

Council Meeting**AGENDA NO. 9/10**

Meeting Date: Tuesday 8 June 2010
Location: Council Chambers, Level 6
Time: 7.30pm

Note: *This meeting will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993*

NOTICE OF BUSINESS

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PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There are no Precises of Correspondence for Consideration

NOTICES OF MOTION

1	BUS SHELTER - Councillor Tagg	45
2	PEDESTRIAN CROSSING - Buffalo Creek - Councillor Tagg	45

NOTICES OF RESCISSION

There are no Notices of Rescission

CONFIDENTIAL ITEMS

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1 MOTIONS PUT WITHOUT DEBATE

File Number: GRP/10/3/001/6 - BP10/320

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 the recommendations in respect of items 2 to 7 inclusive, as submitted to Council Meeting 09/10, be adopted with the exception of items as determined by the Council.

2 GENERAL MANAGER'S PERFORMANCE OBJECTIVES - Implementation Action Plan

Report prepared by: General Manager

Report dated: 31 May 2010

File No.: GRP/09/7/1/3 - BP10/307

Report Summary

This report identifies the project planning required to meet the General Manager's obligations under clause 7.4 of the model contract of employment. The planning establishes how the performance objectives will be met in accordance with our project management methodology (PM CoR).

RECOMMENDATION:

That Council adopts the attached performance agreement action plan as required under 7.4 of the General Manager contract.

ATTACHMENTS

Provided **UNDER SEPARATE COVER**

Report Prepared By:

John Neish
General Manager

ITEM 2 (continued)**Background**

At the Council meeting of 23rd March 2010 and in accordance with the requirements of the General Manager's contract, Council resolved the following:-

- (a) *That the attached objectives forms the basis for the General Manager's performance agreement and that the Mayor signs the agreed performance criteria on behalf of Council with the following addition:*
 - 2.10 Aim to improve the ratio of women in managerial positions.
- (b) *That the General Manager develop a performance agreement action plan for the agreed objectives within 2 months of this report being adopted.*
- (c) *That Council hold a workshop to review the previous performance management process for the determination of a performance rating and annual review of the General Manager's remuneration to ensure that it is keeping with the model contract for General Managers.*
- (d) *On completion of the workshop, a report is brought to Council recommending the performance management process and the membership of the General Manager's performance review Committee.*
- (e) *That Clause 7 'Performance agreement and review' of the General Manager's model contract be varied so that the General Manager's performance management process be finalised in August of each year (instead of May each year), following the unaudited end of year results of the Management Plan.'*

Since this resolution, the objectives as adopted by Council (see attachment 1) have been further scoped with the relevant Group Managers and their staff and resources have been allocated within the draft 2010/11 Management Plan. Subject to the resources being finalised with the adoption of the 2010/11 Management Plan they will form the basis of the General Manager Performance Assessment. It should be noted that these objectives are only a small component of the total number of objectives due for completion next year across the organisation (see 2010/11 management plan). The General Managers objectives were selected as those which will have a significant impact on the City of Ryde Council and its projects and service delivery. Councillors will note that the objective relating to delivering a budget in accordance with the established 2010/11 Management Plan and associated quarterly review does not have a specific project plan since this process is an annual and quarterly process required under the Local Government Act. It should be noted however that a review of the budgeting and quarterly review process to streamline our approach will form part of the Corporate Service Directors objectives for 2011/12.

Clause 7.4 of the General Manager's contract states that *'Within 2 months after signing or varying the performance agreement, the employee will prepare and submit to Council an action plan which sets out how the performance criteria will be met'*. Attached for Councillors information is the project scoping documentation which indicates the scope of each project, the resources required, the anticipated timelines and milestones required to deliver these projects on time and to budget.

ITEM 2 (continued)

Obviously these projects vary in degree of complexity and this should be a consideration in how the General Manager's performance assessment is undertaken in August 2011.

This will be raised at the workshop to be held with Councillors on the General Managers Performance Assessment Methodology. A report will be submitted to the Council recommending the performance management process and the membership of the General Manager's performance review Committee on completion of this workshop.

To be discussed at the workshop, is that the performance assessment process will also consider the performance criteria ie the way that the objectives demonstrate that the General Manager:-

1. Models leadership
2. Manages change in ways that further develops the organization
3. Builds constructive organization cultures focused on agreed values and behaviours
4. Establishes budgets and maintains fiscal control
5. Improves service delivery
6. Focuses on ethical compliance

Conclusion

The performance objectives are one important component of the General Manager's Performance assessment and require commitment of resources of both labour and money as allowed for in the Draft 2010/11 Management Plan. It is critical that (subject to the accountability and resources remaining in the control of the General Manager), the General Manager is held accountable for their delivery.

Equally of importance, is that the way that the General Manager delivers these objectives against the performance criteria expected of the General Manager. This will be discussed at the Councillor workshop.

The attached project scoping documents models the behaviour expected across the organisation with regards to project management and as such all projects utilise our project management process (PM CoR).

3 JOINT REGIONAL PLANNING PANELS - Release of Interim Review of Operation

Report prepared by: Acting Manager Assessment

Report dated: 31/05/2010

File No.: GRP/10/4/001/4 - BP10/309

Report Summary

On 18 May 2010, the Minister for Planning (the Hon. Tony Kelly MP) released an Interim Review of Operation of Joint Regional Planning Panels (JRPPs). A copy of this Interim Review document is **ATTACHED** to this report.

The Minister for Planning has written to Councils to request that they support various changes aimed at further improving the operation of JRPPs, as identified in the Interim Review. As one particular outcome of the review, it is suggested that certain types of application currently dealt with by JRPPs should be returned to Council officers under delegation.

The Minister has requested a written commitment from Council to confer the delegations of the JRPP to an appropriate level of officer, following which further details will be provided on the delegations, such as commencement date. In this regard, it is recommended that Council nominates the General Manager as the officer with the delegation to determine these DAs, in keeping with the practice prior to the introduction of the JRPPs.

RECOMMENDATION:

That Council writes to the Minister for Planning (The Hon. Tony Kelly MP) to advise:

- (a) That Council supports the proposed changes to the operation of Joint Regional Planning Panels (JRPPs) as discussed in the letter from the Minister for Planning dated 18 May 2010.
- (b) That Council indicates its commitment to confer the delegations of the Joint Regional Planning Panel to the General Manager to determine the types of applications discussed in the letter from the Minister for Planning dated 18 May 2010.

ATTACHMENTS

- 1 Joint Regional Planning Panels: Interim Review of Operation
- 2 Joint Regional Planning Panels: Letter to the Mayor from Minister for Planning

Report Prepared By:

Chris Young
Acting Manager Assessment

Report Approved By:

Dominic Johnson
Group Manager Environment & Planning

ITEM 3 (continued)**Background**

On 18 May 2010, the Minister for Planning (the Hon. Tony Kelly MP) released an Interim Review of Operation of Joint Regional Planning Panels (JRPPs). A copy of this Interim Review document is **ATTACHED** to this report.

The Minister for Planning has written to Councils to request that they support various changes aimed at further improving the operation of JRPPs, as identified in the Interim Review. A copy of the Minister's letter dated 18 May 2010 is **ATTACHED** to this report. As one particular outcome of the review, it is suggested that certain types of application currently dealt with by JRPPs should be returned to Council officers under delegation, for example:

- minor modifications (under Section 96(1A) of the Environmental Planning and Assessment Act 1979) to development applications (DAs) that were determined by a JRPP;
- "straight-forward" DAs (no submissions and where the report recommends approval);
- Designated DAs with a Capital Investment Value (CIV) of less than \$5million.
- DAs in particular areas and precincts where detailed planning has already occurred – provided the proposal is strictly in accordance with identified key planning controls.

The Minister for Planning has requested responses from Council within 21 days (ie by 8 June 2010).

Report

Joint Regional Planning Panels (JRPPs) commenced operation on 1 July 2009 and the role of these Panels are to determine Regionally Significant developments, including:

- Development with a Capital Investment Value (CIV) over \$10 million, and less than \$100 million.
- The following development with a CIV over \$5 million and less than \$100 million:
 - Crown development
 - Development where council is the proponent or has a conflict of interest
 - Certain public and private infrastructure
 - Ecotourism
- Designated development.
- Certain coastal developments previously assessed as Major Projects to be determined by the Minister under the *Environmental Planning & Assessment Act 1979* (EP&A Act).

