

**Council Meeting****AGENDA NO. 16/11**

**Meeting Date:** Tuesday 11 October 2011  
**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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**14/11 GENERAL MANAGER'S PERFORMANCE REVIEW 2011 - The Mayor, Councillor Artin Etmekdjian****File Number:** GRP/09/6/1/1/1 - BP11/642

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The purpose of this Mayoral Minute is to present Council with the results of the General Manager's Performance Appraisal Panel and is now presented to Council for determination.

**ATTACHED** – UNDER SEPARATE COVER (Confidential) is the report from the Manager, Strategy and Organisation Development which includes the report from Chadwick and Associates. Chadwick and Associates were appointed by Council to facilitate the performance review process.

**RECOMMENDATION:**

That Council consider the **ATTACHED** Confidential reports in Closed Session and make a determination in accordance with those reports.

**ATTACHMENTS**

- 1 Report from the Manager, Strategy and Organisation Development - Under Separate Cover (Confidential)
- 2 Report from Chadwick and Associates – Under Separate Cover (Confidential)

**Councillor Artin Etmekdjian**  
**The Mayor**

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**1 CONFIRMATION OF MINUTES - Council Meeting held on 27 September 2011**

**File No.:** GRP/11/5/4/6 - BP11/150

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In accordance with Clause 3.4.4 of Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

**RECOMMENDATION:**

That the Minutes of the Council Meeting 15/11, held on Tuesday 27 September 2011, be confirmed.

**ATTACHMENTS**

- 1** Minutes - Ordinary Council Meeting - 27 September 2011

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

City of Ryde

**Council Meeting****MINUTES OF MEETING NO. 15/11****Meeting Date:** Tuesday 27 September 2011**Location:** Council Chambers, Level 6**Time:** 7.30pm

**Councillors Present:** The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch, Tagg and Yedelian OAM.

Councillor Petch arrived at the meeting at 7.38pm and was not present for consideration or voting on Councillor Pickering's Leave of Absence.

**Apologies:** Councillors Li and Salvestro-Martin.

**Staff Present:** General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Acting Group Manager – Environment and Planning, Group Manager - Public Works, Manager – Governance, Manager – Urban Planning, Manager – Risk and Audit, Chief Financial Officer, Strategic Planner, Team Leader – Assessment, Media & Community Relations Officer and Meeting Support Coordinator.

**LEAVE OF ABSENCE**

Note: Councillor Petch was not present for this item.

Councillor Pickering requested a leave of absence from 27 September 2011 to 8 October 2011.

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

That Council note Councillor Pickering's leave of absence for the period from 27 September 2011 to 8 October 2011.

**Record of Voting:**

For the Motion: Unanimous

**PRAYER**

Reverend Richard Quadrio of the Macquarie Chapel Presbyterian Church was present and offered prayer prior to the commencement of the meeting.

**ITEM 1 (continued)****ATTACHMENT 1****DISCLOSURES OF INTEREST**

Councillor Tagg disclosed a significant non-pecuniary interest in Item 12 for the reason that he is a Director of the Ryde Ex-Services Club. Councillor Tagg left the meeting during discussion of this Item and did not vote on this Item.

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

The following persons addressed the Council:-

<b>No.</b>	<b>Name</b>	<b>Topic</b>
1	Ms Sheryl Barton	<b>ITEM 12</b> – City of Ryde Draft Development Control Plan 2011
2	Mr Noel Plumb	<b>ITEM 11</b> – Draft Ryde Local Environmental Plan 2011 - Exhibition

**MAYORAL MINUTES****MM11/11 ATTENDANCE AT NATIONAL ECONOMIC DEVELOPMENT CONFERENCE 2011**

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

That Council confirm the attendance of The Mayor and Councillor Yedelian OAM at the National Economic Development Conference 2011 being held in Adelaide from 4 – 6 October 2011 due to its relevance to their roles as Chair and Deputy Chair of the Economic Development Advisory Committee.

**Record of Voting:**

For the Motion: Unanimous

**MM12/11 KOREAN FLAG RAISING EVENT**

**RESOLUTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Petch)

That Council host a small scale flag raising event on Friday, 7 October 2011 to mark Korean Week.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)****ATTACHMENT 1****MM13/11 LOCAL GOVERNMENT CONSTITUTIONAL RECOGNITION – EXPERT PANEL**

**MOTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (a) That Council consider attendance at the Expert Panel on Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011.
- (b) That Council nominate a Councillor to attend at the Expert Panel on the Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011 and any Councillor wishing to attend advise Council staff.
- (c) That Council make a submission that is circulated to all Councillors prior to the submission being lodged.

Motion be considered in Seriatim

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

That the motion be dealt with in seriatim.

**Record of Voting:**

For the Motion: Unanimous

The matter was then dealt with in seriatim.

**RESOLUTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (a) That Council consider attendance at the Expert Panel on Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Perram Petch and Tagg

Against the Motion: Councillors Butterworth, Maggio, O'Donnell and Yedelian OAM

**MOTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (b) That Council nominate a Councillor to attend at the Expert Panel on the Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011 and any Councillor wishing to attend advise Council staff.

The Motion was put and **LOST**, there being three (3) votes for and six (6) votes against.

**ITEM 1 (continued)****ATTACHMENT 1****Record of Voting:**

For the Motion: Councillors Campbell, Petch and Tagg

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Maggio, O'Donnell, Perram, and Yedelian OAM

**RESOLUTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (c) That Council make a submission that is circulated to all Councillors prior to the submission being lodged.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Perram, Petch, Tagg and Yedelian OAM

Against the Motion: Councillor Butterworth

**RESOLUTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (a) That Council consider attendance at the Expert Panel on Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011.
- (b) That Council make a submission that is circulated to all Councillors prior to the submission being lodged.

**COUNCIL REPORTS****1 CONFIRMATION OF MINUTES - Council Meeting held on 13 September 2011**

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

That the Minutes of the Council Meeting 14/11, held on Tuesday 13 September 2011, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)****ATTACHMENT 1****2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 11/11 held on 6 September 2011**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and O'Donnell)

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

**Record of Voting:**

For the Motion: Unanimous

**2 14 HERRING ROAD, MARSFIELD. LOT 1 DP 616168. Local Development Application for alterations and change of use of existing dwelling to a boarding house containing six (6) bedrooms. LDA2011/4.**

**RESOLUTION:** (Moved by Councillors O'Donnell and Butterworth)

(a) That Local Development Application No. 2011/4 at 14 Herring Road, Marsfield being LOT 1 DP 616168 be approved subject to the **ATTACHED** conditions (Attachment 1).

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

**Record of Voting:**

For the Motion: Councillors Butterworth, Campbell, O'Donnell, Petch and Tagg

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram and Yedelian OAM

**3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 12/11 held on 6 September 2011**

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

That Council determine Items 2, 3(1), 3(11) and 4 of the Works and Community Committee report, noting that Items 1, 3(2), 3(3), 3(4), 3(5), 3(6), 3(7), 3(8), 3(9) and 3(10) were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**2 ROAD HEIRARCHY**

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

That Council designate all roads in the City of Ryde as shared user paths (SUPs) as outlined in the report, subject to consideration being made by the Ryde Local Traffic Committee and compliance with their technical advice.



**ITEM 1 (continued)****ATTACHMENT 1****Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Perram, Petch, Tagg and Yedelian OAM

Against the Motion: Councillor Butterworth

**3 TRAFFIC & PARKING MATTERS PRESENTED TO RYDE TRAFFIC COMMITTEE MEETING held on 11 August 2011****ITEM 1 CRESSY ROAD, RYDE – Resident Parking Scheme**

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

- (a) That Council install a 2P (8.00am – 6pm, Mon – Fri) zone 9 Resident Parking Scheme along both sides of Cressy Road between Buffalo Road and Higginbotham Road.
- (b) That this item be referred to the Ryde Traffic Committee to consider other options in regard to traffic safety (speed).

**Record of Voting:**

For the Motion: Unanimous

**ITEM 11 PARKING AT MEADOWBANK TAFE**

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

- (a) That Council take no further action in relation to this matter as there is an existing No Parking zone in Railway Parade with supplementary signs as “Kiss and Ride” for three car spaces and it be for a trial period of five (5) months in order to assess other impacts.
- (b) That Council investigate the opportunity to install a Loading Zone in close proximity to the shops.
- (c) That Council investigate a further “Kiss and Ride” on the west bound side of Constitution Road / Railway Parade.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch and Tagg

Against the Motion: Councillor Yedelian OAM

**ITEM 1 (continued)****ATTACHMENT 1****4 CINEMA IN THE PLAZA**

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

- (a) That Council endorse the staging of Cinema in the Plaza at Eastwood on Friday, 28 October in place of the scheduled screening in February/March 2012.
- (b) That following this, a further report be presented to Council detailing the effectiveness of this proposal.

**Record of Voting:**

For the Motion: Unanimous

**4 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 13/11 held on 20 September 2011**

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

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

**Record of Voting:**

For the Motion: Unanimous

**5 TIDY SUBURBS**

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

- (a) That Council continue with the current practices for dealing with private properties and nature strips where residents or owners are not undertaking maintenance.
- (b) That Council raise awareness of the importance of maintaining tidy neighbourhoods through the City View, the Website and other promotional means.
- (c) That a Councillor workshop be conducted to identify other options which can be implemented to discourage kerb side dumping and ill-kept yards.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)****ATTACHMENT 1****5 CODE OF MEETING PRACTICE**

**RESOLUTION:** (Moved by Councillors Petch and O'Donnell)

- (a) That Council adopt the draft Code of Meeting Practice as attached to this report, for public exhibition for a period of not less than 28 days.
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice and that these submissions be accepted for a period of not less than 42 days.
- (d) That once the public submission period has closed a further report be provided to Council to consider adoption of the draft Code of Meeting Practice.

**Record of Voting:**

For the Motion: Unanimous

Note: This Item was recommitted later in the meeting.

**6 CODE OF CONDUCT POLICY AND ANNUAL REPORT**

**RESOLUTION:** (Moved by Councillors Petch and O'Donnell)

- (a) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2010 to September 2011.
- (b) That Council adopted the draft Code of Conduct as **ATTACHED**.

**Record of Voting:**

For the Motion: Unanimous

**RECOMMITTAL OF ITEM**

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

That Item 5: Code of Meeting Practice be recommitted.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)****ATTACHMENT 1****5 CODE OF MEETING PRACTICE**

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

- (a) That Council adopt the draft Code of Meeting Practice as attached to this report, for public exhibition for a period of not less than 28 days, subject to part (e).
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice and that these submissions be accepted for a period of not less than 42 days.
- (d) That once the public submission period has closed a further report be provided to Council to consider adoption of the draft Code of Meeting Practice.
- (e) That the draft Code of Meeting Practice to be placed on exhibition be amended to reflect the due time for Notices of Motion as 5.00pm on Wednesday, noting that it may be necessary to distribute some Notices of Motion in loose format with the Agenda.

**Record of Voting:**

For the Motion: Unanimous

**7 PUBLIC INTEREST DISCLOSURES ACT - INTERNAL REPORTING POLICY**

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

That Council adopt the draft Public Interest Disclosures Internal Reporting Policy as **ATTACHED** in this report

**Record of Voting:**

For the Motion: Unanimous

**8 PUBLIC EXHIBITION OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS POLICY**

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

- (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days, subject to Part (5), of Clause 1 being removed.

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

- (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.

**Record of Voting:**

For the Motion: Unanimous

**9 2012 LOCAL GOVERNMENT ELECTIONS**

**RESOLUTION:** (Moved by Councillors O'Donnell and Maggio)

- (a) That Council take no further action with regards to abolishing wards.
- (b) That Council take no further action with regards to reducing the number of Councillors.
- (c) That four seminars be conducted, prior to the 2012 local government elections as set out in this report with one seminar to be conducted in each ward and the first seminar being specifically for women.

**Record of Voting:**

For the Motion: Unanimous

**10 INVESTMENT REPORT - August 2011**

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

That the report of the Chief Financial Officer, dated 6 September 2011 on INVESTMENT REPORT – August 2011, be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**11 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2011 - EXHIBITION**

Note: Ms Sheryl Barton addressed the meeting in relation to this item.

Note: A letter dated 27 September 2011 from the Ryde-Hunter's Hill Flora and Fauna Preservation Society was tabled in relation to this Item and a copy is ON FILE.

Note: A3 copies of maps were distributed to all Councillors by the Manager – Urban Planning and a copy is ON FILE.

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

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

- (a) That this matter be deferred for a Councillor workshop to be held prior to resubmission back to the Department of Planning and Infrastructure to seek a reissuing of the Section 65 Certificate to allow the exhibition of the Plan.
- (b) That the Integrated Open Space Planning Working Party be invited to attend the workshop.

**Record of Voting:**

For the Motion: Unanimous

**12 CITY OF RYDE DRAFT DEVELOPMENT CONTROL PLAN 2011**

Note: Councillor Tagg disclosed a significant non-pecuniary interest in this Item for the reason that he is a Director of the Ryde Ex-Services Club. Councillor Tagg left the meeting at 9.32pm during discussion on this matter and did not vote on this Item.

Note: Mr Noel Plumb addressed the meeting in relation to this item.

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

That this matter be deferred to the Councillor workshop in respect of the Ryde Draft Local Environmental Plan 2011.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Tagg returned to the meeting at 9.37pm.

**13 NSROC TENDER FOR THE SUPPLY, SUPPLY AND DELIVERY AND SUPPLY, DELIVER AND LAYING OF TURF**

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

That Council accepts the submissions of Grech's Turf Supplies, Hi Quality Turf and Qualturf Pty Ltd and enters into Preferred Supplier Agreements through NSROC.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)****ATTACHMENT 1****14 FEE ADJUSTMENT - LODGEMENT OF CERTIFICATE**

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

- (a) That the fee for the lodgement of Part 4A Certificates in the amount of \$36 be publicly exhibited for a period of not less than 28 days from 3 October 2011 to 31 October 2011.
- (b) That a further report be presented to Council for consideration after the advertising period addressing any submissions made.

**Record of Voting:**

For the Motion: Unanimous

**15 2011/2012 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations**

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

- (a) That the changes to normal City of Ryde business operations over the 2011/2012 Christmas / New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, the Ryde City View, on Council's website and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff Christmas Party being held at the Civic Hall on Friday, 23 December 2011.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Perram, Petch, Tagg and Yedelian OAM

Against the Motion: Councillor Butterworth

**16 REPORT ON OUTSTANDING RESOLUTIONS**

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

That the report on Outstanding Resolutions be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)****ATTACHMENT 1****RECOMMITTAL OF ITEM**

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

That Item 16: Report on Outstanding Resolutions be recommitted.

**Record of Voting:**

For the Motion: Unanimous

**16 REPORT ON OUTSTANDING RESOLUTIONS**

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

That the report on Outstanding Resolutions be endorsed and the dates for the Public Domain Upgrades Item be reviewed.

**Record of Voting:**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION****1 ELECTRICITY PRICE INCREASES ANNOUNCED BY THE INDEPENDENT PRICING AND REGULATORY TRIBUNAL (IPART)**

**RESOLUTION:** (Moved by Councillors Petch and O'Donnell)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Perram, Petch, Tagg and Yedelian OAM

Against the Motion: Councillor Butterworth

**NOTICES OF MOTION**

There were no Notices of Motion.

**NOTICES OF RESCISSION**

There were no Notices of Rescission.

**QUESTIONS BY COUNCILLORS AS PER POLICY**

There were no Questions by Councillors as per Policy.



**ITEM 1 (continued)****ATTACHMENT 1****PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.

**CLOSED SESSION****ITEM 17 - ADDINGTON - Update and Status on Lease and Asset Condition****Confidential**

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

**ITEM 18 - 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.

**RESOLUTION:** (Moved by Councillors Petch and Tagg)

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

**Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 9.56pm. The public and media left the chamber.

**17 ADDINGTON - Update and Status on Lease and Asset Condition****MOTION:** (Moved by Councillors O'Donnell and Tagg)

- (a) That Council approve the allocation of \$204,500 for the total repair/rectification works on Addington, funded from the Asset Replacement Reserve, to be incorporated in the September Quarterly Budget Review.

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

- (b) That Council undertake discussions with the current tenant to reach agreement in making a variation to the current lease that would define and clarify:
  - (i) The tenants existing responsibility to maintain the premises as detailed in the report from Tanner Architects as attached – under separate cover to this report.
  - (ii) Public access / utilisation obligations.

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

- (a) That Council approve the allocation of \$150,000 for the total repair/rectification works on Addington, funded from the Asset Replacement Reserve, to be incorporated in the September Quarterly Budget Review.
- (b) That Council undertake discussions with the current tenant to reach agreement in making a variation to the current lease that would define and clarify:
  - (i) The tenants existing responsibility to maintain the premises as detailed in the report from Tanner Architects as attached – under separate cover to this report.
  - (ii) Public access / utilisation obligations.

The Amendment was put and **LOST** there being two (2) votes for and seven (7) votes against. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Amendment: Councillors Butterworth and Perram

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Tagg and Yedelian OAM

**RECOMMENDATION:** (Moved by Councillors O'Donnell and Tagg)

- (a) That Council approve the allocation of \$204,500 for the total repair/rectification works on Addington, funded from the Asset Replacement Reserve, to be incorporated in the September Quarterly Budget Review.
- (b) That Council undertake discussions with the current tenant to reach agreement in making a variation to the current lease that would define and clarify:
  - (i) The tenants existing responsibility to maintain the premises as detailed in the report from Tanner Architects as attached – under separate cover to this report.

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

(ii) Public access / utilisation obligations.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Tagg and Yedelian OAM

Against the Motion: Councillors Butterworth and Perram

**18 ADVICE ON COURT ACTIONS**

**RECOMMENDATION:** (Moved by Councillors Butterworth and Petch)

That the report of the General Counsel be received.

**Record of Voting:**

For the Motion: Unanimous

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors Butterworth and Petch)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch and Tagg

Against the Motion: Councillor Yedelian OAM

Note: Open Council resumed at 10.37pm.

**RESOLUTION:** (Moved by Councillors Butterworth and Petch)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

**Record of Voting:**

For the Motion: Unanimous

**NATIONAL ANTHEM**

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

The meeting closed at 10.40pm.

CONFIRMED THIS 11TH DAY OF OCTOBER 2011

Chairperson

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**2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING  
12/11 held on 4 October 2011****File No. GRP/10/3/001/5 – BP11/623**

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**Report Summary**

ATTACHED – CIRCULATED UNDER SEPARATE COVER (Tuesday, 11 October 2011) are the Minutes of the Planning and Environment Committee Meeting 12/11 held on 4 October 2011. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Council should note any items dealt with by the Committee within its delegated powers.

The Committee recommendations for items not dealt with by the Committee within its delegated powers will be submitted to Council for determination in accordance with the delegations set out in Clause 5.3.2 of the Code of Meeting Practice relating to Charters, functions and powers of Committees:

**Committee Recommendations submitted to Council for determination in accordance with the delegations set out in Clause 5.3.2 of the Code of Meeting Practice as per the Minutes of the Planning and Environment Committee Meeting – 4 October 2011 circulated under separate cover on 11 October 2011.**

**ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 4 October 2011 -  
CIRCULATED UNDER SEPARATE COVER on Tuesday, 11 October 2011

### **3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 14/11 held on 4 October 2011**

**File No. GRP/10/3/001/5 – BP10/706**

#### **Report Summary**

Attached are the Minutes of the Works and Community Committee Meeting 14/11 held on 4 October 2011. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1 and 2 were dealt with by the Committee within its delegated powers.

The following Committee recommendation for Item 3 is submitted to Council for determination in accordance with the delegations set out in Clause 5.3.2 of the Code of Meeting Practice relating to Charters, functions and powers of Committees:

#### **3 ADOPTION OF THE PUTNEY PARK PLAN OF MANAGEMENT**

Note: Councillor Maggio arrived at the meeting at 5.15pm during discussion of this Item.

Note: Mr Don Bailey, Mr Martin Kinsky and Mr Paul Pracy addressed the meeting in relation to this Item.

#### **RECOMMENDATION:** (Moved by Councillors Petch and Campbell)

- (a) That the Revised Putney Park Plan of Management (dated September 2011) be adopted and that the listings for Putney Park in the Generic Plan of Management be removed.
- (b) That a further report be provided to Council regarding a plan of action addressing the following matters:
- to improve the site from Pellisier Road to the punt (relocation of gates);
  - the upgrading and remediation of the triangular park;
  - the improvement to the sea wall;
  - the removal of the Camphor Laurel trees;
  - the pruning of trees throughout the park to improve the security;
  - the development of the perimeter track; and
  - the exploration of provision of accessible equipment in the southern playground.
- (c) That all community members and organisations that made a submission be advised of the outcome.

#### **Record of Voting:**

For the Motion: Unanimous

**ITEM 3 (continued)**

Note: This matter will be dealt with at the Council Meeting to be held on **11 OCTOBER 2011** as substantive changes were made to the published recommendation

**ATTACHMENTS**

- 1** Minutes - Works and Community Committee - 4 October 2011

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

City of Ryde

**Works and Community Committee****MINUTES OF MEETING NO. 14/11****Meeting Date:** Tuesday 4 October 2011**Location:** Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 4.33pm

**Councillors Present:** Councillors Perram (Chairperson), Campbell, Maggio, Petch and Tagg.

Councillor Petch arrived at the meeting at 4.35pm and was not present for Item 1.

Councillor Maggio arrived at the meeting at 5.15pm and was not present for Items 1 and 2.

**Apologies:** Councillor Li.

**Staff Present:** Acting Group Manager – Community Life, Group Manager - Public Works, Open Space Planner, Manager – Governance and Meeting Support Coordinator.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**CONFIRMATION OF MINUTES - Meeting held on 20 September 2011****1**

Note: Councillors Petch and Maggio were not present for this Item.

**RESOLUTION:** (Moved by Councillors Campbell and Tagg)

That the Minutes of the Works and Community Committee 13/11, held on Tuesday 20 September 2011, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

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

**ITEM 3 (continued)****ATTACHMENT 1****2 REQUEST FOR SUPPORT FOR REMEMBRANCE SUNDAY**

Note: Councillor Maggio was not present for this Item.

**RESOLUTION:** (Moved by Councillors Campbell and Petch)

- (a) That Council support the request from the Combined Remembrance Sunday Service Committee to provide the Civic Hall, catering and staffing for Sunday, 6 November 2011 to the value of approximately \$3,000 from the allocation for Civic Ceremonies within the Community Relations and Events budget.
- (b) That Council provide catering as requested by the Combined Remembrance Sunday Service Committee for an afternoon tea for patrons attending the event.
- (c) That the Mayor host a small function after the event for the Guest of Honour, Remembrance Day Committee members and guests of the Mayor.
- (d) That the Remembrance Day Sunday Service be included in the annual program of Civic Events funded within the Community Relations and Events Service Unit budget in the future.

**Record of Voting:**

For the Motion: Unanimous

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

**3 ADOPTION OF THE PUTNEY PARK PLAN OF MANAGEMENT**

Note: Councillor Maggio arrived at the meeting at 5.15pm during discussion of this Item.

Note: Mr Don Bailey, Mr Martin Kinsky and Mr Paul Pracy addressed the meeting in relation to this Item.

**RECOMMENDATION:** (Moved by Councillors Petch and Campbell)

- (a) That the Revised Putney Park Plan of Management (dated September 2011) be adopted and that the listings for Putney Park in the Generic Plan of Management be removed.
- (b) That a further report be provided to Council regarding a plan of action addressing the following matters:
  - to improve the site from Pellisier Road to the punt (relocation of gates);
  - the upgrading and remediation of the triangular park;
  - the improvement to the sea wall;
  - the removal of the Camphor Laurel trees;
  - the pruning of trees throughout the park to improve the security;



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

- the development of the perimeter track; and
- the exploration of provision of accessible equipment in the southern playground.

(c) That all community members and organisations that made a submission be advised of the outcome.

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **11 OCTOBER 2011** as substantive changes were made to the published recommendation

The meeting closed at 5.43pm.

CONFIRMED THIS 18TH DAY OF OCTOBER 2011.

Chairperson

#### **4 PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood**

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**Report prepared by:** Strategic Planner

**Report dated:** 9/08/2011

**File No.:** GRP/11/6/3/3 - BP11/545

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##### **Report Summary**

This report provides outcomes of community consultation on the planning proposal to rezone land at 9-19 Second Avenue, Eastwood currently occupied by the *Hawks on Second Bowling Club* from RE2 Private Recreation to R2 Low Density Residential under Ryde LEP 2010.

Community consultation was carried out following the issue on 6 May 2011 of a Gateway Determination by the Minister for Planning and Infrastructure advising that the planning proposal was approved to proceed to community consultation. Consultation was undertaken from 8 to 22 June 2011 and ten submissions were received in response. The main issues raised were related to the potential scale of redevelopment if the rezoning should proceed, the perceived loss of open space and general lack of parks and open space in the area.

Included in this report is a summary of issues raised in the submissions, a planning appraisal of the issues, options available at this stage of the gateway plan-making process in response to submissions and to Council's resolution part (c) of 1 March 2011:

*That Council notes its desire that the proponents provide a final plan/design that addresses the provision of public open space for the community*

The report recommends that Council proceeds with the rezoning to R2 Low Density Residential subject to entering into a Deed of Agreement with owner of the site, Ryde-Eastwood Leagues Club Ltd, registered on all parcels to require a master plan to be prepared in the event of the land being developed for housing and including the allocation of 10% of the site to be publicly accessible open space. It is also recommended that an extension of time on the rezoning be sought from the Department of Planning and Infrastructure.

##### **RECOMMENDATION:**

- (a) That Council approve the rezoning of the land known as 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (being Lot 1 in DP 455457; Lot A in DP 386523; Lots 77, 78 and 79 in DP 4684; Lot B in DP 342511; Lot B in DP 341289; Lot B in 365296) from RE2 Private Recreation to R2 Low Density Residential under Ryde Local Environmental Plan 2010 subject to:
  - a. That Council enter into a Deed of Agreement with the Ryde-Eastwood Leagues Club Limited to require a master plan to be prepared for the site(s) in the event of the land being developed for housing. Such a plan is to allocate 10% of the total site area to be publicly accessible open space.

