

Meeting Date: Tuesday 10 November 2020
Location: Online Audio Visual Meeting
Time: 6.45pm

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

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 13 October 2020

Report prepared by: Civic Services Manager
File No.: CLM/20/1/4/2 - BP20/1095

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 Finance and Governance Committee 3/20, held on 13 October 2020, be confirmed.

ATTACHMENTS

- 1 MINUTES - Finance and Governance Committee Meeting - 13 October 2020

ITEM 1 (continued)

ATTACHMENT 1

Finance and Governance Committee
MINUTES OF MEETING NO. 3/20

Meeting Date: Tuesday 13 October 2020
Location: Online Audio Visual Meeting
Time: 6.37pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Purcell (Chairperson), Clifton, Gordon and Pedersen.

Apologies: Councillor Kim.

Absent: Councillor Brown and Councillor Maggio.

Note: As the Chairperson (Councillor Clifton) was not present in the Chambers, the Deputy Chairperson, Councillor Purcell chaired the meeting.

Note: The Mayor, Councillor Laxale left the meeting at 6.42pm and did not return. He was not present for consideration and voting on Items 3, 4 and 5.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Works, General Counsel, Manager – Corporate Governance, Civic Services Manager and Executive Assistant to Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

There were no written submissions to the Committee.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

The General Manager, as Returning Officer, gave an overview of the election process in relation to the election of the Chairperson and Deputy Chairperson.

ITEM 1 (continued)

ATTACHMENT 1

METHOD OF VOTING FOR CHAIRPERSON AND DEPUTY CHAIRPERSON

The General Manager, as Returning Officer presented the options on the method of voting for Chairperson and Deputy Chairperson.

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

- (a) That the method of voting for the election of the Chairperson and Deputy Chairperson be open voting using the Zoom voting system.
- (b) That the General Manager, as Returning Officer, undertake the election of Chairperson and Deputy Chairperson for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

Record of the Voting:

For the Motion: Unanimous

ELECTION OF CHAIRPERSON

The General Manager, as Returning Officer advised that he had received one (1) nomination for the position of Chairperson of the Committee, namely Councillor Clifton.

The General Manager, as Returning Officer called for any further nominations. As there were none, nominations were closed.

The General Manager, as Returning Officer confirmed with Councillor Clifton that she accepted the nomination.

As there was only one nomination, **COUNCILLOR CLIFTON WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.**

ELECTION OF DEPUTY CHAIRPERSON

The General Manager, as Returning Officer advised the he had received one (1) nomination for the position of Deputy Chairperson of the Committee, namely Councillor Purcell.

The General Manager, as Returning Officer called for any further nominations. As there were none, nominations were closed.

The General Manager, as Returning Officer confirmed with Councillor Purcell that he accepted the nomination.

ITEM 1 (continued)

ATTACHMENT 1

As there was only one nomination, COUNCILLOR PURCELL WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.

Note: As the Chairperson was not present in the Chamber, the Deputy Chairperson, Councillor Purcell then assumed the Chair.

2 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 10 March 2020

Note: The Mayor, Councillor Laxale left the meeting at 6.42pm and did not return. He was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pedersen and Clifton)

That the Minutes of the Finance and Governance Committee 2/20, held on 10 March 2020, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

3 ITEMS PUT WITHOUT DEBATE

Note: The Mayor, Councillor Laxale was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Clifton and Pedersen)

That the Committee adopt Items 4 and 5 on the Agenda as per the recommendations in the reports.

Record of Voting:

For the Motion: Unanimous

4 ADVICE ON COURT ACTIONS

Note: The Mayor, Councillor Laxale was not present for consideration or voting on this Item.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Clifton and Pedersen)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

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

5 INVESTMENT REPORT AS AT 30 SEPTEMBER 2020

Note: The Mayor, Councillor Laxale was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Clifton and Pedersen)

That Council endorse the Investment Report as at 30 September 2020.

