages, it is important that impacts within the site between the stages are managed. Further, a split FSR also better minimises impacts on surrounding sites by mandating the future development to deliver gradual transition of built form scale and density to adjoining low-density residential zones as proposed in the exhibited concept scheme. A split FSR provides a higher degree of certainty to ensure the future development can achieve the expected built form outcome, which is an advantage that a blanket FSR will not provide as a blanket FSR would potentially allow a greater concentration of floorspace in areas where it may affect surrounding residents.

**Figure 1** and **Figure 2** below further explain how the split FSR will assist with density transition to the surrounding area:

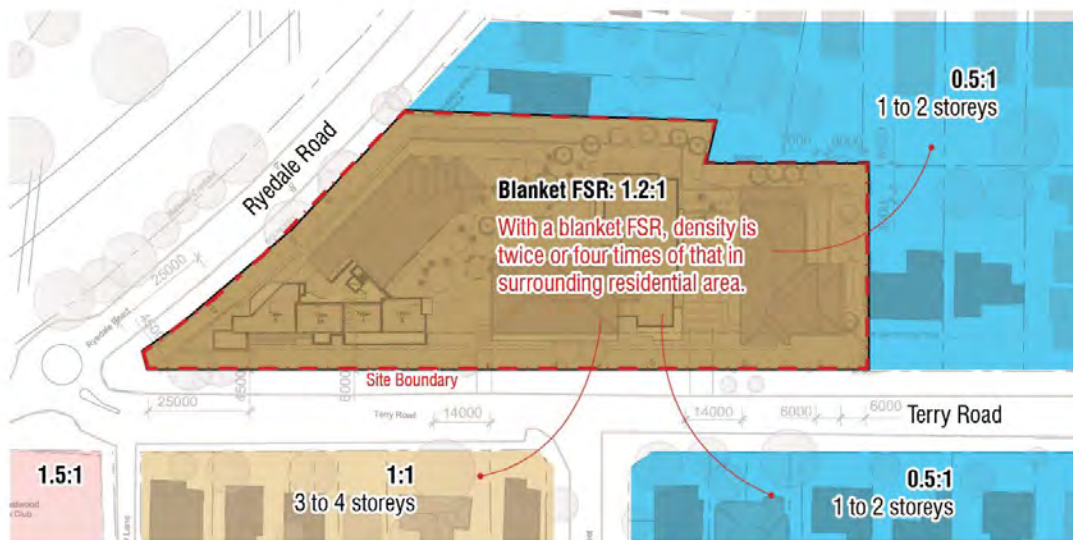


Figure 1. Blanket FSR scenario - density distribution on the subject site

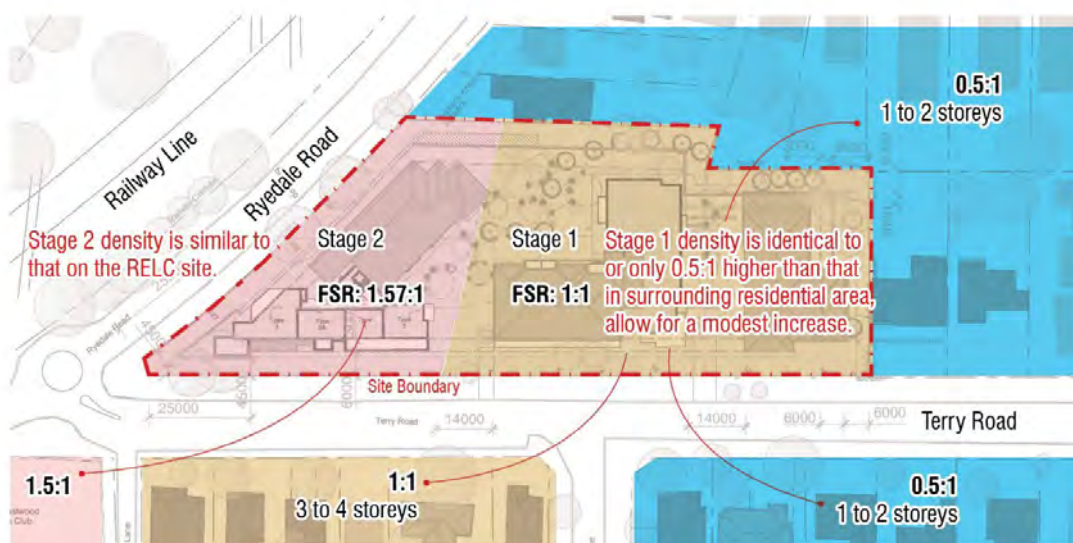


Figure 2. Split FSR scenario - density distribution across two stages

## ITEM 9 (continued)

Rather than amend the proposal in line with Council comments, including with respect to the need for a split FSR, the Proponent elected to lodge a Rezoning Review with the Department in July 2020. The Planning Proposal has been progressed by the Department with the Sydney North Planning Panel (SNPP) appointed to be the Planning Proposal Authority (PPA) for assessing and finalising the LEP Amendments.

A “PPA” is the planning authority responsible for the preparation of the planning proposal document, ensuring that it satisfies the statutory requirements of the Act and the Department’s guidelines. A PPA is often the local council to which the planning proposal relates, but it may also be the Planning Secretary of the Department or another public body, such as the SNPP in this case.

A detailed timeline of the key events in relation to the planning proposal is provided in **Table 1**.

Date	Key Event
21 March 2017	Council responded to a letter dated 24 January 2017 from the Proponent to provide feedback, which includes the requirement of an amendment to the DCP, for the consideration on a potential planning proposal for the site.
12 October 2017	Council received a planning proposal for the subject site.
14 May 2018	The Minister for Planning allowed Council to place a pause on certain residential development until an appropriate strategy for local infrastructure was in place.
26 June 2018	Council resolved to adopt a moratorium on planning proposals for residential development to 1 July 2020 or until the completion of a city-wide housing and infrastructure strategy as part of the LEP review. The planning proposal was not affected by the moratorium as it was submitted prior to Council’s resolution. However, Council determined that the assessment of the planning proposal could not continue until June 2020.
3 October 2018	An amended planning proposal was submitted to Council in response to traffic and urban design issues.
25 March 2019	An amendment to the DCP was submitted to Council to address UDRP comments.
28 February 2020	Moratorium for planning proposals lifted.
29 April 2020 and 30 June 2020	Council staff reiterated to the proponent that further information and amendment of the planning proposal is required in line with the UDRP recommendations.
17 July 2020	A Rezoning Review was lodged with the Department by the Proponent.
16 September 2020	The Sydney North Planning Panel (SNPP) determined that the proposal should proceed to Gateway determination.

**ITEM 9 (continued)**

Date	Key Event
3 December 2020	The SNPP was appointed as the planning proposal authority (PPA) for the matter as Council declined the role of PPA.
10 March 2021	A Gateway determination with conditions was issued by the Department for the planning proposal (PP-2021-115). The panel and Department agreed amendments should be made to the proposal to address the concerns raised by Council and the Gateway Determination was conditioned accordingly.
2 June 2021	A Gateway alteration was issued to rectify an administrative error.
26 August 2021	The amendment to the DCP was publicly exhibited by Council until 23 September 2021 for 28 days; the exhibition of the planning proposal was extended by the Department to 30 September.

Table 1. Timeline of key events

Further detail regarding the exhibition of both the Planning Proposal and draft amendments to the DCP are provided below.

**2. The Site and Locality**

The site is neighbouring the corner of Terry Road and Ryedale Road, Denistone, on the northern side of Terry Road, the eastern side of Ryedale Road and opposite the T1 Northern railway line. It is situated approximately 15km to the north-west of the Sydney Central Business District (CBD) on the northern periphery of the West Ryde Town Centre and 350m from West Ryde Station. The site is neighbouring (see **Figure 3**).

The site consists of ten (10) allotments at the corner of Terry Road and Ryedale Road, Denistone. These lots are predominantly owned by RELC, except for 129 Ryedale Road or Lot 2 DP 9350 (See **Table 2** for legal allotments and addresses).

The allotments have a combined area of 8,596m<sup>2</sup> with a frontage of 88m to Ryedale Road to the southwest and 175m to Terry Road to the southeast. The site has a cross fall of approximately 15m from the northeastern corner at RL45 towards the corner of Terry and Ryedale Roads RL30.5. The site is currently occupied by low-density residential dwelling houses and ancillary structures. It has multiple points of access from Terry Road and Ryedale Road.



**ITEM 9 (continued)**



Figure 3. Site map showing the subject site in red (Source: Ethos Urban)

Property Address	Legal Description
14 Terry Road, Denistone	Lot 21 DP 9350
12 Terry Road, Denistone	Lot 22 DP 9350
10 Terry Road, Denistone	Lot 23 DP 9350
8 Terry Road, Denistone	Lot Y DP 393480
6 Terry Road, Denistone	Lot X DP 393480
4 Terry Road, Denistone	Lot 25 DP 9350
127 Ryedale Road, Denistone	Lot 1 DP 9350
129 Ryedale Road, Denistone	Lot 2 DP 9350 (Not owned by the RELC)
131 Ryedale Road, Denistone	Lot 3 DP 9350
133 Ryedale Road, Denistone	Lot C DP 367067

Table 2. Site Description

## ITEM 9 (continued)

### *129 Ryedale Road, Denistone*

The NSW LEP making process allows a Proponent to seek amendments to an existing LEP to change the zoning of the land and/or development standards applying to a site, an area or location, or to the whole LGA without owners' consent. Owners are given the opportunity to make a submission should the proposal progress to public exhibition.

The property known as 129 Ryedale Road is not within the ownership of the RELC, but is included in the area proposed to be rezoned (see Figure 4 below). In 2017, prior to the formal lodgment of the Planning Proposal, the owner contacted Council, indicating that she did not support the proposal. Initial concerns raised in discussions were in-part addressed when staff were able to clarify that the proposal did not prevent the owner for continuing to enjoy her property as a single dwelling residence and the proposal would in no way compel her to undertake a seniors housing development. However, the owner retained concerns about potential amenity impacts of Stage 1.

During the planning proposal process, steps had been undertaken by the Proponent, Council staff and SNPP to allow for the involvement of the landowner. Key events of consultation are summarised in the table below (please note: this is not an exhaustive list of contact, as staff provided general updates and answered general enquires throughout this period):

<b>Date</b>	<b>By</b>	<b>Event of Consultation</b>
Late 2016	Proponent	Briefing the landowner and her family and informing them of the intended changes to the Ryde LEP to permit seniors housing on the subject site.
June 2017	Proponent	A formal meeting with the landowner and her family was undertaken to outline the proposal and the planning process moving forward.
March 2019	Council staff	A formal meeting with the landowner and their family was held to explain the planning proposal process and understand landowner's concerns.
August 2020	Council staff	Phone call with landowner's family to provide an update on the planning proposal.
August 2021	Council staff	Phone call and emails with landowner's family to provide an update and inform them of the concurrent public exhibition of the planning proposal and the DCP and the opportunity to make a submission.
December 2021	SNPP	A public telephone conference was held to invite various landowners, including 129 Ryedale Road, to raise objections to the Panel prior to finalisation.

**ITEM 9 (continued)**

Table 3. Key events of consultation with No.129 Ryedale Road

The proponent also indicated that they had sought to regularly communicate and provide updates to the landowner and family of 129 Ryedale Road during the process.

The location and image of the property are provided below. The split FSR to be implemented is designed in part, to ensure an appropriate transition at the rear of 129 Ryedale Road.



Figure 4. Location of 129 Ryedale Road (DP 9350) highlighted in red (Courtesy of Turner Hughes Architects)



Figure 5. Google street view of 129 Ryedale Road (DP 9350)

**3. Surrounding Development**

The development surrounding the site to the north and northwest generally comprises buildings of a similar scale to the subject site, being low-density residential dwellings of

**ITEM 9 (continued)**

one (1) to two (2) storeys in height. Development to the south-west on the opposite side of Terry Road comprises numerous three (3) to four (4) storey residential flat buildings bounded by Orchard Street and Forster Lane. The RELC is located further to the southwest of the site at the corner of Terry and Ryedale Roads.

The site and its surrounding context are illustrated in **Figure 6, Figure 7, Figure 8, Figure 9 and Figure 10.**



Figure 6. 3D aerial view showing the subject site (in green) and the built form context (Source: Turner Hughes Architects)

**ITEM 9 (continued)**



Figure 7. Subject site viewed from the southern end of Terry Road



Figure 8. Subject site viewed from Ryedale Road

**ITEM 9 (continued)**



Figure 9. Existing residential flat buildings on the opposite side of Terry Road, viewed from the corner of Terry Road and Orchard Street



Figure 10. Ryedale Road business area, viewed from the southern end of the subject site

## ITEM 9 (continued)

### 4. The Exhibited Planning Proposal and the Planning Proposal Authority (PPA) Determination

The Planning Proposal (PP-2021-115) was exhibited publicly on the NSW Planning Portal by the Department from 26 August 2021 to 30 September 2021, followed by a public teleconference held on 15 December 2021 for submitters to present any objections to the SNPP. Subsequently, on 20 December 2021, the SNPP as the PPA unanimously resolved that the Planning Proposal should proceed to finalisation. The PPA determination document is provided in **ATTACHMENT 3**.

The Panel also noted that future development of the site must consider:

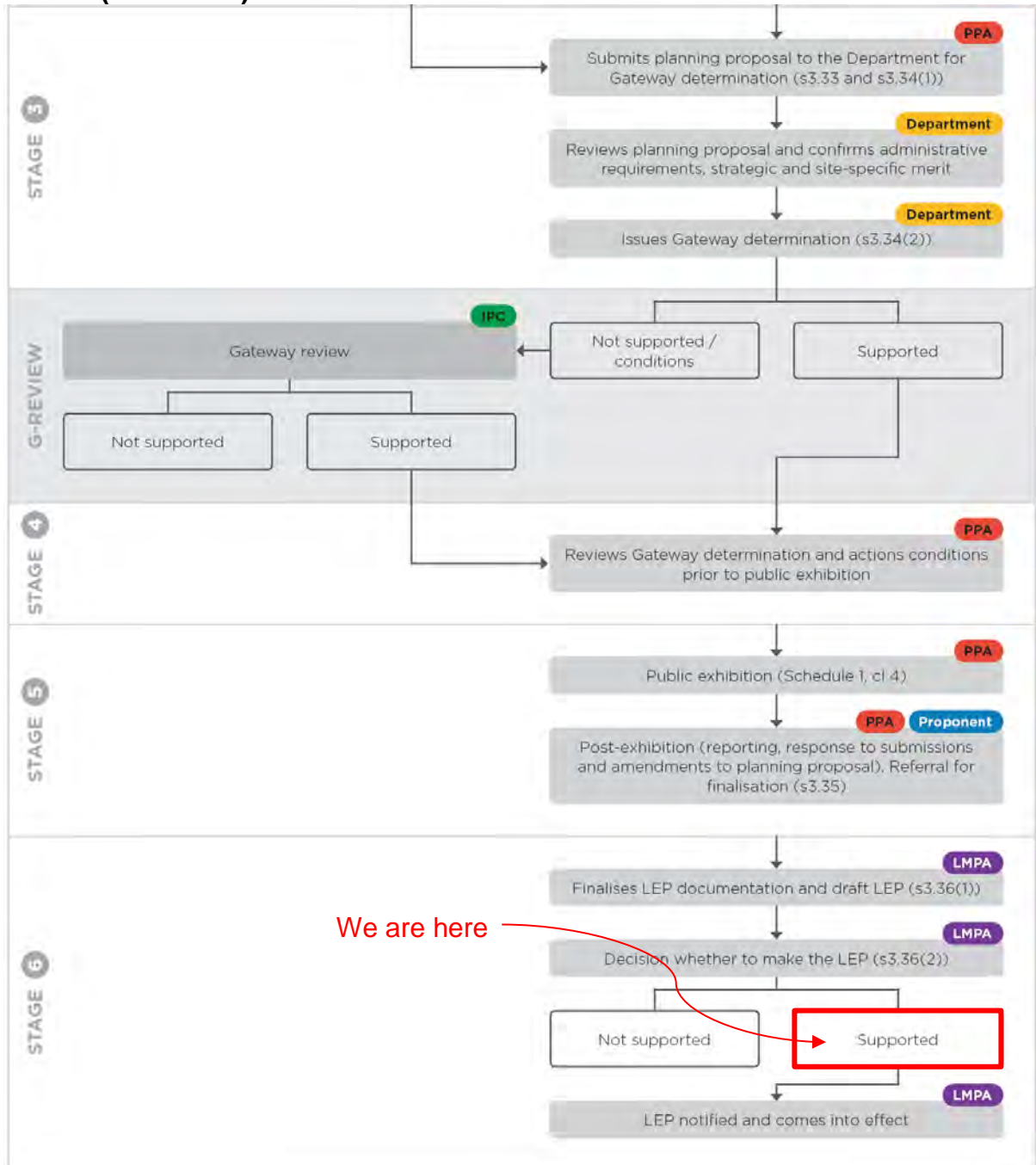
- *State Environmental Planning Policy (Housing) 2021*, especially in relation to gradients, built form and design principles;
- Refinement of the draft amendment to the DCP to be compliant with the Housing SEPP; and
- Stage 1 development must address potential site isolation and amenity of neighbouring properties.

The SNPP and the Department considered that the Proponent had generally addressed all key concerns raised in the submissions. Council staff also considered that the final revised proposal is acceptable in terms of uses, building heights, overall FSR and the floor space split across Stages 1 and 2.

The Planning Proposal is currently at the finalisation stage and the amendments to the LEP will be made shortly by the Department. A flowchart detailing the Planning Proposal process is provided in **Figure 11**.



**ITEM 9 (continued)**



- PPA** The body responsible for governance, content and quality of a planning proposal's documentation and assessment. It should manage the proposal as it progresses through the LEP making process.
- Proponent** A developer, landowner or third party who initiates a proposal, prepares a planning proposal and submits it to the relevant council.
- LMPA** The authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council.

Figure 11. LEP Amendment Process (source: NSW Planning Portal)



**ITEM 9 (continued)**

**Figure 12 and Figure 13** below show the proposed development of the exhibited concept scheme across different stages:



Figure 12. Stage 1 development - Level 2 at approximately RL38 (Courtesy of Turner Hughes Architects)



Figure 13. Stage 2 development - Level 2 at approximately RL38 (Courtesy of Turner Hughes Architects)

## **ITEM 9 (continued)**

### **5. The Exhibited Draft Amendments to Ryde Development Control Plan 2014 and Need**

It is important to note that once the LEP amendments are made by the Department, a Development Application (DA) can be lodged for the seniors housing and aged care development to intensify land use on the subject site, with or without the DCP amendments. Development controls are needed to guide the future development. The draft amendment to the DCP, i.e. Part: 6.6 127-133 Ryedale Road and 4-14 Terry Road, Denistone, was prepared specifically to maximise the chance of achieving good development outcomes and minimise any adverse impacts on the amenity of the neighbours.

The requirement for site-specific draft amendments to the DCP to accompany the Planning Proposal was raised by Council staff on 21 March 2017 in the response letter to the Proponent. In response, an early version of the draft amendment to the DCP, dated 3 October 2018, was drafted by the Proponent to support the Planning Proposal.