ITEM 3 (continued)

- Subdivision of land into more than 250 lots.

Since the commencement of the JRPPs in July 2009, there has been one (1) DA at the City of Ryde falling within the above criteria and considered/determined at the JRPP, namely LDA2010/54 for alterations to the ground floor and the addition of external services to the existing data centre at 54-60 Talavera Road Macquarie Park (estimated cost of development = \$30million). This was approved 20 May 2010.

JRPPs – Interim Review of Operation

When the JRPPs were being established, the Minister for Planning indicated that there would be an interim review report on the first month's operation of the JRPPs. An Interim Review of Operation of Joint Regional Planning Panels (JRPPs) dated April 2010 has now been released and is **ATTACHED** to this report.

The Interim Review discusses a range of aspects of the operation of JRPPs, including:

1. Issues raised during implementation including:
 - fees for panel members
 - pecuniary interest issues
 - expertise of Council nominees and conflict of duties
 - time and location of Panel meetings
 - delays in determining some types of DAs)
2. Development Application data and performance.
3. Review of Policy – various matters identified as part of the initial operation of the panels including:
 - Operational procedures and code of conduct
 - Complaints handling policy
 - Updated Frequently Asked Questions (FAQs) for the JRPP website
 - Determinations back to Councils.
 - Amendment to Major Development SEPP
4. Continued monitoring and review of the operation of JRPPs.

Proposed Delegations

Of particular relevance and importance to Council is the proposal that some applications can/will be returned to Council to determine. The kinds of applications that the Minister proposes will be able to be determined by Council are:

- Modifications (under Section 96(1A) of the Environmental Planning and Assessment Act 1979) to DAs that were determined by a JRPP. The Minister advises that amendments are currently underway for State Environmental Planning Policy (Major Development) 2005 to give effect to this change.

ITEM 3 (continued)

In addition to the above, the Minister proposes that Council will be delegated authority to determine the following kinds of DAs.

- “straight-forward” regionally significant DAs (no submissions and where the report recommends approval);
- Applications for “designated development” (as defined in the Environmental Planning and Assessment Act 1979) with a Capital Investment Value (CIV) of less than \$5million. The delegation would apply regardless of whether objections have been received, provided the report recommends approval.
- DAs in particular areas and precincts where detailed planning has already occurred – provided the proposal is strictly in accordance with identified key planning controls.

The Minister advises that the delegation would only apply to appropriate senior staff and not to the full Council or Council Committee, consistent with the Minister’s expressed intent of “depoliticising the planning system”.

In all of these 3 scenarios, it is proposed that the delegation would not apply to DAs where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

Implementation

The Minister has requested a written commitment from Council to confer the delegations of the JRPP to an appropriate level of officer, following which further details will be provided on the delegations, such as commencement date. In this regard, it is recommended that Council nominates the General Manager as the officer with the delegation to determine these DAs, in keeping with the practice prior to the introduction of the JRPPs.

ITEM 3 (continued)

ATTACHMENT 1



Planning

Joint Regional Planning Panels
Interim Review of Operation

APRIL 2010



ITEM 3 (continued)**ATTACHMENT 1****Purpose of review**

The Joint Regional Planning Panels were formally established on 1 July 2009 in five regions of New South Wales. A sixth Regional Panel, and an Interim Panel were both established on 1 September 2009. All are now functioning as part of the New South Wales Planning System. The NSW Government has allocated \$2.4 million in the 2009/10 budget to establish, operate and administer the Joint Regional Planning Panels.

The Regional Panels determine regionally significant developments, which include:

- Development with a Capital Investment Value (CIV) over \$10 million, and less than \$100 million
- The following development with a CIV over \$5 million and less than \$100 million:
 - Crown development
 - Development where council is the proponent or has a conflict of interest
 - Certain public and private infrastructure
 - Ecotourism
- Designated development
- Certain coastal developments previously assessed as Major Projects to be determined by the Minister under the *Environmental Planning & Assessment Act 1979* (EP&A Act).
- Subdivision of land into more than 250 lots

Regional Panels also have the function of determining modification applications under section 96(1) and (2) of the EP&A Act to DAs originally determined by the Regional Panel, and also have functions in relation to Crown development with a CIV under \$5 million which are referred under section 89 of the EP&A Act.

Regional Panels do not determine proposals for the above classes of regional development if they are:

- Development that are Major Projects to be determined by the Minister (that is, under Part 3A of the EP&A Act)
- Complying development
- Development that does not require consent (including exempt development and development under Part 5 of the EP&A Act)
- Development where the consent authority is not the council (including where the Minister is the consent authority)
- Development within the City of Sydney local government area.

The Regional Panels offer greater transparency, independence and professional rigour in determining applications on their merits.

When the Regional Panels system was established the former Minister for Planning announced that there would be an interim report on the first months of the Regional Panels operating. This review of the initial set up phase has been prepared in line with that commitment.

ITEM 3 (continued)**ATTACHMENT 1****1. Implementation**

The following five Joint Regional Planning Panels were constituted by the Joint Regional Planning Panels Order on 1 July 2009:

- Northern Region Joint Planning Panel;
- Hunter and Central Coast Joint Planning Panel;
- Southern Region Joint Planning Panel (excluding Wagga Wagga local government area);
- Sydney East Region Joint Planning Panel (excluding City of Sydney local government area); and
- Sydney West Joint Planning Panel

Following representations from councils in the western region of the state and Wagga Wagga council, the following Panels were constituted by amending the Panels Order on 1 September 2009:

- The Western Region Joint Planning Panel; and
- Wagga Wagga Interim Joint Planning Panel (which covers the Wagga Wagga local government area only).

Information sessions for councils, agencies & industry bodies were held in 14 regional locations across NSW; Ballina, Coffs Harbour, Dubbo, Gosford, Griffith, Hurstville, Liverpool, Newcastle, North Sydney, Queanbeyan, Parramatta, Tamworth, Wagga Wagga, and Wollongong. These were attended by over 300 local councillors, General Managers and senior council staff.

Selection of State and Council members

- Each Regional Panel has three State appointed-members and two members appointed by each council for decisions in their local council area. The 29 State appointed members and alternate members were the subject of an extensive selection process in accordance with the Department of Premier and Cabinet *Guidelines for NSW Board and Committee Members*. Generally, selection followed a comprehensive expression of interest process and consideration of applications by a panel of senior practitioners which included a representative from local government. Each State member has expertise in one or more of the areas specified in clause 2(1) of Schedule 4 of the EP&A Act.
- The appointment of council members is a matter for each of the relevant councils. Two council members are appointed to each Regional Panel; at least one council member is required to have expertise in one or more of the areas specified in the EP&A Act. The Department of Planning reviews nominations to ensure the provisions of the EP&A Act are met. The recommended term for council members to a Regional Panel is three years.
- Only seven of 151 councils have yet to provide their nominees to the Regional Panels. Reasons given for not nominating include being opposed to the Regional Panels; however some councils have stated that they see no need to provide nominees as they are unlikely to have applications which need to go before a Regional Panel.

If a regional development application is lodged in an area where the council has not nominated its members, the Department will request nominations for the Regional Panel. The application will be assessed by the local council planners, however should a council not provide nominations, the application will be determined by the three State appointed members of the Regional Panel.

The Department will continue to work closely with councils who have yet to nominate to resolve any outstanding concerns, and to ensure all local communities are represented in the decision making process on matters before their Regional Planning Panel. The Panel Secretariat has put a procedure in place to ensure that these councils are given every opportunity to nominate members when a regional development application is lodged.

ITEM 3 (continued)**ATTACHMENT 1****Orientation sessions across NSW & attendees**

- Following the selection of State members and nomination of most Council members, orientation and education sessions were held across New South Wales in the same locations as the information sessions. These were attended by 250 Council appointed panellists representing 116 councils. This ensured the panels were adequately informed and resourced to make decisions on regionally significant development.
- The Department will monitor the need for further training, and continue to work with councils to identify training opportunities such as preparing new nominees for their role as a Panel member.