**ITEM 4 (continued)**

- b. That the Deed of Agreement be registered against the land title of all the following parcels of land:
  - Lot 1 in DP 455457;
  - Lot A in DP 386523;
  - Lots 77, 78 and 79 in DP 4684;
  - Lot B in DP 342511;
  - Lot B in DP 341289; and
  - Lot B in DP 365296.
- (b) That the Planning Proposal for the rezoning of the 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood from RE2 Private Recreation to R2 Low Density Residential under Ryde Local Environmental Plan 2010 be submitted to the Director-General of the Department of Planning and Infrastructure requesting to bring the amending plan into effect.

**ATTACHMENTS**

- 1 Plan showing Planning Proposal Land and Land in the Club's Ownership
- 2 Planning Proposal for 9-19 Second Avenue, Eastwood and part (rear) 14-18 Third Avenue, Eastwood Consultation Summary and Responses
- 3 Letter from Club dated 2 September 2011 in response to discussions held at Council 16 August 2011

Report Prepared By:

**Melissa Burne**  
**Strategic Planner**

Report Approved By:

**Lexie Macdonald**  
**Team Leader - Strategic Planning**

**Meryl Bishop**  
**Manager - Urban Planning**

**Scott Cox**  
**Acting Group Manager - Environment & Planning**

**ITEM 4 (continued)****Background**Planning Proposal

On 8 December 2010, Council received a planning proposal for the site known as 9-19 Second Avenue, and properties at the rear of 14-18 Third Avenue, Eastwood currently occupied by the *Hawks on Second Bowling Club*. The owner of the site, Ryde-Eastwood Leagues Club Ltd (the Club), requests rezoning of the land to R2 Low Density Residential to enable redevelopment of the land under the terms of Ryde Local Environmental Plan (LEP) 2010. The subject land is currently zoned RE2 Private Recreation and the surrounding land is zoned R2 Low Density Residential under Ryde LEP 2010.

Prior to receipt of the planning proposal in December 2010, the Club had identified that it did not wish to prepare concept plans or a development control plan to guide the development of the land. The Club requested that consideration of the rezoning be based on the current subdivision pattern only.

On 1 March 2011, Council considered a report on the proposed rezoning (titled PLANNING PROPOSAL - Second Avenue, Eastwood, Item 2, Committee of the Whole) and resolved:

- (a) *That the planning proposal to rezone the land at 9-19 Second Avenue, Eastwood to R2 Low Density Residential under Ryde LEP 2010 be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.*
- (b) *That, in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, Council will be advised of the terms of the determination and next steps.*
- (c) *That Council notes its desire that the proponents provide a final plan/design that addresses the provision of public open space for the community.*

On 6 May 2011, the Minister for Planning and Infrastructure issued a Gateway Determination under delegation advising approval for the planning proposal to proceed to community consultation subject to conditions including:

- the planning proposal must be made publicly available for 14 days;
- a draft LEP zoning map is to be prepared and exhibited with the planning proposal;
- consultation is to include NSW Department of Transport and NSW Roads and Traffic Authority (given 21 days to lodge a submission);
- the timeframe for completing the LEP is within 6 months (i.e. mid November);
- a public hearing is not required.

**ITEM 4 (continued)**The Site and Surrounds

The land to which this Planning Proposal applies (the subject land) is identified on the **ATTACHED** plan (refer Attachment 1 titled *Plan showing Planning Proposal Land and Land in the Club's Ownership*) and comprises eight lots legally described as:

Street Address	Legal Description
9-19 Second Avenue, Eastwood	Lot 1 in DP 455457 Lot A in DP 386523 Lots 77, 78 and 79 in DP 4684
Rear of 14 Third Avenue	Lot B in DP 342511
Rear of 16 and 16A Third Avenue	Lot B in DP 341289
Rear of 18 Third Avenue	Lot B in 365296

Currently located on the subject site are two bowling greens, an at grade car park, and large single storey contemporary brick licensed club building which contains a lounge area, restaurant and other facilities for club members, and greenkeeper facilities.

The surrounding land in all directions to at least 100m radius of the site is zoned R2 Low Density Residential under Ryde LEP 2010. Current development on surrounding properties in Second Avenue, Young Parade and Third Avenue includes a mixture of dwellings, duplexes, and villa developments.

The Club also owns four residential sites in Third Avenue adjoining the site proposed to be rezoned.

Planning Framework

The subject land is currently zoned RE2 Private Recreation under Ryde LEP 2010. The proposal is to rezone the land to R2 Low Density Residential. As reported in March 2011, the rezoning would require amendments to four LEP maps to apply the land use zone to the site and the development standards applicable to the R2 zone to the land.

Land uses permitted with consent in the existing RE2 Private Recreation zone under Ryde LEP 2010 are:

*Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Water recycling facilities*

Should the proposal proceed, land uses permitted with consent in the proposed R2 Low Density Residential zone under Ryde LEP 2010 are:

*Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Group homes; Health consulting*

**ITEM 4 (continued)**

*rooms; Hospitals; Multi dwelling housing; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads*

As evident in the permissible land uses identified above, opportunities for intensifying development on the subject land would apply should the land be rezoned as proposed.

Council's adoption of the City of Ryde Local Planning Study on 7 December 2010 identified a number of planning strategies and two in particular are relevant to this matter:

- linear separation controls to be removed from Council's planning controls. This is to be brought into effect through draft Ryde DCP 2011;
- sites in the R2 Low Density Residential zone larger than 2,000 m<sup>2</sup> are required to have master plan studies to support any proposal for intensification of the sites. The studies are to be approved by Council as part of any rezoning proposal. This adopted recommendation is not yet articulated in a planning document.

As reported in March, the proposal does not include any requests to amend development standards applicable to development in the R2 Low Density Residential zone and is consistent with the zoning of surrounding properties.

The S65 Certificate issued by DOPI on 5 September 2011 to allow the exhibition of draft Local Environmental Plan 2011 contained a condition (condition 16) requiring the draft LEP maps to be updated to be in accordance with the Planning Proposal for 9-19 Second Avenue and part of 14-18 Third Avenue, Eastwood.

**Report**

This section of the report details the results of community consultation and options appropriate to this stage of the gateway plan-making process.

**Gateway Plan-Making Process**

The five main stages to the Gateway plan-making process are identified below. This report relates to stages 3 and 4 of the process:

1. **Planning proposal** - an explanation of the effect of and justification for a proposed plan to change the planning provisions of a site or area is prepared by a proponent for the relevant planning authority (RPA) in this case Council. The RPA also considers the proposal at this stage and decides whether or not to proceed.
2. **Gateway** – the planning proposal is considered by the Minister for Planning and Infrastructure (the Minister or delegate) who makes a determination if the planning proposal should proceed, and under what conditions it will proceed. This step informs the community consultation process.
3. **Community Consultation** - the proposal is publicly exhibited by the RPA in accordance with the EP&A Act, DoPI guidelines and the gateway determination (low impact proposals generally for 14 days, others for 28 days). Community

**ITEM 4 (continued)**

consultation is completed when the RPA has considered any submissions concerning the proposed instrument and the report of any public hearing.

4. **Assessment** — the RPA considers any submissions resulting from consultation with government authorities and the community. At this stage the RPA has the opportunity to:
- endorse the planning proposal for proceeding to the next stage;
  - vary the proposal; or
  - not proceed further with the proposal.

These options are discussed in more detail later in this report under the heading “Options”.

5. **Decision** — Assuming the RPA decides to proceed with the proposal after consultation it is forwarded to the DoPI. The final planning proposal is assessed by the DoPI. The DoPI prepares the legal instrument in consultation with the RPA and puts forwards a recommendation to the Minister (or delegate) regarding the making of the plan. The Minister also has various options at this stage. For example, the Minister may:
- make the plan put forward by the relevant planning authority in full;
  - vary the plan;
  - decide not to proceed with the plan;
  - defer inclusion of certain matters in the proposed plan;
  - choose to delegate the making of the plan to the Director General of the Department of Planning and Infrastructure.

**Community Consultation**

In accordance with the gateway determination, community consultation was carried out for a minimum 14 days from Wednesday 8 June until Wednesday 22 June 2011, and with government agencies for a minimum of 21 days. All owners of properties within a 100m radius of the subject land were advised in writing of the planning proposal and invited to make comments.

The planning proposal, maps, and a copy of the Gateway Determination were made available for viewing on Council’s website, at all five of Council’s libraries, at Council’s Customer Service Counter and the Ryde Planning and Business Centre. Supporting documentation, including Ryde LEP 2010, and the Ryde Local Planning Study were also made available for viewing at all locations via Council’s website.

**Outcomes of Community Consultation**

A total of ten submissions were received in response to community consultation, including:

- Two submissions received from State government departments raising no objection to the proposed rezoning;
- Eight submissions received from owners and residents of Second Avenue and Third Avenue indicating majority support for the proposed land use zone, however raising concerns including:
  - Scale and character of any potential residential redevelopment of the land;



**ITEM 4 (continued)**

- loss of perceived open space; and
- loss of opportunity for recreation and social interaction if the Club is closed and replaced by residential development.

Seven of the eight submissions identified concern over the loss of open space, and six of these requested some of the land be provided as a park or playground area.

An outline of the submissions and planning responses to the issues raised is provided in the Table entitled *Planning Proposal for 9-19 Second Avenue, Eastwood and part (rear) 14-18 Third Avenue, Eastwood Consultation Summary and Responses ATTACHED* to this report (refer Attachment 2). Two key issues raised in submissions are explained and discussed further below, being concern over:

- the scale and density of potential redevelopment; and
- loss of open space (including perceived loss of open space, loss of social interaction opportunity, and lack of existing open space/parks in the area).

**Concern over potential medium density redevelopment if land is rezoned**

Whilst submissions from Second and Third Avenues generally supported rezoning to R2 Low Density Residential, a number of submissions raised concern about the potential for medium density type residential development should the land be rezoned and redeveloped as a whole. Concerns in relation to this included the potential scale of redevelopment given the large size of the site, the potential for multi dwelling housing which is medium density in scale and out of character with the lower scale residential character in the area, and the potential for the smaller lot sizes and intensive built environment associated with multi-dwelling type housing.

Planning Considerations

The planning proposal is a request for a change in zoning, and has not included any concept plans. The Club has indicated in discussions with Council staff that the subject land would be sold in one lot to facilitate demolition of the existing buildings. Any proposed redevelopment of the site will be subject to a separate development application and determination process.

In the absence of the submission of a concept plan by the proponent and in response to concerns raised, investigation was carried out with respect to the size of the landholding compared with others in the area, and the scale of potential redevelopment should the land be rezoned taking into account that Council has also resolved to remove linear separation requirements from its planning controls.

**1. Size of Landholding**

The subject land has an area of approximately 6439.03m<sup>2</sup> (based on DP information and Council's mapping) with a frontage of approximately 109m to Second Avenue and 56m to Young Parade. The land which is the subject of the planning proposal is considerably larger in scale than the existing residential lots in the surrounding streets. A survey of the site areas of the 58 properties in Second and Third Avenues (excluding the subject land) indicates an average site area of approximately 820m<sup>2</sup>. The subject land is close to eight times the average lot size.



**ITEM 4 (continued)**

As reported previously (1 March 2011) the owner of the subject land (Ryde-Eastwood Leagues Club Limited) also owns an additional four parcels adjoining the subject land in Third Avenue. These four parcels are currently zoned R2 Low Density Residential and are not part of the subject planning proposal, however they comprise a total site area of approximately 2,036.09m<sup>2</sup> (based on DP information), which brings the total area of the club's landholding in this location to approximately 8,475m<sup>2</sup>. A plan has been prepared to identify this landholding, and is **ATTACHED** (refer Attachment 1).

**2. Development Potential**

Should the land be rezoned to R2, there are a range of permissible uses and residential accommodation types including dwelling-houses, dual occupancy and multi dwelling housing. Council has resolved to remove linear separation controls (adoption of Local Planning Study 7 December 2010) which would open up additional opportunity for more intense residential development on the site currently restricted due to the existence of villas on an adjoining property.

Development potential in terms of the number of possible dwellings based on current numerical standards was carried out for two scenarios applying controls relating to the R2 Low Density Residential land use zone. The first scenario used the current site areas based on the subdivision pattern, and the second used the total site area assuming consolidation of the subject land into one lot. For the purposes of comparison an average site area per building of 300m<sup>2</sup> (which applies for maximum bedroom dwellings under Ryde LEP 2010 density controls for the R2 Low Density Residential zone) has been applied for the calculation of dwelling potential on the land.

The table below shows the parcels comprising the subject land, site areas, and results for the first scenario (based on the current subdivision pattern, and the current planning controls) which indicate that five (5) of the eight (8) properties are currently potentially developable. If no linear separation controls apply, a conservative estimate of potentially sixteen (16) dwellings (maximum three bedrooms each) could be proposed to be accommodated on the eight lots, as follows:

Street Address	Legal Description	Site Area	Dwelling Potential
9-19 Second Avenue	Lot 1 in DP 455457	1,671m <sup>2</sup>	5 dwellings
	Lot A in DP 386523	840.99 m <sup>2</sup>	1 dwelling
	Lot 77 in DP 4684	1,265 m <sup>2</sup>	4 dwellings
	Lot 78 in DP 4684	1,012 m <sup>2</sup>	3 dwellings
	Lot 79 in DP 4684	1,012 m <sup>2</sup>	3 dwellings
Rear of 14 Third Avenue	Lot B in DP 342511	208.07 m <sup>2</sup>	Insufficient site area
Rear of 16 and 16A Third Avenue	Lot B in DP 341289	246.6 m <sup>2</sup>	Insufficient site area
Rear of 18 Third Avenue	Lot B in 365296	183.37 m <sup>2</sup>	Insufficient site area
		<b>TOTAL site area:</b> 6,439.03m <sup>2</sup>	<b>TOTAL potential:</b> 16 dwellings

**ITEM 4 (continued)**

Under the second scenario, if the subject site (eight properties) was developed as a whole and consolidated into one lot with a total site area of 6,439.03m<sup>2</sup>, a conservative estimate of twenty (20) dwellings (maximum three bedrooms each) could be permissible.

The scale of potential redevelopment is significant, should the land be rezoned, and a site of the scale of the current bowling club would normally be expected to be master planned to guide development particularly in how redevelopment of the site would be integrated into this low density residential area.

The table above on dwelling potential has not included the four sites adjoining the subject land which are also in the Club's ownership and already zoned R2. In the event of the rezoning proceeding, if the Club's total landholding of 8475m<sup>2</sup> were developed in one lot and no linear separation controls apply, a total of twenty-eight (28) dwellings (maximum three bedrooms each) would be permissible.

**Planning Solutions to Scale and Redevelopment potential**

Two solutions put forward in response are:

1. A master plan be required to proceed, prepared by the Club or new owner, in recognition of the large size of the landholding and potential impacts on the surrounding area should the land be redeveloped on a large scale. This requirement is supported by Council's resolution (adoption of Local Planning Study December 2010) to require sites in the R2 Low Density Residential zone larger than 2,000 m<sup>2</sup> to have master plan studies to support any proposal for intensification of the sites and to be approved by Council as part of any rezoning proposal.
2. Council not proceed with the rezoning in the absence of any concept plans, development control plan, master plan put forward by the Club as proponent for the rezoning.

These solutions are further addressed under the options section.

**Loss of perceived open space and lack of open space and parks in the area**

Submissions raised concerns about the loss of open space afforded by the greens and landscaped character of the subject site together with the loss of opportunity to visit and socialise on the Club land should it be redeveloped to residential. There are also statements in the submissions about the lack of access to parks and open space in this area, long distances to Eastwood Oval and barriers to accessibility such as the railway line and busy roads.

Council also indicated a desire for open space in this area in its resolution of 1 March 2011: *that the proponents provide a final plan/design that addresses the provision of public open space for the community.*

**ITEM 4 (continued)**Planning Considerations**1. Perceived Open Space**

The site is in use by a private recreation facility which is open to the community members and guests. The site is zoned Private Recreation in recognition of this facility. It is not a public recreation facility. However the community currently enjoys the benefit of the open landscaped character of the site including the bowling greens located along the street front, and express concern over the loss of the opportunity for socialising should the greens and club restaurant be removed and replaced with residential uses.

It is acknowledged that there would be a loss of green space, and “openness”, in the streetscape which has been in existence for many years. It is also acknowledged that despite the facility being a private recreation facility, it is a local community club, and offers an opportunity for people to visit and socialise. The general lack of open space (parks and meeting places within walking distances) is contributing to this concern.

**2. Lack of Open Space and Parks in the area**

In response to concerns raised about a lack of open space and parks in the area, an investigation was carried out into the open space in this locality. A rule of thumb used to determine accessibility and liveability for residents is generally taken to be maximum 400m distance to local services and facilities, including parks, open space, transport, shops etc. This rule of thumb is used in a range of guidelines and policies prepared by the Department of Planning and Infrastructure including the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Investigation has shown that there are no local parks within 400m of the subject land, and there are barriers to the accessibility to parks beyond this distance including the steep topography, the railway and busy roads.

Other considerations regarding open space include that Council’s Environment and Open Space Study (under the City of Ryde Local Planning Study, adopted 7 December 2010) concluded that the quantum of open space in the City should not be reduced but expanded to meet residential growth and the consequential demand for facilities. Also the Integrated Open Space Study is currently under preparation by the Open Space Unit of Council. Matters being explored include an audit of open space areas in the City, their accessibility and function. To support functional parks and open space, preferred minimum sizes for local parks is between 200m<sup>2</sup> and 500m<sup>2</sup>. The study is not due for completion until late 2011.

In conclusion using the 400m accessibility test, it was found that there is a lack of open space and park areas within reasonable walking distances of the subject land. Given the large size of the subject land, the potential for multi-dwelling housing and lack of open space generally within 400 metres walking distance of this locality, the suggestion for some open space is well founded. The large size of the land, the favourable corner location and relatively flat topography make it a desirable location for local open space.

**ITEM 4 (continued)**Planning Solutions

Consideration has been given to the opportunity of seeking a portion of land for open space from the subject land. A requirement for an equivalent of 10% of the total site area has been considered and suggested to the proponent as a reasonable request for open space in the R2 Low Density Residential zone. A rule of thumb applicable to residential flat development is identified under the Residential Flat Design Code which supports the ten design quality principles identified in State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development. The rule of thumb requires that between 25 and 30 percent of the site area is required for communal open space. Larger sites and brownfield sites may have potential for more than 30 percent.

The Club was not supportive of the suggestion that the provision be made for open space be addressed as part of the rezoning process and indicated that Council pursue this through the development application process at the time of the redevelopment of the site to housing.

Possible solutions to address the open space issue is that Council could seek:

- a deed of agreement for publicly accessible open space to be provided in the event of development on all or part of the land
- retention of part of the land under the RE2 zoning for open space.

If Council were to nominate land from the existing parcels for publicly accessible open space, the corner site (9 Second Avenue, corner Young Parade) is preferable from a public accessibility perspective however this is the largest of the parcels, at a site area of 1,671m<sup>2</sup> with the most development potential.

The best alternative land parcel, with the least impact on developable area for the proponent's landholding, and still of reasonable size for the purpose, is the property at the eastern end, 19 Second Avenue (site area of 1012 m<sup>2</sup>) being Lot 79 DP 4684.

**Options**

Under the gateway plan-making process the options available to Council as the relevant planning authority (RPA) at this stage are:

- endorse the planning proposal for proceeding to the next stage;
- vary the proposal; or
- not proceed further with the proposal.

**1. Council endorses to proceed:**

Where Council decides to proceed with a proposal, it is forwarded to the Minister with documentation including an outline of the submissions made, the responses to submissions, the relevant maps, and the request for the plan to be made.

Parliamentary Counsel then prepares a draft local environmental plan (the legal instrument) (refer stage 5. Decision).

**ITEM 4 (continued)****2. Council resolves to vary:**

Council may, at any time, vary proposals as a consequence of consideration of submissions made during public exhibition, or for any other reason. Council is taken to have varied a proposal when it changes the “statement of the objectives or intended outcomes of the proposed LEP” or the “explanation of the provisions that are to be included in the proposed LEP.”

If the Council does vary a proposal, it must forward a copy of the revised planning proposal to the Minister, who may issue a revised gateway determination, depending on the nature of the variations. Further community consultation is not required, unless directed in a revised gateway determination. The Department of Planning and Infrastructure (DoPI) will advise the RPA whether a revised gateway determination is to be issued.

**3. Council resolves not to proceed:**

The RPA can also request the Minister at this, or any other time, to discontinue the planning proposal. The Minister is not obliged to discontinue the planning proposal.

**Options for this Planning Proposal**

In relation to the current planning proposal, in response to concerns raised in submissions and to Council’s resolution regarding a desire for open space, the three options identified above are described and discussed as follows:

**Option 1. Proceed** with the rezoning of the land as proposed to R2 if a master plan is prepared by either the Club or a new owner so that Council and the community may fully understand and manage the intensification of land uses particularly in relation to up to twenty (20) new dwellings on the site.

In this regard, Council require a Deed of Agreement be made between Council and the Club to require a master plan to be prepared for the site(s) by the Club or new owner and proceed with the rezoning, or

This agreement would specify that the master plan set aside 10% of the site area as publicly accessible open space.

Comments: This option would mean the land is rezoned to R2 Low Density Residential and with an agreement in place would mean that in the event of redevelopment by the current owners or sale and redevelopment by any subsequent owners, there would be a dedication of land of a suitable size for local opens space accessible to residents in the local area.

**Option 2. Not proceed** with the rezoning to R2.

Comments: This option would mean that the land remains zoned RE2 Private Recreation. This is not supported as it does not assist the circumstances of the decline of the current use as identified by the proponent.

**ITEM 4 (continued)**

**Option 3. Vary the proposal** to identify land use zoning to accommodate publicly accessible open space. There are two options in this case:

- (a) Vary to rezone part of the land to R2 Low Density Residential, and retain part of the land (a nominated property) as RE2 Private Recreation.

Comments: This would enable some land to remain zoned for private open space, however the private ownership would mean that the land is not guaranteed for publicly accessible open space, and under that zone there are a number of permissible uses available under that zoning (refer list quoted earlier in this report under Planning Framework). This option is not supported due to the difficulties for Council requiring that the RE2 land remain open space and be accessible to the public.

- (b) Vary to rezone part of the land to R2 Low Density Residential and part of the land (a nominated property) to RE1 Public Recreation.

Comments: This option is not supported as it would trigger the need for Council to consider acquisition. It is understood that Council is not in the position to acquire further open space at this stage. The open space strategy under preparation could assist in informing such a decision in future, however not for the purposes and timing of this proposal. This option would also require re-exhibition of the planning proposal.

**Proponents' position response to Community Consultation**

As previously reported (1 March 2011), the proponents do not wish to provide any concept plans for proposed development in the event of rezoning.

On 16 August 2011, a meeting was held at Council offices between the owners of the subject land (Ryde-Eastwood Leagues Club), the Club's planning consultant and Council staff. The meeting was held to reiterate Council's resolution (c) of 1 March 2011 regarding open space and to advice of the concerns raised in submissions in response to community consultation. The proponents were given an opportunity to respond to Council's resolution and the issues raised in submissions. Discussion at this meeting included that a Deed of Agreement registered against the Land Title providing a commitment to deliver publicly accessible open space in the amount of 10% of the subject land area.

Subsequent to this meeting, the Club provided a response. A copy of this response is **ATTACHED** to this report refer (Attachment 3). In summary the Club has advised that:

- It has made a significant contribution to the community over the past 10 years at this site by operating a declining venue;
- It considers it is inappropriate for Council to rezone any of the land for public open space;
- It considers open space should be pursued as part of a development application process, and
- Council may wish to consider a purchase of part or all of the land at a fair and just value.



**ITEM 4 (continued)**

The Club had been requested at the start of this process to prepare a concept plan, development controls/ a master plan, and declined. This was reported to Council in March 2011.

**Preferred Option**

Of the three main options, the preferred option is:

Support the rezoning of the land as proposed to R2 Low Density Residential and request the proponents enter into a Deed of Agreement with Council to be registered on title of each parcel requiring the preparation of a master plan where 10% of the total areas of land is to be made to be publicly accessible open space and fronting the street; and a master plan be prepared as stage 1 in the development application process in the event of multi-dwelling housing being proposed.

This is the preferred option because it:

- Permits the rezoning subject to appropriate management of the land use intensification;
- Recognises Council's desire for an appropriate amount of accessible open space in this location;
- There is no DCP control that would support this at present; and
- Recognises the desirable zoning of the land;

This is based on the following factors:

- a reasonable test of 400m accessibility to existing parks and open space in this location identifies a lack of these facilities; it is not unreasonable given the scale of the landholding for Council to seek an opportunity for publicly accessible open space for the public good; and
- intensification of land use would result from the rezoning

The Club could sell the land and a new owner prepare the master plan.

**Critical Dates**

Time periods for preparation of amending LEPs applied upon issue of the Gateway Determination on 6 May 2011. The following deadlines are required to be met:

- time frame for completion (gazettal) of the LEP is to be by 13 November 2011 (6 months from the week following the date of the Gateway determination).
- request for the Department to draft and finalise the LEP by 30 September 2011 (six (6) weeks prior to the projected completion date).

**Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact.

**Policy Implications**

There are no policy implications through adoption of the recommendation. However Council is to note that DOPI conditioned the S65 Certificate issued on 5 September 2011 for DLEP 2011 requiring the draft LEP maps to be updated to be in accordance with the Planning Proposal for 9-19 Second Avenue and part of 14-18 Third Avenue, Eastwood.

**ITEM 4 (continued)****Next Steps**

Should Council resolve to continue to support this planning proposal for the purposes of the proposed rezoning, the next step is to forward the planning proposal including the Draft Local Environmental Plan maps prepared in accordance with the Department of Planning and Infrastructure's technical requirements to the Department of Planning and Infrastructure to request the making of the Plan.