Subsequently, Ms. Deena Ridenour, who is a member of the City of Ryde's Urban Design Review Panel (UDRP), was consulted in January 2019 to provide independent review and comments on the draft amendments. Comments were generally in regard to:-

- Providing more sensitive built form transition to adjoining low-rise residential dwelling houses;
- Increasing setbacks to neighbouring properties at some locations to maintain privacy;
- Refining controls regarding the built form scale and articulation;
- Reinforcing the landscape setting and streetscape character;
- Reducing the visual impacts of vehicular access on the public domain interface and neighbourhood character;
- Improving the clarity and eliminating the ambiguity or confusion in the wording; and
- Identifying errors in the draft amendment to the DCP.

On 25 March 2019, additional information was submitted by the Proponent to Council to address the comments. In April 2020, soon after the moratorium for planning proposals was lifted (refer to timeline above), Council staff provided written feedback to the Proponent requiring further amendments to refine the draft amendment to the DCP, so that it satisfactorily addresses all concerns raised by the UDRP before it could be considered acceptable to proceed further.

## **ITEM 9 (continued)**

In July 2020, the Proponent decided to lodge a Rezoning Review with the Department. Whilst the Planning Proposal was progressed by the Department, the draft amendment to the DCP was refined by Council staff to incorporate the UDRP recommendations before the exhibition. The UDRP's design review report, an earlier version of the draft amendment to the DCP with UDRP comments and a site plan with mark-ups by the UDRP are provided in **ATTACHMENT 4**.

### **6. Public Exhibition and Consultation**

The draft amendments to the DCP were publicly exhibited concurrently with the Planning Proposal from 26 August 2021 to 23 September 2021 for a period of 28 days. Key events of the community consultation are as follows:-

- A copy of the draft amendment to the DCP and all supporting materials were available for public viewing on Council's Have Your Say webpage;
- To avoid duplication of correspondence and information, a notification letter was jointly prepared by Council staff and the Department for both the planning proposal and amendment to the DCP. The notification letter was sent by the Department to affected landowners within the surrounding area. A total of 143 individual landowners were notified; and
- An exhibition notice placed in The Weekly Times.

Six (6) public submissions and one (1) submission from the Proponent were received by the end of the exhibition period. No late submissions were received. Additional submissions made by government agencies including Ausgrid, Transport for NSW and Sydney Water were provided to Council via the Department.

All submissions received during the public exhibition are outlined in this report and a response to them is provided in **ATTACHMENT 5**.

The Proponent made a comprehensive submission on behalf of the RELC. Key concerns raised by the RELC were in relation to:-

- Inconsistencies with the Housing SEPP 2021;
- Duplication with LEP controls;
- Ambiguous controls;
- Overly prescriptive controls; and
- Some controls already stipulated elsewhere.

Due to the concerns outlined above, it is the Proponent's view that the DCP in its exhibited form will present difficulties and constraints in delivering the intended development. A number of suggested changes to the DCP are provided by the Proponent in the submission to address their concerns.

## ITEM 9 (continued)

Council staff have considered the suggested changes and responded to each in the Summary of Submissions in **ATTACHMENT 5**. Council staff agreed that amending some controls will address the inconsistencies with other planning policies and help eliminate ambiguity, avoid duplications and improve clarity in the document.

However, Council staff did not agree to make any amendment to the controls that will potentially compromise the design outcome/quality of the intended development or are contrary to the UDRP recommendations.

In addition to the Proponent's submission, a broad range of issues were canvassed in the six (6) public submissions, and they are generally categorised in **Table 4**.

Issue	Submissions	Percentage of Submissions
Visual and acoustic privacy	5	83%
Parking	5	83%
Amenity	5	83%
Uses	3	50%
Environment	3	50%
Staging	3	50%
Building height/form	2	33%
Traffic	2	33%
Social impact	2	33%
Compatibility	1	17%
Consultation	1	17%

Table 4. Summary of issues raised in public submissions

Where appropriate, the draft amendment to the DCP has been updated to respond to the submissions received. The changes and the reasons are detailed in the 'Summary of Submissions' provided in **ATTACHMENT 5**. A copy of the updated amendment to the DCP, i.e. Part 6.6, is provided in **ATTACHMENT 6** with the controls that are proposed to be deleted in response to the submissions highlighted in red and new controls added in green for ease of reference.

## ITEM 9 (continued)

The changes made include:

- Deleting any development controls and relevant figures that duplicate with the amendments to be made to the LEP controls as a result of the Planning Proposal;
- Deleting any development controls and relevant figures inconsistent with design principles or development standards of the recently released *State Environmental Planning Policy (Housing) 2021*;
- Refining the wording of some development controls to improve clarity and avoid confusion or any ambiguity that might be open to interpretation;
- Replacing all references to the '*State Environmental Planning Policy: Housing for Seniors or People with a Disability 2004*' with the new '*State Environmental Planning Policy (Housing) 2021*'. The Seniors Housing SEPP 2004 has been consolidated into the new Housing SEPP 2021;
- Removing the requirement to provide public art on the site as it would be more advantageous to provide public art further south on Ryedale Road to signify the gateway into the West Ryde Town Centre; and
- Rectifying minor errors.

## Financial Implications

The finalisation of the DCP can be carried out by Council staff. The adoption of the recommendation will have no financial impact.

## Options

That Council:-

1. Resolves to adopt the amendment to the DCP. This is the **recommended** option as:
  - a. There is a need for Seniors Housing in the City of Ryde and this site is appropriately located for this purpose.
  - b. The amendments to the DCP will provide a comprehensive set of design objectives and controls to guide the future development, maximising the chance of achieving the expected development outcome on the subject site.
  - c. The amendments to the DCP will minimise any adverse impacts that the future development might have on the amenity of neighbouring properties.
  - d. The amendments to the DCP are necessary to resolve outstanding design issues identified in the exhibited concept scheme at the DA stage.

**ITEM 9 (continued)**

2. Resolves not to adopt the amendment to the DCP. This option is not recommended for the reasons that:
  - a. The PPA (i.e. SNPP) has already determined to recommend to the Minister that the proposed LEP amendments be finalised as exhibited. Once the plan is made, a DA can be lodged for the anticipated development of seniors housing and aged care facility on the subject site, with or without the DCP.
  - b. It would be dangerous not to have any development controls in place to guide the future development that will intensify land use on the site.
  - c. The planning consultant assisting the RELC has advised that the preparation of the DA for the site is already underway.
  
3. Resolves that finalisation of the DCP be deferred. This option is not recommended for the reasons noted above.

## 10 MEADOWBANK PARK DOG OFF-LEASH PROPOSED NEW AREA - OUTCOMES OF CONSULTATION

**Report prepared by:** Senior Coordinator – Parks Operations  
**File No.:** GRP/22/47 - BP22/29

### REPORT SUMMARY

At its meeting on 29 June 2021, Council resolved that community consultation be undertaken on a proposal to install a fenced dog off-leash area within Meadowbank Park, near to Andrew Street. This area has been proposed as an interim solution to meet the current demand for dog recreation space until the new dog off-leash area identified in the Meadowbank Park Masterplan, is implemented when funding is identified.

The Have Your Say period occurred from 8 September to 3 October 2021 during which the community could provide feedback on the proposed dog off-leash area by online submission or written submission. This was promoted through City of Ryde's Have Your Say website, flyers to surrounding residents, an eNewsletter to stakeholders, signage in the park, social media and advertisement in the local newspaper.

In total 224 submissions were received from the community with 211 online submissions and 13 written submissions. A copy of the consultation report is provided in **ATTACHMENT 1**. In addition to the feedback collected and presented in this report 1 petition with 267 signatures was received during the consultation period in objection to the proposed fenced dog off-leash area. The petition was provided by a resident who utilises the dog off leash area and was signatures obtained from users of the park and nearby residents. Many of the park users did not respond to Council's 'Have Your Say Process' as they considered their feedback had been provided by signing the petition. Therefore, the responses received through the petition has been considered by Council staff when making their recommendation. A copy of the petition is provided confidentially and attached to this report.



 Existing  Proposed fenced area

**ITEM 10 (continued)**

Overall, 81% of respondents and signatories to the petition expressed support to retain a dog off leash area including those who wanted it to continue in the existing space, 10% were supportive of Council's proposal with changes, 8% specifically indicated they were unsupportive of Council's proposed space and 1% were unsure or had no preference. In relation to the hours the space could be utilised, 56% of respondents indicated support for this to increase so that it was available for dog users the majority of the time.

**Supportive** comments identified:

- the need for more dog off-leash areas,
- that the proposal was a great idea and a good location,
- Existing area provides a suitable space for dog owners.

## Suggestions included:

- ensuring there was adequate space provided to meet demand and allow dogs to run/play safely,
- provide supporting facilities (such as seating, shade, water and bins/bags),
- separate areas for small and large dogs
- retaining the current off-leash area.

**Unsupportive** comments identified:

- concerns that the designated space was not adequate to meet the growing demand or allow dogs to run and safely utilise the area.
- additional concerns were owner and dog behaviour in fenced off areas,
- maintenance of the grass
- lack of shade and seating.

## Suggestions included:

- retaining the current open dog off-leash space,
- installing a fence between the current pedestrian pathways and
- reducing the time restrictions for dog off-leash usage.

In addition to consultation with the community, feedback from Council's Ranger Compliance team was also sought. This indicated that the proposed area would likely be too small to accommodate the existing high demand for the dog off leash area. They also provided feedback that extending the hours of availability will provide the community with increased and better access to an off leash area and minimise the unauthorised use of other areas in Meadowbank Park.

Therefore, giving consideration to the overall feedback received from the community and from internal staff, the recommendation of this report is to retain the existing area for dog off leash use. Additionally it is to amend the hours of use to be outside of use for organized sporting activities. Support for this approach is demonstrated by the significant number of community members signing the petition proposing such an outcome. The installation of fencing is not recommended as the area operates effectively without one. The majority of those residents who supported the retaining of the existing area were satisfied to retain it in its current form and the area has operated effectively without a fence for a number of years.



**ITEM 10 (continued)**

The design, location and size of the dog off-leash area proposed in the Meadowbank Park Masterplan will need to be addressed in future years to better accommodate the demand. This will be considered prior to any works being undertaken in this area to implement the Plan. Council staff have concluded that extending the available hours from the current Monday-Friday 6am-8am and 5pm-7pm, to 'Permitted use outside of organised sport' to align with the conditions for dog off leash areas located at other sportsfields in the City of Ryde would meet community expectations.

**RECOMMENDATION:**

- (a) That Council retains the existing area identified for dog off-leash use in Meadowbank Park.
- (b) That dog off leash use be permitted in this area when the sportsfield is not booked for organised sporting activities.
- (c) That staff thank respondents for their submissions, including the head petitioner.

**ATTACHMENTS**

- 1 2021-10 Meadowbank Park Proposed Dog Off Leash Area Report
- 2 Meadowbank Community Dog Park Survey - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

**Jackie Bolger**  
**Senior Coordinator – Parks Operations**

Report Approved By:

**Simon James**  
**Manager - Parks**

**Wayne Rylands**  
**Director - City Works**

**ITEM 10 (continued)**

**Discussion**

**Existing Dog Off Leash Area in Meadowbank Park**



***The Meadowbank & Memorial Park Masterplan*** was adopted in November 2019. The plan highlights a dog off-leash area around the Andrew Street entry/exit to the park.

These upgrades are part of phase 9 of the overall masterplan delivery and follow the demolition of an existing nearby building and substantial re-leveling works to be completed.

Currently these works are not identified for funding in the 4-year delivery plan and as such the timeframe for implementation is unknown.

**ITEM 10 (continued)**



**Financial Implications**

To implement the recommendations within the report estimated costs would be \$1000 which will provide new signage promoting the amended hours of use of the area. This funding is currently available through the Parks Operational Maintenance Budget.

**ITEM 10 (continued)**

**ATTACHMENT 1**

**MEADOWBANK  
PARK**

Proposed Dog  
Off-Leash Area



**MEADOWBANK PARK PROPOSED DOG OFF-LEASH AREA  
COMMUNITY CONSULTATION REPORT  
OCTOBER 2021**

**ITEM 10 (continued)**

**ATTACHMENT 1**



CITY OF RYDE | Meadowbank Park Proposed Dog Off-Leash Area  
Consultation Report  
October 2021© City of Ryde

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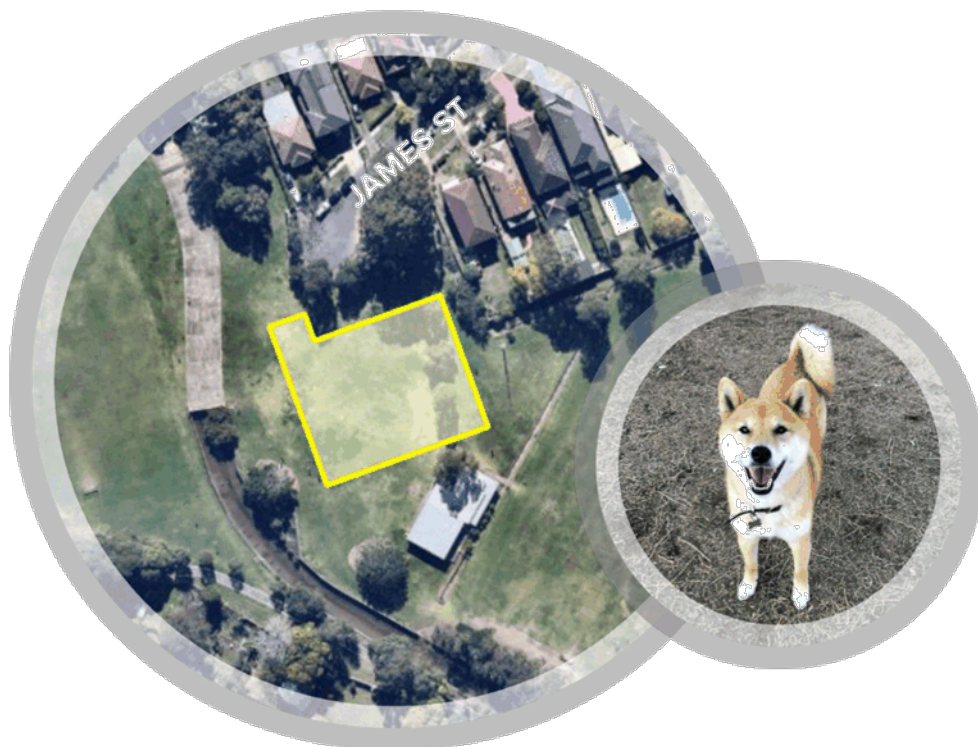
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**ITEM 10 (continued)**

**ATTACHMENT 1**



Executive Summary	3
Background and Results Summary	4
Community Consultation Methodology	5-7
Community Consultation Results	8
Appendices	10



**ITEM 10 (continued)**

**ATTACHMENT 1**



Meadowbank Park currently has a dog off-leash area that is open for use Monday-Friday (6am-8am and 5pm-7pm). In 2019, Council adopted the Meadowbank Park Masterplan which outlines a future vision for this open space, including a new dedicated dog off-leash area. The upgrades in the Masterplan will be delivered in a staged manner over the coming years.

At its meeting on 29 June 2021, Council resolved that community consultation be undertaken on a proposal to install a fenced dog off-leash area within Meadowbank Park, near Andrew Street. This area has been proposed as an interim solution to meet the current demand of dog off-leash facilities until the new dog off-leash area identified in the Masterplan is implemented in the coming years.

The Have Your Say period occurred from 8 September to 3 October 2021 during which the community could provide feedback on the proposed dog off-leash area by online submission or written submission. This was promoted through City of Ryde's Have Your Say website, flyers to surrounding residents, an eNewsletter to stakeholders, signage in the park, social media and advertisement in the local newspaper.

In total 226 submissions were received from the community with 213 online submissions and 13 written submissions. In addition to the feedback collected and presented in this report, 1 petition was received during the consultation period in objection to the proposed fenced dog off-leash area.

Overall, 58% of respondents expressed support for the proposed dog off-leash area, 21% were supportive with changes, 20% were unsupportive and 1% were unsure or had no preference.

Supportive comments noted the need for more dog off-leash areas, particularly fenced areas, that the proposal was a great idea and a good location. Suggestions included ensuring there was adequate space provided to meet demand and allow dogs to run/play safely, provide supporting facilities (such as seating, shade, water and bins/bags), separate areas for small and large dogs and also retaining the current off-leash area.

Unsupportive comments noted concerns that the designated space was not adequate to meet the growing demand or allow dogs to run and safely utilise the area. Additional concerns were owner and dog behavior in fenced off areas, maintenance of the grass and the lack of shade and seating in the proposed area. Suggestions included retaining the current open dog off-leash space, installing a fence between the pathways and reducing the time restrictions for dog off-leash usage.

**ITEM 10 (continued)**

**ATTACHMENT 1**



Date	Tool	Stakeholders	Overview	Engagement
Wed 8 Sep 2021 to Sun 3 Oct 2021	Have Your Say Website	Website users	A project webpage with background information, online survey and project updates.	605 page views and 532 unique visits
Wed 8 Sep 2021 to Sun 3 Oct 2021	Online Submission Form	Website users	An online submission form where stakeholders could provide comments and suggestions on the proposal. This was accessed through Council's Have Your Say webpage.	213 online respondents
Wed 8 Sep 2021 to Sun 3 Oct 2021	Park Signage	Park users	Park signage was placed to promote the project and feedback opportunities for park users and interested stakeholders.	3 signs at entry points of park
Tue 7 Sep 2021	A4 Flyer	Surrounding residents – adjacent to each park (150m radius)	An A4 flyer was letterbox dropped to promote the project and feedback opportunities for surrounding local residents.	168 flyers approximately
Thu 9 Sep 2021	Have Your Say eNewsletter	Internal and external stakeholders, sports clubs, community groups, subscribers to previous dog off- leash projects and Meadowbank Masterplan	A targeted eNewsletter was sent to relevant community stakeholders to provide an opportunity to give their feedback.	811 eNewsletters distributed 486 eNewsletters opened
Wed 8, 15, 22, 29 Sep 2021	Open Community Consultations Ad Northern District Times	Newspaper subscribers	Weekly newspaper advertisements to promote the project and consultation opportunities for all stakeholders.	38,000 total print readership



**ITEM 10 (continued)**

**ATTACHMENT 1**



Date	Tool	Stakeholders	Overview	Engagement
Wed 8 Sep to Sun 12 Sep 2021	Facebook Ad	Online Facebook users	Social media advertisement to promote the project and consultation opportunities for all stakeholders.	10,533 users reached 788 users engaged
Wed 8 Sep 2021 to Sun 3 Oct 2021	Information phone line and email	All Stakeholders	The City of Ryde main phone and email address was provided for the project and was open for feedback from the community.	13 submissions received



ITEM 10 (continued)

ATTACHMENT 1

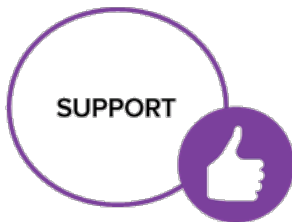


**211**  
ONLINE  
SUBMISSIONS

**11**  
EMAIL  
SUBMISSIONS

**2**  
ONLINE & EMAIL  
SUBMISSIONS

Tell us what you think about the proposal to install a fenced dog off-leash area within Meadowbank Park, near Andrew Street? (n=224)



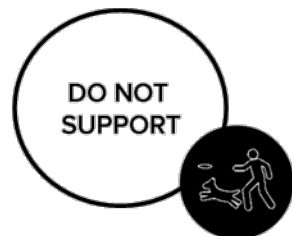
Supportive respondents acknowledged the **need for dedicated dog off-leash** facilities in the area, particularly **fenced areas** for safety, training and control, noting that the proposal is a great idea, **good location** and the **importance of the space** for dogs and humans.