2. Issues Raised During Implementation

The Department received and considered a substantial amount of feedback from the orientation sessions. Over the course of the initial eight months of operation, the Department also noted feedback from councils, the queries hotline and matters arising from individual regional development applications. Matters that have been regularly brought to the Department's attention have largely been:

Fees for Panel members

In June 2009, the Minister for Planning announced that the funding of the Regional Panels would be shared between the State Government and local councils, with the NSW Government meeting the cost of establishing and operating the panels, including the employment costs for the three State members and alternates for each Regional Panel. Councils continue to receive Development Application fees in full and are responsible for the processing, notification or advertising and assessment of individual applications as they ordinarily would. Councils are also responsible for the payment of fees to their members.

The EP&A Act requires that the Minister determine the rate of remuneration for all members of Regional Panels. Given the funding arrangements announced, the Minister determined it was appropriate to allow each council to determine rates of remuneration for its members. Accordingly Councils were advised of the approach in July 2009 and guidance was provided as to what could be considered appropriate rates of remuneration. The determination of appropriate rates and the payment of any remuneration for Council nominated members remains a matter for local councils.

Pecuniary interest

The EP&A Act requires that each panel member declares any pecuniary interest that arises. These declarations will also be made by Panel members on an annual basis. This information is also publicly available in the minutes of meetings on the Regional Planning Panel website: www.rpp.nsw.gov.au

Panel members do not carry out any functions under the *Local Government Act* and as such the disclosure requirements under that Act do not apply. Local councillors have a far broader range of responsibilities including financial responsibilities and functions under the *Local Government Act* than Regional Panel members under the EP&A Act.

Expertise of council nominees and conflict of duties

While each council is required to provide its panel nominees in accordance with the requirements of the EP&A Act, the Department has reviewed nominations to ensure the provisions of the Act were met. Where nominees were also staff members, the Department reviewed information provided by councils to confirm consistency with the Code of Conduct, and in particular that these staff members were not involved in the development assessment process at Council.

ITEM 3 (continued)**ATTACHMENT 1****Time and location of Panel meetings**

Panel meetings are held in the council area where the DA is located or as close by as possible to ensure all interested parties are able to attend. When meeting time and locations are being organised, the Panel Secretariat is mindful of the needs and distances travelled by Panel members and members of the public who may wish to attend a Panel meeting.

Delays in determining some types of applications

Some types of applications, including modification applications, will be straightforward and may not receive any community objection. Additionally, larger development applications may have a significant number of minor modification applications. Both have the potential to bring about unnecessary delays or costs to determinations of these types of applications through the Regional Panels system. It is proposed to address this issue by returning section 96(1A) modification applications to councils and delegating certain applications to council.

3. Development Application Data and Performance

Monthly reports are prepared by the Secretariat which monitors data such as the key data in the following three tables. The number of DAs lodged to date (196) across the various regions is generally consistent with the relative split of DA volumes per region as anticipated by the Department. The DAs for Regional Panels have been lodged with 64 councils across NSW.

From the numbers of DAs registered for determination by Regional Panels to date it is expected that approximately 270 applications are likely to be registered by 1 July 2010. This is approximately 20% less than the 320 initially expected based on 2007/08 data available prior to the Panels commencement, and may be largely due to the change in economic circumstances across the comparable periods.

Table 1: All DAs registered by region and application type (as at 31 March 2010)

Application Type	Hunter & Central Coast	Northern	Southern	Sydney East	Sydney West	Western	Wagga Wagga Interim	TOTAL
CIV > \$10M	7	11	12	33	39	2	1	104
Crown dev't >\$5M	1			1	3	1		6
Council dev't or interest > \$5M	1	2	4	1	3	1		12
Public & private infrastructure >\$5M	2	1		1	2		1	7
Ecotourism >\$5M								-
Designated Development	8	3	4	2	3	3		23
Coastal Development	2	7	5	1				15
Subdivision > 250 lots	1							1
Wagga Interim development							22	22
S.96 modifications		1	2		1			4
Crown DA – s89 referral				2				2
TOTAL	22	24	27	41	51	7	24	196

Each DA registered with the Panel Secretariat is counted in only once. For example, Designated Development with a CIV over \$10million will be counted as 'CIV over \$10million' and not the secondary category. The identification of the development type follows the order in the above table.

ITEM 3 (continued)

ATTACHMENT 1

Table 2: Summary of decisions and assessment time by application type (as at 31 March 2010).

Application Type	Approved	Refused	Total Applications Determined	Average determination (Days)	CIV of approvals	No. of lots approved
CIV > \$10M	16	6	22	111.6	\$359M	
Crown dev't >\$5M	3		3	120	\$24.2M	
Council dev't or interest > \$5M	4		4	88	\$19.6M	
Public & private infrastructure >\$5M	3		3	103	\$30.8M	
Ecotourism >\$5M			-			
Designated Development	5	1	6	146	\$8.8M	
Coastal Development	4		4	89	\$6M	40
Subdivision > 250 lots			-			
Wagga Interim development	5	4	9	102.6*	\$2.7M	
S.96 modifications	2		2	55	\$0	
Crown DA – s89 referral	1		1	128	\$5M	2
TOTAL	43	11	54	113.9**	\$454M	42

* Excluding s.96 modification applications

* Excluding 3 Wagga Interim DAs lodged prior to 1 July 2009

Notes: 13 DAs registered for determination by a Regional Panel have been withdrawn by the applicant
5 DAs registered have been referred back to council as they were not 'Regional Development'

The majority of applications registered and determined to date are those having a CIV over \$10 million, with Crown, council and social infrastructure DAs with a CIV over \$5 million also well represented in the numbers of DAs registered. These were the principal categories of development intended to be dealt with by Regional Panels. The numbers of DAs for designated development are as anticipated, however it is notable that the value of most of these DAs is generally low, with the majority of applications being under CIV of \$1 million.

Performance

Table 3: Average number of days for key stages (as at 31 March 2010).

	Total No. of determinations	Council Processing (lodgement to start of exhibition)	Public Exhibition Period	Council Assessment (start of exhibition to submission of report)	Panel Referral (Report received by Secretariat to Panel meeting)	Total Assessment (DA lodged at council to Panel determination)
Hunter & Central Coast	4	9.7	20	121.3	12	141.8
Northern	8	17.4	20.9	60.9 ⁺	10.4 ⁺	91.3 ⁺
Southern	10	9.5	27.6	92.7	11	112.4
Sydney East	12	12.3	21.3	72.7	17.3	102.3
Sydney West	9	23.1	18.9	101 ⁺	12.3 ⁺	134.8 ⁺
Western	2	14.5	14	59.5	6.5	80.5
Wagga Wagga Interim	9	33.8	19.3	N/A	N/A	119.7*
YTD AVERAGE	54	18.3	20.9	84.6⁺	12.8⁺	113.9^{**}

* Excluding s.96 modification applications

* Excluding Wagga Interim DAs lodged prior to 1 July 2009

Some internal assessment times are not available for Wagga Wagga applications as these aspects of the process are undertaken by Council and not currently monitored by the Panel Secretariat.

ITEM 3 (continued)**ATTACHMENT 1****Merit decision making**

To date, only one determination has not been consistent with the recommendation contained in council's assessment report, to either approve or refuse the application. That application was recommended for refusal; however the panel voted 3:1 to approve the DA subject to conditions.

In addition to the 54 determinations there have also been 5 applications that have been considered by Regional Panels and these remain deferred for the submission of additional information.

Decisions are being made consistently with professional merit-based planning advice, consistent with the clear intent behind the introduction of Regional Panels.

Community interest

The types of development to be dealt with by Regional Panels are those expected to attract higher levels of community input by way of submission, partly due to the dollar values and usual scale of these projects and also due to potential environmental impacts, such as for designated development. Excluding 'Wagga Interim Development', which includes a number of small scale projects that do not meet development standards, there have been 45 determinations by Regional Panels, and 19 of these (42%) received no submissions and were subsequently approved.

Time frames

Early signs are that the overall assessment and determination time at an average of 105 days is acceptable. This represents a significant improvement on the 2008-09 State-wide average for all DAs valued over \$5 million, which was 249 days, and the average for DAs valued over \$20 million, which was 324 days.