**Conclusion**

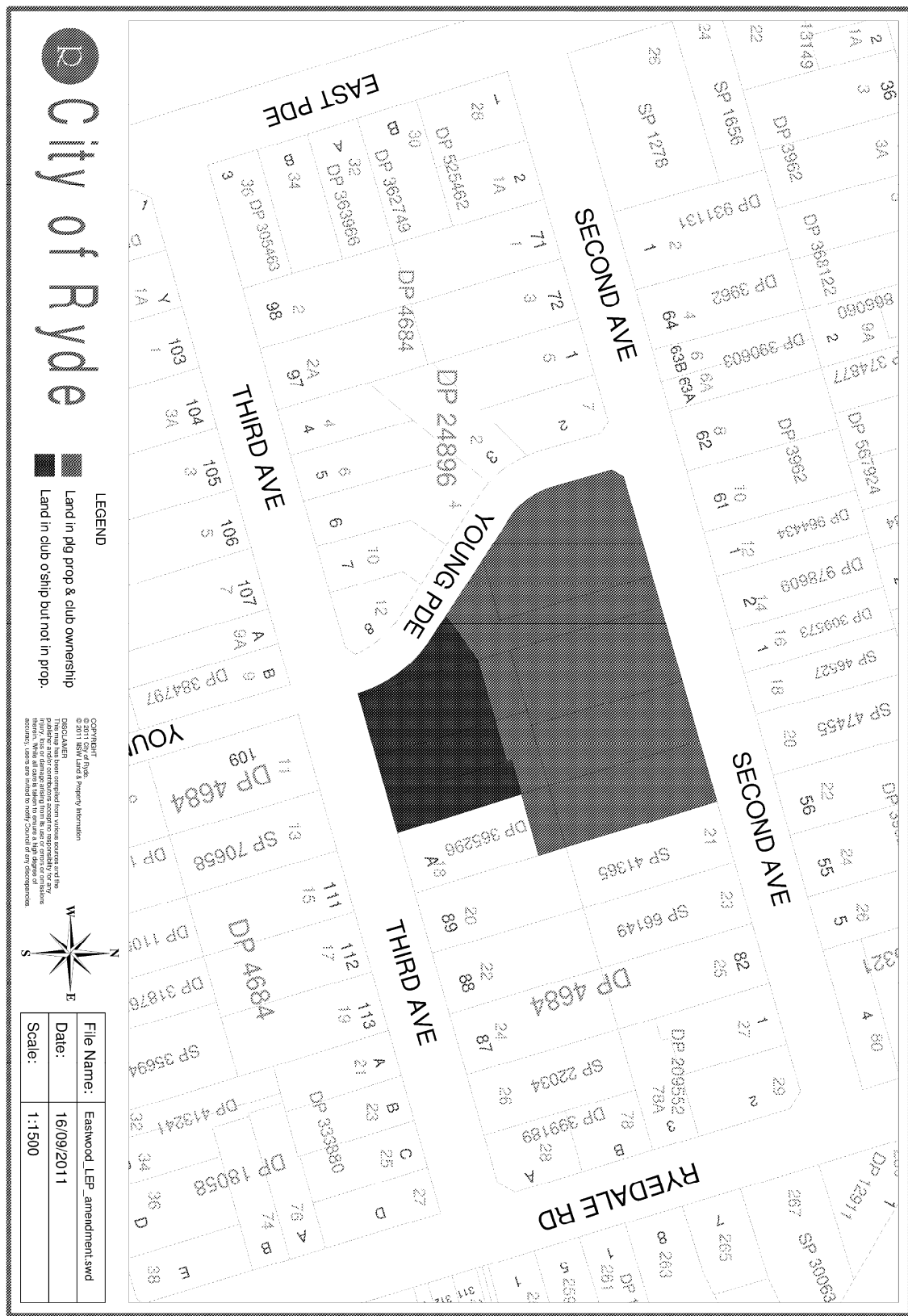
Community consultation and further investigation has resulted in key concerns should the land be rezoned including the potential scale of redevelopment and a desire for publicly accessible open space out of the proposal. Council has options at this stage of the plan-making process to proceed with, vary or not proceed with the planning proposal.

In recognition of the intensification of land use should the rezoning proceed, the large scale of the landholding and an identified need for publicly accessible open space in this location, it is recommended that Council proceed with the planning proposal upon entering into a Deed of Agreement with the Club registered against the land title of the relevant land parcels to require a master plan to be prepared for the site(s) in the event of the land being developed for housing including the allocation of 10% of the site to be publicly accessible open space.



## ITEM 4 (continued)

## ATTACHMENT 1



## ITEM 4 (continued)

## ATTACHMENT 2

### Planning Proposal for 9-19 Second Avenue, Eastwood and part (rear) 14-18 Third Avenue, Eastwood Summary of Submissions and Responses

TRIM Ref.	Summary of Submission	Planning Response	Recommendation
D11/46640 Second Ave	<p>The submitter is responding to “intention to demolish and redevelop the Hawks Bowling Club and to build low density residential apartments”, and makes the following comments:</p> <ul style="list-style-type: none"> <li>• Objects strongly due to impact on social fabric, works against Council’s desire for Eastwood-Denistone to become a village area comprising a mix of commercial, residential and recreation.</li> <li>• The bowling club in a similar fashion to parklands positively breaks up uniformity of residential area and provides open space.</li> <li>• Objects to loss of outdoor recreation opportunities for middle aged and senior community, loss of opportunity for retiring baby boomers in future</li> <li>• Loss of restaurant which is valued, loss of daily activity in the</li> </ul>	<p>The submission is based on an assumption of redevelopment should the planning proposal proceed. The proposal is for rezoning the land-use to R2 and does not comprise an application for redevelopment.</p> <p>It is commented that:</p> <ul style="list-style-type: none"> <li>• The surrounding area is zoned R2 low density residential;</li> <li>• Ryde Local Planning Study 2010 proposes to retain the R2 land use in this area. The Study also recommends that all sites in the R2 land use zone over 2,000sqm should be master planned if intensification / rezoning is proposed.</li> <li>• Acknowledge that the landholding is significant in size and as a result development could be more intense than on the single lot residential sites adjacent. The removal of the linear separation controls through DDCCP 2011 will mean</li> </ul>	<p>On the basis of compliance with the Ryde Local Planning Study it is recommended to proceed with rezoning the site to R2. Also on basis of Local Planning Study and it’s recommendations in relation to development intensification in the R2 zone a master plan should be required for the site with the following objectives:</p> <ul style="list-style-type: none"> <li>• To provide certainty with respect to the redevelopment of the site and impacts on the local streets network, social outcomes etc.</li> <li>• include 10% allocation of publicly accessible open space (refer report)</li> </ul>

## ITEM 4 (continued)

## ATTACHMENT 2

TRIM Ref.	Summary of Submission	Planning Response	Recommendation
	street which is valued, against Club's own Mission Statement of provision to service of community.	that the whole of the land could be redeveloped for villas; <ul style="list-style-type: none"> <li>Acknowledge that bowling greens provide open, green spaces in the streetscape,</li> <li>Potential social impacts in the event of redevelopment are also noted.</li> </ul>	
2 x submissions  D11/49666 Third Ave  and  D11/50035 Third Ave	The raises objections to the following: <ul style="list-style-type: none"> <li>Loss of public open space - agrees that subject land is underutilised as a bowling club however disagrees that this area of Eastwood is well-served with "extensive public open space facilities."</li> <li>Redevelopment will see an increased need for open space. Local parks not easy to get to (too far away, rail line, busy roads and steep topography) to nearest open space locations.</li> <li>Proposes that current plan only proceed if some land is put aside for public recreation / park area and suggests this be equivalent to size of current car park to</li> </ul>	Loss of public open space: It is noted that there are no parks within reasonable walking distance of this site (400m distance rule of thumb). There is a need for open space to be accessible and meet the needs of the community.  Existing Duplex & Townhouse development: Based on current subdivision pattern, should rezoning to R2 proceed, townhouse and villa developments will be possible on the site. In December 2010 Council resolved to remove linear separation controls which mean that a site of this scale would be available for multi dwelling housing (villa/townhouse development).	On the basis of compliance with the Ryde Local Planning Study it is recommended to proceed with rezoning the site to R2. Also on basis of Local Planning Study and it's recommendations in relation to development intensification in the R2 zone a master plan should be required for the site with the following objectives: <ul style="list-style-type: none"> <li>To provide certainty with respect to the redevelopment of the site and impacts on the local streets network, social outcomes etc.</li> <li>include 10% allocation of publicly accessible open space (refer report)</li> </ul>

## ITEM 4 (continued)

## ATTACHMENT 2

TRIM Ref.	Summary of Submission	Planning Response	Recommendation
	<p>assist needs of community, and provide a net community benefit.</p> <ul style="list-style-type: none"> <li>Existing Duplex &amp; Townhouse development already at 21 and 23 Second Ave, and 18 and 20 Second Ave creating traffic and parking issues in the street. Council should limit extent of development allowed.</li> </ul>	<p>Parking and traffic generation area particular to development types and can only be assessed through the development process when more is known about a proposed redevelopment.</p>	
D11/50074 Second Ave	<p>The submitter is concerned at the loss of this land as a recreation site because:</p> <ul style="list-style-type: none"> <li>Open space of the bowling greens is valued;</li> <li>Lack of places to meet up with family and friends within walkable distances;</li> <li>Valuable social venue for the elderly and young families.</li> </ul> <p>This part of Eastwood does not have parks that are easily accessible on foot - Eastwood Oval is difficult walk to – with busy roads and sloping land to traverse.</p>	<p>Loss of public open space: It is noted that there are no parks within reasonable walking distance of this site (400m distance rule of thumb). There is a need for open space to be accessible and meet the needs of the community.</p>	<p>On the basis of compliance with the Ryde Local Planning Study it is recommended to proceed with rezoning the site to R2. Also on basis of Local Planning Study and it's recommendations in relation to development intensification in the R2 zone a master plan should be required for the site with the following objectives:</p> <ul style="list-style-type: none"> <li>To provide certainty with respect to the redevelopment of the site and impacts on the local streets network, social outcomes etc.</li> <li>include 10% allocation of publicly accessible open space (refer report)</li> </ul>

## ITEM 4 (continued)

## ATTACHMENT 2

TRIM Ref.	Summary of Submission	Planning Response	Recommendation
D11/50454 Third Ave	<p>The submitter raises no objection to rezoning, however suggestions for future planning of area:</p> <ul style="list-style-type: none"> <li>• Make Young Parade a one way traffic street between Second and Third Avenue;</li> <li>• No access to Young Parade from rezoned subject land;</li> <li>• Utilise some of the subject land for public recreation area including picnic facilities, as inadequate public land in this area;</li> <li>• Plant plenty of trees to offset carbon gases by increased motor vehicles in the area.</li> </ul>	<p>Suggestions regarding changes to the streets network are not a planning matter for consideration with respect to the rezoning.</p> <p>Loss of public open space: It is noted that there are no parks within reasonable walking distance of this site (400m distance rule of thumb). There is a need for open space to be accessible and meet the needs of the community.</p>	<p>On the basis of compliance with the Ryde Local Planning Study it is recommended to proceed with rezoning the site to R2. Also on basis of Local Planning Study and it's recommendations in relation to development intensification in the R2 zone a master plan should be required for the site with the following objectives:</p> <ul style="list-style-type: none"> <li>• To provide certainty with respect to the redevelopment of the site and impacts on the local streets network, social outcomes etc.</li> <li>• include 10% allocation of publicly accessible open space (refer report)</li> </ul>
D11/50653 Second Ave	<p>The submitter sympathises with owners of site, lack of financial viability and needing to close.</p> <p>Creates an opportunity to utilise the space for benefit of residents in the area, but also potential threat which could worsen the area. Concern over the loss of the open space, greenery offered by the current site.</p>	<p>It is commented that:</p> <ul style="list-style-type: none"> <li>• The surrounding area is zoned R2 low density residential;</li> <li>• Ryde Local Planning Study 2010 proposes to retain the R2 land use in this area. The Study also recommends that all sites in the R2 land use zone over 2,000sqm should be master planned if intensification / rezoning is proposed.</li> <li>• Acknowledge that the</li> </ul>	<p>On the basis of compliance with the Ryde Local Planning Study it is recommended to proceed with rezoning the site to R2. Also on basis of Local Planning Study and it's recommendations in relation to development intensification in the R2 zone a master plan should be required for the site with the following objectives:</p> <ul style="list-style-type: none"> <li>• To provide certainty with respect to the redevelopment of the site</li> </ul>

## ITEM 4 (continued)

## ATTACHMENT 2

TRIM Ref.	Summary of Submission	Planning Response	Recommendation
	<p>The submitter suggests:</p> <ul style="list-style-type: none"> <li>• Medium-sized child friendly park be established within the site to benefit area, conserve greenery and open space;</li> <li>• No medium or high density developments be allowed, only freestanding home, issues with parking in street, including commuter parking;</li> <li>• Land parcels for freestanding homes be at least 700sq.m so not out of character with existing; no “McMansions”.</li> </ul>	<p>landholding is significant in size and as a result development could be more intense than on the single lot residential sites adjacent. Council currently does not have controls which would restrict the sites to being developed only for single dwellings. In fact the removal of the linear separation controls through DDGP 2011 will mean that the whole of the land could be redeveloped for villas;</p> <ul style="list-style-type: none"> <li>• Acknowledge that bowling greens provide open, green spaces in the streetscape,</li> <li>• Potential social impacts in the event of redevelopment are also noted.</li> </ul>	<p>and impacts on the local streets network, social outcomes etc. include 10% allocation of publicly accessible open space (refer report)</p>
D11/51169 Third Ave	<p>The submitter raises two concerns:</p> <p>Loss/need recreation space for families and elderly who may purchase in redevelopment;</p> <p>Need for car spaces in new development for residents and visitors – existing traffic and parking concerns should limit development.</p>	<p>Loss of public open space: It is noted that there are no parks within reasonable walking distance of this site (400m distance rule of thumb). There is a need for open space to be accessible and meet the needs of the community.</p> <p>Council has parking development controls which set requirements for</p>	<p>On the basis of compliance with the Ryde Local Planning Study it is recommended to proceed with rezoning the site to R2. Also on basis of Local Planning Study and it's recommendations in relation to development intensification in the R2 zone a master plan should be required for the site with the following objectives:</p>



## ITEM 4 (continued)

## ATTACHMENT 2

TRIM Ref.	Summary of Submission	Planning Response	Recommendation
		parking.	<ul style="list-style-type: none"> <li>To provide certainty with respect to the redevelopment of the site and impacts on the local streets network, social outcomes etc.</li> <li>include 10% allocation of publicly accessible open space (refer report)</li> </ul>
D11/52049 Third Ave	<p>The submitter is aware that the rezoning proposal is first step in a process that will ultimately result in the redevelopment of this site.</p> <p>The range of development permissible with rezoning includes:</p> <ul style="list-style-type: none"> <li>Subdivision into residential lots;</li> <li>Construction of dwelling houses, attached dual occupancies; attached multi dwelling housing and or residential care facilities;</li> <li>Construction of senior's housing;</li> </ul> <p>Club also owns dwellings at 14, 16, 16A and 18 Third Avenue – concern raised over potential demolition and redevelopment of these.</p> <p>Concern over other potential issues arising from redevelopment including:</p> <ul style="list-style-type: none"> <li>Increased traffic movements;</li> </ul>	<p>The submission is based on an assumption of redevelopment should the planning proposal proceed. The proposal is for rezoning the land-use to R2 and does not comprise an application for redevelopment.</p> <p>It is commented that:</p> <ul style="list-style-type: none"> <li>The surrounding area is zoned R2 low density residential;</li> <li>Ryde Local Planning Study 2010 proposes to retain the R2 land use in this area. The Study also recommends that all sites in the R2 land use zone over 2,000sqm should be master planned if intensification / rezoning is proposed.</li> <li>Acknowledge that the landholding is significant in size and as a result development could be more intense than on</li> </ul>	<p>On the basis of compliance with the Ryde Local Planning Study it is recommended to proceed with rezoning the site to R2. Also on basis of Local Planning Study and it's recommendations in relation to development intensification in the R2 zone a master plan should be required for the site with the following objectives:</p> <ul style="list-style-type: none"> <li>To provide certainty with respect to the redevelopment of the site and impacts on the local streets network, social outcomes etc.</li> <li>include 10% allocation of publicly accessible open space (refer report)</li> </ul>

## ITEM 4 (continued)

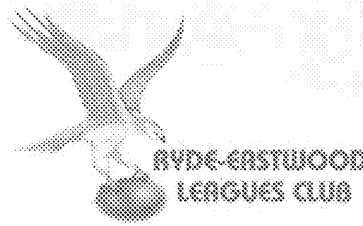
## ATTACHMENT 2

TRIM Ref.	Summary of Submission	Planning Response	Recommendation
	<ul style="list-style-type: none"> <li>Reduced on-street parking;</li> <li>Potential loss of sunlight and overshadowing.</li> <li>Redevelopment will not be in keeping with surrounding properties, in particular early 20<sup>th</sup> Century buildings on Third Avenue.</li> </ul> <p>Submitter suggests in spirit of community consultation that Ryde-Eastwood Leagues Club holds a community consultation meeting or a series of meetings at the bowling club to maintain channels of communication open with residents about future plans for this site.</p>	<p>the single lot residential sites adjacent. The removal of the linear separation controls through DDGP 2011 will mean that the whole of the land could be redeveloped for villas;</p> <ul style="list-style-type: none"> <li>Acknowledge that development intensification may have impacts on surrounding lands</li> </ul>	
D11/54804 NSW Department of Transport	The Department raises no objection to rezoning.	Noted.	No action recommended as a result of this submission
D11/58529 Roads and Traffic Authority of NSW	No Authority raises no objection to rezoning	Noted.	No action recommended as a result of this submission



## ITEM 4 (continued)

## ATTACHMENT 3



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2 September, 2011

The General Manager  
City of Ryde  
Locked Bag 2069,  
NORTH RYDE 1670

**Planning proposal 9-19 Second Avenue Eastwood**  
**Your Ref: GRP/11/6/3/3-BP11/5**

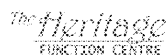
I refer to the rezoning proposal for 9-19 Second Avenue and recent correspondence and meeting regarding the Council's desire for some open space in any redevelopment.

**The Background:**

Ryde-Eastwood Leagues Club entered into discussion with the then board of Eastwood Bowling Club in 1999 regarding amalgamation. In 2001 before any amalgamation agreement was finalised, the N.S.W. Government introduced some major changes to poker machine legislation which resulted in the Club's board reassessing its amalgamation discussions. The outcome was to proceed, as to withdraw would have seen the closure of the Bowling Club at that time. Ryde-Eastwood Leagues Club then invested over \$4.5M in trying to resurrect the Club for the benefit of the community.

The Club was opened in 2003 and has never turned a profit. The accumulated cash losses (including the opportunity cost loss, on the initial capital investment) are in excess of \$1.5M. That is a significant investment in trying to maintain the facility.

As advised at our August meeting, it is a commercial reality that this loss cannot be sustained and the Club will need to close unless the decline is arrested which based on recent performance is very unlikely. The Leagues Club has endeavoured to keep the Club open while an alternative zoning option was being pursued, to reduce the impact on the community in terms of facilities and also aesthetically for the benefit of the neighbourhood. This has been our publicly stated position since early 2010. We have also stated frequently and openly that our preferred option was that the decline in trading could be arrested and the Club continue to trade. However, that has not been the outcome.



**ITEM 4 (continued)****ATTACHMENT 3**

In summary we believe we have made a significant contribution to the community over the past 10 years at this site.


The Board of Ryde-Eastwood Leagues Club have considered Council's desire for the open space concession at great length and believe that it is inappropriate for Council to rezone any of the land for public open space. Should Council require any land for that purpose, it should require it as part of the development process when an application is submitted to redevelop in accordance with the proposed zoning.

Alternatively the Council may wish to consider a purchase of part or all of the land at a fair and just value.

We take this opportunity to thank Ryde Council for their consideration of this application. We will await the outcome of the due process.

Yours faithfully,

For and on behalf of  
The Board of Directors



C.A. McCarthy  
GENERAL MANAGER

## **5 HERITAGE REFERRALS - COUNCIL'S INTERPRETATION OF 'WITHIN THE VICINITY' OF A HERITAGE ITEM**

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**Report prepared by:** Heritage/Strategic Planner

**Report dated:** 13/09/2011

**File No.:** GRP/11/6/3/3 - BP11/606

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### **Report Summary**

Council is required to assess the impact on heritage significance of development within the vicinity of a Heritage Items or Conservation Areas.

The purpose of this report is to revise the City of Ryde's (CoR) interpretation of 'within the vicinity' of a Heritage Item; as defined by Council's resolution of 2001 to be 100 m around Heritage Items and Conservation Areas.

This report proposes two options to replace the 100 m interpretation of 'within the vicinity'. These two options have been discussed during consultation and positively received, however Option 2 is supported by Council Officers and Heritage Advisory Committee members for long-term Council procedures.

**Option 1** proposes to reduce the 'within the vicinity' policy to 50 m radius from a Heritage Item or Conservation Area.

**Option 2** proposes to utilise the 'extended adjoining land' notification principles from the CoR Notification Development Control Plan 2010.

### **RECOMMENDATION:**

- (a) That Council's definition of 'within the vicinity' of a heritage item is to be based on the "Extended adjoining land" as defined by Figure 2.1.02 in Part 2.1 of the Notification of Ryde Development Control Plan 2010, and
- (b) That Exceptions as defined in this report of the Heritage / Strategic Planner dated 13 September 2011 be applied together with the definition (a) above when considering an impact of the proposed development on a Heritage Item or Conservation Area, and
- (c) That an internal Council policy is prepared to document the information contained within this report and to ensure a transparent procedural process is established.

### **ATTACHMENTS**

- 1** Notification DCP 2011 - Page 8 extended notification description
- 2** Heritage Advisory Committee Presentation 'within the vicinity'

Report Prepared By:

**Nancy Tarlao**  
**Heritage/Strategic Planner**

**ITEM 5 (continued)**

Report Approved By:

**Meryl Bishop**  
**Manager - Urban Planning**

**Scott Cox**  
**Acting Group Manager - Environment & Planning**

**ITEM 5 (continued)****Background**

Council's current practice is to make a formal Development Application (DA) Referral to the Heritage/Strategic Planner for any works proposed under the Environmental Planning & Assessment Act 1979 that are within 100 m of a listed Heritage Items or within 100 m of a listed Conservation Areas (CA's).

One hundred and seventy-four Heritage Items and five Conservation Areas are listed within Schedule 5 of the Ryde Local Environment Plan (RLEP) 2010.

The Heritage/Strategic Planner assesses and determines if the works proposed by a DA or a Section 96 application impact on a Heritage Item under the provisions contained within Clause 5.10 of the RLEP 2010.

RLEP 2010 Clause 5.10 (4) *requires council to consider the effect of proposed development on the heritage significance of items and conservation areas.*

RLEP 2010 Clause 5.10 (5) *Heritage assessment states:*

*The consent authority may, before granting consent to any development on land:*

*(a) on which a heritage item is situated, or*

*(b) within a heritage conservation area, or*

*(c) **within the vicinity of land referred to in paragraph (a) or (b),***

*require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

The interpretation of the wording 'within the vicinity' (item (c) as per above) was defined by Council Resolution on 4 December 2001 as follows:

*That a statement be added to the planning certificates under section 149(2) of the Environmental Planning and Assessment Act for properties within 100 metres of a heritage item advising them of the requirement of Clause 85 of draft LEP 105.*

Since this Council resolution all Development Applications within 100 m of a listed Heritage Item or Conservation Area have been referred to the Heritage/Strategic Planner for their review and assessment.

In September 2011 investigation relating to how other councils operated and defined the wording of 'within the vicinity' was undertaken. The following information was obtained:

- DA's are referred on a case-by-case basis for review at a number of councils. These include Lake Macquarie, Cessnock, Muswellbrook, Ku-ring-Gai, Woollahra, Port Macquarie, Canada Bay and Hornsby Councils.
- Lane Cove Council has a DCP definition - "In the vicinity of a heritage item is to be interpreted as meaning adjacent to or adjoining that item"

**ITEM 5 (continued)**

- Willoughby Council has a DCP definition – “vicinity of a Heritage Item or Conservation Area means the extent of land ... that has a physical or visual relationship to the Heritage Item or Conservation Area.”

The ‘*local government heritage guidelines*’ by the NSW Office of Environment and Heritage is a detailed document to assist heritage planners and consultants. These guidelines include a definition of ‘development in the vicinity of a heritage item’ stipulating:

1. *Before granting consent to a development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated;*
2. *This clause extends to development:*
  - a. *That may impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing; or*
  - b. *That may undermine or otherwise cause physical damage to a heritage item; or*
  - c. *That will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.*
3. *The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help to assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item;*
4. *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and materials to be used in, any proposed building works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

It is considered that the above guidelines are intended to be consistently used by Heritage Planners across NSW to ensure a standard definition of ‘in the vicinity’. Option 2 proposed within this report ensures compliance with the above-mentioned interpretation.

**Report**

Council’s current DA referral procedure in relation to the 100 m rule for properties located ‘within the vicinity’ of a Heritage Item, affects a total of 8,742 properties in the CoR. The number of properties or dwellings this individually affects is significantly higher when taking into account dual occupancies, multi-dwellings and apartment complexes.

Under the Draft RLEP 2011 the Council must appropriately manage and control 174 heritage items and 5 Conservation Areas. Heritage Referrals for Character Areas are commonly referred to the Heritage Planner for comments too, which is reflected in the figures for Referrals undertaken this year.

**ITEM 5 (continued)**Current Situation

The following DA Referrals have been received this year:

- 133 DA referrals have been received this year by the Heritage/Strategic Planner.
- 21 of the 133 DA referrals relate to either a Heritage Item, Conservation Area or Character Areas (15%).
- 112 of the 133 DA referrals relate to properties 'within the vicinity' (being 85% of the total DA referrals received). Of these 96% were assessed to be outside the view catchment or having no impact on the Heritage Item/s or Conservation Area/s.

In analysing these 133 applications the implications of this 100 m rule for 'in the vicinity' are:

- All DAs received for Heritage Item/s, Conservation Area/s, character area/s within 100m of a listed item are considered for their potential heritage impact/s;
- Only 4% of 2011 referrals located 'within the vicinity' of a Heritage Item required comments;
- Minor works (e.g. change of use) are extremely unlikely to impact on the heritage significance of an item or conservation area if located within the vicinity; and
- Many sites within 100 m are not in the view catchment or setting of the Heritage Item/Conservation Area and have no potential impact, however a formal heritage referral is still required.