Record of Voting:

For the Motion: Unanimous

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

4 ADVICE ON COURT ACTIONS

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

LATE REPORT

5 INVESTMENT REPORT AS AT 30 SEPTEMBER 2020

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

The meeting closed at 6.46pm.

CONFIRMED THIS 10TH DAY OF NOVEMBER 2020.

Chairperson

2 ITEMS PUT WITHOUT DEBATE

Report prepared by: Civic Services Manager**File No.:** CLM/20/1/4/2 - BP20/1096

REPORT SUMMARY

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

RECOMMENDATION:

That the Committee determine the Items on the Agenda that will be adopted without any debate.

OR

That the Committee determine all Items on the Agenda.

3 NEW FEES FOR AMENDMENTS TO RYDE LOCAL ENVIRONMENTAL PLAN

Report prepared by: Senior Coordinator - Strategic Planning
File No.: GRP/09/5/15 - BP20/1073

REPORT SUMMARY

As the Local Strategic Planning Statement has been completed and the moratorium on Planning Proposals has ended, staff have reviewed the fees and charges related to Planning Proposals (PPs) to ensure they are appropriately aligned to industry standards.

This report recommends that Council amend its fee structure in line with the benchmark findings to better align with the types of PPs anticipated.

The legislative framework commits Council resources to processing PPs. The fees imposed by Council contribute to the costs incurred in this process related to the assessment and exhibition of PPs.

It is recommended that Ryde Council fees for PPs are increased in line with the benchmark findings. Table 1 provides a comparison of the benchmark findings, Ryde Council's current fees and the proposed fees for Amendments to Planning Controls.

TABLE 1: COMPARISON OF BENCHMARK FINDINGS< RYDE COUNCIL'S CURRENT & PROPOSED FEES FOR AMENDMENTS TO PLANNING CONTROLS			
Description	Benchmarking Metro Councils	Ryde Existing See Table 2	Ryde Proposed See Table 3
MINOR/ADMISTRATIVE Low impact proposals to change planning controls such as existing clause clarifications or corrections	\$10,000 to \$30,000	\$14,600	\$10,000
MINOR Low / medium impact Land use and/or FSR and Height changes; <ul style="list-style-type: none"> • consistent with the surrounding predominant development • to reflect the current land use of the site 	\$10,000 to \$30,000	\$29,190	\$30,000

ITEM 3 (continued)

MAJOR High impact proposals Land use and/or FSR and Height changes. Requires assessment of <ul style="list-style-type: none"> • increased infrastructure demand (e.g. road, community facility upgrades) • liaison with government agencies 	\$65,000 to \$105,000	\$58,400	\$75,000
COMPLEX High impact proposals As for major and: <ul style="list-style-type: none"> • more than one site or proponent/precinct proposals • significant community interest/impact 	Up to \$150,000	\$58,400	\$100,000

RECOMMENDATION:

- (a) That Council seek community feedback and comment for 28 days on the following proposed fees and charges for amendments to Ryde Local Environmental Plan 2014:
- i. \$10,000 for Administrative (low impact) changes to the planning controls
 - ii. \$30,000 for Minor (low to medium impact) changes to the planning controls
 - iii. \$70,000 for Major (high impact) changes to the planning controls
 - iv. \$100,000 for Complex (high impact) changes to the planning controls
- (b) That community feedback to the proposed changes to the fees is reported to Council as soon as practicable after the conclusion of the exhibition
- (c) In the event that no objections are received to the exhibition, the General Manager be delegated to amend Council fees and charges as proposed.

ATTACHMENTS

There are no attachments for this report.

ITEM 3 (continued)

Report Prepared By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Report Approved By:

Dyalan Govender
Manager - Urban Strategy

Liz Coad
Director - City Planning and Environment

ITEM 3 (continued)**Discussion**

In 2018 with the support of the Greater Sydney Commission (GSC) the City of Ryde was subject to a moratorium on planning proposals that involved new residential floorspace. The moratorium ended in early 2020 and Council has begun to receive enquiries about potential PPs.