Suggestions included providing **adequate space** to meet demand, **supporting facilities** (such as seating, shade, water and bins/bags), **separate areas for small and large dogs** and **double gated entry**.



Some respondents were supportive, with changes. They noted the need for fenced dog off-leash areas, however, were concerned that the **proposed space was not adequate to meet demand** or to allow dogs to **run and safely** utilise the area.

Further suggestions including **keeping the current space**, providing separate areas for small and large dogs, supporting facilities and keeping **maintenance** of the area.



Unsupportive respondents were mainly concerned that the size of the designated space was **not adequate to meet the growing demand** or to allow dogs to run and safely utilise the area. Concerns included issues with **owner and dog behaviour** in fenced-off areas, **maintenance of the grass**, **lack of shade and seating**, and **costs** in the proposed area.

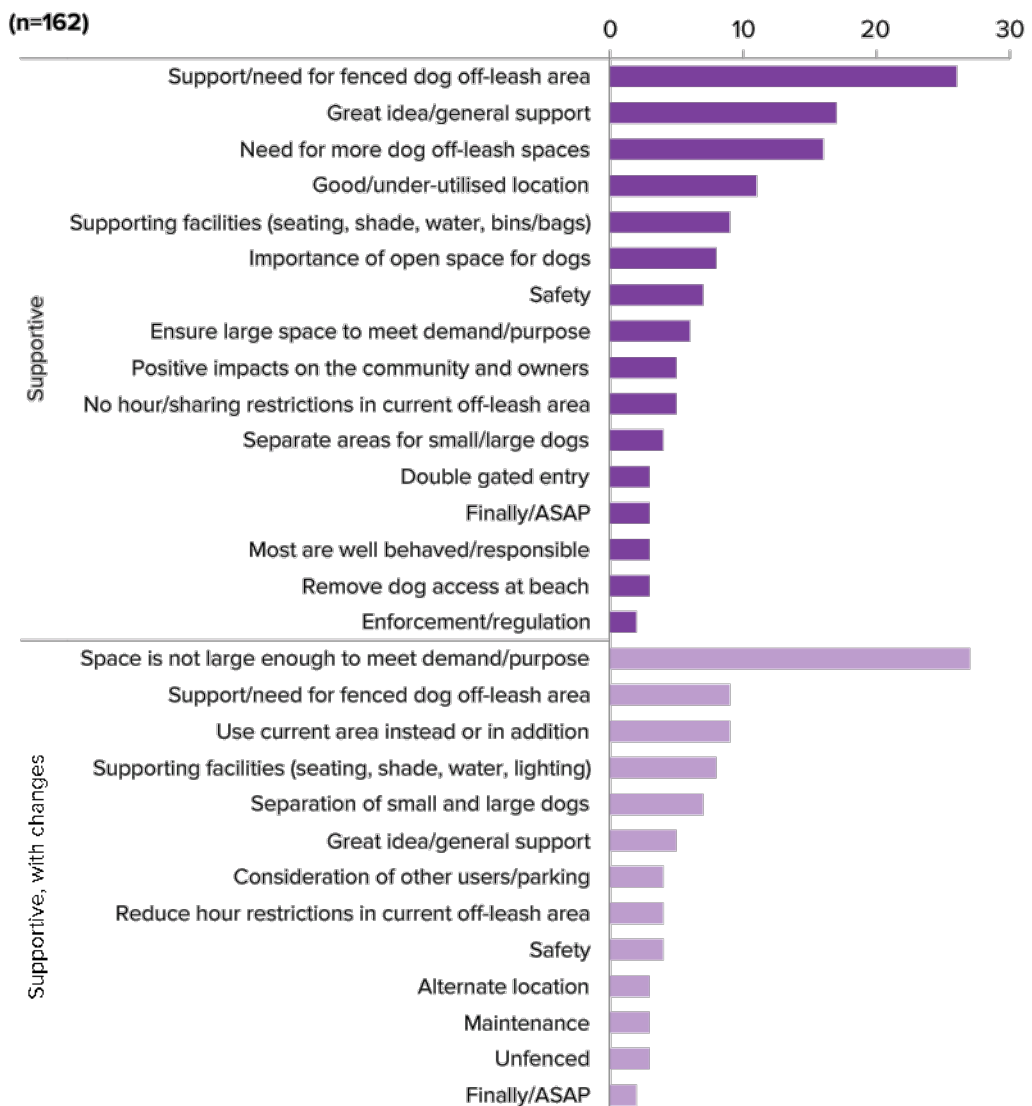
**Retaining the current, unfenced** dog off-leash space was suggested, potentially with a fence between the pathway and a reduction of time restrictions.

ITEM 10 (continued)

ATTACHMENT 1



**FEEDBACK ON MEADOWBANK PARK PROPOSED DOG OFF-LEASH AREA**

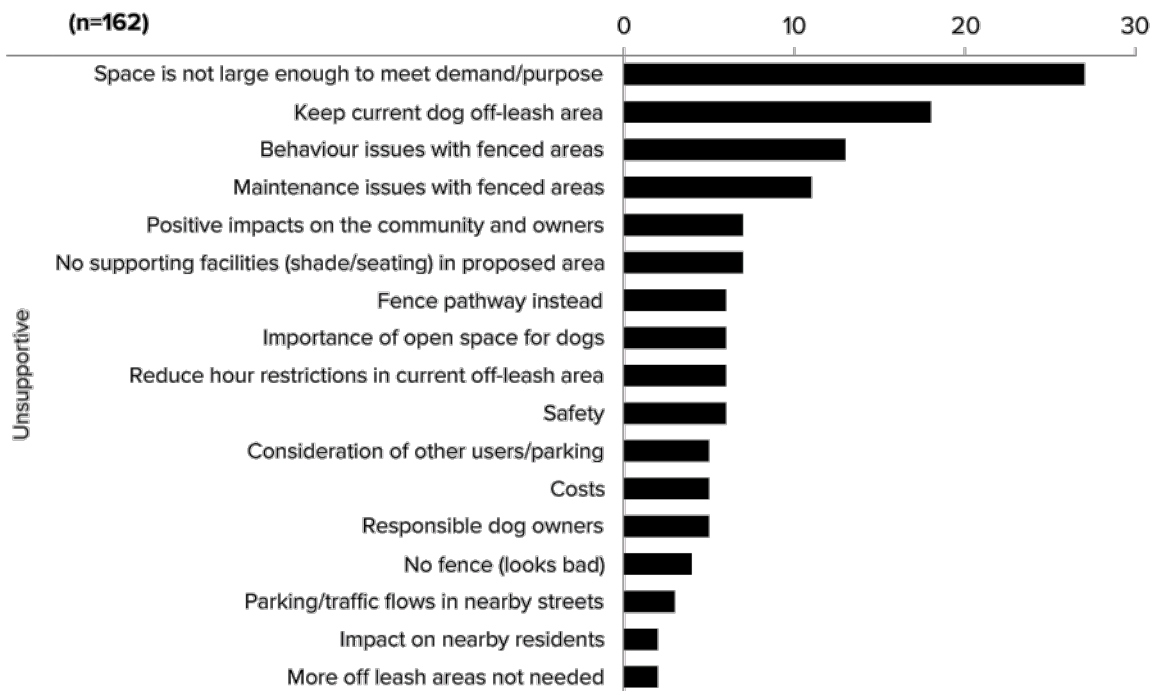


**ITEM 10 (continued)**

**ATTACHMENT 1**



**FEEDBACK ON MEADOWBANK PARK PROPOSED DOG OFF-LEASH AREA**

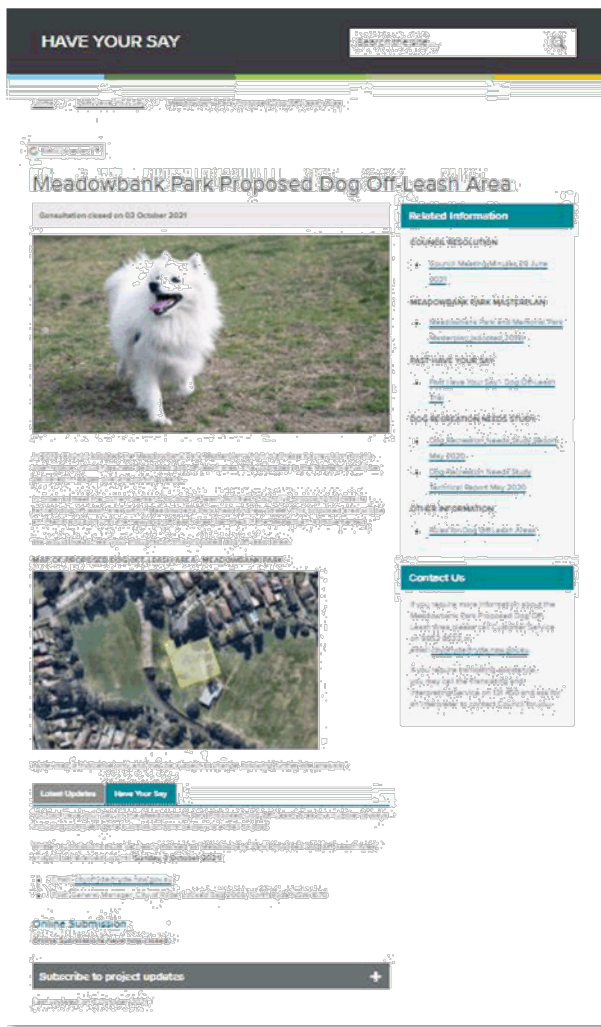


**ITEM 10 (continued)**

**ATTACHMENT 1**



**HAVE YOUR SAY WEBSITE**

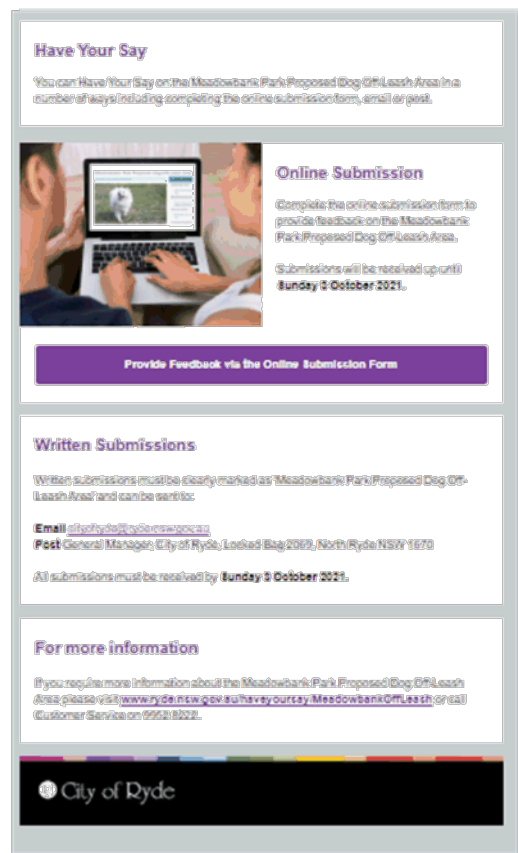
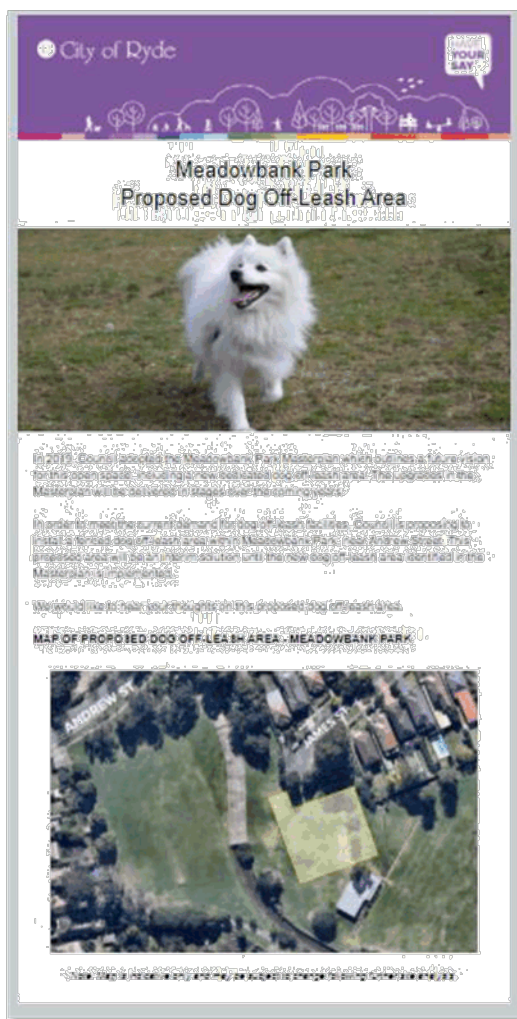


ITEM 10 (continued)

ATTACHMENT 1



HAVE YOUR SAY NEWSLETTER



**ITEM 10 (continued)**

**ATTACHMENT 1**



**A4 FLYER**

**MEADOWBANK PARK PROPOSED DOG OFF-LEASH AREA** 



In 2019, Council adopted the Meadowbank Park Masterplan which outlines a future vision for this open space, including a new dedicated dog off-leash area. The upgrades in the Masterplan will be delivered in stages over the coming years. In order to meet the current demand for dog off-leash facilities, Council is proposing to install a fenced dog off-leash area within Meadowbank Park, near Andrew Street. This proposed area will be an interim solution until the new dog off-leash area identified in the Masterplan is implemented.

We would like to hear your thoughts on this proposed dog off-leash area.

**HAVE YOUR SAY**

**How do I give my feedback?**  
You can Have Your Say on the Meadowbank Park Proposed Dog Off-Leash Area in a number of ways including:

**Online** via the online submission form at [www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash](http://www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash) or use the QR code below

**Email** [cityofryde@nsw.gov.au](mailto:cityofryde@nsw.gov.au)

**Post** City of Ryde, Locked Bag 2069, North Ryde NSW 1670

Submissions must be received by Sunday 3 October 2021.

Scan the QR code to Have Your Say   한국어 詳情請看 (Translated Information)

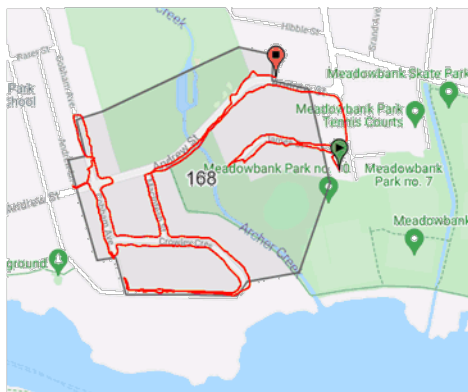
**Map of proposed dog off-leash area - Meadowbank Park**



Note: map is indicative only and may be subject to change following further site analysis.

**City of Ryde** For more information  
Visit [www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash](http://www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash)  
Call Customer Service on 9522 6222  
Email [cityofryde@nsw.gov.au](mailto:cityofryde@nsw.gov.au)

*Distribution area*



**ITEM 10 (continued)**

**ATTACHMENT 1**



**PARK SIGNAGE**

## MEADOWBANK PARK PROPOSED DOG OFF-LEASH TRIAL



In 2019, Council adopted the Meadowbank Park Masterplan which outlines a future vision for this open space, including a new dedicated dog off-leash area. The upgrades in the Masterplan will be delivered in stages over the coming years.

In order to meet the current demand for dog off-leash facilities, Council is proposing to install a fenced dog off-leash area within Meadowbank Park, near Andrew Street. This proposed area will be an interim solution until the new dog off-leash area identified in the Masterplan is implemented.

We would like to hear your thoughts on this proposed dog off-leash area.



**How do I give my feedback?**

You can Have Your Say on the Dog Off-Leash Trial at Memorial Park by completing the online submission form at [www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash](http://www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash) or scan the QR code. Submissions must be received by Sunday 3 October 2022.

**Map of proposed dog off-leash area – Meadowbank Park**



Note: map is indicative only and may be subject to change following further site analysis.



Scan the QR code to Have Your Say



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(Translated Information)



For more information  
Visit [www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash](http://www.ryde.nsw.gov.au/haveyoursay/MeadowbankOffLeash)  
Call Customer Service on 9952 8222 or email [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)



**ITEM 10 (continued)**

**ATTACHMENT 1**



**NEWSPAPER AD - OPEN COMMUNITY CONSULTATIONS  
THE WEEKLY TIMES**

**HAVE YOUR SAY**

**OPEN COMMUNITY CONSULTATION**

The following is currently on public exhibition for feedback:

- Gannan Park Masterplan – Tree Planting (Closing 22 September 2021)
- Draft Amendment to Ryde DCP for 127-133 Ryedale Road & 4-14 Terry Rd, Denistone (Closing 23 September 2021)
- Meadowbank Park Proposed Dog Off-Leash Area (Closing 3 October 2021)
- Proposed Classification of Land – 22 Argyle Ave, Ryde (Closing 5 October 2021)
- Draft Sustainable Transport Strategy 2021-2031 (Closing 10 October)
- Memorial Park Dog Off-Leash Trial (Closing 30 June 2022)

To find out more please visit [www.ryde.nsw.gov.au/haveyoursay](http://www.ryde.nsw.gov.au/haveyoursay) or call Customer Service on 9952 8222.

ITEM 10 (continued)

ATTACHMENT 1



FACEBOOK AD



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**11 TRAFFIC AND PARKING MATTERS APPROVED BY THE RYDE TRAFFIC COMMITTEE MEETING - NOVEMBER 2021**

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**Report prepared by:** Traffic Engineer  
**File No.:** GRP/09/3 - BP21/1111

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**REPORT SUMMARY**

This report provides recommendations on each traffic/ parking matter separately and details on how Council may proceed with the proposed measures. Due to the current pandemic, Council ceased all face to face Traffic Committee meetings after the March 2021 Traffic Committee. Members of the committee are listed below.

City of Ryde (Chair) ..... Senior Coordinator Transport Services (for Mgr. Transport)  
Transport for New South Wales.....Network & Safety Officer, Central River City  
NSW Police Force .....Ryde Local Area Command  
Member for Ryde (3 items) ..... The Hon. V Dominello MP  
Member for Lane Cove (1 item) ..... The Hon. A Roberts MP

The November 2021 Traffic Committee agenda consisted of three (3) traffic and parking proposals. No objections were received from the voting members. No pecuniary or non-pecuniary interests were declared.

The proposed traffic and parking matters now require the approval of Council. For ease of review, details of the proposals identified in the recommendations below are provided as **ATTACHMENT 1**.

**RECOMMENDATION:**

That Council endorses the following Ryde Traffic Committee recommendations from the meeting held in November 2021:

**(A) MIRIAM ROAD, WEST RYDE - PROPOSED MOTORBIKES ONLY ZONE**

The following changes be made on Miriam Road, West Ryde:

- a) A 'Motorbikes Only' parking zone be created between the two driveways of 22 and 24 Miriam Road, West Ryde.

**ITEM 11 (continued)****(B) MULTIPLE STREETS, MACQUARIE PARK - ALTERATIONS TO TICKET PARKING TIMES**

The following changes be made on Eden Park Drive, Giffnock Avenue and Byfield Street, Macquarie Park:

- a) 5 Parking spaces of '12P Ticket Parking 7am-7pm' on Eden Park Drive be changed to '2P Ticket Parking 7am-7pm'.
- b) 8 Parking spaces of '12P Ticket Parking 7am-7pm' on Giffnock Avenue be changed to '2P Ticket Parking 7am-7pm'.
- c) 7 Parking spaces of '12P Ticket Parking 7am-7pm' on Byfield Street be changed to '2P Ticket Parking 7am-7pm'.