It is considered that the current process is onerous, time-consuming and reduces the ability to appropriately manage the 172 Heritage Items and 5 Conservation Areas across the LGA.

There are certain types of works proposed by DA's or specific sites where the implementations of the 100 m ('within the vicinity') rule may be excessive and creates unnecessary delays in the processing of a DA. The following is a list of examples where the 100 m is considered unreasonable:

- Change of Use within business land uses zones;
- Replacement signage;
- Works at the rear of properties that are not heritage items e.g. swimming pools, carports, decks;
- Large sites where the item has sufficient curtilage within the land title. These include the listed heritage Ruins located in the middle of the Macquarie University site; the Gazebo located in the middle of Ryde Park; Ryde Hospital, Holy Cross College, Dalton House/Gardens (Hospital);
- Great North Road where the heritage listing refers to the alignment of the road, not the physical attributes of the road because they are no longer visible.
- Field of Mars parklands (except opposite cemetery);
- All nature reserves and parklands such as Lane Cove National Park, Darvall Park, Denistone Park, Kissing Point Park, Monash Park, where the physical attributes of the park will not be affected by development works occurring on the periphery.



**ITEM 5 (continued)**

The above list has taken into consideration all the heritage listed items within the City of Ryde. This list and the fact that only 4% of 'within the vicinity' Heritage DA referrals required a heritage comment illustrates the need to revise this current council procedure. It is proposed that a new procedure for properties "in the vicinity" will streamline and fast track the planning process and assessment times of DA's.

The heritage referral procedure for Heritage Items and Conservation Areas will remain the same. Any listed Heritage Items or listed Conservation Areas will be referred for review of their potential impacts to the Heritage/Strategic Planner. The recommendation of this report will not alter this process.

The intention of this report is to amend the 100 m 'within the vicinity' rule and create a new procedure for heritage referrals. Thereby

- reducing the number of unnecessary DA referrals;
- reducing unnecessary delay to DAs;
- reducing negative perceptions of heritage related planning procedures; and
- direct more research to other aspects of heritage management within the City of Ryde.

This report proposes two options to amend the 100 m 'within the vicinity' rule. These options have been presented and discussed with staff members from the Development Assessment Team and with the Heritage Advisory Committee (HAC), along with researched material from the NSW Heritage Office and other Local Council's as discussed in the background section of this report.

**Option 1** proposes to reduce the 'within the vicinity' policy radius to 50 m away from a Heritage Item.

**Benefits:**

- Certainty and easy to apply;
- Clear and simple to implement;
- Little change to existing Council procedures;
- Practical.

**Complications/Issues:**

- Does not address the concerns regarding large sites or State Significant sites;
- Will still capture sites outside the view catchment and immediate setting of the area;
- Staff will have to make a judgement call about sites that are partly captured; and
- A significant number of sites will continue to be affected.

**Option 2** proposes to utilise the 'extended adjoining land' notification principles from the City of Ryde Notification DCP 2011. Generally this principle applies to three sites on either side of the site and seven sites across the road and directly behind the subject site (see **ATTACHMENT 1**).



**ITEM 5 (continued)**

## Benefits:

- Simple to implement and quick to employ;
- Based on established and accepted council processes;
- It is clear which sites are affected.

## Complications/Issues:

- Does not necessarily address the concerns regarding large sites or State Significant sites;
- There may be site-specific cases that require a larger view catchment area, because the item is located in a prominent position (therefore exceptions list will be applicable)
- Exceptions lists will be required (i.e. where Managers discretion is to be exercised). This list will provide certainty to areas/types of Development Applications where a DA Heritage Referral is not necessary.

Option 2 is the preferred option because of the feedback received during consultation, the simplicity in using an accepted principle being the Notification DCP (extended notification principle) and that the exception list will capture all items or sites within the 100 m buffer area.

Overall, the proposal to amend the current procedure and replace it with a new internal procedural policy will address the practicality of the DA referrals in relation to Heritage Items and Conservation Areas. Resources and staff time is being over-utilised on a DA referral system where clear and simple changes would not adversely impact the outcomes for Heritage Items and Conservation Areas. Streamlining this policy will release time and management resources for Development Applications within the Strategic, Planning and Customer Service teams.

Principles for Exceptions

The following is a list where Heritage DA Referrals are not considered necessary. This is mainly due to the significant curtilage of the property or the type of works proposed under a DA.

## Exceptions include:

- Change of Use within business land use zones;
- Replacement signage;
- Minor works in the rear of a property such as decks and carports, which are not visible from the street or the Heritage Item;
- Large sites where the item has sufficient curtilage within the land title. These include:
  - ruins located in the middle of the Macquarie University site;
  - the Gazebo located in the middle of Ryde Park;
  - Ryde Hospital,
  - Holy Cross College,
  - Dalton House/ Gardens (Hospital);
- Great North Road where the heritage listing refers to the alignment of the road, not the physical attributes of the road because they are no longer visible.
- Field of Mars parklands (except opposite cemetery);

**ITEM 5 (continued)**

- All nature reserves and parkland listed below where the physical attributes of the park will not be affected by development works occurring on the periphery. These include:
  - Lane Cove National Park;
  - Darvall Park;
  - Denistone Park;
  - Kissing Point Park;
  - Monash Park;
  - Sugarloaf Point;
  - Boobajool Reserve;
  - Wallamatta Reserve;
  - Memorial Park (Meadowbank);
- Northern Suburbs cemetery and Northern Suburbs crematorium.

A Manager's discretion will be applied in cases where a larger "view catchment" area may be appropriate, such as for State Heritage Items.

The above (exceptions list) is recommended to be applied together with Option 2 to become a revised internal procedural policy that will be incorporated into a Council policy.

**Section 149 Certificates**

This report will not propose to alter the wording as displayed on Section 149 certificates which says:

*"The property is within 100 m of a heritage item as listed in schedule 5 of the RLEP 2010. Your attention is drawn to clause 5.10 (5) which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself"*

The retention of the above description will therefore cover any manager's discretion items or exceptions principles; where the 100 m may be considered an appropriate buffer for a particular Heritage Item. The 100 m buffer may be applicable in the circumstances such as topography, curtilage or if the Heritage Item is of State significance.

**Consultation**

Internal Council business units consulted included:-

- Presentation to the Development Assessment Team.

City of Ryde Advisory Committees consulted included:-

- the Heritage Advisory Committee (**ATTACHMENT 2** is a copy of the presentation given to the Heritage Advisory Committee).

**Comments**

Both the presentations were well received and positive feedback supporting the need to amend this policy was provided.

**ITEM 5 (continued)**

The Development Assessment Team had an overall consensus that a reduction in the number of unnecessary Heritage DA Referrals would be beneficial to streamlining assessing DA's and finalising reports.

The Heritage Advisory Committee was in agreement that the current policy is excessive and onerous and that the Heritage/Strategic Planner should be focusing more time on strategic heritage management. It was considered that Heritage DA Referrals should only be referred if they are within the visual or physical catchment area of the listed heritage items.

Option 2 was considered by both the Assessment Unit and the Heritage Advisory Committee to provide a better solution to implement and control heritage management; it would reduce delays and unnecessary DA referrals.

**Critical Dates**

There are no critical dates or deadlines to be met.

**Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact.

**Policy Implications**

The recommendations within this report are consistent with the Office of Environment and Heritage (NSW Heritage Office) guidelines and supports the heritage planning framework in Ryde Local Environment Plan (RLEP) 2010.

**Other Options**

No change to Council's definition of 'within the vicinity' of a heritage item will continue to affect 8,742 properties and utilise a larger proportion of staff resources that could be directed to other aspects of heritage management.

**Conclusion**

That Council resolve to amend the definition of 'within the vicinity'. It is considered that Option 2 based on the extended Notification DCP Part 2.1 should be adopted to streamline and simplify the Heritage DA referrals being received.

The implementation of an internal procedural policy for Option 2 (with an exception list) will provide a procedure that would help ensure only relevant and necessary referrals are forwarded to the Heritage/Strategic Planner.

ITEM 5 (continued)

ATTACHMENT 1

2.1

Part  
Notification of Development Applications

Chapter  
2.0 Notification Requirements for Development Applications

2.5 The meaning of 'extended adjoining land'

The 'extended adjoining land' is an expansion of the area defined as 'adjoining land' in Section 2.4 of this Part. The diagram below shows the land to be included in the 'extended adjoining land'.

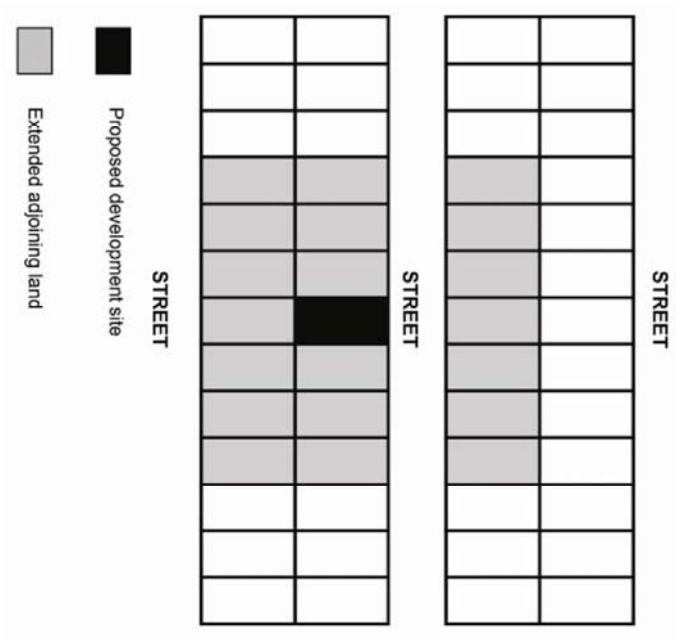



Figure 2.1.02 Extended Adjoining Land


ITEM 5 (continued)

ATTACHMENT 2



**Heritage Advisory Committee**  
**7 September 2011**

Discussion on Clause 5.10 (5) Ryde LEP 2010  
and the meaning of  
“within the vicinity” of a heritage item



## ITEM 5 (continued)

## ATTACHMENT 2

# Ryde LEP 2010

CI 5.10 (4) requires council to consider the effect development on the heritage significance of items and conservation areas.

CI 5.10 (5) Heritage assessment

*The consent authority may, before granting consent to any development....*

- a) on which a heritage item is situated, or*
- b) within a heritage conservation area, or*
- c) within the vicinity of land referred to in paragraph (a) or (b), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*



## ITEM 5 (continued)

## ATTACHMENT 2

## Current Situation

Council resolved on 4 December 2001

*That a statement be added to the planning certificates under section 149(2) of the Environmental Planning and Assessment Act for properties within 100 metres of a heritage item advising them of the requirement of Clause 85 of draft LEP 105*



## ITEM 5 (continued)

## ATTACHMENT 2

## Current Situation

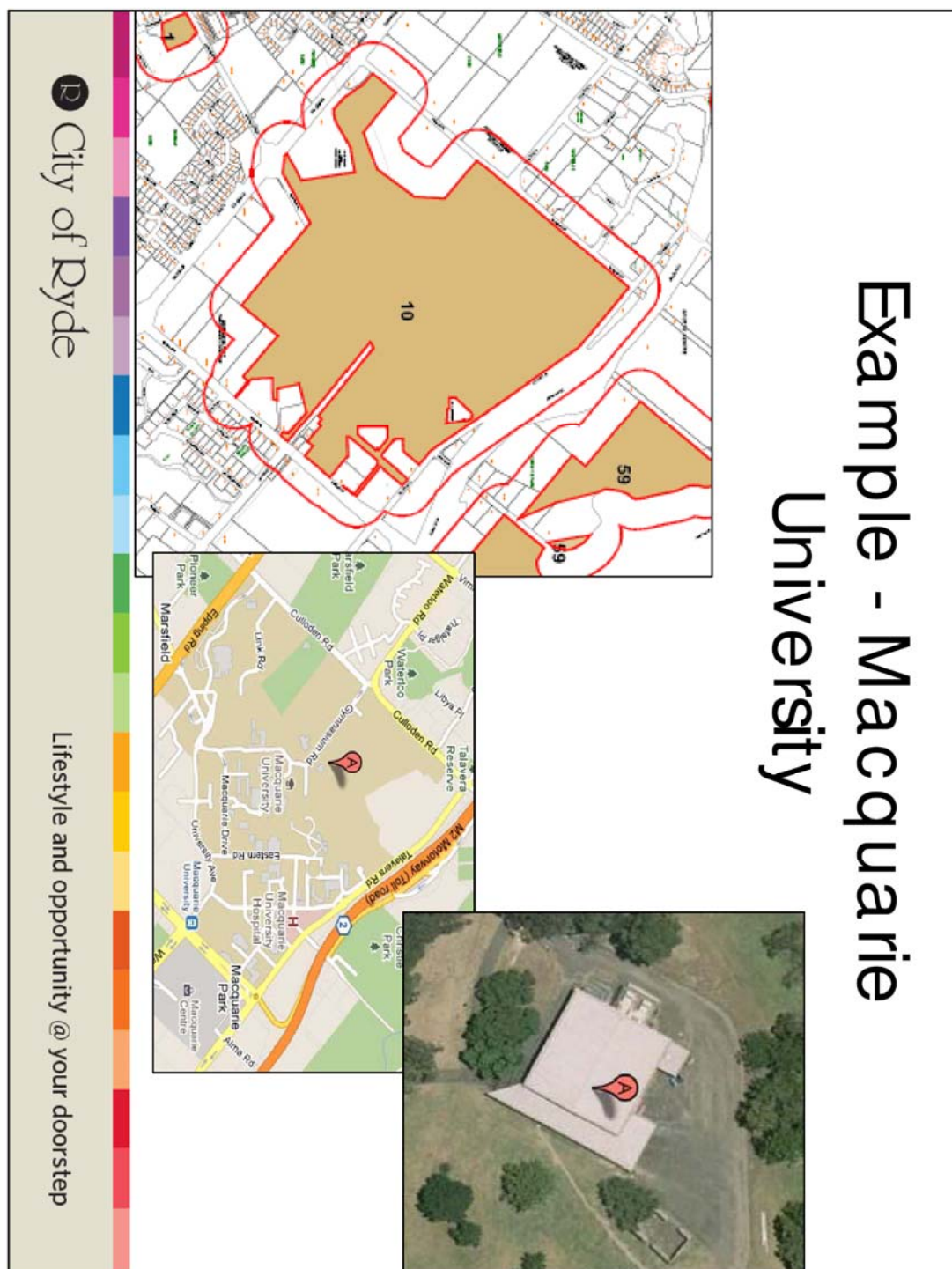
- 174 heritage items and 5 Conservation Areas are listed in DLEP 2011
- Council's 100m 'within the vicinity' rule affects 8,742 properties in the City of Ryde





ITEM 5 (continued)


ATTACHMENT 2



ITEM 5 (continued)

ATTACHMENT 2

# Example - 4 Linton Avenue, West Ryde



70 sites affected



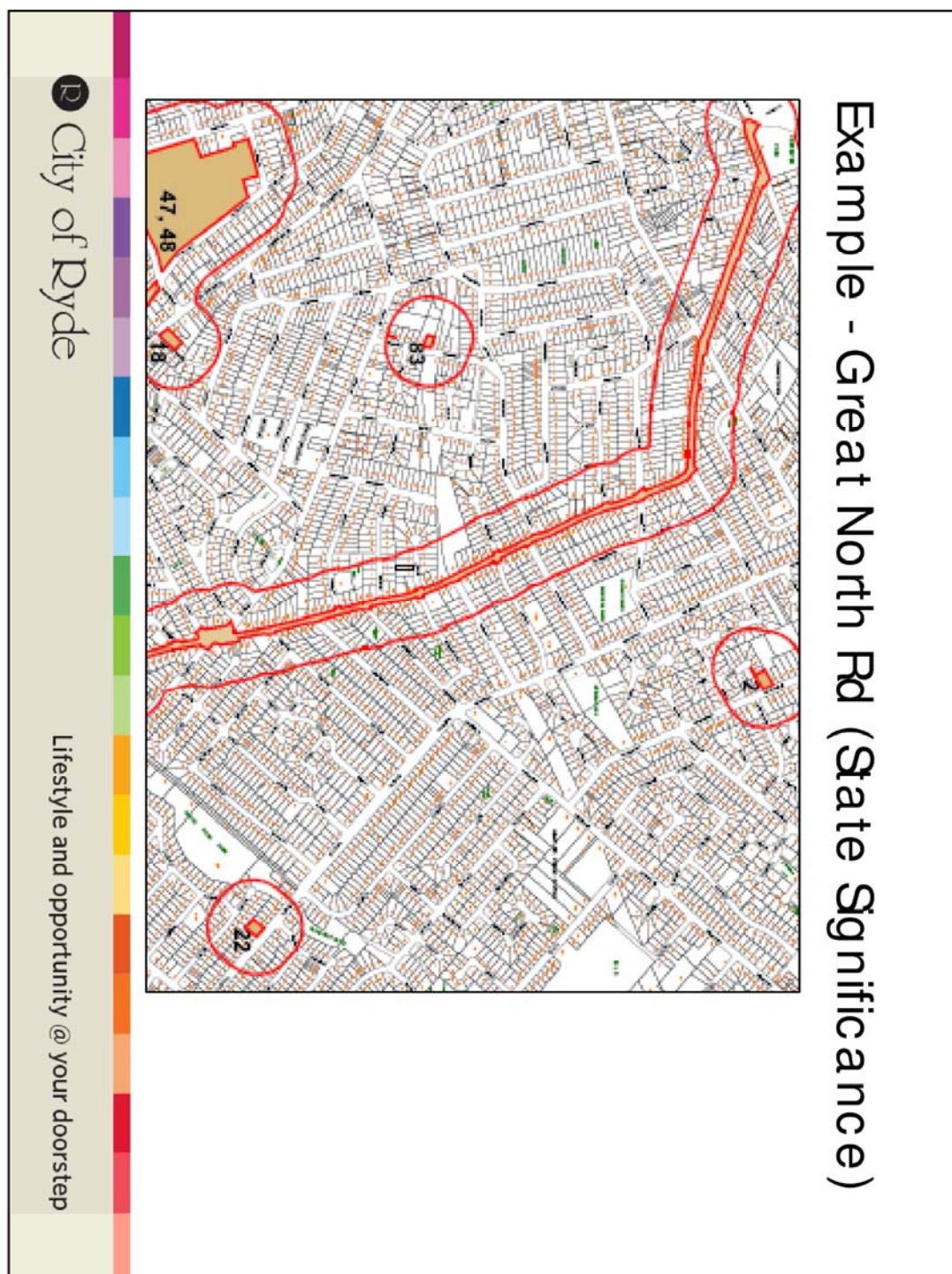
**City of Ryde**

Lifestyle and opportunity @ your doorstep



ITEM 5 (continued)

ATTACHMENT 2



## ITEM 5 (continued)

## ATTACHMENT 2

## Issues/ Implications

- All DAs for a heritage items, character areas, conservation areas and within 100m are considered for heritage impact
- 132 Heritage referrals in 2011
- 87% of 2011 referrals are 'within the vicinity'
- Many sites within 100m are NOT in the view catchment of the item or conservation area
- Minor works (e.g. change of use) are extremely unlikely to impact on the heritage significance of an item or conservation area within the vicinity

Where the 100m rule is inappropriate

- Change of Use DA's
- DA's for works at the rear of properties that are not items e.g. swimming pools
- Large sites where the item has sufficient curtilage e.g. Ruins/Macquarie University, Gazebo / Ryde Park
- Great North Road
- CSIRO site
- Field of Mars (except opposite cemetery)
- Nature reserves and parklands such as Lane Cove National Park, Darvall Park, Denistone Park, Kissing Point Park etc

## ITEM 5 (continued)

## ATTACHMENT 2

## What Other Council's Do

- Most Councils refer Das on a case-by-case basis include Lake Macquarie, Cessnock, Muswellbrook, Kuring-Gai, Woollahra, Port Macquarie, Canada Bay
- Lane Cove Council has a DCP definition - "within the vicinity of a heritage item is to be interpreted as meaning adjacent to or adjoining that item"
- Willoughby Council has a DCP definition - "vicinity of a Heritage Item or Conservation Area means the extent of land ... that has a physical or visual relationship to the Heritage Item or Conservation Area."



## ITEM 5 (continued)

## ATTACHMENT 2

## Option 1 Reduced radius e.g. 50m

### Pro's

- Certainty
- Clear and simple to implement
- Little change to Council procedures.

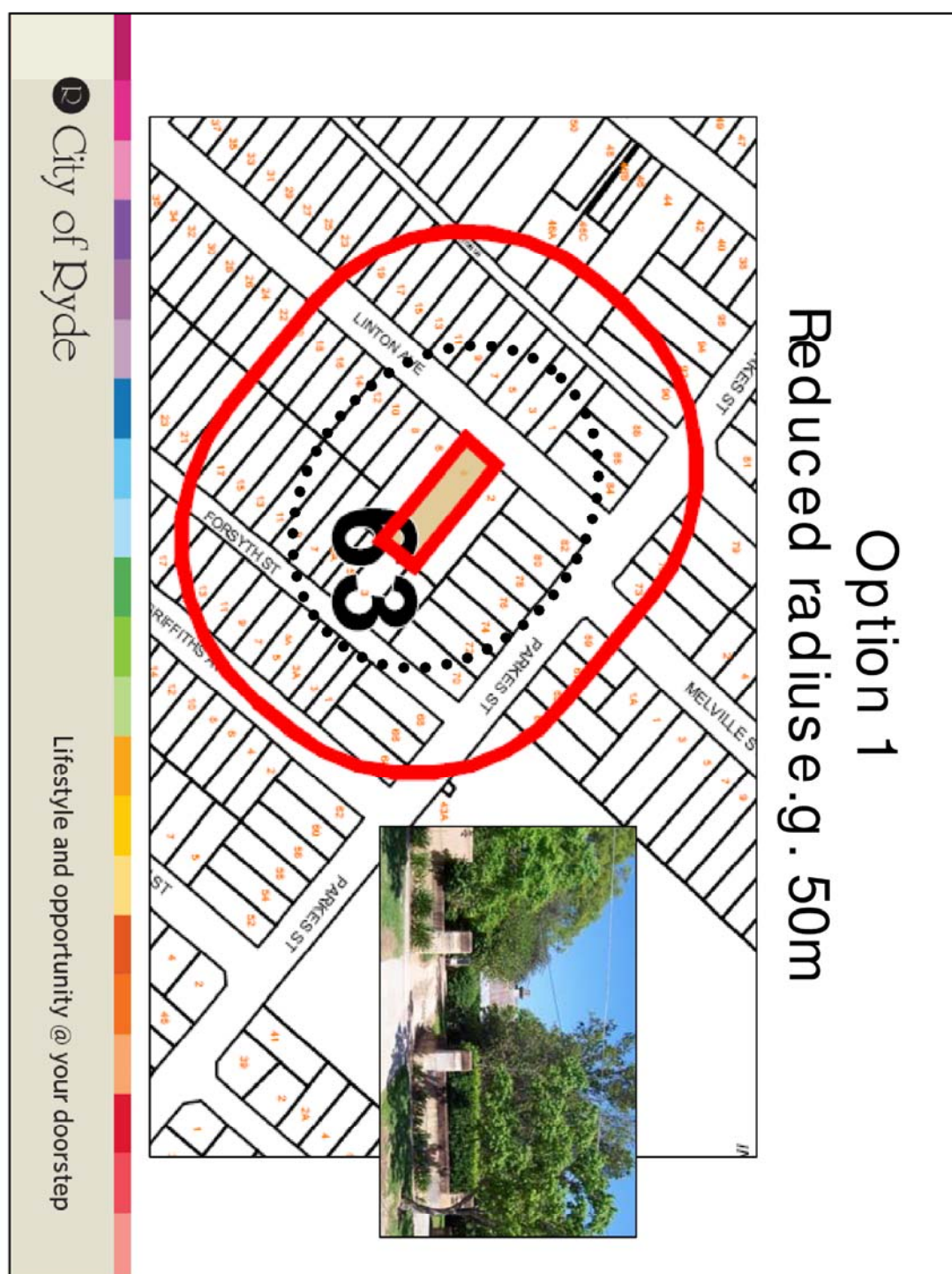


### Con's

- Does not address the concerns regarding large sites
- Will still capture sites outside view catchment
- Have to make a judgement call about sites partly captured

ITEM 5 (continued)

ATTACHMENT 2



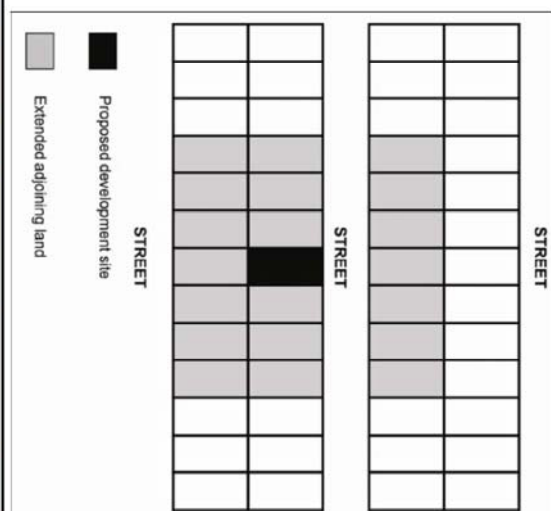


## Option 2

### Adopt Council Notification Principles

## 2.5 The meaning of 'extended adjoining land'

The 'extended adjoining land' is an expansion of the area defined as 'adjoining land' in Section 2.4 of this Part. The diagram below shows the land to be included in the 'extended adjoining land'.