It is important to note that Council cannot refuse to accept PPs. Once lodged, there is an obligation on Council's to refer proposal to the Local Planning Panel and to determine the strategic merit of a proposal within 90 days. If this does not occur, the proponent may seek a review by the State Government and the application is generally referred to the District Panel. Generally, PPs also require public exhibition. The fees imposed by Council contribute to the costs incurred in this process, such as assessment by staff and sometimes consultants (e.g. traffic), exhibition costs and so on.

A benchmarking exercise across similar scaled and nearby Council's was undertaken, finding that Council's apply a range of fees using varying fee categories and structures:

- \$7,000 to \$30,000 for minor planning control amendments
- \$65,000 to \$105,000 for major planning control amendments
- Up to \$150,000 for more complex planning control amendments.

This reflects the different conditions faced by different Councils, noting that different local government areas generate different proposals.

Table 2 provides information on Ryde Council's existing fees for PPs and detail on what is considered Minor and Major changes to the LEP.

ITEM 3 (continued)

TABLE 2 RYDE COUNCIL'S EXISTING FEES FOR RLEP AMENDMENTS		
TYPE	FEE	CRITERIA RLEP AMENDMENTS AND SITE AREA
Minor	\$14,600	<ul style="list-style-type: none"> No change to the development standards (may include changing the wording of a clause, adding or removing a permissible land use within a zone or applicable to the site)
Minor	\$29,190	<ul style="list-style-type: none"> site area \leq 1 HA rezoning is proposed (i.e. Land use changes such as low density residential to high density residential) Development standards (such as FSR and Height) are proposed to be changed
Major	\$58,400	<ul style="list-style-type: none"> Site is \geq 1 HA Rezoning is proposed (i.e. Land use changes such as private recreation to high density residential) Development standards (such as FSR and Height) are proposed to be changed
Note: Additional charges for DCP changes, additional studies; Design Review Panel meetings and so on may also apply.		

It is recommended that Council's PP fees are expanded and clarified. It is proposed that the fee for the lowest impact proposals be lowered, noting that such proposals improve the LEP with minimal impact. It proposed that the fee for low to medium impact proposals is slightly increased and that the categorization be focused on the impact and complexity of the proposals rather than the size of the lot, noting that the complexity and impact of the proposal will better determine the resources required to assess a proposal. It is proposed that the fee for major applications is also based on the impact and complexity of the application and that the fee is increased. Finally, an additional category is proposed to capture the highest impact proposals.

Table 1 provides a comparison of both Ryde Council's current fees and the recommended fees for Amendments to Planning Controls. Table 3 below provides information on the criteria for determining the category of PP and the applicable fee.

ITEM 3 (continued)

TABLE 3 PROPOSED FEES FOR RLEP AMENDMENTS		
TYPE	FEE	CRITERIA RLEP 2014 AMENDMENTS
Admin (low impact proposals)	\$10,000	<ul style="list-style-type: none"> • No rezoning is proposed and/or • No change to the development standards • Clarifications and corrections to errors (e.g. typographical) OR • Low impact changes as determined by Director, City Planning and Environment. May include <ul style="list-style-type: none"> ○ changing the wording of a clause ○ adding or removing a permissible land use within a zone or applicable to the site
Minor (low to medium impact proposals)	\$30,000	<ul style="list-style-type: none"> • Rezoning is proposed (i.e. Land use changes such as Special Uses to the surrounding predominant land use zone or to reflect the current land use) • amendments to the development standards or an amendment to RLEP clause consistent with the surrounding predominant development standards or the existing built forms
Major (high impact proposals)	\$70,000	<ul style="list-style-type: none"> • Rezoning is proposed (i.e. Land use) • Development standards (such as FSR and Height) are proposed to be changed that may result in increased demand for infrastructure (road improvements, community facilities and so on)
Complex (high impact proposals)	\$100,000	<ul style="list-style-type: none"> • Rezoning is proposed (i.e. Land use) • Development standards (such as FSR and Height) are proposed to be changed resulting in population growth and increased demand for infrastructure (road improvements, community facilities etc.) • High impact as determined by Director, City Planning and Environment. May involve <ul style="list-style-type: none"> ○ more than one site/more than one proponent ○ require extensive community consultation ○ liaison with TfNSW and other government agencies or adjacent Councils ○ non-compliance with strategic framework i.e. Ryde LSPS, North District Plan
Note: Additional charges for DCP changes, additional studies; Design Review Panel meetings and so on may also apply.		