**(C) ROAD SAFETY UPDATE - ROAD SAFETY PROGRAMS**

The Ryde Traffic Committee recommends that:

- a) The Road Safety report be received and noted

**ATTACHMENTS**

- 1 Agenda - Ryde Traffic Committee - November 2021

Report Prepared By:

**Muddasir Ilyas**  
**Traffic Engineer**

Report Approved By:

**Michael Dixon**  
**Transport Manager**

**Wayne Rylands**  
**Director - City Works**

**ITEM 11 (continued)**

**ATTACHMENT 1**



Ryde Traffic Committee

**ITEM (A):** MIRIAM ROAD, WEST RYDE  
**SUBJECT:** PROPOSED MOTORBIKES ONLY ZONE  
**ELECTORATE:** RYDE  
**WARD:** CENTRAL  
**ROAD CLASS:** NON-CLASSIFIED

Traffic Committee Members are required to advise whether they have any pecuniary interest with regards to the item discussed below.

**PROPOSAL**

Council has received representation from a resident requesting consideration be given to installing 'Motorbikes Only' zone between the two driveways of 22 and 24 Miriam Road, West Ryde.

**DISCUSSION**

The existing parking space between the two driveways of 22 & 24 Miriam Road is not long enough to accommodate a vehicle. As a result, when a vehicle attempts to park here, it will partially block a driveway.



**Figure 1: Location map of Proposed Motorbikes Only Zone**

To address this issue, Council is proposing to install 'Motorbikes Only' Zone between the driveways of 22 and 24 Miriam Road, West Ryde.

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Agenda of the Ryde Traffic Committee, dated 18 November 2021

**ITEM 11 (continued)**

**ATTACHMENT 1**

**CONSULTATION**

Given the negligible impact, the properties shown in the map below were only notified.



*Figure 2: Distribution Map*

**RECOMMENDATION**

The Ryde Traffic Committee recommends that:

- a) A 'Motorbikes Only' parking zone be created between the two driveways of 22 and 24 Miriam Road, West Ryde.

**ITEM 11 (continued)**

**ATTACHMENT 1**



**Figure 2: Proposed Motorbikes Only Zone**

**ITEM 11 (continued)**

**ATTACHMENT 1**



Ryde Traffic Committee

**ITEM (B):** MULTIPLE STREETS, MACQUARIE PARK  
**SUBJECT:** ALTERATIONS TO TICKET PARKING TIMES  
**ELECTORATE:** RYDE  
**WARD:** CENTRAL  
**ROAD CLASS:** NON-CLASSIFIED

Traffic Committee Members are required to advise whether they have any pecuniary interest with regards to the item discussed below.

**PROPOSAL**

Council is proposing to alter the operation of the timed ticket parking areas at the following locations in Macquarie Park:

- b) 5 Parking spaces of '12P Ticket Parking 7am-7pm' on Eden Park Drive be changed to '2P Ticket Parking 7am-7pm'.
- c) 8 Parking spaces of '12P Ticket Parking 7am-7pm' on Giffnock Avenue be changed to '2P Ticket Parking 7am-7pm'.
- d) 7 Parking spaces of '12P Ticket Parking 7am-7pm' on Byfield Street be changed to '2P Ticket Parking 7am-7pm'.

**DISCUSSION**

As part of a review into the parking demands in Macquarie Park, Council has identified several areas that would benefit from a consolidation of the short stay parking areas in Macquarie Park.

Macquarie Park is within a ticket parking area that allows for 12P ticket parking for long stay visitors with smaller sections of 2P ticket parking to facilitate access to commercial areas and short stay parking requirements. It has been noted that there is an increased demand for short stay parking in some locations within the existing ticket parking area.

The expanded areas of 2P parking will allow the reprogramming of meters to cover the short stay sections, making them easier to use and removing the ambiguity between the 12P and 2P ticket zones.

The intent of this proposal is to adjust the parking restrictions to meet requested demand and improve access to commercial and community facilities.

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Agenda of the Ryde Traffic Committee, dated 18 November 2021



**ITEM 11 (continued)**

**ATTACHMENT 1**



Ryde Traffic Committee

**CONSULTATION**

As this is part of an area wide review of existing ticket parking zones no consultation has been undertaken.

The areas that are proposed to be altered to short term parking have been the subject of requests from affected businesses which was considered in the review of these parking areas.

**RECOMMENDATION**

The Ryde Traffic Committee recommends that:

- e) 5 Parking spaces of '12P Ticket Parking 7am-7pm' on Eden Park Drive be changed to '2P Ticket Parking 7am-7pm'.
- f) 8 Parking spaces of '12P Ticket Parking 7am-7pm' on Giffnock Avenue be changed to '2P Ticket Parking 7am-7pm'.
- g) 7 Parking spaces of '12P Ticket Parking 7am-7pm' on Byfield Street be changed to '2P Ticket Parking 7am-7pm'.

ITEM 11 (continued)

ATTACHMENT 1



Figure 3: Eden Park Drive – Recommendation A

ITEM 11 (continued)

ATTACHMENT 1



**Figure 2: Giffnock Avenue – Recommendation B**

ITEM 11 (continued)

ATTACHMENT 1



**Figure 3: Byfield Street – Recommendation C**

**ITEM 11 (continued)**

**ATTACHMENT 1**



Ryde Traffic Committee

**ITEM (C): ROAD SAFETY UPDATE**  
**SUBJECT: ROAD SAFETY PROGRAMS**  
**ELECTORATE: RYDE / LANE COVE**  
**WARD: ALL**

Traffic Committee Members are required to advise whether they have any pecuniary or non-pecuniary interest with regards to the items discussed below.

**TRANSPORT FOR NEW SOUTH WALES (TfNSW) FUNDED PROGRAMS**

**Local Government Road Safety Program**

Information is being prepared for messaging around safe driving for the holiday season. This year there is a focus on safe caravanning and safe towing. Messaging will be promoted through Council social media platforms and newsletters.

**COUNCIL FUNDED PROGRAMS**

**School Zone Safety Program**

Italian Bi-lingual School in Meadowbank – the new kiss & Ride is working very well. The school has established an efficient procedure for managing the afternoon pick-up and teachers are extremely supportive.

Ryde Secondary College – the Forrest Road footpath and associated works have been completed. Works in Malvina Street continue. Full access to Kiss & Ride zone is now restored.

Ermington Public School – concerns have been raised by the school following the recent relocation of the bus zone following resident complaints. The layout of the Kiss & Ride, bus zone and parking areas along Winbourne Street is not ideal, however, Council will work with the school and P&C to develop a short-term program for improving safety around the existing Kiss & Ride zone until Marsden High School relocates to the MEEP for Term 2, 2022. Before the move, Council will review the traffic and parking conditions along the entire school frontages of Winbourne Street with the aim of relocating the Kiss & Ride and bus zones to better suit the primary school and improve safety. Any changes will aim to be implemented prior to the start of Term 2, 2022.

A number of issues related to increased traffic following return to school are being reviewed, in particular around Denistone East Public School, Eastwood Public School and Ryde Public School. Council's Parking Enforcement team continue to work closely with the Road Safety Officer and traffic engineers to identify issues and look for appropriate solutions.

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Agenda of the Ryde Traffic Committee, dated 18 November 2021

**ITEM 11 (continued)**

**ATTACHMENT 1**



Ryde Traffic Committee

**Meadowbank Employment Education Precinct (MEEP)**

Currently reviewing a draft Travel Access Guide for the new school location and providing continued feedback on the School Transport Plan with the Transport Working Group.

Council continues to have concerns about the lack of commitment by School Infrastructure NSW to provide a suitable footpath on Hermitage Road that links to the Kiss & Ride zone and school access on Rhodes Street.

**2022 Road Safety Calendar**

The 2022 Road Safety Calendar is now available at Customer Service, City of Ryde libraries, the RALC, Eastwood and Gladesville police stations and various community organisations.

**Shared User Path Safety**

Pittwater Road shared user path will be included in the rollout of pavement stencils reminding cyclists to ride slowly and give way to pedestrians. In addition, a new pavement vinyl is being designed to specifically remind cyclists to ring their bell on approach to other path users. The installation of the pavement stencils and vinyls on targeted City of Ryde shared user paths will be completed by June 2022.

**RECOMMENDATION**

The Ryde Traffic Committee recommends that:

- a) The Road Safety report be received and noted

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## 12 INFRASTRUCTURE CONTRIBUTIONS SYSTEM REFORM SUBMISSION

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**Report prepared by:** Development Contributions Coordinator  
**File No.:** URB/20/153 - BP22/70

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### REPORT SUMMARY

In March 2021, the NSW Government confirmed it had accepted all 29 recommendations from the Productivity Commissions Review of Infrastructure Contribution in NSW. In the latter part of 2021 the Department of Planning and Environment (DPE) released the full package of reforms for public exhibition and comment.

Link to the DPE Improving the Infrastructure Contributions System:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Improving-the-infrastructure-contributions-system>

The submission period ran from 28 October 2021 to 10 December 2021. The DPE requested Council submissions written by staff be made before the closing date, with endorsement of submissions by elected Councils to follow early in the new year (2022). As provided in **ATTACHMENT 1** contains Council's staff written submission in full lodged in December 2021 prior to the closing date.

This report seeks Council's endorsement of the submission. Due to these timeframes this is the only opportunity Council has to endorse the submission and provide such endorsement to the DPE.

The Submission was mostly supportive of the reforms but raised the following concerns, in summary:

- Regional Infrastructure Contributions raised by the State Government from Macquarie Park should be reinvested in Macquarie Park. The Draft Macquarie Park Place Strategy (MPPS) also exhibited by DPE in 2021 identified 182 infrastructure and service proposals, at an estimated cost of \$6.5 billion, are required to enable future development in Macquarie Park. The submission raised the issues Council had experienced with Ivanhoe development, where \$45 million in s7.11 Contributions were written off to the benefit of the developer with minimal benefit to the City of Ryde community without any consultation with Council. Council is currently in discussions with the DPE in respect to this matter, as the Minister has final discretion as to whether the s7.11s are offset to the developer's benefit or not.

**ITEM 12 (continued)**

- Council noted the Contribution Caps and the system in respect to the Essential Works List (EWL) application to s7.11 Plans would remain in situ for at least the next three years. Whilst this keeps the status quo for now, it creates uncertainty in respect to whether there will be continued funding from s7.11 in three years time for Community Facilities, which form a significant part of Council's s7.11 Works Plan.
- In respect to s7.12 Contributions Council generally supported the move from fixed rate percentage levies of development cost, to standard flat rate levies based on development type. Once the reforms are adopted Council will review its current s7.12 Fixed Rate Contributions and provide a report to Council on potential revenue from development.
- The reforms introduce a Land Value Contribution (LVC). Although this new Developer Contribution Type will not be able to be used in City of Ryde, as it is only proposed to be used in greenfield development areas, the submission raises some issues in respect to how the LVC is to be calculated and applied for the DPE's consideration. The submission also raised the potential for an LVC's use in brownfield development areas such as Macquarie Park.
- The reforms also introduce the need for Development Contribution Plans to be considered with Planning Proposals to ensure the delivery of infrastructure when significant changes to planning controls are made to facilitate major development/redevelopment of a locality. The submission is supportive of this change, however raised some concerns into how it may operate for the DPE's consideration, especially where decisions are to be reviewed by local Planning Panels and alike.
- The submission also addresses the commitments made by the Minister of Planning (at that time) to the reforms. The submission was generally supportive of the commitments, however reiterated concerns around the future uncertainty of Council continuing to fund community facilities from s7.11 beyond the proposed three year review.

**RECOMMENDATION:**

- (a) That Council endorse **ATTACHMENT 1** as Council's formal submission to the Contributions Reform Package
- (b) That Council write to the Department of Planning and Environment to inform them that **ATTACHMENT 1** has been endorsed by the Council.



**ITEM 12 (continued)**

**ATTACHMENTS**

- 1 DPE Infrastructure Contributions System Reform submission - DECEMBER 2021

Report Prepared By:

**David Matthews**  
**Development Contributions Coordinator**

Report Approved By:

**Dyalan Govender**  
**Manager - Urban Strategy**

**Liz Coad**  
**Director - City Planning and Environment**

## ITEM 12 (continued)

### Discussion

In March 2021, the NSW Government confirmed it had accepted all 29 recommendations from the Productivity Commissions Review of Infrastructure Contribution in NSW. In the later part of 2021 the Department of Planning and Environment (DPE) released the full package of reforms for public exhibition and comment.

The submission period ran from 28 October 2021 to 10 December 2021. The DPE requested Council submissions written by staff be made before the closing date, however sought the elected Councils to have endorsed submissions lodged early in 2022, once Council were able to sit for ordinary meetings following the Council elections in December 2021.

The Submission was mostly supportive of the reforms but raised the following concerns, in summary:-

- Regional Infrastructure Contributions raised by the State Government from Macquarie Park should be reinvested in Macquarie Park. The Draft Macquarie Park Place Strategy (MPPS) also exhibited by DPE in 2021 identified 182 infrastructure and service proposals, at an estimated cost of \$6.5 billion, are required to enable future development in Macquarie Park. The submission raised the issues Council had experienced with Ivanhoe development, where \$45 million in s7.11 Contributions were written off to the benefit of the developer with minimal benefit to the City of Ryde community without any consultation with Council. Council is currently in discussions with the DPE in respect to this matter, as the Minister has final discretion as to whether the s7.11s are offset to the developer's benefit or not.
- Council noted the Contribution Caps and the system in respect to the Essential Works List (EWL) application to s7.11 Plans would remain in situ for at least the next three years. Whilst this keeps the status quo for now, it creates uncertainty in respect to whether there will be continued funding from s7.11 in three years time for Community Facilities. Currently the s7.11 Plan funds \$121 million of a \$244 million program over the life of the Plan (20 years) for Community Facilities. The loss of such funding from s7.11 for the City of Ryde would result in a significant cut to the levels of service provided to the community.
- In respect to s7.12 Contributions Council generally supported the move from fixed rate percentage levies of development cost, to standard flat rate levies based on development type. Once the reforms are adopted Council will review its current s7.12 Fixed Rate Contributions and provide a report to Council on potential revenue from development. Currently the s7.12 Plan applies to all non-residential development outside of Macquarie with a value greater than \$350,000. A 1% Levy on the development cost is applied. Under the reforms the percentage is scrapped in favour of flat fixed rate charges per development type, i.e. \$15,000 maximum for a knock down rebuild of a house or dual occupancy; \$50 per sqm for additional Commercial Gross Floor Area (GFA) and \$35 per sqm of additional retail GFA.

**ITEM 12 (continued)**

- The reforms introduce a Land Value Contribution (LVC). Although this new Developer Contribution Type will not be able to be used in City of Ryde, as it is only proposed to be used in greenfield development areas, the submission raises some issues in respect to how the LVC is to be calculated and applied for the DPE's consideration. The submission also raised the potential for an LVC's use in brownfield development areas such as Macquarie Park. Notwithstanding, unless changes are made to the calculation methodologies for LVC, it would not be a useful mechanism for Macquarie Park as the methodology for calculating the contributions would significantly underestimate the value of the land and hence underestimate the potential contributions to be levied to acquire the land.
- The reforms also introduce the need for Development Contribution Plans to be considered with Planning Proposals to ensure the delivery of infrastructure when significant changes to planning controls are made to facilitate major development / redevelopment of a locality. The submission is supportive of this change, however raised some concerns into how it may operate for the DPE's consideration. Council's main concerns are in relation to when decisions on Planning Proposals are to be reviewed by local Planning Panels and alike.
- The submission also addresses the commitments made by the Minister of Planning (at that time) to the reforms. The submission was generally supportive of the commitments, however reiterated concerns around the future uncertainty of Council continuing to fund community facilities from s7.11 beyond the proposed three year review.

**ATTACHMENT 1** contains Council's submission in full lodged in December 2021 prior to the closing date. This report seeks Council's endorsement of the submission.

**Advocacy Work**

The Director City Planning and Environment had provided the previous Council with updates on these reforms which have the potential to impact future budgets and provision of facilities. While the previous Minister for Planning The Hon. Rob Stokes MP has stated that *"no Council will be worse off financially"*, it is important that the detail is provided to Councils to ensure that this occurs and consultation continues.

This is why the endorsement of this submission by City of Ryde Council is important.

In this regard Council staff have been involved in advocacy with Northern Sydney Region of Councils (NSROC) and Local Government NSW (LGNSW) by providing relevant information and financial modelling on how the proposed reforms would impact Council's financial stability. Via NSROC and LGNSW it was demonstrated to the State Government that many Northern Sydney Council's, including City of Ryde, would lose the ability to maintain their current levels of service in respect to core community facilities, such libraries, community centres and indoor sporting facilities.

## ITEM 12 (continued)

Even taking into account the proposed Rate Increases, proportionate to population growth, it would take City of Ryde and other neighboring Councils approximately 10 to 15 years to recover the lost revenue from the proposed s7.11 reforms and several more years to recover the levels of service.

This advocacy work led to the previous Minister for Planning, The Hon. Rob Stokes MP, announcing a number of commitments addressed in **ATTACHMENT 1**. The most significant commitment being:

*“There will be no changes to the existing setting for essential works list (EWL) applying to s7.11 plans. In three years, we will review the settings against the Productivity Commissioner’s implementation of other components of the reform, in consultation with the local government sector”.*

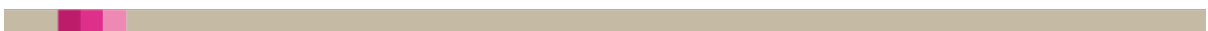
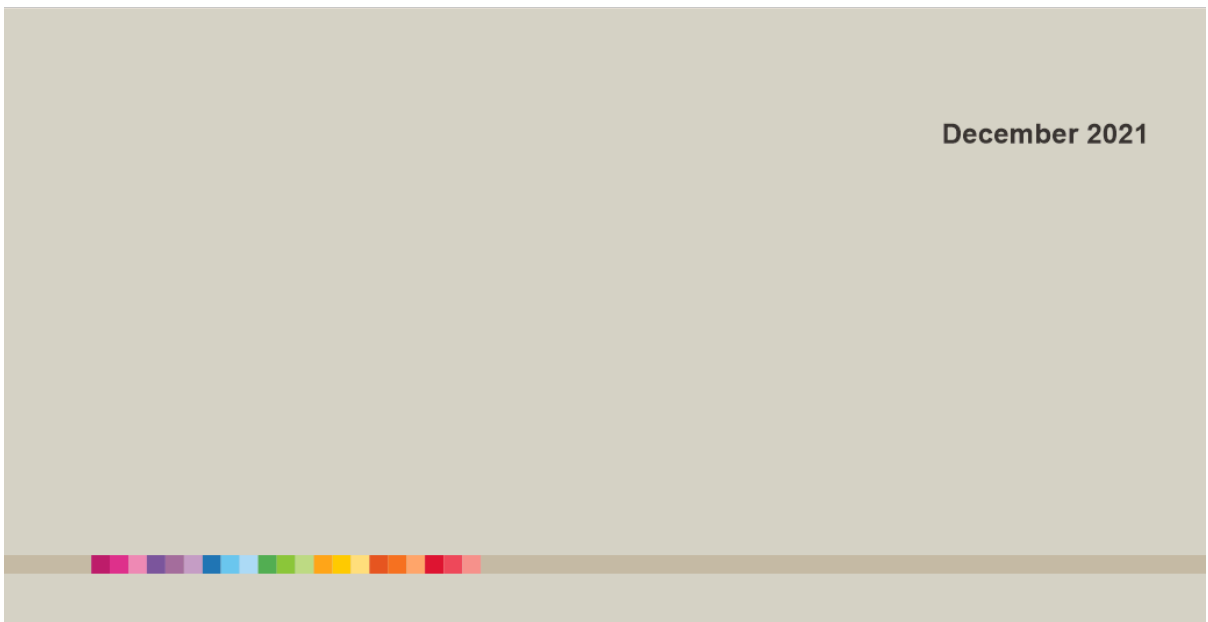
The setting around EWL, involve the type of works that Council can levy for under s7.11 Plans and the contribution caps applying to those plans. Both these items, if changed have the potential to either create positive or negative financial impacts for Council. The Productivity Commissioners recommendations propose significant negative financial impacts for Council; hence it is important that Council continues with its advocacy work to ensure that these negative impacts do not become a burden to the City of Ryde community.