## ITEM 5 (continued)

## ATTACHMENT 2

## Option 2 Adopt Council Notification Principles

### Pro's

- Simple to implement and quick to employ
- Based on established and accepted council processes
- It is clear which sites are affected

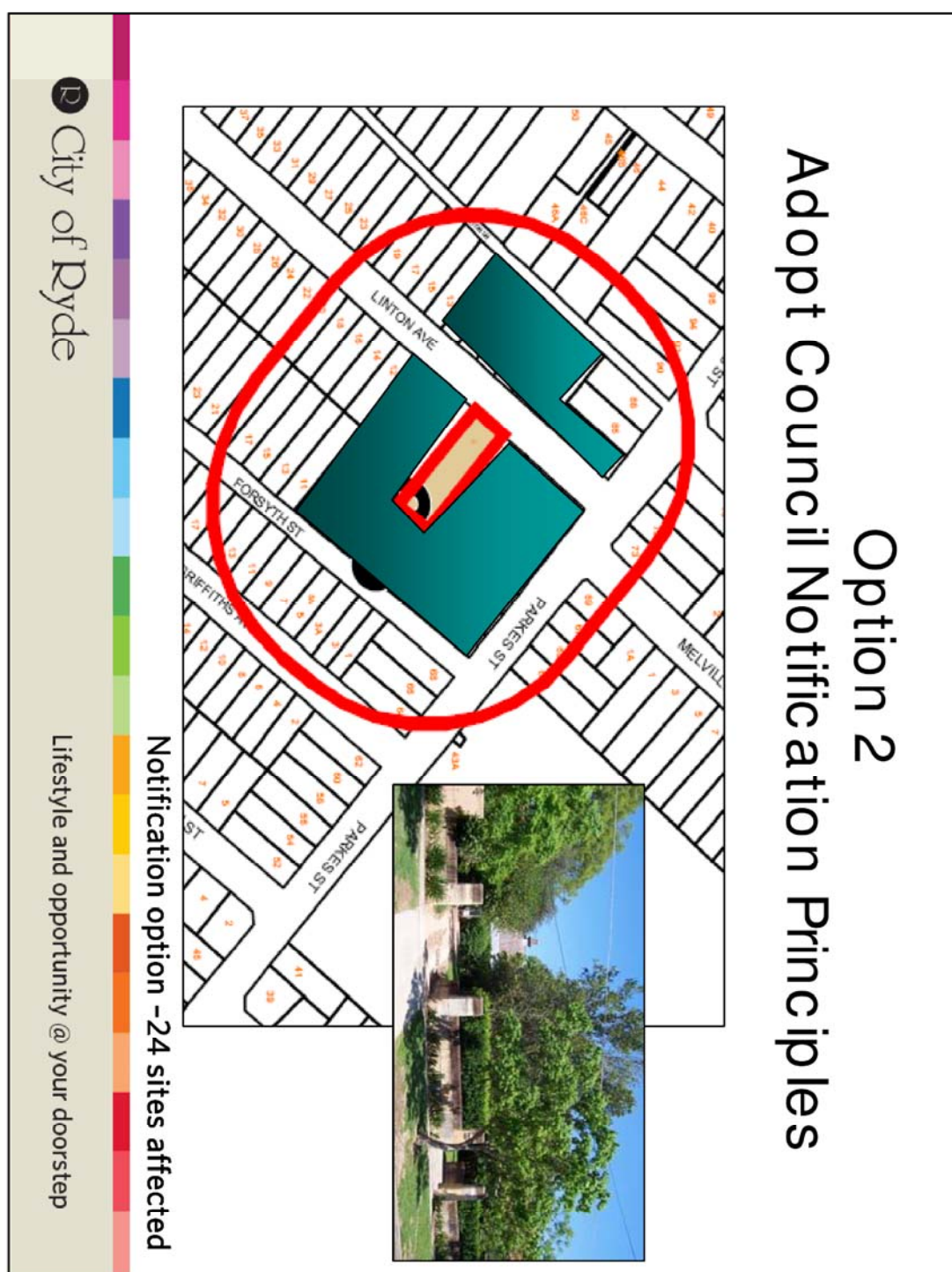


### Con's

- Does not necessarily address the concerns regarding large sites;
- Exceptions lists will be required.

ITEM 5 (continued)

ATTACHMENT 2



## ITEM 5 (continued)

## ATTACHMENT 2

## Principles for Exceptions

Where the site is not listed exceptions may include:

- Das for change of use and minor works such as replacement signage
- Das for minor works at the rear of a property
- Das adjoining Great North Rd, Macquarie Uni

Managers discretion for DA referral's such as:

- Obviously not within view catchment
- A larger "view catchment" area may be appropriate, for State Heritage Items.

## ITEM 5 (continued)

## ATTACHMENT 2

## Recommendation

Amend the 100 m 'within the vicinity' rule and create a new policy for heritage referrals.

TO

- Reduce unnecessary DA referrals
- More efficient use of resources
- Reduce unnecessary delay to DAs
- Reduce negative perceptions of heritage





## ITEM 5 (continued)

## ATTACHMENT 2

## Next Step's

Report to Council to amend  
the 100 m 'within the  
vicinity' definition

Retain statement on s149  
certificates



## **6 SANTA ROSA PARK AND ELS HALL PARK - Outcomes of the Re-Categorisation Public Hearings**

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**Report prepared by:** Open Space Planner

**Report dated:** 8/09/2011

**File No.:** GRP/11/4/3 - BP11/599

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### **Report Summary**

This report is to present the results of the Public Hearings (**ATTACHMENT 1**) undertaken on the proposed re-categorisation of community land from “Park” to “General Community Use” at ELS Hall Park and Santa Rosa Park. The Public Hearings were conducted by an independent consultant, Lantz Marshall, on 22 June 2011 and were in accordance with Section 40a of the *Local Government Act 1993*.

Lantz Marshall concluded that *“Both of the proposed re-categorisations (Santa Rosa Park and ELS Hall Park) from “Park” to “General Community Use” are supported as there are no community objections and the proposals provide a clear community benefit”*.

As the community supports the re-categorisation of the portions of Santa Rosa Park and ELS Hall Park, the next step required to authorise a lease for the Ryde Community and Sports Centre (RCSC) and to enable the development of the community nursery, is redrafting of the Shrimpton’s Creek Plan of Management that will be presented to Council in 2012.

### **RECOMMENDATION:**

- (a) That the portion of Santa Rosa Park as identified on Page 3 of the Lantz Marshall Public Hearing Report (as attached) be re-categorised as “General Community Use” for the purpose of supporting a community nursery.
- (b) That the portion of ELS Hall Park as identified on Page 6 of the Lantz Marshall Public Hearing Report (as attached) be re-categorised as “General Community Use” for the purpose of supporting the Ryde Indoor Sports Centre.

### **ATTACHMENTS**

- 1** Shrimpton's Creek Re-Categorisation Public Hearing Report - Lantz Marshall
- 2** Draft Santa Rosa Park Master Plan - September 2011 - CIRCULATED UNDER SEPARATE COVER
- 3** Draft Santa Rosa Park Master Plan (Community Nursery Focus Area) - September 2011 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Fiona Morrison**  
**Open Space Planner**

Report Approved By:

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



**ITEM 6 (continued)****Background**

At the Committee of the Whole Meeting on 19 April 2011, Council resolved:

*That Council endorse the process for re-categorisation of land at ELS Hall Park and Santa Rosa Park in accordance with the Local Government Act*

In accordance with the above resolution, Council engaged Lantz Marshall to conduct the public hearing for the re-categorisation of community land for both ELS Hall Park and Santa Rosa Park. Sym Studio was also engaged to prepare a master plan for Santa Rosa Park that included a design for the community nursery. The master plan was used to help inform the community of the intention and scale of the community nursery in Santa Rosa Park.

**Report**

The Shrimpton's Creek Parklands is a corridor of open space that is comprised of seven parks that lie adjacent to Shrimpton's Creek in the suburbs of Ryde, North Ryde and Marsfield. The parks along Shrimpton's Creek are Council owned and managed under the *Local Government Act*. Accordingly, the parks are classified as community land and have been categorised.

In 2009, Council adopted the Shrimpton's Creek Parklands Plan of Management and master plan for the Parklands. Since then, Council has been in discussions with a local community group to establish a community nursery within Santa Rosa Park and the City of Ryde has constructed the Ryde Community and Sports Centre (RCSC) at ELS Hall Park. To allow the Ryde Community and Sports Centre and community nursery to be located within the parkland corridor re-categorisation of land from "Park" to "General Community Use" under the *Local Government Act* is required.

**Santa Rosa Park***Background*

The local community group, Habitat Network, has been in discussions with Council for many months about creating and operating a community nursery within Santa Rosa Park. At the Works and Community Committee, 17 August 2010, Council resolved to "*endorse the establishment of the community garden at Macquarie Hospital and approve the community endemic plant nursery at Santa Rosa Park.*"

Staff have been working with the Habitat Network to finalise the details for the community nursery however the following issues were identified and were to be addressed prior to any ongoing planning or works:

1. The existing categorisation of Santa Rosa Park as "Park" under the *Local Government Act 1993* does not support the use of the park for the purpose of a community nursery.
2. The adopted Plan of Management and master plan for Santa Rosa Park does not authorise the use of the park for a community nursery.
3. Formal arrangements must be authorised in the Plan of Management for the ongoing use and management of the land upon which the community nursery is to be located.

**ITEM 6 (continued)**

To overcome these issues, the following actions are necessary:

- Revise the Santa Rosa Park master plan to show the location and scale of the community nursery and other park elements.
- Conduct a public hearing in accordance with the *Local Government Act* to change the categorisation of the community land.
- Update the Shrimpton's Creek Parklands Plan of Management and master plan and report back to Council for official public exhibition and adoption.

*Actions to Date*

Council engaged Lantz Marshall to conduct the public hearing for the re-categorisation of community land for a small portion of land in Santa Rosa Park. Sym Studio was also concurrently engaged to revise the master plan for Santa Rosa Park that included developing a design for the community nursery. The purpose of the revised master plan was to help inform the community of the intention and scale of the community nursery in Santa Rosa Park.

The local community was invited to participate in a workshop in Santa Rosa Park (4 June 2011) to guide the revision of the master plan, to ask the community how they would like the park improved and to inform the community of the proposal to develop a community nursery at the southern end of the Park. Approximately 30 people attended the community workshop and the feedback for the community was as follows:

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

This feedback was then used to guide the development of the draft master plan **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 2). (Please note, this master plan will remain a draft document and will undergo further community consultation as a part of the Plan of Management process).

The revised master plan identified to the community the proposed location and scope of the community nursery and was used as a tool during the re-categorisation public hearing process to reassure the local community of the intention of the community nursery. A detailed view of the nursery area is **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 3).

The public hearing for the re-categorisation of a portion of Santa Rosa Park was mediated by Joe Lantz, Principal of Lantz Marshall. The public hearing was held on 22 June 2011 between the hours of 6.00pm and 8.00pm.

**ITEM 6 (continued)**

The recommendations for Santa Rosa as outlined in the Public Hearing Report **ATTACHED** (Attachment 1) are as follows:

*The proposed re-categorisation from 'Park' to 'General Community Use' is recommended to proceed as there are no community objections and the proposal provides a clear community benefit.*

*It is further recommended that Council continue to proceed with updating the Santa Rosa Park master plan and Shrimpton's Creek Plan of Management noting the specific issues raised through the public hearing process.*

**ELS Hall Park***Background*

The Ryde Community and Sports Centre at ELS Hall Park has recently opened and a number of planning items with reference to the 2009 Shrimpton's Creek Plan of Management were identified as needing immediate action. These included the following:

1. The existing categorisation of the area where the sports centre is located within ELS Hall Park as "Park" under the *Local Government Act* does not support the use of the park for the purpose of an indoor sports centre.
2. The adopted Plan of Management and master plan for ELS Hall Park does not authorise any leasing / licensing of the sports centre (a requirement under the *Local Government Act*).

To overcome these issues, the following actions are necessary:

- Conduct a public hearing in accordance with the *Local Government Act* to change the categorisation of the community land from "Park" to "General Community Use".
- Update the Shrimpton's Creek Parklands Plan of Management, master plan and lease / licence details and report back to Council for official public exhibition and adoption.

*Actions to Date*

The public hearing for the re-categorisation of a portion of ELS Hall Park was mediated by Joe Lantz, Principal of Lantz Marshall. The public hearing was held on 22 June 2011 between the hours of 6.00pm and 8.00pm.

The recommendations for ELS Hall Park as outlined in the Public Hearing Report **ATTACHED** (Attachment 1) are as follows:

*The proposed re-categorisation from 'Park' to 'General Community Use' is recommended to proceed as there are no community objections and the proposal provides a clear community benefit.*

*It is further recommended that Council continue to proceed with updating the Shrimpton's Creek Plan of Management including the need to make provision for adequate leases and licences.*

**ITEM 6 (continued)****The Next Steps for Santa Rosa Park and ELS Hall Park**

As the community supports the re-categorisation of the portions of Santa Rosa Park and ELS Hall Park, the next step required to authorise a lease for the Ryde Community and Sports Centre and to enable the development of the community nursery, is redrafting of the Shrimpton's Creek Plan of Management.

**Consultation**

Internal Council business units consulted included:-

- Not Applicable.

Internal Workshops held:-

- Not Applicable.

City of Ryde Advisory Committees consulted included:-

- Not Applicable.

External public consultation included:-

The process for conducting public hearings for the re-categorisation of community land is legislated under Section 40a of the *Local Government Act, 1993*. All community consultation and notification was completed in accordance with the Act and included the following:

- Notification of the Public Hearing in the Ryde Column of the North District Times for 4 weeks commencing 18 May 2011,
- Invitation to the community to participate in the Santa Rosa Park master plan community workshop was placed in the Ryde City View on 25 May 2011,
- Invitation sent to all residents within 200m of ELS Hall Park and Santa Rosa Park advising them of the Public Hearing and inviting them to attend the Santa Rosa Park master plan community workshop.

**Comments**

The community provided specific feedback used in the development of the revised master plan for Santa Rosa Park. The community will be given further opportunities to comment during the exhibition of the Plan of Management in 2012.

**Critical Dates**

There are no critical dates or deadlines to be met.

**Financial Impact**

The preparation of the revised Plan of Management for the Shrimpton's Creek Parklands no financial impact.

**Policy Implications**

There are no policy implications through adoption of the recommendation.

**Other Options**

Council may resolve not to re-categorise the land at either or both Parks.

**ITEM 6 (continued)****Conclusion**

The re-categorisation of community land and amendment of the Shrimpton's Creek Plan of Management and master plan is necessary to allow the development of the community nursery at Santa Rosa Park and for the leasing of the new indoor sports centre at ELS Hall Park.

In accordance with the *Local Government Act*, an independent person was engaged to conduct the hearing and their recommendations supports the re-categorisation of the land in Santa Rosa Park to support the development of the community nursery and at ELS Hall to Support the Sports Centre.

It is proposed that staff will prepare a new Plan of Management for the Shrimpton's Creek Parklands and this will be presented to Council in 2012.

## ITEM 6 (continued)

## ATTACHMENT 1

# Lantz Marshall

PLANNING - COMMUNITY - ECONOMIC - RECREATION

## PUBLIC HEARING REPORT

### SHRIMPTONS CREEK

### COMMUNITY LAND RE-CATEGORISATION

---

#### 1.0 Introduction

City of Ryde has proposed the re-categorisation of two (2) areas within the Shrimpton's Creek Plan of Management. The two re-categorisations are:

- I. Portion of Santa Rosa Park from a categorisation of a 'Park' to 'General Community Use'
- II. Portion of ELS Hall Park from a categorisation of a 'Park' to 'General Community Use'

In accordance with section 40A of the *Local Government Act 1993*, a Council must hold a public hearing in respect of a plan of management preparation of the proposal would have the effect of categorising or re-categorising community land under s.36(4). Whenever there is a proposed change in the categorisation of community land (for example, where community land has been previously categorised in a plan of management) a public hearing must be held with respect to the proposed change in categorisation.

It was considered by City of Ryde that a public hearing would also assist the community in understanding and clarifying any issues associated with the proposed re-classification.

It is a legislative requirement of the Local Government Act, 1993 (s47G) that public hearings be conducted by an independent person and this cannot be a Councillor or Council staff member.

The public hearing and associated process was presided over by Mr Joe Lantz of Lantz Marshall Pty Ltd. Mr Lantz is the Managing Director of the recreation planning consultancy and has over 20 years experience in both local government and open space planning.



**ITEM 6 (continued)****ATTACHMENT 1****2.0 Purpose of the Public Hearing**

The purpose of the public hearing is outlined as follows:

- ☞ To provide clarification and consistency in categorisation of community land.
- ☞ To formalise categorisation of community land in accordance with s40A of the Local Government Act, 1993.
- ☞ To present a forum for community consultation.
- ☞ To respond to any further issues and questions raised by the local community.

The public hearing was held in relation to two re-categorisations:

- I. Portion of Santa Rosa Park from a categorisation of a 'Park' to 'General Community Use'
- II. Portion of ELS Hall Park from a categorisation of a 'Park' to 'General Community Use'

Five (5) members of the community and representatives of special interest groups attended the public hearing. Minutes of the meeting are contained within the appendices.

**3.0 Portion of Santa Rosa Park**

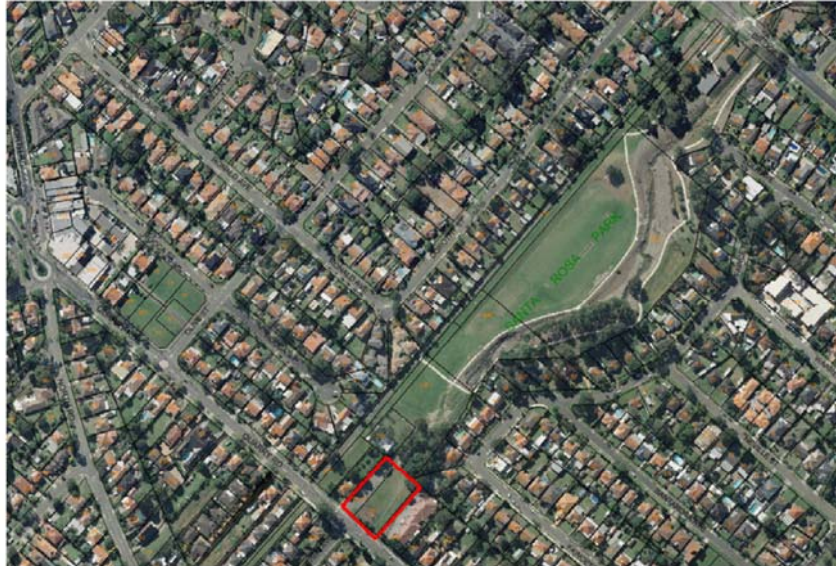
The Shrimpton's Creek Plan of Management was adopted in 2009 and since then Council has been in negotiations with a community group to provide space for a community nursery and garden within Santa Rosa Park. The following maps depict the overall site and associated specific area proposed for re-categorisation:





**ITEM 6 (continued)****ATTACHMENT 1**

Area to be re-categorised is denoted within the red lines in the southern portion of the site.



Area to be re-categorised is denoted within the red lines in the southern portion of the site.

Council has been in discussions with the IEFW Habitat Network for the past 18 months. The aim was to determine a suitable location to establish a community nursery and garden. Through a sieve planning process Council identified the portion of space at Santa Rosa Park. The current Shrimpton's Creek Plan of Management and categorisation is not consistent with the proposed project. As such, Council has commenced the process of ensuring the consistency including:

- ☞ Re-categorisation of a portion of the site from 'Park' to 'General Community Use'.
- ☞ Updating Master Plan. Sym Studio architects was engaged by Council to prepare a master plan for the site consist with the proposed re-categorisation and proposed future use. The master plan was presented at the public hearing. A full copy of the presentation document is contained within the Appendices - B.
- ☞ Updating the Shrimpton's Creek Plan of Management.

Following are extracts from the updated Santa Rosa Park master plan depicting the overall site and associated re-categorisation area:

## ITEM 6 (continued)

## ATTACHMENT 1



Sym Studios – extract of Santa Rosa Park master plan.



**ITEM 6 (continued)****ATTACHMENT 1**

Sym Studios – extract of Santa Rosa Park master plan highlighting proposed re-categorisation area (incorporating points 2-8).

During the preparation of the updated Santa Rosa Park master plan a community consultation process was implemented. It is understood that there were no objections to the re-categorisation and associated establishment of a community nursery and gardens (refer to appendices).

The public hearing did not receive any written or verbal objections to the re-categorisation. A number of issues were raised for consideration by Council during the master planning and Shrimpton's Creek updating processes, namely:

- Establishment of an appropriate management and operational model for the community gardens and nursery.
- Detailed design of the nursery.
- Ensuring new public toilets are designed to complement the site. Council has funding in the 2011/12 budget for the construction phase.

#### **4.0 Portion of Santa Rosa Park - Recommendations**

The proposed re-categorisation from 'Park' to 'General Community Use' is recommended to proceed as there is no community objections and the proposal provides a clear community benefit.

It is further recommended that Council continue to proceed with updating the Santa Rosa Park master plan and Shrimpton's Creek Plan of Management noting the specific issues raised through the public hearing process.

#### **5.0 ELS Hall Park**

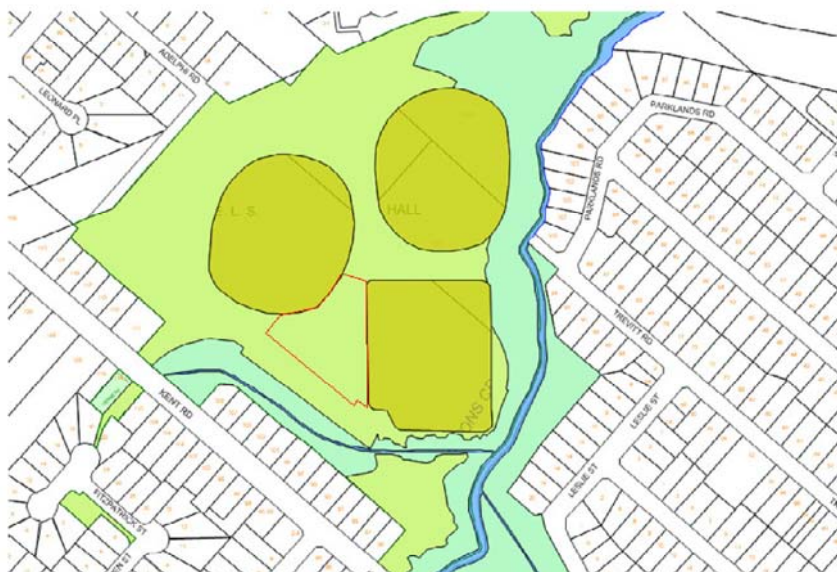
The Shrimpton's Creek Plan of Management was adopted in 2009 and since then Council has constructed an indoor sport centre at ELS Hall Park. The Ryde Community Sports Centre consists of two-court basketball (multi-purpose), meeting rooms, amenities and canteen facilities. The centre was primarily funded through the Commonwealth stimulus funding programs. The centre is to be managed and operated by the YMCA – Sydney on behalf of Council.

The following maps depict the overall site and associated specific area proposed for re-categorisation:



## ITEM 6 (continued)

## ATTACHMENT 1



Area to be re-categorised is denoted within the red lines in the southern portion of the site.



Area to be re-categorised is denoted within the red lines in the southern portion of the site.

**ITEM 6 (continued)****ATTACHMENT 1**

The current Plan of Management does not make provision for the establishment of the centre and any associated leases or licences in accordance with the *Local Government Act, 1993*. Due to the nature and timing of the stimulus funding for the project the proposed re-categorisation is considered administrative in intent as it aims to make provision for the established facility and its associated operations.

The public hearing did not receive any written or verbal objections to the re-categorisation. There was no discussion on the matter.

**6.0 ELS Hall Park - Recommendations**

The proposed re-categorisation from 'Park' to 'General Community Use' is recommended to proceed as there are no community objections and the proposal provides a clear community benefit.

It is further recommended that Council continue to proceed with updating the Shrimpton's Creek Plan of Management including the need to make provision for adequate leases and licences.

**7.0 Conclusions**

City of Ryde has proposed the re-categorisation of two (2) areas within the Shrimpton's Creek Plan of Management. The two re-categorisations are:

- I. Portion of Santa Rosa Park from a categorisation of a 'Park' to 'General Community Use'
- II. Portion of ELS Hall Park from a categorisation of a 'Park' to 'General Community Use'

In accordance with section 40A of the *Local Government Act 1993*, an independent hearing was held in respect to the proposed re-categorising community land under s.36(4).

Both of the proposed re-categorisations from 'Park' to 'General Community Use' are supported as there are no community objectives and the proposals provides a clear community benefit.

It is further recommended that Council continue to proceed with updating the Shrimpton's Creek Plan of Management to address site specific issues with the respective sites.

Please do not hesitate to contact me as required.

Yours sincerely,

  
Joe Lantz  
**LANTZ MARSHALL**

## ITEM 6 (continued)

## ATTACHMENT 1

## Minutes of Meeting

## Public hearing into re-categorisation of portion of:



**Santa Rosa Park  
ELS Hall Park**

**Date: 22<sup>nd</sup> June, 2011**

**Time: Commencing at 6pm**







Attendee	Organisation
Joe Lantz (in the Chair)	Lantz Marshall Pty Ltd
Aimee Conlan	Lantz Marshall Pty Ltd
Fiona Morrison	Ryde City Council
Simon Harrison	Ryde City Council
Craig Kerslake	Sym Studio
Jody Summers	Sym Studio
Raymond Horsey	Habitat Network
Bev DeBrincat	Habitat Network
Pamela Ward	Habitat Network
David Duval	Private resident
Sue Wary	Private resident

### 1. Opening and Introduction

Joe Lantz opened the meeting and introduced the representatives of Ryde City Council and Sym Studio.

### 2. Outline of planning process

Joe Lantz outlined the planning process noting that:

-  Ryde Council was proposing to re-categorisation specific areas at Santa Rosa Park and ELS Hall Park from 'Park' to 'General Community Use'.
-  The public hearing process was being undertaken in accordance with section 47G of the *Local Government Act, 1993*.
-  Under the *Local Government Act, 1993 (s47G)* the public hearing must be conducted by an independent person. As such, Lantz Marshall Pty Ltd were engaged to undertake the public hearing.
-  Ryde City Council noted that a public hearing would also assist the community in understanding and clarifying any issues associated with the proposed re-classification.
-  Public notification of the proposed re-categorisation was undertaken in accordance with the *Local Government Act, 1993*.
-  Following the public hearing an independent report would be prepared by Lantz Marshall for consideration by Ryde City Council.