ITEM 3 (continued)

The proposed fees have been benchmarked against similar Councils as summarised in Table 4. The below fees are by no means exhaustive but offer a reflective cross-section of Councils with similar development profiles (infill middle-ring Councils with a strategic commercial centre; Hunters Hill is also included as we share areas such as Gladesville).

**TABLE 4
BENCHMARKING FEES FOR LEP AMENDMENTS AGAINST SIMILAR AND
NEARBY METROPOLITAN COUNCILS**

Local Government Area	Method of classifying PP's	Fee
North Sydney	<p>Four categories based on significance of the resultant change (e.g. how many controls will be changed).</p> <p>Note that partial refunds are available for PPs that are not submitted for Gateway.</p>	<p>Complex: \$100,000 Major: \$65,000 Minor: \$30,000 Council Instigated: nil</p>
Parramatta	<p>Complicated pricing structure which classifies PP's based on location, site size, significance of requested changes, complexity of requested changes, and relationship with strategic framework.</p> <p>There are also additional costs associated with various stages and outcomes throughout the PP process.</p>	<p>Preliminary PP: \$13,790.00 Minor Outside CBD: \$13,790.00 Low Complexity Outside CBD: \$26,522.50 Complex Outside CBD: \$53,045.00 Inside CBD consistent with strategic framework: \$53,045.00 Inside CBD variation from strategic framework: \$95,480.00 Complex PP on sites >2ha: \$95,480.00</p>

ITEM 3 (continued)

<p>Inner West</p>	<p>Four PP categories based on significance of change, complexity of assessment, and scale of proposed amendments.</p> <p>Pre-PP Consultation is compulsory and carries its own fee in addition to lodging and assessing the PP itself.</p> <p>Prices listed here are the compulsory pre-PP meeting plus the PP itself.</p> <p>Additional costs are listed for additional pre-PP consultation meetings, PP amendments, DCP amendments, consultancy, advertisement and notification, public hearings, and panel referrals.</p>	<p>Minor: \$2,500 + \$18,000 Major: \$5,000 + \$60,000 Complex: \$7,000 + \$100,000 Precinct: \$12,000 + \$150,000</p>
<p>Hunter's Hill</p>	<p>Three categories based on significance of changes and scale of proposed amendments.</p> <p>Cost listed here is the initial lodgement request plus the cost of the PP itself.</p> <p>Additional costs for additional studies deemed necessary, for notification costs, certified copies of documents, comprehensive DCPs, LEP maps and instruments, assessment of deferred matter, conditions or interpretations of conditions...</p>	<p>Anomalies and minor amendments: \$5,000 + \$2,500 Minor: \$5,000 + \$50,000 Major: \$5,000 + \$100,000</p>

ITEM 3 (continued)**Financial Implications**

The fees imposed by Council for processing PPs contribute to the costs incurred in the assessment, reporting, and finalization of the proposed amendments to the planning controls.

Council has generally received a steady, low volume of planning proposals. Subsequently, the changes are likely to have minimal impact to Council's overall budget position. However, the better alignment of categories to the types of PPs we are likely to receive will result in a better cost recovery result for Council.