The average time councils took to publicly exhibit the applications which have been determined by Regional Panels is 18.3 days, which is considered a reasonable time period to undertake the range of tasks required. However the time taken to exhibit matters which are yet to be determined is 24.1 days, which indicates there is a build up of DAs where notification has been delayed by requests for further information. It is considered essential that applications which require public exhibition should be notified within 14 days of receipt, unless there are exceptional circumstances.

The time for councils to complete their assessment of these applications and provide their reports to the Panel Secretariat, is at 85 days or almost 3 months, considered excessive for most applications. Again for applications yet to be considered by Regional Panels this time period will increase. In most circumstances it is considered that the period from the commencement of exhibition to completion of assessment should not be greater than 60 days, or approximately 8 weeks.

The average time for a completed assessment report to be referred to a panel meeting is within the internal benchmark, which is an average of 14 days. This is being met through coordination with councils and setting aside potential meeting dates for each Regional Panel.

While early positive results are encouraging, there is a significant growing build up of applications which are awaiting determination by the Regional Panels, and these determinations are dependant on the completion of an assessment report by council. A formal follow up process is being developed to ensure that the Regional Panels deliver on the Government's commitment to ensure a significant reduction in DA processing times is achieved.

ITEM 3 (continued)**ATTACHMENT 1****4. Review of Policy**

As a result of considering issues raised during implementation, monitoring matters arising from individual applications, and considering feedback, there are a number of early changes proposed to Regional Panel operations. These changes are not significant and are mainly of a procedural nature or to provide clearer explanation of procedural requirements. The changes have also been discussed with a number of stakeholders, including the Department of Local Government and the Local Government and Shires Association.

Operational Procedures & Code of Conduct

The Operational Procedures and Code of Conduct have been reviewed in response to questions from orientation sessions and matters arising from operational experiences. Generally the Procedures have been updated to more clearly detail specific actions required for the successful operation of panels, particularly in the areas of monitoring of applications, briefing meetings, reporting, and decision making.

The principal change to the Code of Conduct is to clarify that it is acceptable for Council staff to be members of a Regional Panel where appropriate reporting arrangements are in place to ensure there is no conflict in the staff member's duties. The Procedures and Code will continue to be kept under review and may be amended as required.

Complaints Handling Policy

In mid 2009 a draft Complaints Handling Policy was prepared to provide an explanation of the process for dealing with complaints about Panel operations and Panel members.

The draft Policy was issued to the Independent Commission Against Corruption and the New South Wales Ombudsman for comment, and these were taken into consideration in finalising this Policy. The Complaints Handling Policy was also prepared in consideration of the Department's Lobbying Guidelines and the Department's own policy for handling complaints, and guidelines from the Ombudsman. This Policy will be released with the revised Code of Conduct.

Updated Frequently Asked Questions for Regional Panels website

Some matters which were raised at the orientation and training sessions raised important questions which were not appropriate to be included in the Operational Procedures and Code of Conduct.

To address all matters raised in Regional Panel it is proposed to update the existing FAQs on the Regional Panels website, and the existing Fact Sheet on the establishment of Regional Panels, by expanding these to a series of 4 Fact Sheets, providing FAQs based around the three areas: Panel operations; Panel Regions; DA lodgement and assessment; and DA determination. The updated Fact Sheets will be released with the revised Procedures and Code of Conduct.

Determinations back to councils

The Department has investigated opportunities which will expedite determination times of straightforward applications which require determination by a Regional Panel, without compromising assessment processes. Councils will determine minor modifications to applications determined by Regional Panels, this is being implemented by an amendment to the Major Development SEPP.

Further to this, delegations for other application types are currently being explored, such as some designated development, DAs within particular areas, and precincts and straightforward applications where the assessment report recommends approval and there have been no objections in submissions lodged on the application. In the interests of expediting determination times, and depoliticising the planning system, these delegations would only be applied to those councils who confer the authority to an appropriate officer level. These changes will be brought about by an Instrument of Delegation prepared under the EP&A Act.

ITEM 3 (continued)**ATTACHMENT 1****Major Development SEPP Amendment**

In 2009, amendments to the Major Development SEPP established which Council consent functions would be exercised by the Regional Panels, and what development Regional Panels would determine. Following implementation of Regional Panels it has been identified that a number of minor matters need to be dealt with through amendments to the Major Development SEPP. Minor amendments are proposed to:

- Make Councils the consent authority for modification applications involving minimal environmental impact, ie section 96(1A) modification applications
- Confirm Regional Panels are the consent authority to section 96AA modification applications, where the original DA was determined by a Regional Panel.
- Clarify that subdivision applications of land where a certain number of lots will not be connected to a sewerage treatment system are to be determined by Regional Panels, and
- Clarify that Regional Panels are the consent authority where a local council is the proponent for staged development with a CIV of \$5 million.

Capital Investment Value SEPP & EP&A Regulation Amendment

The Capital Investment Value (CIV) of a proposed development determines whether or not a Regional Panel will be the consent authority for particular classes of development.

The definition of CIV in the EP&A Regulation will be amended to clarify what constitutes CIV. The CIV of a development includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, but does not include such costs as land costs, GST, costs relating to any part of the development that is the subject of a separate development consent, costs payable under a condition of consent, eg section 94 contributions. The revised definition clarifies that developer levies and work subject to another consent are not to be included in the calculation of CIV.

The proposed SEPP will replace all the existing definitions of CIV in other *State Environmental Planning Policies* and in doing so provide a standard definition throughout the New South Wales planning system.

5. Looking Ahead

The Department will continue to monitor and review the operation of the Regional Panels, with annual performance reporting to be conducted and included in the local government monitoring report. Further data is required before other operational matters can be reviewed, for example;

- Monitoring the volume and processing times for applications which are proposed to delegated to councils, (ie DAs with no submissions), and whether there is scope for further delegation to councils.
- Monitoring the volume and number of types of development applications and their determination times may justify further delegation of some types of regional development applications to councils for determination.
- Monitoring the volume and number of development applications in each region will allow the Department to assess the appropriateness of Regional Panel boundaries and/or number of regions.

There will be regular updates for all Regional Panel members, including orientation and resource packs for new members, and identifying other training opportunities. Regional Panels are now an integral part of the NSW planning system, providing a strong, efficient, and transparent decision making body. Decisions are being made on merit by the Regional Panel members having expert and local knowledge.

ITEM 3 (continued)**ATTACHMENT 1****Feedback**

The Panel Secretariat, the administrative body established to provide support to the regional Panels, is the first point of contact for any enquiries or comments. Members of the public may wish to contact the Secretariat to:

- Request to make a submission at a Regional Panel Meeting
- Provide feedback to the Regional Panels
- Make a complaint or provide a compliment about a Regional Panel's policy, procedure or quality of service
- Make a general enquiry about Regional Panels' operations.

There are a number of ways to contact the Secretariat:

Email irppenquiry@irpp.nsw.gov.au

Phone 1300 948 344
 (02) 9383 2121

Website www.irpp.nsw.gov.au

ITEM 3 (continued)

ATTACHMENT 2



New South Wales
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

Cir Michael Butterworth
Ryde City Council
Locked Bag 2069
North Ryde NSW 1670

10/07603

18 MAY 2010

Dear Cir Butterworth:

I am pleased to advise that the Joint Regional Planning Panels (Regional Panels), established on 1 July 2008, are now a successful part of the New South Wales planning system. The Government is committed to working collaboratively with Council, industry and the community to build a better planning system for New South Wales.

I am writing to ask your Council to join in a further initiative that will see a range of applications currently dealt with by the Regional Panels, determined by council officers under delegation.

The Department of Planning recently completed an Interim Review of Operation for the Regional Panels, which can be found on the Regional Panels website at www.rpp.nsw.gov.au. As part of the review, the Department is considering opportunities to improve determination times of certain types of applications which currently require determination by a Regional Panel, without compromising the need for an assessment processes based entirely on merit.

Return of Modification Applications to Council

I am pleased to advise that amendments are currently underway for State Environmental Planning Policy (Major Development) 2005, to return to Councils the consent authority role for section 95(1A) modification applications under the EP&A Act, where the relevant development consent has been determined by a Regional Panel. The Department will advise you when this amendment takes place.