### Financial Implications

Whilst there are no direct financial implications in terms of the submission itself, Council should be aware that should the review of the Contribution Caps and the EWL in three years’ time follow the Productivity Commission’s recommendation that Community Facilities be removed from s7.11 Plans, Council will have a significant short fall in funding Community Facilities beyond 2026. Currently the s7.11 Plan funds \$121 million of a \$244 million program over the life of the Plan (20 years) for Community Facilities. Should the Productivity Commission’s recommendations be adopted in three years’ time, Council will need to significantly reduce the Community Facilities Works program or cut funding to other projects or both. This would lead to a significant reduction in the levels of service provided to, and expected by, the City of Ryde community.

**ITEM 12 (continued)**

**ATTACHMENT 1**



**ITEM 12 (continued)**

**ATTACHMENT 1**



**ITEM 12 (continued)****ATTACHMENT 1****Regional Infrastructure Contributions**

The City of Ryde Council (Council) does not object to the State funding infrastructure through developer contributions and welcomes the Regional Infrastructure Contribution (RIC) to help fund major State based projects within the City of Ryde. Major projects that the State can commit to in the City of Ryde are, but not limited to:

- Upgrades required to support the North Ryde Station Precinct
- Upgrades required to support the Meadowbank Education Precinct
- Macquarie University Bus Interchange (Herring Road)
- New School facilities in Macquarie Park, including required supporting infrastructure
- Widening of Victoria Road at West Ryde Rail Overpass
- Works to maintain John Whitton Bridge
- Improvements to the West Ryde Bus Interchange
- Improvements to Lane Cove Road
- Improvements to Epping Road

Recently, the Draft Macquarie Park Place Strategy (MPPS) was exhibited by Department of Planning, Industry and Environment (DPIE). The MPPS recognises Macquarie Park as a critical hub for business, innovation research and education contributing to the economic growth of Sydney and NSW. The MPPS also provides a framework that will inform the planning of new connections and open spaces, as well as 20,000 jobs and up to 7,650 homes in the investigation area.

The MPPS assessment of infrastructure and services identifies 182 infrastructure and service proposals, estimated to cost approximately \$6.5 billion over the first 15 years to 2036. This includes capital costs to enable a pipeline of future projects beyond 2036. About \$4.7 billion is associated with planning and development costs to enable a major linear city-shaping and city servicing transport infrastructure beyond 2036 such as future Parramatta to Epping mass transit link and several strategic rapid bus corridors.

Any RIC funds collected from Macquarie Park should be reinvested in infrastructure projects identified by the MPPS.

Based on the proposed new Gross Floor Area (GFA) and proposed new dwellings for the investigation area of the MPPS and the proposed contribution rates for the RIC, approximately \$142.3 million should be raised from the investigation area. This amount is only 2.1% of the \$6.5 billion identified in the MPPS required for the first 15 years to 2036.

The RIC falls significantly short of raising funds from development in Macquarie Park to meet the state infrastructure demands generated by the proposed growth in the precinct. Given Macquarie Park's significant contribution to the State's GDP as one of its few established and successful innovation precincts, a failure to invest in its ongoing growth would be hugely damaging to the State's economy and to the surrounding communities reliant upon the precinct to provide employment opportunities and services.

The State will need to find more than 90% of the required \$6.5 billion from other funding sources to enable the growth of Macquarie Park as envisaged by the MPPS. Without a framework for funding the growth envisaged by the MPPS it is unclear how it can be progressed in a sustainable manner.

Council seeks clarification as to whether the State Government will commit other required funding in the billions to Macquarie Park if it is going to sign off on any rezoning to enable the MPPS? Further, will a Transport Project Component (TPC) contributions rate be applied in the City of Ryde for the Parramatta to Epping Mass transit link?

**ITEM 12 (continued)****ATTACHMENT 1**

Council is also concerned, based on previous experience, that the State will not enforce the provisions of the proposed SEPP, especially in regard to Infrastructure Delivery Agreements (IDA) and State Significant Development. For example, in the Ivanhoe Estate Concept approval (SSD 8707) in Macquarie Park, at least \$40 million in s7.11 contributions have been offset against questionable material public benefits nominated by the developer, as a note to the s7.11 contributions condition (refer to ATTACHMENT 1 for details). Clearly these items should have been negotiated through a transparent Planning Agreement process under Section 7.4 of the Environmental Planning and Assessment Act 1979 (the Act); however, instead DPIE and the Minister have, to date, failed to make appropriate provision for the supporting infrastructure requirements generated by the development, despite there being sufficient legislative capacity to do so under Section 7.4 of the Act. In this context, Council also holds concerns over the powers afforded the Minister and is disappointed the reforms have not included limits and/or appropriate oversight mechanisms.

In summary, Council is concerned that:

- The RIC will not be effective enough to raise appropriate funding for significant State Infrastructure Projects, especially within Macquarie Park
- As the RIC will be a regional funding mechanism:
  - growth areas in each of the regions will be competing for RIC funds;
  - significant short falls in critical state infrastructure are likely to result;
  - reduction in living standards for communities where RIC funds are expended elsewhere
- Macquarie Park is at severe risk of decline and failure if the State Government cannot commit to funding the \$6.5 billion in infrastructure required to support the growth proposed in the MPPS, as the RIC will only raise approximately 2.1% of the required investment.
- A Transport Project Component (TPC) contributions rate should be applied in the City of Ryde, as well as other directly impacted Local Government Areas, for the Parramatta to Epping Mass transit link.
- Oversight mechanisms are required to ensure the state enforces the RIC and utilises IDA's in the public interest, as per ATTACHMENT 1.



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**ATTACHMENT 1**

**Environmental Planning and Assessment Amendment (infrastructure Contributions) Regulation 2021**

Due to the complexity of this component of the reforms, this section will be broken down via a table to discuss Planning Agreements, s7.11 Contributions, s7.12 Contributions and Land Value Contributions:

Mechanism	Comment on Proposed Changes
<b>Planning Agreements</b>	<ul style="list-style-type: none"> <li>• Council raises no issues in respect to 'exhibition' rather than 'notify', as this represents Council's current practice. Council has always taken into consideration submissions made during the 28-day notification period prior to accepting an offer to enter into the respective Planning Agreement.</li> <li>• Council raises no objection to the proposed reporting requirements.</li> </ul>
<b>S7.11 Local Infrastructure Contributions</b>	<ul style="list-style-type: none"> <li>• Council is of the understanding that the \$20,000 and \$30,000 cap thresholds will remain in place for the time being. In April 2020 DPIE issued a Discussion Paper 'Improving the review of local infrastructure contributions plans'. Part 2 of the Discussion Paper addressed increasing the thresholds that currently cap contributions at \$20,000 and \$30,000 respectively. Questions were tabled for feedback and Councils' made their submissions. Nevertheless, no commentary has been provided in this reform package on whether there is any consideration to adjust the thresholds. The Productivity Commission Recommendation 4.7 states:             <ol style="list-style-type: none"> <li><i>"Remove the monetary trigger for review of contributions plans by Independent Pricing and Regulatory Tribunal</i></li> <li><i>Develop Terms of Reference for the Independent Pricing and Regulatory tribunal to review any costs in a section 7.11 contribution plan on a 'by exception basis' with the option of a 'targeted' review of specific sections of a plan.</i></li> <li><i>Prepare a practice note to reflect the 'by exception' review process and requirements for local contributions plans."</i></li> </ol> <p>There is no material released in the reform package that informs this recommendation. As such Council can only assume the discretion will remain with the Minister to adjust the thresholds via Directions under s7.17(b).</p> <ul style="list-style-type: none"> <li>• Council notes the Minister has made a commitment to not change the Essential Works List (EWL) and it is to be reviewed in 4 years' time.</li> <li>• Council is therefore of the understanding that EWL will not be applied to current Plans that maintain the \$20,000 cap.</li> <li>• Taking the above points into consideration, is Council right to assume that new contributions plans to be drafted for 1 July 2024 are likely to under the same cap provisions and EWL provisions that currently exist? If this is uncertain, it will make it difficult for Council's to draft new plans if the 'goal posts' keep moving in terms of thresholds and EWL leading to:</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ Higher administration costs to plan for potentially different scenarios in terms of the EWL and threshold amounts</li> <li>○ It will be difficult for Councils to plan in respect to long term works programs as sources of funding and potential changes to EWL will create uncertainty for Long Term Financial Plans.</li> <li>○ Borrowing for infrastructure will be riskier as funding sources are uncertain. Risk adverse Councils' will be less likely to forward fund infrastructure.</li> <li>● Uncertainty also remains in respect to:             <ul style="list-style-type: none"> <li>○ Will the current arrangements with IPART remain or will Recommendation 4.7 be implemented?</li> </ul> </li> <li>● Given this uncertainty, Councils should be left to monitor and update their Contributions Plans as required, and in light of future State changes that may arise; Council's should not be locked to an arbitrary date given the State's ongoing review is not equally locked to set milestone dates to facilitate a smooth and certain transition.</li> <li>● Council would also like to make the following statements in regard to s7.11:             <ul style="list-style-type: none"> <li>○ With so much work undertaken to standardise contributions plans via:                 <ul style="list-style-type: none"> <li>▪ establishment of nexus,</li> <li>▪ adopting development contingent works,</li> <li>▪ adopting benchmark costs; and</li> <li>▪ their creation through a standardised form,</li> </ul>                 assuming thresholds are to remain, why keep the provisions to enable challenge of the local infrastructure condition for reasonableness?               </li> <li>○ A s7.11 Plan will be subject to more rigorous process for its implementation than any other contributions plan under the EPA Act; however, it will also remain the only plan open to challenge.</li> <li>○ S7.11 Plans reviewed by IPART and found to meet the rigorous standards of production should be made unappealable.</li> </ul> </li> </ul>
<p><b>S7.12 Local Levy Contributions</b></p>	<ul style="list-style-type: none"> <li>● Council is of the understanding that the percentage levy will be replaced with the maximum rates chargeable (or a lower amount as the Council sees fit) under proposed Clause 25S</li> <li>● Council interprets proposed Clause 25V such that the Maximum Levy Rate imposed under a S7.12 Plan can be indexed quarterly; i.e. if Council chooses to levy the maximum charge under Clause 25S, the maximum charged can be indexed at the time of payment.</li> <li>● Council supports the change away from percentage levies to the fixed rates platform. The current percentage levies do not provide an equitable or certain contribution payable as costs are variable from one development to another. Further the current 3% levy available to growth centres is overly complex to achieve and requires similar work to providing a nexus under s7.11. As such, S7.11 is clearly the better choice of plan for growth centres as they can be charged on \$per/sqm rates that</li> </ul>



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	<p>are uniform, tailored to usage types, reflect the cost of development and in the most part, certain. This limits the utility of the current percentage levies.</p> <ul style="list-style-type: none"> <li>Once the fixed rates platform is adopted, Council will likely review its current s7.12 contributions plan to assess the opportunity a fixed rate platform would afford.</li> </ul>
<p><b>Land Value Contribution</b></p>	<ul style="list-style-type: none"> <li>Council understands that the Land Value Contribution (LVC) will only be applicable to greenfield sites.</li> <li>However, Council is of the view that there could be merit in applying LVC to brownfield redevelopments, especially where areas are subject to significant uplift in zoning. Rezoning of industrial or commercially zoned land can be akin to greenfield developments and in some cases infrastructure delivery is more expensive due to the transformation required in relocating services, remediating land and acquiring land for public purposes.</li> <li>The Draft Macquarie Park Place Strategy (MPPS) is a good example of where the LVC may have purpose in a brownfield situation. The MPPS identifies:             <ul style="list-style-type: none"> <li>Potential changes to planning controls in Macquarie Park that will enable more intensive development of the land.</li> <li>The intensive development will require land to be provided for public purpose, those being open space, roads, and community facilities.</li> </ul> </li> <li>Notwithstanding, Council notes there are issues with the proposed LVC that may render it ineffectual in any case:             <ul style="list-style-type: none"> <li>The land valuation methodology by NSW Valuer General (VG) may not be as effective for the proposed purpose as using a valuation methodology more likely to reflect the market value of the land.</li> <li>Analysis by NXS Planning (LinkedIn Article, 16 Nov 2021) provides evidence that VG is 20% to 41% below the actual sale price, with a median difference of 35% below.</li> <li>Further, the 20% cap on land contributions further restricts the difference and would reduce the ability for Councils to collect sufficient funds to acquire land for public purposes.</li> </ul> </li> <li>The above restrictions will still make Planning Agreements the preferred tool of choice where land is to be dedicated for public purposes. Planning Agreements enable the parties involved to negotiate the detailed terms of the dedication of the land in respect of value, timing and the form in which it is to be handed over, i.e. raw, remediated or embellished.</li> <li>In simple terms, Council imposing an LVC can only collect 20% of a value that is 35% below market value to then possibly negotiate the dedication of land at full market rate. This does not seem equitable.</li> <li>In Council's view consideration of the value of land for public purposes should occur at the early strategic planning stage, prior to rezoning. Appropriate reductions adopted for land that is to have a public purpose should be adopted and clear well in</li> </ul>



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	<p>advance of development to reduce speculation and ensure public requirements are understood by the market; for example, Council has successfully negotiated with developers in Macquarie Park that land being dedicated for roads or open space will only be valued at 25% of its market value, where development uplift is provided to the remainder of the site. That 25% value is then deducted as an offset from contributions that would have otherwise been payable toward the acquisition of such land.</p>
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### Practice Note Review

Council raises no real concern in respect to the module approach for the draft Practice Notes. The modules will make the Practice Notes easy to navigate. Notwithstanding, Council is of the opinion that Appendix D will need updating in respect to the Essential Works List (EWL). However, it is unclear in the Minister's commitment as to how EWL will be applied to the thresholds and whether or not there is any intent to adjust the thresholds, the EWL or neither. The uncertainty surrounding these critical components to s7.11 Plans will make it difficult for Council's to draft new contributions plans by the 1 July 2024 deadline.

Council would also like to state that the DPIE has missed a real opportunity to refine the EWL under the reform process to create certainty. Whilst the reform package states *inter alia*, "IPART is reviewing the EWL", the industry is aware that the Terms of Reference given to IPART by DPIE stated *inter alia*,

*"The essential works list must not expand beyond the current parameters and community facilities must not be included".*

The terms of reference were so limiting that the IPART review could not provide a truly independent review of the EWL, or recommend changes relating to additional elements or community facilities to meet the needs of a growing NSW population.

Nevertheless, the Draft report by IPART recommended the following changes to the EWL:

- "1. Costs included in a section 7.11 contributions plan should relate to provision of local infrastructure in one or more of the following categories:
  - Land and/or facilities for open space
  - Land or strata space for community facilities
  - Land and/or facilities for transport
  - Land and/or facilities for stormwater management
  - Costs of plan preparation and administration
  - Borrowing costs to forward fund infrastructure"

Council does not object to the additional items added by IPART being:

- Strata space for community facilities
- Removing base level embellishment of open space; and
- Including borrowing costs

Council believes these are a step forward under the restricted Terms of Reference provided to IPART. However, Council is of the opinion that the EWL should include the construction of community facilities and indoor sports facilities within the EWL. Council does not agree with the Productivity Commission that these facilities are not development contingent facilities. A clear nexus can be drawn between demand from development for community facilities. It is illogical that land or strata space for community facilities is considered development contingent, but the actual facility that provides the service to meet the demand, not development contingent. Empty land or strata space does not provide a service to the community.

Indoor sports facilities are the future for high growth and high-density urban areas as they can:

- Provide co-location of facilities – community meeting rooms/halls and sports facilities can be located in one facility

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- Provide Multi-use facilities – multiple courts for different sports can use the same space at different times
- Increase capacity through limited downtime, i.e. not affected by weather, synthetic/wooden sprung floor courts require limited maintenance compared to outdoor grass courts.

Further, Indoor sports facilities have the potential to generate income, making it more attractive to Council's to borrow funds to help service loans and maintain the facility, i.e. forward fund to meet demand from development.

It is critical that DPIE creates certainty around these infrastructure items within the EWL and threshold relationships to enable Council's to create new s7.11 Plans for the 1 July 2024 deadline. Uncertainty will continue to plague both the market and Long-Term Financial Planning in Local Government until such commitments are made. This uncertainty will reduce Councils' willingness to forward fund critical infrastructure to meet demand if the source of funding to service loans is not considered secure.



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### Contributions Plans and Planning Proposals

#### Direction to Prepare 7.11 Plan with planning proposal

Council generally agrees in principle with the Draft Direction and supports the objectives:

- a) *to encourage the preparation and exhibition of draft contribution plans at the same time as planning proposals where a new or amended contributions plan is required to accommodate the increased demand for public amenities and public services,*
- b) *to facilitate the provision of appropriate public amenities and services for new development, and*
- c) *to provide certainty as to the likely development costs, including local infrastructure contributions, that will arise from decisions to facilitate development through changes to planning controls.*

Notwithstanding Council would like to raise the following concerns:

1. What is the process if the planning proposal authority, as a Council, determines that a planning proposal requires a draft contributions plan or amendment to an existing contributions plan and the proponent disagrees? How will this affect the review process under Section 3.34(5) of the EPA Act.
2. Who will be responsible for the cost of preparing the draft developer contributions plan or amendment to an existing developer contributions plan? In Council's opinion the proponent should be responsible for these costs as their planning proposal initiated the preparation.
3. Council is also of the opinion that planning proposals deemed to require a contributions plan, especially those containing Land Value Contributions, should not be made until the Contributions Plan becomes operational.
4. Council is also of the opinion that the Direction should also apply to Planning Agreements proffered with planning proposals. This is to ensure the Planning Agreements are locked in prior to the planning proposal being finalised. The offer of a Planning Agreement may in the opinion of the Council negate the need for a contributions plan to be prepared. However, until the Planning Agreement is signed, it has no effect. Thus, there is always the risk of the proponent withdrawing from the planning agreement offer if it is not made before the planning proposal. Hence the opportunity is then lost to prepare the draft contributions plan. Thus if a Planning Agreement is to be accepted in lieu of a contributions plan being made, it should be conditional that the offer is entered into prior to the instrument being made to avoid the loss of appropriate infrastructure and ensure the objectives of the Direction are met.
5. Will the additional work of preparing contributions plan for a Planning Proposal extend the 90-day requirement to Gateway? This timeframe should be extended in the legislation to account for additional work, especially where significant investigations are required to examine or determine the infrastructure required for larger rezoning's.