**ITEM 6 (continued)****ATTACHMENT 1****3. Santa Rosa Park**

Fiona Morrison (Ryde City Council) noted that Council has been in discussions with the IEWF Habitat Network for the past 18 months. The aim was to determine a suitable location to establish a community nursery and garden. Through a sieve planning process Council identified a portion of space at Santa Rosa Park. The current Shrimpton's Creek Plan of Management (2009) and categorisation is not consistent with the proposed community nursery and garden. As such, Council commenced the process to re-categorise of a portion of the site from 'Park' to 'General Community Use'.

Craig Kerslake (Sym Studio) noted that Sym Studio was engaged by Ryde City Council to prepare a Master Plan for the proposed re-categorisation area at Santa Rosa Park to facilitate the establishment of a community nursery and garden. A detailed presentation of the masterplan was given (please refer to presentation documentation).

Matters Raised	Response by Council and/ Sym Studio
Public workshop held on the 4 <sup>th</sup> June, 2011 to assist in preparation of master plan	Approximately 30 persons attended. Support for the development of a community nursery and garden.
What type of management and operational model would be used for the community garden and nursery.	Establishment of an appropriate management and operational model for the community gardens and nursery.
Number of queries relating to the detailed design of the nursery – seating, bench heights...	The concept plans are to be used as a base for the Plan of Management however more detailed plans will be prepared for consultation leading into the construction phase of the project.
Ensuring new public toilets are designed to complement the site	Council has funding in the 2011/12 budget for the construction phase of the amenities – in line with concept plans. The public toilets will also service the adjacent sporting field.
Lease and/ or licence for nursery gardens.	The amended Plan of Management will make provision for a lease and/ or licence for the site.

Joe Lantz (Lantz Marshall) noted that no written or verbal objections to the proposed re-categorisation had been received prior to the public hearing.

All participants supported the proposed re-categorisation and noted that further details on the community nursery and gardens would be undertaken through the amendment to the Santa Rosa Plan of Management and actual design and construction phase of the project.



**ITEM 6 (continued)****ATTACHMENT 1****4. ELS Hall Park**

Fiona Morrison (Ryde City Council) noted that the Shrimpton's Creek Plan of Management was adopted in 2009 and since then Council has constructed an indoor sport centre at ELS Hall Park. The Ryde Community Sports Centre consists of two-court basketball (multi-purpose), meeting rooms, amenities and canteen facilities. The centre was primarily funded through the Commonwealth stimulus funding programs. The current Plan of Management does not make provision for the establishment of the centre and any associated leases or licences in accordance with the *Local Government Act, 1993*. Due to the nature and timing of the stimulus funding for the project the proposed re-categorisation is considered administrative in intent as it aims to make provision for the established facility and its associated operations.

No discussion on the matter was undertaken although it was noted the YMCA would operate the facility and it would be officially opened on the 13<sup>th</sup> August, 2011.

Joe Lantz (Lantz Marshall) noted that no written or verbal objections to the proposed re-categorisation had been received prior to the public hearing.

**5. Process from Public Hearing**

Joe Lantz (Lantz Marshall) noted that following the public hearing the following actions are expected:

- I. Minutes of meeting prepared.
- II. Lantz Marshall to prepare and handover to Ryde City Council an Independent Report on the Proposed Re-Categorisation of portions of Santa Rosa Park and ELS Hall Park.
- III. Ryde City Council to consider the independent report and determine to proceed or not with the proposed re-categorisation.

Meeting closed at 7.12pm

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**7 DISCLOSURE OF INTEREST RETURNS - 2010-2011**

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**Report prepared by:** Councillor Support Coordinator**Report dated:** 19/08/2011**File No.:** CLR/07/8/8/4 - BP11/565

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**Report Summary**

Under Section 450A of the Local Government Act 1993, Councillors and designated persons are required to lodge an annual return of interests with the General Manager by 30 September each year. This report provides a summary for Council, on the status of all Disclosure of Interest Returns that were due for lodgement for the period 1 July 2010 to 30 June 2011.

**RECOMMENDATION:**

- (a) That the Register of Pecuniary Interest Returns lodged as required under Section 450A of the Local Government Act be tabled.
- (b) That the Division of Local Government, Department of Premier and Cabinet be advised on this matter and provided with a copy of this report.

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Sheron Chand**  
**Councillor Support Coordinator**

Report Approved By:

**Shane Sullivan**  
**Manager - Governance**

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

**ITEM 7 (continued)****Report**

Section 450A of the Local Government Act 1993 (the Act) requires Councillors and designated persons to lodge an annual return of interests with the General Manager by 30 September each year. Section 450A of the Act requires the General Manager to keep a register of returns and to table returns at the first Council meeting after the last day for lodgement of returns.

Council is advised that:

- Twelve Councillors as at 30 September 2011 had lodged their annual returns by the 30 September 2011 deadline.
- A total of 145 designated persons (staff) had lodged their primary or annual returns by the 30 September 2011 deadline.
- The following staff did not provide their return by 30 September 2011:
  - Kim Davis – Corporate Services
  - Gerald Lore – Public Works

The Register of Pecuniary Interest Returns is tabled.

**Consultation**

Internal Council business units consulted included:-

- All Group Managers were consulted regarding the list of designated staff required to complete returns.

**Critical Dates**

The following deadlines are required to be met:

- Completed Pecuniary Interest returns were required to have been lodged by 30 September 2011.

**Financial Impact**

Adoption of this report has no financial impact.

**Policy Implications**

There are no policy implications through adoption of the recommendation.

**Other Options**

There are no other options.

**Conclusion**

The Register of Pecuniary Interest Returns is tabled.

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**8 DRAFT 2010/2011 FINANCIAL STATEMENTS**

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**Report prepared by:** Chief Financial Officer**Report dated:** 12/09/2011**File No.:** FIM/07/6/4/2/2 - BP11/604

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**Report Summary**

This report is submitted to Council for its endorsement and referral of the Draft 2010/2011 Financial Statements to Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants.

The report details the process for Council to adopt its 2010/2011 Financial Statements that includes publicly advertising the availability of the Statements for public comment, once Council receives the Auditor's Report.

It is proposed that following the public advertising period, Council at its meeting on 8 November 2011 will receive a presentation of its audited Financial Statements for 2010/2011, prior to consideration of the adoption of its 2010/2011 Financial Statements.

**RECOMMENDATION:**

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2010/2011 financial year ending 30 June 2011 and has formed an opinion, based on the advice of Council officers, that these reports:
- i. Have been prepared in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulations made thereunder
    - The Australian Accounting Standards and professional pronouncements
    - The Local Government Code of Accounting Practice and Financial Reporting.
  - ii. Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2011
  - iii. Accords with Council's accounting and other records and policies
- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.

**ITEM 8 (continued)**

- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2011 be referred for audit.
- (e) That Tuesday, 8 November 2011 be fixed for the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2011 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (f) That the following additional amounts be transferred to their respective reserves:
  - Employee Leave Entitlement Reserve - \$1,057,356
  - Asset Replacement Reserve - \$2,200,000

**ATTACHMENTS**

- 1 Draft - Income Statement - 2010/2011
- 2 Draft - Statement of Comprehensive Income 2010/2011
- 3 Draft - Balance Sheet 2010/2011
- 4 Draft - Statement of Changes in Equity - 2010/2011
- 5 Draft - Statement of Cashflows - 2010/2011
- 6 Draft Financial Statements 2010/2011 – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

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

Report Approved By:

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

**ITEM 8 (continued)****Background**

As prescribed under Section 413 of the Local Government Act, 1993 Council is required to consider and resolve to refer the 2010/2011 Draft Financial Statements for Audit.

Following this resolution, Council will then await the receipt of the Auditor's Report and then publicly advertise that the audited Financial Statements and Auditor's Report are available for inspection and comment by members of the public.

It is proposed that the Team Manager – Financial Accounting, in the absence of the Chief Financial Officer, will make a presentation at the Council meeting of 8 November 2010 on Council's financial performance for the year. Council's Auditors will also be present at the Council meeting to answer any questions on the Financial Statements and Auditor's Report.

**Report**

Council's Draft Financial Statements for 2010/2011 have been prepared and **CIRCULATED UNDER SEPARATE COVER**. The reports have been prepared in accordance with the format required by the Local Government Act 1993, the Code of Accounting Practice issued by the Department of Local Government and the Australian Equivalents to the International Financial Reporting Standards (AIFRS).

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

The Auditors have advised that the majority of their audit has been conducted and that the Financial Statements, as presented reflects a fair and reasonable assessment of Council's financial position as at 30 June 2011.

The Financial Statements consist of the following General Purpose Financial Statements:

- |      |   |                   |
|------|---|-------------------|
| i.   | Income Statement                          | <b>(ATTACHED)</b> |
| ii.  | Statement of Comprehensive Income         | <b>(ATTACHED)</b> |
| iii. | Balance Sheet                             | <b>(ATTACHED)</b> |
| iv.  | Statement of Changes in Equity            | <b>(ATTACHED)</b> |
| v.   | Cash Flow Statement                       | <b>(ATTACHED)</b> |
| vi.  | Notes to the Financial Statements 1 to 23 |                   |

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

- Ryde Aquatic Leisure Centre
- Commercial Waste Removal

**Annual Financial Statements Process**

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



**ITEM 8 (continued)**

- 11 October 2011 2010/2011 Draft Financial Statements presented to the Committee of the Whole meeting to refer the Draft Financial Statements to Audit.
- 21 October 2011 Auditors report anticipated to be received by Council and Financial Statements submitted to the Department of Local Government.
- 26 October 2011 Public advertising notifying that the Financial Statements are available for inspection at the Civic Centre, Libraries and Council's Web Site until 15 November 2011. The advertisement also advises that the Financial Statements will be formally presented to Council on 8 November 2011 and submissions will be received until 15 November 2011.
- 8 November 2011 Ordinary Council meeting – Presentation of Council's Audited Financial Statements and Auditor's Report to Council
- 15 November 2011 Closing date for public submissions on the Financial Statements. All submissions received will be referred to Council's Auditor for consideration (Section 420(3)). Council may take such action as it considers appropriate with respect to any submissions received.

A full report on Council's financial position will be provided to Council at its meeting on 8 November 2011 and it is proposed that the Team Manager – Financial Accounting, in the absence of the Chief Financial Officer will make a presentation at that meeting on Council's financial performance for the year. Council's Auditors will also be present at the Council meeting to answer any questions on the Financial Statements and Auditors Report.

**Financial Performance**

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

<b>Financial Results</b>	<b>2009 000's</b>	<b>2010 000's</b>	<b>2011 000's</b>
<b>Operating Result</b>	\$58,843	\$16,231	\$7,284
<b>Operating Result Before Capital</b>	(\$5,497)	(\$4,215)	\$85
<b>Total Cash &amp; Investments</b>	\$66,366	\$63,051	\$69,064
<b>Internal Reserves</b>	\$48,582	\$49,684	\$47,244
<b>Working Capital</b>	\$4,331	\$4,549	\$4,412
<b>Assets under Management</b>	\$2.51B	\$2.54B	\$2.52B

**Performance Indicators**

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

**ITEM 8 (continued)**

<b>Note 13 Performance Indicators</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Unrestricted Current Ratio</b>	3.45	4.67	5.23
<b>Debt Service Ratio</b>	1.40%	0.81%	0.82%
<b>Rate Coverage Ratio</b>	36.50%	54.1%	61.64%
<b>Rates &amp; Annual Charges Outstanding</b>	3.90%	4.10%	3.99%
<b>Building &amp; Infrastructure Renewal Ratio</b>	122.50%	49.2%	47.87%

The result for 2010/2011 is a very good result for the City of Ryde that reflects the efforts of Council, all stakeholders and staff in maintaining Council's financial position.

**Working Capital**

Working Capital is one of Council's key financial indicators and in 2010/2011 it decreased to \$4.41 million from \$4.55 million in 2009/10.

Council's 2010/2014 Management Plan was adopted on a projected Working Capital position of \$3.14 million as at 30 June 2011. The 2010/2011 actual result is a further improvement on that forecast.

The final result for Council, which is yet to be confirmed by the auditors, additional income over budget of approx \$1m, savings in operating expenditure over budget of approx \$2m and capital expenditure over budget of \$1m, a total potential increase of \$4m over the projected working capital.

Due to this result, the level of working capital is projected to be \$4.41 including a recommendation that an additional \$1.06 million be transferred to the Employee Leave Entitlement (ELE) reserve, which represents the liability for those employees over 50 or 33% of the total liability.

In addition to that an additional \$2.20 million be transferred to the Asset Replacement Reserve. The Long Term Financial Plan, which is due to be adopted by 30 June 2012, will be looking at ways of addressing the Infrastructure Renewal backlog and having the additional funds in the Asset Replacement Reserve would give Council a better platform from which to plan to address the backlog.

**Assets under Management**

In 2010/2011 Council delivered a \$22.89 million Capital Works Program, excluding contributed assets, (\$24.8 million in 2009/10) with major projects including:

- Access \$6.25 million
- Parks \$1.32 million
- Stormwater & Parks Assets \$1.44 million
- Buildings & Property \$9.50 million
- Waste & Fleet \$2.70 million
- Technology Systems \$1.07 million
- Libraries \$0.46 million
- Ryde Aquatic Leisure Centre \$0.15 million

**ITEM 8 (continued)**

Council brought \$8.34 million in “contributed assets” to account this year (2009/10 nil – adjusted out) which increased Council’s Assets under Management to \$2.52 billion. Due to a recognition error for the assets associated with the Top Ryde Shopping Centre development, i.e. Council leases the air space that the assets occupy and do not own the assets until the end of the lease period, an adjustment of \$38.22 million was made to prior years to de-recognise those assets.

Council has revalued all its infrastructure assets to fair value and has depreciated them using the decay model based on the Asset Management Guidelines prepared and endorsed by the seven member Councils of NSROC.

This is the third year since Council adopted Fair Value, with the full impact of depreciation being brought to account in Council’s Financial Statements resulting in Council’s depreciation expense decreasing by \$0.12 million in 2010/2011 to \$18.60 million.

**Condition of Public Works**

Council has undertaken a comprehensive asset management programme in order to improve asset management practices across the vast infrastructure assets within the City.

As stated earlier in the report, the City of Ryde owns and maintains over \$2.52 billion worth of infrastructure including roads, parks, buildings, stormwater drainage, bridges, footpaths, lighting, seawalls and wharves with a current written down value, after depreciation, of over \$2.15billion. Of this \$1.24 billion is land.

Special Schedule 7 which reports on the condition of infrastructure assets included in the Financial Statements shows that Council would need to spend approximately \$78.94 million to bring its infrastructure assets to a satisfactory standard. It also shows that we need to spend \$15.59 million per annum to maintain the current standard of the asset; which is approximately the level of maintenance undertaken during the year.

While the 2010/2011 results demonstrate Council is in a sound financial position in the short term, there are funding shortfalls to maintain its existing assets in a satisfactory condition as projected in Council’s Long Term Financial Plan (LTFP). The strategy provides critical information that fully informs Council of its forecasted financial position and commitments for the City of Ryde.

Council developed a Long Term Financial Plan in 2006 to obtain a financial projection that quantifies the operation of Council services for the next 20 years. The strategy forecasts a cash shortfall based on Council expending \$20 million on asset renewal each year to bring its infrastructure up to a satisfactory standard. As part of the Community Strategic Plan, a revised Asset Management Plan for the period of that plan will be developed.

Information from this revised plan will be utilised in updating Councils Long Term Financial Plan.

**ITEM 8 (continued)****Investment Portfolio**

Council was pro-active in establishing an \$8 million Financial Security Reserve in October 2008 to protect Council against any future fallout from the global financial crisis.

The impact of the global financial crisis on Council's investment portfolio has been fully reported to Council in both the monthly investment report and additional reports to Council. As resolved by Council, Council has utilised this reserve to write down three (3) investments this financial year, resulting in a balance in the Financial Security Reserve as at the 30 June 2011 of \$1.00 million.

**Consultation**

Internal Council business units consulted included:-

- Finance Unit
- All Service Units, especially Service Units in the Public Works Group relating to Council's assets and the condition assessment of all infrastructure

Internal Workshops held:-

- Not Applicable.

City of Ryde Advisory Committees consulted included:-

- Audit Committee.

External public consultation included:-

- Council's Auditors Spencer Steer Chartered Accountants.
- Department of Local Government.

**Critical Dates**

Council's audited Financial Statements (including General and Special Purpose Financial Statements) are required to be prepared and audited within four (4) months after the end of that year, i.e. 31 October 2011.

Council is also required to hold a Council meeting to present the Audited Financial Statements and the Auditors Report by no later than 5 December after the end of the financial year.

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

**Financial Impact**

It should be noted that the Financial Statements included in this report are still subject to audit; however no significant changes are expected.

The Working Capital result, which is one of Council's key financial indicators, is projected to be \$4.41 million as at the 30 June 2011. This result is an improvement on the forecast of \$3.14 million as detailed in the original 2010/2014 Management Plan.

**ITEM 8 (continued)**

The City of Ryde's final end of year result will be detailed in the report to Council on Tuesday, 8 November 2011 that will be submitted for Council's consideration in the adoption of the 2010/2011 Financial Statements.

**Policy Implications**

There are no policy implications through the adoption of the recommendation.

**Other Options**

Not Applicable

**Conclusion**

While the 2010/2011 result demonstrates Council's sound financial position, the City of Ryde is similar to all Local Governments across NSW, in that it will continue to face a number of challenges in the years ahead. Some of the key challenges will be managing the on going impacts of the global financial crisis which has resulted in reduced development activity and declines in revenue.

In addition to increasing Council's revenue base the other key challenge for Council will be to continue to address maintaining and upgrading of its \$1.29 billion of renewable infrastructure.

## ITEM 8 (continued)

## ATTACHMENT 1

## DRAFT - General Purpose Financial Statements - Year Ended 30 June 2011

INCOME STATEMENT  
for the year ended 30 June 2011

Original Budget* 2011 (\$'000)		Notes	Actual 2011 (\$'000)	Actual 2010 (\$'000)
<b>INCOME FROM CONTINUING OPERATIONS</b>				
55,816	Rates and Annual Charges	3(a)	56,340	54,496
11,161	User Charges and Fees	3(b)	10,942	11,401
2,489	Interest and Investment Revenue	3(c)	4,429	-
5,278	Other Revenues	3(d)	5,406	4,659
6,450	Grants & Contributions provided for operating purposes	3(e&f)	6,903	6,260
5,704	Grants & Contributions provided for capital purposes	3(e&f)	15,539	12,288
<b>Other Income:</b>				
-	Net gain from the disposal of assets	5	531	-
-	Net share of interests in joint ventures and associates using the equity method	19	-	-
<b>86,898</b>	<b>TOTAL INCOME FROM CONTINUING OPERATIONS</b>		<b>100,090</b>	<b>89,104</b>
<b>EXPENSES FROM CONTINUING OPERATIONS</b>				
33,766	Employee Benefits and On-costs	4(a)	33,644	32,614
344	Borrowing Costs	4(b)	242	202
22,793	Materials and Contracts	4(c)	21,185	19,525
18,500	Depreciation, Amortisation and Impairment	4(d)	18,598	18,715
11,027	Other Expenses	4(e)	10,432	9,329
-	Interest and Investment Losses	3(c)	-	627
-	Net Loss from the disposal of assets	5	-	19
-	Share of interests in joint ventures and associates using the equity method	19	-	-
<b>86,430</b>	<b>TOTAL EXPENSES FROM CONTINUING OPERATIONS</b>		<b>84,101</b>	<b>81,031</b>
<b>468</b>	<b>OPERATING RESULT FROM CONTINUING OPERATIONS</b>		<b>15,989</b>	<b>8,073</b>
-	Operating result from discontinued operations	24	-	-
<b>468</b>	<b>NET OPERATING RESULT FOR THE YEAR</b>	2(a)	<b>15,989</b>	<b>8,073</b>
<b>(5,236)</b>	<b>NET OPERATING RESULT FOR THE YEAR BEFORE GRANTS &amp; CONTRIBUTIONS PROVIDED FOR CAPITAL PURPOSES</b>		<b>450</b>	<b>(4,215)</b>

\* Original budget as approved by Council - Refer Note 16

The above Income Statement should be read in conjunction with the accompanying notes.



## ITEM 8 (continued)

## ATTACHMENT 2

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2011

**STATEMENT OF COMPREHENSIVE INCOME**  
for the year ended 30 June 2011

	Notes	Actual 2011 (\$'000)	Actual 2010 (\$'000)
<b>Net operating result for the year - from Income Statement</b>		15,989	8,073
<b>Other comprehensive income</b>			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	20(b)	-	-
Gain (loss) on revaluation of available-for-sale investments	20(b)	-	-
Realised available-for-sale investment gains recognised in revenue	20(b)	-	-
Adjustment to correct prior period errors	20(d)	-	-
<b>Total other comprehensive income for the year</b>		15,989	8,073
<b>Total comprehensive income for the year</b>			
Attributable to:			
- Council		15,989	8,073
- Minority Interests			

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

## ITEM 8 (continued)

## ATTACHMENT 3

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2011

## BALANCE SHEET

As at 30 June 2011

	Notes	2011 (\$'000)	2010 (\$'000)
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and Cash Equivalents	6(a)	8,532	27,806
Investments	6(b)	50,030	28,250
Receivables	7	5,792	6,158
Inventories	8	420	467
Other	8	969	405
Non-Current assets classified as held for Sale	22	-	971
<b>Total Current Assets</b>		65,743	64,057
<b>Non-Current Assets</b>			
Investments	6(b)	10,502	6,995
Receivables	7	938	933
Infrastructure, Property, Plant and Equipment	9	2,156,578	2,175,729
Investments accounted for using equity method	19	-	-
Investment Property	14	2,200	2,200
Intangible assets	25	-	-
Other	8	-	-
<b>Total Non-Current Assets</b>		2,170,218	2,185,857
<b>TOTAL ASSETS</b>		<u>2,235,961</u>	<u>2,249,914</u>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	10(a)	15,393	15,437
Borrowings	10(a)	775	434
Provisions	10(a)	7,455	7,205
<b>Total Current Liabilities</b>		23,623	23,076
<b>Non-Current Liabilities</b>			
Payables	10(a)	-	-
Borrowings	10(a)	3,899	4,339
Provisions	10(a)	174	164
<b>Total Non-Current Liabilities</b>		4,073	4,503
<b>TOTAL LIABILITIES</b>		<u>27,696</u>	<u>27,579</u>
<b>NET ASSETS</b>		<u>2,208,265</u>	<u>2,222,335</u>
<b>EQUITY</b>			
Retained Earnings	20	1,689,891	1,703,960
Revaluation reserves	20	518,376	518,376
Council equity interest		2,208,267	2,222,336
Minority equity interest		-	-
<b>TOTAL EQUITY</b>		<u>2,208,267</u>	<u>2,222,336</u>

The above Balance Sheet should be read in conjunction with the accompanying notes.

## ITEM 8 (continued)

## ATTACHMENT 4

## DRAFT - General Purpose Financial Statements - Year Ended 30 June 2011

STATEMENT OF CHANGES IN EQUITY  
for the year ended 30 June 2011

	Notes	2011 (\$'000)							2010 (\$'000)						
		Retained Earnings			Council Equity				Asset			Other Reserves			
									Revaluation Reserve						
Opening Balance	20	1,703,960	518,376		2,222,336	-	2,222,336		518,376					2,214,364	-
Correction of errors		(30,058)					(30,058)							(131)	
Changes in Accounting Policies															
Restated Opening Balance	20	1,673,902	518,376		2,192,278	-	2,192,278		518,376					2,214,263	-
Net Operating Result for the Year	20	15,989	-						-					8,073	
Other Comprehensive Income	20														
Total Comprehensive Income	20	15,989	-						-					8,073	
Closing Balance	20	1,689,891	518,376		2,208,267	-	2,208,267		518,376					2,222,336	-

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

## ITEM 8 (continued)

## ATTACHMENT 5

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2011

STATEMENT OF CASH FLOWS  
for the year ended 30 June 2011

Original Budget* 2011 (\$'000)	Notes	2011 (\$'000)	2010 (\$'000)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Receipts</b>			
55,816 Rates & Annual Charges		56,355	54,249
12,092 User Charges & Fees		12,017	12,487
2,489 Investment Revenue and Interest		4,388	3,006
6,738 Grants and Contributions		15,092	12,944
5,529 Other		6,947	7,198
<b>Payments</b>			
(33,863) Employee Benefits and on-costs		(34,043)	(32,342)
(24,774) Materials and Contracts		(22,721)	(20,516)
(344) Borrowing Costs		(241)	(201)
(12,062) Other		(12,019)	(9,939)
11,621 <b>Net cash provided (or used) in Operating Activities</b>	11(b)	25,775	26,886
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Receipts</b>			
33,479 Sale of Investments		23,364	15,000
- Sale of Investment Property		-	-
- Sale of Real Estate Assets		1,008	-
853 Sale of Infrastructure, Property, Plant and Equipment		1,309	974
- Sale of Interests in Joint Ventures/Associates		-	-
- Proceeds from Boundary Adjustment		-	-
- Other		-	-
<b>Payments</b>			
(22,000) Purchase of Investments		(48,032)	(33,000)
- Purchase of Investment property		-	-
(75,396) Purchase of Property, Plant and Equipment		(22,655)	(26,614)
- Purchase of Real Estate		-	-
- Purchase of Interests in Joint Ventures/Associates		-	-
- Other		-	-
(63,065) <b>Net cash provided by (or used in) Investing Activities</b>		(45,006)	(43,640)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>Receipts</b>			
- Borrowings and Advances		-	-
- Other		-	-
<b>Payments</b>			
(381) Borrowings and Advances		(427)	(427)
- Lease Liabilities		-	-
- Other		-	-
(381) <b>Net cash provided by (or used in) Financing Activities</b>		(427)	(427)
(51,824) Net Increase (Decrease) in Cash & Cash Equivalents		(19,658)	(17,181)
27,806 Cash & Cash Equivalents at beginning Reporting Pd	11(a)	27,806	44,987
(24,018) <b>Cash &amp; Cash Equivalents at end of Reporting Pd</b>	11(a)	8,148	27,806

The above cash flow statement should be read in conjunction with the accompanying notes.