Proposed Delegations

I am also proposing that the Regional Panel Chairs delegate Regional Panel applications in three circumstances where your Council has agreed that these applications will be determined by appropriate senior staff and not by the full Council or Council committee, consistent with the theme of depoliticising the planning system.

ITEM 3 (continued)**ATTACHMENT 2**

- **Straightforward Applications**

The proposed delegation will allow Council to determine regionally significant applications where there have been no objections received, and the assessment report recommends approval (either with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Designated Development**

The proposed delegation will allow Council to determine designated development with a Capital Investment Value of \$5 million or less, which is currently determined by a Regional Panel. The delegation would apply regardless of whether there have been objections received, provided the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Areas and precincts**

The proposed delegation will allow Council to determine regionally significant applications located in particular areas and precincts where detailed planning has occurred, regardless of whether there have been objections received, provided the proposed development is strictly in accordance with identified key planning controls, and where the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

The Department requests Council to identify and provide details on areas within Council's local government area, such as Business Parks, which have detailed planning controls that clearly outline what development is appropriate. Where such controls are in place, the Department will consider delegating regionally significant applications to Council to determine. Council should include details of past and possible future applications in these precincts or areas to illustrate the utility of this delegation.

All regionally significant applications must be registered with the Panel Secretariat within seven days of lodgement at Council. The Panel Secretariat would still need to be informed of notification dates and of any submissions received. The Panel Secretariat would continue to coordinate Panel briefing meetings in some instances.

Delegation to Officer Level

In order to effectively utilise the proposed delegations, consistent with the common goals of depoliticising the planning system and improving determination timeframes, the delegations will only apply to councils which have themselves delegated the authority to make decisions for these classes of applications to an appropriate officer of the Council.

Determination

The delegated Council officers will be able to refuse an application even though the assessment report recommends approval, however a refusal in such circumstances is unlikely and would need to be supported by sound planning reasons. The delegations will apply to Development Applications and section 96(2) modification applications under the Environmental Planning and Assessment Act 1979 (EP&A Act).

ITEM 3 (continued)**ATTACHMENT 2****Trial Period**

It is envisaged that the proposed delegations will be in operation for a 12 month trial period, after which they will be reviewed to determine what further opportunities and measures may be justified and put into place.

Implementation

A written commitment to confer the delegations to an appropriate level of officer, and information on applicable precincts and areas as outlined above, is requested by the Department within 21 days of the date of this letter.

The Chair of Council's Regional Panel will then write to Council with further details on the delegations, such as commencement date.

The Department is seeking to work with Council throughout the finalisation and preparation of these delegations. I look forward to a continued strong working relationship between your Council the Regional Panel, and the Department.

You may call Mr Shayne Watson, Director Assessment Systems and Strategies, directly on (02) 9228 6302 or by e-mail shayne.watson@planning.nsw.gov.au should you require any further information.

Thank you for your co-operation on this important initiative.

Yours sincerely,



Tony Kelly MLC
Minister for Planning

4 OUTSTANDING RESOLUTIONS REPORT

Report prepared by: Manager - Governance

Report dated: 1/06/2010

File No.: GRP/10/3/001/6 - BP10/310

REPORT

This Outstanding Resolutions Report is presented to Council for its consideration, as agreed from the Councillors/ Executive Team workshop on Saturday, 22 May 2010.

The report has been produced as at 31 May 2010 and is provided in two (2) sections, a Summary of Outstanding Resolutions and a Detailed Outstanding Resolution Report. **(ATTACHMENTS 1 and 2)**

This Report is formally submitted to Council to review the status of outstanding items, confirm the date reports are due to be reported back to Council and also to provide feedback on the Report's format. The Report details all outstanding resolutions, the last advice to Councillors of when the matter would be reported back to Council, where applicable the anticipated date for the report to Council and supporting comments on the item.

It is proposed for all future Reports to be provided on a monthly basis to Councillors through the Councillors' Information Bulletin and placed on the Councillors' portal.

RECOMMENDATION:

- (a) That the Outstanding Resolutions report be endorsed.
- (b) That Council endorse future reports being provided to Councillors on a monthly basis through the Councillors' Information Bulletin and the Councillor Portal.

ATTACHMENTS

- 1 Outstanding Resolutions summary 31 May 2010
- 2 Outstanding Resolutions Report - 31 May 2010

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 4 (continued)

ATTACHMENT 1

Outstanding Resolutions - Summary

Meeting Details Works and Community 8/04/2008	Resolution BUSHLAND WALKING TRACKS	Due Date of Report	Responsible Officer
		18/05/2010	Peter Hickman
		Anticipated Date of Report	Group
		1/06/2010	Community Life
Meeting Details Works and Community 26/05/2009	Resolution PROVISION OF BUBBLERS IN PUBLIC DOMAIN AREAS AND MAJOR PARKS	Due Date of Report	Responsible Officer
		26/05/2010	Matthew Lewis
		Anticipated Date of Report	Group
		1/10/2010	Public Works
Meeting Details 23/06/2009	Resolution Draft Investment Policy Guidelines	Due Date of Report	Responsible Officer
		30/06/2010	Roy Newsome
		Anticipated Date of Report	Group
		31/08/2010	Corporate Services
Meeting Details Council 25/08/2009	Resolution WEST RYDE & GLADESVILLE EVENTS & PROMOTIONS COMMITTEES	Due Date of Report	Responsible Officer
		1/11/2009	Derek McCarthy
		Anticipated Date of Report	Group
		15/06/2010	Community Life

Wednesday, 2 June 2010

Page 1 of 5

ITEM 4 (continued)

ATTACHMENT 1

Meeting Details Committee of the Whole 6/10/2009	Resolution RESULT OF PUBLIC EXHIBITION - Extension of Dog Off Leash Area Times at Meadowbank Park	Due Date of Report 20/07/2010 Anticipated Date of Report 20/07/2010	Responsible Officer Peter Hickman Group Community Life
Meeting Details Council 13/10/2009	Resolution PLAYING FIELD LIGHTING PROGRAM 2009/2010 - Proposed Projects	Due Date of Report 1/05/2010 Anticipated Date of Report 1/08/2010	Responsible Officer Matthew Lewis Group Public Works
Meeting Details Council 20/10/2009	Resolution PUBLIC- PRIVATE PARTNERSHIP (PPP) - Bevillesta and Council and City of Ryde - Signage Rights, Southern Pedestrian Bridge, North Face.	Due Date of Report 27/04/2010 Anticipated Date of Report 1/09/2010	Responsible Officer Project Manager, Ryde Town Centre Group Public Works
Meeting Details Council 10/11/2009	Resolution FLOOD DAMAGE – Eastwood & Terry's Creek Floodplain –	Due Date of Report 1/07/2010 Anticipated Date of Report 1/07/2010	Responsible Officer Matthew Lewis Group Public Works

ITEM 4 (continued)

ATTACHMENT 1

Meeting Details Council 24/11/2009	Resolution PUBLIC EDUCATION CAMPAIGN	Due Date of Report	Responsible Officer
		20/07/2010	Leon Marskell
		Anticipated Date of Report 20/07/2010	Group Environment and Planning
Meeting Details Council 9/02/2010	Resolution PLAQUES IN PUBLIC PLACES	Due Date of Report	Responsible Officer
		1/06/2010	Mathew Lewis
		Anticipated Date of Report 22/06/2010	Group Public Works
Meeting Details Council 23/02/2010	Resolution MACQUARIE PARK PARKING STUDY	Due Date of Report	Responsible Officer
		20/07/2010	Nick Chapman
		Anticipated Date of Report 20/07/2010	Group Environment and Planning
Meeting Details Committee of the Whole 20/04/2010	Resolution CITY OF RYDE HERITAGE STUDIES	Due Date of Report	Responsible Officer
		3/08/2010	Meryl Bishop
		Anticipated Date of Report 3/08/2010	Group Environment and Planning

ITEM 4 (continued)