#### Shared Use of Land

The objectives of this draft Direction appear reasonable, however the operative components of the Direction may be difficult to achieve, as both local and state authorities will need to assess the planning proposal at the same time to determine if the land offered achieves the desired goal. Some consideration will be required, as to how this may operate and affect the review process under Section 3.34(5) of the EPA Act.

Other questions Council raises:

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1. Does this direction also apply to strata space?
2. It is unclear if the planning proposal authority is responsible for meeting this direction or is the proponent responsible?
3. What consideration is to be given to Riparian Corridors and their sensitivity, as they are natural drainage paths?
4. What are the governance arrangements if the land is Crown or other State Govt land and not owned or controlled by Council?





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**Commitments from the Minister**

This section poses questions and commentary on the Minister's recent letter to President Local Government NSW:

Minister's Commitment	Questions/Commentary
<p><i>"There will be no changes to the existing setting for the essential works list applying to s7.11 plans. In three years, we will review the settings against the Productivity Commissioner's recommendations and the implementation of the other components of the reform, in consultation with the local government sector."</i></p>	<p>Council has raised several concerns in the body of this report in respect to EWL. In terms of the review in three years:</p> <ul style="list-style-type: none"> <li>• Council expects that IPART will be involved in the review and it is hoped that the Terms of Reference will not be so restrictive and enable IPART to make truly independent investigation and recommendation.</li> <li>• Does the term 'setting' in the Minister's commitment also refer to the current thresholds, the EWL itself, or both?</li> <li>• Is recommendation 4.7 by the Productivity Commissions part of the review in 3 years' time, or is this considered separate to the EWL, as it relates more to the thresholds?</li> <li>• How are Council's meant to produce new contributions plans by 1 July 2024 if the EWL and the settings in which it operates are under review at the same time? Council recommends that the deadline date be setback at least a further two years to enable the EWL review to be completed and subsequent new contribution plans finalised.</li> </ul>
<p><i>"We have heard the concerns about the Productivity Commissioner's suggested rates for section s7.12 levies being too low, so we have reset the rates to reflect a true 3% construction cost for residential development and 1% for commercial, industrial and retail development. The rates will be indexed to ensure they keep pace with construction costs. We have also extended the levy to residential knock-down and rebuilds, alterations and additions that increase demand and commercial refits. We will invite councils to model these arrangements during exhibition to ensure the charges work for all councils."</i></p>	<p>Refer to Council's commentary on s7.12 in the body of the report.</p>
<p><i>"There will be no change to existing section 7.11 and section</i></p>	<p>As previously discussed in the body of this report, Council is of the opinion that s7.11 plans that are made</p>

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<p><i>7.12 appeal rights in this package."</i></p>	<p>under the rigorous new reforms and that have been vetted by IPART should be unappealable.</p>
<p><i>"There will be no reduction in council contributions caused by the new regional infrastructure contribution. The regional infrastructure contribution is paid by developers separately to local infrastructure contributions and will be spent in the region it is charged from."</i></p>	<p>Council thanks the Minister for clarifying that RICs will not reduce s7.11 or s7.12 contributions. However, Council is still concerned that funds raised in Macquarie Park maybe spent elsewhere in the Greater Sydney Region that the RIC applies despite the fact that they will do little to cover the cost of the state infrastructure required to support growth within the precinct. Macquarie Park requires significant commitment of funding for State infrastructure items to support its growth as discussed in the MPPS. Council looks forward to working with the State Government to realise the MPPS for Macquarie Park, including a clear commitment across all levels of government to fund the required supporting infrastructure.</p>
<p><i>"We will not expand the Ministerial direction about when local contributions are to be paid beyond the current settings. Payment at occupation certificate has applied to high value projects since mid-2020 and this will not be expanded to all development, as was recommended by the Productivity Commissioner."</i></p>	<p>Council thanks the Minister not expanding the direction to all developments. Council seeks clarification as to whether or not the Direction, as currently applied to developments over \$10M in value, will be extended beyond March 2022?</p>
<p><i>We have heard your concerns about wind and solar development and will increase the maximum contribution, because it is currently too low. Instead of a maximum\$300,000, the threshold will be raised to \$450,000.</i></p>	<p>No Comment.</p>

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**ITEM 12 (continued)**

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The Hon Rob Stokes MP  
Minister for Planning and Public Spaces  
GPO Box 5341  
SYDNEY NSW 2001

[Office@Stokes.minister.nsw.gov.au](mailto:Office@Stokes.minister.nsw.gov.au)  
[michael.bishop@minister.nsw.gov.au](mailto:michael.bishop@minister.nsw.gov.au)

16 September 2021

Our Ref: D21/131176

Dear Minister Stokes

**Ivanhoe Estate – Modification of Condition A30 – SSD8707**

I am writing to you about the application to modify Condition A30 of the Concept Approval for Ivanhoe Estate (SSD8707).

Council previously wrote to the Department of Planning, Industry and Environment (DPIE) on 10 March 2021 outlining its concerns with the proposed modification to the Condition. A copy of that letter is annexed (Annexure A). As can be seen, Council was concerned that the proposed modification to Condition A30 would merely compound the problems with the note to that condition, which sought to offset land dedication as a material public benefit to the required developer contributions. Offsetting the payment of monetary contributions with the dedication of land as a material public benefit would involve legal error.

The proposed modification of Condition A30 reduces the amount of developer contributions payable under the condition by the same amount as the value of the land proposed to be dedicated under that condition. Put simply, there is no rational basis to do so. Further, what is proposed under both Condition A30 and the proposed modification of it will deprive Council of developer contributions, which will impact its ability to deliver infrastructure for the growing population at Macquarie Park.

The Council is also concerned about the actual value of the material public benefits that are being claimed by the proponent and has sought expert advice on this issue from Greg New of GLN Planning. A copy of that advice is annexed (Annexure B).

Mr New concludes that reasonable contributions offsets for the proposed developments are \$8.7M, not the \$41.7M contemplated by Condition A30. Mr New also analyses each of the proposed material public benefits and concludes that only two of these, being the proposed Village Green and community centre, can reasonably be considered as constituting a material public benefit for the purposes of section 7.11(5) of the *Environmental Planning and Assessment Act 1979*.

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If the proponent's position is accepted, then the Council will be deprived of \$33M in developer contributions, which will severely impact on its ability to deliver infrastructure items for the community under the City of Ryde Section 7.11 Developer Contributions Plan 2020.

Council maintains that any offsets to the quantum of contributions payable under Condition A30 should be reflected in a voluntary planning agreement to ensure transparency in the process, to enable the Council and the public to participate in a public notification process and to ensure that any proposed material public benefits are appropriate and not amenities that are required to be provided for the carrying out of the development itself.

Council has drafted a proposed modification to Condition A30 - annexed to this letter (Annexure C), which it considers to be lawful and appropriate, and submits that this is what Condition A30 should state. If offsets are to be pursued, they should be properly reflected in a voluntary planning agreement and made available for public scrutiny.

Discussions about a voluntary planning agreement did take place prior to the determination of the Concept Approval. However, those discussions did not advance because it was evident to Council that the material public benefits being offered by the proponent were not in fact material public benefits. Council's position has now been vindicated by Mr New's report.

As you would be aware, in February 2021, the DPIE released new Practice Notes for Voluntary Planning Agreements (VPA). One objective of these was to make the VPA process more transparent by setting out clear procedures for negotiations with developers, documenting the value of public benefits and public notification. The Practice Notes also indicated the importance of avoiding the appearance that development rights had been 'bought' by a developer. Both Condition A30 and the current application to modify the condition ignore the spirit of the Practice Notes. The note to Condition A30 completely bypasses the VPA process and excludes both the City of Ryde Council and the community.

Council is considering its legal options to ensure that Condition A30 is not only lawful but also ensures that appropriate developer contributions are made.

I would welcome an opportunity to discuss the matter further with you.

My contact details are 02 9952 8052 or [general.manager@ryde.nsw.gov.au](mailto:general.manager@ryde.nsw.gov.au).

Yours sincerely



George Dedes  
General Manager

ITEM 12 (continued)

ATTACHMENT 1

Annexure A



  
Lifestyle and opportunity @ your doorstep

Mr Andy Nixey  
Planning and Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Email: [Andy.Nixey@planning.nsw.gov.au](mailto:Andy.Nixey@planning.nsw.gov.au)

10 March 2021

Our ref: D21/32192

Dear Mr Nixey,

**SSD-8707 – MOD-1 Amendments to Condition A30 - Ivanhoe Estate  
Redevelopment**

We refer to the Response to Submissions dated 22 February 2021 prepared by Ethos Urban and behalf of the NSW Land and Housing Corporation and Frasers Property Australia.

Council maintains the concerns set out in its letter to the Department dated 21 July 2020.

Of particular concern is that no rational basis is set out for the reduction in the quantum of developer contributions payable in accordance with Condition A30. The only possible basis appears to be that because there is a reduction in the value of the proposed material public benefits due to the exclusion of land dedication there should be a corresponding reduction in the quantum of contributions payable.

Council submits that this fundamentally misconstrues the problem with the note to Condition A30 that was identified in its previous submission. Section 7.11(5)(b) of the *Environmental Planning and Assessment Act 1979* prohibits dedication of land in satisfaction of a condition imposed under section 7.11(1). Whilst the Council does not object to the removal of references to land dedication in the note to Condition A30, any reduction in the value of material public benefits that is said to arise from that modification cannot be used as a justification to reduce the quantum of contributions payable under Condition A30.

In the response, Ethos Urban states:

*We further note that the modification will not change [sic] amount of the monetary contribution to be paid pursuant to Condition A30 and we note that the value of the material public benefits will also not change and are prescribed as a minimum. All costings associated with the material public benefits will be appropriately detailed at the relevant time and will be subject*

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*to the satisfaction of the consent authority in accordance with a planning agreement.*

With respect, that response merely compounds the problem with the note to Condition A30 and what that condition appears to propose. It is not to the point that the modification will not change the amount of monetary contribution to be paid pursuant to the condition. Council understands this to be a reference to the difference between the contributions required by Condition A30 and the value of the material public benefits referenced by that condition. But that amount has been erroneously calculated because the note to Condition A30 includes land dedication, which is impermissible.

The quantum of contributions payable under Condition A30 should not be reduced. To do so would involve legal error. Should the application be approved, Council reserves its rights to consider further action.

If you would like to discuss this matter further please do not hesitate to contact Sanju Reddy, Senior Coordinator Building and Development Advisory Service on 9952 8187.

Yours sincerely



Liz Coad  
Director, City Planning and Environment

**ITEM 12 (continued)**

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**Annexure B**



24 August 2021

Our Ref: 11563 Ivanhoe Estate MPB Advice v3

David Matthews  
Developer Contributions Coordinator  
City of Ryde  
1 Pope Street,  
Ryde NSW 2112

Attention: David Matthews – [DavidMa@ryde.nsw.gov.au](mailto:DavidMa@ryde.nsw.gov.au)

Dear David,

**RE: PLANNING ADVICE – EXAMINATION OF PROPOSED MATERIAL PUBLIC BENEFITS –  
IVANHOE ESTATE REDEVELOPMENT**

**1 Introduction**

The Ivanhoe estate is a redevelopment of land in Macquarie Park that will when completed contain over 3300 dwellings. A state significant development consent has been issued for the redevelopment, which includes conditions to make monetary contributions of over \$45 million for local infrastructure. The consent also foreshadows the acceptance of works carried out by the developer in part satisfaction of this monetary contribution. If accepted as material public benefits, the contributions payable reduced by over 90% to \$3.7 million.

Council has written to the Minister for Planning and Public Spaces disputing, among other matters, that the list of infrastructure included in the Note to Condition A30 does not constitute the provision of MPB by the developer.

GLN Planning (GLN) has been engaged by Council to examine the proposed MPBs and provide a critique as to whether they would in reasonable circumstances constitute a MPB worthy of s7.11 offsets.

In responding to council's request GLN has undertaken the following tasks:

- Review the concept masterplan consent, reports and correspondence.
- Attend meetings with Council and legal representatives
- Examine the merit of accepting the proposed works as MPBs against relevant criteria
- Prepare advice on the findings of the examination for Council's consideration



**ITEM 12 (continued)**

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**2 Background**

The proposed redevelopment of the Ivanhoe Estate is for an integrated social housing and mixed-use development located on a former social housing estate in the Macquarie Park Herring Road Priority Precinct.

A comprehensive redevelopment of the site - Ivanhoe Estate Concept Masterplan (SSD-8707) – was granted development by the Minister for Planning and Public Space on 30 April 2020. The concept masterplan consent was issued subject to, among other conditions, Condition No. A30 requiring the payment of section 7.11 contributions.

Condition A30 requires the developer to pay approximately \$45.5M in section 7.11 contributions which the Minister will collect on behalf of Ryde City Council. The breakdown of contribution amounts payable by the issue of relevant occupation certificate is included in the condition and shown in the table below.

**Condition A30 - Local Infrastructure contributions applicable to SSD-8707**

Column A	Column B
Prior to the issue of an Occupation Certificate, or in the case of Crown development, the Occupation or Commencement of Use Dwelling Number	Section 7.11 Contributions Payable
750	\$6,355,067
1425	\$10,580,997
2000	\$9,109,675
2550	\$8,257,126
3307	\$11,231,757
<b>*Total</b>	<b>\$45,534,622</b>

\*Dwelling numbers are exclusive of Residential Aged Care Facility beds

A note following Condition A30 states that the applicant intends to provide certain land and works (9 items) as material public benefits (MPB) in part or full satisfaction of the monetary contribution requirement, per s7.11(5) of the Environmental Planning and Assessment Act 1979.

The note further states that the consent authority (which in this case is the Minister) may, in its sole discretion, consider accepting the land dedications and material public benefits in lieu of a monetary contribution being made under Condition A30 subject to certain terms (which we have summarised for brevity):

- The MPBs must be approved and carried out in accordance with further development applications.
- The standard of the works are to the consent authority's satisfaction.



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- The consent authority may require the applicant to enter into a written agreement for the provision of the land and works.
- The consent authority may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value.

The 9 items shown in the note show a proposed total value of \$41.7M. If all these items and their purported values were accepted as MPBs then the monetary contribution payable to the Council would reduce by \$41.7M to around \$3.8M.

In response to submissions from Council that land values cannot be used to offset monetary contributions under s7.11(5), the applicant has lodged a request to modify condition A30 proposing a modified payment schedule and modified contribution amounts. The modifications are shown in the table below.

**Proposed modified table of contributions for condition A30**

Column A	Column B
Prior to the issue of an Occupation Certificate (or in the case of Crown development, the Occupation or Commencement of Use Dwelling Number	Section 7.11 Contributions Payable
750-780	\$6,355,067-5,058,353
1425	\$10,580,997-8,420,926
2000	\$9,109,675-7,246,925
2550	\$8,257,426-6,569,337
3307-3207	\$11,231,757-8,939,081
<b>*Total</b>	<b>\$45,534,622-36,234,622</b>

\*Dwelling numbers are exclusive of Residential Aged Care Facility beds

The proposed reduction in total contributions is purportedly to account for the \$9.7m in value ascribed to infrastructure land that will be dedicated to the Council free of cost and which was included in the proposed MPB list in the note to condition A30. The proposed modified contributions table is shown over page. The modification has not yet been determined.

The net effect of modification if approved would be the same – the Minister would collect \$3.8M in s7.11 contributions on behalf of the Council.

**3 Evaluation criteria**

Section 7.11(5) of the Environmental Planning & Assessment Act 1979 (EP&A Act) establishes the legislative power to allow a consent authority to accept the provision of a MPB in part or full satisfaction of a condition imposed requiring the payment of monetary contributions. 'Part or full satisfaction' means that a contributions value is ascribed to the public benefit, and the monetary contributions otherwise payable are reduced – or offset - by that value.



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Traditionally, councils have been the consent authority for most developments with contribution conditions attached to their approval. In recent years, the independent planning commission and planning panels have been enacted as consent authorities. The Minister, the Secretary (of DPIE), or their delegates have always had a consent authority role for larger developments of State significance.

Material public benefits are not defined in the EP&A Act. They usually tend to be infrastructure works.

A MPB does not have to be a works item included in a contributions plan for it to be accepted in part or full satisfaction of a s7.11 condition. Practically however councils have in the contributions plans or in specially adopted works in kind policies required that the public benefit must be in a contributions plan because the offset value is able to be 'paid' by the contributions of other developers contributing monetary contributions under the plan.

MPBs that are accepted, but which are not in a contributions plan, cannot be paid for by other contributors, and the contributions offset value that is given represents money that the relevant council will not receive to provide all the other remaining infrastructure commitments in a contributions plan – infrastructure that has been the subject of a plan making process and which has had public input.

Councils often have policies concerning the acceptance of MPBs because of the potential impact on the implementation of their contributions plans. These policies usually state the circumstances in which Council would accept an offer for MPB, and Council's considerations when assessing offers.

The above context leads to some basic questions the consent authority must answer when deciding whether to accept an MPB instead of a cash payment:

1. Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?
2. Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?
3. Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability for the council to implement its s7.11 contributions plan in a timely manner?
4. Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?
5. Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?

These questions have been used as the criteria we have used to evaluate the merit of the proposed MPBs as offsets to s7.11 contributions.

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**4 Material public benefit (MPB) evaluation**

Attachment A contains a detailed evaluation of each proposed MPB listed in the Note to Condition A30. The following provides a summary of the evaluation – i.e. whether the proposed work should be considered a MPB with a value that may be used to offset s7.11 contributions, and the recommended offset value.

**Item 1 & 2 – Road 1 to connect Herring Road to Shrimptons Creek bridge**

These works are required to serve the development and would be required by s4.17 condition of consent. There are no grounds for the value of this work being used to offset s7.11 contributions.

**Item 3 – Road 1 within LGS site to connect Shrimpton Creek Bridge to Lyon Park Road & Item 4 – Bridge over Shrimptons Creek**

Items 3 and 4 are considered together because they combine to perform the same function. That is, provision of a vehicle connection between the development and Lyonpark Road.

These works provide a second (eastern) access point for the development to connect to the surrounding road network, and allows future residents of the Ivanhoe Estate onto Epping Road without the need for accessing Herring Road.

The traffic report accompanying the development application states that the new through road would provide a route for rat running for PM peak hour traffic to avoid the Herring Rd / Epping Rd intersection.

The traffic modelling submitted with the DA does not demonstrate that the connection 'provides both regional and local benefits to the site and the Macquarie Park traffic more generally', as stated on p108 of the traffic report. The modelling results show a generally neutral to minor worsening of intersection performance, for the modelled intersections in the network.

Based on the above, these works:

- are needed to allow the Ivanhoe / Herring intersection to function satisfactorily; and
- create a new 'rat run' that does not result in any significant improvements to the performance of the surrounding road network.

These works are required to serve the development and would be required by s4.17 condition of consent. There are no grounds for the value of this work being used to offset s7.11 contributions.

**Item 5 – Village Green**

Works will meet only some of the open space needs generated by the development - i.e. Local open space needs. It will not meet the active and district passive open space needs addressed by Council's contributions plans (both 2014 and 2020 plans). However, the total monetary contribution required is significantly greater than the offset, meaning the Council will have funds to meet off-site needs.

There are reasonable grounds for the value of these works to offset open space and recreation s7.11 contributions – i.e. the park serves local active recreation needs.

**ITEM 12 (continued)**

**ATTACHMENT 1**



**Item 6 – Community Centre**

The facility will serve some of the community facility needs identified in Council's contributions plan, but not all. Significantly, Council requires the majority of an allocation of \$30m to provide a library in the Macquarie Park area under its contributions plan, which will not be provided on the development site.