## **9 POLICY - EXPENSES RELATING TO THE GENERAL MANAGER AND SENIOR STAFF**

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**Report prepared by:** Manager - Governance

**Report dated:** 1/09/2011

**File No.:** GRP/09/7/1/7 - BP11/588

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### **Report Summary**

The **ATTACHED** Policy for Expenses Relating to the General Manager and Senior Staff is provided for Council's endorsement. The aim of the Policy is to set out the circumstances, procedures and controls relating to out-of-pocket expenses incurred by the General Manager and Group Managers.

It is recommended that the Policy be endorsed.

### **RECOMMENDATION:**

That the **ATTACHED** Expenses Relating to the General Manager and Senior Staff Policy be adopted.

### **ATTACHMENTS**

- 1 Expenses relating to the General Manager and Senior Staff - Policy

Report Prepared By:

**Shane Sullivan**  
**Manager - Governance**

Report Approved By:

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

**ITEM 9 (continued)****Background**

Currently, the standard Senior Staff Contract of Employment provides that the General Manager and designated Senior Staff may be reimbursed for expenses properly incurred on Council business. The contract also refers to any relevant policies of Council.

The aim of the **ATTACHED** Policy is to clearly set out the circumstances and processes for reimbursement of out-of-pocket expenses.

The recent Independent Commission Against Corruption report into Burwood Council recommended the following:

*That Burwood Council develops a policy for the payment of appropriate out-of-pocket expenses incurred by the General Manager and Council employees. Such a policy should incorporate the provisions of the NSW Government Expenses Policy.*

As a result of this recommendation, a policy has been drafted to set out the procedures relating to out-of-pocket expenses incurred by the General Manager and Group Managers, that is, those positions designated as Senior Staff.

**Report**

The attached Policy has been written with consideration to the NSW Government Expenses Policy. This is in accordance with the recommendations of the Independent Commission Against Corruption as a result of the report into Burwood Council.

In addition, the Policy for Expenses Relating to the General Manager and Senior Staff reflects the provisions of the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors with regard to attendance at Conferences. The time frame for claiming reimbursements is three months and this also aligns with the policy for the Mayor and other Councillors. The aim of aligning the two policies is to provide consistency in the application of Council policies and procedures.

Consideration has also been given to the current provisions of the standard Senior Staff Contract of Employment to provide clarity around the reimbursement of expenses incurred on Council business.

The policy specifically states approving expenses where there is an actual or perceived personal benefit derive from expenditure is prohibited.

The aim of this policy is to provide a clear process for out-of-pocket expenses and to ensure there is consistency and transparency in the application of the process.

**Consultation**

Internal Council business units consulted included:-

- The **ATTACHED** Policy has been endorsed by the Executive team
- General Counsel, the Manager, Human Resources and Manager, Risk and Audit have been consulted in relation to this Policy.



**ITEM 9 (continued)****Critical Dates**

There are no critical dates or deadlines to be met.

**Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact as there currently exists a provision for reimbursement. The **ATTACHED** Policy sets out the circumstances for this reimbursement more clearly.

**Policy Implications**

Upon adoption, a copy of this policy will be placed on the internet and intranet.

A copy will also be provided to the Division of Local Government, NSW Ombudsman and the Independent Commission Against Corruption for comment.

**Other Options**

Council may resolve to amend the **ATTACHED** Policy or not to adopt the Expenses Relating to the General Manager and Senior Staff Policy.

**ITEM 9 (continued)****ATTACHMENT 1****EXPENSES RELATING TO THE GENERAL  
MANAGER AND SENIOR STAFF****Purpose**

This Policy sets out the circumstances, procedures and controls relating to out-of-pocket expenses incurred by the General Manager and designated Senior staff. These out-of-pocket expenses often relate to a form of hospitality during the performance of their duties.

It is acknowledged that in order to effectively undertake their roles that the General Manager and Senior Staff will be required to incur costs relating to entertainment and/or hospitality. It is unreasonable that they bear such costs as individuals. Where these costs are not minor and are incurred in the effective undertaking of their duties it is appropriate that it be reimbursed from Council funds.

The aim of this Policy is to provide transparency, clarity and consistency around the payment of out-of-pocket expenses incurred by the General Manager and designated Senior Staff.

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**Scope**

This Policy applies to the position of General Manager and those positions designated as Senior Staff within the Senior Staff Contract of Employment. It also applies to those staff who may from time to time be acting in these positions.

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**References**

This Policy relates to the provisions within the Senior Staff Contract of Employment with regard to reimbursement for expenses properly incurred on Council business and constitutes appropriate prior approval where the requirements of the attached guidelines are met.

The provisions for the General Manager and Senior Staff with regard to conference attendance and associated incidental expenses are aligned to the corresponding provisions for Councillors under the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors.

Owner: Service Unit: Governance Unit	Accountability: Governance framework (including registers) development	Issue: Date
Trim Reference: tba		Authority - COUNCIL

**ITEM 9 (continued)****ATTACHMENT 1****EXPENSES RELATING TO THE GENERAL MANAGER AND SENIOR STAFF - Guidelines****Guidelines**

In applying these guidelines, approving expenses where there is an actual or perceived personal benefit derived from expenditure is prohibited.

The following guidelines set out the provisions under this policy.

**General**

1. The General Manager and Senior Staff are expected to cover expenditure of a minor nature associated with work and normal representational responsibilities, such as an occasional round of drinks, confectionary etc.
2. The General Manager may approve certain out-of-pocket expenses by Senior Staff which would form a charge against Council's funds. Such expenses must be reasonable and directly related to:
  - the performance of official duties, or
  - recognition of staff performance, or
  - establishing partnerships of importance to Council

Where possible, prior approval must be obtained.

3. In the case of out-of-pocket expenses incurred by the General Manager as per 2 above, approval must be obtained from the Mayor.
4. Examples of appropriate costs include costs incurred when representing Council and major hospitality duties, such as entertaining a group of visitors or representatives from government, business or community organisations or other partnerships of importance to Council.
5. For out-of-pocket expenses incurred by the General Manager or Senior staff to be acceptable as a charge against Council funds, the following apply:
  - The event to which the charge is related must have a direct relationship to the officer's duties.
  - Working meals are not to be regular occurrences and would normally have moderate charges per head and involve participation of persons from outside Council or, occasionally, with Councillors and/or senior staff from across Council.

**ITEM 9 (continued)****ATTACHMENT 1**

- The expenditure incurred should not provide a predominantly personal benefit to the staff member, members of their family or friends.
  - Tips will not be permissible.
  - Expenditure on gifts or tokens is acceptable for departing Senior Staff and appropriate condolences. (Gifts to visitors or guests of Council should be sourced from Council's existing standard gifts.)
6. Senior staff will be provided with equipment to facilitate connection to Council's network and systems. All expenses related to supporting this equipment will be at Council's expense. Any additional requirements or costs incurred are to be met by the staff member.
  7. It is acknowledged that on occasion the General Manager and Senior Staff may be required to attend functions or events where it is responsible practice for them to take a taxi. In such instances they may use Council provided vouchers or seek reimbursement for the fare/s.
  8. Generally goods and services should be received before any reimbursement is made. Payment should only be made in advance where it is unavoidable.
  9. Reimbursement of costs and expenses must be made within three months of the cost or expense being incurred.

**Conferences**

The following provisions are aligned to the entitlements to Councillors under the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors Policy.

1. In recognition of the importance of a good work and family balance, spouses, partners or accompanying persons are welcome to join the General Manager or Senior Staff whilst attending events away from home. In such circumstances, Council will not require reimbursement of costs if no additional travel and accommodation expenses are incurred over and above what would have been expended by the individual. For example, if the person/s are able to be accommodated in the same room already provided as standard, it will be considered that no additional cost has been incurred by Council.
2. Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the seminar, conference or training course, including the cost of meals (and reasonable cost of drinks) when they are not otherwise included in the fees. Each staff member is entitled to seek reimbursement up to \$100 per meal for the purpose of this provision up to a limit of 3 meals per day. Official receipts will be required for reimbursement.
3. The General Manager and Senior Staff shall be entitled to seek reimbursement for attendance at dinners and other non-Council

**ITEM 9 (continued)****ATTACHMENT 1**

functions where briefings relevant to the Council's interest are provided by key members of the community, politicians, government departments and business. Each staff member is entitled to seek reimbursement up to \$300 per annum for the purposes of this provision. Official receipts will be required for reimbursement under this clause.

4. Economy class air travel will be provided as standard for travel within Australia although business class air travel will be allowed for longer haul travel to the Northern Territory and Western Australia. The cost of any upgrade shall be the responsibility of the individual. Business class air travel will be allowed for any overseas travel (subject to Council approval). The General Manager and senior staff are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
5. Where trains are used, first class train travel will be provided, including sleeping berths where available.
6. Council shall also meet the cost of any transfers between the General Manager or Senior Staff's residence and a transport interchange (ie: airport) and between the transport interchange and hotel or venue, such costs not to exceed the cost of taxi fares.
7. Council may provide the General Manager or Senior staff with taxi vouchers for travel to a seminar, conference or training course. The officer must ensure that unused vouchers and the receipts of used vouchers are provided to Council within seven days of the event.
8. Any accommodation required by the General Manager or Senior Staff will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the individual.
9. Council shall reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses incurred by the General Manager or Senior Staff.
10. Incidental expenses include, but are not limited to, in-house hotel television, telephone or facsimile calls, internet charges, refreshments, laundry and dry cleaning, and newspapers.
11. The General Manager or Senior Staff are entitled to seek reimbursement up to \$20 per day for the purposes of this clause.

**Recording and Reporting**

Claims for expenses in accordance with this policy must be made in writing and will require appropriate approval.

**ITEM 9 (continued)****ATTACHMENT 1****Context**

The standard Senior Staff Contract of Employment provides as follows:

In addition to any duties or entitlements that may be set out in any relevant policies of Council as adopted by Council from time to time, the employee will:

- 12.1 keep such records of expenses, travel and motor vehicle use as required by the employer from time to time,
- 12.2 be reimbursed for expenses properly incurred on Council business, subject to the employer's prior approval to this expense being incurred,
- 12.3 only use any Council credit card for expenses incurred on Council business, and
- 12.4 return any Council credit card on request from the employer.

This Policy would constitute a relevant policy as set out above.

Owner: Service Unit: Governance Unit	Accountability: Governance framework (including registers) development	Issue: Date
Trim Reference: tba	Relevant Policy: Code of Conduct, Gifts and Benefits	Authority - COUNCIL



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**10 POLICY - FACILITY OPENING AND PLAQUES**

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**Report prepared by:** Manager - Community Relations and Events

**Report dated:** 23/09/2011

**File No.:** GRP/11/4/3 - BP11/619

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**Report Summary**

The **ATTACHED** Policy for Facility Opening and Plaques is provided for Council's endorsement. The aim of the Policy is to set out the guidelines and procedures for the wording of plaques and order of proceedings.

It is recommended that the Policy be endorsed.

**RECOMMENDATION:**

That the **ATTACHED** policy and procedures for Facility Opening and Plaques be adopted.

**ATTACHMENTS**

- |   |  |         |
|---|--|---------|
| 1 | Facility Opening and Plaque Policy     | 1 Page  |
| 2 | Facility Opening and Plaque procedures | 2 Pages |
| 3 | City of Ryde - Plaque Standards        | 4 Pages |

Report Prepared By:

**Derek McCarthy**

**Manager - Community Relations and Events**

Report Approved By:

**Baharak Sahebekhtiari**

**Acting Group Manager - Community Life**

**ITEM 10 (continued)****Report**

This policy is to give clear direction to staff and Council for consistency in wording for plaques, provide recognition to partners in projects and to ensure correct procedures for openings of Council facilities are followed.

**Consultation**

Internal Council business units consulted included:-

- Not Applicable.

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**

Adoption of the option(s) outlined in this report will have no financial impact.

**Policy Implications**

Upon adoption, a copy of this policy will be placed on the internet and intranet.

**Other Options**

Council may resolve to amend the **ATTACHED** Policy or change the content of the policy and procedures.

**Conclusion**

The adoption of this policy will set clear guidelines for staff in the wording of plaques and protocols for official ceremonies.

## ITEM 10 (continued)

## ATTACHMENT 1



## Facility Opening and Plaque Policy

**Purpose**

This Policy establishes protocols for the wording of plaques and protocols for official ceremonies conducted by the City of Ryde to commemorate the opening of a new or refurbished facility or to celebrate an event which has historical significance in the future.

The aim of this Policy is to provide transparency, clarity and consistency for conducting official opening ceremonies and wording for plaques.

**Scope**

The Opening Protocols and Plaque Policy applies to:

- Opening Ceremonies and associated plaques for new or refurbished facilities
- Other commemorative plaques

**Guidelines / Procedures**

The associated Procedures will establish protocols on:

- Who represents Council in Official Ceremonies
- Speakers and the order in which they speak
- Involvement of representatives from State or Federal Governments
- How Plaques are designed and worded

**References - Legislation**

The topic of this Policy and its implementation are not governed by legislation

**Review Process and Endorsement**

As required

**Attachments**

<i>Facility Opening and Plaque procedures</i>	<i>Trim Reference</i>
<i>Corporate Guidelines – Plaque Standards</i>	

## ITEM 10 (continued)

## ATTACHMENT 2



# Facility Opening and Plaque-Procedures

**Related Policy**

Facility Opening and Plaque Policy.

---

**Procedures**

These procedures determine City of Ryde protocols for:

- Official ceremonies to commemorate the opening of a new or refurbished facility.
- Wording of plaques

**Official Opening Ceremonies: Council funded projects.**

- The Mayor or representative shall open facilities

**Speakers:**

- The Mayor or representative shall speak on behalf of Council
- General Manager may at his discretion invite staff to speak about the technical aspects of the facility.
- Other speakers including Local Members may be invited to speak at the discretion of the Mayor.

**Order of Proceedings (typical example):**

- *Welcome by MC*
- *Introduce Mayor*
- *Mayoral Address*
- *Thank Mayor*
- *Introduce General Manager or representative*
- *GM Invites the Mayor to officially open facility*
- *Mayor Unveils plaque*

**Official Opening Ceremonies- Joint funding arrangements with State or Federal Governments:**

- The Mayor or representative shall jointly open facilities with relevant government or departmental representative

**Speakers:**

- The Mayor or representative shall speak on behalf of Council
- A representative of the Government or relevant department will be invited to speak
- General Manager may at his discretion invite staff to speak about the technical aspects of the facility
- Other speakers including Local Members may be invited to speak at the discretion of the Mayor.

**ITEM 10 (continued)****ATTACHMENT 2**

# Facility Opening and Plaque-Procedures

Order of Proceedings (typical example):

- *Welcome by MC*
- *Introduce Mayor*
- *Mayoral Address*
- *Thank Mayor*
- *Introduce Representative from Government Department*
- *Representative from Government Department Address*
- *Invite the Mayor and Representative from Government Department to officially open facility*
- *Mayor and Representative from Government Department Unveil plaque*

## Plaques

Plaques for the opening of new or refurbished facilities will include the following:

- Identification of facility
- Date (day, month , year) of opening
- Who opened it
- City of Ryde logo
- At bottom of plaque the name and title of the Mayor and General Manager of the day
- Where State or Federal Government significantly fund projects, plaques may also include the logo of the Department and recognise the Member of Parliament in attendance as the official representative conducting the opening.

Other commemorative plaques:

- Date (day, month, year) of opening
- City of Ryde logo
- At bottom of plaque the name and title of the Mayor and General Manager of the day
- Relevant information about the subject

Approval:

- The final wording and format of all Plaques will be submitted through Manager Community Relations and Events for approval by Group Manager Community Life.

Design and Installation:

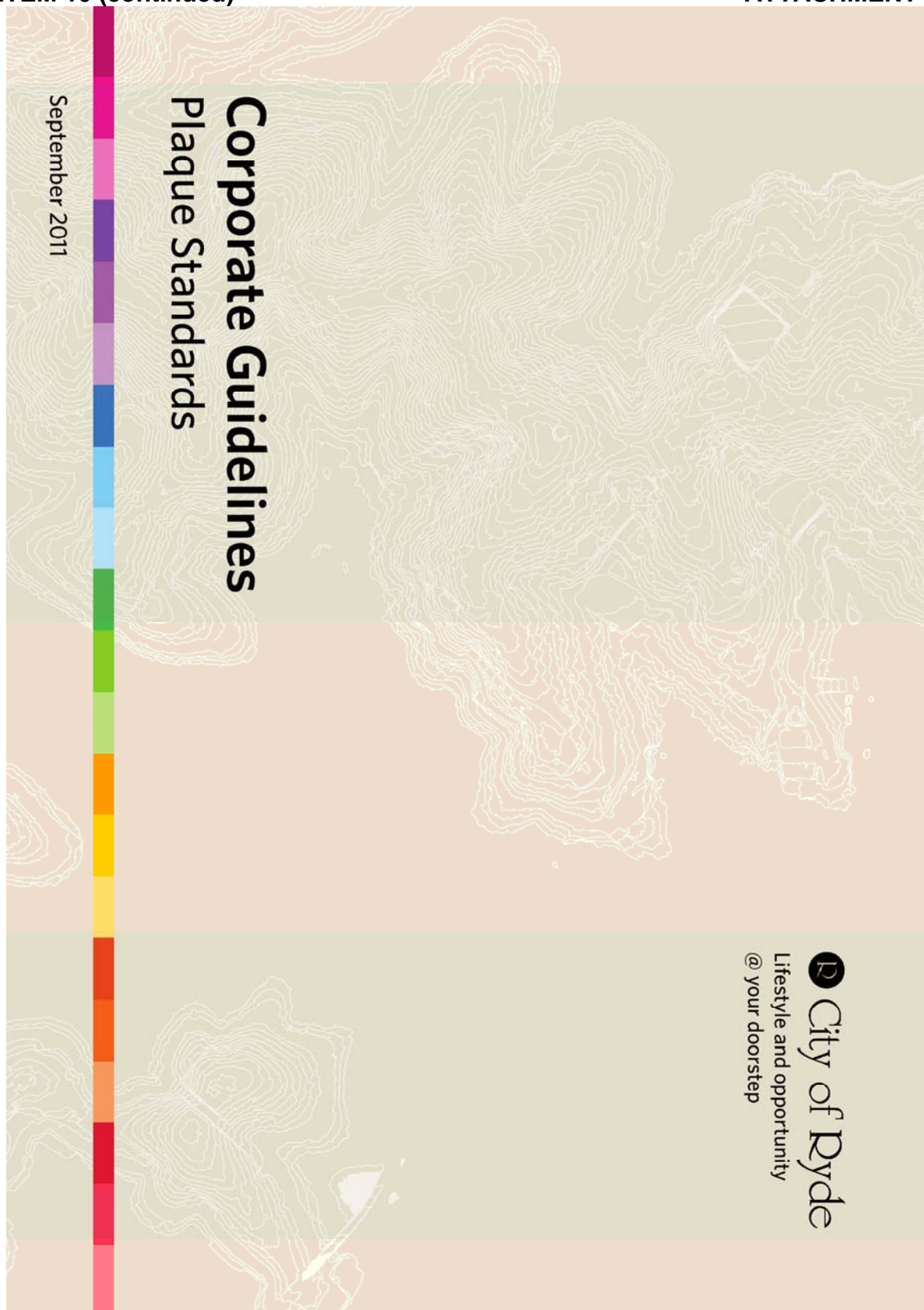
- Plaques will be designed as per Corporate Guidelines- Plaque Standards September 2011
- Material and method of installation will be determined depending on the location and space available

## Attachments

<i>Number</i>	<i>Title</i>	<i>Trim Reference</i>
1.	Corporate Guidelines – Plaque Standards	

ITEM 10 (continued)

ATTACHMENT 3



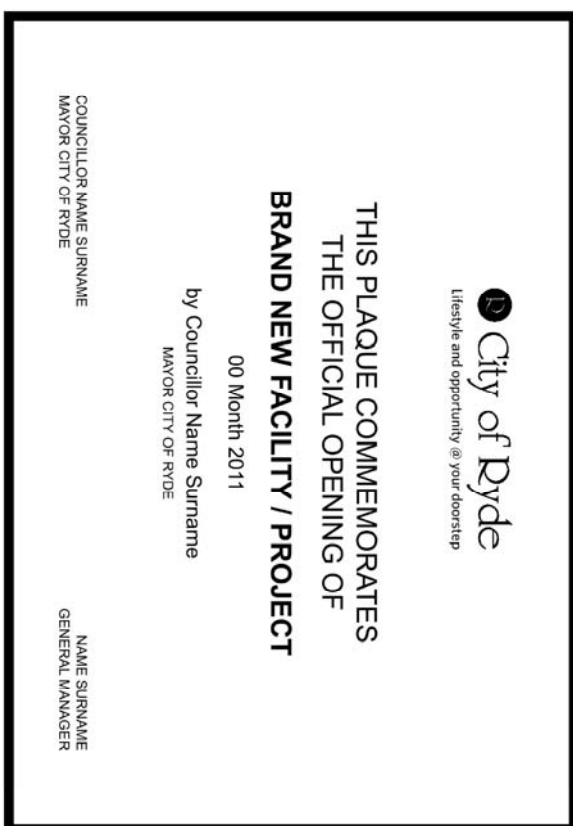


## ITEM 10 (continued)

## ATTACHMENT 3

## City of Ryde plaque

The plaque below illustrates the information required for a City of Ryde Plaque.



## Plaque standardisation

A design standard for commemorative plaques for openings, new or refurbished facilities and historic or informative plaques are outlined in these guidelines. The wording is succinct and the design reflects the City of Ryde identity.

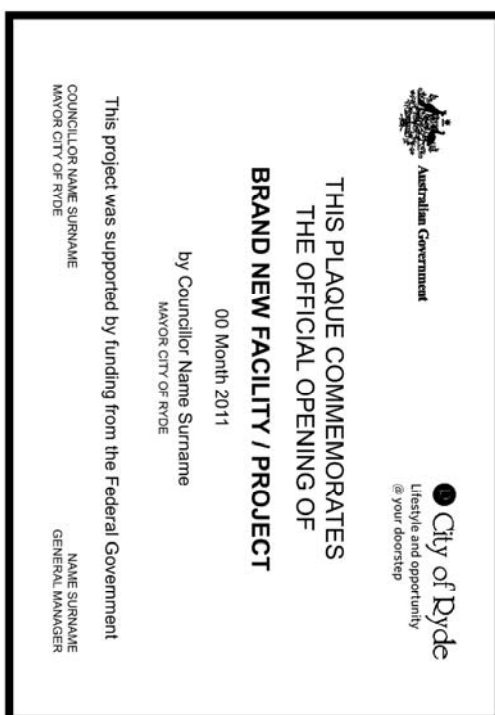
- ✓ All plaques must be developed in conjunction with the Community Relations and Events Unit before approval from the Group Manager Community Life.
- ✓ Every plaque must include:
  - City of Ryde logo including the corporate tag line
  - Identification of facility, project or subject
  - Date (Day Month Year) of opening
  - The Mayor and the General Manager.
- ✓ In addition, where State or Federal Government significantly fund projects, plaques may also include:
  - Government logo
  - Official Representative.
- ✓ These guidelines support the *Opening Protocols and Plaque Policy and Procedures*.
- ✗ Do not include any information on a plaque that may change in the future (such as opening times).

## ITEM 10 (continued)

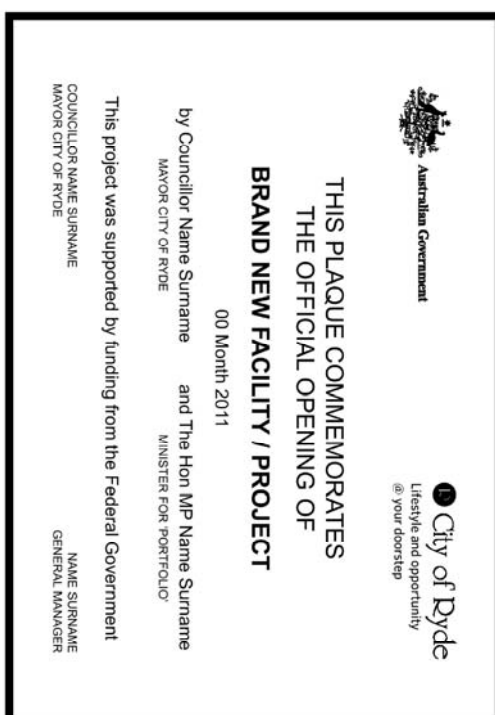
## ATTACHMENT 3

**Joint funding plaque**

The plaque below demonstrates how to incorporate a partner into the plaque layout

**Joint funding plaque with official representative**

The plaque below demonstrates how to incorporate a partner into the plaque layout



## ITEM 10 (continued)

## ATTACHMENT 3

**Historic plaque**

The plaque below illustrates examples of an historic plaque.



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**11 WEST RYDE VILLAGE SQUARE - Public Art**

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**Report prepared by:** Social Policy and Planning Co-ordinator**Report dated:** 16/09/2011**File No.:** GRP/09/4/2/2 - BP11/612

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**Report Summary**

The report provides information for Council on Coles Group Property Development's public art proposal for the West Ryde Village Square.

As part of the Voluntary Planning Agreement (VPA) for West Ryde Urban Village development, Coles will install public art works in the new Village Square. The inclusion of public art in the VPA was to ensure the Square would be an engaging community space and to reflect local identity, with particular consideration to children using the area en route to West Ryde Community Centre.

The concept is based on local research, including informal discussions with residents, information from West Ryde Public School, and researching the City of Ryde's Oral History Collection.