ATTACHMENT 1

Meeting Details Committee of the Whole 4/05/2010	Resolution BOARDING HOUSE - Integrated Enforcement and Education Program	Due Date of Report 20/07/2010	Responsible Officer Scott Cox
		Anticipated Date of Report	Group Environment and Planning
		20/07/2010	
Meeting Details Council 11/05/2010	Resolution IMPROVING SECURITY AT GLEN RESERVE, EASTWOOD	Due Date of Report 20/08/2010	Responsible Officer
		Anticipated Date of Report	Group Community Life
		20/08/2010	
Meeting Details Council 11/05/2010	Resolution 745 VICTORIA RD, RYDE	Due Date of Report 22/06/2010	Responsible Officer Michael Betts
		Anticipated Date of Report	Group Public Works
		22/06/2010	
Meeting Details Committee of the Whole 18/05/2010	Resolution NORTH ROAD, EASTWOOD - Proposed Central Concrete Median.	Due Date of Report 15/06/2010	Responsible Officer Ramesh Desai
		Anticipated Date of Report	Group Public Works
		15/06/2010	

Wednesday, 2 June 2010

Page 4 of 5

ITEM 4 (continued)

ATTACHMENT 1

Meeting Details Committee of the Whole 18/05/2010	Resolution COUNCILLOR ATTENDANCE AT CONFERENCES	Due Date of Report	Responsible Officer
		30/09/2010	Shane Sullivan
		Anticipated Date of Report	Group Corporate Services
Meeting Details Committee of the Whole 18/05/2010	Resolution NATURAL AREAS - Expression of Interest for Service Providers	Due Date of Report	Responsible Officer
		30/07/2010	Peter Hickman
		Anticipated Date of Report	Group Community Life
Meeting Details Committee of the Whole 18/05/2010	Resolution ENFORCEMENT OF UNAUTHORISED FOOTPATH USE- 2 West Parade, West Ryde	Due Date of Report	Responsible Officer
		7/09/2010	Meryl Bishop
		Anticipated Date of Report	Group Environment and Planning

ITEM 4 (continued)

ATTACHMENT 2

Outstanding Resolutions - Report

Meeting Details Works and Community 8/04/2008	Resolution BUSHLAND WALKING TRACKS Report on developing a strategy to manage bushland walking tracks	Due Date of Report 18/05/2010 Anticipated date 1/06/2010 Group Community Life Responsible Officer Peter Hickman	Comments Data collection being undertaken currently. Update provided to BEACR in February 2009. Workshop with Councillors June 2009. A report to be presented to Works & Community on 18 May 2010. Waiting on maps from IT. Report being prepared for WC in July 2010.
Meeting Details Works and Community 26/05/2009	Resolution PROVISION OF BUBBLERS IN PUBLIC DOMAIN AREAS AND MAJOR PARKS PF&S 06/09 Item 6 (referred to Council) (d) That twelve months after the installation of the bubblers outlined in (b) above a further report be provided to Council.	Due Date of Report 26/05/2010 Anticipated date 1/10/2010 Group Public Works Responsible Officer Matthew Lewis	Comments Report expected October 2010.

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details	Resolution	Due Date of Report	Comments
23/06/2009	Draft Investment Policy Guidelines	30/06/2010	<i>Since June 2009, Council has been awaiting the publication of the new Investment Policy guidelines. A number of enquiries were made in 2009 and earlier this year and Council was advised that the guidelines were going through the approval process together with a revised Minister's Investment Order. The new Guidelines were issued by the Department of Local Government on Tuesday 25 May 2010. To allow a proper review of the Draft Guidelines and consult with Council's Investment Adviser, Oakvale, it is anticipated this matter will be reported to Council by 31 August 2010.</i>
	FAC 05/09 Item 4	Anticipated date 31/08/2010	
	(d) That, following the issuing by the Department of Local Government of the Investment Policy Guidelines, a review of Council's Investment Policy be undertaken and reported to a future Finance and Audit Committee meeting.	Group Corporate Services	
		Responsible Officer Roy Newsome	
Meeting Details	Resolution	Due Date of Report	Comments
Council 25/08/2009	WEST RYDE & GLADESVILLE EVENTS & PROMOTIONS COMMITTEES	1/11/2009	<i>Report being prepared for Council in November 2009</i>
	NoM2	Anticipated date 15/06/2010	<i>Report being prepared for COW-15 June 2010</i>
	(b) That a further report be prepared that considers having both a town centre specific Events & Promotions Committee and/or a City Wide Events & Promotions Committee.	Group Community Life	
		Responsible Officer Derek McCarthy	

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details Committee of the Whole 6/10/2009	Resolution RESULT OF PUBLIC EXHIBITION - Extension of Dog Off Leash Area Times at Meadowbank Park Item 2 (c) That the General Manager prepare a report to Council detailing suitable alternate locations within Meadowbank Park with the intention to extend the dog off leash hours.	Due Date of Report 20/07/2010 Anticipated date 20/07/2010 Group Community Life Responsible Officer Peter Ilickman	Comments <i>Report being prepared for COW on 21 April 2010.</i> <i>Report being prepared for COW on 20 July 2010.</i>
Meeting Details Council 13/10/2009	Resolution PLAYING FIELD LIGHTING PROGRAM 2009/2010 - Proposed Projects GM 17/09 Item 11 (d) That a further report be submitted to Council on Piddling Park, proposed sports lighting once the NSW grant funding is determined.	Due Date of Report 1/05/2010 Anticipated date 1/08/2010 Group Public Works Responsible Officer Matthew Lewis	Comments <i>Council was unsuccessful in its application for Community Building Partnership Grant. Council has applied for a NSW Sports & Recreation Facility Grant, which it is anticipated will be determined by August 2010 - Report to the Committee of the Whole to follow. (Updated 10/5/10)</i>

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details	Resolution	Due Date of Report	Comments
Council 20/10/2009	PUBLIC- PRIVATE PARTNERSHIP (PPP) - Bevilvesta and Council and City of Ryde - Signage Rights, Southern Pedestrian Bridge, North Face. GIM 18/09 Item 7 (b) That consideration of this matter be deferred and a further report be presented back to Council providing supplementary information and options for Council's consideration.	27/04/2010 Anticipated date 1/09/2010 Group Public Works Responsible Officer Project Manager, Ryde Town Centre	Report expected 27 April 2010. Negotiations have commenced with the Developer concerning any income which Council could expect from its portion of the Bridge signage. However, the Developer has declined to take the signage package to the market for tender, as the advertising market is generally depressed at the present time, and has decided to await market recovery in order to secure the best price. Report anticipated by September 2010. (Updated 24/5/10).
Meeting Details	Resolution	Due Date of Report	Comments
Council 10/11/2009	FLOOD DAMAGE – Eastwood & Terry's Creek Floodplain – GIM 19/09 NoM1 (a) Compare the predicted extent of flood damages on the most affected properties at the lower end of area 7 in the Eastwood and Terry's Creek floodplain with the predicted flood damages of properties that Council has purchased for flood amelioration in other catchments in recent years; and (b) Advise whether an offer to purchase the most affected Terry's Creek area 7 properties would be consistent with past practice and manageable within future drainage budgets	1/07/2010 Anticipated date 1/07/2010 Group Public Works Responsible Officer Mathew Lewis	Technical Assessment underway (flood damage calculations) and Report expected in May / June 2010. Updated 10/5/10. Report date revised - expected 22 June 2010. Updated 24/5/10.