Also, the facility will not be publicly owned meaning that Council will have no control over its future use and programs and could indeed be removed without Council having any say.

In these circumstances, part of the facility's value could reasonably be applied as an offset against community and cultural contributions - we recommend 25%.

**Item 7 – Forest Playground**

Unlike the Village Green, the usable area of this local open space is very small at just over 1,000m<sup>2</sup>. The facility has poor connections to the rest of the public open space network. The facility is more appropriately described as communal open space.

There are no grounds for the value of this work being used to offset s7.11 contributions.

**Item 8 – Shrimptons Creek**

This area of land has been accessible to the public for at least the last 20 years. A shared pedestrian and cycle path connecting public open space north and south of the site is existing on the land and has been available for public use for a similar period.

The proposed MPB will provide further embellishments in the creek corridor, primarily to cater for the substantial increase in population from this development.

These embellishments do not represent any net additional broader public benefit - the public will still enjoy its current primary amenity as a north-south active transport link between Macquarie Park and areas south of Epping Rd.

There are no grounds for the value of this work being used to offset s7.11 contributions.

**Item 9 – Epping Road Underpass**

An underpass for pedestrians and cyclists has been available in this location for many years. The proposed MPB will enhance the existing facility so that it can cater for the substantial increase in population from this development.

These embellishments do not represent any net additional broader public benefit - the public will still enjoy its current primary amenity as a north-south active transport link between Macquarie Park and areas south of Epping Rd.

There are no grounds for the value of this work being used to offset s7.11 contributions.

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**5 Recommended s7.11 offset amounts**

GLN has been provided with information on the split of the contributions by infrastructure category in the 2014 contributions plan. This split was not included in the consent but is critical for determining offsets allowed under s7.11 (5). This split is shown in the following table:

**Breakdown of total contributions for the proposed development by infrastructure category type**

CP 2014 infrastructure category type	Proportion of total contribution	Contribution amount for proposed development
Roads and traffic	9.1%	\$4,140,526
Civic and urban improvements	8.4%	\$3,803,738
Open Space and recreation	64.0%	\$29,130,769
Community and cultural	16.1%	\$7,319,432
Cycleways	1.2%	\$525,906
Stormwater	1.0%	\$472,458
Plan administration	0.3%	\$141,793
	100%	\$45,534,622

Based on the findings in the previous section and:

- the MPB values included in the note to condition A30 of the consent, and
- the established practice of councils offsetting contributions on a like-for-like basis (e.g. roads and traffic MPB items can only be used to offset the contribution required in the relevant contributions plan for roads and traffic items,

our recommended s7.11 contribution offsets for the proposed development is shown on the table below.

**Recommended offsets**

CP 2014 Contributions Category	Total Contribution by Category	Total Recommended Offsets by Category	Net Contribution Payable
Roads and traffic	\$4,140,526	\$0	\$4,140,526
Civic and urban improvements	\$3,803,738	\$0	\$3,803,738
Open Space and recreation	\$29,130,769	\$7,030,000	\$22,100,769
Community and cultural	\$7,319,432	\$1,625,000*	\$5,694,432

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CP 2014 Contributions Category	Total Contribution by Category	Total Recommended Offsets by Category	Net Contribution Payable
Cycleways	\$525,906	\$0	\$525,906
Stormwater	\$472,458	\$0	\$472,458
Plan administration	\$141,793	\$0	\$141,793
<b>Total</b>	<b>\$45,534,622</b>	<b>\$8,655,000</b>	<b>\$36,879,622</b>

Note: The MPB offset values reflect the amounts shown in the note to condition A30 of the development consent. They are not our opinion of the offset value, which should be provided by a qualified quantity surveyor.

\* Represents one quarter of the MPB value shown in the note to condition A 30

**6 Conclusion**

Our analysis has found that the proposed Village Green and publicly accessible community centre are the only items listed in the note to condition A 30 that would reasonably constitute a material public benefit for the purposes of s7.11(5) of the Environmental Planning and Assessment Act 1979.

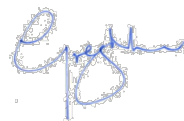
There is a significant amount of infrastructure to serve Macquarie Park development that is contained in Council's latest 2020 contributions plan (for example, approximately \$100M worth of open space and recreation items that are needed to serve the new populations of Macquarie Park and surrounds -see Attachment B). The works being provided in the Ivanhoe Estate largely will not replace the need for Council to provide the facilities in the contributions plan, meaning it is critical that careful consideration is given to the decision of whether to accept developer works as MPB.

Our conclusion is that the reasonable contribution offsets for this development amount to \$8.7M which can be applied to reduce the total cash contribution to approximately \$36.9M.

The alternative proposed by the applicant – a cash payment of \$3.8M after offsets are applied, or about \$1,150 per dwelling – to meet all the local infrastructure needs generated by this development is clearly insufficient, unreasonable and unsatisfactory.

If you have any questions regarding this advice, please contact me on 0419 257 177.

Kind regards,



**GREG NEW**  
**DIRECTOR**

Attachments:

- A – Detailed MPB evaluation
- B – Open space and recreation works in 2020 contributions plan relevant to Macquarie Park residential developments

**ITEM 12 (continued)**

**ATTACHMENT 1**

## Attachment A – Ivanhoe Estate MPB Evaluation

### Item 1 & 2 – Road 1 to connect Herring Road to Shrimptons Creek bridge

<b>Summary information for proposed MPB</b>	
Infrastructure type in contributions plan	Roads and traffic
Contribution required from the development for infrastructure type in CP?	\$4,414,558
s7.11 contributions offset value stated in note to condition A30	\$4,600,000
MPB included in 2014 contributions plan?	Unlikely although CP not specific. The 2014 CP identifies \$5m being set aside for land acquisition, road design and road construction in Macquarie Park. Works maps only identify the entire Macquarie Park Corridor - not exact location of the works.
MPB included in 2020 Contributions Plan?	No. The works are not included in the 2020 Macquarie Park works schedule. The CP identifies 4 sets of traffic signals works and 2 pedestrian signals works to be funded by Macquarie Park development (total value \$12.3m).
<b>MPB Criteria</b>	<b>Evaluation</b>
Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?	These works would be considered to be a part of the reconfigured local road network required to enable suitable access to the development and would be required to be carried out by the developer as a condition of consent under 4.17 of the Act.
Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?	Under the current s7.11 Contributions Plan 2020 Council will generally only accept offers of works or land that are items included in the schedule of local infrastructure under the CP and are works or land that meet a broad community benefit. As these works are not identified under the current or previous contributions plans, and serve only to provide suitable access to the site and no other community benefit, they would not likely be considered MPB by Council



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<p>Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability for the council to implement its s7.11 contributions plan in a timely manner?</p>	<p>Council have identified a number of roads and traffic infrastructure works required to service the anticipated population within Macquarie Park. However, if the offset in the Note to Condition A30 is provided it will result in a contributions shortfall that Council will never be able to recoup. Significantly impacting Council's ability to deliver essential infrastructure identified in the CP.</p>
<p>Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?</p>	<p>Council is still required to fund all the essential roads and traffic infrastructure identified in the CP. Not only do these proposed works not assist Council in delivery of the CP, but they also create a funding shortfall \$4,414,558 for roads and traffic facilities and a further shortfall of \$11,765,442 across the other categories (being the amount their MPB offset exceeds their anticipated roads and traffic contributions).</p>
<p>Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?</p>	<p>Council would still need to provide the roads and traffic facilities in either the 2014 or 2020 CP; provision of this work does not lessen the need for Council to provide CP – funded works</p>

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**Item 3 – Road within LGS site to connect Shrimptons Creek Bridge to Lyon Park Road & Item 4 – Bridge over Shrimptons Creek**

<b>Summary information for proposed MPB</b>	
Infrastructure type in contributions plan	Roads and traffic
Contribution required from the development for infrastructure type in CP?	\$4,414,558
S7.11 contributions offset value stated in note to condition A30	\$7,730,000 (Item 3) \$3,850,000 (Item 4)
MPB included in 2014 contributions plan?	Unlikely although CP not specific. The 2014 CP identifies \$5m being set aside for land acquisition, road design and road construction in Macquarie Park. Works maps only identify the entire Macquarie Park Corridor - not exact location of the works.
MPB included in 2020 Contributions Plan?	No. The works are not included in the 2020 Macquarie Park works schedule. The CP identifies 4 sets of traffic signals works and 2 pedestrian signals works to be funded by Macquarie Park development (total value \$12.3m).
<b>MPB Criteria</b>	<b>Evaluation</b>
Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?	<p>Given the significant increase in traffic generation by the development, an additional access point to the site is required in order to allow the current single access point ( intersection of Herring Road and Ivanhoe Place) to operate at a satisfactory level of service. <u>See detailed note below table.</u></p> <p>These works would therefore be required to be carried out by the developer as a condition of consent under 4.17 of the Act.</p>
Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?	The proposed works are not identified under the current contributions plan and do not meet a broad community benefit. <u>See detailed note below table.</u> They serve only to provide additional access to the site and to reduce traffic congestion caused by residents and workers accessing the development. These works would not be required other than to meet the needs of the proposed development.

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<p>Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability for the council to implement its s7.11 contributions plan in a timely manner?</p>	<p>Council have identified a number of roads and traffic infrastructure works required to service the anticipated population within Macquarie Park. However, if the offset in the Note to Condition A30 is provided it will result in a contributions shortfall that Council will never be able to recoup. Significantly impacting Council's ability to deliver essential infrastructure identified in the CP.</p>
<p>Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?</p>	<p>Council is still required to fund all the essential roads and traffic infrastructure identified in the CP. Not only do these proposed works not assist Council in delivery of the CP, but if the value was allowed to offset the s7.11 obligation, this would create a funding shortfall \$4,414,558 for roads and traffic facilities.</p>
<p>Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?</p>	<p>Council would still need to provide the roads and traffic facilities in either the 2014 or 2020 CP; provision of this work does not lessen the need for Council to provide CP – funded works</p>

**Detailed notes on the need for this facility and its broader public benefit**

The following information was drawn from Transport Management and Accessibility Plan, Ivanhoe Estate, Macquarie Park, Ref: 0421r02v07, prepared by Asongroup and dated 3/04/2018 (principally section 7.5).

The former Ivanhoe housing development generated around 50-70 vehicles through the Ivanhoe Place / Herring Rd intersection in the peak hours. In 2016 intersection had a Level of Service A, and an average delay 12 seconds.

The Ivanhoe development the subject of the SSD application - WITHOUT a Lyonpark Rd access - would generate 484 vehicles through the Ivanhoe Place / Herring Rd intersection in the PM peak hour. The effect on the Ivanhoe / Herring intersection with a single access point would be a significant decrease in LOS and delays during the evening peak hour, as shown below

Level of service	AM	B	B	LOS remains B
Delay in seconds	AM	21	21	No change in delay
Level of service	PM	B	E	LOS worsens B to E
Delay in seconds	PM	24	62	delay increases 48 secs

With a Lyonpark Rd access AND the proposed Ivanhoe development there would be 891 vehicles passing through the Ivanhoe Place / Herring Rd intersection in the PM peak hour. The LOS would be C instead of E and the delay would be 31 instead of 62 seconds. This is the reason the Lyonpark Rd connection is critical to the Ivanhoe Estate project.

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The new through road would thus provide a route for rat running for PM traffic to avoid the Herring Rd / Epping Rd intersection, as stated on p will age 107 of the Asongroup report:

*'The introduction of the bridge connection, provides alternate access routes to the employment zones around Giffnock Avenue resulting in significant "rat running" through the site. As a consequence, the full improvement that would be accommodated at the [Herring Rd / Epping Rd] intersection is not fully realised.'*

The modelling does not demonstrate that the connection 'provides both regional and local benefits to the site and the Macquarie Park traffic more generally', as stated on p108 of the traffic report. We have tabulated the results of the traffic modelling as shown below. The highlighted cells below show network intersection performance currently in 2021 without the Ivanhoe estate development, and performance with the Ivanhoe estate development AND the Lyonpark Road link.

The results show a generally neutral to minor worsening of intersection performance, for the modelled intersections in the network.

			2016 Base	2021 RMS Base	2021 RMS Base + Development	2021 RMS Base + Development + Lyonpark link	
Epping Road / Herring Road	Level of service	AM	F	F	F	F	LOS remains F
	Delay in seconds		167	78	86	88	delay increases 10secs
	Level of service	PM	F	E	E	E	LOS remains E
Ivanhoe Place / Herring Road	Delay in seconds		76	59	68	63	delay increases 4secs
	Level of service	AM	A	B	B	B	LOS remains B
	Delay in seconds		12	21	21	22	delay increases 1sec
Waterloo Road / Herring Road	Level of service	PM	A	B	E	C	LOS worsens B to C
	Delay in seconds		13	24	62	31	delay increases 7secs
	Level of service	AM	F	C	C	C	LOS remains C
Epping Road / Lyonpark Road	Delay in seconds		94	35	39	36	delay increases 1 sec
	Level of service	PM	F	D	D	D	LOS remains D
	Delay in seconds		121	50	50	46	delay reduces 4secs
Waterloo Road / Byfield Street	Level of service	AM	A	A	A	A	LOS remains A
	Delay in seconds		7	7	7	7	no change in delay
	Level of service	PM	A	A	A	A	LOS remains A
Epping Road / Lyonpark Road	Delay in seconds		7	7	7	7	no change in delay
	Level of service	AM	A	A	A	A	LOS remains A
	Delay in seconds		12	10	14	12	delay increases 2secs
Waterloo Road / Byfield Street	Level of service	PM	A	B	B	B	LOS remains B
	Delay in seconds		14	18	22	18	no change in delay

Based on the above it is clear that the Lyonpark Rd link:

- is needed to allow the Ivanhoe / Herring intersection to function satisfactorily; and
- creates a new 'rat run' that does not result in any significant improvements to the performance of the surrounding road network.

These works therefore do not represent a material public benefit attracting a s7.11 offset.

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**Item 5 – Village Green**

<b>Summary information for proposed MPB</b>	
Infrastructure type in contributions plan	Open space and recreation
Contribution required from the development for infrastructure type in CP?	\$31,058,724
S7.11 contributions offset value stated in note to condition A30	\$7,030,000
MPB included in 2014 contributions plan?	The 2014 CP works program for Macquarie Park identifies \$45m being set aside for parks acquisition and \$20m being set aside for parks embellishment. Works maps only identify the entire Macquarie Park Corridor - not exact location of the works.
MPB included in 2020 Contributions Plan?	No. This item is not included in the 2020 CP. The only passive open space embellishment works in the Macquarie Park Corridor is \$8m set aside for the proposed Central Park NE of the Ivanhoe Estate.
<b>MPB Criteria</b>	<b>Evaluation</b>
Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?	No, any public open space embellishment is usually required as a s7.11 contribution.
Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?	These open space works are not identified under the current contributions plan and do not provide a broad community benefit. In addition to this, these open space work and proposed land dedication fall well short of providing sufficient open space to meet the requirements of the anticipated population, even in combination with other areas of open space proposed to be provided by the developer.
Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability for the council to implement its s7.11 contributions plan in a timely manner?	Council have identified a number of open space and recreation infrastructure works required to service the anticipated population within Macquarie Park. However, if the offset in the Note to Condition A30 is provided it will result in a contributions shortfall that Council will never be able to recoup. Significantly impacting Council's

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	ability to deliver essential infrastructure identified in the CP.
<p>Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?</p>	<p>While the proposed open space and recreation works do provide a portion of open space required by the development, the anticipated population generates additional demand for open space at a reduce provision rate of 2.1ha/1000. With an estimated population of between 5,486 and 7,620 residents, the development would need to provide approximately 11.52ha to 16ha of open space. The developer proposes to provide approximately 4,309m<sup>2</sup> plus some additional land along Shrimptons Creek (which is already used by the public. Council will still need to fund the acquisition of all the essential open space and recreation land under the CP, including the developer's shortfall, using less contributions it anticipated receiving under the CP due to value of the proposed MPB offsets.</p>
<p>Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?</p>	<p>Given the significant shortfall in open space provision, Council will still need to utilise s7.11 contributions and other sources of funding to meet the open space demand generated by the development. For example, the provision of this local passive open space will not meet the development's need for district passive and district active open space, which will necessarily need to be provided in another location using s7.11 funds from this development.</p>

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**Item 6 – Community Centre**

<b>Summary information for proposed MPB</b>	
Infrastructure type in contributions plan	Community and cultural
Contribution required from the development for infrastructure type in CP?	\$7,803,852
S7.11 contributions offset value stated in note to condition A30	\$6,500,000
MPB included in 2014 contributions plan?	Unlikely - CP not specific. A new Macquarie Park Learning – Leisure and Library Facility with a cost of \$11.6m is included in the 2014 CP. Estimated floor space 800m2.
MPB included in 2020 Contributions Plan?	The CP identifies the following community and cultural works: Macquarie Park Library and Creative Hub including arts and culture space of 1,200sqm, specialised library of 3,100sqm (total cost \$30m). A separate neighbourhood community centre space of 500sqm has been identified but the item is not specifically listed in the CP works schedule.
<b>MPB Criteria</b>	<b>Evaluation</b>
Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?	No, the developer wouldn't need to provide these community facility works as a condition of consent, but a s7.11 contribution would be required in lieu.
Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?	This community centre is not identified in the CP works schedule. There is potential for the centre to provide a broader community benefit, however its use by the public will be determined by the relevant strata committee managing the facility. Council will have no control over the future operation or upgrade of the facility over time. The terms of use and those members of the public allowed to use the facility will also be determined by an organisation other than Council. A facility meant to provide a public benefit that is not owned and operated by a public authority should not be treated as MPB
Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability	Council have identified the cost of providing the fit out of the Macquarie Centre Library and Creative

**ITEM 12 (continued)**

**ATTACHMENT 1**

<p>for the council to implement its s7.11 contributions plan in a timely manner?</p>	<p>Hub under the current contributions plan. These works are proposed to cost Council approximately \$30M. However, if the offset in the Note to Condition A30 is provided it will result in a contributions shortfall that Council will never be able to recoup. Significantly impacting Council's ability to provide the facility fit out.</p>
<p>Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?</p>	<p>The provision of a community centre will undoubtedly provide the community with some benefit, the reduction in contributions will limit Council's ability to fund the Macquarie Centre Library and Creative Hub works. The fit-out works will likely need to be scaled down, reducing the overall quality of amenity provided to the public.</p>
<p>Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?</p>	<p>The proposed works will meet some but not all the needs for community and cultural facilities generated by this development. For example, Council requires \$30 million in contributions for a new leisure and learning Centre in Macquarie Park - the major portion of this funding is required for a 3100 m<sup>2</sup> library which will not be provided on the development site.</p>



**ITEM 12 (continued)**

**ATTACHMENT 1**

**Item 7 - Forest Playground**

<b>Summary information for proposed MPB</b>	
Infrastructure type in contributions plan	Open space and recreation
Contribution required from the development for infrastructure type in CP?	\$31,058,724
S7.11 contributions offset value stated in note to condition A30	\$4,300,000
MPB included in 2014 contributions plan?	The 2014 CP works program for Macquarie Park identifies \$45m being set aside for parks acquisition and \$20m being set aside for parks embellishment. Works maps only identify the entire Macquarie Park Corridor - not exact location of the works
MPB included in 2020 Contributions Plan?	No. This item is not included in the 2020 CP. The only passive open space embellishment works in the Macquarie Park Corridor is \$8m set aside for the proposed Central Park NE of the Ivanhoe Estate.
<b>MPB Criteria</b>	<b>Evaluation</b>
Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?	No, any public open space embellishment is usually required as a s7.11 contribution.
Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?	These open space works are not identified under the current contributions plan, comprise a relatively small facility, and do not provide a broad community benefit. In addition to this, these open space work and proposed land dedication fall well short of providing sufficient open space to meet the requirements of the anticipated population, even in combination with other areas of open space proposed to be provided by the developer.
Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability for the council to implement its s7.11 contributions plan in a timely manner?	Council have identified a number of open space and recreation infrastructure works required to service the anticipated population within Macquarie Park. However, if the offset in the Note to Condition A30 is provided it will result in a contributions shortfall that Council will never be able to recoup. Significantly impacting Council's