The report to Council on public art concepts for West Ryde Village Square action a resolution of Council on the 8 FEBRUARY 2011 stating:

*That to remove any cause for doubt, Council reaffirms its request that where public art is proposed to be installed on Council land or where Council is the proponent for public art in the City of Ryde, the General Manager obtain the approval of Council for the concept design before any commitment is entered into that would result in detailed design or construction.*

**RECOMMENDATION:**

That Council endorses the public art proposal for the West Ryde Village Square as submitted by Coles Group Property Development

**ATTACHMENTS**

- 1 West Ryde Village Square Public Art Concepts – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Jonathan Nanlohy**  
**Social Policy and Planning Co-ordinator**

Report Approved By:

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

**ITEM 11 (continued)****Background**

As part of the Voluntary Planning Agreement (VPA) for West Ryde Urban Village development, Coles will install public art works in the new Village Square. The inclusion of public art in the VPA was to ensure the Square would be an engaging community space, with particular consideration to children using the area en route to West Ryde Community Centre. Coles has commissioned public artists to design and produce the public art works. Council staff have been consulted to provide technical and public art advice in the design and development of the works.

**Report**

The concept for the public art is Origami Horses (see attached – circulated under separate cover). The rationale for the horse was developed from consultations with some local residents and information from the City of Ryde Oral History program. These consultations and research revealed a distinct recollection of horses in West Ryde, and their importance to the community. The concept of the Origami Horse will be extended across in front of the West Ryde Community Centre, where etched granite will tell local historical and contemporary stories of West Ryde.

The Horses begin small scale and ‘unfold’ throughout the Square to eventually reach a height of approximately 3 - 4 metres high. The structure of the Horses will be filled in by panels designed by local school children. Materials will be a combination of concrete, metal and polycarbonate, and be illuminated by LED lighting.

The specifications for the public art were to:

- Incorporate local settlement histories into a public art design that creates a strong identity for the Square
- Create a playful public art design that provides a point of reference for children and families en route to the West Ryde Community Centre;
- Create a public art design that provides opportunities for local school children to be involved in concept development
- Provide a connection between the West Ryde Community Centre and the Village Square.

The concept is based on local research, including informal discussions with residents, information from West Ryde Public School, and researching the City of Ryde’s Oral History Collection.

*“Kitty his horse, she was a beautiful horse, a mare, and when she got to a bend she’d go flat out to see how fast she could broadside the cart. But after that I went and worked for Williams who took over from Boyle up in Hughes Avenue. His run was all over Concord. So we used to go across the punt and do all the run over in Concord.”*

Above is an excerpt from local resident Owen Bennett and one of his experiences growing up in West Ryde, as told to City of Ryde Library staff as part of the Oral History Collection. This and other information from the City of Ryde’s Oral History Collection will be used in the etched granite to tell stories of West Ryde.

**ITEM 11 (continued)**

Research also highlighted that West Ryde Public School has a paper folding course for young people. This group and others from West Ryde Public School will be involved in designing the panels that will be fitted to the Origami Horses. There will also be opportunities for the children and family services in the West Ryde Community Centre to participate in making the panels.

The involvement by local children in the design process will provide ownership of the public art and a strong connection to the new West Ryde Village Square.

Council staff has provided technical advice regarding the design, functionality, safety and locating public artworks.

**Consultation**

Internal Council business units consulted included:-

- Community and Culture.
- Public Works.

Internal Workshops held:-

- None.

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**

Adoption of the option(s) outlined in this report will have no financial impact. The life cycle maintenance costs will be incorporated into future Public Works maintenance budget for the Plaza.

**Policy Implications**

There are no policy implications through adoption of the recommendation.

**Other Options**

Any redesign of the public art concept for the West Ryde Village will have a financial implication and impact on the project timeframe for the Village Square.

**Conclusion**

The Coles' public art proposal is intended to activate West Ryde Village Square, linking the public space with the area's settlement history, local school, residents and users of the West Ryde Community Centre. The public art achieves this by drawing on local stories, particularly those recorded through the City Ryde's Oral History Collection, and having local children involved in the development of the artwork.



**ITEM 11 (continued)**

The report to Council on public art concepts for West Ryde Village Square action a resolution of Council on 8 February 2011 stating:

*That to remove any cause for doubt, Council reaffirms its request that where public art is proposed to be installed on Council land or where Council is the proponent for public art in the City of Ryde, the General Manager obtain the approval of Council for the concept design before any commitment is entered into that would result in detailed design or construction.*

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**12 UPDATE ON THE ESTABLISHMENT OF MARKET/FAIR IN RYDE BY  
CHAMBER OF COMMERCE**

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**Report prepared by:** Manager - Community Relations and Events

**Report dated:** 29/09/2011

**File No.:** GRP/11/4/3 - BP11/632

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**Report Summary**

To inform Council of the status of Council staff responding to the Chamber of Commerce for the establishment of a market/fair in Church St, Top Ryde.

**RECOMMENDATION:**

That a further report, including a Project Plan, be provided to Council following receipt of a formal proposal from the Chamber of Commerce as set out in this report.

**ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Derek McCarthy**

**Manager - Community Relations and Events**

Report Approved By:

**Baharak Sahebekhtiari**

**Acting Group Manager - Community Life**

**ITEM 12 (continued)****Background**

In its Operational Plan 2011/12 Council approved supporting Ryde Chamber of Commerce in the establishment of a Market/Fair in Church St, Top Ryde and resolved that:

*Council staff begin assisting the Chamber of Commerce in developing a project Plan for the logistics to commence conducting the fair.*

**Report**

The Chamber of Commerce have conducted an initial meeting with stakeholders including Ryde Rotary Club who have indicated they will endorse the market/fair and have an involvement in the conduct of the event.

The President of Ryde Chamber of Commerce provided the Economic Development Advisory Committee with a progress report on Thursday, 29 September 2011 and they fully endorsed the project.

The working group have identified the following issues to be addressed at the next working group meeting scheduled for mid October.

- The range of stakeholders, particularly those who should be represented on the governance team.
- The nature of the “entity” which should conduct this ongoing enterprise.
- The main mechanism for achieving a financial return from the conduct of the fair, and the basis on which the return should be shared amongst stakeholders.
- Marketing aspects of the fair, including:
  - clear identification of the “customers” of the “fair”.
  - positioning the fair relative to other such events.
  - a theme appropriate to our locality.
  - promotion.

After this meeting it is intended that Council staff will work with the working group to develop a project plan to be reported to the Economic Development Advisory Committee and Council.

**Consultation**

Internal Council business units consulted included:-

- Urban Planning – Economic Development Officer.

Internal Workshops held:-

- Not Applicable.

City of Ryde Advisory Committees consulted included:-

- Economic Development Advisory Committee.

External public consultation included:-

- Ryde Chamber of Commerce.

**ITEM 12 (continued)****Critical Dates**

There are no critical dates or deadlines to be met.

**Financial Impact**

Adoption of the option outlined in this report will have no financial impact.

**Policy Implications**

There are no policy implications through adoption of the recommendation.

**Conclusion**

Council has supported in principal the market/fair proposal by Ryde Chamber of Commerce through funding allocation in the 2011/12 Operational Plan. Council staff will be able to work with the Ryde Chamber of Commerce to develop a Project Plan once the issues identified in the report are resolved.

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**13 OVERVIEW OF CONDITION OF CORPORATE BUILDINGS AND ESSENTIAL WORKS - Civic Centre and Argyle Centre**

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**Report prepared by:** Section Manager - Buildings**Report dated:** 4/10/2011**File No.:** GRP/11/7/1/6 - BP11/640

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**Report Summary**

This report provides Council with an update on the current condition of both the Civic Centre and Argyle Centre and seeks Council's approval to undertake essential works on both buildings to provide appropriate and safe working environments for staff and visitors to these facilities, ensure Council's buildings comply with building and Occupational Health and Safety requirements and that our business continuity risks are managed. This is particularly relevant with the upcoming summer period.

**RECOMMENDATION:**

- (a) That Council endorse the allocation of \$690,000 from the Investment Property Reserve for essential and urgent works at the Civic Centre and Argyle Centre.
- (b) That in respect of the replacement of the air conditioning equipment, Council not invite tenders for the contract to replace the Civic Centre air conditioning equipment due to extenuating circumstances for the following reasons:
  - the imminent approach of summer and associated high temperatures.
  - the limited availability of suitable replacement parts and the timing to receive those parts.
  - the need to act expeditiously to avert a potentially unsafe working environment.

**ATTACHMENTS**

- 1 Summary of Councils resolutions relating to the Civic Centre or Argyle Centre - 4 October 2011 – CIRCULATED UNDER SEPARATE COVER
- 2 Delapidation Survey & Report of Building Systems in the Civic Centre and Argyle Centre – CIRCULATED UNDER SEPARATE COVER
- 3 Randall Thermographic Report – CIRCULATED UNDER SEPARATE COVER
- 4 Loss of Productivity Graph – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Peter Handley**  
**Section Manager - Buildings**

Report Approved By:

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

**ITEM 13 (continued)****Background**

Council has considered a number of reports in respect of the condition of the Civic Centre and proposals in considering the accommodation of Council's staff since the late 1990s. A chronology of reports and the general outcomes of Council's resolutions are detailed in **ATTACHMENT 1 – Circulated Under Separate Cover**.

The key points to highlight from the various reports to Council are;

- Since the late 1990s, Council has been advised of deficiencies and maintenance issues relating to the Civic Centre's operations. As the building was constructed in 1964 and the Civic Hall and Centenary Library in 1967/1968, deficiencies and maintenance issues have progressively continued to increase.
- The main works undertaken in the Civic Centre have been the upgrade to the lifts in 2002 and remedial and waterproofing works carried out on the concourse and basement car park in 2004. Further works had been planned to be undertaken, however these plans were deferred pending discussions on the possible community assets to be the subject of a Voluntary Planning Agreement with Bevillesta Pty Ltd, in their development of the Top Ryde Shopping Centre.
- A new car park was constructed at the rear of the Civic Centre in 2004/2005 as a direct result of supporting the proposed Additions to Council's offices and new Library adjacent to the Civic Centre.
- In 2005/2006 refurbishment of the Operations Centre, Civic Centre and Argyle Centre were undertaken that saw the relocation of Public Works staff from the Civic Centre to the Operations Centre, Community Life staff relocated to the Argyle Centre and refurbishment and painting undertaken at the Civic Centre.
- Various works have been undertaken on the air conditioning system through this period whilst still maintaining the existing air conditioning unit. With the introduction of photocopiers, printers and computers, the dry heat load on the unit has continued to increase.
- Due to the on going issues with the air conditioning, Council implemented additional split air conditioning units on the Ground Floor (Rangers) and Levels 1 and 3. In addition to these units, Council has had to regularly supplement the building with additional portable air conditioning units when the system has failed, which are noisy and not ideal for office environments. The units will only be used in the future as a last resort.
- During the planning and discussions on Council's available space as part of the Voluntary Planning Agreement for the Top Ryde City Shopping Centre Redevelopment, some of Council's Civic Centre staff were being planned to be relocated within both the Ryde Planning and Business Centre and Level 1 of the new Ryde Library. There were a number of issues with the feasibility of



**ITEM 13 (continued)**

the accommodation proposal that eventually resulted in this proposal not being realized because all staff could not be accommodated.

- The relocation of Community Life staff from the Argyle Centre to the new West Ryde facility were also put on hold in 2010, in order to take a more holistic approach with an accommodation plan for all Council operations being considered as part of the Civic Precinct Development project.
- A key limitation with the current Civic Centre site is the non compliance with the Building Code of Australia standards.
- WT Partnership reports were commissioned and finalised for both buildings in June 2011. The thermographic review of Council's electrical system was completed in February 2011.

- Council staff have produced a comparative graph that estimates the loss of productivity of Civic Centre staff due to increased internal temperature.

**ATTACHMENT 4 – Circulated Under Separate Cover.** This graph is based on research and a report undertaken by Hewlett Packard in 2004, on the effects of controlling temperatures for the health and productivity in offices. The graph estimates Council's loss of productivity due to increased temperatures within the Civic Centre for the period October 2010 – March 2011 at \$275,000.

- This report also addresses the current condition of the Argyle Centre and recommends essential works that are required to be undertaken.

**Report**

As stated earlier in this report, since the Civic Centre was built in 1964, a number of actions have been undertaken by Council. However not all works that were identified back in 2001 and the 2002/2003 Management Plan/Budget, have progressed for various reasons, including the possibility that Council may have realised an alternate accommodation solution for part of Council's staff establishment. However, while these options were being investigated other incidents occurred with the buildings that are detailed below.

**Air Conditioning**

Key points in respect of the Civic Centre's air conditioning system are;

- The air conditioning system has increased in the number of breakdowns and interruptions to operations. There have been numerous examples in recent years of the temperature within the building experiencing in excess of 30 degrees. This exceeds the Occupational Health Safety (OHS) guidelines (Section 47 of the guidelines), which stipulates a recommended temperature of between 21-24 degrees.
- On 42 days during last summer, the outside ambient temperatures in the Ryde area were above 36 degrees of which 18 days were over 40 degrees.

**ITEM 13 (continued)**

- When the Civic Centre was constructed, it was designed so that the windows were able to be opened, with the air conditioning unit being an ancillary unit. However, given the failings with the sealant in the windows, the windows have been locked and therefore cannot be opened as originally planned.
- Greater reliance has been put on the air conditioning system to behave in a manner expected of modern systems found in commercial offices, with no reliance on natural ventilation. To help facilitate this, the fresh air system has been retro-fitted with a dedicated cooling system, so tempering the outside air on hot days and presumably reducing the cooling load of the floor standard fan coil units.
- Because of the age of the equipment, when parts fail they are difficult to source (a recent failure of a main compressor saw the building without effective air conditioning for five weeks whilst parts were sourced from overseas), together with high repair costs. The main conditioning components have a general life expectancy of no more than 25 years; therefore, the mechanical services are well overdue for replacement. As time goes on, the ongoing costs associated with maintaining the system to an acceptable standard is becoming quite challenging. Over the past 3 years over \$70K has been spent on portable air conditioning hire with a further \$30K anticipated in the near future. It is not envisaged that repair costs will decrease until capital costs are injected to replace/repair aging equipment, noting that it is extremely difficult to source parts.
- Over the past number of years the Buildings Section has applied and installed additional supplementary air conditioning to various areas (areas with high heat loads) tinted all the windows and placed insulated panels within the server room. The Civic Centre has had some major break downs which have not only tested the staff within but also the technicians involved along with the Buildings staff. With the ever increasing loads and demands the Civic Centre has had to have various modifications carried out in order to try and maintain conditions. One such area is the lifts as the high temperatures in the past have caused break downs due to rope stretch and circuit board over heating.
- Over the past 47 years the central air conditioning plant on most weeks is running seven days a week and services the Civic Hall which is in use most weekends. All this equates to the following:
  - 50 weeks a year, 7 days a week and on average 16 hours a day over a period of 47 years the unit has been running.
  - This works out to 5,600 hours per year and a total of 263,200 hours, since its installation.
  - The industry standard of the day was the compressor; chiller etc had a life expectancy of 100,000 hours.
  - At this rate we have nearly had three life cycles since operating, which has well exceeded all expectations of even the manufacturer.

**ITEM 13 (continued)**

The issue of air conditioning was clearly documented from staff recently when Council conducted the 'Have Your Say Day 2010' employee opinion survey. Only 27% of staff agree that the buildings, grounds and facilities are in good condition. Last summer, due to the failure of the air conditioning in the server room and overheating in the computer room, the computer system was forced to close down completely on two occasions and partially over approximately 10 working days leading to a significant loss of productivity.

The Electrical System

Key points in respect of the electrical system are;

- With the increasing requirements for more equipment, from computers to air conditioners, there is a total lack of available power in the main electrical switchboard.
- Council's electrical system is now at maximum available amps. Last year Council spent \$75K on hire of special units, including a thermo imaging scan completed for the loaded electrical circuits which showed that there was a number of hot spots in the wiring unit. This is **ATTACHMENT 3 – Circulated Under Separate Cover**. This action saved a serious failure and possible catastrophic risk to Council occurring. The majority of recommendations from this review have been completed.
- The incoming mains are copper which have been sheathed in bitumen and paper although, the circuit breakers are supposed to protect the building. The hot spots occurred while these 40 amp fuses were still running even though the temperature for the wiring is approximately 50% above standard levels.

To reduce and spread the load of the whole wiring circuit a revision of the electrical distribution was undertaken. The difficulty was the temporary air conditioning units had to be placed in specific areas but the circuits (amps) were not designed to cope with these loads, resulting in levels 6, 5, 4, 2 and ground not being safely cooled.

Main Switchboard

The main switchboard is as originally manufactured when the building was constructed. Whilst the board is in good condition for its age, a number of protection devices are now obsolete with spare parts and replacements being difficult to source. This board is recommended for replacement. Power factor correction has been installed in the building approximately six years ago.

The sub switch boards are not fitted with residual current devices (RCD's) which protect the final sub circuits which are required under the current Codes and OH&S regulations. The circuit breakers fitted to the sub switch boards are Quick Lag circuit breakers and whilst they are working correctly and compliant with the code requirements at the time of the original installation, they don't provide an adequate fault current rating as is the case with new circuit breakers. It would be

**ITEM 13 (continued)**

recommended that these sub switch boards be replaced and have installed new boards on each level.

The review has found that due to demand for additional cables, the mechanical and hydraulic risers have been utilized which is not good practice. This type of work is non compliant with current codes as they are required to be separated and self contained within fire isolated risers for all electrical distribution. Of major concern is that these sub mains also supply the Council's IT network, not only are these mains already over loaded but the IT server room has been divided up across other floors. Due to the high priority and security of Council's IT systems, files etc the IT server room operation should be completely separate from any other services within the building. When the IT room has down time because of either power failure or over heating, this has major impacts on Council's total operations.

Evacuation of Building

Over the past 12 months the fire brigade has had to attend to the Civic Centre on four separate occasions for varying reasons relating to various equipment failures. Each time the building required a complete evacuation, which required the fire brigade's assistance to evacuate the general public and all staff. Each evacuation costs Council approximately \$32,000 which meant the loss to Council last year caused by evacuations was \$128,000.

**Argyle Centre**

A recent fire audit was completed as part of our standard risk management protocols. Council discovered that there are no smoke detectors within the building and to place battery operated smoke detectors is illegal under the building code. A fully compliant back to base fire monitoring system is estimated to cost up to \$50K.

In addition to these fire safety issues, there are also electrical and air conditioning issues that require major upgrading.

As a result of these recent findings, WT Partnerships were commissioned to review both the Civic Centre and the Argyle Centre and details of their review are stated below.

**Recommended Works to be undertaken**

To assist Council in assessing the condition of the Civic Centre and Argyle Centre, a review has been undertaken by WT Partnerships, Building and Construction specialists in providing a Delapidation Survey and Report of Building Systems in the Civic Centre and Argyle Centre. The report is **ATTACHMENT 2 – Circulated Under Separate Cover.**

This report details the works required for the next 12 months, 2,10,15 and 20 years. The estimates reflect what costs are required by Council to bring each facility up to meeting the current Building Code of Australia (BCA) requirements.

The report details an estimate of \$38.4 million for the Civic Centre over the next 20 years and \$9.8 million for the Argyle Centre for the same period.

**ITEM 13 (continued)**

While the estimates are substantial, it is recognized that these estimates do require further analysis by specialists in each of the various building services which may require further expenditure on specific issues.

However, there are some essential works that are critical to be addressed as a matter of priority and are required to be considered by Council for approval. These works are fundamental in Council maintaining business continuity over the next 1-3 years and are detailed below.

**Civic Centre****1. Upgrade to Air Conditioning**

The Facilities Manager- Buildings has sought indicative quotations for the various options in rectifying or replacing the Centre's air conditioning equipment. The options vary from replacing with a second hand unit to a new unit similar to that which has just been installed at the West Ryde Community Centre. The preferred option is a new 'Power Pac' unit (\$360,000) together with a new Building Management System (BMS) (\$40,000) at an estimated total cost of \$400,000 (excluding GST).

The purchase of this equipment is imperative to address Council's air conditioning issues before the summer. It is therefore requested that Council support the allocation of funds for this purchase. Also, it is recommended that Council endorses utilizing the exemption under Section 55 of the Local Government Act not to call tenders due to extenuating circumstances and the urgency of rectifying Council's system prior to the coming summer period to ensure the equipment is installed as soon as possible. If supported by Council, quotations will be called for a shorter period to ensure Council receives a competitive price.

It should also be noted that the Unit is transportable and therefore in the event that Council did relocate its Council offices in the future, this unit would be relocated to one of Council's other facilities in need of an upgraded chiller.

**2. Power Generator and Upgrade to Switchboard**

To fully protect Council's operations over the next 3-5 years, it is recommended that Council acquire a generator that would provide automatic power backup in times of a blackout or other failure. This unit would be positioned on the grass to the north of the Civic Centre.

This proposal would also include an upgrade to Council's switchboard to ensure it has sufficient capacity and that Council suffers no interruption to its power supply. This would require also purchasing an Uninterrupted Power Supply (UPS) System.

The estimated cost is \$190,000, with quotations being called for each component.

It is proposed that the above amounts be funded from Council's Investment Property Reserve.

**ITEM 13 (continued)****Argyle Centre**

As Council is aware, the Argyle Centre currently accommodates staff in the Community Life Group. The building has had minimal expenditure in maintaining the facility and it had been planned for all staff in this facility to be relocated to the new West Ryde facility. However, this proposal changed on the basis of a more holistic accommodation plan for Council's staff being undertaken in conjunction with the Civic Precinct Redevelopment project.

However as a consequence there are essential works that need to be undertaken to bring the building up to a safe standard which have been identified. The works are;

<b>Essential Works</b>	<b>\$</b>
Install a back to base code red fire panel and detectors	50,000
Removal of old material from Level1	25,000
Upgrade some redundant electrical gear	10,000
Change over some sub-boards in the electrical board	5,000
Rectify the exit stairs to give maximum tread	5,000
Remove some trip hazards caused by the stage etc	5,000
<b>TOTAL</b>	<b>100,000</b>

The estimated total for these works of \$100,000 is proposed to be funded from Council's Investment Property Reserve.

**Summary of Recommended Essential Work**

As detailed above, it is recommended that Council initially allocate \$690,000 for essential works at both the Civic Centre and Argyle Centre as detailed below;

<b>Summary of recommended essential works</b>	<b>\$</b>
Replacement of air conditioning equipment and building management system	400,000
Argyle Centre – Essential works	100,000
Power Generator including uninterrupted power supply	190,000
<b>Total</b>	<b>690,000</b>

These works are required to ensure the buildings are brought up to a reasonable standard in providing a safe and appropriate working environment for Council's operations.

Council's determination of other works that would be required to be undertaken over the next five years on the buildings will depend on Council's decision in respect of the Civic Precinct Development. It is proposed that details of further works required for both the Civic Centre and Argyle Centre be incorporated into the Civic Precinct Development report when presented to Council. Based on Council's decision on that



**ITEM 13 (continued)**

matter, a further report on works for both buildings will be required to be presented back to Council.

It is clear from the review undertaken by WT Partnerships that further works are required to be undertaken on both buildings, however only the essential works have been identified in this report to address safety, business continuity and compliance issues related to the buildings. These works will ensure the buildings can continue to operate for the next 12 months.

**Consultation**

Internal Council business units consulted included:-

- Executive Team
- Group Manager Public Works
- General Counsel
- External Consultants

**Risks**

There are many short and medium term risks to the continued operation of the Civic Centre and Argyle Centre. For the immediate period there are significant risks which need to be immediately addressed.

Occupational Health & Safety Compliance Risk

The General Manager and Councillors have a duty of care to all Council employees in requiring both parties to provide a safe and healthy work environment. This latest assessment indicates that the current work environment does not meet adequate standards and may lead to closure of the workplace should internal temperatures exceed acceptable standards this year.

The risks associated with overheated wiring could lead to a catastrophic event in the Civic Centre and as a identified fire risks in the Argyle Centre will be addressed immediately.

Business Continuity Risk

Should the buildings overheat (as it did last year) the computer room requires additional cooling. Whilst an additional air conditioning unit has been installed should the power once again fail, this will not operate. Council needs a back up generator to ensure power supply to this building is secured.

Should the computers close down as they did last year, business continuity will be severely affected resulting in customer service failure.

**Critical Dates**

It is important for Council to consider and determine the recommendation of this report for essential works to be undertaken on both the Civic Centre and Argyle Centre.

**ITEM 13 (continued)****Financial Impact**

The works proposed in this report are not included in this year's Operational Plan. The works are essential and urgent and the allocation of \$690,000 is recommended to be allocated from Council's Investment Property Reserve.

Council's Investment Property Reserve has an estimated balance of \$17.28 million.

**Conclusion**

As previously advised to Council, it is anticipated that there is a short, medium and long term need to invest in the Civic and Argyle Buildings.

The attached report from WT Partnerships is a high level overview of the likely costs (up to a 20% variability factor) to bring these buildings up to BCA standards.

Whilst Council is yet to determine its future on the Civic Precinct site this report addresses the immediate requirements to manage risks for this year only.

Once Council has determined its approach to this site, then a further report will be brought back on the required expenditure. The indicative budget for works over the next five years is approximately \$14.5 million. To date, we have kept the immediate works as addressed in this report to a minimum, but dependent on the future planning for this building a more detailed report will follow.

Failure by Council to address these issues and eventually bring the building up to BCA standards exposes the Councillors and General Manager to unacceptable risks which must be addressed immediately.

**CONFIDENTIAL ITEMS****14 DEVELOPMENT OF A SHARED PARTNERSHIP FOR A CORPORATE REPORTING PERFORMANCE SYSTEM****Confidential**

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

**Report prepared by:** Manager - Strategy and Organisational Development

**Report dated:** 27/09/2011

**File No.:** GRP/11/7/1/6 - BP11/628

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**15 POTENTIAL DEVELOPMENT PARTNERSHIP ARRANGEMENT FOR COULTER STREET CAR PARK****Confidential**

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

**Report prepared by:** General Manager

**Report dated:** 22/09/2011

**File No.:** GRP/11/3/6/6 - BP11/615

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**16 TENDER FOR CARTAGE & DISPOSAL OF FILL MATERIAL - COR-RFT-11/11**

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**Confidential**

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

**Report prepared by:** Environmental Engineer - Waste

**Report dated:** 28/09/2011

**File No.:** GRP/11/3/6/6 - BP11/631

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**17 ADVICE ON COURT ACTIONS**

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**Confidential**

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

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, Public Officer

**Report dated:** 22/09/2011

**File No.:** GRP/11/7/1/6 - BP11/618

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