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details Council 24/11/2009	Resolution PUBLIC EDUCATION CAMPAIGN GIM 20/09 NoM01 (b) That the General Manager report on the safety concerns of rangers and measures taken to address these concerns including campaign options and resource implications.	Due Date of Report 20/07/2010 Anticipated date 20/07/2010 Group Environment and Planning Responsible Officer Leon Maskell	Comments <i>Various initiatives developed - finalisation of liaison between Regulatory Services and Community Relations and Events Teams to complete report. Report to Committee of the Whole Meeting on 20 July 2010.</i>
Meeting Details Council 9/02/2010	Resolution PLAQUES IN PUBLIC PLACES NoM5 That Council develop a policy on plaques in public places	Due Date of Report 1/06/2010 Anticipated date 22/06/2010 Group Public Works Responsible Officer Matthew Lewis	Comments <i>Draft Policy prepared and circulated to internal stakeholders for comment. Report expected 22 June 2010. (Updated 10/5/10).</i>

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details Council 23/02/2010	Resolution MACQUARIE PARK PARKING STUDY Council 02/10 Item 4 (b) That a Report be prepared for Council summarising the outcomes of the public exhibition process, with a recommended approach for the finalisation of the Macquarie Park Parking Study.	Due Date of Report 20/07/2010 Anticipated date 20/07/2010 Group Environment and Planning Responsible Officer Nick Chapman	Comments Study was presented to the Macquarie Park Forum on 15 April 2010 and was also presented to a group of representatives from transport agencies on 30 April 2010. Study on public exhibitions from 28 April to 28 May 2010 with submissions closing on 28 May 2010. Report to Committee of the Whole Meeting on 20 July 2010.
Meeting Details Committee of the Whole 20/04/2010	Resolution CITY OF RYDE HERITAGE STUDIES Item 5 (b) That consultation with the owners of proposed new heritage items and owners of properties affected by proposed boundary changes to heritage conservation areas be undertaken in accordance with the recommendations of the Heritage Study 2010 and this report and this will include measures to assist the current and future owners of heritage items. (c) That the outcomes of the consultation be reported to Council.	Due Date of Report 3/08/2010 Anticipated date 3/08/2010 Group Environment and Planning Responsible Officer Meryl Bishop	Comments Letters distributed to property owners - comments due back by 18 June 2010. Drop-in sessions to be held on 24 and 31 May 2010. A briefing session to be held on 31 May 2010 from 6.00pm to 7.00pm. Report to Committee of the Whole Meeting on 3 August 2010.

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details Committee of the Whole 4/05/2010	Resolution BOARDING HOUSE - Integrated Enforcement and Education Program COW 06/10 (f) That the first task of the Project Coordinator be to conduct a workshop with all stakeholders, prior to engaging with any community organisations. (h) That following the Workshop set out in (f) the General Manager provide a report to Council with suggestions to enable easier enforcement of illegal boarding houses.	Due Date of Report 20/07/2010 Anticipated date 20/07/2010 Group Environment and Planning Responsible Officer Scott Cox	Comments <i>Initial meeting held with Community Life staff regarding the program. Homestay promotion to be advertised in the Ryde CityView in June. Project Co-ordinator advertisement and scope of works drafted. Report to Committee of the Whole Meeting on 20 July 2010.</i>
Meeting Details Council 11/05/2010	Resolution IMPROVING SECURITY AT GLEN RESERVE, EASTWOOD Notice of Motion 5 a) That the General Manager prepare a report to examine measures to improve security and prevent anti-social behaviour at Glen Reserve (including better public lighting at night time), particularly behind the building at 20-22 Glen Street. The report is to be initially presented to the Crime Prevention Advisory Committee. b) That following this report, a further report to Council be provided that examines similar reserves where anti-social behaviour occurs.	Due Date of Report 20/08/2010 Anticipated date 20/08/2010 Group Community Life Responsible Officer	Comments <i>a) The Road & Community Safety Officer is meeting with the Crime Prevention Officer at Eastwood Local Area Command on Wednesday 26 May 2010 to conduct a site visit. The Council report will go to the Crime Prevention Advisory Committee meeting on 17 June 2010.</i> <i>b) Similar reserves where anti-social behaviour occurs will be addressed in the Crime Prevention Plan. The Road & Community Safety Officer is meeting with the Gladesville Local Area Command's Crime Prevention Officer the week of 31 May 2010 to conduct a site visit. .</i>

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details Council 11/05/2010	Resolution 745 VICTORIA RD, RYDE Notice of Motion 3 That the General Manager prepare a report for Council detailing the development options of all Council's investment properties.	Due Date of Report 22/06/2010 Anticipated date 22/06/2010 Group Public Works Responsible Officer Michael Betts	Comments <i>Report being prepared for Council at it's meeting to be held on 22 June 2010. It is intended that this Report will also cover all of Council's investment property portfolio. (Updated 31/5/10).</i>
Meeting Details Committee of the Whole 18/05/2010	Resolution NORTH ROAD, EASTWOOD - Proposed Central Concrete Median. COW - 18 May 2010 Item 22: (a) That the matter be deferred to allow consultation with affected residents. (b) That a further report be provided to the Works & Community Committee following the consultation referred to in (a).	Due Date of Report 15/06/2010 Anticipated date 15/06/2010 Group Public Works Responsible Officer Ramesh Desai	Comments <i>A report to Works & Community Committee is being prepared for Meeting to be held on 15 June 2010. (Updated: 27/5/10)</i>

ITEM 4 (continued)

ATTACHMENT 2

Meeting Details Committee of the Whole 18/05/2010	Resolution COUNCILLOR ATTENDANCE AT CONFERENCES RESOLUTION: (Moved by Councillors Petch and Yedellian OAM) (a) That a Committee of the Whole Meeting be conducted as per the published meeting schedule on Tuesday, 15 June 2010. (b) That Council develop guidelines for Councillor attendance at Conferences.	Due Date of Report 30/09/2010 Anticipated date 30/09/2010 Group Corporate Services Responsible Officer Shane Sullivan	Comments <i>Guidelines to be developed in conjunction with the review of the Councillor Expenses and Facilities Policy for September 2010.</i>
Meeting Details Committee of the Whole 18/05/2010	Resolution NATURAL AREAS - Expression of Interest for Service Providers (c) That a workshop be conducted including Councillors, bushland volunteers and staff to develop suitable criteria for the engagement of contractors and Mr Brown's report be circulated at that workshop.	Due Date of Report 30/07/2010 Anticipated date 27/07/2010 Group Community Life Responsible Officer Peter Hickman	Comments <i>Open Space Manager organising workshop for July. Mr Brown's letter to be distributed at this workshop.</i>

ITEM 4 (continued)**ATTACHMENT 2**

Meeting Details	Resolution	Due Date of Report	Comments
Committee of the Whole 18/05/2010	ENFORCEMENT OF UNAUTHORISED FOOTPATH USE- 2 West Parade, West Ryde RESOLUTION: (Moved by Councillors Petch and Tagg (a) That this matter be deferred to allow a further report to be provided regarding a policy to allow such activities on both sides of the railway line at West Ryde and any other similar area in the Ryde local government area. (b) That Council take no further action in relation to this unauthorised footpath use until the further report as set out in part (a) of this resolution is considered by Council.	7/09/2010 Anticipated date 7/09/2010 Group Environment and Planning Responsible Officer Meryl Bishop	

5 BRUSH FARM HOUSE - MARKET ANALYSIS FOR USE

Report prepared by: Senior Community Planner**Report dated:** 30 April 2010**File No.:** GRP/09/6/1/7 - BP10/312

Report Summary

The purpose of this report is to recommend to Council that a market analysis for the future use of Brush Farm House be undertaken to determine additional potential options for the future use of the property. The reason for the review is that:

- a. The current use of Brush Farm House as an art and cultural centre will require significant ongoing financial resources to support operations;
- b. Strategically Brush Farm House may not be the best option for the allocation of Council's arts and cultural resources.

The aim of the review will be to consider other suitable uses and options that provide a more financially sustainable solution and use for Brush Farm House in the future. The outcome from this market analysis will be to ensure the City of Ryde is providing the best 'value for money' solution to the community.

The development of a strategic direction for Council's arts and cultural facilities will be the subject of a future study.

RECOMMENDATION:

- (a) That a market analysis of potential uses for Brush Farm House be undertaken to identify potential options for the future use of the property.
- (b) That no further capital expenditure be incurred until the market analysis has been further considered.

ATTACHMENTS

Business Plan & Financial Module – circulated under separate cover

Report Prepared By:

Paul Graham
Senior Community Planner

Report Approved By:

Baharak Sahebekhtiari
Manager - Community and Culture

Michael Betts
Manager - Buildings and Property

Simone Schwarz
Group Manager - Community Life

ITEM 5 (continued)**Background**

The background information provided in this report tracks the Brush Farm House business case completed on 9 June 2005, the following expression of interest in July 2005, and the endorsed recommendations from reports to Council on the 15 May 2007 and the 21 July 2009.