**ITEM 12 (continued)**

**ATTACHMENT 1**

	<p>ability to deliver essential infrastructure identified in the CP.</p>
<p>Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?</p>	<p>While the proposed open space and recreation works do provide a portion of open space required by the development, the anticipated population generates additional demand for open space at a reduce provision rate of 2.1ha/1000. With an estimated population of between 5,486 and 7,620 residents, the development would need to provide approximately 11.52ha to 16ha of open space. The developer proposes to provide approximately 4,309m<sup>2</sup> plus some additional land along Shrimptons Creek (which is already used by the public. Council will still need to fund the acquisition of all the essential open space and recreation land under the CP, including the developer's shortfall, using less contributions it anticipated receiving under the CP due to value of the proposed MPB offsets.</p>
<p>Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?</p>	<p>Given the significant shortfall in open space provision, Council will still need to utilise s7.11 contributions and other sources of funding to meet the open space demand generated by the development. For example, the provision of this local passive open space will not meet the development's need for district passive and district active open space, which will necessarily need to be provided in another location using s7.11 funds from this development.</p>

**ITEM 12 (continued)**

**ATTACHMENT 1**

**Item 8 – Shrimptons Creek**

<b>Summary information for proposed MPB</b>	
Infrastructure type in contributions plan	Open space and recreation
Contribution required from the development for infrastructure type in CP?	\$31,058,724
S7.11 contributions offset value stated in note to condition A30	\$7,010,000
MPB included in 2014 contributions plan?	The 2014 CP works program for Macquarie Park identifies \$45m being set aside for parks acquisition and \$20m being set aside for parks embellishment. Works maps only identify the entire Macquarie Park Corridor - not exact location of the works
MPB included in 2020 Contributions Plan?	No. This item is not included in the 2020 CP. The only passive open space embellishment works in the Macquarie Park Corridor is \$8m set aside for the proposed Central Park NE of the Ivanhoe Estate.
<b>MPB Criteria</b>	<b>Evaluation</b>
Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?	In this case the work may be required as a condition of consent because of the substantial increase in site population directly impacting upon the shared pathway facilities already provided in this section of Shrimpton's Creek
Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?	This section of riparian corridor is not identified under the current contributions plan. In addition to this, the Shrimptons Creek corridor fronting the Ivanhoe Place site has been publicly accessible for many years and contains a north-south shared path. The land identified by the developer has been maintained by Council for many years now. Any additional works proposed by the developer may provide some benefit to the broader community. In which case the developer may be entitled to a partial offset.
Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability	Council have identified a number of open space and recreation infrastructure works required to service the anticipated population within Macquarie Park. However, if the offset in the Note

**ITEM 12 (continued)**

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<p>for the council to implement its s7.11 contributions plan in a timely manner?</p>	<p>to Condition A30 is provided it will result in a contributions shortfall that Council will never be able to recoup. Significantly impacting Council's ability to deliver essential infrastructure identified in the CP.</p>
<p>Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?</p>	<p>While the proposed open space and recreation works do provide a portion of open space required by the development, the anticipated population generates additional demand for open space at a reduce provision rate of 2.1ha/1000. With an estimated population of between 5,486 and 7,620 residents, the development would need to provide approximately 11.52ha to 16ha of open space. The developer proposes to provide approximately 4,309m<sup>2</sup> plus some additional land along Shrimptons Creek (which is already used by the public. Council will still need to fund the acquisition of all the essential open space and recreation land under the CP, including the developer's shortfall, using less contributions it anticipated receiving under the CP due to value of the proposed MPB offsets.</p>
<p>Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?</p>	<p>Given the significant shortfall in open space provision, Council will still need to utilise s7.11 contributions and other sources of funding to meet the open space demand generated by the development. For example, the provision of this local passive open space will not meet the development's need for district passive and district active open space, which will necessarily need to be provided in another location using s7.11 funds from this development.</p>

**ITEM 12 (continued)**

**ATTACHMENT 1**

**Item 9 – Epping Road Underpass**

<b>Summary information for proposed MPB</b>	
Infrastructure type in contributions plan	Cycleways
Contribution required from the development for infrastructure type in CP?	\$560,712
S7.11 contributions offset value stated in note to condition A30	\$680,000
MPB included in 2014 contributions plan?	The plan map shows a cycleway and underpass but this facility has already been provided to a basic standard
MPB included in 2020 Contributions Plan?	This item is not included in the 2020 CP.
<b>MPB Criteria</b>	<b>Evaluation</b>
Where the proposed MPB is for works, would those works be required to be carried out anyway by the developer as a condition of consent under section 4.17 of the Act?	In this case the work may be required as a condition of consent because of the substantial increase in site population directly impacting upon the shared pathway facilities already provided in this section of Shrimpton's Creek
Does the MPB meet all relevant requirements of any policy adopted by the local council for acceptance of MPBs or works in kind?	These proposed works are not identified under the current contributions plan. However, they may provide some benefit to the broader community. In which case the developer may be entitled to a partial offset.
Would the contribution offset allowed for proposed MPB prejudice or place at risk the ability for the council to implement its s7.11 contributions plan in a timely manner?	The proposed works are not identified under the current contributions plan, However, if the offset in the Note to Condition A30 is provided it will result in a contributions shortfall that Council will never be able to recoup. Significantly impacting Council's ability to deliver essential infrastructure identified in the CP.
Would the proposed MPB and offsetting of s7.11 contributions provide a public benefit that is clearly superior to the alternative of the council receiving the cash contribution to enable it to provide the infrastructure included in the contributions plan?	The existing underpass provides a broad community benefit, and the proposed upgrade works may be considered a worthwhile investment by Council.

**ITEM 12 (continued)**

**ATTACHMENT 1**

<p>Would the infrastructure needs served by the proposed MPB mean that the council would not need to meet those needs by using s7.11 contributions or other funding sources?</p>	<p>There is an existing underpass facility, and the council would still need to provide cycleway facilities elsewhere to meet the needs of the additional population generated by this development.</p>
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**ITEM 12 (continued)**

**ATTACHMENT 1**

**Attachment B – Macquarie Park Open Space & Recreation Facilities – Ryde 2020 CP**

Project	Suburb	Catchment	Item Cost	Residential s7.11 amount
Central Park – Embellishment – Macquarie Park approx. 1.5ha	Macquarie Park	Macquarie Park	\$8,000,000	\$1,732,916
Tuckwell Park – Flooding Installation	Macquarie Park	Macquarie Park	\$150,000	\$129,969
Tuckwell Park – Sportsfield surface upgrades	Macquarie Park	Macquarie Park	\$420,000	\$363,912
ELS Hall Park – Field 3 – Surface upgrade	Marsfield	Citywide	\$320,000	\$320,000
Fontenoy Park – Construction of irrigation and drainage system	Macquarie Park	Macquarie Park	\$190,000	\$164,627
Christie Park – Synthetic Sports Surfaces – Stage 2 six futsal/5-aside pitches with a car park extension	Macquarie Park	Macquarie Park	\$5,000,000	\$4,332,290
ELS Hall Park – Masterplan stage 1	Marsfield	Citywide	\$4,000,000	\$4,000,000
ELS Hall Park – Masterplan stage 3	Marsfield	Citywide	\$3,113,000	\$3,113,000
Quandong Reserve, Cottonwood Reserve and Wilga Park shared user path upgrade	Macquarie Park	Macquarie Park	\$6,310,000	\$5,467,349
Shrimptons Creek Corridor Masterplan	Ryde (Santa Rosa)	Outside MP	\$4,500,000	\$4,500,000
ELS Hall Park – Masterplan stage 2	Marsfield	Citywide	\$6,583,000	\$6,583,000
ELS Hall Park – Masterplan delivery – Youth Space and Car park	Marsfield	Citywide	\$3,500,000	\$3,500,000
Fontenoy Park – Floodlighting Forward Planning	Macquarie Park	Macquarie Park	\$50,000	\$43,323
Tuckwell Park – Amenities Upgrade	Macquarie Park	Macquarie Park	\$325,000	\$281,599

**ITEM 12 (continued)**

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Project	Suburb	Catchment	Item Cost	Residential s7.11 amount
Christie Park – Synthetic Sports Surfaces – Stage 3 includes suspended slab with 3rd synthetic football field on top of car parking and a fitness facility/gym	Macquarie Park	Macquarie Park	\$12,943,000	\$11,214,565
Multipurpose indoor Recreation, Community and Youth Hub Centre	Macquarie Park	Macquarie Park	\$40,000,000	\$34,658,316
ELS Hall Park – Masterplan delivery – Indoor Centre	Marsfield	Citywide	\$13,500,000	\$13,500,000
		<b>Total</b>	<b>\$108,904,000</b>	<b>\$93,904,866</b>



**ITEM 12 (continued)**

**ATTACHMENT 1**

**Annexure C**

**COUNCIL'S PROPOSED MODIFICATION OF CONDITION A30**

**SECTION 7.11 CONTRIBUTIONS**

A30 A monetary contribution in the amount specified in Column B is to be paid to the consent authority prior to the issue of an Occupation Certificate for a for the first dwelling in any building (or in the case of Crown development, prior to the occupation or use of a building) in each Stage as listed in Column A:

<b>Column A</b>	<b>Column B</b>
<b>Prior to Issue of an Occupation Certificate (or in the case of Crown development, the Occupation or Commencement of Use) of the first dwelling in any building in each of the proposed Stages</b>	<b>Section 7.11 Contribution Payable</b>
<b>750 Stage 1</b>	<b>\$6,355,0675,058,353</b>
Stage 2	<b>\$10,580,9978,420,926</b>
Stage 3	<b>\$9,109,675 7,246,925</b>
Stage 4	<b>\$8,257,1266,569,337</b>
<b>Stage 5</b>	<b>\$11,231,7578,939,081</b>
<b>*Total</b>	<b>\$45,534,62236,234,622</b>
* Stages are exclusive of Residential Aged Care Facility beds.	

The monetary contributions set out in the above table are imposed under the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* and generally in accordance with the City of Ryde Development Contributions Plan 2007 (Interim Update (2014) (**Plan**)). The monetary contributions have been determined having regard to the contribution rates applicable under the Plan as at the date of this consent.

If a monetary contribution set out in the above table is not paid in the same quarter of the year in which this consent is granted (being the second quarter of 2020), the amount of the monetary contribution is to be adjusted as follows at the time of payment:

$$\begin{aligned}
 \$C_P &= \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}
 \end{aligned}$$

Where:

**\$C<sub>P</sub>** is the monetary contribution that must be paid

**\$C<sub>DC</sub>** is the monetary contribution as set out in the table above

**\$C<sub>Q</sub>** is the contribution rate applicable at the time of payment (as determined in accordance with clause 2.11 of the Plan at the date of this consent)

**\$C<sub>C</sub>** is the contribution rate applicable under the Plan at the date of this consent

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**ITEM 12 (continued)**
**ATTACHMENT 1**
**Note to Condition A30:**

Under section 7.11(5) of the Environmental Planning and Assessment Act 1979, a consent authority may accept:

- The dedication of land in full or part satisfaction of a condition imposed in accordance with section 7.11(3);
- The provision of a material public benefit in full or part satisfaction of a condition imposed in accordance with section 7.11(1) or (3).

The Applicant has proposed to provide the following **land dedication and** material public benefits in the locations indicated on the plan in **Annexure A** in lieu of section 7.11 contributions.

The Applicant proposes to provide the **land and** material public benefits prior to the prior to the issue of an Occupation Certificate for a building (or in the case of Crown development, prior to the occupation or use of any building) where that building would result in the cumulative total number of dwellings in buildings for which an Occupation Certificate has been issued (or in the case of Crown development, for which occupation or use of any building has commenced) in relation to development the subject of this consent, being equal to or exceeding the number specified opposite the relevant **land dedication and** material public benefit in the below table.

Item	Prior to Issue of an Occupation Certificate (or in the case of Crown development, the Occupation or Commencement of Use) Dwelling Number	Land and other material public benefit to be delivered	Minimum value (\$M)
1	750780	<del>50% of Road 1 to connect Herring Road to Shrimptons Creek bridge.</del> This item includes the design, and construction <del>and dedication of the land as of</del> a public road. The proposed road reserve is 21m wide consisting of: 2 x 3.5m wide travel lanes; 2.5m wide parking bays on each side of the road; 4.5m of verge on each side of the road.	\$2,300,000 <del>\$2,025,000</del>
2	14251000	<del>Remaining 50% of Road 1 to connect Herring Road to Shrimptons Creek bridge.</del> This item includes the design, <del>and</del> construction <del>and dedication of the land as of</del> a public road. The proposed	\$2,300,000 <del>\$2,025,000</del>

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**ITEM 12 (continued)**
**ATTACHMENT 1**

		road reserve is 21m wide consisting of: 2 x 3.5m wide travel lanes; 2.5m wide parking bays on each side of the road; 4.5m of verge on each side of the road.	
<b>3</b>	<b>14251000</b>	<b>Road 1 within LGS site to connect Shrimptons Creek Bridge to Lyon Park.</b> This item includes the design, and construction <b>and dedication of the land as of</b> a public road. The proposed road reserve is 10.5m wide consisting of: 2 x 3.5m wide travel lanes; South side verge 2.5m wide; North side verge 1.0m wide.	<b>\$7,730,000</b>  <b>\$1,600,000</b>
<b>4</b>	<b>14251000</b>	<b>Bridge over Shrimpton's Creek.</b> This item includes the design, <b>and construction and dedication of the land as of</b> a public road. The proposed bridge is 14.0m wide consisting of: 2 x 3.5m wide travel lanes; South side verge 2.5m wide; North side verge 4.5m wide.	\$3,850,000
<b>5</b>	<b>14251000</b>	<b>Village Green.</b> This item includes the design, construction and dedication of the land as a public reserve. Minimum 3,300m <sup>2</sup> of usable area. The proposed Village Green will consist of: A flat circular lawn for small events, gatherings and kicking a ball; Seasonal tree planting surrounding the village green; Active landscape terraces including seating and games (table tennis, chess); Bleachers steps into village green; Outdoor dining <b>are</b> on edge of village green; Children's Playground.	<b>\$7,030,000</b>  <b>\$5,090,000</b>
<b>6</b>	2000	<b>Community centre.</b> This item includes the design and construction of a building to be used as a community centre. Minimum GFA of 700 m <sup>2</sup> . The proposed community centre will be owned by the relevant strata committee, but access will be provided to the broader community and public agencies via pre-agreed	\$6,500,000

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**ITEM 12 (continued)**
**ATTACHMENT 1**

		<p>licences, free of charge. The community centre will consist of:</p> <ul style="list-style-type: none"> <li>Community rooms;</li> <li>Fitness areas;</li> <li>Meeting rooms;</li> <li>Amenities (male, female and accessible bathrooms).</li> </ul>	
<b>7</b>	2550	<p><b>Forest playground.</b> This item includes the design, <b>and construction and dedication of the land as of</b> a public reserve. Minimum usable area of 1,000 m<sup>2</sup>. The proposed forest playground will consist of:</p> <ul style="list-style-type: none"> <li>Children's playground;</li> <li>Elements of natural play, spilling into the surrounding landscape, creating opportunities for exploration and discovery suitable to children aged 12+;</li> <li>Elevated sky-net play sensitively integrated with the existing EEC.</li> </ul>	\$4,300,000
<b>8</b>	2550	<p><b>Shrimptons creek.</b> This item includes the design, <b>and construction and dedication of the land as of</b> a public reserve. Rehabilitation of the Shrimptons Creek riparian corridor, consisting of:</p> <ul style="list-style-type: none"> <li>Vegetation management to remove noxious weeds and to improve the ecology and watercourse;</li> <li>Concrete linear pathway to create a shared path for cyclists and pedestrians;</li> <li>Wetlands to collect site water and clean it before discharge into Shrimptons creek;</li> <li>Sinuuous decking boardwalk along the riparian corridor and under the bridge with lookout and picnic areas;</li> <li>Access staircases and accessible ramps to enter the development;</li> <li>New skate park utilising the space under the bridge;</li> <li>All ages and abilities exercise stations.</li> </ul>	<p><b>\$7,010,000</b></p> <p><b>\$6,330,000</b></p>
<b>9</b>	<b>33073207</b>	<p><b>Epping road underpass.</b> This item includes the design and construction of an upgraded pedestrian underpass beneath Epping Road in the location of</p>	\$680,000

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**ITEM 12 (continued)**

**ATTACHMENT 1**

		the existing underpass- Proposed upgrade to the existing underpass under Epping road consisting of: Upgrade of balustrades; Upgrade of lighting and security; Upgrade of existing walkway finishes; Repainting of surfaces.	
<b>TOTAL</b>		<b>\$41,700,000</b> <b>\$ 32,400,000</b>	

The consent authority may, in its sole discretion, consider accepting these **land dedications, and** material public benefits in lieu of a monetary contribution being made under **Condition A30** of this consent on the following terms:

**~~The final design of the material public benefits in items 1 to 9 inclusive of the table above must be the subject of a detailed development application under section 4.22(4)(a) and each item must be provided in accordance with a consent of the relevant detailed development application. The Applicant is to obtain any further development consents and other approvals that are required to carry out any of the material public benefits in items 1 to 9 inclusive of the table above.~~**

~~Prior to the issue of an Occupation Certificate (or in the case of Crown development, prior to the occupation or use of any building) for the dwellings nominated in the table above, a certificate from an independent quantity surveyor **or land valuer** certifying that the value of works completed for each contribution item **or land dedicated as the case requires** meets or exceeds the relevant minimum value assigned to that contribution item must be provided to the Certifier.~~

~~The **final design and** standard of the works are to the consent authority's satisfaction.~~

~~The consent authority may require the applicant to enter into a written agreement for the provision of the **land and** works.~~

~~The consent authority may review the valuation of works **or land to be dedicated, and** may seek the services of an independent person to verify their value. In these cases, the applicant will pay for all costs and expenses borne by the consent authority in determining the value of the works **or land**.~~

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## **CONFIDENTIAL ITEMS**

### **13 REQUEST FOR TENDER - COR-RFT-15/20 CATHERINE HAMLIN PARK PUBLIC ART PROJECT**

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**Report prepared by:** Senior Project Manager

**Report approved by:** Manager - Project Development; Director - City 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.

**Report prepared by:** Director – City Works

**File Number:** PCM2020/37 - BP22/62

**Page No:** 206

### **14 REQUEST FOR TENDER - COR-RFT-11/21 WATERLOO ROAD CULVERT REMEDIATION**

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**Report prepared by:** Project Manager Civil

**Report approved by:** Manager - Project Development; Director - City 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.

**Report prepared by:** Director – City Works

**File Number:** PCM2021/24/4 - BP22/52

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### **15 ADVICE ON COURT ACTIONS**

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**Confidential**

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

**Report prepared by:** General Counsel

**File No.:** GRP/21/8 - BP21/1147

**Page No:** 281