June 2005 - Brush Farm House Business Case Study

To determine possible uses for Brush Farm House with a view to the restoration of the property, the City of Ryde undertook a Business Case Study which examined the viability of two options:

- Training/Education facility and associated offices
- Function/Conference Centre

Although not endorsed as a possible use through the stakeholder group consultation, for comparative purposes an investigation into the use of the property as a restaurant/retail space was also included in the Business Case.

The Business Case Study considered a number of variables in the analysis, the major ones including:

- Financial analysis/viability
- Stakeholder feedback
- Geographic location
- Site access
- Commercial leasing market/probable rents
- Floor space available (net leasable area)
- Nature of the heritage building

After evaluating the options presented, the Business Case Study considered that the use of Brush Farm House as a Training/Education Facility was the most feasible. While the analysis showed that the projected returns (rental) for its use as a Training/Education Facility were not sufficient to service the capital costs (approximately \$5.3M), it did show rental returns would be sufficient to provide an annual operating surplus.

Importantly, the Business Case Study was conducted prior to the restoration works being complete.

July 2005 - Brush Farm House Expression of Interest

Following on from the Business Case Study in June 2005, the City of Ryde conducted an expression of interest process, calling for proposals to utilise Brush Farm House. While the expression of interest provided guidance on the use of the property in the form of development controls, the conservation management plan and spatial allocation, it did not specify any particular preferred use.

The expression of interest did not attract any viable interest from the market or service providers.

ITEM 5 (continued)

Importantly, the expression of interest process was conducted prior to the restoration works being complete.

May 2007 – Report to Council: Brush Farm House as a cultural facility

In April 2007 the restoration work on Brush Farm House was completed. At that stage without any alternative for its use, a Councillor workshop was conducted on the 26 April 2007 to present the idea of the House's future use as a community cultural facility.

The catalyst for suggesting the use of Brush Farm House as a cultural centre resulted from community consultations undertaken as part of compiling the strategic arts framework, which highlighted the need for a facility to celebrate the City's culture. This need was documented as an action in the City of Ryde Arts Development Framework 2007 – 2012.

On 15 May 2007 a report was prepared for the Committee of the Whole, where Council endorsed the following recommendations:

That, pending development of a strategic plan for the use of Brush Farm House, Council:

- (a) Directly manage Brush Farm House and establish it as a cultural and heritage facility.
- (b) Seek to finalise negotiations with the Department of Corrective Services for use and access to Brush Farm House.
- (c) Commit to supporting Brush Farm House Historical Society with appropriate accommodation for its meeting, research and storage activities.
- (d) Initiate a number of cultural and heritage activities and events during 2007-08 and develop a more detailed program and strategic plan for use of Brush Farm House in the 2008-2011 Management Plan and Budget.

July 2009 - Report to Council: Brush Farm House Business Plan

On report of the business plan to the Public Facilities and Services Committee (Works and Community Committee) on 21 July 2009, Council endorsed the following recommendations:

- (a) That the report of the Senior Community Planner be received and noted.
- (b) That the business plan, 'Brush Farm House: Creativity in the Arts, Food and Wine', be endorsed and implemented.
- (c) That the 2010/2011 operating expenditure and revenue identified in Brush Farm House business plan be considered in the development of Council's 2010/2011 budget.

Report

It was noted at the 2010/2014 draft Management Plan workshop on 23 March 2010 that the Brush Farm House business plan's projected financial incomes were not sufficient to meet the annual operating expenditure, or depreciation costs. Therefore, there would be a considerable financial contribution required in future budgets to implement the model.

ITEM 5 (continued)

A summary of the forecasted financial position for the years 2010/2011 and beyond is provided below.

Table 1: Brush Farm House Business Plan Forecast operating revenue and expenditure 2010 – 2015.

	2010-11	2011-12	2012-13	2013-14	2014-15
TOTAL REVENUE	\$ 84,623	\$ 137,556	\$ 195,525	\$ 232,659	\$ 239,249
TOTAL EXPENDITURE	\$ 216,925	\$ 234,775	\$ 239,431	\$ 294,874	\$ 305,922
Net Cost of Activities	-\$ 132,302	-\$ 97,219	-\$ 43,905	-\$ 62,215	-\$ 66,673

The above figures are forecasts and additional expenditure may be required.

In respect of the 2009/2010 financial year the current budget and actual position is as follows:

	09/10 Current Budget	09/10YTD Actual
Income		
67 - Community Facilities Hire	(10,000)	(9,564)
Total - Community Relations	(10,000)	(9,564)
Expenses		
64 - Events	5,000	0
67 - Community Facilities Hire	0	1,629
45 - Park Services*	53,128	26,478
55 - Building Services	55,453	41,445
Total - Brush Farm House Project	113,581	69,552

* This figure also includes Brush Farm Park maintenance.

In addition to the significant financial contribution, Brush Farm House may not be the ideal location to host Council's long term arts and cultural initiatives. A non purpose built facility can be adapted to a certain level of functionality, however the heritage nature of the building, combined with the less than ideal location of the House means it may not be appropriate to best accommodate the City's cultural activities into the future.

Notwithstanding the market analysis, the gap in the provision of cultural facilities would need to be resolved, and this would be the subject of a further report to Council.

ITEM 5 (continued)

In recognition of the significant ongoing financial contribution required to run the House as an arts and cultural centre, and the need to allocate Council's resources in the most responsible and strategic manner, it was agreed at the draft Management Plan workshop on 23 March 2010 that Council would review an alternate model of operation for Brush Farm House.

It is proposed to seek a market analysis on the basis of which Councillors can consider an alternate operating model for Brush Farm House. The market analysis will consider a number of options that would include:

- Licensing the property to a commercial operation
- Licensing the property to an education/training provider
- Continuing to administer the gallery, but not implementing the full business plan
- Implementing the currently endorsed business plan in full
- Selling the property

Although the review would consider the findings of the 2005 Business Case Study and examine the 2005 Expression of Interest process, the completion of the restoration works provides a totally different context on which to base an assessment of potential uses.

It is proposed that on conclusion of the market analysis staff would report and provide recommendations to Council.

Consultation

Internal Council business units consulted included:-

- Buildings and Property
- Urban Planning

Internal Workshops held:-

- Not applicable

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- Not Applicable

Critical Dates

There are no critical dates or deadlines to be met.

Financial Impact

Currently there has been no budget allocation to implement the business plan for the 2010/2011 Management Plan year.

ITEM 5 (continued)

Current capital costs in the 2010/2011 budget include 100k for a marquee and toilet block for Brush Farm House.

A development application has been lodged for the marquee and toilet block, and this will come before Council in the near future. Further capital expenditure should be considered in the context of the market analysis.

There is \$50,000 allocated in the 2010/2011 budget to conduct the market analysis.

Policy Implications

There are no policy implications through the adoption of the recommendation

Other Options

The market analysis of alternate operating models for the use of Brush Farm House will provide Council with a number of options for future consideration.

Conclusion

While previous Council resolutions have endorsed the use of Brush Farm House as a cultural facility, the financial contribution and the recurring cost to Council of implementing the business plan model is significant. A market analysis of potential alternate operating uses will provide Council with options and information on which to make a decision on the future use of Brush Farm House.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There are no Précis of Correspondence for Consideration

NOTICES OF MOTION**1 BUS SHELTER - Councillor Tagg****File Number:** GRP/10/3/001/6 - BP10/315

Motion:

That the General Manager report back to Council as part of the Management Plan process regarding the possibility of installing a bus shelter in the Putney area. Because our general contractor can not supply, we out source to other contractors or the like. The report is to also consider the possibility of re-using stock from the Porters Creek site.

2 PEDESTRIAN CROSSING - Buffalo Creek - Councillor Tagg**File Number:** GRP/10/3/001/6 - BP10/316

Motion:

That Council investigate installing a pedestrian crossing over Buffalo Creek for pedestrians walking through Barton Reserve to the bus stops in Pidding Street.

NOTICES OF RESCISSION

There are no Notices of Rescission

CONFIDENTIAL ITEMS

6 ADVICE ON COURT ACTIONS

Confidential

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

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel

Report dated: 30 May 2010

7 ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation

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.

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It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel

Report dated: 30/05/2010